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ADMINISTRATIVE REPORT

Report Date: November 10, 2010
Contact: Lucia Cumerlato
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VanRIMS No.: 08-2000-20
Meeting Date: November 30, 2010

TO: Vancouver City Council

FROM: Chief Licence Inspector

SUBJECT: #103 - 888 Burrard Street - The Winking Judge Pub Ltd.
Liquor Primary Liquor Licence Application for an Increase in Patron Capacity (The Winking Judge Pub)

RECOMMENDATION

THAT Council, having considered the opinion of area residents and business operators of the community as determined by neighbourhood notification, the proximity of residential developments, noise impacts and relevant city policy as outlined in the Administrative Report dated November 10, 2010, entitled "#103-888 Burrard Street - The Winking Judge Pub Ltd. - Liquor Primary Liquor Licence Application for an Increase in Patron Capacity (The Winking Judge Pub)", endorse the application by The Winking Judge Pub Ltd. for an increase in patron capacity for the Liquor Primary Liquor Licence (Licence #302867) from 50 interior seats to 74 interior seats (Liquor Establishment Class 2) and to increase the patio seating from 15 seats to 16 seats at The Winking Judge Pub, #103-888 Burrard Street, subject to:

- i. A maximum interior capacity of 74 persons;
- ii. A maximum patio capacity of 16 persons;
- iii. The patio ceasing all liquor service and vacated by 11 pm;
- iv. No music permitted on the patio;
- v. A licence agreement with an initial one-year term for the patio;
- vi. Food service while the patio is open;
- vii. Signing a Good Neighbour Agreement with the City prior to the issuance of the revised business licence; and
- viii. A Time-limited Development Permit.

GENERAL MANAGER'S COMMENTS

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

COUNCIL POLICY

Council Policy requires that amendments to existing Liquor Primary licences be subject to public consultation and Good Neighbour Agreements.

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.

On May 16, 2006, Council enacted amendments to the Business Premises Regulation of Hours By-law that implements the Hours of Liquor Service policy for the city bars into by-law regulation.

On July 14, 2005, Council approved policy and guidelines relating to the size and location for new liquor establishments or for capacity increases to existing liquor establishments.

On November 18, 2004, Council adopted the Hours of Liquor Service Policy that established a new model for regulating hours of liquor service for Liquor Primary establishments, based on an area approach and incorporating a two-tiered licensing system and impact reduction measures.

PURPOSE

The applicant, The Winking Judge Pub Ltd., is requesting a Council resolution endorsing their application for an increase in patron capacity to their existing Liquor Primary liquor licence from 50 persons to 74 persons (Liquor Establishment Class 2) via the expansion into the vacant space (995 Smithe Street) located adjacent to the existing pub and an increase of patio seats from 15 persons to 16 persons. The hours of operation would remain unchanged from the current operation (11 am to 2 am, seven days a week; patio hours 11 am to 11 pm, seven days a week).

BACKGROUND

Site History

The Winking Judge Pub Ltd. has been operating a Liquor Primary Liquor Licence (Liquor Establishment Class 1) at this location since October 2008. The adjacent space at 995 Smithe

Street, where the applicant is requesting to expand the seating capacity will allow an increase of the overall capacity for this pub by 24 persons (see Appendix B). The applicant is also requesting to increase his existing patio seating by one seat (from 15 seats to 16 seats).

This space which the pub is expanding in to was previously occupied as a barber shop.

Application

The applicant is requesting a Council resolution endorsing their application for an increase in person capacity to their existing Liquor Primary liquor licence from 50 persons to 74 persons (Liquor Establishment Class 2) via the expansion into the space located adjacent to the existing pub (995 Smithe Street) and an increase of patio seats from 15 persons to 16 persons.

The hours of operation would remain unchanged from the current operations (10 am to 2 am, seven days a week; patio hours 11 am to 11 pm, seven days a week).

The proposed expansion will allow the applicant to use this area as a "games room" with a billiard table for the pub patrons who wish to play a game of pool as well as provide additional seating.

Liquor Control and Licensing Branch (LCLB) Regulations and Policies

Branch regulations allow the licensing of liquor establishments with a Liquor Primary liquor licence and liquor service between the hours of 9 am to 4 am, seven days a week. The liquor licence capacity for establishments is based on the building capacity for the premise as determined by local authority. Any amendments/changes to a liquor licence application are subject to local government support. The LCLB has no specific policy for patios.

