



## COUNCIL REPORT

Report Date: February 7, 2023  
Contact: Sarah Hicks  
Contact No.: 604.873.7546  
RTS No.: 15511  
VanRIMS No.: 08-2000-20  
Meeting Date: March 8, 2023  
[Submit comments to Council](#)

TO: Standing Committee on City Finance and Services  
FROM: General Manager of Development, Buildings and Licensing  
SUBJECT: 1202 Davie Street – Hamburger Mary’s Davie Ltd (“Mary’s on Davie”)  
Dual Licence – Liquor Primary Licence Application  
Liquor Establishment – Class 2

### Recommendations

- A. THAT Council, having considered the opinion of area residents and business operators as determined by neighbourhood notification, site sign, noise impacts and relevant Council policy as outlined in this Report, endorse the application submitted by Brent Christensen, on behalf of the applicant, Hamburger Mary’s Davie Ltd., for a new Dual Licence – Liquor Primary Liquor Licence (Liquor Establishment – Class 2) located at 1202 Davie Street, subject to:
- i. A maximum interior capacity of 68 persons and outdoor patio capacity of 40 persons;
  - ii. Standard Hours of operation limited to 10 pm to 2 am, seven days a week, for a minimum of three months;
  - iii. No music or entertainment permitted on the patio;
  - iv. A Time-Limited Development Permit;
  - v. An acoustic report certifying that the establishment meets Noise Control By-law requirements; and
  - vi. Signing a Good Neighbour Agreement with the City prior to business licence issuance.

### Purpose and Executive Summary

Staff recommend Council endorse the applicant’s request to operate a new 68 person interior and 40 person outdoor patio Dual Licence Liquor Primary (Liquor Establishment – Class 2), located at 1202 Davie Street, subject to the conditions noted in this report (See Appendix A). The application complies with current Council policy and direction. The requirement for a Time-Limited Development Permit, a Good Neighbour Agreement and submission of an acoustical

report will provide the necessary controls to ensure the premise operates in a manner that will mitigate impacts to the neighbourhood and surrounding area.

### **Council Authority/Previous Decisions**

[City role in Liquor Primary licence applications](#) – The Liquor and Cannabis Regulation (LCRB) of the Provincial Government regulations require local government to provide a Council resolution on new liquor primary licence applications unless the local government decides to opt out of the application review process. Council policy has been to consider the impact of the new licence application on the community and to provide comment, generally in the form of a resolution.

[Liquor Licence Policy: Liquor Primary Size, Capacity, and Location \(July 14, 2005\)](#) – Council Policy states that no Class 2 Liquor Primary establishment shall be located within 100 metres of another Class 2 Establishment. This policy only pertains to Liquor Primary establishments and not Food Primary establishments (restaurants).

[Dual Licenses, Cocktail Culture, and Vibrant Urban Nightscape \(June 15, 2022\)](#) – Council approved policy directing staff to lift the moratoria on Liquor Primary licensing in the DTES and GED specifically to allow existing Food Primary Liquor licensee's to apply for Dual Licence – Liquor Primary licenses.

[Dual Licenses \(July 5, 2022\)](#) – Council approved policy directing staff to suspend the 2005 policy guidelines for Downtown liquor establishment locations and distancing as applied to existing establishments seeking dual licensing.

### **City Manager's Comments**

The City Manager concurs with the foregoing recommendations.

### **Context and Background**

In 2017, the Liquor and Cannabis Regulations Branch modernized their Liquor Policy, allowing Food Primary establishments to apply for a Liquor Primary Licence (Dual Licence) at the same location and operate as a bar or nightclub after 9 pm. In the case of a Dual Licence, the licensee must operate in the same footprint. No physical separation is required, and only one licence may be operative at any given time.

In the [2017 Liquor Policy Review](#), Council approved policy that enabled restaurants with Food Primary licences to operate as a Dual Licence Liquor Primary after 10 pm. This condition was to address the concern that residents may be unable to easily access food service after 9 pm, depending on the uptake from the restaurants to pursue this option.

