



ADMINISTRATIVE REPORT

Report Date: October 29, 2010  
Contact: Lucia Cumerlato  
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VanRIMS No.: 08-2000-20  
Meeting Date: November 18, 2010

TO: Standing Committee on City Services and Budgets  
FROM: Chief Licence Inspector  
SUBJECT: 1138 Davie Street - Pulse Night Club Ltd. - Liquor Primary Liquor  
Licence Outdoor Patio Application for an Increase in Capacity  
(The Junction Public House)

**RECOMMENDATION**

THAT Council, having considered the opinion of area residents and business operators of the community as determined by site sign, the proximity of residential developments, potential noise impacts and relevant Council policy as outlined in the Administrative Report dated October 29, 2010, entitled "1138 Davie Street - Pulse Night Club Ltd., Liquor Primary Liquor Licence Outdoor Patio Application for an Increase in Capacity (The Junction Public House)", endorse the application by Pulse Night Club Ltd., for an increase in capacity of the Liquor Primary patio (on private property) at The Junction Public House, 1138 Davie Street subject to:

- i. A maximum capacity of 60 persons;
- ii. The signing of a Good Neighbour Agreement with the City;
- iii. The patio ceasing all liquor service and vacated by 11:00 p.m.;
- iv. No music permitted on the patio;
- v. A Time limited Development Permit for the patio; and
- vi. Food service to be provided while the patio is open.

**GENERAL MANAGER'S COMMENTS**

The General Manager of Community Services RECOMMENDS approval of the foregoing.

**COUNCIL POLICY**

On April 17, 2007, Council approved policy and guidelines that Liquor Primary liquor establishments be permitted to have sidewalk patios on public property subject to the current Council-approved sidewalk patio guidelines for restaurants and subject to additional restrictions which would apply to liquor primary patios on both public and private property.

These restrictions included food service (Provincial Food Premises Operating permit from Vancouver Coastal Health), including consideration as to whether the food preparation area is large enough to safely handle the 20% increase, closing time of no later than 11 pm, outdoor seating limited to 20% of total seating capacity, no sidewalk patios adjacent to liquor establishments in the 700, 800 and 900 blocks of Granville Street and public consultation.

Outdoor patios on public property (City streets) are permitted through licence agreements subject to meeting Council-approved guidelines, including the requirement that the business be licensed as a limited service food establishment or restaurant.

Outdoor patios on private property adjacent to liquor primary establishments require amendments to existing Liquor Primary liquor licences that are subject to a Time-Limited Development Permit, Good Neighbour Agreement, and public consultation.

### ***PURPOSE***

Pulse Night Club Ltd. is requesting a Council resolution endorsing their application for an amendment to the existing Liquor Primary liquor licence to increase the seating capacity of the outdoor patio from 28 to 60 persons, located on private property, at 1138 Davie Street.

### ***BACKGROUND***

#### ***Site History***

The applicant has been operating at this location since May 2007 catering to the diverse population of the West End community and the broader lower mainland gay community. On November 29, 2007, the applicant received a Council resolution endorsing their application to convert their existing Food Primary liquor license to a new 160 person with 30 person outdoor patio Liquor Primary liquor license.

On August 20, 2010 the applicant applied to temporarily increase the capacity of the existing patio from 28 to 72 persons. DE414026 was issued and the request to increase the capacity of the patio on a temporary basis was approved until September 30, 2010.

#### ***Application***

The applicant is requesting a Council resolution endorsing their application for an amendment to the existing Liquor Primary liquor licence to increase the seating capacity of the outdoor patio from 28 to 60 persons, located on private property, at 1138 Davie Street (The Junction Public House) with licensed hours from 9 am to 11 pm, seven days a week. Access to and from the patio will be through the existing pub.

The applicant feels that this patio extension would enhance the dreary asphalt look by making it very inviting for their customers and give the property a very clean and inviting look to the streetscape and further enhance the overall look of the Davie Street streetscape. A patio enhanced with potted plants and coming to the street front would greatly improve and enhance the viability of the venue and would further enhance the street view (see Appendix C).

The applicant has also operated The PumpJack Pub at 1167 Davie Street since 2001. This establishment is also a liquor primary establishment with a patio.

### ***Liquor Control and Licensing Branch (LCLB) Regulations and Policies***

Branch regulations allow liquor service between the hours of 9 am to 4 am, seven days a week for Liquor Primary Licences. All changes/amendments to the liquor licence hours of service are subject to local government support. The LCLB has no specific policy for patios.

