



REVISED AGENDA - COMMITTEE OF THE WHOLE

Thursday, August 1, 2019, 9:00 A.M.

COUNCIL CHAMBERS, CITY HALL, 1 CENTENNIAL SQUARE

The City of Victoria is located on the homelands of the Songhees and Esquimalt People

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B. CONSENT AGENDA

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- C.2 - Minutes from the Citizens' Assembly Council Committee held July 22, 2019
- E.2 - 1450 Douglas Street - Liquor License Application No. 000296 - Veneto Tapa Lounge
- E.3 - 1450 Douglas Street - Liquor License Application No. 000297 - Café Veneto
- F.2 - Proclamation - National Polycystic Kidney Disease Awareness Day
- H.2 - Council Member Motion - Attendance at the Canadian Capital Cities Conference, Regina, SK Sept. 15-17
- H.3 - Council Member Motion - Regional Deer Management

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of Forests, Lands, Natural Resource Operations, and Rural Development, which seeks to request a meeting be held at UBCM in order to discuss a regional deer management strategy which uses immuno-contraceptives.

I. ADJOURNMENT OF COMMITTEE OF THE WHOLE



MINUTES - COMMITTEE OF THE WHOLE

July 18, 2019, 9:01 A.M.

COUNCIL CHAMBERS, CITY HALL, 1 CENTENNIAL SQUARE

The City of Victoria is located on the homelands of the Songhees and Esquimalt People

PRESENT: Mayor Helps in the Chair, Councillor Alto, Councillor Loveday, Councillor Potts, Councillor Collins, Councillor Thornton-Joe, Councillor Dubow, Councillor Young

ABSENT: Councillor Isitt

STAFF PRESENT: J. Jenkyns - City Manager, P. Bruce - Fire Chief, T. Soulliere - Director of Parks, Recreation & Facilities, B. Eisenhauer - Head of Engagement, C. Havelka - Deputy City Clerk, A. Hudson - Acting Director of Sustainable Planning & Community Development, C. Mycroft - Manager of Executive Operations, J. Karakas - Senior Urban Designer, M. Fedyczkowska - Legislation & Policy Analyst, K. Moore - Head of Business and Community Relations, P. Bellefontaine - Assistant Director, A. Babicz - Urban Designer, Transportation, P. Angelblazer - Committee Secretary

A. APPROVAL OF AGENDA.

Moved By Councillor Loveday

Seconded By Councillor Alto

That the agenda be approved.

Amendment:

Moved By Councillor Alto

Seconded By Councillor Collins

That the Agenda of the July 18, 2019, Committee of the Whole meeting be amended as follows:

Consent Agenda:

C.1 Minutes from the Citizens Assembly Council Committee meeting held March 27, 2019

C.2 Minutes from the meeting held July 4, 2019

G.3 Proclamation – Clover Point Parkrun Day

I.1 Conference Attendance Request for Councillor Alto at the Canadian Capital Cities Annual Conference

CARRIED UNANIMOUSLY

On the main motion:

CARRIED UNANIMOUSLY

B. CONSENT AGENDA

Moved By Councillor Loveday

Seconded By Councillor Alto

That the following items be approved without further debate.

CARRIED UNANIMOUSLY

C.1 Minutes for the Citizens Assembly Council Committee held March 27, 2019

Moved By Councillor Loveday

Seconded By Councillor Alto

That the minutes from the Citizens Assembly Council Committee meeting held March 27, 2019 be adopted.

CARRIED UNANIMOUSLY

C.2 Minutes from the meeting held July 4, 2019

Moved By Councillor Loveday

Seconded By Councillor Alto

That the minutes from the Committee of the Whole meeting held July 4, 2019 be adopted.

CARRIED UNANIMOUSLY

G.3 Proclamation - Clover Point Parkrun Day

Moved By Councillor Loveday

Seconded By Councillor Alto

That the *Clover Point Parkrun Day* Proclamation be forwarded to the July 25, 2019 Council meeting for Council's consideration.

CARRIED UNANIMOUSLY

I.1 Conference Attendance Request for Councillor Alto at the Canadian Capital Cities Annual Conference

Council received a report from Councillor Alto recommending the allocation of funds towards the cost of attending the 2019 Canadian Capital Cities Annual Conference.

Moved By Councillor Loveday
Seconded By Councillor Alto

That Council authorize the attendance and associated costs, up to \$1942.94, for Councillor Alto to attend the 2019 CCCO Conference to be held in Regina, Saskatchewan, for the period September 13 – 18, 2019.

CARRIED UNANIMOUSLY

D. PRESENTATIONS

D.1 City Family - Oral Presentation - Brianna Dick

Council received a presentation from Brianna Dick, a member of the City Family, on her experiences and reconciliation.

Moved By Councillor Alto
Seconded By Councillor Collins

That Council receive the presentation for information.

CARRIED UNANIMOUSLY

F. LAND USE MATTERS

F.1 Rezoning Application No. 00598 and Development Permit with Variance Application No. 00506 for 953 Balmoral Road (North Park)

Councillor Young left the meeting at 9:10 a.m. due to non-pecuniary conflict with this item as his former clients are involved with this project.

Council received a report from the Acting Director of Sustainable Planning and Community Development in regards to a proposal to build an 11 unit rental dwelling apartment building. Staff recommend the application be declined due to the lack of changes to massing and side yard setbacks.

Committee discussed:

- *Advantages and disadvantages of the project*

Moved By Councillor Alto
Seconded By Councillor Dubow

Rezoning Application No. 00598

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in

Rezoning Application No. 00598 for 953 Balmoral Road, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council, and a Public Hearing date be set once the following conditions are met:

1. Preparation of the following documents, executed by the applicant to the satisfaction of City Staff:
 - i. Statutory Right-of-Way of 1.22m on Balmoral Road.
 - ii. The applicant provide an amenity contribution in the amount of \$76,694.69 toward the Local Amenities Reserve Fund in accordance with the City of Victoria Density Bonus Policy to the satisfaction of City Staff.

Development Permit with Variance Application No. 000506

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00598, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variance Application No.

000506 for 953 Balmoral Road, in accordance with:

1. Plans date stamped May 14, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the required number of parking spaces from 12 to 5
 - ii. Part 3.3(10): reduce the front yard setback from 10.50m to 2.00
 - iii. Part 3.3 (10): reduce the side (east) yard setback from 6.10m to 1.52m
 - iv. Part 3.3(10): reduce the side (west) yard setback from 6.10m to 3.64m
 - v. Part 3.3(4)(1): increase the site coverage from 30% to 43%
 - vi. Part 3.3(4)(6)(1): reduce the open site space from 30% to 15.30%.
3. Registration of legal agreements on the property's title to secure the MODO Car Share Vehicle and parking space, car share memberships, one monthly transit pass for each unit over a period of three years (396 monthly passes), and one bicycle for each unit to the satisfaction of City Staff.
4. The Development Permit lapsing two years from the date of this resolution."

FOR (6): Mayor Helps, Councillor Alto, Councillor Loveday, Councillor Potts, Councillor Collins, and Councillor Thornton-Joe

OPPOSED (1): Councillor Dubow

CARRIED (6 to 1)

Councillor Young returned to the meeting at 9:37 am.

D. PRESENTATIONS

D.2 Budget Consultation with VicPD Board Finance Committee

Council received a presentation from the Victoria Police Department Finance Committee in regards to obtaining input on Council priorities for public safety and Council's perspective on the budget process and presentation.

Council suspended the rules of order at 9:40 a.m.

As part of Council priorities for the police budget, Committee discussed:

- *Community resource officers*
- *Employee wellness*
- *Mental health & addictions*
- *Workload and scope of police mandate*
- *Internal and external equity*
- *Public engagement with the process*
- *Regional service integration*
- *Data generation and presentation to Council*
- *Alternative methods & supports*

As part of the strengths and gaps in the current budget process, Committee discussed:

- *Need for more public engagement with the budget process*
- *Appreciation of transparency in the budget process*
- *Data generation and presentation to Council*
- *Communication issues*

Committee recessed at 10:50 a.m., returned at 10:55 a.m.

Following the conclusion of the agenda item, rules of order were reinstated.

G. STAFF REPORTS

G.1 Government Street Report

G.1.1 Report from City Staff

Council received a report dated May 29, 2019 from the Head of Business and Community Relations updating Council on a business charrette organized by the DVBA, an approved Downtown Public Realm Plan, lessons learned from the 2018 Government Street pedestrian mall pilot, and new information received from businesses in 2019.

Committee discussed:

- *Current issues and challenges faced by businesses on Government Street*
- *Future approaches to Government Street*
- *Results and outcomes of the 2015 Charrette*
- *Programming & place making*

Moved By Mayor Helps

Seconded By Councillor Thornton-Joe

That Council:

1. Amend the strategic plan Action 2019 Action #2 from “consider pedestrian only Government Street in 2020-2021 budget process” to “create a ‘people-priority’ Government Street with the complete transformation of the street between Humboldt and Yates to be completed by the end of 2022.”
2. Direct staff to research other cities with people first multi-use streets and determine best practices,
3. Direct staff to bring forward a budget request as part of the 2020 Financial Planning process to undertake a detailed design and cost estimate to implement the short term actions identified between Humboldt and Yates as approved in the 2017 Downtown Public Realm Plan for consideration
4. Coordinate timing of short term actions in conjunction with other major infrastructure work
5. Direct staff to incorporate in the 2020 budget an analysis of options to transform Government Street into a people-priority place from Humboldt to Yates by 2022.
6. Direct staff to incorporate into the 2021 and 2022 budget improvements to the street based on the 2020 analysis to make it a people-priority place and significantly limit vehicle traffic.

Amendment:

Moved By Councillor Thornton-Joe

Moved By Mayor Helps

3. Direct staff to bring forward a budget request as part of the 2020 Financial Planning process to undertake a detailed design and cost estimate to implement the short term actions identified between Humboldt and Yates as approved in the 2017 Downtown Public Realm Plan **and 2015 Charrette outputs** for consideration

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Loveday

Seconded By Councillor Thornton-Joe

- 7. That major infrastructure work be conducted during the tourism and holiday off season as much as practical**

CARRIED UNANIMOUSLY

Amendment:

Moved By Councillor Loveday

Seconded By Councillor Collins

- 8. That Council consider pedestrianization of Government Street one year after people-centric adjustments are complete and all the information from the stakeholders has been received.**

FOR (7): Mayor Helps, Councillor Alto, Councillor Loveday, Councillor Potts, Councillor Collins, Councillor Thornton-Joe, and Councillor Dubow

OPPOSED (1): Councillor Young

CARRIED (7 to 1)

Amendment:

Moved By Councillor Thornton-Joe

- 8. That Council consider pedestrianization of Government Street one year after people-centric adjustments are complete and all the information from the stakeholders has been received and that data supports the change.**

Failed to proceed due to no seconder

On the motion:

That Council:

1. Amend the strategic plan Action 2019 Action #2 from “consider pedestrian only Government Street in 2020-2021 budget process” to “create a ‘people-priority’ Government Street with the complete transformation of the street between Humboldt and Yates to be completed by the end of 2022.”
2. Direct staff to research other cities with people first multi-use streets and determine best practices,

3. Direct staff to bring forward a budget request as part of the 2020 Financial Planning process to undertake a detailed design and cost estimate to implement the short term actions identified between Humboldt and Yates as approved in the 2017 Downtown Public Realm Plan and 2015 Charrette outputs for consideration.
4. Coordinate timing of short term actions in conjunction with other major infrastructure work.
5. Direct staff to incorporate in the 2020 budget an analysis of options to transform Government Street into a people-priority place from Humboldt to Yates by 2022.
6. Direct staff to incorporate into the 2021 and 2022 budget improvements to the street based on the 2020 analysis to make it a people-priority place and significantly limit vehicle traffic.
7. That major infrastructure work be conducted during tourism and holiday off-season as much as practical.
8. That Council consider pedestrianization of Government Street one year after people-centric adjustments are complete and all the information from the stakeholders has been received.

CARRIED UNANIMOUSLY

G.2 Centennial Square Action Plan - Update Report

Council received a report dated July 4, 2019 from the Acting Director of Sustainable Planning and Community Development that provides an overview of the work that has been done to date on the Centennial Square Action Plan Project with added details on phases 1 & 2. The report recommends that council endorse the results of the plan.

Committee Discussed:

- *Aspects of play in the final design scheme*
- *Safety, and sense of safety for those in the Square*
- *Importance of water features*
- *Accessibility within the square*
- *Application of equity lenses*
- *Appreciation of inclusion of youth engagement and engagement with marginalized communities*

Moved By Councillor Alto

Seconded By Councillor Thornton-Joe

That Council endorse the design concept for Phase 1 to guide short term operations and maintenance needs based on the results of the Centennial Square Action Plan process to date.

CARRIED UNANIMOUSLY

J. **ADJOURNMENT OF COMMITTEE OF THE WHOLE**

Moved By Councillor Alto

Seconded By Councillor Dubow

That the Committee of the Whole be adjourned at 12:48 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR



MINUTES – JOINT COMMITTEE CITIZENS' ASSEMBLY COUNCIL COMMITTEE

July 22, 2019, 2:00 P.M.

Joint Meeting of Victoria & Saanich Committees

Victoria City Hall - Council Chambers - 1 Centennial Square

The City of Victoria is located on the homelands of the Songhees and Esquimalt People

CITY OF VICTORIA:

PRESENT: Mayor Helps, Councillor Young, Councillor Loveday, Councillor Alto

STAFF PRESENT: J. Jenkyns - City Manager, C. Mycroft - Manager of Executive Operations, C. Havelka - Deputy City Clerk, M. Fedyczkowska – Legislation and Policy Analyst, B. Eisenhower - Head of Engagement, P. Angelblazer - Committee Secretary

DISTRICT OF SAANICH:

PRESENT: Mayor Haynes, Councillor Brownoff, Councillor Chambers, Councillor Plant

STAFF PRESENT: P. Thorkelsson – Chief Administrative Officer, A. Bains – Manager, Legislative Services/Municipal Clerk, L. Merry – Senior Committee Clerk

A. CALL TO ORDER

B. APPROVAL OF AGENDA

Moved By Councillor Loveday
Seconded By Councillor Alto

That the agenda be approved.

CARRIED UNANIMOUSLY

C. INTRODUCTORY REMARKS

Committee remarked:

- *Words of welcome to Saanich Councillors, staff, and members of the audience*
- *Expression of willingness for a well designed, and facilitated process*
- *Mandates of both committees in relation to their respective councils*

D. NEW BUSINESS

D.1 Rules of Order

D.2 Discussion on Terms of Reference for Citizens' Assembly

1.0 Objectives:

Saanich:

- Emergency services were implied, however appreciation of the added clarity of the Victoria draft wording.

Victoria:

- Importance of including explicit mention of emergency service integration in the draft terms of reference.

General Agreement:

- Saanich will refer to Council

2.1 Openness & Transparency:

Saanich:

- Need for clarification on the wording of “ongoing and predictable basis.”

Victoria:

- Public expectations around transparency of the process, needed ability for citizens to follow the progress of the process as it develops.

General Agreement:

- Saanich will refer to Council

2.5 Independence:

Saanich:

- Concerns around Victoria’s draft wording on the voiding of the role of the consultant.

Victoria:

- The aim of the draft wording is to ensure the independence of the assembly’s decision-making.

Recommended changes:

- **Revert to previous wording provided by Saanich**

2.6 Well-informed:

Saanich:

- Intention of the technical report wording is to ensure that decisions of the Assembly are well informed.

- Concern that Victoria draft wording removes explicit requirement of informed decision-making.

Victoria:

- Apprehension to having wording that may require the Assembly to base their final decision on the recommendation provided in the technical report.
- Appreciation of new insight into the original wording provided by Saanich.

Recommended changes:

- **Victoria Council will consider original wording**

2.7 Balance:

Saanich:

- No issue with extra wording that adds clarification.

General Agreement:

- Saanich will refer to Council

2.8 Collaborative Decision-Making:

Saanich:

- Concern around the lack of specificity as to when consensus has not been reached.
- Concern of Saanich versus Victoria voting splits
- Concern of adding operational principles into guiding principles section.

Victoria:

- Discussion as to what should happen when a consensus has not been met, and how divergent views can be considered in a final report.

Recommended changes:

- **Revert to previous wording, add “where consensus is not realized, document divergent views.”**

3.0 Mandate:

Saanich:

- Will not endorse any changes to the mandate of the Assembly outside of what was decided by referendum.

- The Assembly should be allowed to come to an indeterminate conclusion.

Victoria:

- Should the mandate, or any other part of the document not prescribe that the Assembly comes to a decision and recommends a yes or no outcome on amalgamation, then the conclusion of the process could be unsatisfactory to all parties involved.

Recommended changes:

- **That the draft alterations to the mandate be removed and placed as section 3.1. of the terms of reference.**

General Agreement:

- The revised wording will be sent back to respective councils, with discussion to take place on whether or not the word “may,” could be added in the draft 3.1. in between ‘Assembly’ and ‘advise’.
- Victoria staff will consider if 3.3., 3.4., and 3.18. can be combined.
- Victoria and Saanich will ask for clarification from the Ministry of Municipal Affairs and Housing.

Committee recessed at 3:23 p.m. and returned at 3:29 p.m.

3.6 Cultural and Land Use Priorities:

Saanich:

- Importance of Saanich’s unique rural community, and ensuring recognition of this difference within the process.

Victoria:

- Wording of 3.6 reflective of an intention to allow the Assembly to examine similarities of the communities and how it might be impacted by amalgamation.

General agreement:

- Victoria and Saanich staff shall meet to resolve numbering differences ahead of the Friday meeting.

4.0 Constraints on the Assembly:

Recommended changes:

- **Victoria will remove the proposed deletion for the consideration of information for a third party technical team.**

General agreement:

- Whether the assembly provides a yes/no recommendation will be referred to the next Joint Committee meeting upon clarification from the Ministry of Municipal Affairs and Housing.
- The wording differences around Councils being constrained or not constrained by the outcome of the Assembly are of no effect.

5.0 Schedule of the Citizens' Assembly:

Saanich:

- Due to the current timeline, it might not be possible to begin in 2019.
- Chair and facilitator are the same, simply different words.
- There should not be constraints on how many roundtables the Assembly would be able to schedule, so long as there are multiple.
- There should not be a prescribed schedule for the Assembly.
- Meetings of the Assembly should not be attended by the public. Public attendance component can be satisfied by a webcast and by the roundtables.

Victoria:

- Appreciates the flexibility of the wording provided by Saanich for multiple sections.
- As the Assembly is a vital democratic process, importance of having the possibility for public attendance in the process was noted.

Recommended changes:

- **Revert to previous wording for all proposed changes, aside from facilitator/chair**

General agreement:

- Discussion on facilitator/chair shall be referred to respective Councils.

6.0 Reporting & Communications:

Saanich:

- Preference for original wording for final report, however flexibility is important for the Assembly.
- Disagreement with the ability to allow for letters from members of the Assembly.
- Explanation that the original wording providing for the Chair to approve all public communication is to ensure that individual members are not seen as speaking for the Assembly as a whole.

Victoria:

- April timeline for the final report is unlikely.
- Correspondence from members being included in the final report would allow for members with divergent views to express those officially as opposed to over other platforms.
- Initial apprehension for the original wording providing for the facilitator to approve all public communication due to an understanding that the outcome would mean that only the facilitator would publically be allowed to comment.

Recommended changes:

- **Keep original wording on the drafting of an interim document.**
- **On the final report timeline, revert to original wording and change “45 days” to “45-90 days”.**
- **That the “requirement” to include correspondence from members in the final report be changed to be an “option”.**
- **On the public communication section, revert to original wording and change “exclusive spokesperson” to be “official spokesperson” and that “public communication” becomes “official communications”.**
- **Strike the language indicating “free to share personal views,” though the change does not preclude the ability for members to do so.**

General Agreement:

- Refer the discussion on the final report timeline to respective councils.
- The discussion on including correspondence from members be referred to respective councils.

7.1 Recruitment Process:

Saanich:

- Business owners also have a stake in the discussion on amalgamation. The original wording was left over from previous discussions that had included non-resident property and business owners.

Victoria:

- As residents can also be business owners, the civic lottery would likely provide for the inclusion of business owners in the lottery.

General Agreement:

- The discussion should be referred to respective councils.

7.2 Number of Members:

Saanich:

- Concerns that members of amalgamation lobby groups would influence the process by gaining membership in the assembly

Victoria:

- Concerns around the lack of clarity as to what would be considered an interested stakeholder group, particularly what level of association with that group would warrant being considered a part of interested stakeholder.

General Agreement:

- Saanich will refer consideration of the wording of 'business owner transfer eligibility to employee' back to Council.
- Saanich and Victoria will refer the definition of 'interested stakeholder group' to their respective Councils, and potentially to a consultant.

Discussion on further items was concluded due to time considerations

D.3 Next Meeting

The Joint Committee will meet next on July 26, 2019 at 9:00 a.m. at the Saanich Council Chambers.

E. ADJOURNMENT

Moved By Councillor Alto
Seconded By Councillor Loveday

That the meeting be adjourned at 5:00 p.m.

CARRIED UNANIMOUSLY

CITY CLERK

MAYOR



Committee of the Whole Report

For the Meeting of August 1, 2019

To: Committee of the Whole **Date:** June 18, 2019

From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development

Subject: Application for a New Liquor Primary Licence for Leopold's Tavern at 570 Yates Street

RECOMMENDATION

That Council direct staff to provide the following response to the Liquor Licensing Agency:

1. Council, after conducting a review with respect to noise and community impacts, does support the application of Leopold's Tavern located at 570 Yates Street having hours of operation from 9:00 am to 12:00 am daily with a total occupant load of 120 people (100 people indoors and 20 people on the patio).

Providing the following comments on the prescribed considerations:

- a. The impact of noise on the community near the establishment was considered in relation to the request and noise impacts are expected to be proportional to existing licence capacity and associated noise levels in the vicinity. The applicant has requested a closing time of 2:00 am daily, which is not supportable due to existing density of licenced seating in the area and higher than average calls for service related to noise and other impacts associated with late night entertainment.
- b. If the application is approved, the impact on the community is expected to be positive economically as the approval supports the business plan and long-term viability of the establishment.
- c. The views of residents were solicited via a mail out to neighbouring property owners and occupiers within 100 metres of the licensed location and a notice posted at the property. The City received four letters in response to the notification that went to 899 owners and occupants and all were opposed to the application which included one letter from the Downtown Residents Association.
- d. Council recommends the license be approved with the amended hours.

EXECUTIVE SUMMARY

The purpose of this report is to seek a Council resolution, in accordance with the requirements of the *Liquor Control and Licensing Act*, regarding an application by Leopold's Tavern. The application is for a new Liquor Primary licence having hours of operation from 9:00 am to 2:00 am daily with a total occupant load of 120 people (100 people indoors and 20 people on the patio).

Leopold's Tavern application was reviewed by City staff including Planning, Engineering, Business and Community Relations, Bylaw, and Police. In addition, a public notification process was conducted, as required by the Liquor Licence Policy, to invite public comments through written correspondence. The application was evaluated using City policy, comments provided by City staff, and comments received through the public notification process. The proposal has also been considered in the context of the local vicinity and the City as a whole, all of which are reflected in this report and the resulting recommendation.

Leopold's Tavern application is consistent with the City's Liquor License Policy; however, significant concern has been brought forward through the staff review of the application. The density of licenced seating in the area is high, generating a higher than average number of calls for service according to police input. Complaints from residents are voiced frequently and are an issue in the area, and while just four letters were received in response to 899 notices, one was from the Downtown Residents Association, outlining their opposition to the application.

After reviewing staff comments and community feedback, the applicant provided direction to move the application forward with the hours of licenced service as requested in the application from 9:00 am to 2:00 am daily. The applicant did reduce the occupant load from 134 to 120 people in response to technical issues with the sidewalk patio which reduced the size of the patio due to dimensional requirements of applicable sidewalk patio policy.

The establishment could be licenced under a food primary licence which would entitle them to provide licenced service from 9:00 am to 12:00 am daily and this licence would not involve referral to local government. The point of significance is that an establishment of any occupant load, not open past 12:00 am does not involve referral to local government and is seen as a baseline for consideration even though the operational requirements of a food primary are different from a liquor primary. Consideration of staff comments and community impacts, and awareness of baseline potential, has resulted in a recommendation that does not support the applicants requested closing time of 2:00 am. To limit impacts to residents in the area, staff recommend having overall hours of operation from 9:00 am to 12:00 am daily applicable to the combined occupant load of 120 persons (100 people indoor and 20 people on the patio).

PURPOSE

The purpose of this report is to seek a Council resolution, in accordance with the requirements of the *Liquor Control and Licensing Act* (the Act), regarding an application by Leopold's Tavern for a Liquor Primary licence.

BACKGROUND

The Liquor and Cannabis Regulations Branch (LCRB) issues liquor licences under the authority of the *Liquor Control and Licensing Act* and regulations. LCRB determines the category of licence appropriate or acceptable for the business based on submitted details. In the case of Leopold's Tavern, the operator is seeking a liquor primary licence. Liquor primary licences allow for a greater level of operational flexibility where a focus on food service is not a condition of operation.

This application is for a liquor primary license for Leopold's Tavern and a letter of intent has been provided that provides information about the business model and is included as Appendix A.

Leopold's Tavern is seeking approval for hours of licensed service from 9:00 am to 2:00 am daily with an occupant load of 120 persons including 100 indoors and 20 on the sidewalk patio. The LCRB is requesting a resolution from the City of Victoria regarding:

1. The impact of noise on nearby residents.

2. Impact on the community if the application is approved.

A map of the subject property and the immediate area is attached to this report (Appendix B) and illustrates the 100m public notification area targeted for comment.

ISSUES & ANALYSIS

The following sections identify key issues and provide analysis for Council's consideration:

Zoning

Zoning for the establishment is CBD-1, which permits "drinking establishment," and "restaurant" uses and imposes no restriction on hours or occupant loads. Compliance would be demonstrated through application for a building permit and the resulting construction verified for compliance through the City inspection process related to an issued building permit.

Noise Bylaw

The City's Noise Bylaw sets forth limits on four key areas within the City, which are the Quiet District, Intermediate District, Harbour Intermediate and Activity District. Leopold's Tavern is within the Intermediate Noise District and limited to 60dBA at the point of reception during daytime hours, which end at 10:00 pm. During nighttime hours, noise at the point of reception received is limited to 50dBA in Quiet districts, 55dBA in the Harbour Intermediate and Intermediate districts and 65dBA in the Activity district. 50dBA is comparable to rainfall, light traffic or a refrigerator and 60dBA is comparable to conversational speech or an air conditioner. Where issues of non-compliance exist, Bylaw Officers and Police have authority to order compliance.

The City of Victoria Noise District Map is included for reference (Appendix C).

Vicinity and Municipal Impacts

Predictability of noise related issues or other community impacts, negative or positive in effect, is challenging due to several variable factors. The business model, target clientele, quality of owner/operator, existing density of licenced capacity in the area, hours of service, demographics, and fluctuating populations due to tourism factor into predicting the likelihood of noise related issues and impacts on the community.

Consideration of those factors can assist a municipality to predict negative aspects associated with licenced establishments. The factors considered in conjunction with any application approval at time of consideration change over the life of a licenced establishment, and when they do change, and unanticipated issues arise, the fallback to re-establish compliance related to noise and other aspects is to use tools of enforcement. These tools include LCRB enforcement, which ensure responsible and appropriate service as required by the terms of the licence with LCRB. The Noise Bylaw can be enforced to bring an establishment into compliance, and police have additional authority to bring an establishment back into compliance where issues are more complex.

Leopold's Tavern has been considered regarding the impact it would have on the community and its potential to generate noise related issues. The establishment proposes licencing under a liquor primary licence and has been compared in terms of existing capacity in the vicinity and citywide, for comparison and understanding of likely impact.

On the 500 block of Yates Street, only one establishment is licenced to provide service until 2:00 am and has an occupant load of 188 people. Approval of Leopold's requested hours would

represent a 53% increase in liquor primary seating available until 2:00 am for all days except Sunday in which case there is no liquor primary seating available past midnight. Business and Community Relations, Bylaw and Police have noted the area as having higher than average numbers of calls for service and noise related issues. This establishment could operate as a food primary licence in which case there would be no referral to local government where the establishment was not open past midnight, and this recognized as the baseline for potential impacts. Proposals for hours beyond midnight are opportunity for local government to reduce impacts where appropriate.

Patios on the 500 Block of Yates Street exist only in association with food primary establishments and all have hours common to both interior spaces and patios. Outdoor patio hours on the street are as follows; Fiamo Italian Kitchen and Dylan's Sports Bar are licenced until 2:00 am; El Funriture Warehouse is licenced until 1:00 am; and Ferris' Oyster Bar and Chucker Burger Bar are licenced until 12:00 am.

Vicinity information is attached as Appendix D.

City Liquor Licensing Policy

The City's Liquor Licensing Policy directs staff to consider applications for liquor licences having hours of operation not later than 2:00 am. The applicable Council policy is attached to this report (Appendix E). The hours of licensed service proposed in this application are within the parameters of the policy.

City Referrals

An inter-departmental review of the project was undertaken and included circulation to Planning, Engineering, Community and Business Relations, Bylaw, and Police. That review resulted in the following feedback

Planning

- The application is supportable as the establishment is zoned appropriately for use as a drinking establishment.

Engineering

- Transportation related noise impacts or general community impact are not anticipated.

Community and Business Relations

- Community and Business Relations supports closing hours no later than 12:00 am daily and patio hours not later than 10:00 pm to support increased downtown vitality while managing resident impacts.

Bylaw

- Bylaw shared concerns regarding the applicant's proposal and supports the recommended hours.

Police

- Police do not support the application due to existing issues in the area related to density of licenced establishments and late-night entertainment. Full police comments are available in Appendix F.

The establishment did originally conceive of a patio with a 34 person occupant load which was updated due to dimensional restrictions of the Sidewalk Café permit. The proposal is now for a reduced occupant load of 20 persons with 100 indoors for a total occupant load of 120 persons.

Community and Business Relations recommend that patio hours are restricted to 10:00 pm daily to support increased downtown vitality while managing residential impacts. This is not reflected in the recommendation as the occupant load on the patio is small and limited public concern was expressed in relation to the public notification which proposed a 2:00 am closing time and no other patio on the 500 Block of Yates Street has closing hours imposed that are less than midnight. Additionally, this operator or other new establishments could operate under a food primary licence in which case the patio could operate until midnight with no referral to local government. For these reasons, it is thought to be consistent with other approvals and likely to have minimal impacts to having closing hours of midnight for the 20 person patio.

Community Consultation

In accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy, all property owners and occupiers within 100 metres of the applicant's location were solicited by a mailed notice to provide input regarding this application. In addition, Leopold's Tavern displayed a notice poster at the entrance for 30 days, which invited input to the City with respect to this application.

Four letters were received in response, all of which were opposed, and included one from the Downtown Residents Association. Letters were sent to 899 owners and occupants within 100 metres of the establishment, and response letters are available in Appendix G.

Applicant Response

As is standard practice as a part of the liquor licence process, after City staff gives input, the applicant has a chance to review the information (and this report) and respond prior to the report being forwarded to Council. The applicant was notified of concerns brought forward through the City Staff review pertaining to the hours proposed, which are 9:00 am to 2:00 am daily in the 500 block of Yates Street. The applicant responded and requested staff to proceed with community notification based on original hours proposed.

Following public notification, the applicant was again given opportunity to review this report in addition to community feedback and the applicant chose to provide additional correspondence related to the staff review and the report. The applicant does not support the recommendation and has provided counter points for consideration. Correspondence received does not address the cumulative impacts of the requested licence approval, if approved, which would increase the liquor primary capacity on this street. Transferability of the licence to another operator of unknown quality is a reality if Leopold's should discontinue business, and issues associated with a higher density of licenced seating in the 500 Block of Yates cannot be negated by reference to the current operator as licences are lasting and transferable. This correspondence is available in Appendix H.

IMPACTS

Accessibility Impact Statement

The establishment is accessible at ground level and meets accessibility requirements of the BC Building Code.

Strategic Plan 2019 – 2022

The recommendation to support the application is likely to increase the viability of the business as a local employer, which is consistent with Strategic Objective #4 – *Prosperity and Economic Inclusion*.

Impacts to Financial Plan

None

Official Community Plan

The proposed license is consistent with the *Official Community Plan* objectives for this neighbourhood as the property is located within the Core Historic District which permits commercial and mixed uses.

CONCLUSIONS

The application for a new liquor primary licence is supportable where hours of operation are from 9:00 am to 12:00 am daily with a total occupant load of 120 people (100 people indoors and 20 people on the patio). Staff and community concern make the applicant's proposed 2:00 am closing time unsupportable due to density of licenced capacity in the area and above average levels of calls for service and noise related issues associated with late night entertainment. The site is appropriately zoned for the use, is consistent with current City policy, and staff's recommended amendment to hours of operation are in keeping with other establishments in the area. Staff recommend for Council's consideration that a resolution be made supporting the hours of operation from 9:00 am to 12:00 am for Leopold's Tavern.


ALTERNATE MOTIONS

1. Council could also support the application of Leopold's Tavern as requested having hours of 9:00 am to 2:00 am daily and an occupant load of 120 people (100 people indoors and 20 people on the patio).
2. That Council, after conducting a review with respect to noise and community impacts regarding the application of Leopold's Tavern, at 570 Yates Street, does not support the application in its entirety.