The Liquor and Cannabis Regulation Branch requires that local government provide a resolution with comments on public input gathered from the community within the immediate vicinity of the establishment, including the location of the establishment, its person capacity, and hours of liquor service. Once received, the LCRB will review the resolution and any comments for a final decision to issue/endorse the liquor licence.

The applicant, Hamburger Mary's Davie Ltd., with Rachel Christensen, Michel Duprat, Chadwick Friesen and James Sanborne listed as its Directors, have authorized Brent Christensen, to act as their representative for this application. The proposed establishment, located at 1202 Davie Street is for a 68 person interior service area and a 40 person outdoor patio Dual Licence Liquor Primary, located in "Davie Village" of the West End Business District. The applicant has been operating a Food Primary liquor licence at this location since March 13, 2018. If this application is approved, Hamburger Mary's Davie Ltd., will transition from a Food Primary licence to a Dual Licence Liquor Primary at 10 pm every day of the week. This will allow the establishment to stay open and serve patrons, but not have to keep their full kitchen open and staffed.

This proposal will see the new Dual Licence Liquor Primary operate within the same footprint as the existing Food Primary licence. The establishment will continue to provide a full service menu, offering traditional diner style foods. After 10 pm, the establishment will minimize the menu, focusing on their 'Happy Hour' offerings that are smaller portions of their main menu offerings and/or just snacks. The current hours of liquor service for the Food Primary are 9 am to 1 am, Sunday to Thursday, and 9 am to 2 am, Friday and Saturday. If approved the applicant would see the Food Primary hours change from 9 am to 10 pm, seven days a week, and the new Dual Licence Liquor Primary permitted to operate from 10 pm to 2 am, seven days a week. The establishment will also transition to allow unique entertainment that will include live music, drag shows, bingo nights and the ability to offer dancing, enhancing their business possibilities.

The outdoor patio may operate in accordance with The Patio Hours Extension Pilot Program. No music or entertainment is permitted on the patio.

## **Discussion**

### Public Input – Results of Neighbourhood Notification

A neighbourhood notification advising of the Liquor Primary application was conducted by distributing approximately 453 postcard notifications to property owners within a 750 foot radius of the subject site (see Appendix B). A site sign was installed advising the community of the application and where to send comments or concerns. Staff allowed three weeks for the community to respond with concerns or support.

A total of eleven (11) pieces of feedback were received from the public in response to the liquor application. Of the respondents, two (2) were in support and nine (9) were in opposition. Ten (10) responses were from the notification area.

Respondent in support of the application indicated how this change would help enhance business opportunities for this establishment and provide an additional safe entertainment environment within the neighbourhood.

Respondents expressed concerns regarding potential increased noise, public nuisances and disturbances, as well as safety issues for the community and patrons frequenting the plaza and surrounding establishments. The respondents opposed to the application did not support the extended hours indicating how the change in operation would impact their quality of life on a nightly basis. The applicant is committed to working with the area residents and the community to help address and mitigate any concerns and minimize negative impacts.

### Location of Establishment

The subject site is located in the West End Commercial District (C-5) and for the purposes of liquor policy, it is considered to be located in the Downtown – Primarily Commercial area. The establishment is located in a single storey building within the heart of Davie Village (see Appendix B).

### Proximity to other Liquor Primary Establishments

Within a 750 foot (229 metre) radius of the subject site there is one (1) Class 2 Liquor Primary establishments, 1262 Davie Street – The Score on Davie. The nearest Liquor Primary establishment is 1181 (Class 1) located at 1181 Davie Street, approximately 51 metres away from the proposed location. Within the 750 foot radius there are currently five (5) Liquor Primary establishments and nineteen (19) Food Primary establishment with active business licenses in the area. It should be noted that a Food Primary establishment's primary purpose is the service of food with liquor as an additional service.