### ***Area Surrounding Premises***

The subject site is located in Commercial - West End (C-5) Zoning District and for the purposes of liquor policy, it is considered to be located in the Downtown Primarily Commercial Area. The surrounding area is a mixture of residential, hotel, retail, restaurants, office, recreation uses and other commercial uses. There are a significant number of residential apartments in the area (see Appendix A). The nearest residential buildings are located to the south across the lane.

Within a 500' radius of the subject site, there are two (2) Liquor Establishment Class 1 (105 seats total), two (2) Liquor Establishment Class 2 (217 seats and 49 seat patio total), and approximately 16 licensed restaurants within the survey area.

### ***RESULTS OF NOTIFICATION***

A neighbourhood notification was conducted by circulating approximately 500 notices in the survey area (see Appendix A). A site sign was erected advising the community of the application and where to send concerns or comments. Five responses were received from residents and businesses within the notification area and three responses were received outside of the notification area with no contact information.

The responses consisted of five comments in opposition (three emails, one letter and one telephone call), and two comments (one email and one telephone call) in support of the application. One email was received from within the notification area with reservations regarding the size of the patio increase and the potential for noise but does support the faction of a public house at this location.

Those opposing the application for an increase in capacity for the outdoor patio expressed concern about the impact that the increased size of the patio may have on the neighbourhood residents such as increased noise levels and nuisances.

In addition to the two responses received in support of the application, patrons of the establishment also signed a petition in support which contained over 100 signatures.

### ***DISCUSSION***

#### ***Policy Issues***

The proposed patio is not consistent with Council's policy for outdoor patios with respect to the permitted seating capacity. The policy states that outdoor seating for patios is limited to 20% of total seating capacity of the liquor primary establishment. For this application, policy would allow for a 32 person patio but the applicant is requesting approval for a 60 person patio. Staff support the request for a 60 person patio which is located on private property and set back off of Davie Street (see Appendix B). As well, a temporary approval was issued to increase the patio from 28 seats to 72 seats and the patio was in operation from August 20 to September 30, 2010. No issues or concerns were reported by staff. Food service will remain a component of the business which will provide a mitigating factor to the liquor service and

consumption. The time-limited development permit and 11 pm closing time for the patio should address any potential problems.

#### ***FINANCIAL IMPLICATIONS***

There are no financial implications.

#### ***COMMENTS***

*The Police Department* has reviewed and support this application and note that there have been no calls of concern to this location.

*The Vancouver Fire Department* has reviewed the application and note that the approved occupant load for the patio is 60 persons.

*The Central Area Planning Department* has reviewed this application and support this proposal noting that patios are a valued amenity in commercial areas such as the Davie Village offering a location for socializing and spending time with friends and neighbours. Given the requirement that the patio be closed at 11 pm, staff are confident that impacts on adjacent residents will be minimized.