Respectfully submitted,




Ryan Morhart
Manager, Permits & Inspections



Andrea Hudson, Acting Director
Sustainable Planning & Community Dev.

Report accepted and recommended by the City Manager:


Date: July 24, 2019

List of Attachments

Appendix A: Rationale Letter
Appendix B: Site Map
Appendix C: Noise District Map
Appendix D: Vicinity Map
Appendix E: Council Policy
Appendix F: Police Comments
Appendix G: Public Response from 30 day posting
Appendix H: Applicants Comments
Appendix I: Provincial Liquor License Types



Experts in liquor licensing for the success of your business

APPLICATION FOR A LIQUOR PRIMARY LICENCE

**AT: LEOPOLD'S TAVERN
570 YATES STREET,
VICTORIA, B.C. V8W 1K8**

APPLICANT: LEOPOLD'S RESTAURANT VICTORIA INC.

REVISED LETTER OF INTENT FOR THE APPLICATION FOR A LIQUOR PRIMARY LICENCE

Submitted to:

Liquor & Cannabis Regulation Branch
400 – 645 Tyee Road
Victoria, B.C.
V9A 0B4

www.risingtideconsultants.ca

1620-1130 West Pender Street, Vancouver, BC, V6E 4A4 604-669-2928

APPLICATION FOR A LIQUOR PRIMARY LICENCE

**AT: LEOPOLD'S TAVERN
570 YATES STREET,
VICTORIA, B.C. V8W 1K8**

APPLICANT: LEOPOLD'S RESTAURANT VICTORIA INC.

LETTER OF INTENT FOR THE APPLICATION FOR A LIQUOR PRIMARY LICENCE

INTRODUCTION/PRIMARY FOCUS

This Letter of Intent is provided in support of the application submitted to the Liquor and Cannabis Regulation Branch and the City of Victoria for a Liquor Primary Licence called Leopold's Tavern. The establishment is located in the Downtown area of Victoria on Yates Street near Government Street. This location is a great central location that serves not only the Downtown area, but has great links to Victoria West, Harris Green and North Park.

The proposed areas for licensing consist of the main bar area, patio and the corridor leading to the washrooms.

The estimated total occupancy is 120 patrons and staff inclusive of 20 person patio.

Included with the application is a copy of the proposed floor plan for this venue.

The maximum hours of liquor sales and service requested for this application are 9:00am to 12:00am, Sunday through Thursday and 9am to 1am on Friday and Saturday.

FOOD AND BEVERAGE SERVICE

Leopold's Tavern is a unique food and beverage environment with an extensive menu of hot and cold items with appetizers, entrees & desserts. The menu is based around homemade comfort food, with different daily specials.

Beverages range from local craft beers, wine, coolers, spirits and non-alcoholic soft drinks.

SITE LOCATION

The proposed licensed establishment is in a well-known part of town that has a mix of restaurants, coffee shops, offices, tourist attractions and clothing stores. The vibrant neighbourhood attracts both the residents of Greater Victoria and the tourists looking to enjoy the picturesque views in this historic commercial district.

As the establishment is located close to Government Street leading down to the waterfront, this will provide a significant amount of foot traffic. It is also located a short distance to the Johnson Street Bridge, the docks on David Foster Way and Wharf area.

COMPOSITION OF THE NEIGHBOURHOOD

The proposed licensed establishment is located on Yates Street, in Downtown Victoria. The site is in the historic commercial district. The following is a list of the social facilities and public buildings in the immediate area of the site:

- Federal Government Office – Correctional Service of Canada, Transport Canada
- Pacific Rim College
- Victoria Academy of Dramatic Arts
- McPherson Playhouse
- City Hall

Attached are maps of the area showing the proposed establishment, and the identified social facilities and public buildings in the area.

The liquor primary licence will not impact negatively on these facilities and public buildings for the follow reasons:

- The establishment management will not permit the facility to impact negatively on the community and the nearby social facilities and public buildings;
- The area is a commercial district with other restaurants and liquor establishments nearby, so the impact to the local community is minimal;

www.risingtideconsultants.ca

1620-1130 West Pender Street, Vancouver, BC, V6E 4A4 604-669-2928

- The applicant has multiple locations across Canada, so is experienced in running Liquor Primary establishments; and

IMPACT OF NOISE ON THE COMMUNITY

The establishment will be conscious of the City of Victoria Noise Control Bylaw, and will make sure that noise is kept to a minimum. The City will assess this when the application is reviewed.

This is a neighbourhood pub style establishment and not a night club, so the ethos is to provide a relaxed and homely style atmosphere that caters to people who wish to enjoy local food and drink.

TARGET MARKET

This proposed liquor primary licensed establishment will primarily cater to adults nineteen (19) years of age and older, however minors will be allowed until 8pm when escorted by an adult. The target markets are the residents of City of Victoria, along with its many visitors. The establishment will cater to a broad target with mixed occupations who may be enjoying a family meal or drinks with friends.

HOSPITALITY/TOURISM DEVELOPMENT FACTORS

The proposed establishment will support the hospitality/tourism development factors by adding a different type of establishment to Yates Street. The current establishments that are located on this street are mainly clothing stores, coffee shops and restaurants.

BENEFITS TO THE COMMUNITY

There will be many positive benefits to the community as the establishment will be a destination for patrons wanting to enjoy food and beverages in a relaxed setting. The benefits will also include:

- Tax revenue to all levels of Government;
- Direct and indirect employment opportunities for residents of Victoria;
- Provide an interesting and exciting new venue for family events, fundraisers, and community events;
- A community safety initiative to encourage people to appoint designated drivers, or alternative ways to get home safely and without drinking and driving; and
- Local charity support, which is something the applicant is currently involved in across the other areas where they operate.

TRAFFIC IN THE VICINITY

The proposed venue will not impact negatively on traffic as this is already a destination that patrons visit to go for dinner or visit shops. It is in the core Downtown area with existing vehicle and foot traffic.

PARKING

There is a parkade directly across the street at Bastion Square Parkade 575 Yates Street that has 361 parking spaces. There are also additional parkades approximately 122 metres, 150 metres and 190 metres from the establishment location.

There is also limited on street parking available along Yates Street and the surrounding area.

PROXIMITY TO OTHER LIQUOR PRIMARY LICENSED ESTABLISHMENTS

The closest Liquor Primary licensed establishments are:

- Yates Street Taphouse & Grill, 759 Yates Street
- Irish Times Pub, 1200 Government Street

The proposed Liquor Primary Licence for Leopold's Tavern will not impact on the above licensed establishments as they are not in direct proximity and at least 100 metres apart.

OTHER FACTORS

- The addition of a Liquor Licence to the establishment will contribute to the tourism, and hospitality in the community;
- Liquor service will be provided to only adults, and no minors will be permitted; and
- The licensed taverns that the applicant has in Alberta, Saskatchewan and Manitoba have not had any problems in the past. They have a good reputation within these provinces.

All of which is respectfully submitted this July 22, 2019.

Edna Lizotte
Rising Tide Consultants Ltd.
1620-1130 West Pender Street
Vancouver BC V6E 4A4

www.risingtideconsultants.ca
1620-1130 West Pender Street, Vancouver, BC, V6E 4A4 604-669-2928



Sidewalk Café Guidelines

Sidewalk cafés add vibrancy to our community and provide a welcoming place for people to meet, relax and dine. They can transform our streets by creating energy and drawing people into the area.

In the City of Victoria, sidewalk café licenses allow businesses to expand their restaurant or café to provide outdoor seating in some public spaces including sidewalks. The sidewalk café guidelines are intended to clarify and provide standards for sidewalk cafés in order to enhance the quality and safety of the pedestrian experience and to encourage economic vitality and street activity.

General

The main function of sidewalks is to support the movement of people throughout the city.

- Locations and design of sidewalk cafés should enhance the pedestrian experience along sidewalks and not negatively impact the movement of people or vehicles in the area.
- A sidewalk café can be allowed only if its location and construction will maintain a safe, secure and comfortable environment for pedestrians using the public right-of-way.
- A sidewalk café should reinforce the character of the area. The design and materials should respect the setting of the surrounding streetscape, buildings and neighbourhood.
- Sidewalk cafés should not negatively impact key public view corridors noted in other City policies.

Open Appearance

Sidewalk cafés should have an open appearance and contribute to a feeling of vibrancy and activity on the street. Sidewalk cafés cannot be fully enclosed. While it is important that Sidewalk Cafés contribute to street vitality, it is equally important that they do not cause noise issues, particularly at

night. To ensure that Sidewalk Cafés comply with the Noise Bylaw, applicants may be required to provide more information, such as a noise assessment report, and/or make design changes to mitigate potential noise issues.

Maintain Accessibility

Sidewalk cafés should be designed to be accessible both inside the café and in the surrounding areas.

- A minimum horizontal clearance of 1.5 m from the sidewalk café to the nearest sidewalk obstruction, such as a tree, bike rack, sign post, utility pole, bench, portable sign or bus shelter, is required to allow pedestrian passageway. A clearance greater than 1.5 m may be required in high pedestrian flow areas. The clearances for pedestrian passageway should remain as straight and clear as possible.
- Access and passageway for pedestrians must only be on sidewalks or hardscaped surfaces for pedestrian safety and to avoid damage to grass, trees, and other vegetation. Access and passageway must not include tree grate surfaces or other tree well areas covered by pavers or other material.
- Unless the sidewalk café has permission

to occupy the adjacent parking stall, a minimum clearance of 1.0 m from the nearest curb is required to separate the sidewalk café from traffic and parked cars. A distance greater than 1.0 m may be required in high traffic areas to ensure public safety.

Maintenance and Operations

The business with the sidewalk café licence is responsible for its maintenance.

- The business holding the license is responsible for the proper maintenance of the sidewalk café at all times, including repairs, painting, cleaning, and hazards.
- No cooking is allowed in the sidewalk café area.
- Trash receptacles are not permitted within the sidewalk café area.
- All objects associated with a sidewalk café such as furnishings, awnings, umbrellas, signage, lighting, and planters should be located within the sidewalk café area at all times with no parts overhanging outside of the area.
- Sidewalk cafés may be built only in locations where they do not obstruct access to public utilities, service connections, access for emergency vehicles and exits from buildings.

CONTINUED >

Maintenance and Operations, continued

- A sidewalk café must not obstruct delivery access to buildings.
- Sidewalk cafés must not obstruct access to hanging basket lamp poles.
- The design must promote visibility to passing traffic and maintain clear sightlines at intersections and crossings.
- The design, location, and area of the sidewalk café must not adversely affect boulevard vegetation such as grass and trees or prevent City access and maintenance.
- Trees which have tree grates or other tree well areas covered by pavers and other materials should not be included in a sidewalk café area without additional fencing to keep patrons and site furniture away from these areas.
- Roadway and curb drainage must be maintained.
- All objects fixed in place, such as fences and railings, must be of significant strength yet allow easy removal within two working days.
- A removable deck may be approved if there is a need to level a steep incline (more than 5%) or to harmonize indoor and outdoor seating levels.

Impacts to Neighbouring Trees and Boulevards

Consideration for neighbouring trees and boulevards should be taken into account with the design of sidewalk cafés.

- A sidewalk café must not cause damage to a street tree.
- No items including, but not limited to, signage, banners and lighting may be hung, attached, draped or affixed to a street tree.
- No liquids or cleaning products shall be dumped, allowed to flow or to drain in to a tree well or City drains.

- No pesticide or fertilizer applications shall be applied to street trees.

Furnishings

- Furnishings such as tables, chairs, and accessories should be moveable and of a solid weight for stability.
- Furnishings should be commercial grade, safe, sturdy, durable material and manufactured for outdoor use.
- All furnishings and accessories must be contained within the perimeter of the sidewalk café area.
- Furnishings must be limited to dining purposes only (e.g. tables, chairs, and accessories) and not obstruct the entrance to the café.

Weather Protection

- Awnings should be mounted on a removable wall bracket and be retractable.
- Weather protection, such as awnings, umbrellas or other similar solutions should be constructed of flame-resistant and fade-resistant canvas.

Heating

- Heaters must not be placed within the dripline and/or closer than 2 metres from any part of adjacent street trees.
- The visual impact of heating devices/systems should be considered and arranged to be as unobtrusive as possible.
- All outdoor heating devices should be appropriate for use in a sidewalk café and complement the character of the business to which it is associated.
- All outdoor heating devices must conform to safety standards established by the Canadian Standards Association (CSA) and certified by Underwriters' Laboratories of Canada (ULC), where necessary.

Lighting and Signage

Lighting fixtures should complement the character of the business.

- Lighting levels should be low and directed into the café rather than out towards the street.
- Light fixtures should complement the character of the business to which it is associated.
- No signage or third party advertising, other than for the business operating the café, is permitted.

Use of Adjacent Parking Stall

Cafés or restaurants may apply to the City to use an adjacent parking stall for a sidewalk café. In these cases, the following guidelines apply in addition to the guidelines above.

A sidewalk café must:

- Provide a one metre buffer between the outer edge of the sidewalk café and adjacent travel lane and should not extend more than 2.5 m from the curb into the street.
- Have railings that are a minimum of 1.07 m in height from curb elevation on all sides that are exposed to the street with reflectors for visibility to traffic.
- Only be located where permanent parking or loading is permitted. It must not occupy a lane used by moving traffic at any time.
- Provide adequate space to allow vehicle access to adjacent parking stalls.
- Not be located on a street exceeding a running slope of 5%.

FOR MORE INFORMATION:

City of Victoria
E development@victoria.ca

1 CENTENNIAL SQUARE, VICTORIA, BC V8W 1P6 victoria.ca

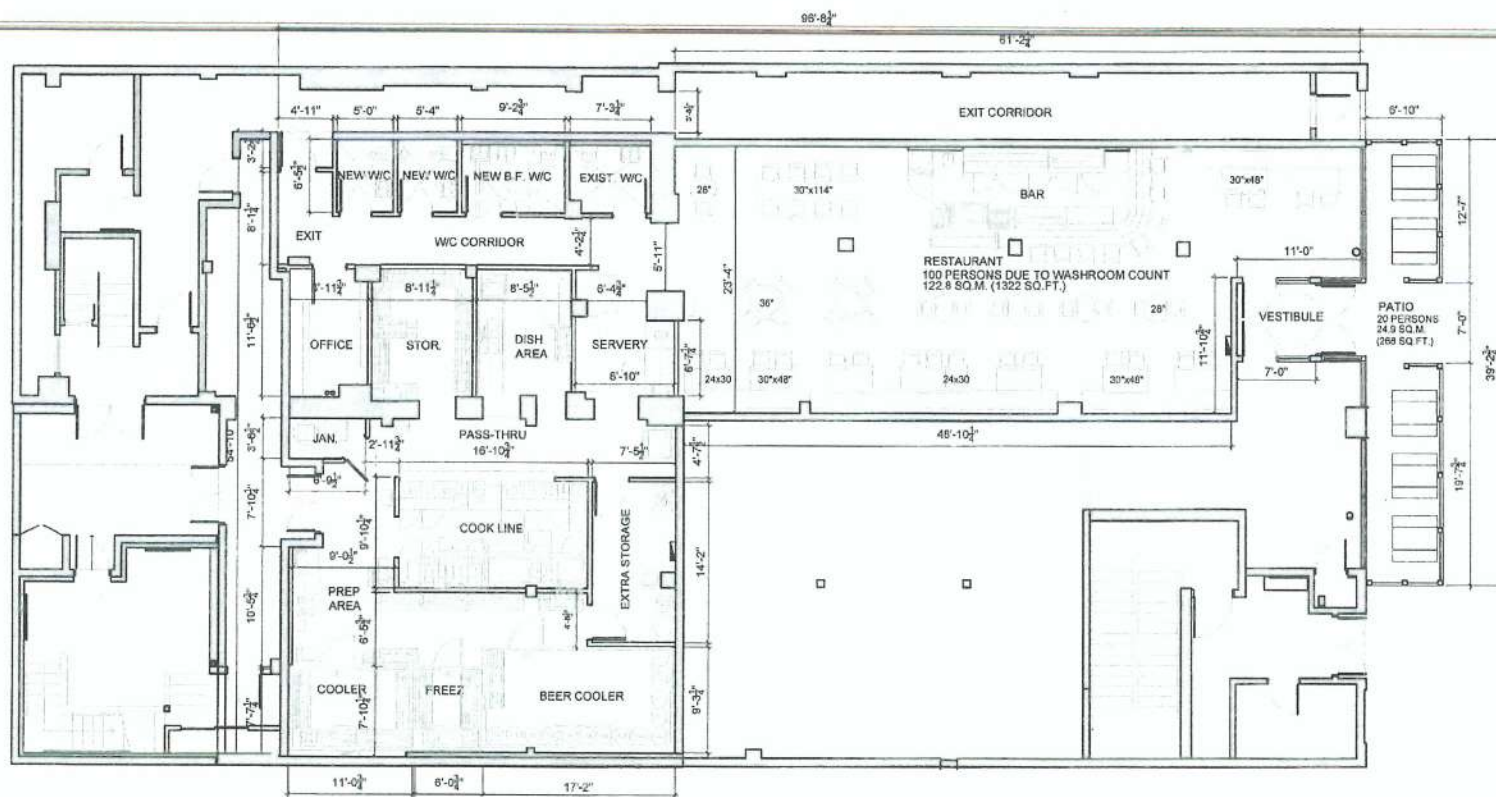


These guidelines provide guidance to applicants and City staff when reviewing applications.

For further detail, please refer to the Sidewalk Café Bylaw (No. 16-038). Additional City Permits may be required.








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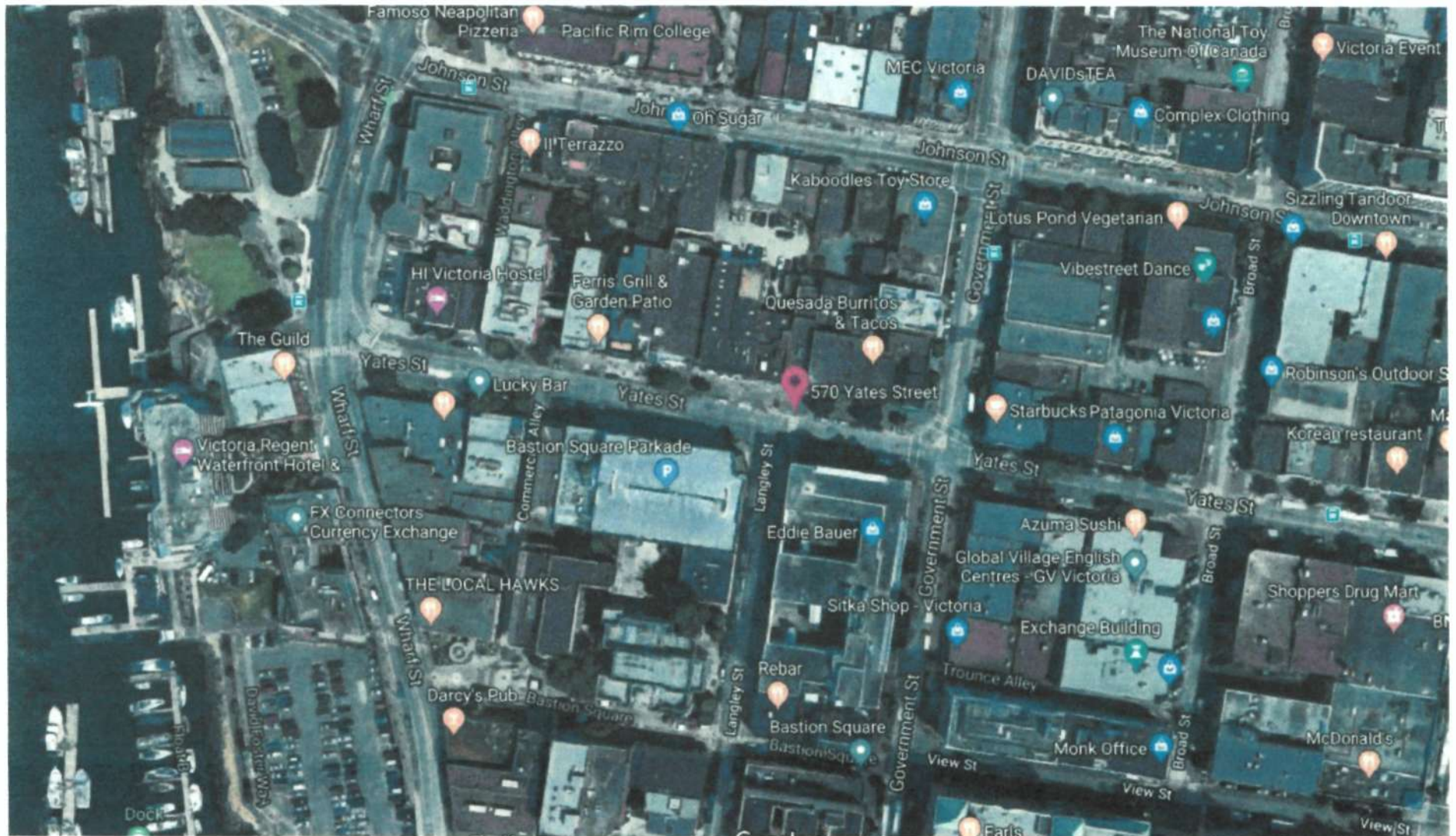
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LEOPOLD'S VICTORIA
293.8 SQ.M. (3162 SQ.FT.)
570 YATES STREET,
VICTORIA, BC. V8W 1K8

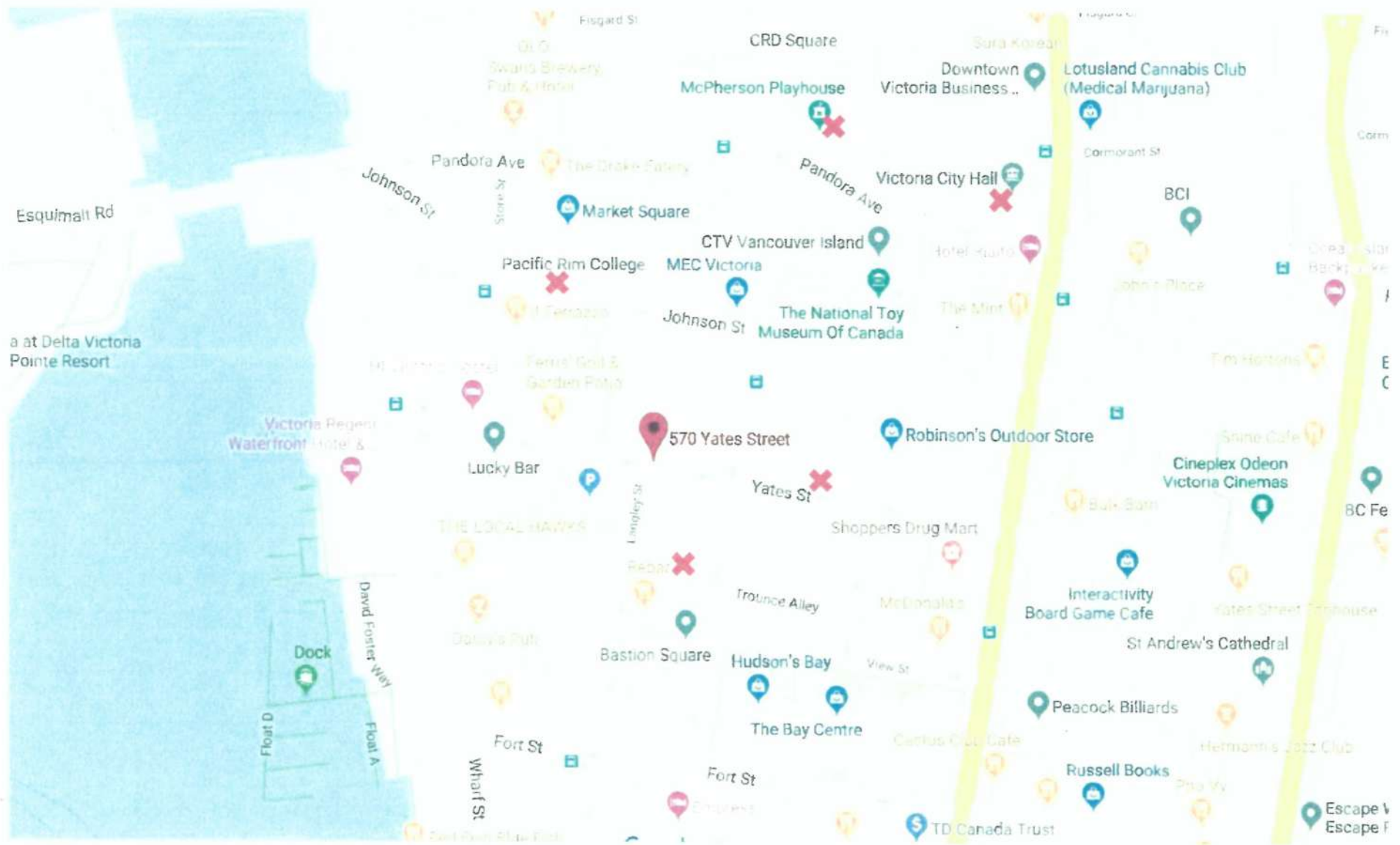


City of Victoria – Fire Department <i>* Occupant Load Reviewed Under Current BC Fire Code: <u>Classy</u></i>	
Maximum Occupant Load is:	Fire Prevention Officer:
Main Floor: 120 Persons	Name: Brad Seft
Mezzanine: ✓ Persons	Signature: 
Patio/Deck: ✓ Persons	
Total: 120 Persons	Date: June 7 2014

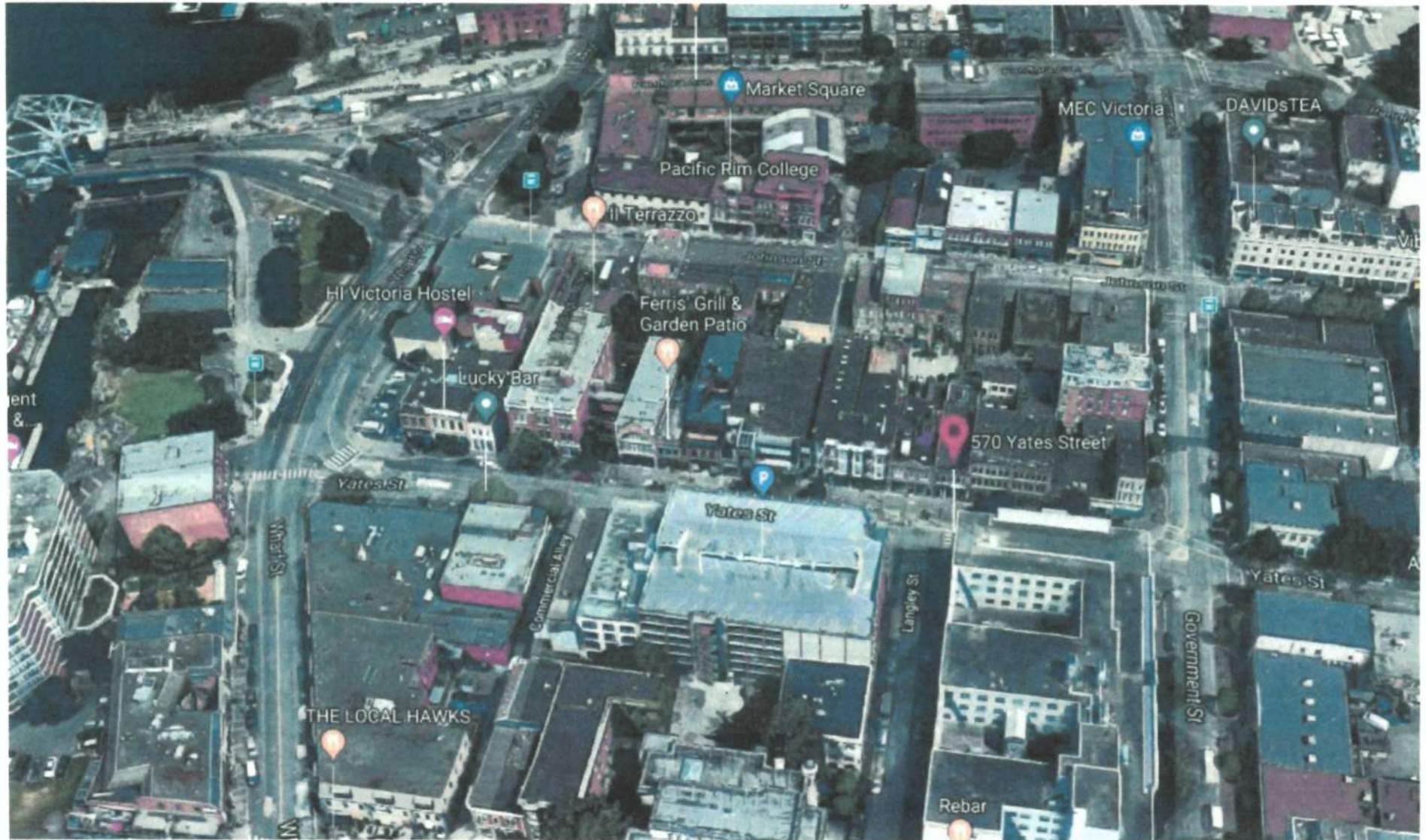
Leopold's Tavern – 570 Yates Street, Victoria, BC



Leopold's Tavern – 570 Yates Street, Victoria, BC



Leopold's Tavern – 570 Yates Street, Victoria, BC



Appendix I – Family Food Service (FFS)

To apply for FFS (see Minors on page 6), complete this appendix and submit it with your application.

To qualify for FFS, the following conditions must be met. Check all boxes that apply to your proposed establishment.

- ☒ Meal service includes a selection of appetizers and main courses or equivalent.
- ☒ Meal service will be available when minors are present in your establishment and prepared in (check one):
 - ☒ Kitchen at your establishment
 - ☐ Kitchen at another establishment located in the same building. If so, please explain and provide the name (and licence number, if applicable) of the other establishment:

- ☒ Signage will be posted at all access points stating "Minors are permitted until 10 PM when accompanied by a parent or guardian".
- ☒ Minors will be prohibited from the establishment when there is adult entertainment or licensed gaming events (except for ticket raffles, bingo events or tele-theatres licensed by Gaming Policy and Enforcement Branch).

Sale of lottery products (check one):

- ☒ Lottery products are not offered at my establishment.
- ☐ Lottery products are sold at my establishment and I have contacted British Columbia Lottery Corporation (BCLC) and satisfied BCLC that minors will be restricted from purchasing self-serve lottery products.

Sale of tobacco products (check one):

- ☒ Tobacco products are not offered for sale at my establishment.
- ☐ Tobacco products are sold at my establishment and I will meet the Tobacco Control Program of the Ministry of Health requirements by covering tobacco vending machines and tobacco advertising during hours when minors are present.

- ☒ I understand that the Liquor and Cannabis Regulation Branch may share this information with the Ministry of Health, British Columbia Lottery Corporation and the Gaming Policy and Enforcement Branch.

Appendix II – Patio(s)

Complete the following if your proposed establishment includes a patio(s).

1. Describe the height and composition of the patio perimeter or bounding (i.e. railings, fencing, planters, hedging, etc.). A patio must be bounded by fixed and immovable physical separation in order to control patrons and liquor within the service area.

The Patio will be bound with a railing at least 3 feet high. There is only one external access point to the patio

2. Describe the location of the patio in relation to:

- a) Licensed interior – the patio must be immediately adjacent to the interior area.
- b) Unlicensed permanent structure – a stand-alone patio must adjoin a permanent structure (affixed to a foundation) which is plumbed and wired, and which the applicant owns or leases.

The patio is immediately adjacent to the interior area

3. Describe how staff will manage and control the patio from the interior service area or how you will manage and control a stand-alone patio.

Staff will manage the patio area by making sure servers are monitoring the number of persons in the patio area. There will be plenty of staff available to make sure customers are receiving a high standard of service.

4. Specify if liquor service to the patio is from: (a) fixed bar located on the patio, (b) portable bar for the patio, (c) licensed interior (d) unlicensed permanent structure:

Liquor service will come from the licensed interior.

5. Do servers have to carry liquor through any unlicensed areas to get to the patio? Explain:

Servers will not have to carry liquor through an unlicensed area.

Note: Patios on grass, earth or gravel require a permit from the local Health Authority.

Sidewalk patios require a permit from LG/FN.

APPLICATION FOR A NEW LIQUOR PRIMARY LICENCE

**FOR: LEOPOLD'S TAVERN
AT: 570 YATES STREET,
VICTORIA, BC**

APPLICANT: LEOPOLD'S RESTAURANT VICTORIA INC.

DOCUMENTS IN SUPPORT OF AN APPLICATION FOR A NEW LIQUOR PRIMARY LICENCE

Submitted to:

Liquor Control & Licensing Branch
400-675 Tyee Road
Victoria BC V9A 0B4

250-952-5787 (phone)
250-952-7066 (fax)

Respectfully submitted by:

Rising Tide Consultants Ltd.
Suite 1620-1130 West Pender Street
Vancouver, B.C. V6E 4A4

604-669-2928 (phone)
604-669-2920 (fax)

**FOR: LEOPOLD'S TAVERN
AT: 570 YATES STREET,
VICTORIA, BC**

APPLICANT: LEOPOLD'S RESTAURANT VICTORIA INC.

