

To: Committee of the Whole **Date:** October 25, 2018

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

Subject: Application for a Permanent Change to increase licensed capacity (116081), The Churchill – Bedford Regency Hotel (The Churchill), 1140 Government Street.

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

- 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 is not expected be a significant issue.
- b. If the application is approved, the net impact on the community is expected to be positive economically as the approval supports the request of the business and presumably their long term viability as a local business and employer.
- 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 no letters opposed to, or in support of the application, and also did not receive correspondence from the Downtown Residents Association.
- d. Council recommends the issuance of the license.

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 The Churchill to increase their licensed capacity at 1140 Government Street. Review of the application, as directed by applicable Liquor Licence Policy, includes review and comments by City staff from the Bylaw, Planning, Engineering, and Police departments. In addition, a public notification process is conducted, which is also guided by the Liquor Licence Policy and allows individuals and the community to share comments through written correspondence. The application has been reviewed against technical policy and inputs by City staff, individuals, and the community have been considered; each is reflected in this report and the resulting recommendation.

The recommendation provided regarding The Churchill's application to increase the occupant load of their liquor primary license from 90 to 127 persons is not in conflict with the City's current Liquor License Policy. No concerns regarding this application were brought forward by city staff, with the exception of the Police Department's ongoing concerns, noting that increases to licenced capacities will incrementally add pressures to resources. No correspondence was brought forward by individuals or the community. Staff have recommended for Council's consideration that a resolution be made regarding the application, and that Council support the application to change the hours for the Liquor Primary License of The Churchill.

PURPOSE

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 The Churchill to increase their licensed capacity at 1140 Government Street. The existing licenced patron capacity is 90 and the intent is to obtain approvals to increase that to 127 patrons which would include patrons and staff. No adjustments are proposed to the hours of the existing licence and those hours are 11:00 am to 1:00 am Monday through Saturday and 11:00 am to 12:00 am Sunday.

BACKGROUND

The Liquor Control and Licensing Branch (LCLB) issues liquor licences under the authority of the *Liquor Control and Licensing Act* and regulations. Local governments are asked to provide comments and recommendations to the LCLB on all liquor-primary licence applications regarding:

1. The potential for noise.
2. Impact on the community if the application is approved.

LCLB applications for a structural change to increase occupant loads for Liquor Primaries do not require the applicant to submit a separate, corresponding letter of intent; however, the applicant indicated the request is to increase capacity through increased floor area, which provides more comfort for patrons as the space is less congested.

A map of the subject property and the immediate area is attached to this report (Appendix A).

As noted above, this application is for a structural change to increase licensed patron capacity for the Liquor Primary License. The Liquor Control and Licensing Branch is requesting a resolution from the City of Victoria regarding the application and the review criteria noted above.

ISSUES & ANALYSIS

The following sections will identify the key issues and provide analysis for Council's consideration.

City Liquor Licensing Policy

The City's Liquor Licensing Policy directs staff to consider applications for Liquor Primaries having hours of operation not later than 2:00 am. The applicable Council Policy is attached to this report (Appendix B).

The application to increase the licensed capacity is within the parameters of the policy.

City Referrals

An inter-departmental review of the project has been undertaken by City staff. The inter-departmental review includes circulation to Bylaw, Planning, Engineering and Police Departments. That review has resulted in the following feedback:

- Planning and Engineering staff have no objections to the application, and note plan details that show seating for twelve on the public right-of-way (sidewalk). A resolution in support of this application would not exempt the owners from responsibility to obtain approvals for sidewalk occupancy, or any other approvals such as building permits. Bylaw Services has not indicated concern for the application
- Police have made the following comments regarding the application.

"In reviewing the application for the Churchill, we don't have any specific concerns related to this application or the Churchill specifically. Our concerns lie in the incremental effect that such applications are having on the call-load in the Downtown core in the late night and early morning hours. VicPD resources are spread thinly during the peak times for licensed establishments. The City and VicPD are constantly assessing the Late Night Task Force (LNTF) and the special/supplemental duty for VicPD officers deployed downtown. Even with the LNTF funding, these positions are becoming increasingly difficult to fill, as policing demands continue to increase – particularly at night on the weekends. The impacts on the community, are related to public safety in the downtown core at night – VicPD's ability to respond to, and deal with calls for service in a timely manner. As the number of liquor seats increase, this leads to increased demands on VicPD resources."

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 establishment were solicited by a mailed notice to provide input regarding this application. In addition, The Churchill displayed a notice poster at its entrance for 30 days which invited people to provide input to the City with respect to this application.

No letters were received in support of or in objection to the application and no correspondence was received from the Downtown Residents Association.

Applicant Response

As is standard practice as part of the liquor licence process, after City staff give 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 has declined opportunity to respond to this report and the application generally.

In summary, after conducting a review with respect to noise and community impacts, and soliciting community views regarding The Churchill's application to increase licensed occupant capacity from 90 to 127 persons at 1140 Government Street, it is considered that the proposal is consistent with current City policy. Therefore, staff recommend that Council consider directing staff to notify the Liquor Licensing Agency that Council supports the change to increase occupant load for the Liquor Primary License.

IMPACTS

Accessibility Impact Statement

None

Strategic Plan 2015 – 2018

The recommendation to support the application is likely to increase the business viability of the pub, which is consistent with Strategic Plan Objective #5 - *Create Prosperity Through Economic Development*.

Impacts to Financial Plan

None

Official Community Plan

The existing and proposed uses of the liquor primary license are consistent with the *Official Community Plan* objectives for this neighbourhood.

CONCLUSIONS

The application regarding the Liquor Primary License for The Churchill to increase the occupant load from 90 to 127 persons is not in conflict with the City's current liquor licensing policy; therefore, staff recommend for Council's consideration that a resolution be made regarding the application, and that Council support the application to change the hours for the Liquor Primary License of The Churchill.

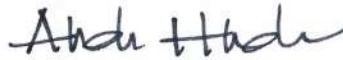
ALTERNATE MOTION (No Support)

That Council, after conducting a review with respect to noise and community impacts regarding the application to increase the patron capacity for a Liquor Primary License (116081), The Churchill, 1140 Government Street, does not support the request for the amendment.

Respectfully submitted,

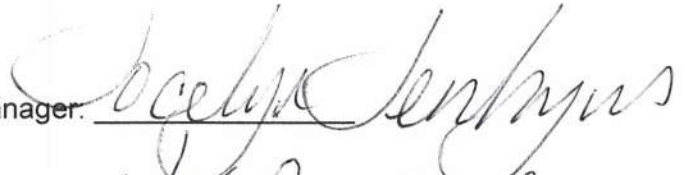


Ryan Morhart
Manager
Permits & Inspections



Andrea Hudson
Acting Director
Sustainable Planning & Community Dev.

Report accepted and recommended by the City Manager:



Date:

Nov 9, 2018

List of Attachments:

- Appendix A: Aerial photograph (map) of the establishment and surrounding area.
- Appendix B: Liquor Licencing Policy
- Appendix C: Provincial Liquor License Types
- Appendix D: Police Comments