



ADMINISTRATIVE REPORT

Report Date: July 27, 2011
Contact: Lucia Cumerlato
Contact No.: 604.871.6461
RTS No.: 9308
VanRIMS No.: 08-2000-20
Meeting Date: September 22, 2011

TO: Standing Committee on Planning and Environment
FROM: Chief Licence Inspector
SUBJECT: 900 Seymour Street - Orpheum Place Inc.
Change to Liquor Primary Liquor Licence for Outdoor Patio Seating

RECOMMENDATION

THAT Council, having previously endorsed an application by Orpheum Place Inc. for a Liquor Primary patio (on City property) at the Red Card Sports Bar (Moda Hotel) at 900 Seymour Street as outlined in the Administrative Report dated August 19, 2010, entitled "900 Seymour Street, Orpheum Place Inc., Liquor Primary Liquor Licence for Outdoor Patio Seating", amend the endorsement to permit the division of the 20-seat patio between the Red Card Sports Bar and the adjacent Uva Wine Bar at the same address subject to:

- i. A maximum capacity of 8 persons for the Red Card Sports Bar and 12 persons for the Uva Wine Bar;
- ii. The signing of a Good Neighbour Agreement with the City;
- iii. Both patios ceasing all liquor service and vacated by 11:00 p.m.;
- iv. No music permitted on the patios;
- v. A licence agreement with an initial one-year term; and
- vi. Food service to be provided while the patios are 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 11:00 p.m., 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

Orpheum Place Inc. is requesting an amendment to Council's endorsement of a 20-seat Liquor Primary Outdoor Patio on City property for the Red Card Sports Bar at 900 Seymour Street (September 23, 2010) which would divide the patio seats between the Red Card Sports Bar (8 seats) and adjacent Uva Wine Bar (12 seats) at the same address.

BACKGROUND

Site History

The applicant, Orpheum Place Inc., operates two Liquor Primary establishments at 900 Seymour Street, the Red Card Sports Bar and the Uva Wine Bar. The sports bar (pub) has an interior seating capacity of 158 along with prior approval for a 20-seat patio facing onto Smithe Street, while the wine bar has an interior seating capacity of 38. Both establishments have been operating at this location since December 2009.

Approved Application

On September 23, 2010, Council approved the 20-seat liquor primary patio for the Red Card Sports Bar subject to the following conditions:

- A maximum capacity of 20 persons;
- The signing of a Good Neighbour Agreement with the City;
- The patio ceasing all liquor service and vacated by 11:00 pm;
- No music permitted on the patio;
- A licence agreement with an initial one-year term; and
- Food service to be provided while the patio is open.

Proposed Amendment

The applicant is requesting an amendment to Council's endorsement above which would divide the Liquor Primary patio between the two establishments, providing the sports bar and wine bar with 8 and 12 exterior seats, respectively. The patio size would remain the same and a small railing would be installed to separate the seats dedicated to the respective establishments. Patio access and egress would be through the existing establishments and licensed hours would be from 9 am to 11 pm, seven days a week. This proposal would permit customers of both establishments to enjoy the different liquor products and menu options unique to each establishment, while enjoying the on-street ambience.

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 Downtown (DD) Zoning District and for the purposes of liquor policy, it is considered to be located in the Downtown Primarily Mixed Use Area. The surrounding area is a mixture of retail, office, clinic, neighbourhood pubs, cabarets, theatres, restaurants, hotel, residential (market and non-market), and other commercial uses.

Within a 500' radius of the subject site, there is one (1) Liquor Establishment Class 1 (50 seats), one (1) Liquor Establishment Class 2 (106 seats), three (3) Liquor Establishment Class 3 (772 seats), one (1) Liquor Establishment Class 5 (900 seats) and two (2) venues (2491 seats). In addition, there are approximately ten (10) licensed restaurants (Food Primary Licence) within the area.

RESULTS OF NOTIFICATION

Notification was not required for this minor amendment as staff conducted a full notification on the original application which was endorsed by Council on September 23, 2010.

DISCUSSION

Staff has no issues with the proposed division of the patio between the two establishments at 900 Seymour Street given the application represents a minor amendment to reallocate previously approved seats between two liquor primary establishments and results in no further increase in the number of seats. The license agreement with an initial one year term and 11 pm closing time should address any potential problems.

FINANCIAL IMPLICATIONS

There are no financial implications.

COMMENTS

The departmental comments provided on the initial patio proposal are shown below. This minor patio amendment was not distributed for comments again, with the exception of the Fire Department where the new comments are shown as bold below.

The Police Department has reviewed this application and has no comments.