**DOCUMENTS IN SUPPORT OF AN APPLICATION FOR A
NEW LIQUOR PRIMARY LICENCE**

INDEX

- 1 Completed Application for a New Food Primary Liquor Licence.
- 2 Letter of Intent
- 3 Corporate Documentation for the Applicant Company.
- 4 Personal History Summaries including criminal record checks or Statutory Declarations for the shareholders;
- 5 Signage
- 6 Floor Plans
- 7 Application Fee will be paid by credit card and will be phoned in.



leopoldstavern.com

#SEEUATLEOS



= FAN FAVES

SNACKS



NACHOS

cheese, pico de gallo, onion, jalapeño, olive, pepper, salsa, sour cream
ADD (\$) guacamole, extra cheese, bacon, spicy beef, grilled or blackened chicken

BUCKET O' BACON

maple syrup dip

PORK RINDS



applewood rub, ranch dip

FRIED PICKLES

choice of dip

CHIPS & DIP

kettle chips, dill dip

BUFFALO CAULIFLOWER

blue cheese, choice of dip

PICKLED EGGS

our top secret recipe

SM 17.5

RG 24.5

12.5

7

11.5

10.5

12

3.5

EACH

WINGS

choice of dip

14.5

SRIRACHA HONEY HOT

BUFFALO MEDIUM

SMOKED APPLEWOOD RUB

SALT & PEPPER

LEMON PEPPER

HONEY GARLIC

CHIPOTLE LIME

HOT

BBQ



BASKET O' PEROGIES



bacon, caramelized onion, green onion, sour cream

15.5

SCOTCH EGG

English banger, Panko, choice of chipotle mayo or Dijon mustard sauce

ONE 7
TWO 13

BUFFALO CHICKEN TAQUITOS

cream cheese, pepper, onion, blue cheese dip

12

TIN OF SMOKED OYSTERS

white cheddar, chipotle hot sauce, Ritz Crackers

10

LEO'S FAVES



ANYTIME BREKKIE

choice of bacon, ham or guacamole & tomato, 2 fried eggs, hash browns, marble rye or white toast

14.5

MAC & CHEESE

mixed cheese, white wine, parmesan, Ritz Crackers
ADD (\$) bacon, spicy beef, grilled or blackened chicken

14.5

QUESADILLA

cheese, pico de gallo, black beans, corn
ADD (\$) guacamole, spicy beef, bacon, grilled or blackened chicken

13

FISH & CHIPS

beer battered cod, coleslaw, tartar sauce

18

CHICKEN FINGERS



choice of side and dip

16.5

POUTINE

POUTINE OF THE WEEK

Follow us on Instagram
@leopoldstavern to see our
delicious poutine of the week

17.5

TRADITIONAL

cheese curds, beef gravy

SM 10.25

RG 15.5

MUSHROOM

mushroom, cheese curds, mushroom gravy

SM 11

RG 16.5

PHILLY CHEESE

prime rib or grilled chicken, mushroom, caramelized onion, pepper, cheese curds, beef gravy, chipotle sauce

SM 12

RG 17.5

PUNCH BOWL POUTINE

TRADITIONAL OR MUSHROOM
other flavours 63.75

53.75

FINISH IT & JOIN OUR WALL OF FAME

4lbs of potatoes, 1lb of cheese curds and 1L of gravy in a punch bowl



BUFFALO CHICKEN RANCH



butter milk fried chicken, cheese curds, ranch, buffalo sauce

SM 12

RG 17.5

CHEESEBURGER

ground beef, pickle, onion, tomato, cheese curds, beef gravy, burger sauce

SM 12

RG 17.5

SOUP & SALADS

SOUP OF THE DAY	9
homemade everyday	
BACON CAESAR	13.5
parmesan, romaine, croutons, Caesar dressing	
CHEF SALAD	17
turkey, ham, cheese, pickled egg, cucumber, tomato, carrot, radish, greens, choice of dressing	
TACO SALAD 🌮	17
spicy beef or grilled or blackened chicken, cheese, pico de gallo, greens, pepper, corn, black beans, ancho sauce, salsa, sour cream	
ADD (\$) guacamole	
BUFFALO CHICKEN CHOP	17
crispy chicken or battered cauliflower, blue cheese, tomato, celery, carrot, onion, choice of blue cheese or ranch dressing	

SAMMIES & WRAPS

choice of side **SUB (\$)** gluten-free bun 3

BLT	15.5
choice of bread	
SASKY FRATZLAKI	16
grilled chicken, feta, onion, tomato, tzatziki, house bun	
SMOKED MEAT SANDWICH	16.5
Montreal smoked meat, Dijon mustard, marble rye	
ADD (\$) Double meat 6	
BUFFALO CHICKEN WRAP	16.5
grilled or buttermilk fried chicken, lettuce, tomato, onion, pickle, blue cheese sauce	
BAJA WRAP	16.5
blackened chicken, cheese, lettuce, pico de gallo, Baja sauce	
DONAIR	16.5
lamb, beef, mozzarella, onion, tomato, choice of tzatziki or garlic mayo	
PHILLY CHEESE SANDWICH 🌮	17.5
prime rib or grilled chicken, swiss cheese, pepper, mushroom, onion, chipotle sauce, house bun	
CLUB SANDWICH	17.5
turkey, ham, bacon, white cheddar, lettuce, tomato, mayo, choice of bread	

PLANT BASED

prepared in same kitchen as meat, fish & eggs

PLANT-BASED NACHOS	SM 17.5 RG 24.5
Daiya cheese, pico de gallo, onion, pepper, jalapeño, olive, salsa	
ADD (\$) guacamole, extra cheese	
PLANT-BASED QUESADILLA	13
Daiya cheese, pico de gallo, black beans, corn	
ADD (\$) guacamole, extra cheese	
PLANT-BASED MUSHROOM POUTINE	SM 11 RG 16.5
mushroom, Daiya cheese, mushroom gravy	
PLANT-BASED BEYOND BURGER POUTINE 🌮	SM 12 RG 17.5
Beyond Meat, Daiya cheddar, tomato, pickle, onion, mushroom gravy, burger sauce	
PLANT-BASED BEYOND USUAL BURGER	17.5
Beyond Meat, Daiya cheese, jalapeño, lettuce, tomato, pickle, onion, chipotle mayo	

BURGERS

choice of side **CHOOSE:** Beyond Meat, beef, grilled or blackened chicken **SUB (\$)** gluten-free bun 3 or lettuce wrap

CHEESEBURGER	16
white cheddar, lettuce, tomato, pickle, onion, mayo, house bun	
CHIPOTLE JALAPEÑO	17.5
white cheddar, lettuce, tomato, pickle, onion, chipotle mayo, house bun	
BLACK & BLUE	17.5
blackened spice, blue cheese, lettuce, tomato, caramelized onion, garlic mayo, house bun	
CRISPY CHICKEN 🌮	17.5
buttermilk fried chicken, bacon, white cheddar, lettuce, tomato, onion, pickle, mayo, house bun	

DESSERT

DEEP-FRIED MARS BAR 🌮	7
vanilla ice cream, Guinness chocolate sauce	

GLUTEN-FRIENDLY

WINGS	PORK RINDS
except honey garlic	
CHIPS & DIP	TACO SALAD
BUCKET O' BACON	CHEF SALAD
POUTINE	BURGER & SAMMIES
except buffalo chicken	WITH GF BUN
	except crispy chicken

SIDES

FRIES, MIXED GREENS, SOUP, COLESLAW OR VEGGIES & DIP

UPGRADES

Caesar salad	2.5
kettle chips	2.5
sweet fries	2.5
mac & cheese	4.5
poutine (trad. or mushroom)	4.5

ADD-ONS

fried egg	2
gravy	2.5
gluten-free bun	3
bacon	3.5
spicy beef	4
extra cheese	4
guacamole	SM 2 / RG 4
grilled, breaded or blackened chicken	5.5
basket of fries	7.5
basket of sweet fries	8.75

BREAKFAST CLUB

SAT & SUN
+ MONDAY STAT HOLIDAYS

\$12.50

10AM TO 2PM
LEOPOLDSTAVERN.COM



MONTHLY FEATURE

ask your server for details



EGG SAMMIE

fried egg with choice of
bacon, sausage patty, ham
or guacamole, cheddar,
tomato, chipotle mayo,
house bun, hash browns

SUB (\$)

traditional poutine **2.50**

\$5.75

CAESARS

**6^{oz} HOUSE
WINE**

**PINTS OF
LEO'S
LAGER**

BREAKFAST CLUB BREKKIE

choice of bacon,
2 sausage patties, ham
or guacamole & tomato,
2 fried eggs, white or marble
rye toast, hash browns

SUB (\$)

traditional poutine **2.50**

CHICKEN & WAFFLES

fried chicken, fried
egg, green onion,
honey ancho, ranch

\$4.75

HIGHBALLS

HANGOVER CURE

bacon, fried egg, cheese,
jalapeño, pico de gallo,
fries, sour cream

NO ADDITIONAL SUBS | DINE-IN ONLY

— EVERY TUESDAY —

TACOS & TEQUILA

CHOOSE YOUR TACO:

CHICKEN



pulled chicken,
Cotija cheese,
pico de gallo,
lettuce,
sour cream

BEEF



spicy ground
beef, Cotija cheese,
pico de gallo,
lettuce,
sour cream

PORK



chorizo sausage,
Cotija cheese,
pico de gallo,
lettuce,
sour cream

FISH



Mahi Mahi,
mango salsa,
cabbage,
Baja sauce

PLANT BASED*



beer battered
avocado, mango
salsa, cabbage,
Baja sauce

FEATURE



ask your server
for details—
rotated monthly

\$3

TACOS

\$4

TEQUILA

\$8

BIG ASS
CORONAS

\$8

DOUBLE
MARGARITAS

\$21

MASSIVE 6oz
MARGARITAS

CHOOSE YOUR SHELL:

FLOUR

SOFT CORN

HARD CORN

— EVERY WEDNESDAY —

WINGS

**PRICE
PER
POUND**



\$3^{.99} - 3PM TO 4PM

\$4^{.99} - 4PM TO 5PM

\$5^{.99} - 5PM TO 6PM

\$6^{.99} - 6PM TO CLOSE

VEGGIE WINGS



bite-sized,
battered &
fried cauliflower
in your choice
of sauce

CHOOSE YOUR WING FLAVOUR:

SRIRACHA HONEY HOT

BUFFALO MEDIUM

SMOKED APPLEWOOD RUB

SALT & PEPPER

LEMON PEPPER

HONEY GARLIC

CHIPOTLE LIME

HOT OR BBQ

FEATURE FLAVOUR

new flavour
rotated weekly

*plant-based items are prepared in the same kitchen as meat, fish & eggs

DINE-IN ONLY | MUST BE ACCOMPANIED WITH A BEVERAGE PURCHASE | NO SUBS
LIMIT 4 TACOS A PERSON PER ORDER | LIMIT 1 ORDER OF WINGS A PERSON PER ORDER



DRINKS

SHOTS \$6.75

BURT REYNOLDS	IRISH PEACH
FIREBALL	SOUR JACK
APPLE PIE	LEMON DROP
MALIBU STACY	PB & J
JAMES FRANCO	AND MORE...



**\$4 FIREBALL WHEN
BUYING A ROUND
FOR THE BAR**

HIGHBALLS \$6.25

VODKA, WHISKY, GIN,
RUM, TEQUILA, SCOTCH

DRAFT

20oz PINTS OR 16oz JARS
SEE ROTATING CHALKBOARD



PROUD SUPPORTER OF
LOCAL CRAFT BREWERIES



NON-ALCOHOLIC

add a shot

KOMBUCHA ASSORTED	7.5
GINGER BEER SODA	4.5
RED BULL	4.5
BUDWEISER PROHIBITION	5

DIVEY COCKTAILS



LEO'S CAESAR	7	MASSIVE MASON	19
our original Caesar			
LEO'S ISLAND ICED TEA			7
classic Long Island			
PINK PARADOX			7
vodka, soda, pomegranate			
MULE MASON			10.25
vodka, ginger beer soda, fresh lime juice			
UNFASHIONED			13
2oz bourbon cocktail our way			
BACKYARD SANGRIA	15	MASSIVE MASON	24
red or white wine, orange liqueur, juice, Dole fruit cup			
LUCKY CHARM			12
Lucky Lager can & Jameson shot			
GIN & BEER JUICE			14.5
Stiegl Grapefruit Radler can & gin on ice			

GRAPES & BUBBLES

ask about our rotating features

BAREFOOT CAB SAUV	6oz 7 / 9oz 9.75 / 28
BAREFOOT PINOT GRIGIO	6oz 7 / 9oz 9.75 / 28
BABY DUCK	33
DOM PÉRIGNON	299



SPECIALS

MON-FRI

HAPPY HOUR

3:30PM TO 5:30PM

\$4^{.75}
CLASSIC
HIGHBALLS

\$5^{.75}
PINTS OF LEO'S LAGER
CAESARS • 6oz HOUSE WINE



MONDAY

**ALL DAY
HAPPY HOUR**

11AM TO CLOSE



**\$6 BUCKET
O' BACON**

4PM TO CLOSE



TUESDAY

**TACOS
& TEQUILA**

4PM TO CLOSE

\$3
TASTY
TACOS

\$8
BIG ASS
CORONAS

\$21
MASSIVE 6oz
MARGARITAS



WEDNESDAY

**WING
WEDNESDAY**

3PM TO CLOSE

\$3^{.99}
3-4PM

\$4^{.99}
4-5PM

\$5^{.99}
5-6PM

\$6^{.99}
6PM-CLOSE

• 1LB WINGS •



SAT-SUN

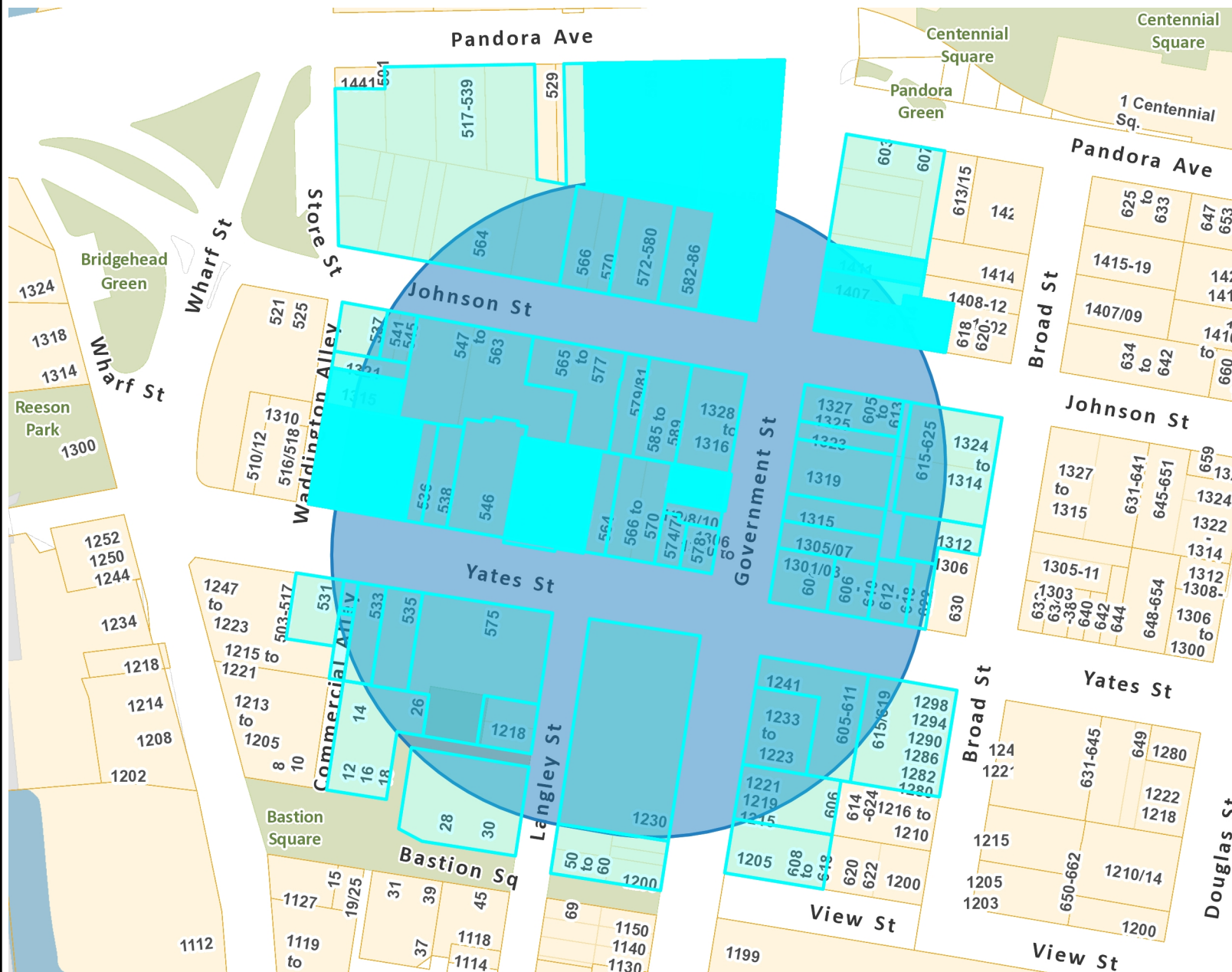
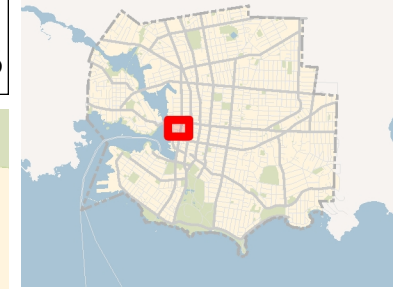
**\$12^{.50} BREAKFAST
CLUB**

10AM TO 2PM



**BREKKIE
HAPPY HOUR**

10AM TO 2PM



Legend

 Victoria Parcels

1: 2,122



Notes

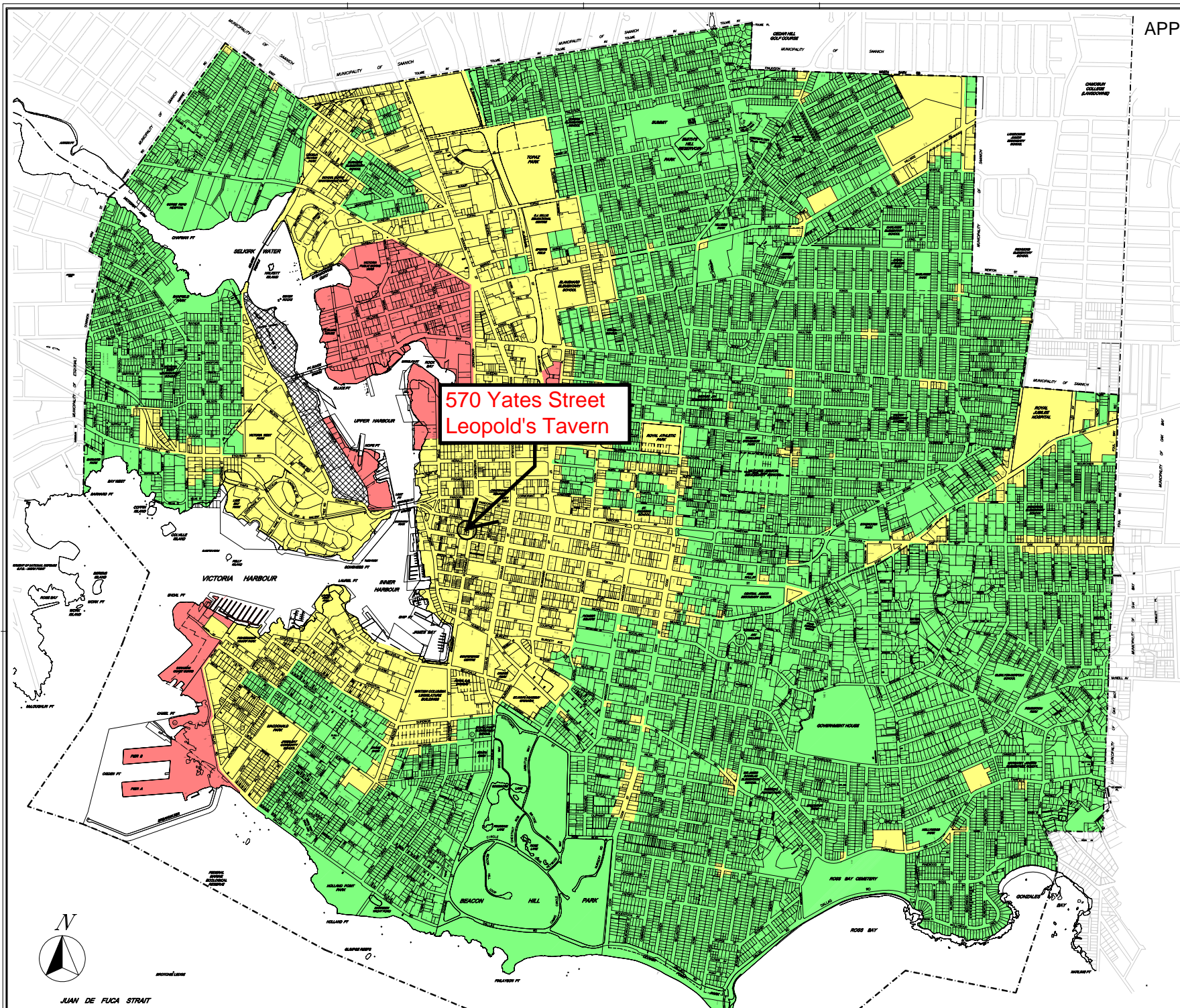
108	0	54	108 Meters
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NAD_1983_CSRS_UTM_Zone_10N

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City of Victoria Noise District Map



LEGEND

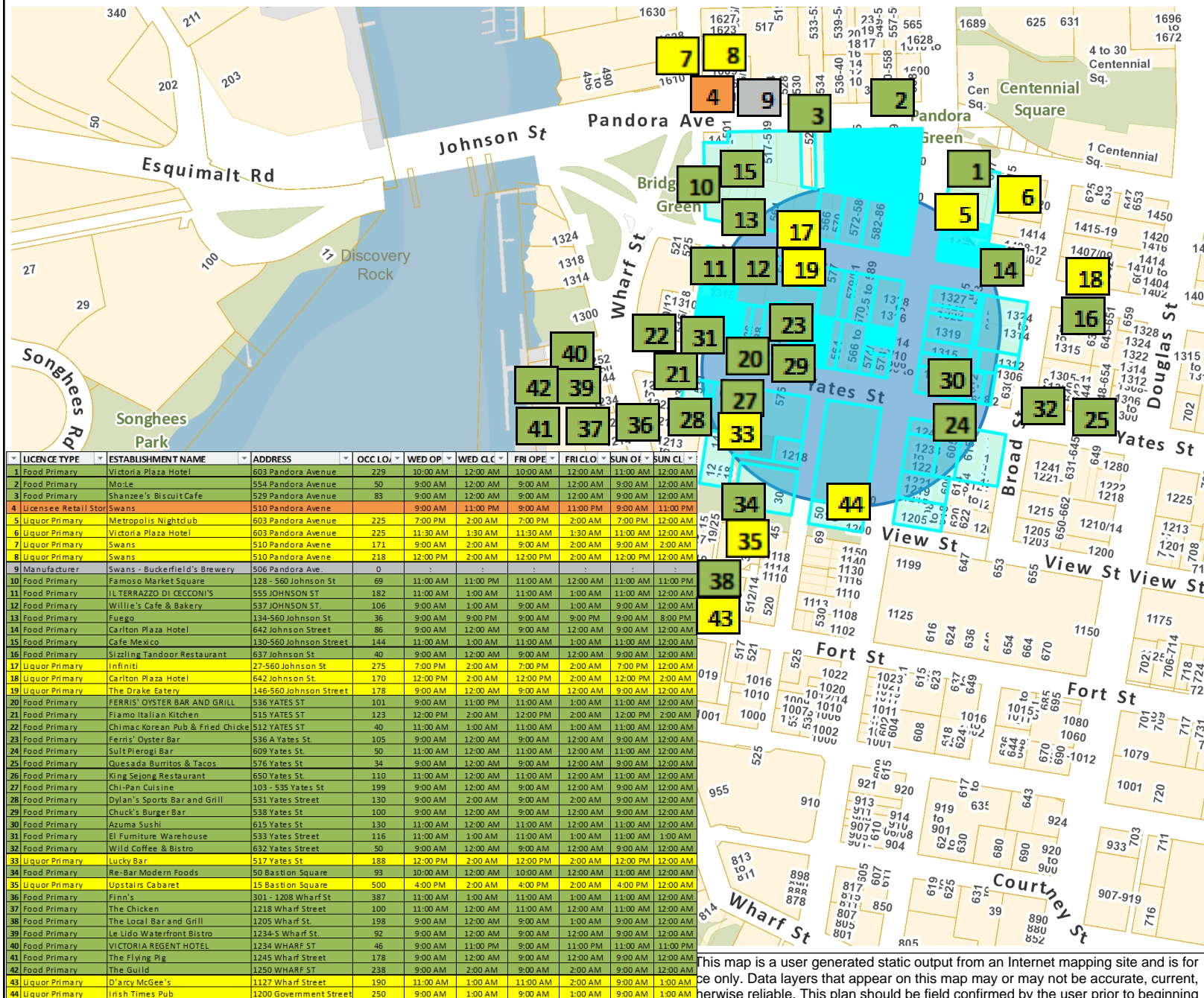
- Quiet District
- Intermediate District
- Harbour Intermediate District
- Activity District

Date: February 17, 2004

Scale: Not to Scale



JUAN DE FUCA STRAIT



Legend

Victoria Parcels

1: 4,243




Notes

This map is a user generated static output from an Internet mapping site and is for information only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This plan should be field confirmed by the user prior to beginning construction. BC Hydro, Fortis Gas, Telus, and Fibre Optics locations must be confirmed with the appropriate utility. For internal use only. Do not distribute.

NAD_1983_CSRS_UTM_Zone_10N

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

	Liquor Licencing Policy
	Page 1 of 2
SUBJECT:	Liquor Licencing Policy
PREPARED BY:	Sustainable Planning and Community Development
AUTHORIZED BY:	City Council
EFFECTIVE DATE:	October 12, 2017
REVIEW FREQUENCY:	Every three years
	REVISION DATE:

A. PURPOSE

The purpose of the City of Victoria's Liquor Licensing Policy is to provide direction to the following parties:

1. Liquor licence applicants on the process and fees associated with City of Victoria review of applications;
2. Liquor Control and Licencing Board (LCBC) on the types of applications that the City will opt-out of providing comment on; and
3. City staff on application review and public notification criteria for those types of liquor licence applications that require review by Council and opportunity for the public to comment.

B. POLICY STATEMENTS

1. This policy applies to liquor license applications in the City of Victoria..
2. The city will opt out of the review and comment requirements for the following types of applications;
 - a. Liquor Primary with licensed service up to 10:00 pm and having an occupant load less than 31 persons.
 - b. Manufacturer with Lounge Endorsement, Special Event Area, or Picnic Area with licensed service up to 10:00 pm and having an occupant load less than 31 persons.
 - c. A temporary extension to hours of licensed service for all licence types up to 3:00 am on New Year's Eve.
 - d. The addition of an Entertainment Endorsement to any Food Primary with licensed service up to 12:00 am.
3. The City of Victoria generally does not approve the extension of liquor service past 2:00 am, with the exception of New Year's Eve, which allows for service up to 3:00 am. In extraordinary cases, the City may consider short term or one time provisions for allowing liquor service between 2:00 am and 9:00 am to accommodate international sporting or significant cultural events.

C. PROCEDURES

A business engaging in the manufacture, sale or service of liquor must have a City of Victoria Business License to lawfully conduct its businesses.

The provincial government, through the Liquor Control and Licensing Branch, is the first and last point of contact for businesses interested in applying for a liquor licence.

The application process and related fees will be made available to any business or member of the public through the internet or by request.

For any liquor applications where the City of Victoria has not opted out of providing comment, the following provisions apply:

1. Public notification for comment will be placed at the site for a period no less than 30 days.
2. The City will provide public notification through mailed notice to all residents and businesses within a 100 metre radius.
3. The City will provide notification to the applicable community association.
4. When providing comment on an application, the City will include comments on those aspects within the parameters set by LCLB which currently include:
 - a. Noise impacts in the immediate vicinity of the establishment;
 - b. Impact on the community if approved (including the location of the establishment and person capacity and hour of liquor service of the establishment)
 - c. Confirm that the establishment is being operated in a manner that is consistent with its primary purpose (only for food primary)

D. ENFORCEMENT POLICY

Businesses that have a history of non-compliance with local and provincial government bylaws and legislation or re-occurring nuisance issues may be subject to a Good Neighbour Agreement that will be reviewed along with the annual renewal of a business licence. Lack of adherence to this agreement may result in a business licence being revoked. This will be assessed by staff on a case by case basis.

E. REFERENCES

Business License Bylaw (89-071)
Land Use Procedures Bylaw (16-028)
Noise Bylaw (03-012)
Liquor Licensing Fee Bylaw (01-06)

F. REVISION HISTORY

None

Ryan Morhart

From: DoNotReply@escribemeetings.com on behalf of eSCRIBE Notification
<DoNotReply@escribemeetings.com>
Sent: Monday, June 18, 2018 3:15 PM
To: Ryan Morhart
Subject: eSCRIBE Task Alert: Motion Arising from the Motion to Postpone to the June 14, 2018 Committee of the Whole meeting the 1199 Government Street - Application for a Permanent Change to Hours of Service for a Food Primary License (0302087) Earl's Restaurant...

This is an automated task reminder from eScribe.

A Task has been assigned to you does not have a due date.

Meeting: **VCC_Jun14_2018**

Agenda Item: **Motion Arising from the Motion to Postpone to the June 14, 2018 Committee of the Whole meeting the 1199 Government Street - Application for a Permanent Change to Hours of Service for a Food Primary License (0302087) Earl's Restaurant (Downtown)**

Due Date: **None**

Task Description:

That Council direct staff that all future liquor licence applications include a letter from the Police Department attached to the report.

To view the task, please [click here](#).

Please complete the task as soon as possible. Thank you.

Ryan Morhart

From: Watson, Cliff [REDACTED]
Sent: Tuesday, June 18, 2019 1:41 PM
To: Ryan Morhart
Subject: RE: LL000294 Leopold's Tavern | 570 Yates Street

The application for "Leopold's Tavern" is for a new liquor primary licence.

The location, 570 Yates St, falls within an area populated with numerous other licensed establishments. The immediate area (500 block Yates St) is mixed-use, comprised of retail, government, food/restaurant, residential, and office/commercial. The area is one which generates an unusually high call-volume for police (721 calls for service for the past 12 months, the period June 18, 2018 to June 18, 2019) This does however include two unrelated 'hot spots'. Taking out these two 'hot spots' brings that total from 721 down to 373. However, those numbers are still relevant when considering the impacts on this particular neighbourhood and the residents that live here.

The addition of a new liquor primary establishment contributes to liquor-related disorder and calls-for-service later into the night. The effects that could be attributed specifically to this application are difficult to predict or determine. Documented issues are rarely assigned specifically to one address, but are commonly tagged to the block in which the incident(s) occur.

There is some history for this particular address when it operated with a liquor licence in the past, however, there have been significant additions to the residential population in the block and immediately surrounding area.

VicPD cannot support an application for a new liquor-primary establishment. An increase in the total liquor seats and/or hours equates to a greater demand on police resources, resulting in decreased level of service to the community. Current service and staffing levels cannot manage any further increase to liquor-related calls for service. VicPD is already heavily reliant on funding through the Late Night Task Force to meet even the most basic operational needs in the downtown core during the busy liquor hours (evening through to the early morning hours). There is no additional operational capacity to handle the increased call load that would result from this application, similar applications, and the incremental effect that they have collectively.



Sgt Cliff Watson
Operational Planning
Victoria Police Department
850 Caledonia Ave
Victoria BC, V8T 5J8



Ryan Morhart

From: Tim Grant [REDACTED]
Sent: Tuesday, May 21, 2019 1:19 PM
To: Ryan Morhart
Cc: Tim Grant
Subject: Leopolds Tavern

To whom it may concern,

Please accept our negative support to a liquor license being provided to Leopolds Tavern.

The block in question on Yates Street has a mixture of residential and commercial activity. Unfortunately the commercial activity, primarily Lucky Bar, is a catalyst to public noise through all hours of the night. The area does not need another drinking establishment that will only create more late night noise.

We have recently met the Mayor and other Municipal representatives to discuss noise management in the area. There was a commitment to explore solutions, but based on our experiences there does not appear to be a reduction in noise, especially after 2am closing hours.

Granting of a liquor license will only exacerbate an existing issue, without any mitigation for existing residence.

Please reject Leopold's request.

Thank you for the opportunity to input.

Tim and Sue Grant
202 525 Yates Street

Sent from my iPhone

Ryan Morhart

From: Skot Innes [REDACTED]
Sent: Monday, May 27, 2019 9:33 AM
To: Ryan Morhart
Subject: 570 Yates St.

I am a resident of 1314 Government St and am strongly against the license for having hours of 9-2am. I think the maximum late night hours should be 12am like the Drake etc. preferably 11pm.