### Person Capacity and Hours of Operation

The proposed capacity for the Dual Licence Liquor Primary at this location is 68 person interior and a 40 person outdoor patio (See Appendix A). Final occupancy calculations will be provided in accordance with Building and Fire by-laws once permits have been finalized. Final occupant load calculation will not increase beyond what Council approves.

The proposed hours of operation for the Dual Licence Liquor Primary are 10 pm to 2 am, seven days a week, which are within the parameters of the Standard Hours permitted in this Downtown – Primarily Commercial area. The outdoor patio is part of the Current Patio Hours Extension Pilot Program that allows the patio to extend their operating hours until 1 am daily between April 1 and October 31. Otherwise the patio must cease all liquor service and vacate by 11 pm nightly between November 1 and March 31.

In the [2017 Liquor Policy Review](#), Council approved policy that enabled restaurants with an established track record of good business operation (no history of noise complaints) who obtain a Dual Licence to apply for extended hours after three months. Extended Hours permitted in this Downtown – Primarily Commercial area are from 9 am to 3 am, seven days a week.

### Noise

Staff have considered the impact for noise on the community and have no concerns at this time. An acoustical report certifying that the establishment meets Noise Control By-law requirements will be required and should mitigate potential negative community impacts due to noise. It is also a condition of the business licence and will support compliance and enforcement efforts if necessary.

### Impact on the Community

A Time-Limited Development Permit will be required which will provide ongoing reviews to ensure the land-use and business remains compatible with the surrounding community. The permit review process will involve an assessment of neighbourhood impacts, including compatibility with surrounding uses, hours of operation, social and policing impacts and noise control. In addition, the Good Neighbour Agreement will set out City expectations that the

business needs to be responsive in dealing with any issues and responsible for creating a positive relationship with the community.

To further mitigate potential impacts, the current Restaurant – Class 1 business licence remains the primary use for the space. Issuance of the City of Vancouver business licence for the new Liquor Establishment – Class 2 establishment will be ancillary to the current Restaurant – Class 1 business licence.

Since opening in March 2018, this establishment has received one (1) complaint related to potential work without permit and one (1) complaint related to an untidy premise. To date there have been no recorded noise complaints.

With the approval of this Dual Licence application and others, the Vancouver Police Department recognizes that any extension to the hours of liquor service, may lead to increased calls for service.

### **Financial Implications**

There are no financial implications associated with this report's recommendations

### **Legal Implications**

There are no legal implications associated with this report's recommendations.

\* \* \* \* \*

# APPENDIX A Establishment Floor Plan

**RAW**  
INTERIOR DESIGN INC.

RAW INTERIOR DESIGN INC.  
1202 DAVIE STREET  
VICTORIA, BC V8M 1Y1  
Tel: 250-383-8888  
www.rawinteriordesign.com



1. DATE OF PROJECT	12/1/2018
2. DATE OF PLAN	12/1/2018
3. PROJECT NAME	HAMBURGER MARY'S
4. PROJECT ADDRESS	1202 DAVIE STREET VICTORIA, BC V8M 1Y1
5. PROJECT TYPE	RESTAURANT

Project:  
**HAMBURGER MARY'S**  
1202 DAVIE STREET  
VICTORIA, BC V8M 1Y1

Quantity: 1/1

**FURNITURE, FIXTURES & EQUIPMENT PLAN**

Scale: AS SHOWN  
Drawing No: ID1.01  
Drawing Date: 12/1/2018

**ID1.01**

**FURNITURE LEGEND**

- [Symbol] BOOZING BAR
- [Symbol] SEATING
- [Symbol] BAR
- [Symbol] SERVICE COUNTER
- [Symbol] EQUIPMENT
- [Symbol] KITCHEN
- [Symbol] RESTROOM
- [Symbol] STORAGE
- [Symbol] SERVICE AREA

**FURNITURE, FIXTURES & EQUIPMENT GENERAL NOTES**

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. SEE SCHEDULE FOR MATERIALS AND FINISHES.
3. SEE SCHEDULE FOR EQUIPMENT SPECIFICATIONS.
4. SEE SCHEDULE FOR FURNITURE SPECIFICATIONS.
5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
6. SEE SCHEDULE FOR MATERIALS AND FINISHES.
7. SEE SCHEDULE FOR EQUIPMENT SPECIFICATIONS.
8. SEE SCHEDULE FOR FURNITURE SPECIFICATIONS.