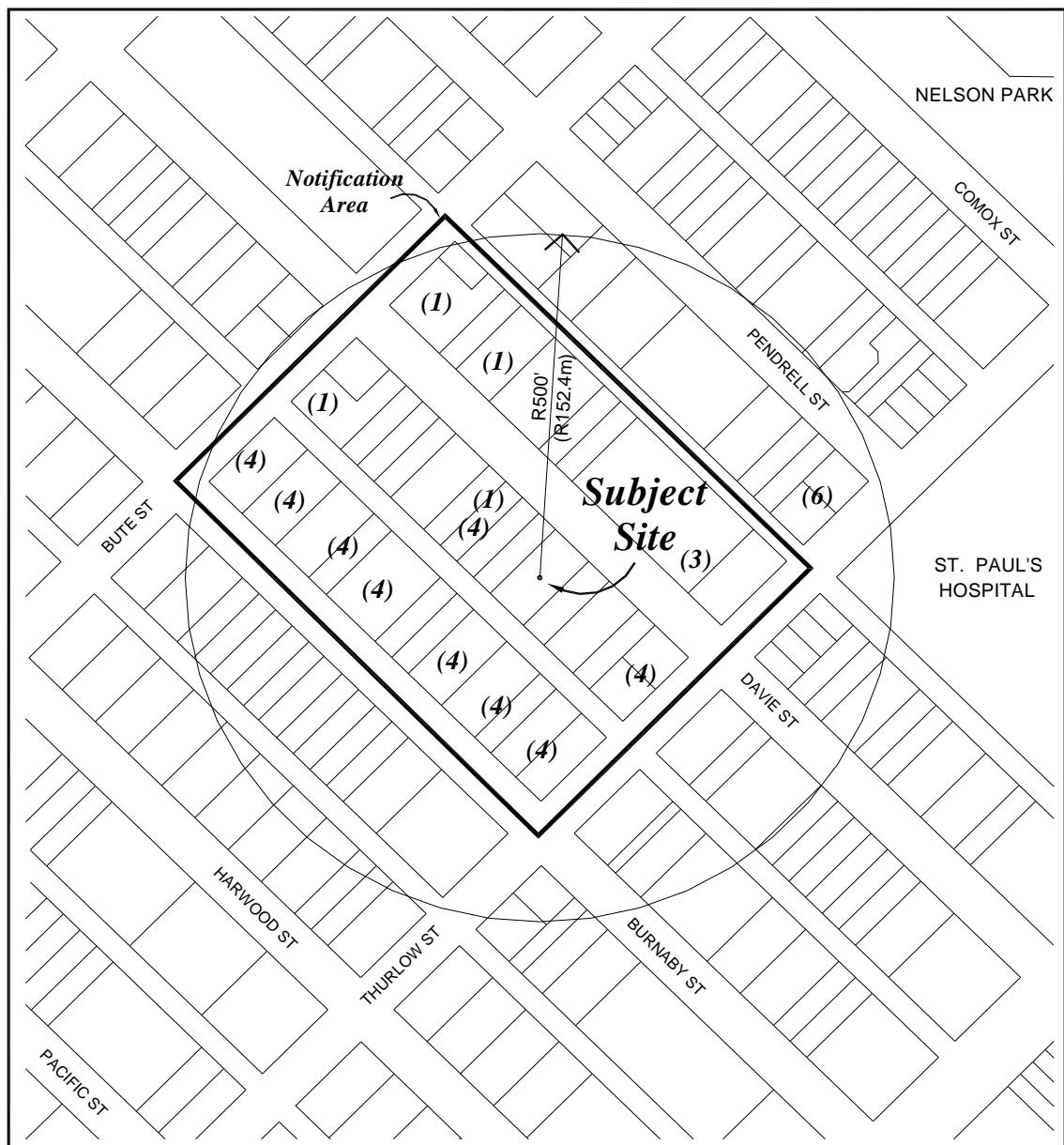
*The Development Services Department* has reviewed this application and note that the proposal to increase the seating capacity to 60 patrons is consistent with the approval granted under DE414026. Development Services has no further comments at this time.

*The Social Development Department* reviewed this application and has no comments.

#### ***CONCLUSION***

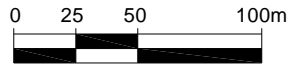
Staff are RECOMMENDING Council endorse the applicant's request for an increase in capacity from 28 to 60 persons Liquor Primary patio located on private property at 1138 Davie Street (The Junction Public House) subject to the conditions outlined in Recommendation A. Staff acknowledge that this application does not meet Council policy for outdoor patios (seating for patios is limited to 20% of total seating capacity of the liquor primary establishment), but given the proposed patio location, the requirement for a time-limited Development Permit and 11 pm closing time, staff do not anticipate any significant impacts from the operation of this patio. No issues were raised during the temporary approval (August 20 to September 30, 2010) for the extended patio.

\* \* \* \* \*



**LEGEND**

- (1) Cabarets, Neighbourhood Pubs & Hotels with Pubs/Lounges - {Moxies}, {The PumpJack Pub}, {Tight Lounge}, {Oasis Ultra Lounge}
- (2) Government or Private Liquor Stores - {N/A}
- (3) Social Housing/ Facilities/Clinics - {Carepoint Medical Clinic}
- (4) Residential buildings/Hotels - {Sandman Suites on Davie}, {Sunset Inns Travel Apartments}
- (5) Parks - {N/A}
- (6) Churches - {Presbyterian Church in Canada}
- (7) Schools - {N/A}
- (8) Social/Private Clubs - {N/A}



<p>LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 3) 1138 Davie Street - The Junction Public House</p>	<p>map: 1 of 1</p>	
<p><b>City of Vancouver - Licenses &amp; Inspections</b></p>	<p>date: 2010-10-28</p>	