If they receive a licence to 2am then every super drunk person who still wants to drink will come to that bar after all other bars are closed. I can't imagine that area become another Distrikt.

Sincerely,
Skot Innes



1715 Government Street
Victoria, BC
V8W 1Z4
250.386.5503

Mayor Lisa Helps and Council
City of Victoria
c/o Mr. Ryan Morhart – Manager, Permits and Inspections
No.1 Centennial Square
Victoria, BC
V8W 1P6

May 28th, 2019

Re: Application for Liquor Primary Licence – Leopold's Tavern

Dear Mayor Helps and Council,

The DRA Land Use Committee has reviewed the application for a new Liquor Primary Licence for Leopold's Tavern at 570 Yates Street. It is our understanding that the applicant is seeking hours of operation from 9:00 am to 2:00 am daily with an occupant load of 100 persons inside with no exterior seating.

Feedback from the committee is as follows:

- Lucky Bar and Fiamo are the only late night liquor or food primary liquor establishments currently operating on the 500-block of Yates St that are open until 2:00 am. Both of these establishments were in business prior to any residential development on the block.
- Steamers Pub previously operated on the ground floor of 570 Yates St, the same location proposed for Leopold's Tavern, and operated from 1993 to 2007. In 2007, with a plan to develop residential units in the upper floors, the owner cited "obvious incompatible uses" between the residential units and a pub. Subsequently, Steamers Pub was permanently closed in December 2007 and the ground level premises were converted to retail.
- Approximately 75 new residential units have been created within the 500-block of Yates St since 2008; with more than half of those located at 570 Yates St and the neighbouring building.
- With the building on the N.W. corner of Government and Yates currently listed for sale, there is the potential for the addition of even more residential units.
- The insertion of a new late night liquor establishment within a residential building will create conflict between operators and residents.
- Under BC's Terms and Conditions for Liquor Primary Licences, live entertainment is permitted. Since there are residences above the proposed tavern, if this licence is granted, live entertainment should either be prohibited, or should be required to end by 10:00 pm as a condition of issuance of the licence.

- There have been a great number of applications for extended hours for food primary licences downtown recently, including at 538 Yates St. However, there is no City policy that applies within the downtown area regarding the siting of late night liquor establishments and proximity to residential development or vice versa.
- No City policy exists requiring residential developments to achieve mandatory standards of "sound transmission class" (soundproofing) for developments constructed within the "entertainment" areas of Downtown.
- No City policy exists requiring late night liquor operators to achieve mandatory standards of "sound transmission class" (soundproofing) between licenced spaces and residential units.
- The current COV noise bylaw is not suited to govern in cases of noise generated by liquor establishments.

The DRA LUC points out that the introduction of late night liquor outlets in established residential areas (or vice versa) has the potential to be highly problematic. This ongoing situation requires comprehensive policies be created to address and mitigate potential conflicts BEFORE they may arise. Certainly with the focus of much of the regional growth strategy on densifying the downtown area with many more thousands of residents, the need for such a policy is acute.

Lower Yates is, and has been, home to long-established, late-night clubs and restaurants (as well as several restaurants that are not open past midnight). Steamers was a long-established pub that operated mid-block for over a decade. The owner of the building that housed Steamers decided to convert the building to rental apartments and recognized that a pub and residences were completely incompatible, so the lease was terminated and Steamers shut down permanently. Establishing a late night liquor outlet again in the same location would undermine those efforts to provide a liveable environment for residents that have now established their homes on the block.

The DRA LUC points out that introducing late night activities into a residential area "after the fact" should be considered through a different and much more powerful lens. The alternative will simply be setting the residents and operators up for the inevitable but avoidable conflicts. DRA LUC members strongly support a vibrant downtown that includes late night drinking establishments but cannot support liquor service beyond midnight on the weekends with earlier weekday closings at a brand new liquor primary establishment co-located with many pre-existing residences.

Sincerely,



Wendy Bowkett
Land Use Committee, Downtown Residents Association

Ryan Morhart

From: Haden Chang [REDACTED]
Sent: Tuesday, May 21, 2019 3:22 PM
To: Ryan Morhart
Subject: Response to the notice of 570 Yates St. obtaining a liquor primary licence

Manager, Permits & inspections
Sustainable Planning and Community Development Department
1 Centennial Square
Victoria, BC V8W 1P6

Hi,

On behalf of Wing Lee Holdings LTD. who own's a property within 100 meters of 570 Yates St., and in response to the notice of application for a liquor primary licence having hours of operations from 9:00 am to 2:00 am daily and an occupant load of 100 persons inside with no exterior seating, we would like to state that we are not opposed to Leopold's Tavern serving alcohol although we are opposed to Leopold's Tavern serving cannabis marijuana as there are already 4 cannabis dispensaries within 100 meters of our property and we are concerned of how the decrease in air quality may affect traffic through the area.

Thanks.
Haden

Ryan Morhart

From: Bert Hick <bert@risingtideconsultants.ca>
Sent: July 15, 2019 12:42 PM
To: Ryan Morhart
Cc: Edna Lizotte
Subject: Liquor Primary License Application for Leopold's Victoria
Attachments: Stamped plan for Leo's FP Jun 13 19.pdf; Leopold's Tavern Alberta Menu.pdf

Good afternoon Ryan,

Thank you for forwarding to us a copy of the report that will proceed to the Committee of the Whole regarding the above noted application. We understand this application will be considered at the August 1st meeting. We would like to offer our following comments and recommendations on this report, which should assist Council in considering this application.

Patio

The application to the Liquor Branch and to the City of Victoria, proposed a patio directly in front of the establishment. The report to Council does not include this patio which will be licensed. You will recall we had to remove the patio from the City application due to sizing issues. Those issues have now been resolved and the applicant has been issued a patio permit with a reduced capacity to only 20 persons, which would bring the establishment capacity to 120 persons in total. The applicant has a floor plan for the interior and patio which has been stamped by the local Fire Department. You may recall the original patio capacity being for 34 persons so there has been a decrease in size and capacity. (Floor Plans attached)

Hours of Closing

With respect to the hours of closing, which appears to be the main issue of concern of the report, we would offer the following comments:

- Leopold's is truly a Pub/Tavern experience with substantial and quality food and beverage services. They have a very positive record in Alberta, Saskatchewan and Manitoba and are expanding their concept and brand to other Canadian jurisdictions. Accordingly, in preparing this application, Leopold's wanted to have the same competitive hours that other tavern/pub establishments have in the downtown area of Victoria. For example Swans pub has hours to 2am. Also, by having the same hours as other establishments it prevents patrons leaving Leopold's at 11:30pm or midnight to try to get into other licensed establishments with later hours and create possible enforcement issues. It is my submission, that at closing times it is ideal if the patrons just went home rather than move on to another establishment in the area which are open later.
- The location of Leopold's has a long history of being a large licensed establishment when it was operated as Steamers pub with a larger capacity.
- Leopold's is a tavern with a full commercial kitchen and menu. As such it will have substantial food service throughout the day and night. It cannot be compared to night clubs such as Lucky

bar and other establishments with little or no food offerings. We have attached a copy of the Alberta menu for your information.

- We are not clear why the issues of the Refuge Tap Room at 832 Fort Street is a consideration in our application as they are separate establishments.
- It seems slightly unfair that other establishments were given the opportunity to open with the standard liquor primary hours to 2am whereas our client is being asked to restrict their hours based on other establishments records.

In recognition of the City's concerns on hours, we are prepared to reduce our requested hours of closing. We would propose the following hours:

- Sunday to Thursday 9am to midnight
- Friday and Saturday 9am to 1am

We feel these proposed hours will satisfy the City's concerns and yet we will be able to be somewhat competitive with the other pub/tavern establishments in the same area of downtown Victoria.

We would be happy to discuss this in further detail at your convenience.

Yours truly,
Bert Hick

Bert Hick | President

p: 604.669.2928 | c: 604-812-2322 | f: 604.669.2920

bert@risingtideconsultants.ca

1620-1130 West Pender Street, Vancouver, BC V6E 4A4

www.risingtideconsultants.ca

RisingTide
CONSULTANTS

*Experts in Licensing
for the success of your business*

Ryan Morhart

From: Stephanie McKenna <stephanie@risingtideconsultants.ca>
Sent: Friday, April 26, 2019 2:41 PM
To: Ryan Morhart
Cc: Carly Gowan; Edna Lizotte
Subject: RE: Liquor Primary License Referral (LL000294) | Leopold's Victoria

Hi Ryan,

Just to confirm after our discussion, that the client definitely wants to move forward with the 2am closing time.

Kind regards,
 Stephanie

Stephanie McKenna
 Licensing Specialist
 P 604.669.2928

From: Stephanie McKenna
Sent: April 23, 2019 4:47 PM
To: RMorhart@victoria.ca
Cc: Carly Gowan <carly@leosgroup.ca>; Edna Lizotte <edna@risingtideconsultants.ca>
Subject: Liquor Primary License Referral (LL000294) | Leopold's Victoria

Good afternoon Ryan,

We have been authorized by the client to act on their behalf for the Liquor Primary Licence application. Please find a signed Letter of Authorization attached.

Following discussions and research in regards to the hours of operation, we would like to continue with the proposed hours outlined on the application from 9am to 2am. Whilst we understand the reasoning behind your concern, we believe it to be unfair that the establishment would not be able to operate as per the City policy, and also while other establishments in the local area are allowed to stay open until this time. We feel that even if this particular establishment were to close earlier, all the patrons would just be moving to another establishment that is allowed to stay open until 2am and would not negate the issue with resources.

The nature of the establishment is not a nightclub or a rowdy bar. The client also has successful establishments across Canada that are open from 9am to 2am, and have not had any previous issues. The client would use their experience in the industry to make sure safety of the patrons and local community is paramount.

In regards to the patio issue, the client has decided to proceed with the application removing the patio at this time. Therefore we will just be looking to move forward with the 100 person interior for approval.

We would be happy to discuss this with you in further detail.

Kind regards,
 Stephanie

Stephanie McKenna

Licensing Specialist



P 604.669.2928
F 604.669.2920
E stephanie@risingtideconsultants.ca
W www.risingtideconsultants.ca
1620 – 1130 W. Pender St., Vancouver, BC V6E 4A4

----- Forwarded message -----

From: **Ryan Morhart** <RMorhart@victoria.ca>
Date: Thu, Apr 11, 2019 at 5:02 PM
Subject: Liquor Primary License Referral (LL000294) | Leopold's Victoria
To: carly@leosgroup.ca <carly@leosgroup.ca>

Hi Carly,

To follow up on our discussion, the staff review for your application has been completed, and that was to consider hours from 9:00 am to 2:00 am daily with an occupant load of 100 inside and 34 outside. Our policy allows us to support all applications up to 2:00 am daily but significant concern has been brought forward based on the existing density in the area and close proximity to residences. Furthermore, Police are generally opposed to hours and increasing occupant load into the earlier morning hours due to pressures on resources.

Lastly, and this is technical issue, the sidewalk café policy will not support a reduction to less than 3 meters on the sidewalk. It may appear this is practical, but the measurement on your street is from the building face to the drainage channel in the middle of the sidewalk. The space from the channel to the street is a "furniture zone". I am the middle person on this particular point, but can put you in contact with the planner to discuss the patio and policy specifics. In any case, based on some rough dimensions I got off our mapping system, it looks like there is 3.8 meters from the building face to the channel which leaves you with a 0.8 meter 2'9" +/- patio; not sufficient for 34 persons.

Staff is suggesting that appropriate hours would be 9:00 am to 11:00 pm (10:00 pm patio) Sun – Thursday and 9:00 am to 12:00 pm (11:00 pm patio) Friday and Saturday.

You can direct me to move forward with the application as is, but my judgement is that additional work is required to consider staff feedback, and make the application more supportable. The next step is public notification, and it's beneficial to have a sense of what the community will support as well. We do send a letter notifying owners and residents within 100 meters of your location, post a sign at the location and the community association is sent the notice as well. If you haven't already, you mind find value in reaching out to get a sense of what they would support for the location and area.

That covers it I think but please let me know how you would like me to proceed.

Cheers,

Ryan

Ryan Morhart

Manager & Chief Building Official

Permits & Inspections
Sustainable Planning and Community Development Department
City of Victoria
1 Centennial Square, Victoria BC V8W 1P6

T 250.361.0241 F 250.361.1128



Types of Liquor Licences Issued in the Province of British Columbia

Last updated: October 5, 2017

The Liquor Control and Licensing Branch (LCLB) supervises over 10,200 licensed establishments and over 25,000 temporary special events per year in B.C.

The purpose of this document is to give a broad understanding of the types of liquor licences issued in B.C. Visit the LCLB's website at www.gov.bc.ca/liquorregulationandlicensing and the hyperlinks below for the most up to date information.

Licences:

[Agent](#) – for independent liquor agents who market products from liquor manufacturers outside of B.C.

[Catering](#) – for catering companies who wish to serve liquor in addition to food, with food service as the primary purpose.

[Food Primary](#) – for businesses where the primary purpose is to serve food (such as restaurants).

A Patron Participation Endorsement is an additional term and condition on a food primary licence that permits the active involvement of patrons in entertainment or results in patrons leaving their seats, such as dancing or karaoke. An application for this endorsement requires additional considerations beyond the routine assessment of an initial application. To ensure that community concerns about noise, nuisance and other impacts are considered, input from local government or First Nation authorities is required before patron participation entertainment will be approved for a food primary establishment.

[Liquor Primary](#) – for businesses where the primary purpose is to sell liquor (such as bars, pubs, and nightclubs, as well as stadiums, theatres, aircraft, etc.). Liquor primary licences are also for businesses that wish to serve liquor as an additional service to their primary business (such as spas, salons, art galleries, etc.)

Liquor Primary Club – a sub-class of the liquor primary licence for private clubs. To be eligible to apply, the club must be a society registered under the provincial Societies Act or a non-profit or veterans organization incorporated by special act of parliament. LP Clubs must have at least 50 members who pay annual fees. The service area of an LP Club is restricted to members and guests only.

[Manufacturer](#) – for businesses making wine, cider, beer (this includes brew pubs), or spirits (known as wineries, breweries, and distilleries). Manufacturers can also apply to add a lounge, special event area, and/or picnic area endorsement to their manufacturer licence.

[UBrew/UVin \(Ferment-on-Premises\)](#) – for businesses that sell ingredients, equipment and provide advice for customers to make their own beer, wine, cider or coolers.

[Licensee Retail Store*](#) – for selling liquor by the bottle at retail stores (often called private liquor stores).

[Wine Store*](#) – for wine stores including winery-operated stores, independent wine stores, VQA stores and tourist wine stores.

[Special Wine Store](#) – available to eligible grocery stores only, the special wine store licence permits the sale of 100% BC wine on grocery store shelves.

**No new licences are available at this time.*

Permits:

[Special Event Permit](#) – for individuals and groups holding special events (such as community celebrations, weddings or banquets).

[Ethyl Alcohol Purchase Permit](#) – for purchasing ethyl alcohol for commercial and industrial use.

[Charitable Auction Permit](#) – for registered charities and non-profit organizations that wish to hold liquor auctions to raise funds for a charitable purpose.

What is the difference between a food primary and a liquor primary licence?

A food primary licence is issued when the primary purpose of the business is the service of food (such as restaurants and cafes). A liquor primary licence is issued when the primary purpose of the business is the service of liquor, hospitality or entertainment (such as bars, pubs, spas, and art galleries).

The approval process is different for both types of licences, with the process for liquor primaries being more involved. Minors are generally prohibited from liquor primary establishments, unless the licence specifically allows them.

Additional Resources:

[Forms](#) – access to all LCLB forms, including application forms and licence change forms.

[Frequently Asked Questions](#) – answers to common liquor-related questions.

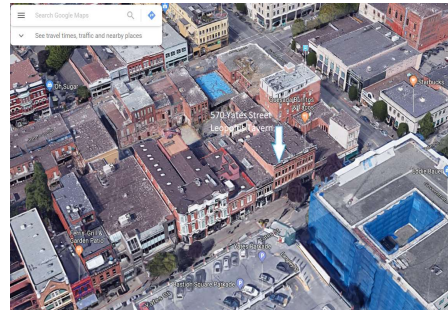
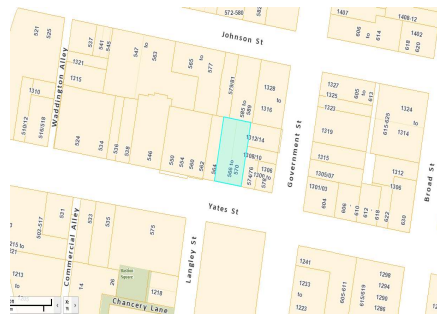
[Licensed Establishment Locations](#) – a list of all licensed establishments in B.C.

[Publications & Resources](#) – access to the licensee terms and conditions handbooks, public consultations, and the Local Government/First Nations Guide page and more.

LCRB Application

New – Liquor Primary

Leopold's Tavern, 570 Yates Street



Liquor and Cannabis Regulation Branch (LCRB)

- Restaurants
- Bars
- Pubs Retailers
- Manufacturers and
- Special Events.



LCRB Approvals

- Criminal Background Checks
- Local Government

<ul style="list-style-type: none"> Municipal Input Public Input 		: potential for noise : potential for impact on the community, and
---	--	---
- Occupant Load Approvals



Local Government

Staff Review:

- Police, Bylaw, Planning, Business and Community Relations and Engineering
- Zoning regulation, liquor policy and the Liquor Licencing Fee Bylaw

Public Notification and Comment:

- Notice Posted at entrance to establishment
- Mailed Notice to within 100m of establishment
- 30 days to provide comment

Local Government provides a resolution with comment on:

- Potential for Noise
- Potential for Impact on the Community, and



LCRB Application

LICENCE TYPE	
PROPOSED	New Liquor Primary Licence
OCCUPANT LOAD – PROPOSED	
PROPOSED	120 PERSONS (100 inside and 20 on patio)
LICENSED HOURS OF OPERATION - PROPOSED	
PROPOSED	9:00 am to 2:00 am daily



Staff Review and Public Comment

Staff Review:

- 500 Block of Yates Street
 - High levels of calls for service in the area
 - Densified licenced seating
- Police state resource pressures.
- Community and Business Relations note issues related to noise with residents in the area.

Public Comment:

- Letters were sent to 899 owners and occupants
- 4 letters were received opposed to the application which included one from the Downtown Resident's Association.



Recommendation

That Council direct staff to notify the Liquor and Cannabis Regulation Branch that Council supports the application for a new liquor primary licence for Leopold's Tavern having a 120 person occupant load (100 indoors and 20 on the outdoor patio) with hours of 9:00 am to 12:00 am daily common to all seating.



operating as Café Veneto. The application is to adjust existing hours, 11:30 am to 1:30 am Monday to Saturday and 11:00 am to 12:00 am Sundays, to 9:00 am to 1:30 am daily. The existing occupant load is not proposed to change and is 36 persons. The application has been reviewed by City staff including Planning, Engineering, Business and Community Relations, Bylaw, and Police. In addition, a public notification process was conducted, as required by the Liquor Licence Policy, to allow individuals and the community to share comments through written correspondence. The application has been reviewed against technical policy, and inputs provided by City staff, and through the public notification process have been considered. The proposal has also been considered in the context of the local vicinity and the City as a whole, all of which are reflected in this report and the resulting recommendation.

Veneto Tapa Lounge's application to change existing hours to 9:00 am to 1:30 am daily with an existing occupant load of 36 is not in conflict with the City's current Liquor License Policy. Generally speaking, and outside of police concerns related to resources, staff have not expressed concern for the adjustment mainly due to the small size of the existing establishment. Opportunity for public comment included two letters, both of which supported the application. Staff have recommended for Council's consideration that a resolution be made regarding the application, and that Council support the application to change hours of operation to 9:00 am to 1:30 am daily with an occupant load of 36 persons at 1450 Douglas Street.

PURPOSE

The purpose of this report is to seek a Council resolution, in accordance with the requirements of the *Liquor Control and Licensing Act* (the Act), regarding an application by Veneto Tapa Lounge to increase hours of operation associated with their existing liquor primary licence.

BACKGROUND

The Liquor and Cannabis Regulations Branch (LCRB) issues liquor licences under the authority of the *Liquor Control and Licensing Act* and regulations. LCRB determines the category of licence appropriate for the business based on submitted details. In the case of Veneto Tapa Lounge, the establishment is regulated under a liquor primary licence.

This application is to extend hours of licensed service with no change to occupant load of an existing liquor primary license for Veneto Tapa Lounge. The Hotel is currently processing two applications simultaneously and this application is for a liquor primary licence operating as Veneto Tapa Lounge, and the other application is for a food primary licence operating as Café Veneto. The letter of intent provided in conjunction with the application is included as Appendix A.

The existing hours are 11:30 am to 1:30 am Monday to Saturday and 11:00 am to 12:00 am Sundays with an occupant load of 36 persons. The application seeks a change to the hours and not the occupant load, proposing 9:00 am to 1:30 am daily. The LCRB is requesting a resolution from the City of Victoria regarding:

1. The impact of noise on nearby residents.
2. Impact on the community if the application is approved.

A map of the subject property and the immediate area is attached to this report (Appendix B) and illustrates the 100m public notification area targeted for comment.

ISSUES & ANALYSIS

The following sections identify key issues and provide analysis for Council's consideration:

Zoning

Zoning for the establishment is Old Town District 1, which permits "drinking establishments," and imposes no restriction on hours or occupant loads. Compliance would be demonstrated through application for a building permit and the resulting construction verified for compliance through the City inspection process related to an issued building permit.

Noise Bylaw

The City's Noise Bylaw sets forth limits on four key areas within the City, which are the Quiet District, Intermediate District, Harbour Intermediate and Activity District. Veneto Tapa Lounge is within the Intermediate Noise District and limited to 60dBA at the point of reception during daytime hours, which end at 10:00 pm. During nighttime hours, noise at the point of reception received is limited to 50dBA in Quiet districts, 55dBA in the Harbour Intermediate and Intermediate districts and 65dBA in the Activity district. 50dBA is comparable to rainfall, light traffic or a refrigerator and 60dBA is comparable to conversational speech or an air conditioner. Where issues of non-compliance exist, Bylaw Officers and Police have authority to order compliance.

The City of Victoria Noise District Map is included for reference (Appendix C).

Vicinity and Municipal Impacts

Predictability of noise related issues or other community impacts, negative or positive in effect, is challenging due to several variable factors. The business model, target clientele, quality of owner/operator, existing density of licenced capacity in the area, hours of service, demographics, and fluctuating populations due to tourism factor into predicting the likelihood of noise related issues and impacts on the community.

Consideration of those factors can assist a municipality to predict negative aspects associated with licenced establishments. The factors considered in conjunction with any application approval at time of consideration change over the life of a licenced establishment, and when they do change, and unanticipated issues arise, the fallback to re-establish compliance related to noise and other aspects is to use tools of enforcement. These tools include LCRB enforcement, which ensure responsible and appropriate service as required by the terms of the licence with LCRB. The Noise Bylaw can be enforced to bring an establishment into compliance, and police have additional authority to bring an establishment back into compliance where issues are more complex.

Veneto Tapa Lounge's application has been considered regarding the impact it would have on the community and its potential to generate noise related issues. The establishment is regulated under a liquor primary licence and has been compared in terms of existing capacity in the vicinity and citywide, for comparison and understanding of likely impact.

The local vicinity and the city as a whole have been considered in terms of impact related to occupant load and hours of operation, and the application is seen to be modest in terms of existing licence capacity. If approved, the earlier hours represent a 60% increase to existing liquor primary capacity at 9:00 am within the vicinity and an increase of 0.2% citywide. Vicinity information is attached as Appendix D.

City Liquor Licensing Policy

The City's Liquor Licensing Policy directs staff to consider applications for liquor licences having hours of operation not later than 2:00 am. The applicable Council policy is attached to this report (Appendix E). The hours of licensed service proposed in this application are within the parameters of the policy.

City Referrals

An inter-departmental review of the project was undertaken and included circulation to Planning, Engineering, Community and Business Relations, Bylaw, and Police. That review resulted in the following feedback.

Planning

- The application is supportable as the establishment is zoned appropriately for use as a drinking establishment.

Engineering

- Transportation related noise impacts or general community impact are not anticipated.

Community and Business Relations

- Community and Business Relations has noted that the application, if approved, is not expected to result in negative community impacts. The licenced establishment and the hotel residents are all under the same care and control and impacts to guests are entirely within the control of the operator.

Bylaw

- Bylaw has not identified concerns associated with application.

Police

- Police generally express concern where hours are extended into the evening but are less concerned where earlier hours are proposed. Police have not provided correspondence in relation to this application.

Community Consultation

In accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy, all property owners and occupiers within 100 metres of the applicant's location were solicited by a mailed notice to provide input regarding this application. In addition to the 370 letters sent, Veneto Tapa Lounge displayed a notice poster at the entrance for 30 days which invited people to provide input to the City with respect to this application.

A total of two letters were received, both of which supported the application and one was a letter from the Downtown Residents' Association. The letters are available in Appendix F.

Applicant Response

As is standard practice as a part of the liquor licence process, after City staff gives input, the applicant has a chance to review the information (and this report) and respond prior to the report being forwarded to Council. After the applicant reviewed City staff comments, the applicant chose not to provide additional correspondence related to the staff review and the report.

IMPACTS

Accessibility Impact Statement

Not applicable

Strategic Plan 2019 – 2022

The recommendation to support the application is likely to increase the viability of the hotel as a local employer, which is consistent with Strategic Objective #4 – *Prosperity and Economic Inclusion*.

Impacts to Financial Plan

None

Official Community Plan

The proposed license changes are consistent with the *Official Community Plan* objectives for this neighbourhood as the property is located within the Old Town, Core Historic designation which permits commercial, visitor accommodation and other mixed uses.

CONCLUSIONS

The application to change hours at Veneto Tapa Lounge from 11:30 am to 1:30 am Monday to Saturday and 11:00 am to 12:00 am Sundays, to 9:00 am to 1:30 am daily with no change to the existing occupant load of 36 people is not in conflict with the City's current liquor licensing policy. Staff recommend for Council's consideration that a resolution be made regarding the application and that Council support the application for proposed hours for Veneto Tapa Lounge at 1450 Douglas Street.

ALTERNATE MOTIONS

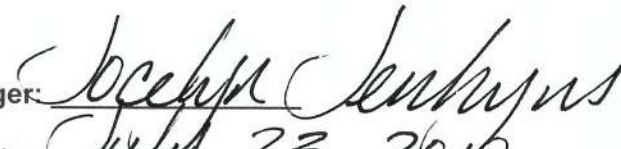
1. That Council, after conducting a review with respect to noise and community impacts regarding the application of Veneto Tapa Lounge, at 1450 Douglas Street, does not support the request for the amendment.

Respectfully submitted,


Ryan Morhart
Manager, Permits & Inspections


Andrea Hudson, Acting Director
Sustainable Planning & Community Dev.

Report accepted and recommended by the City Manager:


Date: July 23, 2019

List of Attachments

Appendix A: Rationale Letter
Appendix B: Site Map
Appendix C: Noise District Map
Appendix D: Vicinity Map
Appendix E: Council Policy
Appendix F: Public Response from 30 day posting
Appendix G: Provincial Liquor License Types

APPENDIX A

To the members of the Victoria City Council,

I'm writing on behalf of Veneto Bar Ristorante in the Hotel Rialto, across the street from City Hall. We're seeking an extension to our hours of liquor service in the cocktail bar side of Veneto, with the intention of being able to allow late service for hotel guests every day of the week—especially with reference to those who arrive for a late check-in—as well as to provide hand-crafted cocktails for locals, tourists, and workers in Victoria's service industry who favor our bar for its position as a staple within the local cocktail scene.

Our approved hours are currently 11:30 AM until 1:30 AM from Monday through Saturday, and 11:00 AM until Midnight on Sunday. We're seeking an extension to 9:00 AM until 1:30 AM every day, so as to allow morning service for hotel guests in both the restaurant and bar, and to allow us to offer Mimosas and Aperol Spritzes and the like as part of our Italian-inspired menu for breakfast and future brunch program.

Being part of a hotel, a lot of the focus here is on the guests and their stay, and we feel that a brunch service would provide another reason to choose the Rialto for lodgings when visiting this great city. Being adjacent to the historic Chinatown and to Centennial Square is certainly a driving factor as it is, and we'd like to add to the vibrancy of the food and beverage options in the morning in this area for guests and locals alike.

The main reason for the adjustment to the morning hours on the bar side is to allow guests to choose to sit either in our dining room, or to enjoy the natural light and sight of City Hall and the new Jawl Building if they'd prefer to eat in the bar side, and still have the ability to enjoy a drink with their meal.

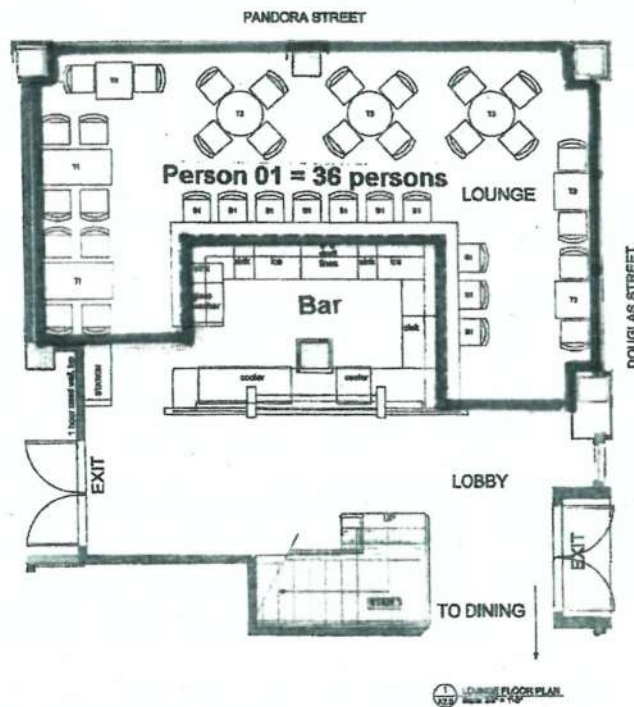
Attached to this letter you'll find a copy of our current liquor license and approved hours, as well as a floor plan showing where service is allowed, and what the occupancy limits are.

If you need anything further, please don't hesitate to reach out and ask. We're happy to assist in any way possible.

Thank you for your time,

Taylor Crawford, Operations Manager, Veneto Bar Ristorante / Hotel Rialto

LCLB OFFICIAL PLAN
MUST BE KEPT WITH LIQUOR LICENCE
AND AVAILABLE FOR INSPECTION AT ALL TIMES
 Date Issued: March 29, 2018
 Licence #088436
 General Manager



LIQUOR CONTROL AND LICENSING BRANCH
FLOOR PLANS - APPROVAL IN PRINCIPLE

DATE: July 24, 2018
M. Ball

LICENSING
 ADMINISTRATOR

Maximum Capacity: Person 01 = 36 persons

Unless otherwise approved by the General Manager, Liquor Control and Licensing, approval is subject to the terms and/or conditions specified in the approval letter(s) dated:

TABLE TYPE	SEATING	SEATING CALCULATIONS BASED AREA = 70sq/70sq/70sq
T1 (BOOTH)	8	SEATING AREA (BOOTH) 70sq/70sq/70sq
T2 (BOOTH)	8	SEATING AREA (BOOTH) 70sq/70sq/70sq
T3 (BOOTH)	12	SEATING AREA (BOOTH) 70sq/70sq/70sq
D1 (BAR SEATING)	10	SEATING AREA (BAR) 70sq/70sq/70sq
TOTAL	36	SEATING AREA (TOTAL) 70sq/70sq/70sq

City of Victoria - Fire Department	
* Occupant Load Reviewed Under Current BC Fire Code Only	
Maximum Occupant Load is:	Fire Prevention Officer:
Main Floor: 36 Persons	Name: <u>M. SARELL</u>
Mezzanine: / Persons	Signature: <u>[Signature]</u>
Patio/Deck: / Persons	Date: <u>DEC 21 2017</u>
Total: 36 Persons	

LIQUOR CONTROL & LICENSING
 RECEIVED
 DEC 22 2017
 VICTORIA BC



key
 architecture ltd.