The Vancouver Fire Department has reviewed the application and note that The Red Card Sports Bar has a previously approved occupant load of 158 persons, FI406721. An additional 20 patio seats were added to the permit as per stamped floor plan dated August 5, 2010 (refer to Appendix B). The Fire Department has reviewed the proposed patio change and has approved the requested seat division between the two establishments as per the amended stamped floor plans dated March 2, 2011 (refer to Appendix A).

The Engineering Service Department has reviewed the application and supports a patio at this location with appropriate pedestrian clearances being met and accessibility to utilities and City services as a requirement.

The Central Area Planning Department has reviewed this application and support a patio in this location.

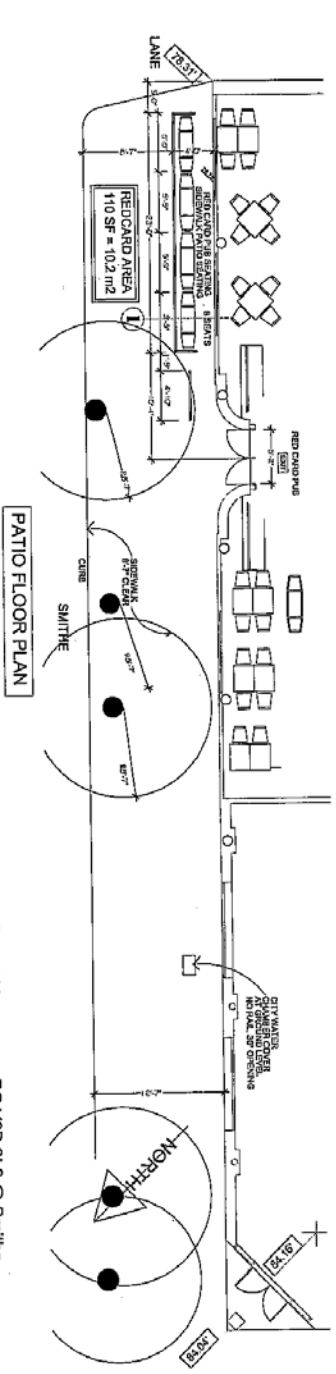
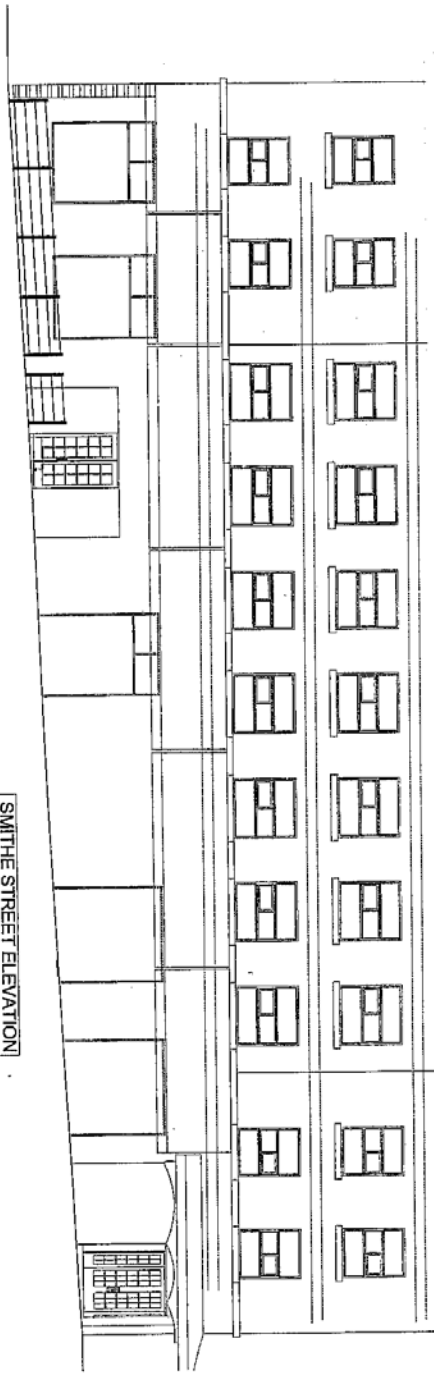
The Development Services Department has reviewed this application and has no comments at this time.

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

CONCLUSION

Given that the proposed amendment does not alter the previously approved patio location, size and staff's recommended 11 pm closing time, staff do not anticipate any significant impacts from the operation of the two adjacent patios. The license agreement would need to be revised subject to the new approval terms. Therefore, staff are RECOMMENDING Council endorse the applicant's proposed amendment for a 8 person Liquor Primary patio at the Red Card Sports Bar and a 12 person patio at the adjacent Uva Wine Bar., both located at 900 Seymour Street.