**AREA CALCULATION:**

AREA	120.00
BAR	10.00
BOOZING BAR	10.00
KITCHEN	10.00
RESTROOM	10.00
STORAGE	10.00
SERVICE AREA	10.00
<b>TOTAL</b>	<b>170.00</b>

**SEAT COUNT:**

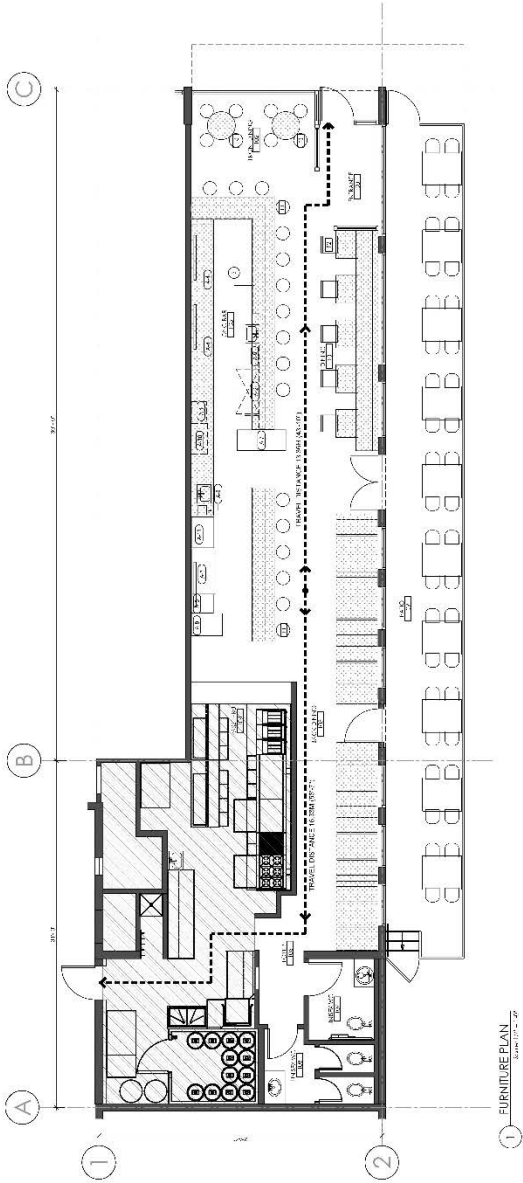
BAR	10
BOOZING BAR	10
KITCHEN	10
RESTROOM	10
STORAGE	10
SERVICE AREA	10
<b>TOTAL</b>	<b>60</b>

**KITCHEN EQUIPMENT SPECS.**

ITEM NO.	DESCRIPTION	QUANTITY	UNIT
1.01	STOVE	1	EA
1.02	RANGE HOOD	1	EA
1.03	SINK	1	EA
1.04	DISHWASHER	1	EA
1.05	REF	1	EA
1.06	REF	1	EA
1.07	REF	1	EA
1.08	REF	1	EA
1.09	REF	1	EA
1.10	REF	1	EA
1.11	REF	1	EA
1.12	REF	1	EA
1.13	REF	1	EA
1.14	REF	1	EA
1.15	REF	1	EA
1.16	REF	1	EA
1.17	REF	1	EA
1.18	REF	1	EA
1.19	REF	1	EA
1.20	REF	1	EA