NO.	REVISION	DATE
1	REVISION 1	DATE
2	REVISION 2	DATE
3	REVISION 3	DATE
4	REVISION 4	DATE
5	REVISION 5	DATE
6	REVISION 6	DATE
7	REVISION 7	DATE
8	REVISION 8	DATE
9	REVISION 9	DATE
10	REVISION 10	DATE

VENETO
 THE HOTEL RIALTO
 MAIN FLOOR ALTERATIONS
 533 PANDORA AVENUE,
 VICTORIA

VENETO
 THE HOTEL RIALTO
 MAIN FLOOR ALTERATIONS
 533 PANDORA AVENUE,
 VICTORIA

LOUNGE SEATING FOR
 LAB REVIEW

PROJECT
 NO. 1150-1151
 DATE
 11/20/2017
 A1.0



Liquor and Cannabis Regulation Branch

Liquor Primary Licence #088436

Expires on March 31, 2020

Establishment Name: **Veneto Tapa Lounge**
Licence Name: **Veneto Tapa Lounge**
Location Address: **1450 Douglas Street**
VICTORIA, BC V8W 2G1
Issued to: **Canitalia Estates Ltd.**

TERMS AND CONDITIONS

HOURS OF SALE

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	11:30 AM	11:30 AM	11:30 AM	11:30 AM	11:30 AM	11:30 AM	11:00 AM
Close	1:30 AM	1:30 AM	1:30 AM	1:30 AM	1:30 AM	1:30 AM	Midnight

CAPACITY

Person01 36

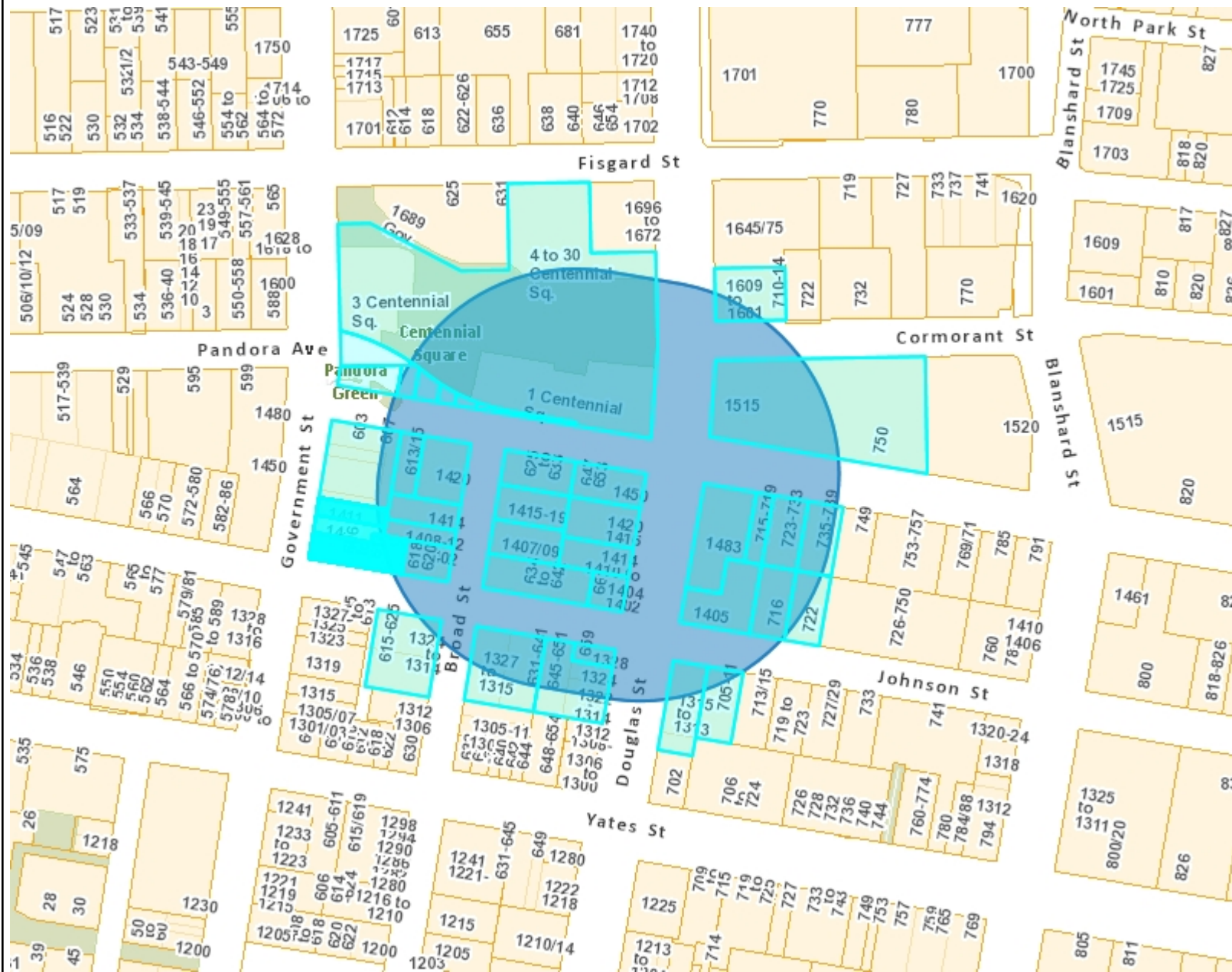
- The terms and conditions to which this licence is subject include the terms and conditions contained in the licensee Terms and Conditions Handbook, which is available on the Liquor and Cannabis Regulation Branch website. The Terms and Conditions Handbook is amended from time to time.
- Liquor may only be sold, served and consumed within the service areas outlined on the official plan, unless otherwise endorsed or approved by the LCRB.
- Subject to terms and conditions specified in the restriction or approval letter(s). A copy of restriction or approval letter (s) to be kept with current liquor licence.

YOUR CURRENT VALID LICENCE MUST BE PROMINENTLY
DISPLAYED AT ALL TIMES. TAMPERING, ALTERING OR
DEFACING THIS LICENCE IN ANY MANNER MAY RESULT IN
THE LICENCE BEING CANCELLED.

March 14, 2019

Date

GENERAL MANAGER
Liquor and Cannabis Regulation Branch



Legend

 Victoria Parcels

1: 3,001



Notes

Appendix B

152 0 76 152 Meters





NAD_1983_CSRS_UTM_Zone_10N

Public domain: can be freely printed, copied and distributed without permission.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This plan should be field confirmed by the user prior to beginning construction. BC Hydro, Fortis Gas, Telus, and Fibre Optics locations must be confirmed with the appropriate utility. For internal use only. Do not distribute.

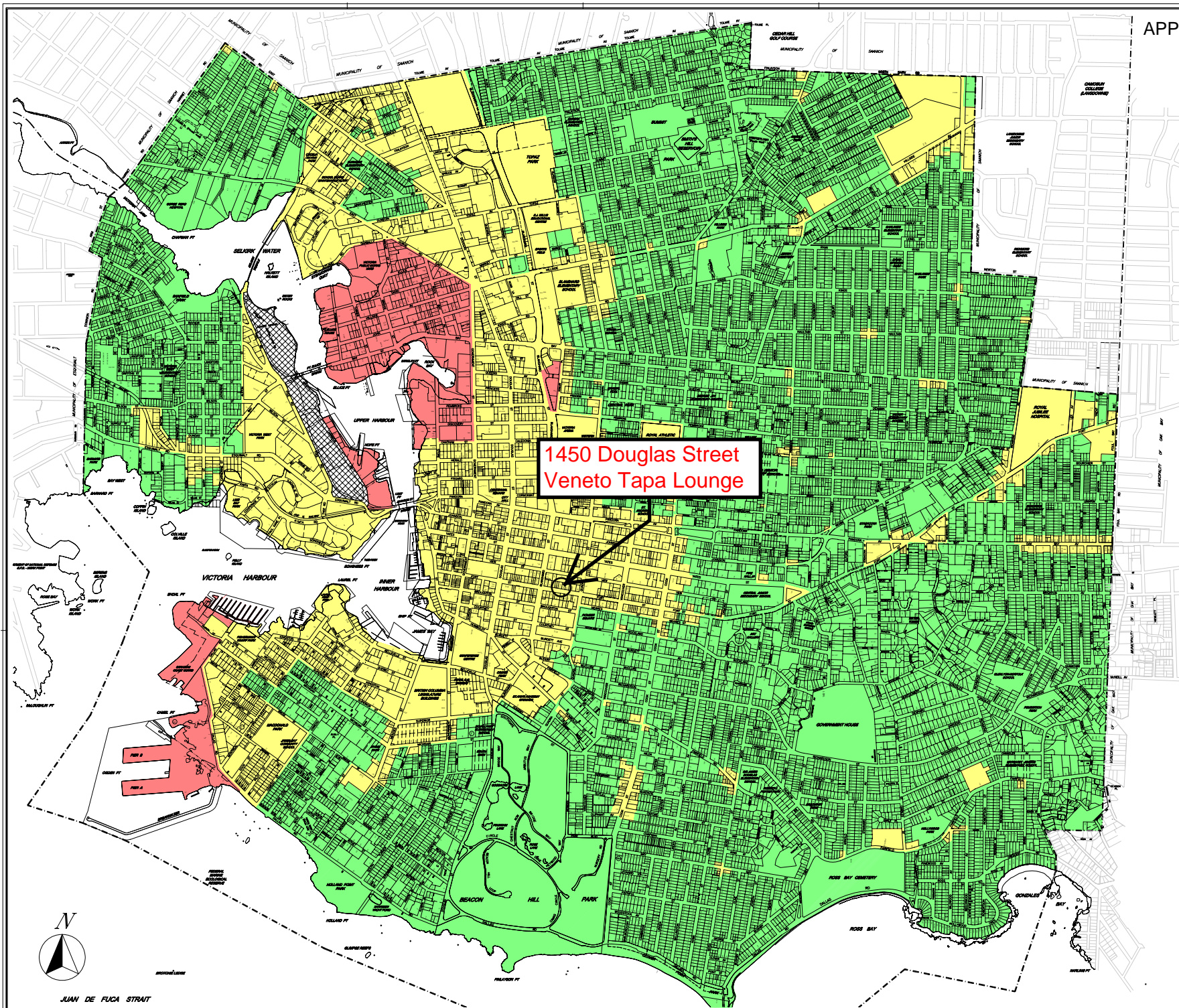
City of Victoria Noise District Map

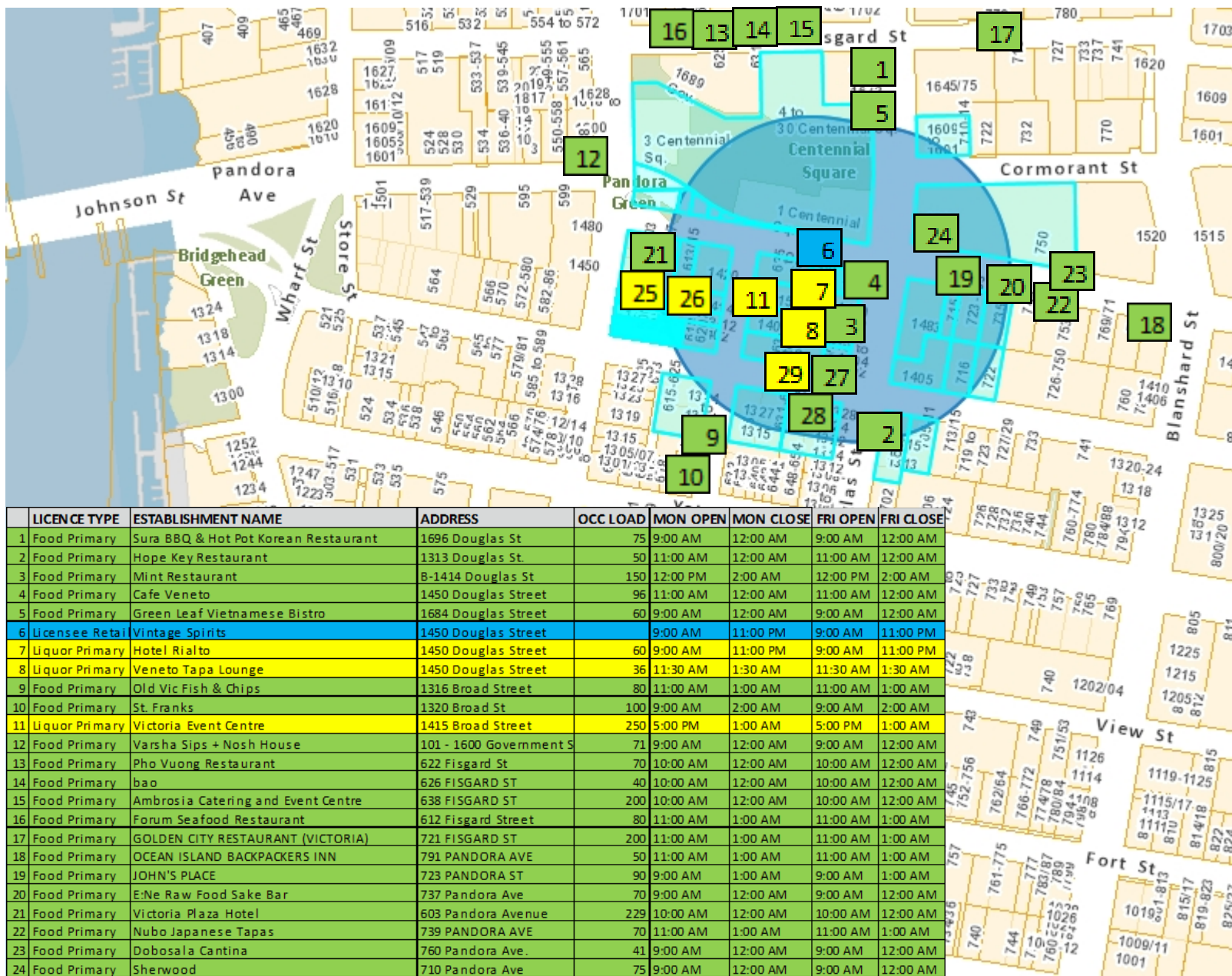
LEGEND

-  Quiet District
-  Intermediate District
-  Harbour Intermediate District
-  Activity District

Date: February 17, 2004

Scale: Not to Scale





Legend

Victoria Parcels

1: 4,000



Notes

Appendix D

Output from an Internet mapping site and is for this map may or may not be accurate, current, field confirmed by the user prior to beginning and Fibre Optics locations must be confirmed utility. For internal use only. Do not distribute.

Ryan Morhart

From: DoNotReply@escribemeetings.com on behalf of eSCRIBE Notification
<DoNotReply@escribemeetings.com>
Sent: Monday, June 18, 2018 3:15 PM
To: Ryan Morhart
Subject: eSCRIBE Task Alert: Motion Arising from the Motion to Postpone to the June 14, 2018 Committee of the Whole meeting the 1199 Government Street - Application for a Permanent Change to Hours of Service for a Food Primary License (0302087) Earl's Restaurant...

This is an automated task reminder from eScribe.

A Task has been assigned to you does not have a due date.

Meeting: **VCC_Jun14_2018**

Agenda Item: **Motion Arising from the Motion to Postpone to the June 14, 2018 Committee of the Whole meeting the 1199 Government Street - Application for a Permanent Change to Hours of Service for a Food Primary License (0302087) Earl's Restaurant (Downtown)**


Due Date: **None**

Task Description:

That Council direct staff that all future liquor licence applications include a letter from the Police Department attached to the report.

To view the task, please [click here](#).

Please complete the task as soon as possible. Thank you.

	Liquor Licencing Policy
	Page 1 of 2
SUBJECT:	Liquor Licencing Policy
PREPARED BY:	Sustainable Planning and Community Development
AUTHORIZED BY:	City Council
EFFECTIVE DATE:	October 12, 2017
REVIEW FREQUENCY:	Every three years
REVISION DATE:	

A. PURPOSE

The purpose of the City of Victoria's Liquor Licensing Policy is to provide direction to the following parties:

1. Liquor licence applicants on the process and fees associated with City of Victoria review of applications;
2. Liquor Control and Licencing Board (LCBC) on the types of applications that the City will opt-out of providing comment on; and
3. City staff on application review and public notification criteria for those types of liquor licence applications that require review by Council and opportunity for the public to comment.

B. POLICY STATEMENTS

1. This policy applies to liquor license applications in the City of Victoria.:
2. The city will opt out of the review and comment requirements for the following types of applications;
 - a. Liquor Primary with licensed service up to 10:00 pm and having an occupant load less than 31 persons.
 - b. Manufacturer with Lounge Endorsement, Special Event Area, or Picnic Area with licensed service up to 10:00 pm and having an occupant load less than 31 persons.
 - c. A temporary extension to hours of licensed service for all licence types up to 3:00 am on New Year's Eve.
 - d. The addition of an Entertainment Endorsement to any Food Primary with licensed service up to 12:00 am.
3. The City of Victoria generally does not approve the extension of liquor service past 2:00 am, with the exception of New Year's Eve, which allows for service up to 3:00 am. In extraordinary cases, the City may consider short term or one time provisions for allowing liquor service between 2:00 am and 9:00 am to accommodate international sporting or significant cultural events.

C. PROCEDURES

A business engaging in the manufacture, sale or service of liquor must have a City of Victoria Business License to lawfully conduct its businesses.

The provincial government, through the Liquor Control and Licensing Branch, is the first and last point of contact for businesses interested in applying for a liquor licence.

The application process and related fees will be made available to any business or member of the public through the internet or by request.

For any liquor applications where the City of Victoria has not opted out of providing comment, the following provisions apply:

1. Public notification for comment will be placed at the site for a period no less than 30 days.
2. The City will provide public notification through mailed notice to all residents and businesses within a 100 metre radius.
3. The City will provide notification to the applicable community association.
4. When providing comment on an application, the City will include comments on those aspects within the parameters set by LCLB which currently include:
 - a. Noise impacts in the immediate vicinity of the establishment;
 - b. Impact on the community if approved (including the location of the establishment and person capacity and hour of liquor service of the establishment)
 - c. Confirm that the establishment is being operated in a manner that is consistent with its primary purpose (only for food primary)

D. ENFORCEMENT POLICY

Businesses that have a history of non-compliance with local and provincial government bylaws and legislation or re-occurring nuisance issues may be subject to a Good Neighbour Agreement that will be reviewed along with the annual renewal of a business licence. Lack of adherence to this agreement may result in a business licence being revoked. This will be assessed by staff on a case by case basis.

E. REFERENCES

Business License Bylaw (89-071)
Land Use Procedures Bylaw (16-028)
Noise Bylaw (03-012)
Liquor Licensing Fee Bylaw (01-06)

F. REVISION HISTORY

None

Ryan Morhart

From: Chris Watson <chris@bestwesterncarlton.com>
Sent: May 20, 2019 12:15 PM
To: Ryan Morhart
Subject: Support for Cafe Veneto extending business hours

Dear Mr Morhart,

Please accept this short email as our acknowledgement of the extended hours' notice for Café Veneto.

Mayfair Properties dba Best Western Plus Carlton Plaza Hotel is in full support of these extended hours. We look forward to more options for our guests.

Sincerely,

Chris Watson
General Manager
Best Western Plus Carlton Plaza Hotel
642 Johnson St. Victoria, B.C., V8W 1M6

Direct Phone: 250-413-2190
Email: chris@bestwesterncarlton.com





1715 Government Street
Victoria, BC, V8W 1Z4

Manager, Permits & Inspections
Sustainable Planning and Community Development Department
1 Centennial Square Victoria, BC V8W 1P6

July 5th, 2019

**Re: Application to Amend Food Primary Licence – Café Veneto (Hotel Rialto); and,
Application to Amend Liquor Primary Licence - Veneto Tapa Lounge (Hotel Rialto)**

Dear Manager, Permits & Inspections,

The DRA Land Use Committee has reviewed the application to amend the Liquor and Food Primary Licences for the Rialto Hotel. The scope of change is restricted to the existing licences, without changes to the existing occupant load, and involves the addition of operating hours as follows: Food primary licence: adjust hours from 11:00 am to 12:00 am daily to 9:00 am to 1:00 am daily with no change to the existing occupant load. Liquor Primary Licence: 11:30 am to 1:30 am Monday through Saturday and 11:00 am - 12:00 am Sunday to, 9:00 am to 1:30 am daily.

Feedback from the committee is as follows:

- The requested amendments are incremental;
- These changes are in keeping with other hotel operations in the vicinity;
- No new seating is being requested;
- There are no outdoor patio areas associated with these licences;
- There are very few residents currently living proximal to the Rialto Hotel; and,
- As noise issues would affect hotel guests most, it is anticipated that the hotel would police it very well.

The DRA LUC generally supports these proposals.

Sincerely,

Ian Sutherland
Chair Land Use Committee
Downtown Residents Association

Types of Liquor Licences Issued in the Province of British Columbia

Last updated: October 5, 2017

The Liquor Control and Licensing Branch (LCLB) supervises over 10,200 licensed establishments and over 25,000 temporary special events per year in B.C.

The purpose of this document is to give a broad understanding of the types of liquor licences issued in B.C. Visit the LCLB's website at www.gov.bc.ca/liquorregulationandlicensing and the hyperlinks below for the most up to date information.

Licences:

Agent – for independent liquor agents who market products from liquor manufacturers outside of B.C.

Catering – for catering companies who wish to serve liquor in addition to food, with food service as the primary purpose.

Food Primary – for businesses where the primary purpose is to serve food (such as restaurants).

A Patron Participation Endorsement is an additional term and condition on a food primary licence that permits the active involvement of patrons in entertainment or results in patrons leaving their seats, such as dancing or karaoke. An application for this endorsement requires additional considerations beyond the routine assessment of an initial application. To ensure that community concerns about noise, nuisance and other impacts are considered, input from local government or First Nation authorities is required before patron participation entertainment will be approved for a food primary establishment.

Liquor Primary – for businesses where the primary purpose is to sell liquor (such as bars, pubs, and nightclubs, as well as stadiums, theatres, aircraft, etc.). Liquor primary licences are also for businesses that wish to serve liquor as an additional service to their primary business (such as spas, salons, art galleries, etc.)

Liquor Primary Club – a sub-class of the liquor primary licence for private clubs. To be eligible to apply, the club must be a society registered under the provincial Societies Act or a non-profit or veterans organization incorporated by special act of parliament. LP Clubs must have at least 50 members who pay annual fees. The service area of an LP Club is restricted to members and guests only.

Manufacturer – for businesses making wine, cider, beer (this includes brew pubs), or spirits (known as wineries, breweries, and distilleries). Manufacturers can also apply to add a lounge, special event area, and/or picnic area endorsement to their manufacturer licence.

UBrew/UVin (Ferment-on-Premises) – for businesses that sell ingredients, equipment and provide advice for customers to make their own beer, wine, cider or coolers.

Licensee Retail Store* – for selling liquor by the bottle at retail stores (often called private liquor stores).

[Wine Store*](#) – for wine stores including winery-operated stores, independent wine stores, VQA stores and tourist wine stores.

[Special Wine Store](#) – available to eligible grocery stores only, the special wine store licence permits the sale of 100% BC wine on grocery store shelves.

**No new licences are available at this time.*

Permits:

[Special Event Permit](#) – for individuals and groups holding special events (such as community celebrations, weddings or banquets).

[Ethyl Alcohol Purchase Permit](#) – for purchasing ethyl alcohol for commercial and industrial use.

[Charitable Auction Permit](#) – for registered charities and non-profit organizations that wish to hold liquor auctions to raise funds for a charitable purpose.

What is the difference between a food primary and a liquor primary licence?

A food primary licence is issued when the primary purpose of the business is the service of food (such as restaurants and cafes). A liquor primary licence is issued when the primary purpose of the business is the service of liquor, hospitality or entertainment (such as bars, pubs, spas, and art galleries).

The approval process is different for both types of licences, with the process for liquor primaries being more involved. Minors are generally prohibited from liquor primary establishments, unless the licence specifically allows them.

Additional Resources:

[Forms](#) – access to all LCLB forms, including application forms and licence change forms.

[Frequently Asked Questions](#) – answers to common liquor-related questions.

[Licensed Establishment Locations](#) – a list of all licensed establishments in B.C.

[Publications & Resources](#) – access to the licensee terms and conditions handbooks, public consultations, and the Local Government/First Nations Guide page and more.

LCRB Application

Change to Hours – Liquor Primary

Veneto Tapas Bar, 1450 Douglas Street



Liquor and Cannabis Regulation Branch (LCRB)

- Restaurants
- Bars
- Pubs Retailers
- Manufacturers and
- Special Events.



LCRB Approvals

- Criminal Background Checks
- Local Government

Municipal Input	: potential for noise
Public Input	: potential for impact on the community, and
- Occupant Load Approvals



Local Government

Staff Review:

- Police, Bylaw, Planning, Business and Community Relations and Engineering
- Zoning regulation, liquor policy and the Liquor Licencing Fee Bylaw

Public Notification and Comment:

- Notice Posted at entrance to establishment
- Mailed Notice to within 100m of establishment
- 30 days to provide comment

Local Government provides a resolution with comment on:

- Potential for Noise, and
- Potential for Impact on the Community



LCRB Application

LICENCE TYPE	
PROPOSED	Change to Hours of Licensed Service
OCCUPANT LOAD – Existing	
EXISTING	36 PERSONS
LICENSED HOURS OF OPERATION - PROPOSED	
PROPOSED	9:00 am to 1:30 am daily
LICENSED HOURS OF OPERATION - EXISTING	
EXISTING	11:30 am to 1:30 am Monday to Saturday 11:00 am to 12:00 am Sunday



Staff Review and Public Comment

Staff Review:

- The proposal is consistent with anticipated uses in the area
- If issues arise at the hotel, the ability to resolve is within the control of the hotel operator.

Public Comment:

- 2 letters were received, both in support which included a letter from the Downtown Resident's Association.
- Letters were sent to 370 owners and occupants



Recommendation

That Council direct staff to notify the Liquor and Cannabis Regulation Branch that Council supports the application to adjust hours to provide licenced service from 9:00 am to 1:30 am daily.





Committee of the Whole Report

For the Meeting of August 1, 2019

To: Committee of the Whole **Date:** July 10, 2019

From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development

Subject: Application for a Change to Hours for Café Veneto, Food Primary License at 1450 Douglas Street.

RECOMMENDATION

That Council direct staff to provide the following response to the Liquor Licensing Agency:

1. Council, after conducting a review with respect to noise and community impacts, does support the application of Café Veneto located at 1450 Douglas Street having hours of operation from 9:00 am to 1:00 am daily with the existing occupant load of 96 persons.

Providing the following comments on the prescribed considerations:

- a. The impact of noise on the community in the vicinity of the establishment has been considered in relation to the request, and assumptions are the noise impacts would be negligible based on experience with the operator, and nature of the request. The requested hours of operation in conjunction with the existing occupant load are not expected to result in negative impacts to the community.
- b. If the application is approved, the impact on the community is expected to be positive economically as the approval supports the business plan and long-term viability of the establishment.
- c. If the application is approved, it is not expected to result in the service area being operated in a manner contrary to the primary purpose.
- d. The views of residents were solicited via a mail out which included 370 letters to neighbouring property owners and occupiers within 100 metres of the licensed location and a notice posted at the property. The City received two letters in response to the request, both of which supported the application and included one letter of support from the Downtown Residents Association.
- e. Council recommends the license endorsements be approved.

EXECUTIVE SUMMARY

The purpose of this report is to seek a Council resolution, in accordance with the requirements of the *Liquor Control and Licensing Act*, regarding an application by Café Veneto. The Hotel is

currently processing two applications simultaneously and this application is for a food primary licence operating as Café Veneto, and the other application is for a liquor primary licence operating as Veneto Tapa Lounge. The application is to adjust existing hours, 11:00 am to 12:00 am daily to 9:00 am to 1:00 am daily. The existing occupant load is not proposed to change and is 96 persons. The application has been reviewed by City staff including Planning, Engineering, Business and Community Relations, Bylaw, and Police. In addition, a public notification process was conducted, as required by the Liquor Licence Policy, to allow individuals and the community to share comments through written correspondence. The application has been reviewed against technical policy, and inputs provided by City staff, and through the public notification process have been considered. The proposal has also been considered in the context of the local vicinity and the City as a whole, all of which are reflected in this report and the resulting recommendation.

Café Veneto's application to change existing hours to 9:00 am to 1:00 am daily with an existing occupant load of 96 is not in conflict with the City's current Liquor License Policy. Generally speaking, and outside of police concerns related to resources, staff have not expressed concern for the adjustment mainly due to the small size of the existing establishment. Opportunity for public comment included two letters, both of which supported the application. Staff have recommended for Council's consideration that a resolution be made regarding the application, and that Council support the application to change hours of operation to 9:00 am to 1:00 am daily with an occupant load of 96 persons at 1450 Douglas Street.

PURPOSE

The purpose of this report is to seek a Council resolution, in accordance with the requirements of the *Liquor Control and Licensing Act* (the Act), regarding an application by Café Veneto to increase hours of operation associated with their existing food primary licence

BACKGROUND

The Liquor and Cannabis Regulations Branch (LCRB) issues liquor licences under the authority of the *Liquor Control and Licensing Act* and regulations. LCRB determines the category of licence appropriate for the business based on submitted details. In the case of Café Veneto, the establishment is regulated under a food primary licence.

This application is to extend hours of licensed service with no change to occupant load of an existing food primary license for Café Veneto. The letter of intent provided in conjunction with the application is included as Appendix A.

The existing hours are 11:00 am to 12:00 am daily with an existing occupant load of 96 persons. The application seeks a change to the hours and not the occupant load, proposing 9:00 am to 1:00 am daily. The LCRB is requesting a resolution from the City of Victoria regarding:

1. The impact of noise on nearby residents.
2. Impact on the community if the application is approved.
3. Whether the amendment will result in the service area being operated in a manner that is contrary to the primary purpose.

A map of the subject property and the immediate area is attached to this report (Appendix B) and illustrates the 100m public notification area targeted for comment.

ISSUES & ANALYSIS

The following sections identify key issues and provide analysis for Council's consideration:

Zoning

Zoning for the establishment is Old Town District 1, which permits "drinking establishments," and imposes no restriction on hours or occupant loads. Compliance would be demonstrated through application for a building permit and the resulting construction verified for compliance through the City inspection process related to an issued building permit.

Noise Bylaw

The City's Noise Bylaw sets forth limits on four key areas within the City, which are the Quiet District, Intermediate District, Harbour Intermediate and Activity District. Café Veneto is within the Intermediate Noise District and limited to 60dBA at the point of reception during daytime hours, which end at 10:00 pm. During nighttime hours, noise at the point of reception received is limited to 50dBA in Quiet districts, 55dBA in the Harbour Intermediate and Intermediate districts and 65dBA in the Activity district. 50dBA is comparable to rainfall, light traffic or a refrigerator and 60dBA is comparable to conversational speech or an air conditioner. Where issues of non-compliance exist, Bylaw Officers and Police have authority to order compliance.

The City of Victoria Noise District Map is included for reference (Appendix C).

Vicinity and Municipal Impacts

Predictability of noise related issues or other community impacts, negative or positive in effect, is challenging due to several variable factors. The business model, target clientele, quality of owner/operator, existing density of licenced capacity in the area, hours of service, demographics, and fluctuating populations due to tourism factor into predicting the likelihood of noise related issues and impacts on the community.

Consideration of those factors can assist a municipality to predict negative aspects associated with licenced establishments. The factors considered in conjunction with any application approval at time of consideration change over the life of a licenced establishment, and when they do change, and unanticipated issues arise, the fallback to re-establish compliance related to noise and other aspects is to use tools of enforcement. These tools include LCRB enforcement, which ensure responsible and appropriate service as required by the terms of the licence with LCRB. The Noise Bylaw can be enforced to bring an establishment into compliance, and police have additional authority to bring an establishment back into compliance where issues are more complex.

Café Veneto's application has been considered regarding the impact it would have on the community and its potential to generate noise related issues. The establishment is regulated under a food primary licence and has been compared in terms of existing capacity in the vicinity and citywide, for comparison and understanding of likely impact.

The local vicinity and the city as a whole have been considered in terms of impact related to occupant load and hours of operation, and the application is seen to be modest in terms of existing licence capacity. If approved, it represents a 11.7% increase to food primary licenced capacity in the evening hours within the vicinity and an increase of 0.2% citywide. Vicinity information is attached as Appendix D.

City Liquor Licensing Policy

The City's Liquor Licensing Policy directs staff to consider applications for liquor licences having hours of operation not later than 2:00 am. The applicable Council policy is attached to this report

(Appendix E). The hours of licensed service proposed in this application are within the parameters of the policy.

City Referrals

An inter-departmental review of the project was undertaken and included circulation to Planning, Engineering, Community and Business Relations, Bylaw, and Police. That review resulted in the following feedback.

Planning

- The application is supportable as the establishment is zoned appropriately for use as a drinking establishment.

Engineering

- Transportation related noise impacts or general community impact are not anticipated.

Community and Business Relations

- Community and Business Relations has noted that the application, if approved, is not expected to result in negative community impacts. The licenced establishment and the hotel residents are all under the same care and control and impacts to guests are entirely within the control of the operator.

Bylaw

- Bylaw has not identified concerns associated with application.

Police

- Police generally express concern where hours are extended into the evening but are less concerned where earlier hours are proposed. Police have not provided correspondence in relation to this application.

Community Consultation

In accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy, all property owners and occupiers within 100 metres of the applicant's location were solicited by a mailed notice to provide input regarding this application. In addition to the 370 letters sent, Café Veneto displayed a notice poster at the entrance for 30 days which invited people to provide input to the City with respect to this application.

A total of two letters were received, both of which supported the application and one was a letter from the Downtown Residents' Association. The letters are available in Appendix F.

Applicant Response

As is standard practice as a part of the liquor licence process, after City staff gives input, the applicant has a chance to review the information (and this report) and respond prior to the report being forwarded to Council. After the applicant reviewed City staff comments, the applicant chose not to provide additional correspondence related to the staff review and the report.

IMPACTS

Accessibility Impact Statement

Not applicable

Strategic Plan 2019 – 2022

The recommendation to support the application is likely to increase the viability of the hotel as a local employer, which is consistent with Strategic Objective #4 – *Prosperity and Economic Inclusion*.

Impacts to Financial Plan

None

Official Community Plan

The proposed license changes are consistent with the *Official Community Plan* objectives for this neighbourhood as the property is located within the Old Town, Core Historic designation which permits commercial, visitor accommodation and other mixed uses.

