



July 6, 2018

ATTN: Mayor and Council

Dear Ryan Morhart, Manager, Permits and Inspections

RE: APPLICANT RESPONSE - Change in Hours of Service: Liquor License (#303765)

We write the following applicant response to the staff report dated June 11, 2018, and received by the Victoria Event Centre (VEC) on June 28, 2018, under subject: *Application for a Permanent Change to Hours of Service for a Liquor Primary License (303765), Victoria Event Centre, 1415 Broad Street.*

While we are pleased to read that the staff report ultimately recommends issuance of our requested licence, it is regrettable that there remains some opposition. With recognition that an increase in service hours will not please all parties concerned in every aspect it is our hope that we may be able to address the matters that have been raised in the interest of goodwill and neighbourliness.

Downtown Victoria Residents Association:

We are very much appreciative of the thoughtful response prepared by Ian Sutherland, Chair of the Land Use Committee for the Victoria Downtown Residents Association (VDRA). While the letter is supportive of our organization and application in some respects there remains concern over impact on surrounding residences and businesses and a proposed amendment to limit the change in closing time of 2:00AM to Thursday, Friday and Saturday. Both points we address below.

- Impact on residencies and hotels

The VEC takes very seriously our ongoing relationship with both residents and business owners in the immediate vicinity of our operation and in the surrounding neighbourhood.

We benefit from a long-standing positive working relationship with the Best Western Plus Carlton Plaza Hotel and the Hotel Rialto, both of which are located in a 100 meter radius of 1415 Broad Street. We routinely work in collaboration with the Best Western to provide accommodation for our out of town guests and performers and we continue to share a good neighbourhood agreement with the Hotel Rialto.

We have never experienced any negative incidents arising from our current operating model and are very much committed to maintaining what is a mutually beneficial relationship should our application for a change in liquor serving hours be approved.

The VDRA reasonably points out that, "There have been incompatibilities recognized between residences/hotels and licensed establishments with late night opening hours for liquor service in other locations within the downtown". This is of course a reality in the downtown core that is not lost on our board or staff who remain committed to address any potential issues while we rely on our past history of good relations with the surrounding business and residents to amicably resolve any potential conflict.

We believe that the culture and performances that the VEC showcases to Victoria's tourists and local residents alike, far outweighs the speculation of a negative impact to the neighbourhood. The VEC is a unique space and we have operated for over a decade while remaining in good standing as a neighbour and cultural asset to our community.

- Proposed amendment to limit change in 2:00AM closing time to Thursday, Friday, Saturday

The VDRA points to the permanence of the service hours change that we have requested with the concern that a potential future change in ownership or operator could make the licence marketable or leasable as a daily operating nightclub. The Victoria MultiCultural Society (VMS), as a non-profit entity and holder of liquor license #303765, retains the non-transferable legal rights to the liquor licence for the furtherance of our registered mandate; to promote arts, multiculturalism and inclusion in Victoria and the surrounding area. Our bylaws prohibit the operation of a nightclub-style venue, and our liquor licence places restrictions on the types of entertainment the VMS may offer.

Moreover, the VEC does not compete in the nightclub market. We are more directly comparable to many community centres or cultural halls that offer special occasion events that do allow for 2:00 AM closing times on a special permitted basis. The ability of the VEC to offer similarly competitive opening hours to these facilities is crucial to our long term viability as a downtown event space. Our current opening hours limit our ability to access market share that is taken up by our competitors.

With respect, the amendment proposed by VDRA to limit the days of extended hours to Thursday, Friday and Saturday, would in large part defeat the central purpose of our application to create flexibility in programming. It is our view that

while this amendment would be a reasonable limitation on a traditional nightclub operator, this restriction would in fact impede the increased flexibility that we seek.

We note that the VDRA has raised no objection to early service hours, beginning at 9:00 AM Monday through Sunday.

Current and future users of our space hold events and festival activities on varying days of the week. This is central to our capacity to serve a wide variety of different social and equity-seeking groups that are in need of space during variable dates and times. Many of our most popular events are held on what are traditionally off-business days for more traditional nightclubs, and a limit on the extended hours to thursday through saturday, while better than nothing, would not allow us to access the highest and best use of our space.