Area Surrounding Premises

The subject site is located in the Downtown (DD), sub-area H Zoning District. The surrounding area is a mixture of hotel, office and retail commercial and residential uses (see Appendix A). The nearest residential building is located within 100' from the subject site. The site is in an area that is typically a hub of activity situated at the corner of Burrard and Smithe Streets.

Liquor establishments which are closest to this site (within a 500' radius) are located in the Law Courts Inn (Liquor Establishment Class 7 - Private Club - 325 seats), the Sutton Place Hotel (Liquor Establishment Class 3 - 195 seats with 20 patio seats), and the Wedgewood Hotel (Liquor Establishment Class 2 - 150 seats). Additionally, there is one Liquor Retail Store (Sutton Place Wine) located at 895 Burrard Street and 13 licensed restaurants in the area which hold a Food Primary liquor licence. Other commercial uses include a movie theatre located directly across from the subject site at 800 Burrard Street.

RESULTS OF NOTIFICATION

Two site signs were erected on the site advising the area residents and businesses of the application and where to send concerns or comments. Staff allowed three weeks for the community to respond with concerns or support for the application.

No responses were received from residents and businesses within the surrounding areas.

DISCUSSION

Policy Issues

The subject site is located in the Downtown Primarily Mixed-Use Area. The capacity increase results in a change to the establishment's business licence class from a Liquor Establishment Class 1 to Liquor Establishment Class 2. The distancing policy between similar establishments is not a factor for this application since the distancing policy only applies to new liquor primary establishments.

Staff generally support outdoor patio areas subject to comments from the neighbourhood. A Liquor Primary outdoor patio was approved at this location on February 28, 2008 for 15 seats. The existing time-limited development permit and 11 pm closing time should address any potential problems. There will be no change to the existing patio operation.

Hours of Operation

The hours of operation would remain unchanged from the current operation (10 am to 2 am, seven days a week).

Positive Application Attributes

Very little is likely to change with respect to how the premise currently operates. Should Council support this application, this will provide additional seating for the establishment and allow the applicant to use the proposed expansion as a "games room" with a billiard table for pub patrons who wish to play a game of pool. Food service will remain a component of the business which will provide a mitigating factor to the liquor service and consumption.

Generally, small liquor establishments of this size generally do not create significant negative issues for area residents and business operators.

Finally, an amendment to the time-limited development permit should provide adequate controls to ensure the land use/business remains compatible with the surrounding community.

Negative Application Attributes

Staff feel that the capacity increase via the expansion into the vacant space (995 Smithe Street) located adjacent to the existing pub should not create additional noise and nuisances issues for the surrounding area.

Enforcement History

There do not appear to be any outstanding enforcement issues associated with this liquor licensed establishment at this time.

FINANCIAL IMPLICATIONS

There are no financial implications.

COMMENTS

The Police Department has reviewed the application and do not oppose this application at this time.

The Development Services Department has reviewed this application and note that the expansion into the adjacent unit for games area and storage use was approved through DE412603 which is a minor amendment to DE411545 which granted the initial change of use time-limited to May 31, 2011.

The current proposal to increase the number of seats to 74 could be processed as a minor amendment to DE411545 or tied in with the renewal request subject to Council approval.

The Vancouver Fire Department has reviewed the application and note that an occupant load was approved and issued on February 18, 2010 under FI407603 for a maximum occupant load of 74 persons and 16 patio seats.

The Engineering Service Department has reviewed the application and have no comments as this is an existing sidewalk patio.