CONCLUSIONS

The application to change hours at Café Veneto from 11:00 am to 12:00 am daily, to 9:00 am to 1:00 am daily with no change to the existing occupant load of 96 people is not in conflict with the City's current liquor licensing policy. Staff recommend for Council's consideration that a resolution be made regarding the application and that Council support the application for proposed hours for Café Veneto at 1450 Douglas Street.

ALTERNATE MOTIONS

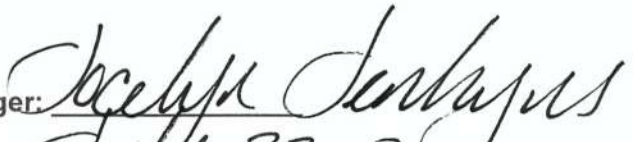
1. That Council, after conducting a review with respect to noise and community impacts regarding the application of Café Veneto, at 1450 Douglas Street, does not support the request for the amendment.

Respectfully submitted,


Ryan Morhart
Manager, Permits & Inspections


Andrea Hudson, Acting Director
Sustainable Planning & Community Dev.

Report accepted and recommended by the City Manager:


Date July 23, 2019

List of Attachments

Appendix A: Rationale Letter
Appendix B: Site Map
Appendix C: Noise District Map
Appendix D: Vicinity Map
Appendix E: Council Policy
Appendix F: Public Response from 30 day posting
Appendix G: Provincial Liquor License Types

Appendix A

To the members of the Victoria City Council,

I'm writing on behalf of Veneto Bar Ristorante in the Hotel Rialto, across the street from City Hall. We're seeking an extension to our hours of liquor service in the restaurant side of Veneto, with the intention of being able to allow late service for hotel guests every day of the week—especially with reference to those who arrive for a late check-in—as well as to provide hand-crafted cocktails for locals, tourists, and workers in Victoria's service industry who favor our bar for its position as a staple within the local cocktail scene.

Our approved hours are currently 11:00 AM until Midnight, Monday through Sunday. We're seeking an extension to 9:00 AM until 1:00 AM every day, to allow morning service of Prosecco and the like for hotel guests in both the restaurant and bar as part of our Italian-inspired breakfast and future brunch program. We'd also like the ability to allow hotel guests to purchase a glass of wine to pair with our complimentary cheese plate for those who opt for a later check-in, hence the extension of licensed hours.

Being part of a hotel, a lot of the focus here is on the guests and their stay, and we feel that a brunch service would provide another reason to choose the Rialto for lodgings when visiting this great city. Being adjacent to the historic Chinatown and to Centennial Square is certainly a driving factor as it is, and we'd like to add to the vibrancy of the food and beverage options in the morning in the area for guests and locals alike.

The primary reason for the later service is to provide more options and amenities for our hotel guests, and also have greater flexibility as far as hosting private events in the dining room. Allowing licensed service until 1:00 AM would open up a lot more opportunities to host industry-related events and allow us to provide better, enhanced service and promotions on public holidays.

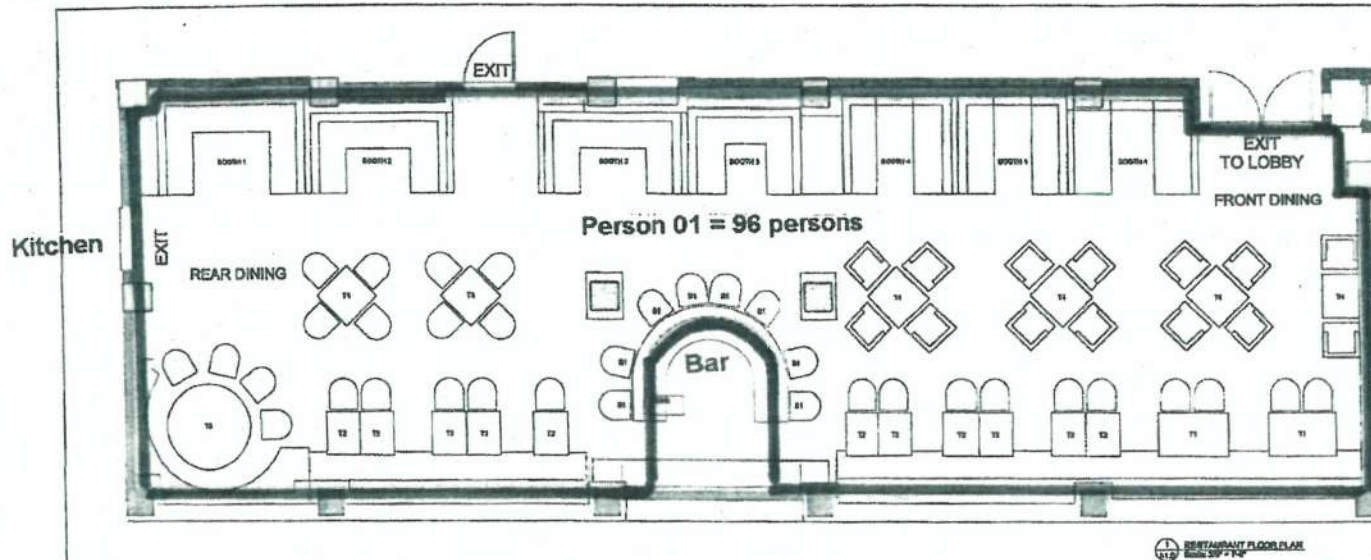
Attached to this letter you'll find a copy of our current liquor license and approved hours, as well as a floor plan showing where service is allowed, and what the occupancy limits are.

If you need anything further, please don't hesitate to reach out and ask. We're happy to assist in any way possible.

Thank you for your time,

Taylor Crawford, Operations Manager, Veneto Bar Ristorante / Hotel Rialto

LCLB OFFICIAL PLAN
MUST BE KEPT WITH LIQUOR LICENCE
AND AVAILABLE FOR INSPECTION AT ALL TIMES
 Date Issued: March 29, 2018 *unvicta*
 Licence #303414 General Manager




City of Victoria – Fire Department	
* Occupant Load Reviewed Under Current BC Fire Code Only	
Maximum Occupant Load in:	Fire Prevention Officer:
Main Floor: 96 Persons	Name: M. SABELL
Mezzanine: / Persons	Signature: 
Patio/Deck: / Persons	
Total: 96 Persons	Date: DEC 21 2017

TABLE TYPE	BOOTH	
T1 (H200)	5	
T2 (H200)	30	
T3 (H21)	5	
T4 (H200)	30	
BT BWA BWA	8	
BOOTH 1 (H200)	5	
BOOTH 2 (H200)	5	
BOOTH 3 (H200)	3	
BOOTH 4 (H200)	12	
TOTAL	95	

LIQUOR CONTROL AND LICENSING BRANCH
FLOOR PLANS - APPROVAL IN PRINCIPLE
 DATE *July 24, 2018*
M. SABELL
 LICENSING ADMINISTRATOR
 Maximum Capacity: *Person 01 = 96 persons*
 Unless otherwise approved by the General Manager, Liquor Control and Licensing, approval is subject to the terms and/or conditions specified in the approval letter(s) dated: *DEC 21 2017*

LIQUOR CONTROL & LICENSING
 RECEIVED
 DEC 22 2017
 VICTORIA BC



key
 architecture ltd.

NO.	REVISION	DATE
1	REVISION	DATE

VENETO
 THE HOTEL, RIALTO
 MAIN FLOOR ALTERATIONS
 633 PANDORA AVENUE,
 VICTORIA

RESTAURANT
 SEATING FOR LAB
 REVIEW

DATE	1728 - 1733
REVISION	DATE
DATE	A2.0



Liquor and Cannabis Regulation Branch

Food Primary Licence #303414

Expires on March 31, 2020

Establishment Name: **Cafe Veneto**
Licence Name: **Cafe Veneto**
Location Address: **1450 Douglas Street**
VICTORIA, BC V8W 2G1
Issued to: **Canitalia Estates Ltd.**

TERMS AND CONDITIONS

HOURS OF SALE

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM
Close	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight

CAPACITY

Person01	96
----------	----

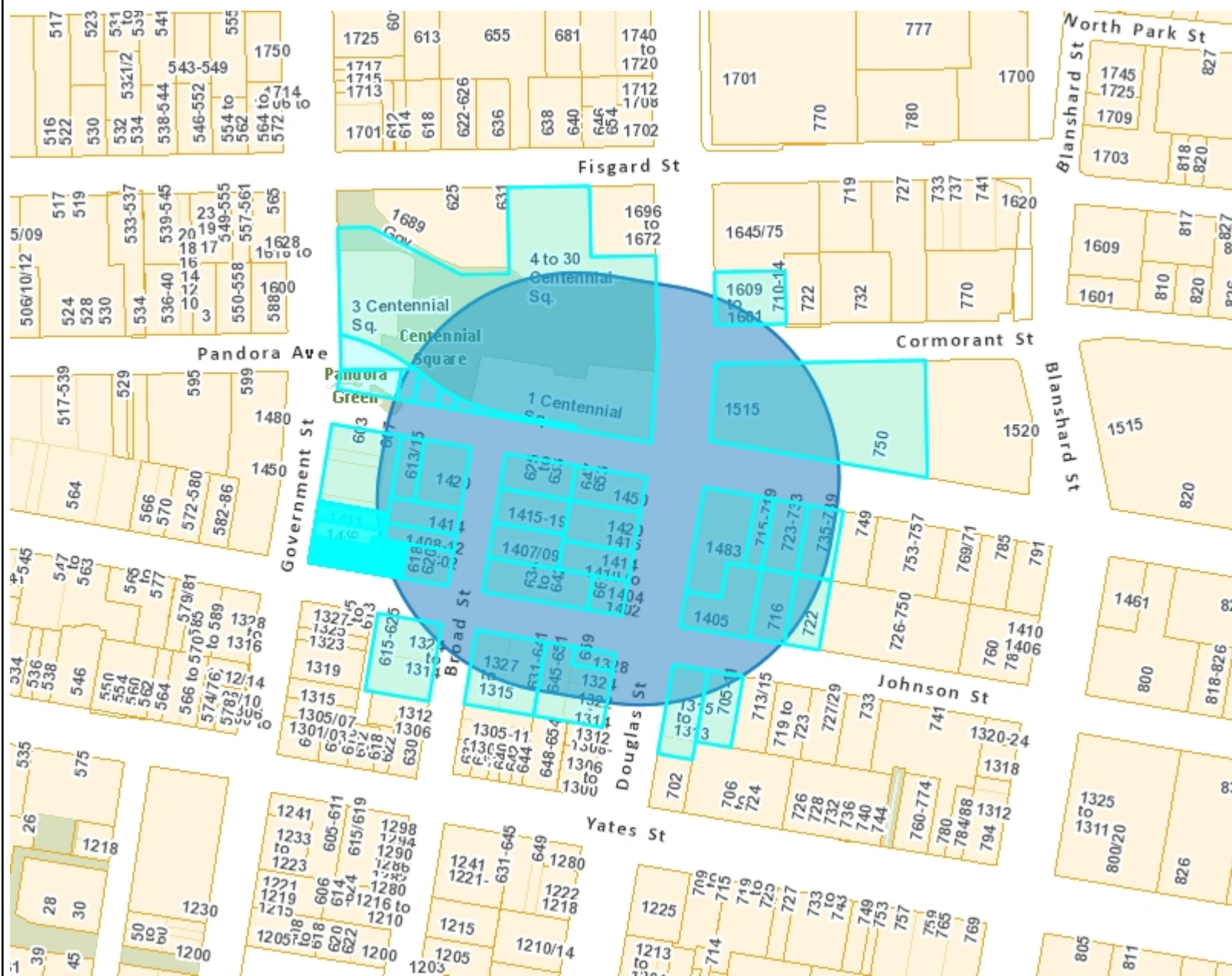
- For the sale and consumption of all types of liquor in establishments with a primary focus on the service of food.
- The terms and conditions to which this licence is subject include the terms and conditions contained in the licensee Terms and Conditions Handbook, which is available on the Liquor and Cannabis Regulation Branch website. The Terms and Conditions Handbook is amended from time to time.
- Liquor may only be sold, served and consumed within the service areas outlined on the official plan, unless otherwise endorsed or approved by the LCRB.

YOUR CURRENT VALID LICENCE MUST BE PROMINENTLY
DISPLAYED AT ALL TIMES. TAMPERING, ALTERING OR
DEFACING THIS LICENCE IN ANY MANNER MAY RESULT IN
THE LICENCE BEING CANCELLED.

March 14, 2019

Date

GENERAL MANAGER
Liquor and Cannabis Regulation Branch



Legend

 Victoria Parcels

1: 3,001



Notes

Appendix B

152 0 76 152 Meters





NAD_1983_CSRS_UTM_Zone_10N

Public domain: can be freely printed, copied and distributed without permission.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This plan should be field confirmed by the user prior to beginning construction. BC Hydro, Fortis Gas, Telus, and Fibre Optics locations must be confirmed with the appropriate utility. For internal use only. Do not distribute.

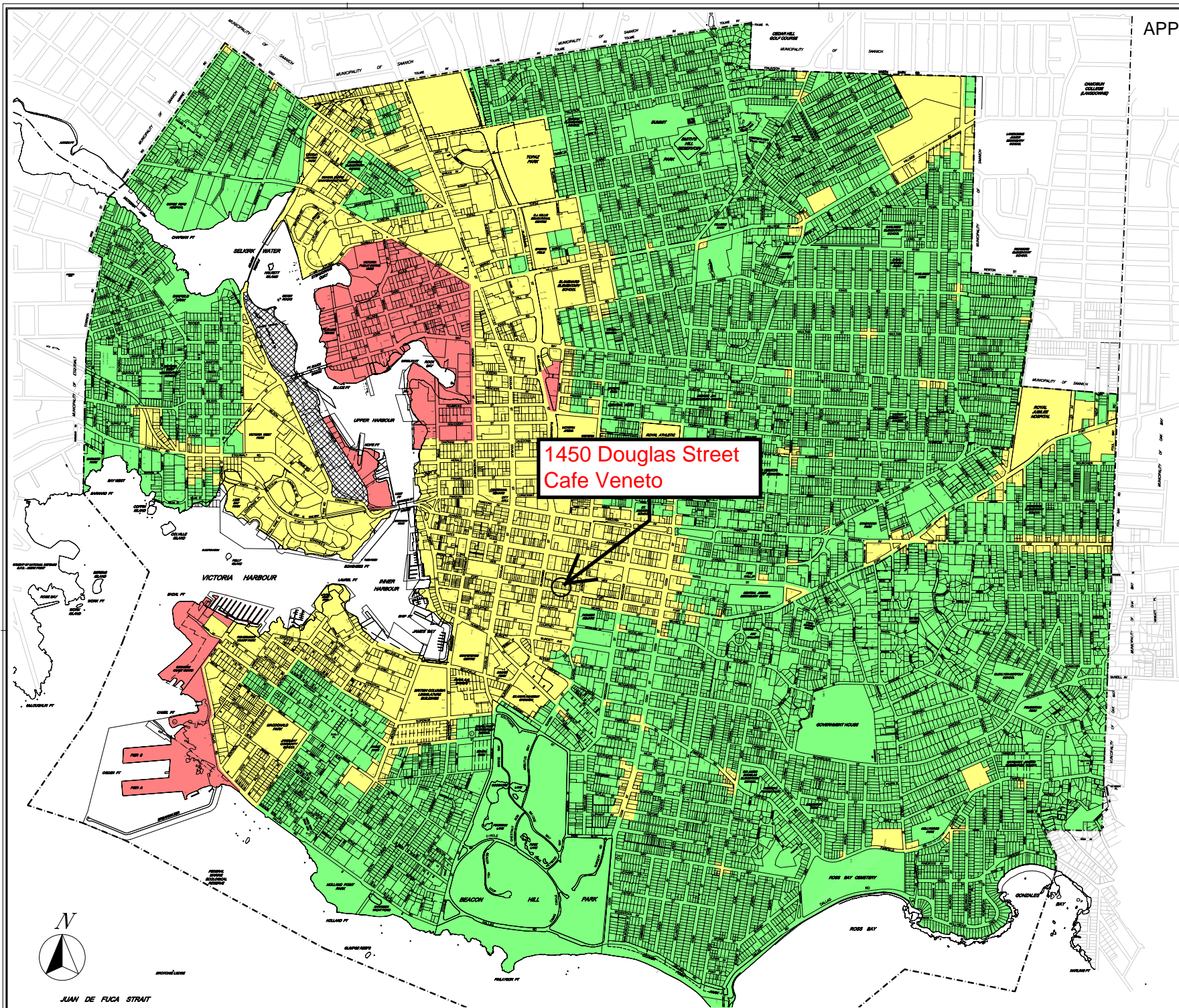
City of Victoria Noise District Map

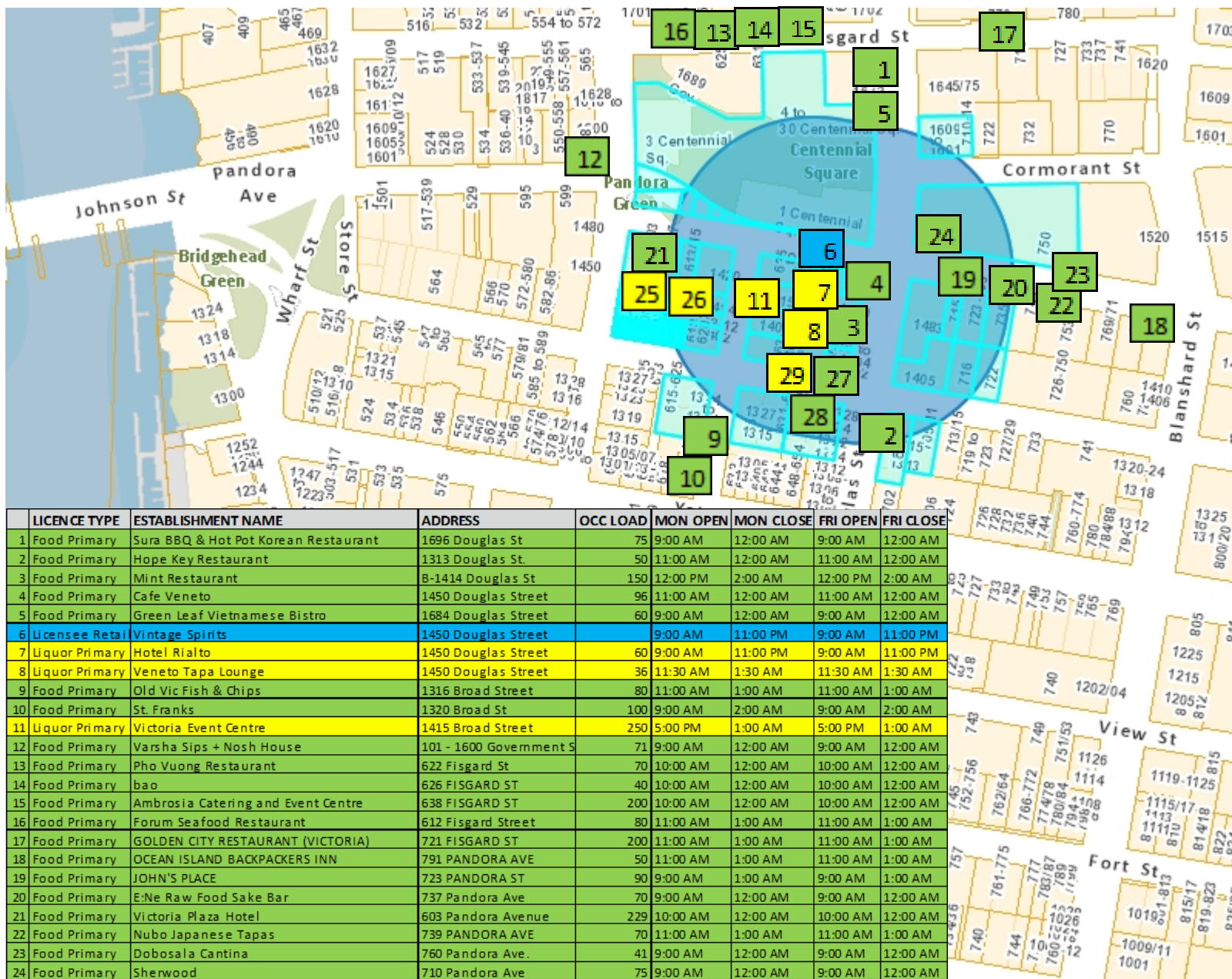
LEGEND

-  Quiet District
-  Intermediate District
-  Harbour Intermediate District
-  Activity District

Date: February 17, 2004

Scale: Not to Scale





Legend

Victoria Parcels

1: 4,000



Notes

Appendix D

Output from an Internet mapping site and is for
this map may or may not be accurate, current,
field confirmed by the user prior to beginning
and Fibre Optics locations must be confirmed
utility. For internal use only. Do not distribute.

Ryan Morhart

From: DoNotReply@escribemeetings.com on behalf of eSCRIBE Notification
<DoNotReply@escribemeetings.com>
Sent: Monday, June 18, 2018 3:15 PM
To: Ryan Morhart
Subject: eSCRIBE Task Alert: Motion Arising from the Motion to Postpone to the June 14, 2018 Committee of the Whole meeting the 1199 Government Street - Application for a Permanent Change to Hours of Service for a Food Primary License (0302087) Earl's Restoran...

This is an automated task reminder from eScribe.

A Task has been assigned to you does not have a due date.

Meeting: **VCC_Jun14_2018**

Agenda Item: **Motion Arising from the Motion to Postpone to the June 14, 2018 Committee of the Whole meeting the 1199 Government Street - Application for a Permanent Change to Hours of Service for a Food Primary License (0302087) Earl's Restaurant (Downtown)**


Due Date: **None**

Task Description:

That Council direct staff that all future liquor licence applications include a letter from the Police Department attached to the report.

To view the task, please [click here](#).

Please complete the task as soon as possible. Thank you.

	Liquor Licencing Policy
	Page 1 of 2
SUBJECT:	Liquor Licencing Policy
PREPARED BY:	Sustainable Planning and Community Development
AUTHORIZED BY:	City Council
EFFECTIVE DATE:	October 12, 2017
REVIEW FREQUENCY:	Every three years
REVISION DATE:	

A. PURPOSE

The purpose of the City of Victoria's Liquor Licensing Policy is to provide direction to the following parties:

1. Liquor licence applicants on the process and fees associated with City of Victoria review of applications;
2. Liquor Control and Licencing Board (LCBC) on the types of applications that the City will opt-out of providing comment on; and
3. City staff on application review and public notification criteria for those types of liquor licence applications that require review by Council and opportunity for the public to comment.

B. POLICY STATEMENTS

1. This policy applies to liquor license applications in the City of Victoria.:
2. The city will opt out of the review and comment requirements for the following types of applications;
 - a. Liquor Primary with licensed service up to 10:00 pm and having an occupant load less than 31 persons.
 - b. Manufacturer with Lounge Endorsement, Special Event Area, or Picnic Area with licensed service up to 10:00 pm and having an occupant load less than 31 persons.
 - c. A temporary extension to hours of licensed service for all licence types up to 3:00 am on New Year's Eve.
 - d. The addition of an Entertainment Endorsement to any Food Primary with licensed service up to 12:00 am.
3. The City of Victoria generally does not approve the extension of liquor service past 2:00 am, with the exception of New Year's Eve, which allows for service up to 3:00 am. In extraordinary cases, the City may consider short term or one time provisions for allowing liquor service between 2:00 am and 9:00 am to accommodate international sporting or significant cultural events.

C. PROCEDURES

A business engaging in the manufacture, sale or service of liquor must have a City of Victoria Business License to lawfully conduct its businesses.

The provincial government, through the Liquor Control and Licencing Branch, is the first and last point of contact for businesses interested in applying for a liquor licence.

The application process and related fees will be made available to any business or member of the public through the internet or by request.

For any liquor applications where the City of Victoria has not opted out of providing comment, the following provisions apply:

1. Public notification for comment will be placed at the site for a period no less than 30 days.
2. The City will provide public notification through mailed notice to all residents and businesses within a 100 metre radius.
3. The City will provide notification to the applicable community association.
4. When providing comment on an application, the City will include comments on those aspects within the parameters set by LCLB which currently include:
 - a. Noise impacts in the immediate vicinity of the establishment;
 - b. Impact on the community if approved (including the location of the establishment and person capacity and hour of liquor service of the establishment)
 - c. Confirm that the establishment is being operated in a manner that is consistent with its primary purpose (only for food primary)

D. ENFORCEMENT POLICY

Businesses that have a history of non-compliance with local and provincial government bylaws and legislation or re-occurring nuisance issues may be subject to a Good Neighbour Agreement that will be reviewed along with the annual renewal of a business licence. Lack of adherence to this agreement may result in a business licence being revoked. This will be assessed by staff on a case by case basis.

E. REFERENCES

Business License Bylaw (89-071)
Land Use Procedures Bylaw (16-028)
Noise Bylaw (03-012)
Liquor Licensing Fee Bylaw (01-06)

F. REVISION HISTORY

None

Ryan Morhart

From: Chris Watson <chris@bestwesterncarlton.com>
Sent: May 20, 2019 12:15 PM
To: Ryan Morhart
Subject: Support for Cafe Veneto extending business hours

Dear Mr Morhart,

Please accept this short email as our acknowledgement of the extended hours' notice for Café Veneto.

Mayfair Properties dba Best Western Plus Carlton Plaza Hotel is in full support of these extended hours. We look forward to more options for our guests.

Sincerely,

Chris Watson
General Manager
Best Western Plus Carlton Plaza Hotel
642 Johnson St. Victoria, B.C., V8W 1M6

Direct Phone: 250-413-2190
Email: chris@bestwesterncarlton.com





1715 Government Street
Victoria, BC, V8W 1Z4

Manager, Permits & Inspections
Sustainable Planning and Community Development Department
1 Centennial Square Victoria, BC V8W 1P6

July 5th, 2019

**Re: Application to Amend Food Primary Licence – Café Veneto (Hotel Rialto); and,
Application to Amend Liquor Primary Licence - Veneto Tapa Lounge (Hotel Rialto)**

Dear Manager, Permits & Inspections,

The DRA Land Use Committee has reviewed the application to amend the Liquor and Food Primary Licences for the Rialto Hotel. The scope of change is restricted to the existing licences, without changes to the existing occupant load, and involves the addition of operating hours as follows: Food primary licence: adjust hours from 11:00 am to 12:00 am daily to 9:00 am to 1:00 am daily with no change to the existing occupant load. Liquor Primary Licence: 11:30 am to 1:30 am Monday through Saturday and 11:00 am - 12:00 am Sunday to, 9:00 am to 1:30 am daily.

Feedback from the committee is as follows:

- The requested amendments are incremental;
- These changes are in keeping with other hotel operations in the vicinity;
- No new seating is being requested;
- There are no outdoor patio areas associated with these licences;
- There are very few residents currently living proximal to the Rialto Hotel; and,
- As noise issues would affect hotel guests most, it is anticipated that the hotel would police it very well.

The DRA LUC generally supports these proposals.

Sincerely,

Ian Sutherland
Chair Land Use Committee
Downtown Residents Association

Types of Liquor Licences Issued in the Province of British Columbia

Last updated: October 5, 2017

The Liquor Control and Licensing Branch (LCLB) supervises over 10,200 licensed establishments and over 25,000 temporary special events per year in B.C.

The purpose of this document is to give a broad understanding of the types of liquor licences issued in B.C. Visit the LCLB's website at www.gov.bc.ca/liquorregulationandlicensing and the hyperlinks below for the most up to date information.

Licences:

Agent – for independent liquor agents who market products from liquor manufacturers outside of B.C.

Catering – for catering companies who wish to serve liquor in addition to food, with food service as the primary purpose.

Food Primary – for businesses where the primary purpose is to serve food (such as restaurants).

A Patron Participation Endorsement is an additional term and condition on a food primary licence that permits the active involvement of patrons in entertainment or results in patrons leaving their seats, such as dancing or karaoke. An application for this endorsement requires additional considerations beyond the routine assessment of an initial application. To ensure that community concerns about noise, nuisance and other impacts are considered, input from local government or First Nation authorities is required before patron participation entertainment will be approved for a food primary establishment.

Liquor Primary – for businesses where the primary purpose is to sell liquor (such as bars, pubs, and nightclubs, as well as stadiums, theatres, aircraft, etc.). Liquor primary licences are also for businesses that wish to serve liquor as an additional service to their primary business (such as spas, salons, art galleries, etc.)

Liquor Primary Club – a sub-class of the liquor primary licence for private clubs. To be eligible to apply, the club must be a society registered under the provincial Societies Act or a non-profit or veterans organization incorporated by special act of parliament. LP Clubs must have at least 50 members who pay annual fees. The service area of an LP Club is restricted to members and guests only.

Manufacturer – for businesses making wine, cider, beer (this includes brew pubs), or spirits (known as wineries, breweries, and distilleries). Manufacturers can also apply to add a lounge, special event area, and/or picnic area endorsement to their manufacturer licence.

UBrew/UVin (Ferment-on-Premises) – for businesses that sell ingredients, equipment and provide advice for customers to make their own beer, wine, cider or coolers.

Licensee Retail Store* – for selling liquor by the bottle at retail stores (often called private liquor stores).

[Wine Store*](#) – for wine stores including winery-operated stores, independent wine stores, VQA stores and tourist wine stores.

[Special Wine Store](#) – available to eligible grocery stores only, the special wine store licence permits the sale of 100% BC wine on grocery store shelves.

**No new licences are available at this time.*

Permits:

[Special Event Permit](#) – for individuals and groups holding special events (such as community celebrations, weddings or banquets).

[Ethyl Alcohol Purchase Permit](#) – for purchasing ethyl alcohol for commercial and industrial use.

[Charitable Auction Permit](#) – for registered charities and non-profit organizations that wish to hold liquor auctions to raise funds for a charitable purpose.

What is the difference between a food primary and a liquor primary licence?

A food primary licence is issued when the primary purpose of the business is the service of food (such as restaurants and cafes). A liquor primary licence is issued when the primary purpose of the business is the service of liquor, hospitality or entertainment (such as bars, pubs, spas, and art galleries).

The approval process is different for both types of licences, with the process for liquor primaries being more involved. Minors are generally prohibited from liquor primary establishments, unless the licence specifically allows them.

Additional Resources:

[Forms](#) – access to all LCLB forms, including application forms and licence change forms.

[Frequently Asked Questions](#) – answers to common liquor-related questions.

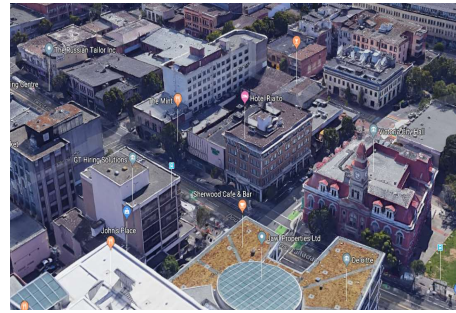
[Licensed Establishment Locations](#) – a list of all licensed establishments in B.C.

[Publications & Resources](#) – access to the licensee terms and conditions handbooks, public consultations, and the Local Government/First Nations Guide page and more.

LCRB Application

Change to Hours – Food Primary

Café Veneto, 1450 Douglas Street



Liquor and Cannabis Regulation Branch (LCRB)

- Restaurants
- Bars
- Pubs Retailers
- Manufacturers and
- Special Events.



LCRB Approvals

- Criminal Background Checks
- Local Government
 - Municipal Input : potential for noise
 - Public Input : potential for impact on the community, and
 - :Whether the amendment will result in the service area being operated in a manner that is contrary to the primary purpose.
- Occupant Load Approvals



Local Government

Staff Review:

- Police, Bylaw, Planning, Business and Community Relations and Engineering
- Zoning regulation, liquor policy and the Liquor Licencing Fee Bylaw

Public Notification and Comment:

- Notice Posted at entrance to establishment
- Mailed Notice to within 100m of establishment
- 30 days to provide comment

Local Government provides a resolution with comment on:

- Potential for Noise
- Potential for Impact on the Community, and
- Whether the amendment will result in the service area being operated in a manner that is contrary to the primary purpose.



LCRB Application

LICENCE TYPE	
PROPOSED	Change to Hours of Licensed Service
OCCUPANT LOAD – Existing	
EXISTING	96 PERSONS
LICENSED HOURS OF OPERATION - PROPOSED	
PROPOSED	9:00 am to 1:00 am daily
LICENSED HOURS OF OPERATION - EXISTING	
EXISTING	11:00 am to 12:00 am



Staff Review and Public Comment

Staff Review:

- The proposal is consistent with anticipated uses in the area
- If issues arise at the hotel, the ability to resolve is within the control of the hotel operator.

Public Comment:

- 2 letters were received, both in support which included a letter from the Downtown Resident's Association.
- Letters were sent to 370 owners and occupants



Recommendation

That Council direct staff to notify the Liquor and Cannabis Regulation Branch that Council supports the application to adjust hours to provide licenced service from 9:00 am to 1:00 am daily.





Committee of the Whole Report

For the Meeting of August 1, 2019

To: Committee of the Whole **Date:** July 18, 2019
From: Jo-Ann O'Connor, Deputy Director of Finance
Subject: Greater Victoria Crossing Guards Association 2019 Strategic Plan Grant

RECOMMENDATION

That Council receive this report for information.