**FURNITURE SPECS.**

ITEM NO.	DESCRIPTION	QUANTITY	UNIT
2.01	BOOZING BAR	1	EA
2.02	SEATING	10	EA
2.03	BAR	1	EA
2.04	SERVICE COUNTER	1	EA
2.05	EQUIPMENT	1	EA
2.06	KITCHEN	1	EA
2.07	RESTROOM	1	EA
2.08	STORAGE	1	EA
2.09	SERVICE AREA	1	EA

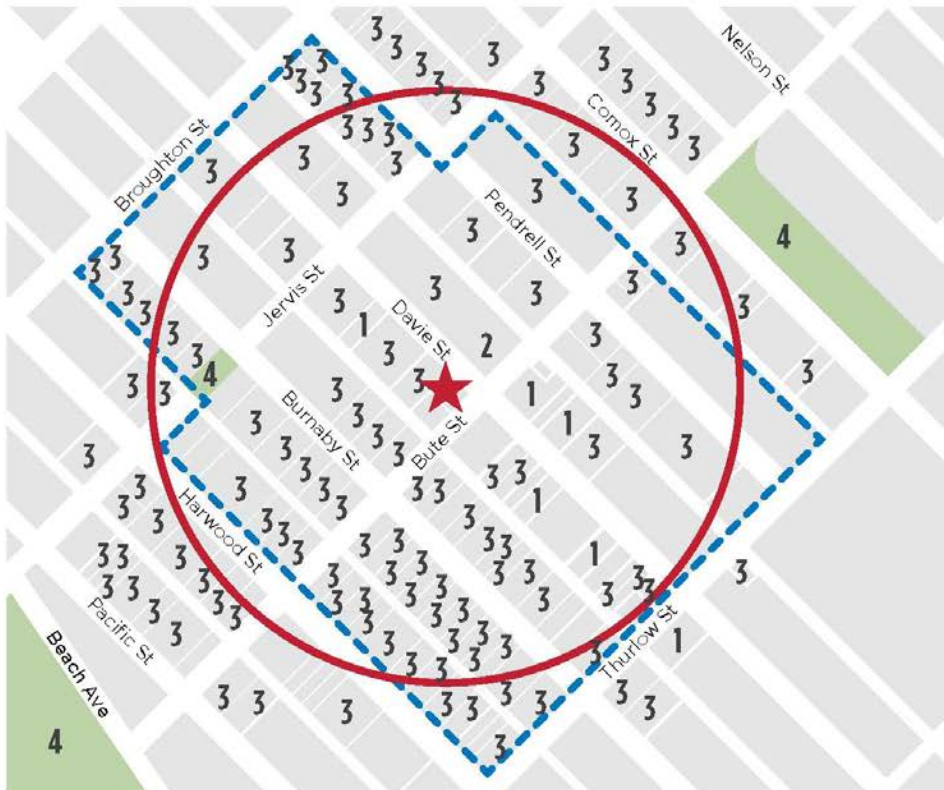


**FURNITURE PLAN**  
SCALE: AS SHOWN

**APPENDIX B**  
**Notification Area and Surroundings**

**DUAL LICENCE – LIQUOR PRIMARY**  
**(Liquor Establishment – Class 2)**

Mary’s on Davie – 1202 Davie Street



**LEGEND**

-  Subject Site
-  228.6 metres (750 feet) radius from Subject Site
-  Notification Area

**1 Liquor Establishment Locations:**

- 1181 Lounge – Class 1
- Elysium Nightclub – Class 2
- Moxies – Class 1
- PumpJack Pub – Class 3
- Score on Davie – Class 2
- The Junction Pub – Class 3

**2 Liquor Retail Stores:**

- BCLS # 094 Bute Street

**3 Residential**

**4 Parks:**

- Jervis Street Park
- Nelson Park
- Sunset Beach Park

**5 Schools:**

- None applicable