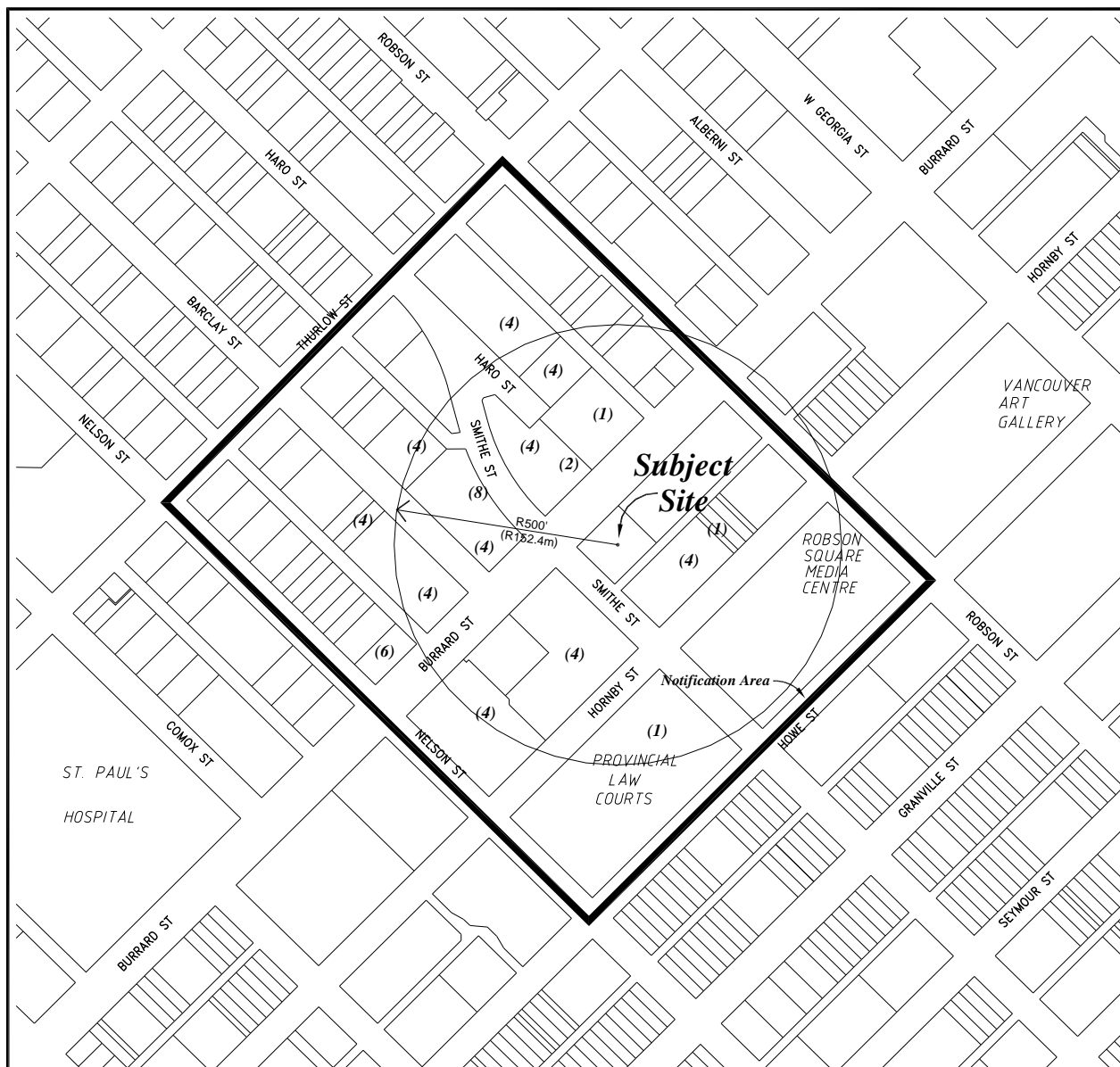
The Social Development Department has reviewed the application and has no concerns about this application given the size and location.

The Central Area Planning Department has reviewed the application and has no concerns as long as the proponents have demonstrated responsible management practices.

CONCLUSION

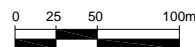
Staff are recommending Council endorse the applicant's request for an increase in person capacity to their existing Liquor Primary liquor licence located at #103 - 888 Burrard Street from 50 persons to 74 persons (Liquor Establishment Class 2) via the expansion into the space located adjacent to the existing pub (995 Smithe Street) and an increase of patio seats from 15 persons to 16 persons subject to the conditions outlined in the Recommendation. Staff are generally not concerned with this size of the capacity increase request and there has been no enforcement issues with this establishment. Staff feel the requirement for a time-limited Development Permit will ensure the space operates in a manner conducive to the surrounding area.

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LEGEND

- (1) Cabarets, Neighbourhood Pubs & Hotels with Pubs/Lounges - {Sutton Place Hotel}, {Wedgewood Hotel}, {The Law Courts Inn}
- (2) Government or Private Liquor Stores - {Sutton Place Wine}
- (3) Social/Private Clubs (If easily visible/distinguishable)- {N/A}
- (4) Residential buildings
- (5) Parks - {N/A}
- (6) Churches - {First Baptist Church}
- (7) Other Social Facilities (Clinics, Rehabs, Hospitals, etc) - {N/A}
- (8) School {Tamwood Language Institute}



LIQUOR ESTABLISHMENT CLASS - CLASS 1
#103 - 888 Burrard St. - Winking Judge Pub

map: 1 of 1



City of Vancouver - Licenses & Inspections

date: 2010-11-12