EXECUTIVE SUMMARY

The purpose of this report is in response to Council's direction to bring forward information regarding the impact of the Strategic Plan Grant allocation to the Greater Victoria Crossing Guards Association.

On June 13th, Council was presented with the 2019 Strategic Plan Grant application (Appendix A) for the Greater Victoria Crossing Guards Association and the External Grant Review Committee's suggested recommendation. The report recommended the Greater Victoria Crossing Guards Association be awarded \$25,000 of the \$69,000 requested amount for crossing guard services for January to December 2019.

After communicating with the Greater Victoria Crossing Guards Association they confirmed they cannot provide services for September and beyond for The City of Victoria with the \$25,000 grant as the association has already spent this money on crossing guard expenses for January through to June 2019. (Appendix B).

During the transition from Beacon Community Services to the Greater Victoria Crossing Guards Association it was recognized Beacon Community Services did not apply for a 2018 Strategic Plan Grant to align funding for the September 2018 to June 2019 school year. In July 2018, the new association presented a letter to Council (Appendix C) requesting a grant to pay for crossing guard expenses September through to December 2018. Council provided a grant of \$27,725 to cover expenses for this period. The association continued to pay for crossing guard services from January 2019 to June 2019 before their application was reviewed and considered the City of Victoria.

The Greater Victoria Crossing Guards Association realizes they do not have adequate funding for the September 2019 to June 2020 school year to continue with the program in Victoria. They have since requested that Council provide an additional grant beyond the amount received of \$25,000 to align the school years that were inadvertently missed in the 2018 request.

The association is requesting an additional \$69,000 to cover crossing guard expenses from September 2019 through to June 2020. This request would increase current service levels from previous year by filling vacancies at the intersections of Bay and Forbes and Hillside and Doncaster. To continue with current service levels a grant of \$55,731 is needed to cover crossing guard expenses from September 2019 through to June 2020.

The Greater Victoria Crossing Guards Association was formed after Beacon Community Services discontinued the management of the crossing guards program July 1st, 2018. Historically the City provided grants to Beacon Community Services for the crossing guard program in 2015, 2016 and 2017 in the amounts of \$30,000, \$37,440 and \$37,500 respectively. City contributions to school crossing guard programs date back to 1997 when the City first participated in a pilot project with School District 61 and the Victoria Confederation of Parent Advisory Councils.

The association is currently relying on grants from other municipalities in addition to the ones provided by the City of Victoria. All other funding partners (District of Saanich, District of Oak Bay, Town of View Royal, McCauley PAC and the Greater Victoria Harbour Authority) have confirmed contribution amounts for the 2019/2020 school year.

The City is committed to organizing a forum with elected officials from municipalities, the School District, along with community and agency partners in the fall to discuss sustainable funding options in advance of planned catchment boundary changes for the 2020/2021 school year.

The Transportation Division has confirmed its intention of reviewing all crossing guard locations and updating criteria to reflect changing land use, new infrastructure and changing travel patterns associated with catchment areas modifications prior to any future grants.

Given the recent correspondence from the Greater Victoria Crossing Guards Association, Council may wish to consider one of the following options:

Option 1

Provide the Greater Victoria Crossing Guards Association an additional grant of \$69,000 in addition to the recently awarded \$25,000 grant. This amount requested would cover expenses from September 2019 to June 2020 and increase service levels from prior years by filling vacancies at the Bay and Forbes, Hillside and Doncaster intersections.

Option 2

Provide the Greater Victoria Crossing Guards Association with an additional grant of \$55,731 in addition to the recently awarded \$25,000 grant. The amount requested would cover current crossing guard expenses from September 2019 to June 2020 and maintain current service levels without filling vacancies.

Option 3

Do not provide the Greater Victoria Crossing Guards Association with an additional grant amount for the September 2019 to June 2020 school year. Under this option the association would be unable to provide further services for The City of Victoria starting September 2019, and further more would be required to pay back grant amounts awarded for the 2019/2020 school year.

Respectfully submitted,



Jennifer Lockhart
Manager, Revenue



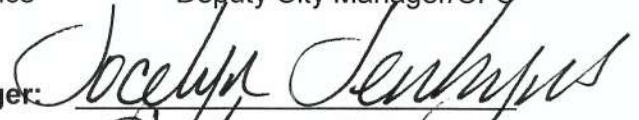
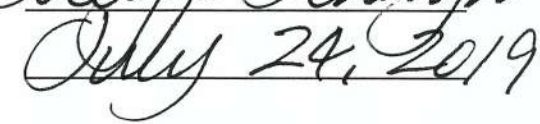
Jo-Ann O'Connor,
Deputy Director of Finance



Susanne Thompson
Deputy City Manager/CFO

Report accepted and recommended by the City Manager:

Date:

List of Attachments

Appendix A: 2019 Strategic Plan Grant Application

Appendix B: Greater Victoria Crossing Guards Association emails to the City

Appendix C: Greater Victoria Crossing Guards Association July 2018 letter

APPENDIX A



Finance
1 Centennial Square
Victoria, BC V8W 1P6
E grants@victoria.ca

Strategic Plan Grant Application Form

SECTION 1. CONTACT INFORMATION

Organization Name: Greater Victoria Crossing Guards Association
Mailing Address: 1225 Glyn Oak Pl. Victoria BC V8Z 5J4
Contact Person: Audrey Smith Email: admin@gvcga.com
Telephone: 250-744-1506 Website: _____

SECTION 2. CONTACT INFORMATION – NEIGHBOURHOOD GROUP

Please note: This section is only applicable to those applying on behalf of a neighbourhood group.

Name: _____
Mailing Address: _____
Telephone: _____ Email: _____

SECTION 3. ORGANIZATION INFORMATION

Are you registered under the Society Act? ☒ Yes ☐ No Society Registration Number: S 0069545
Are you a registered Charity? ☐ Yes ☒ No Charity Registration Number: _____

*Must provide society number and Certificate of Good Standing or Charity Registration Number and CRA Canadian Registered Charities details page showing charity status as registered

Organization mission/mandate (500 characters)

To increase/maintain pedestrian safety crossing busy streets on safe routes to school by providing trained adult crossing guards to heighten awareness and support young pedestrians.

Brief history and role in benefitting residents of Greater Victoria (500 characters)

Greater Victoria Crossing Guard Association was formed in June 2018 to replace the management previously provided by Beacon Community Services. The staff in crosswalks are our members. Our purpose is to safeguard our young to keep pedestrian's safety as well as increase confidence in pedestrian safety.

How many paid staff at organization? Full Time: _____ Part Time: 34.5 in all
How many volunteer staff at organization? 2 Total volunteer hours: 150

SECTION 4. ORGANIZATION FINANCIAL INFORMATION

Has the organization filed for bankruptcy or currently seeking credit protection? Yes ☐ No ☒
What is the organization's annual budget? Overall of Greater Victoria 225,000 approx.
Did your organization receive a grant from the City of Victoria in the prior year? Yes ☐ No ☒ Not this type of grant
If yes, has the Final Report been completed? Yes ☐ No ☐ Only those organizations that have submitted a complete Final Report for evaluation will be considered for new funding.

What other sources of funding do you receive and how is it used?

Funding Sources	\$ Amount	Use
District of Saanich	84300.00	Pay staff, insurance & management co.
Township of View Royal	32420.00	Pay staff, insurance & management co.
Harbour Authority	6500.00	Pay staff, insurance & management co.
Macaulay PAC	20000.00	Pay staff, insurance & management co.
District of Oak Bay	13100.00	Pay staff, insurance & management co.
Total Funding Sources	156420.00 \$0.00	



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Strategic Plan Grant Application Form

SECTION 5. PROJECT OR PROGRAM KEY OBJECTIVES

What are the project or program key objectives and how will the organization measure success. This criteria will be used on the Final Report to measure the success of the project or program's objectives and the External Grant Review Committee will be evaluating based on the success using these measures.

Objective	Measure of Success
To provide adult supervision	Maintaining staffing
maintain or increase sense of safety	anecdotal evidence - stories from staff
raise awareness of shared roads	reduced conflict with vehicles as reported by staff
increase crosswalk traffic	staff reports, informal
increase community connectedness	community notices when a crossing guard is away

SECTION 6. PROJECT OR PROGRAM INFORMATION

When completing this section, please note the External Grant Review Committee will take into consideration the following:

1. Council's Weighted Strategic Plan Objectives
2. Weighted Assessment Criteria
 - a. Capacity of an organization to deliver the project (20%)
 - b. Evidence of need (20%)
 - c. Community impact (30%)
 - d. Project feasibility (30%)

Project or program title: Public school crossing guards

Who is your target audience? all road users

Brief description of the project or program and why the grant is needed. (1250 characters)

The intersection and crosswalks near schools are part of safe routes to schools. Every year a new group of beginners walk to school. They need help in learning how to cross a road safely. Drivers benefit from the presence of a crossing guard as it helps regulate the flow of motor vehicle traffic at points of conflict. Adult crossing guards can be seen from a greater distance and can judge the stopping distance required. All road safety is a municipal responsibility. The grant pays for the management, staff and equipment.

Select the weighted Strategic Plan Objective that the project or program aligns with or supports (for further explanation of the objectives and outcomes, refer to the [2015-2018 Strategic Plan](#)).

- | | |
|---|--|
| <input checked="" type="checkbox"/> Engage and Empower the Community (3.22) | <input type="checkbox"/> Nurture Our Arts, Culture and Learning Capital (2.56) |
| <input type="checkbox"/> Create Prosperity through Economic Development (3.00) | <input type="checkbox"/> Enhance and Steward Public Spaces, Green Spaces and Food Systems (3.11) |
| <input checked="" type="checkbox"/> Facilitate Social Inclusion and Community Wellness (3.67) | |

If you have selected more than one weighted Strategic Plan Objective, we encourage applicants to select the **primary** objective that the project or program aligns with or supports.

- | | |
|---|--|
| <input type="checkbox"/> Engage and Empower the Community (3.22) | <input type="checkbox"/> Nurture Our Arts, Culture and Learning Capital (2.56) |
| <input type="checkbox"/> Create Prosperity through Economic Development (3.00) | <input type="checkbox"/> Enhance and Steward Public Spaces, Green Spaces and Food Systems (3.11) |
| <input checked="" type="checkbox"/> Facilitate Social Inclusion and Community Wellness (3.67) | |



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Strategic Plan Grant Application Form

Explain in detail how this project or program will meet and support the chosen City of Victoria's Strategic Plan objective. (1250 characters)

Confidence in a safe route to school with support at high-traffic crossings increases the use of non-motor vehicle modes of transportation. These types of transportation (walking, cycling, skateboard etc.) are a more healthy mode of commuting. It allows for more personal connections with people we pass and the environment. We become more connected. Being more connected increases our sense of belonging which increases our overall wellness. The community is strengthened.

How many will benefit from the project or program? 20,000+

What percentage of Greater Victoria residents benefit from this project or program? 75 %

SECTION 7. PROJECT OR PROGRAM BUDGET

In 2017, Council approved \$537,500 Strategic Plan Grant awards ranging from \$1,000 to \$50,000 with the average grant awarded of just under \$9,500.

Total project or program amount requested: \$ 69,000.00 - (\$6,225.89 savings in 2018)

Prepare a detailed breakdown of all budget expenses and funding sources below.

BUDGET EXPENSES	\$ Amount	Details (if applicable)
Project or Program Costs		
Overall Staffing 204000		
VICTORIA Portion 30.5%	62,220	10.5 crossing guards pd minimum wage 2 hrs per school day for 10 months
A. Total Project or Program Expenses	62,220.00	
Administration		
Insurance 6500		
VICTORIA Portion 30.5%	260.00	Both liability & additional beyond WCB
Management	6520.00	Hiring, training, equipment, admin, meeting, communications, payroll
B. Total Administrative Expenses	6780.00	
Total Expenses (A+B)	69,000.00	
Administrative costs are capped at a maximum of 18% of total budget.	6,000.00	
Total percentage of administrative costs	11.00%	



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Strategic Plan Grant Application Form

BUDGET FUNDING SOURCES	\$ Amount	Pending or Confirmed	Contact Person	Phone Number
Government Funding	69000.00	grant applied for		
City of Victoria				
A. Total Government Funding	69000.00			
Corporate Sponsorships				
B. Total Corporate Sponsorships	\$ 0.00			
Matching Funds				
C. Total Matching Funds	\$ 0.00			
In-Kind Contributions				
D. Total In-Kind Contributions	\$ 0.00			
Waived Fees and Charges				
E. Total Waived Fees and Charges	\$ 0.00			
Total Funding Sources (A+B+C+D+E)	69000.00			

Partial funding may be available. Will the project occur without full funding by the grant?

☐ Yes ☒ No

If you do not receive full funding, what is the impact to the organization and project or program. Please provide an explanation below.
(500 characters)

Without full funding crossing guard services will be reduced. Crossing guard services have been funded through municipal grants or budget line items for over 20 years. There is no other funding source at this time.

SECTION 8. PROJECT OR PROGRAM TIMELINE

To be eligible, projects or programs must be substantially completed within July 1 to the following June 30 each year.

Project or program dates From: Jan 2019 To: Dec 2019

Project or program location: Fairfield & Irving, Shelbourne & Ryan, Goswami & Hillside, Bry & Forbes, Cook & Princess, Quadra & Tolmie x2, Fairfield & Moss & Michigan & near Douglas, Hillside & Shelbourne
near Schools: Margaret Jenkins Elem., Lansdowne Middle, Oakland's Elem., George Jay Elem., Quadra Elem., Sir James Douglas, & South Park Elem.



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E grant@victoria.ca

Strategic Plan Grant Application Form

Project or program timeline and major milestones.

Date	Milestone
June 28, 2019	Another year without pedestrian injury due to cars vs pedestrian
Sept 6, 2019	First week of school over & drivers slowing down, community re-connecting with the crossing guards.

SECTION 9. PROJECT OR PROGRAM VOLUNTEERING

How many volunteers will work on this project or program? 3 Total volunteer hours required: 200

Can the project or program occur without volunteer support? ☐ Yes ☒ No

SECTION 10. PUBLIC ACKNOWLEDGEMENT

All grant recipients are required to publicly acknowledge the grant. How does your organization plan on publicly acknowledging the City's funding support?

- ☒ Website
- ☐ Newspaper Advertisement
- ☒ Social Media
- ☒ Newsletter

- ☐ Sponsor Plaque
- ☒ Annual Report
- ☐ Other: _____

SECTION 11. DECLARATION

I am an authorized signing officer of the organization and I certify that the information given in this application is correct. I agree to the following terms:

The organization will be in compliance with all applicable municipal policies and bylaws
The organization will publicly acknowledge the grant awarded by the City
The organization is in good standing with either: (1) the Province of BC as a registered Society or (2) the Canada Revenue Agency as a registered Charity

The organization is not in arrears with the City
The organization is not in bankruptcy or seeking creditor protection
The grant application meets all the eligibility requirements of the City's Grant Policy

Audrey L. Smith
Signature

GVCGA President
Position

Audrey L. Smith
Name

Jan 28, 2019
Date

APPENDIX B

From: admin@gvcga.com <admin@gvcga.com>
Sent: June 18, 2019 10:16 AM
To: Sarah Webb
Subject: Re: Council - Follow up - CoV Funding

Good Morning Sarah and Jennifer,

You have both emailed me regarding the grant request and the motion passed by council

That Council direct staff to contact the crossing guard society to determine the potential impact of the proposed allocation and report back on a possible alternate amount funded from contingency for consideration at a future COTW meeting.

I wanted to be sure you both had the same information for the work you will be doing regarding this.

The cost of services GVCGA will be providing through June 2019 is \$32078.60. We showed a credit from the extra-ordinary funding received in 2018 of \$6225.89 on December 31, 2018. That was due to a medical leave of one crossing guard and some unfilled posts we had hoped to fill. Which brings us to a net balance of \$25852.71 for January - June 2019.

If GVCGA receives grant funding of \$25000. We will not be able to provide any further services for September and beyond. We will in fact need to ask the management company to accept a reduced payment for their services.

If we receive the full request of \$69000 we will be able to confidently pursue hiring three more crossing guards to fill the vacancies we currently have at; Bay & Forbes, Hillside & Doncaster and Hillside & Shelbourne as well as maintain the services currently in place.

If the amount Sarah mentioned is the amount decided by the council, \$51740. We would maintain the level of service currently in place and stop looking to fill those positions listed above. This would nearly cover the difference in funding we would be able to manage the remaining difference.

We would welcome a full discussion with community members listed in Sarah's email below. A broad, multi-jurisdictional standardization of what criteria is used to determine when an adult crossing guard is required to instill confidence in the safety of pedestrian and other road users is what we seek. Safe, walkable routes or safe crossings from public transit stops is our hope as an association.

Sarah, the chart you included was nearly complete with the exception of the Bay & Forbes and Hillside & Shelbourne locations which I am told have been vacant for a while now but are still on the list I received from Beacon Community Services as crosswalks to staff in the future when we found a qualified candidate.

I hope this adequately addresses the questions you have both asked.
Thank you for your efforts in this matter,

Audrey Smith
President GVCGA
250-744-1506

APPENDIX B

From: admin@gvcga.com <admin@gvcga.com>

Sent: Tuesday, July 23, 2019 4:46 PM

To: Jennifer Lockhart <jlockhart@victoria.ca>; Sarah Webb <swebb@victoria.ca>

Subject: City of Victoria grant discussion

Hi Jennifer, Sarah and Jo-Ann

I would like to express my appreciation for your willingness to work with me as the representative for Greater Victoria Crossing Guards Association(GVCGA) as we sort through the our 2019 grant application and the confusion that has resulted.

We thank the grant committee and City Council for granting the \$25000.

Thank you for the continued conversation to help understand what has gone wrong to create the funding stress our new association has experienced.

Through our discussions it has been made clear some things have been missed:

- first thing that was missed is the grant application in 2018 for July 2018-June 2019. It was not applied for by any organization.
- When GVCGA requested council for extraordinary funding back in July 2018 it should have been for the whole school year and not for September to December 2018. We were granted \$27725 and used that to pay for the services through December 2018.
- I misunderstood the City of Victoria's grant time frame and believed applying for the 2019 costs of service was expected in the 2019 grant application.

Our conversation has cleared that up and, if we can get the mistakes corrected we will be in a better position to dependably serve the communities going forward.

Having missed the 2018 grant has put us in a catch up scramble of paying staff without sufficient funding approved or received all this first year. The 2019 grant of \$25000 is a perfect example of that. The grant and the savings from the original \$27725, due to sick days, has been used to pay for services from January to June 2019. There is no remaining funds to support service in the fall or through the school year of 2019/2020.

I now understand our grant application for 2019 should have been to cover costs for July 2019-June 2020. Here is a breakdown of what should have been requested:

- July 2019-June 2020 \$55730.64 taking into account the minimum wage increases on June 1, 2019 & 2020. That would maintain the current service with two intersections vacant(Bay & Forbes and Hillside & Doncaster).[I have been including Hillside & Shelbourne in error in the discussions. I have just recalled that was covered by Saanich when it was filled and is on their list of intersections.]
- The \$25000 already granted and received was used to cover Jan-Jun 2019 services.
- If we were to fill the 2 vacant positions it would require addition funds of \$6556.55 per intersection
- total overall request of \$68843.74 for 10.5 positions.

I apologize for my errors in my requests for grant funding from The City of Victoria. All of my errors are due to being new to this area of funding and coming in mid grant cycle with no prior knowledge or understanding of the process. Recovering from that missed grant of 2018 will go a long way to stabilize the association's position for us to continue the crossing guard service we provide. Victoria has been very supportive of our efforts to serve the communities and we look forward to continuing our work together getting kids to school safely via something other than a car.

APPENDIX B

Thank you for taking the time to ask the questions to understand what went was happening and how we got here.

Regards,
Audrey Smith, GVC GA President

Greater Victoria Crossing Guards Association



1225 Glyn Oak Place, Victoria, BC V8Z 5J4
email: gvcga@mail.com phone: 250-744-1506

July 24, 2018

Mayor and Council, City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6

Honourable Mayor Helps and Esteemed City Council,

I would like to introduce the non-profit association formed to provide crossing guard service for student pedestrian safety. Greater Victoria Crossing Guards Association, GVCGA, has been formed to assume the management role Beacon Community Services has been providing for the past 10-15 years.

We have been working with Beacon Community Services personnel, crossing guards and Greater Victoria School District senior administration to ensure a smooth transition of this important program. We recognize it instills confidence in parents that there are safe, carbon neutral pedestrian routes to school in Victoria.

We are registered as a society and incorporated. We are working through setting the infrastructure for running the program efficiently.

We recognize that the process we are going through is outside the budget cycle for Victoria. We find ourselves in a difficult position due to the transition timing from Beacon Community Services to a new management provider mid-fiscal year for municipalities like yours. We have been informed by Victoria staff that there is no funding available to pay for crossing guards at the 11 intersections identified as hazardous and requiring trained adult crossing guards. That list is attached. As a new society the GVCGA has no funds of its own and no financial records to use in the corporate grant application process for this first year of operation. We under the impression that the municipalities of Greater Victoria recognized road safety to be a municipal responsibility as defined in a 1998 letter from then Attorney General Ujjal Dosanjh. Specifically he said, "...generally speaking, municipalities have the responsibility for the creation and governance of their streets, including the provision of crossing guards services. Certainly other municipalities have found the ability to provide funding for their intersections because they have a line item in their budget, a contingency fund they can access or have incorporated crossing guards into the transportation funding envelop.

The crossing guards that were posted at those intersections in June are ready to fill their posts again in September but will need to receive compensation for their services. The job pays minimum wage for 2 hours of service split in two one hours shifts 5 hours apart. The jobs are usually filled by people with extremely open schedules, looking to top up their fixed income from either retirement or disability cheques. In many cases they depend on this small pay cheque to make ends meet.

Greater Victoria Crossing Guards Association



1225 Glyn Oak Place, Victoria, BC V8Z 5J4
email: gvcga@mail.com phone: 250-744-1506

To meet payroll commitments, cover insurance and supervisor costs associated with City of Victoria intersections for the rest of 2018 the association will need \$27,725. In order to meet those commitments in early 2019 prior to your grant process completion a further \$27,725 would be needed. This funding will ensure the continuation of the important supervision points for the safe routes to school that have been established in your neighbourhood communities. It will help to keep children walking to school. It will show you are committed to road safety for all users.

Many of the schools in the City of Victoria are on or near main arteries and are considered inner city schools. They do not have the funds to put toward traffic control to ensure pedestrian safety.

We know Victoria council is making great efforts to encourage an active population. Walking to school encourages the building of relationships with others in the community through a shared route. Crossing guards are part of that community, often they live in the area as well. Crossing guards posted at busy intersections during the rush hours before and after school contribute to the message that walking is a safe alternative to driving children to school. The crossing guard is often the gate keeper for the final challenge of arriving safely.

Please consider alternative methods of funding within your stewardship to support this important program to retain the established, experienced adults that know the intersections and the children that come through them. A familiar face can brighten the morning trek to school. Being greeted by that familiar person can go a long way toward helping increase the feeling that your community is safe for both pedestrians and vehicles.

Without your support the services will have to be suspended as there is no other possible source of funding at this time.

Sincerely,

A handwritten signature in black ink, appearing to read "Audrey Smith", is written over a horizontal line.

Audrey Smith
GVCGA President

cc Susanne Thompson City of Victoria Director of Finance
Trustee Edith Loring-Kuhanga, Board Chair
Trustee Ann Whiteaker SD#61 City of Victoria Liaison
SD#61 Superintendent's Office
Norm Tandberg, GVCGA Director
Caroline Simister, GVCGA Director



Committee of the Whole Report For the Meeting of August 1, 2019

To: Committee of the Whole **Date:** July 25, 2019
From: Chris Coates, City Clerk
Subject: National Polycystic Kidney Disease Awareness Day – September 4, 2019

RECOMMENDATION

That the *National Polycystic Kidney Disease Awareness Day* Proclamation be forwarded to the August 8, 2019 Council meeting for Council's consideration.

EXECUTIVE SUMMARY

Attached as Appendix A is the requested *National Polycystic Kidney Disease Awareness Day* Proclamation. Council has established a policy addressing Proclamation requests. The policy provides for:

- A staff report to Committee of the Whole.
- Each Proclamation request requiring a motion approved at Committee of the Whole prior to forwarding it to Council for their consideration.
- Staff providing Council with a list of Proclamations made in the previous year.
- Council voting on each Proclamation individually.
- Council's consideration of Proclamations is to fulfil a request rather than taking a position.

A list of 2018 Proclamations is provided as Appendix B in accordance with the policy. Consistent with City Policy, Proclamations issued are established as fulfilling a request and does not represent an endorsement of the content of the Proclamation.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Chris Coates", with the word "for:" written below it.

Chris Coates
City Clerk

LIST OF ATTACHMENTS

- Appendix A: Proclamation "National Polycystic Kidney Disease Awareness Day"
- Appendix B: List of Previously Approved Proclamations

“NATIONAL POLYCYSTIC KIDNEY DISEASE AWARENESS DAY”

- WHEREAS** *Polycystic kidney disease (PKD) causes abnormal cysts to develop and grow in the kidneys and the enlargement of cysts causes kidney function to decline. It equally affects men, women and children – regardless of geography or ethnic origin; and*
- WHEREAS** *the PKD Foundation of Canada is the only national charitable organization dedicated to fighting PKD, a progressive, life-threatening genetic disease, through programs of research, advocacy, education, support and awareness in order to discover vital treatments and a cure for PKD and improve the lives of all it affects; and*
- WHEREAS** *in September, walks will take place in several locations to honour friends, family and supporters impacted by PKD to help raise funds for research and improve the quality of life for those afflicted with PKD, including many (Town/City) residents.*

NOW, THEREFORE *I do hereby proclaim the day of September 4th, 2019 as “NATIONAL POLYCYSTIC KIDNEY DISEASE AWARENESS DAY” on the HOMELANDS of the Lekwungen speaking SONGHEES AND ESQUIMALT PEOPLE in the CITY OF VICTORIA, CAPITAL CITY of the PROVINCE of BRITISH COLUMBIA.*

IN WITNESS WHEREOF, *I hereunto set my hand this August 8th, Two Thousand and Nineteen.*

LISA HELPS
MAYOR
CITY OF VICTORIA
BRITISH COLUMBIA

Sponsored by:
Suita Beck
Vancouver Chapter of the PKD
Foundation of Canada

Appendix B**Council Meetings****Proclamations**

17-Jan-19	BC Aware Days 2019: Be Secure, Be Aware Days - Jan 28 - February 5
31-Jan-19	Eating Disorder Awareness Week - February 1 - 7, 2019 International Development Week - February 3 - 9, 2019
14-Feb-19	Heritage Week 2019 - February 18 - 24, 2019 Rare Disease Day - February 28, 2019
28-Feb-19	Tibet Day - March 10, 2019
14-Mar-19	Purple Day - March 26, 2019 World Kidney Day - March 14, 2019 World Tuberculosis Day - March 26, 2019
28-Mar-19	Sikh Heritage Day - April 14, 2019 Global Meetings Industry Day - April 4, 2019
11-Apr-19	National Organ and Tissue Donation Awareness Week - April 21 - 27, 2019 Human Values Day 2019 - April 24, 2019 Global Love Day - May 1, 2019 National Dental Hygienists Week - April 6 - 12, 2019
25-Apr-19	Child Abuse Prevention Month - April 2019 St. George Day - April 23, 2019 Huntington Disease Awareness Month - May 2019 Falun Dafa Day - May 13, 2019
09-May-19	Apraxia Awareness Day - May 14, 2019 North American Safe Boating Awareness Week - May 18 - 24, 2019 Phones Away Day - May 23, 2019 International Internal Audit Awareness Month - May 2019
23-May-19	Brain Injury Awareness Month - June 2019 Orca Action Month - June 2019 Orca Awareness Month - Southern and Northern Residents - June 2019 Intergenerational Day Canada - June 1, 2019 Pollinator Week - June 17-23, 2019 ALS Awareness Month - June 2019 Myalgic Encephalomyelitis Awareness Day - May 12, 2019 Built Green Day - June 5, 2019
13-Jun-19	Small Business Month - June 2019 International Medical Marijuana Day - June 11, 2019 World Refugee Day - June 20, 2019
27-Jun-19	Pride Week - June 30 - July 7, 2019 Parachute National Injury Prevention Day - July 5, 2019
11-Jul-19	Mexican Heritage Week - July 9 to 14, 2019



For the Committee of the Whole Meeting August 1 2019

Date: July 26 2019

From: Mayor Helps

Subject: Regulations for Harbour Airport Request for Input

Background

Transport Canada is proposing an amendment to the *Canadian Aviation Regulations* (CARs) to establish regulatory requirements for the operation and certification of water airports in Canada. This amendment will ensure that water airports operate at an equivalent level of safety to land airports and heliports, which have existing regulatory requirements in the CARs.

This is long-awaited information from the federal government which Council has been on record advocating for since at least 2012. Feedback is requested by the federal government by August 22nd. Given that Council will begin a recess after August 8th it is recommended that at the Committee of the Whole meeting of August 1st Council review and discuss the attached document, select a proposed option (see report) and direct staff to respond accordingly and with any other information Council and staff think it would be important for the federal government to consider.

Recommendation

1. That Council discuss and provide input to staff at the Committee of the Whole meeting of August 1st.
2. That Council direct staff to prepare and submit a response to the federal government by August 22nd based on Council discussions and motions arising at the August 1st Committee of the Whole meeting.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "M. Helps".

Mayor Helps

The table contains a list of potential sites for certification based on the applicability section of NPA 2019-014. Please note that this list is approximate since variables such as seasonal variations, aircraft used and number of movements may alter the list. The sites are listed in alphabetical order.

Option 1

All water aerodromes would be required to be certified as a water airport if they:

- are located in the built-up area of a city or town; or,
- have scheduled passenger service.

	Name	Province	Certified as Water Airport
1.	Ahousat	British Columbia	No
2.	Alert Bay	British Columbia	No
3.	Bedwell Harbour	British Columbia	No
4.	Bella Bella (Campbell Island)	British Columbia	No
5.	Bella Bella (Waglisla)	British Columbia	No
6.	Boisvert & Fils - Montréal	Quebec	Yes
7.	Cepeecee	British Columbia	No
8.	Comox	British Columbia	No
9.	Delco Aviation - Montréal	Quebec	Yes
10.	Esperanza	British Columbia	No
11.	Fair Harbour	British Columbia	No
12.	Friendly Cove	British Columbia	No
13.	Galliano (Montague Harbour)	British Columbia	No
14.	Ganges	British Columbia	No
15.	Hartley Bay	British Columbia	No
16.	Hydro Aéroport de Montréal	Quebec	Yes
17.	Kitkatla	British Columbia	No
18.	Klemtu	British Columbia	No
19.	Lac Saint-Augustin	Quebec	Yes
20.	Lyall Harbour	British Columbia	No
21.	Maple Bay - Vancouver Island	British Columbia	No

22.	Marina Venise - Montréal	Quebec	Yes
23.	Masset	British Columbia	No
24.	Mayne Island	British Columbia	No
25.	Montague Harbour	British Columbia	No
26.	Nachatlitz	British Columbia	No
27.	Nanaimo Harbour	British Columbia	No
28.	Ocean Falls	British Columbia	No
29.	Patricia Bay	British Columbia	No
30.	Pender Island	British Columbia	No
31.	Pitt Meadows	British Columbia	No
32.	Port Hardy	British Columbia	No
33.	Port McNeil	British Columbia	No
34.	Port Simpson	British Columbia	No
35.	Port Washington	British Columbia	No
36.	Prince Rupert/Seal Cove	British Columbia	No
37.	Queen Charlotte City	British Columbia	No
38.	Queens Cove	British Columbia	No
39.	Salt Spring Island	British Columbia	No
40.	Saturna Island	British Columbia	No
41.	Silva Bay (Gabriola Island)	British Columbia	No
42.	Sechelt - Porpoise Bay	British Columbia	No
43.	Telegraph Harbour (Thetis Island)	British Columbia	No
44.	Tofino	British Columbia	No
45.	Vancouver Harbour	British Columbia	No
46.	Vancouver Sea Island	British Columbia	No
47.	Victoria Harbour	British Columbia	Yes
48.	Whistler/Green Lake	British Columbia	No

Option 2

All water aerodromes would be required to be certified as a water airport if they:

- are located in the built-up area of a city or town; or,
- receive more than 14 scheduled passenger movements per day; or,
- receive any aircraft with a seating configuration, excluding pilot seats, of nine or more for scheduled passengers service.