As a further precaution, we commit to bring forward an amendment to our society bylaws against the saleability or leasing of the VEC liquor licence, before or after dissolution of the society, by any operator other than the Victoria Multi-Cultural Society. We agree with the concerns raised by the VDRA on this point and will resolve this issue as outlined above.

Amar & Emma Sandhu

After reviewing the June 10, 2018 email from Amar and Emma Sandhu we met with staff to discuss the points that were raised. We further reviewed our records and respond accordingly. The resident letter notes complaint regarding outside noise and crowds gathering. We provide our response below.

- *Outside noise and crowds*

The VEC takes seriously the issue of outside noise and gathering as addressed in our earlier letter of intent. We were alarmed at the accusation of violence raised in the Sandhu correspondence and immediately took steps to research their allegation. Through a review of our daily event logs and in consultation with VEC staff we have not been able to identify a single incident of fighting either inside or outside of the venue over the past three years. Records do show that there was a single non-violent incident involving police that occurred on December 8, 2017. This incident occurred during an annual christmas party hosted by the VEC for non-profit sector workers. During the event an individual gained access to the venue and began uttering threats. Staff de-escalated the individual and escorted him to the top of our entry staircase where he refused to depart. Staff had no other alternative but to call the police who attended the venue and escorted the individual away without further incident. There is no record of any other incident involving the police.

While it is acknowledged that there are periods of congregation both immediately prior to and at the end of an event, we remain committed to moving people in and out of the venue swiftly to mitigate this nuisance as much as possible. With the introduction of our consent captain and added security personnel, we not only ensure the safety of guests within the venue but ensuring safe travel home following events. As a part of this renewed effort we are now monitoring closely the activity of guests and others outside the doors of our venue.

Candice and Cherry Bomb Toys

As above, we reviewed and assessed the content of the June 10, 2018, email from Candice of Cherry Bomb Toys. The nuisance described in this letter is regrettable and we are sympathetic to the concerns raised given that this particular resident lives and operates a business directly across from a nightclub and an events space and near to Centennial Square. Certainly there are some aspects of living in such a location in an urban core that are challenging from a quiet enjoyment perspective.

- Smoking

We are engaged on the subject of smoking in front of the venue and are currently reviewing options to relocate an area for individuals who choose to smoke during our events. The options to mitigate the impacts of outdoor smoking are limited by both bylaw requirements and practical considerations inside and outside of our venue. While we suggest that the number of smokers that congregate outside of the VEC is either less than or equal to any other event space, we are hopeful that both the decrease in the number of smokers amongst the population generally and a potential alternative space for smoking away from our facility will improve the impacts of this habit.

- Public Urination

The email notes the regrettable issue of entrances being used as a toilet. In response we note that the VEC exceeds the minimum number of washrooms given the floor space and capacity. In addition, there are outdoor 24/7 publically available washroom sites in centennial square and on the corner of Pandora and Government Street.

- Door Person

The writer's idea to have door persons outside at all times is a consideration that we have been exploring. There is merit in having someone outside of the venue at least before and after events. As it stands, we periodically station door staff outside dependent on the nature of the event.

Police Response

Through the interdepartmental review conducted as a component of the staff report, the police have indicated a concern for increased calls related to disturbance following closing hours, specifically citing concern over calls for service from the Hotel Rialto and Carlton Plaza Best Western. As indicated above, both hotels are close partners to the VEC with a long history of working together to address concerns. We suggest that the potential for increased police calls from these operators is unlikely to present a increased pressure on police resources in future as it has been of no concern in the past.

In Conclusion:

The Executive Board and staff of the VEC acknowledge that an extension in liquor service hours may not be desirable to all. We have provided a fulsome response in addition to our earlier letter of intent to make clear that we are and will continue to be responsible neighbours. We are looking forward to improving our operation for the enjoyment of many visitors and residents of Victoria in the years to come. The VEC is a very special place that brings diversity, community, and culture to the downtown core of Victoria.

With this in mind we again encourage council to support the staff recommendation to approve our request for flexibility, and a change in liquor serving hours.

Sincerely,

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