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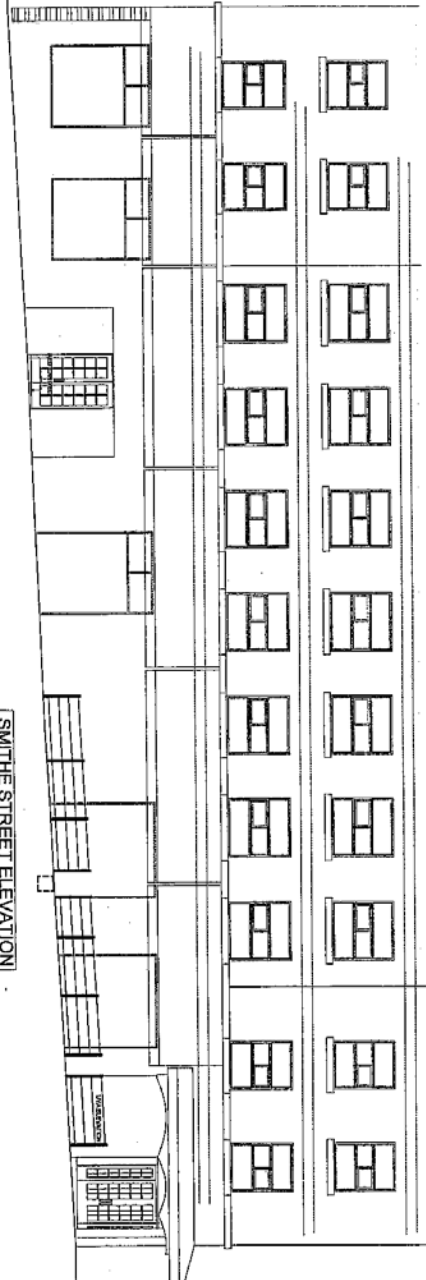


- MINIMUM OCCUPANT LOAD**
- FOR 1.) LICENSED BEVERAGE ESTABLISHMENTS..... PERSONS
- 2.) DINING AND CAFETERIA SPACE
 - 3.) NON FIXED SEATS AND TABLES
 - 4.) NON FIXED SEATS
 - 5.) STANDING SPACE
 - 6.) OTHER USES *PA 710*

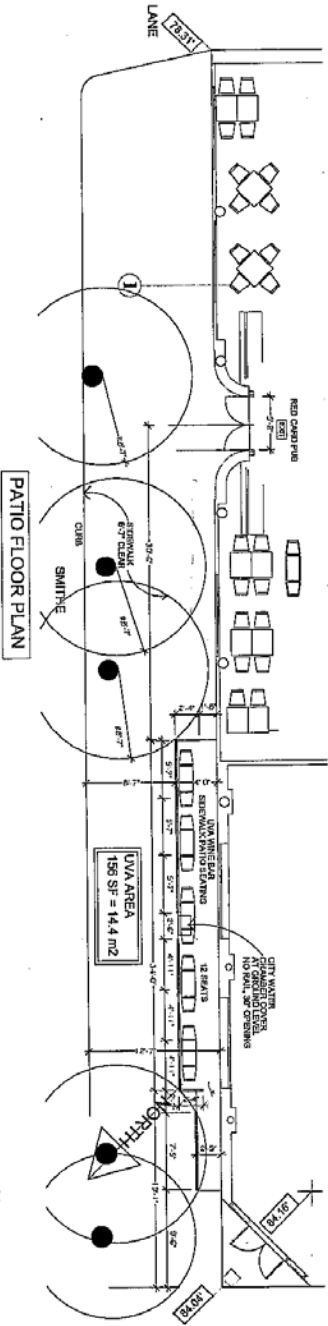
REVIEWED AND ACCEPTED
PURSUANT TO
THE B.C. FIRE SERVICES ACT
AND THE VANCOUVER FIRE BY-LAW
MAR 9 3 2011
Per: *[Signature]* SZIKLAI
AGM / Deputy Chief, Fire Prevention
THIS IS NOT A PERMIT

Establishment: Moda Hotel
900 Seymour Street, Vancouver, BC V6B 3L9 @ Smiths
Licensee: Red Card Sports Bar
02 MAR 2011

AMMEND:
F1406721



SMITHE STREET ELEVATION



PATTO FLOOR PLAN

900 Seymour Street, Vancouver, BC V6B 3L9 @ Smithie
Licensee: UVA

02 MAR 2011

MAXIMUM OCCUPANT LOAD

FOR 1.) LICENSED BEVERAGE ESTABLISHMENTS

REVIEWED AND ACCEPTED
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MAR 03 2011

PER: L. SZIKLAI

AGM / Deputy Chief, Fire Prevention
THIS IS NOT A PERMIT

- 2.) DINING AND CAFETERIA SPACE
- 3.) NON FIXED SEATS AND TABLES
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PH 10

PERSONS

AMMEND: R1
405/180