	Name	Province	Certified as Water Airport
1.	Boisvert & Fils - Montréal	Quebec	Yes
2.	Comox	British Columbia	No
3.	Delco Aviation - Montréal	Quebec	Yes
4.	Ganges	British Columbia	No
5.	Hartley Bay	British Columbia	No
6.	Hydro Aéroport de Montréal	Quebec	Yes
7.	Kitkatla	British Columbia	No
8.	Lac Saint-Augustin	Quebec	Yes
9.	Maple Bay -Vancouver Island	British Columbia	No
10.	Marina Venise - Montréal	Quebec	Yes
11.	Masset	British Columbia	No
12.	Nanaimo Harbour	British Columbia	No
13.	Pender Island	British Columbia	No
14.	Pitt Meadows	British Columbia	No
15.	Prince Rupert/Seal Cove	British Columbia	No
16.	Saturna Island	British Columbia	No
17.	Sechelt - Porpoise Bay	British Columbia	No
18.	Telegraph Harbour (Thetis)	British Columbia	No
19.	Tofino	British Columbia	No
20.	Vancouver Harbour	British Columbia	No
21.	Vancouver Sea Island	British Columbia	No
22.	Victoria Harbour	British Columbia	Yes

23.	Whistler/Green Lake	British Columbia	No
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CANADIAN AVIATION REGULATION ADVISORY COUNCIL (CARAC)
NOTICE OF PROPOSED AMENDMENT (NPA)

EXECUTIVE SUMMARY

Transport Canada is proposing an amendment to the *Canadian Aviation Regulations* (CARs) to establish regulatory requirements for the operation and certification of water airports in Canada. This amendment will ensure that water airports operate at an equivalent level of safety to land airports and heliports, which have existing regulatory requirements in the CARs.

BACKGROUND

According to section 302.01 of the CARs, an aerodrome must be certified if it is located within the built-up area of a city or town, if it receives scheduled air service for the transport of passengers, or if the Minister deems it to be in the public interest and to further the safe operation of the aerodrome. Certified aerodromes (airports) must comply with Subpart 302 of the CARs and the associated standards. These requirements were introduced in 1996 and were based on land airports. In 2007, the CARs were amended to introduce Subpart 305 on Heliports, which extended the certification framework to include heliports.

The existing regulatory framework provides no certification, or operational requirements for water aerodromes. Some water aerodrome operators are using the existing *TP 4884 - Water/Ice Aerodrome Standards and Recommended Practice* as guidance in the conduct of their operations. *TP 4884* includes minimal standards and recommended practices for the development and operation of both water and ice aerodromes, however it has no force of law as it is not incorporated by reference into Part III of the CARs.

The number of passengers that travel by seaplane is increasing in Canada and will continue to increase. To ensure the safety of the travelling public, Transport Canada is proposing an amendment related to water airports that would provide the certification, operational, management, safety and reporting requirements for water airports. The amendment would set out specific requirements for water airports, similar to those of land airports and heliports, to ensure the safety of all passengers and staff using or working in water airports.

There are currently 48 water aerodromes that are located within the built-up area of a city or town; and/or, have scheduled passenger service. These sites would be subject to the new proposed amendment.

The International Civil Aviation Organization (ICAO) provides general guidance to member States for establishing national regulations for water aerodromes. The guidance material is meant to be used in conjunction with ICAO Annex 14 to the Convention on International Civil Aviation, Volume I – Aerodrome Design and Operations. While the guidance is helpful to member States, Chapter 3 of Annex 14 (Physical Characteristics) only applies to land aerodromes. ICAO has not developed Standards and Recommended practices for water aerodromes.

Other States are seeking to develop their own water aerodrome operations, including Indonesia and Greece. They have asked Canada for guidance regarding water airports because of the lack of ICAO requirements and the prevalence of water aerodromes in Canada. The development of modern



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regulations for water airports could allow Canada to become an ICAO leader on this subject.

Additionally, this amendment will ensure that there is no conflict with the current *Canada Shipping Act, 2001 and Collision Regulations*. It should be noted that a seaplane travelling on the water (i.e., taxiing) is considered a vessel and is required to abide by the *Canada Shipping Act, 2001* and the *Collision Regulations*. The *Collision Regulations* ensure that all traffic on water are operating under the same rules for the safe manoeuvring of vessels, including outlining the procedures to follow to avoid a collision.

STATEMENT OF THE PROBLEM AND POLICY CONSIDERATIONS

Subpart 302 of the CARs and the associated standards are written for land airports and pertain to the characteristics of the terrain the airport rests upon; for example, the slope of the ground, the size and colour of markings painted on the pavement, the load bearing capacity of the pavement, the location, and the colour and size of signs. There are no specific requirements that apply to water airports.

Furthermore, the number and frequency of commercial flights originating from water airports has significantly increased since 1999. Transport Canada estimates 500,000 passengers travel by scheduled seaplane flights each year. This highlights the need for specific requirements for water airports.

The current regulations for the certification of aerodromes as airports (CARs Part III, Subpart 2) and the associated standards (*Aerodrome Standards and Recommended Practices - TP 312*) are intended for the certification of land aerodromes as land airports.

The amendment would establish the requirements for the certification and operation of water airports in Canada and allow a standardized application of safety requirements by Transport Canada.

Transport Canada is establishing requirements for water airports as it is a gap in the regulatory regime. The lack of Standards and Recommended Practices from ICAO and the growing interest in establishing requirements for water airports within Canada and internationally also contributed to the decision to develop an amendment for water airports.

Canada is experiencing an increase in seaplane traffic that is anticipated to keep growing; the increased traffic also increases the likelihood of an accident or incident at a water aerodrome. The amendment is required to ensure the safety of passengers, flight crews and those working at water aerodromes across Canada.

ANALYSIS SUMMARY



CANADIAN AVIATION REGULATION ADVISORY COUNCIL (CARAC)
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Regulating seaplanes operations at water airports in Canada is intrinsically linked to Transport Canada's broader efforts to improve seaplane safety. Transport Canada has undertaken actions to address seaplane safety in Canada, including:

- An awareness campaign, where various promotional products were updated, in addition to launching a new Transport Canada [web portal for seaplane operators and passengers](#); and,
- The publication of a regulatory amendment, in March 2019, to require the donning of personal flotation devices by passengers and crew in Subpart 703 operations and mandatory egress training for Subpart 704 and 703 pilots to address the risks associated with egress and drowning in seaplane operations.

Transport Canada has addressed many safety issues related to the operation of seaplanes; addressing certification requirements at water airports remains a safety concern that needs to be addressed in this area.

There are currently six certified water airports operating in Canada. Those water airports that currently hold a water airport certificate will be required to submit an application to receive a new water airport certificate under the amendment.

In addition to the six certified water airports, Canada has many water aerodromes that provide scheduled passenger services. Air operators that operate scheduled air services at these water aerodromes are authorized to do so in their air operator certificate by Transport Canada. Transport Canada inspectors currently do not have formal regulations or standards to follow when inspecting these water aerodromes, therefore regulations on the certification of water airports are required.

Consultation

A Notice of Proposed Amendment was published in 1999 (NPA1999-280) outlining proposed amendments to the CARs for water airports. Transport Canada has continued to work on the amendment for water airports. Given the amount of time that has lapsed since the last consultation, this new NPA was developed to provide stakeholders with an opportunity to provide comments prior to any pre-publication in the *Canada Gazette*, Part I.

RECOMMENDED SOLUTION

The amendment establishes the requirements for the certification and operation of water airports, including safety requirements, organizational requirements, emergency response plans, and reporting requirements. The amendment ensures the safety of passengers travelling by seaplane and using water airports. The amendment outlines the safety systems and requirements that water airports would have to meet and would ensure an equivalent level of safety as the requirements for land airports and heliports.



CANADIAN AVIATION REGULATION ADVISORY COUNCIL (CARAC)
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OBJECTIVES

The objective of this proposal is to introduce amendments related to the certification and operation of water airports that would ensure the safe operation of water airports.

PROPOSED CHANGES

Subpart 306 would be added to the CARs and would outline the requirements for the certification and operation of water airports in Canada. The proposed new Subpart 306 would contain the requirements outlined below. **Transport Canada is formally seeking input from stakeholders on two distinct Applicability options (please see below). Submissions should clearly indicate the option being commented on.**

Applicability

Option 1

All water aerodromes would be required to be certified as a water airport if they:

- are located in the built-up area of a city or town or,
- have scheduled passenger service.

In addition, the Minister would have the authority to make an order indicating that a water aerodrome that does not meet the criteria above must be certified as a water airport if the issuance of a water airport certificate would be in the public interest and would further the safe operation of the aerodrome.

Option 2

All water aerodromes would be required to be certified as a water airport if they:

- are located in the built-up area of a city or town; or,
- receive more than 14 scheduled passenger movements per day; or,
- receive any aircraft with a seating configuration, excluding pilot seats, of nine or more for scheduled passengers service.

In addition, the Minister would have the authority to make an order indicating that a water aerodrome that does not meet the criteria above must be certified as a water airport if the issuance of a water airport certificate would be in the public interest and would further the safe operation of the aerodrome.



**CANADIAN AVIATION REGULATION ADVISORY COUNCIL (CARAC)
NOTICE OF PROPOSED AMENDMENT (NPA)**

Certification

To operate a water aerodrome, the water airport operator must hold a water airport certificate and must have an approved water airport operations manual.

An applicant for a water airport certificate must submit an application to the Minister that includes the name and civic address of the proposed water airport, the name and mailing address of the applicant, and, if applicable, the name of the person that the applicant proposes to appoint as the water airport manager. The application needs to include the proposed water airports operations manual and documentation outlining the obstacle limitation surface, the geographic coordinates, the elevation, and the range of tides or water levels. The applicant must also demonstrate that they have consulted with local government authorities with respect to the boundaries and land adjacent to the water airport.

A water airport certificate would be issued to the applicant if the proposed water airport operations manual is approved; if the proposed water airport meets the physical characteristics of a water airport; if the obstacle limitation surfaces meet the requirements; and, if the applicant demonstrates their ability to maintain the organizational structure and to conduct the operational management of the proposed water airport.

The airport operations manual would contain:

- a description of the physical characteristics and water airport boundary;
- the level of service and the types of services that would be provided;
- the largest aircraft that is intended to be used at the water airport;
- a description of the organizational structure;
- a description of the operational procedures;
- a copy of any agreement or memorandum of understanding that affects the operation of the water airport, including emergency services;
- information that makes it possible to verify that the water airport meets the requirements and any applicable standards related to physical characteristics, obstacle limitation surfaces, markers, markings and signs;
- an emergency response plan;
- a record of any amendments to the manual and a description of the process for making any amendments;



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- a list of people who have copies of the manual; and,
- a statement, signed by the Minister, that the manual and any amendments have been approved.

Any amendments to the airport operations manual must be approved by the Minister. The airport operator must also distribute the manual, and any applicable amendments, to any person or institution referred to in the manual.

Holders of an Airport Certificate

Operators of a water aerodrome who hold an airport certificate in respect of a water aerodrome on the day before the regulations come into force may apply for a water airport certificate by submitting their proposed water airport operations manual and a written application. A water airport certificate would be issued to an operator if the water airport operations manual is approved, the water airport meets the requirements related to physical characteristics, and the obstacle limitation surfaces requirements are met. Water airport certificates in respect of a water aerodrome would expire on the day the regulations come into force.

Management of the Water Airport

The water airport operator would carry out the following responsibilities:

- maintaining the organizational structure of the water airport;
- keeping the water airport operations manual up to date;
- reviewing each aeronautical information publication as soon as it is received, and immediately notify the Minister and the provider of aeronautical information of any inaccuracies;
- notifying the provider of aeronautical information of any changes to the operational information;
- removing any object or obstruction hazardous to aviation safety, as soon as practicable, that is located within the water airport boundary;
- ensuring that the water airport operates in accordance with the Regulations;
- managing the water airport operations;
- coordinating the functions that affect the management of water airport operations;
- supervising the production and amendment of the water airport operations manual;
- liaising with regulatory authorities on all matters that relate to water airport operations, including



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amendments to the water airport operations manual;

- liaising with external agencies, including marine operators and the providers of air navigation services, on all matters that relate to water airport operations;
- receiving and acting on any aeronautical information that affects safety at the water airport; and,
- maintaining a water airport operations library that includes, at a minimum, the current editions of aeronautical information publications.

Additionally, the water airport operator must immediately notify the Minister and the appropriate air traffic control unit or flight service station of any of the following:

- the presence of any object that penetrates an obstacle limitation surface;
- the existence of any obstruction or condition hazardous to aviation safety at, or in the vicinity of, the water airport;
- any reduction in the level of service provided;
- the closure of any part of the movement area; and,
- the existence of any other condition hazardous to aviation safety and against which precautions should be taken.

If the air traffic control unit or flight service station cannot be contacted, the airport operator must immediately communicate, either visually or orally, with the affected pilots.

The operator of a water airport can allow another person or entity to operate the water airport on their behalf if there is a written agreement between the parties and a copy of the agreement is included in the water airport operations manual. However, the original operator of the water airport continues to be responsible for the fulfilling all regulatory requirements.

The Minister must be notified in writing within 14 days of a change to the water airports name. The Minister must also be notified in writing at least 14 days before ceasing to operate the water airport. If the operator of a water airport proposes to transfer the operation of the water airport to another operator, the Minister shall issue a water airport certificate to the proposed operator. The water airport certificate is issued only if the Minister was notified at least 14 days in advance and the proposed operator submits an application to the Minister at least 14 days in advance. All requirement of the regulations shall be met on the day of the transfer.

A water airport operator may appoint a water airport manager and assign the operator's responsibilities to the manager. The assignment of the operator's responsibilities to the manager and the acceptance



**CANADIAN AVIATION REGULATION ADVISORY COUNCIL (CARAC)
NOTICE OF PROPOSED AMENDMENT (NPA)**

of these responsibilities by the manager must be documented in writing.

The water airport manager must have knowledge of the contents of the water airport operations manual, the water airport certificate, the operational procedures and any laws, regulations or standards that ensure safety or affect his responsibilities. The water airport manager must not assign duties within the airport boundary to personnel unless they have successfully been trained for their specific duties and completed an initial training course on human and organizational factors related to safety as described in the water airport operations manual. These training records must be kept for a minimum of 24 months.

The Minister must be notified in writing within 14 calendar days after appointing or replacing a water airport manager.

The water airport operator must keep the following documents for at least two years:

- Any agreement to allow another person or entity to operate the water airport on the behalf of the operator;
- Any document indicating that the responsibilities of the operator have been assigned to a water airport manager;
- A summary of consultations on the emergency response plan;
- A record of the annual review of the emergency response plan; and,
- A records of the last two tests of the emergency response plan.

Reporting of Information

The operator must report to the Minister and the provider of aeronautical information services, the following information:

- the water airport elevation;
- the magnetic bearings of the channels;
- the range of tides or water levels;
- the average speed and the direction of any current;
- the dimensions of the water airport and of any required facility;
- the arrival and departure procedures;



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- information relating to electronic navigation aids;
- the presence and location of the geographical points, visual references, markings and markers;
- the location of the shoals or other hazards;
- contact information for the operator of the water airport;
- the hours of operation of the water airport;
- the communication frequency used by the water airport;
- operational procedures;
- operational restrictions;
- cautions; and,
- information on any significant obstacle that is at, or in the vicinity of, the water airport, including the location of each obstacle, its maximum elevation, and the nature of the obstacle.

The operator must also report the following information to the provider of aeronautical information services as soon as possible, if it is likely to adversely affect the normal operation of an aircraft, so it can be disseminated:

- any change in the condition of the movement area;
- the operational status of the water airport facilities;
- any damage to a shore facility;
- any submerged hazard or surface hazard, such as a log boom;
- abnormally high or low water depth;
- any current; and,
- a change in any other conditions or circumstances that is likely to constitute a significant hazard.



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Safety Requirements

Physical Characteristics

The following requirement must be met at each water airport:

- The channel must be at least 120 m wide.
- The channel must be at least 800 m long.
- The channel must have a depth of at least 1.8 m, unless the water airport is restricted to aircraft requiring less than 1.8 m then the depth would be determined based on the requirements of those aircraft.
- A shore facility must be provided for the safe embarkation and disembarkation of passengers that must:
 - provide a safe clearance between the aircraft and any other object;
 - be kept in good condition;
 - if it is a floating facility, it must be attached or anchored in a way that prevents shifting or becoming detached;
 - allow the safe movement of passengers;
 - have adequate tie-down points at each aircraft parking position to secure the aircraft; and,
 - have a width that is at least 1.5 times the width of the floats or landing gear of the largest aircraft that would use the facility.
- A turning basin must:
 - be large enough to allow the largest aircraft to turn;
 - have a water depth of at least 1.2 m, unless the water airport is restricted to aircraft requiring less than 1.2 m then the depth would be determined based on the requirements of those aircraft; and,
 - have a clearance of at least 15 m between the edges of the turning basin and any obstacle.
- A taxi channel must:



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- have a width of at least 45 m; and,
 - have a water depth of at least 1.2 m, unless the water airport is restricted to aircraft requiring less than 1.2 m then the depth would be determined based on the requirements of those aircraft.
- Mooring or anchoring facilities must:
 - allow the largest aircraft to turn;
 - provide a safe clearance between an aircraft and any other object; and,
 - have a water depth of at least 1.2 m, unless the water airport is restricted to aircraft requiring less than 1.2 m then the depth would be determined based on the requirements of those aircraft.
- Obstacle limitation surfaces, consisting of take-off, approach and transitional surfaces, must be established.
- Take-off and approach surfaces must be established at both ends of the channel, unless the channel is restricted to one-direction arrivals and opposite direction take-offs, and must be either:
 - straight-in surface whose centre line is a straight line that aligns with the centre line of the channel;
 - an off-set surface whose centre line is a straight line that is off-set from the centre line of the channel; or,
 - a curved surface whose centre line is a straight line that is a combination of a straight line and an arc of a constant radius.
- Take-off and approach surfaces, and transitional surfaces must meet the location and dimensional requirements.
- No fixed objects or structures are allowed within the water airport boundary unless:
 - it is used for marine navigation purposes; or,
 - it is frangible; and, used for air navigation purposes or is essential to the safe operation of an aircraft.
- Every fixed object must be marked with a colour in accordance with *The Canadian Aids to Navigation System*, TP 968, as amended from time to time, published by the Canadian Coast



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Guard, unless:

- the object is conspicuous as a result of its shape, size or colour; or,
- the object is impracticable to mark with a colour in which case display markers or flags would be displayed on or above the object.
- If an object is hazardous to the operation of aircraft, the object must be removed or any measures necessary to ensure aviation safety must be undertaken in accordance with a risk analysis.
- A risk analysis must be conducted to establish the required clearance above a waterway, river or canal that is used as the movement area.
- All overhead wires, catenaries or similar objects located inside the water airport boundary must be marked in accordance with Standard 621.
- Unless the wind direction can be obtained by radio, a wind direction indicator must be installed. The wind direction indicator must be of a conspicuous colour, in the form of a truncated cone, and visible both in flight from an altitude of 300 m and from the channel.
- Channels must be identified using geographical points or other visual references; or, using marking or markers in accordance with *The Canadian Aids to Navigation System*, TP 968, as amended from time to time, published by the Canadian Coast Guard.
- If shoals or other hazards could adversely affect the normal operation of the water airport, they must be identified by installing marker buoys.
- If dock identification markings are used, they must be triangular; displayed on the upper surface of the dock so they are visible from an altitude of 300 m; and, made of non-slip material.
- If dock edge markings are used, they must be displayed on each side of the dock where docking can occur.
- Dockside signs must be displayed that are clearly visible to those accessing the dockside that indicate that access is prohibited while an aircraft or its propeller are in motion. A sign clearly indicating the hazard must be displayed if any part of a secured aircraft overhangs the dock and constitutes a hazard to those accessing the dockside. In addition, if a restriction needs to be placed on a dockside, then a sign would be displayed that identifies the restriction and the portion of the dockside to which it applies.

Emergency Services

An emergency response plan must be developed and be readily available at the water airport. The



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emergency response plan would be developed in consultation with the individuals and organization that are impacted by the plan (i.e., air operators, authorities with jurisdiction over the body of water, marine operators, air navigation service providers, law enforcement, emergency responders and health service providers). The plan must specify the procedures to be followed in the case of an incident or accident that involves an aircraft within the boundaries or in the vicinity of the water airport; a medical emergency; a water rescue, a fire, an oil or fuel spill, the recovery of an aircraft and any other situation identified in a risk analysis. The plan must describe the emergency measure to be taken for each type of emergency; describe the roles and responsibilities of airport personnel and emergency organizations for each type of emergency; list the names and contact information for all persons, and emergency organization that could assist with an emergency; include a copy of any agreements entered into for the provision of emergency services; and, set out the lines of authority and relationships between the emergency organizations. In addition, the plan sets out the process for reviewing and updating the plan and the procedures for distributing the plan to the emergency organizations identified in the plan.

The plan must be reviewed every year and updated as required. The operator must carry out a test of the emergency response plan at intervals not exceeding three year.

Emergency equipment must be readily available at the water airport, including a life buoy and a lifeline or long pole for use in water rescues; certified fire extinguishers and absorbent material for use on an oil or fuel spill. Sufficient vessels and trained personnel must be readily available during the arrival and departure of flights to pick up the maximum number of passengers and crew allowed on board the largest aircraft that can be used at the water airport.

Fire prevention

To prevent fires, no one would be allowed to smoke or display an open flame at the shore facility or in an area where smoking or an open flame is likely to create a fire hazard that could endanger persons or property.

Recommended Consultation Stream

This NPA will be shared online for consultation. A forty-five (45) day comment period is recommended.

***UNTIL AUGUST 22, 2019, COMMENTS ON THIS NOTICE MAY BE ADDRESSED, IN WRITING, TO:**

CARAC contact info: CARRAC@tc.gc.ca

*Comments received after the above mentioned deadline will not be considered in subsequent updates



Transport
Canada

Transports
Canada

CARAC ACTIVITY REPORTING NOTICE #: 2019-014

DATE: July 8, 2019

SUBJECT: **Water Airports**

CANADIAN AVIATION REGULATION ADVISORY COUNCIL (CARAC)

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to this document.



Council Member Motion
For the Committee of the Whole Meeting of August 1, 2019

To: Committee of the Whole **Date:** July 26, 2019
From: Councillor Charlayne Thornton-Joe
Subject: Attendance at the Canadian Capital Cities Conference , Regina, SK Sept. 15-17

BACKGROUND

The Canadian Capital Cities Organization (CCCO) is a network for Canada's capital cities and capital commissions to promote and support the unique and symbolic significance of Canada's capital cities to citizens. Since 1995, this collaborative organization has been working quietly to help Canada's 14 provincial, territorial and federal capitals define and express their identities, and serves as a network for beneficial cooperation among capital cities and their residents.

The City of Victoria is a founding member of the CCCO, and throughout the organization's history has often taken a leadership role in its operation. This year's CCCO annual conference will be held in Regina, Saskatchewan, September 15-17, 2019. Along with Councillor Alto, I was appointed as a Board member to the CCCO.

Costs associated with attending the CCCO Conference are as follows:

Registration	\$ 300.00
Transportation (airfare)	\$ 460.00
Accommodation	\$ 570.00
Incidentals (taxi/bus/meals)	\$ 100.00
Carbon Offset Fee	\$ 66.0

Approximate total: \$ 1496.00

RECOMMENDATION

That Council authorize the attendance and associated costs for Councillor Charlayne Thornton-Joe to attend the Canadian Capital Cities Organization Conference to be held in Regina, September 15th – 17th, 2019.

Respectfully submitted,

A handwritten signature in cursive script that reads "Charlayne Thornton-Joe".

Councillor Charlayne Thornton-Joe

Council Conference Attendance - Approved & Pending Requests 2019		Budget	Mayor / Council Motions	Total Requests/ Actuals
Mayor Budget 2000.4116 (Conferences/Travel)		\$ 15,000		
<u>Approved at the February 14 Meeting</u>				
Mayor Helps - New Westminster Mayor's Housing Roundtable at New Westminster, B.C. February 16			541	410
Mayor Helps - Federation of Canadian Municipalities Annual Meeting held in Quebec City May 30-June 2			2,406	4,529
Mayor Helps - Federation of Canadian Municipalities Annual Meeting held in Quebec City May 30-June 2			-	186
Mayor Helps - UBCM Annual Conference held in Vancouver Sep 23-27			1,671	1,671
Mayor Helps - Chamber Luncheon Jan 30			-	62
<u>Approved at the April 11 Meeting</u>				
Mayor Helps - Association of Vancouver Island and Coastal Communities Annual Meeting held in Powell River April 12-14			920	1,152
<u>Approved at the May 9 Meeting</u>				
Mayor Helps - International Conference on Climate Action (ICCA) held in Heidelberg, Germany on May 21-24			3,409	3,252
Mayor Helps - International Conference on Climate Action (ICCA) held in Heidelberg, Germany on May 21-24: Carbon Tax portion only			399	399
Mayor Helps - South Island Prosperity Partnership (SIPP) in Ottawa, Ontario on May 12-15			284	198
Mayor Helps - South Island Prosperity Partnership (SIPP) in Ottawa, Ontario on May 12-15: Carbon Tax portion only			177	171
<u>Approved at the June 13 Meeting</u>				
Mayor Helps - Tour of Ambrose Place in Edmonton, Alberta held on June 17-18, 2019			348	348
Mayor Helps - Tour of Ambrose Place in Edmonton, Alberta held on June 17-18, 2019: Carbon Tax portion only			21	21
Mayor Helps - Wellbeing Cities Forum held in Montreal, Quebec held on June 18-20, 2019			1,416	1,416
Mayor Helps - Wellbeing Cities Forum held in Montreal, Quebec held on June 18-20, 2019: Carbon Tax portion only			177	177
Total Requests/Actuals		\$ 15,000	\$ 11,769	\$ 13,992
Remaining				\$ 1,008
Council Budget 2000.4116 (Conferences/Travel)		\$ 35,000		
<u>Approved at the January 31 Meeting</u>				
Councillor Isitt - Higher Ground Governance Forum held in Harrison Hot Springs March 29-30			1,050	1,050
Councillor Isitt - Association of Vancouver Island and Coastal Communities Annual Meeting held in Powell River April 12-14			1,000	1,000
Councillor Isitt - Federation of Canadian Municipalities Annual Meeting held in Quebec City May 30-June 2			2,700	3,870
Councillor Isitt - Federation of Canadian Municipalities Annual Meeting held in Quebec City May 30-June 2 Carbon Tax portion only			0	93
Councillor Collins - Association of Vancouver Island and Coastal Communities Annual Meeting held in Powell River April 12-14			1,000	1,000
Councillor Collins - New Westminster Mayor's Housing Roundtable at New Westminster, B.C. February 16			200	200
<u>Approved at the February 28 Meeting</u>				
Councillor Collins - Federation of Canadian Municipalities Annual Meeting held in Quebec City May 30-June 2			2,700	2,700

Council Conference Attendance - Approved & Pending Requests 2019	Budget	Mayor / Council Motions	Total Requests/ Actuals
<u>Approved at the March 28 Meeting</u>			
Councillor Dubow - Association of Vancouver Island and Coastal Communities Annual Meeting held in Powell River April 12-14		900	900
Councillor Alto - Higher Ground Governance Forum held in Harrison Hot Springs March 29-30		666	666
Councillor Loveday - Higher Ground Governance Forum held in Harrison Hot Springs March 29-30		1,100	1,100
Councillor Loveday - Association of Vancouver Island and Coastal Communities Annual Meeting held in Powell River April 12-14		915	915
Councillor Loveday - Federation of Canadian Municipalities Annual Meeting held in Quebec City May 30-June 2		3,145	3,583
Councillor Loveday - Federation of Canadian Municipalities Annual Meeting held in Quebec City May 30-June 2 Carbon Tax portion only		0	92
<u>Approved at the April 11 Meeting</u>			
Councillor Potts - Association of Vancouver Island and Coastal Communities Annual Meeting held in Powell River April 12-14		918	918
<u>Approved at the June 13 Meeting</u>			
Councillor Dubow - Federation of Canadian Municipalities Annual Meeting held in Quebec City May 30-June 2		3,767	3,767
Councillor Dubow - Federation of Canadian Municipalities Annual Meeting held in Quebec City May 30-June 2: Carbon Tax portion only		201	201
<u>Approved at the July 11 Meeting</u>			
Councillor Dubow - BC Active Transportation Summit in New Westminster, June 17-18		368	368
<u>Approved at the July 18 Meeting</u>			
Councillor Alto - Canadian Capital Cities Annual Conference in Regina, Saskatchewan Sept 13-18		1,877	1,877
Councillor Alto - Canadian Capital Cities Annual Conference in Regina, Saskatchewan Sept 13-18: Carbon Tax portion only		66	66
<u>Pending Requests:</u>			
Aug 1, 2019 COTW			
Councillor Thornton-Joe - Canadian Capital Cities Annual Conference in Regina, Saskatchewan Sept 15-17		1,430	1,430
Councillor Thornton-Joe - Canadian Capital Cities Annual Conference in Regina, Saskatchewan Sept 15-17: Carbon Tax portion only		66	66
<u>Miscellaneous Conferences and Expenditures</u>			
Councillor Alto - Urban Development Luncheon held in Victoria Jan 31			65
Councillor Alto - Urban Development Institute Luncheon			43
Councillor Dubow - GVCC Breakfast			52
Councillor Thornton-Joe - Urban Development Institute Luncheon			43
Councillor Isitt - Misc meal expenses			434
<u>Probable Upcoming Events:</u>			
UBCM Annual Conference held in Vancouver Sep 23-27 (estimated 5 x \$2,300)			11,500
Total Requests/Actuals	\$ 35,000	\$ 24,069	\$ 37,999
Remaining			\$ (2,999)



Council Member Report

For the Committee of the Whole Meeting of August 1, 2019

To	Committee of the Whole	Date:	July 26, 2019
From	Councillor Thornton-Joe, Mayor Helps		
Subject	Regional Deer Management		

Background

Through the years we have received many complaints regarding deer. Some of the concerns have been regarding the eating of resident's flowers and vegetables, some have been concerns of ticks being carried by deer populations, some have been concerns of accidents caused by collisions with deer, and some have been due to safety of individuals and their pets when encountering deer in their neighbourhood.

Council's current direction is in the 2019-2022 Strategic Plan under Strategic Objective #5, Health, Well-Being & a Welcoming City: *Look for Opportunities and Partnerships for Deer Management.*

In a meeting with other municipalities that have expressed the same concerns, it has been decided that a regional approach is the best when dealing with deer populations.

Whereas: Evidence has shown that culls and translocation have proven to be both inhumane and ineffective approaches to reducing deer numbers (the latter because the remaining population expands to fill the void),

Whereas: Immuno-contraception--the use of an animal's immune system to prevent it from fertilizing offspring. It involves the administration of a vaccine that induces an adaptive immune response which caused an animal to become infertile--as being piloted in Oak Bay, is showing promise as a humane and effective approach to managing and gradually reducing deer numbers,

Whereas: Deer management is most effective when undertaken on a regional basis (otherwise neighbouring deer populations will move in to fill newly-created voids),

And Whereas: The BC Government has jurisdiction for deer management and has only approved immuno-contraception in Oak Bay and only as part of a research project,

Therefore: The City of Victoria join other municipalities in the Region to sign a letter written to the Honourable Doug Donaldson, Minister Forests, Lands, Natural Resource Operations and Rural Development asking to meet with the Minister at UBCM to discuss regional deer management and to request that we utilize a region-wide deer immuno-contraception strategy to manage and gradually reduce the deer population across or municipalities.

Recommendation

That the Mayor adds her signature along with other municipalities in the Region to a letter written to the Honourable Doug Donaldson, Minister Forests, Lands, Natural Resource Operations and Rural Development asking to meet with the Minister at UBCM to discuss regional deer management and to request that we utilize a region-wide deer immuno-contraception strategy to manage and gradually reduce the deer population across or municipalities.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "M. Helps".

Mayor Helps

A handwritten signature in cursive script, appearing to read "Charlayne Thornton-Joe".

Councillor Thornton-Joe

July xx, 2019

Honourable Doug Donaldson
Minister
Forests, Lands, Natural Resource Operations and Rural Development

Dear Minister Donaldson,

We, the undersigned Mayors representing xx municipalities in Greater Victoria, are seeking your support to develop and implement a region-wide deer management strategy.

As you know, your ministry is working with the District of Oak Bay on a research project to gather baseline data on deer densities, range, population dynamics and dispersal rates and then to support a first round of immuno-contraception over the summer and fall of this year.

Other municipalities in Greater Victoria have also launched research initiatives to gather baseline data on deer populations. For example, the Township of Esquimalt, through the Urban Wildlife Stewardship Society (UWSS), has undertaken two comprehensive deer population estimate surveys over the last two years that provide robust data on numbers and primary locations. A third survey will be undertaken shortly.

The Township of Esquimalt also conducted a 2016 survey of residents that found that 62 percent of residents are concerned about the presence of deer, 52 percent had spent money to deal with or prevent deer damage to their plants and 13 percent reported experiencing aggressive behavior by a deer.

While Oak Bay's efforts to use immuno-contraception is a good and humane first step at controlling the deer population, deer management is most effective when undertaken on a region-wide basis; otherwise, neighbouring deer populations will move in to fill newly-created voids. However, your ministry has jurisdiction for deer management and has only approved immuno-contraception in Oak Bay and only as part of a research project.

Therefore, we want to work with you and your ministry to finalize and confirm our collective deer population research efforts and then utilize a region-wide deer immuno-contraception strategy to manage and gradually reduce the deer population across our municipalities.

We want to underscore the need to move forward quickly on this process. Every year, more and more deer are being hit by cars or being infected by diseases, while an increasing number of our residents are being impacted by aggressive deer behavior. Residents are looking for governments to take fast and humane action to manage and reduce the deer population in our municipalities.

We look forward to discussing this further with you and will be seeking a meeting with you at this year's UBCM in Vancouver.

Your sincerely,