



**Committee of the Whole Report**  
**For the Meeting of February 7, 2019**

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

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

**Subject:** Application for a Permanent Change to Hours of Service for a Liquor Primary License (307801), Interactivity Board Game Cafe, 721-723 Yates St.

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**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 Interactivity Board Game Cafe, located at 721-723 Yates Street, to change the hours of liquor service from 11:00 am to 11:00 pm daily, to 11:00 am to 11:30 pm Sunday through Thursday and 11:00 am to 12:30 am Friday and Saturday.

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 an 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 one letter opposed to the application, and one letter indicating support. The City did not receive correspondence regarding the application 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 Interactivity Board Game Café to change hours of licenced service associated with their liquor primary from 11:00 am to 11:00 pm daily, to 11:00 am to 11:30 pm Sunday through Thursday and 11:00 am to 12:30 am Friday and Saturday. The application has been reviewed by City staff including Planning, Engineering, Business and Community Relations, Bylaw, and Police. In addition, a public notification process is 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.

Interactivity Board Game Café's application to adjust hours associated with their liquor primary from 11:00 am to 11:00 pm daily, to 11:00 am to 11:30 pm Sunday through Thursday and 11:00 am to 12:30 am Friday and Saturday, is not in conflict with the City's current Liquor License Policy. Police, Bylaw, and Business and Community Relations have expressed little or no concern for the adjustment to hours. The public notification process provided 30 days for individuals to provide comment which resulted in two letters received regarding the application; one opposed and one in support to adjusted hours. The Downtown Residents Association did not provide correspondence regarding this 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 the liquor primary license of Interactivity Board Game Café from 11:00 am to 11:00 pm daily, to 11:00 am to 11:30 pm Sunday through Thursday and 11:00 am to 12:30 am Friday and Saturday.

## PURPOSE

The purpose of this report is to seek Council resolution, in accordance with the requirements of the *Liquor Control and Licensing Act*, regarding an application by the Interactivity Board Game Café to change their Liquor Primary License service hours at 721-723 Yates Street as follows.

### Current Hours of Liquor Service:

	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	11:00 pm	11:00 pm	11:00 pm	11:00 pm	11:00 pm	11:00 pm	11:00 pm

### Proposed Hours of Liquor Service:

	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	11:30 pm	11:30 pm	11:30 pm	11:30 pm	12:30 am	12:30 am	11:30 pm

## BACKGROUND

The Liquor and Cannabis Regulation Branch (LCRB) 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 LCRB on all liquor-primary licence applications regarding:

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

LCRB applications for a permanent change to hours of business for Liquor Primaries do not require the applicant to submit a corresponding letter of intent.

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 permanent change to the hours of liquor service for the Liquor Primary License. The Liquor and Cannabis Regulation 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.

### **Zoning**

The site is zoned appropriately for the establishment.

### **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. Interactivity Board Game Café is within the Intermediate Noise District and limited to 60 dBA 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 50 dBA in Quiet districts, 55 dBA in the Harbour Intermediate and Intermediate districts and 65 dBA in the Activity district. 50 dBA is comparable to rainfall, light traffic or a refrigerator and 60 dBA 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 B)

### **Vicinity and Municipal Impacts**

Predictability of noise related issues or other community impacts, negative or positive in effect, is challenging due to a number of 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 fall back 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.

Interactivity Board Game Café's application has been considered with regard to the impact it would have on the community and it's potential to generate noise related issues. The impact has been considered in terms of the vicinity and within the city as a whole.

The category of licence required by the Interactivity Board Game Café is a liquor primary as dictated by the LCRB. Consequently, the applications impact is predicted by comparison to other liquor primaries in the area.

<b>Vicinity Analysis – Licenced Occupant Load and % Increase</b>							
Opening & Closing Hours	Interactivity Board Game Café Seating	Existing Liquor Primary Seats	Increase in Seat Capacity	Existing Food Primary Seats	Increase in Seat Capacity	All Existing Seats	Increase in Seat Capacity
11:00 AM	65 existing	1,680	0%	n/a	n/a	n/a	0%
11:30 PM	65	2,675	2.4%	n/a	n/a	n/a	2.4%
12:30 PM	65	1694	3.8%	n/a	n/a	n/a	3.8%
<b>City Wide Analysis</b>							
Opening & Closing Hours	Interactivity Board Game Café Seating	Existing Liquor Primary Seats	Increase in Seat Capacity	Existing Food Primary Seats	Increase in Seat Capacity	All Existing Seats	Increase in Seat Capacity
11:00 AM	65 existing	32,514	0%	n/a	n/a	n/a	0%
11:30 PM	65	32,101	0.2%	n/a	n/a	n/a	0.2%
12:30 PM	65	17,866	0.4%	n/a	n/a	n/a	0.4%

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, and if approved, represents a 2.4% increase at 11:30 pm and 3.8% increase at 12:30 am to liquor primary licenced capacity within the vicinity and an increase of 0.2% to 0.4% city wide. Vicinity information is attached as Appendix C.

### **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 D).

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 has been undertaken by City staff. The inter-departmental review includes circulation to Planning, Engineering, Business and Community Relations, Bylaw, and Police. That review has resulted in the following feedback.

#### Planning

- This is a permitted use within the Zone. Planning have no concerns.

#### Engineering

- No transportation-related noise impacts on nearby residents; and no transportation-related impacts on the community if the application is approved.

#### Business and Community Relations

- Closing times of 11:30 pm weekdays and 12:30 am weekends is not likely to increase risk of impacts to neighbours. There are therefore no concerns with this request.

#### Bylaw

- No Bylaw concerns with the change in hours.

### Police

- Although this is extending hours later into the night on the weekends, the seating capacity and the nature of the business, combined with the lack of any historical problems or calls for service indicates to us that this should not impact our policing resources for the extended hours. Police comments are found in Appendix E.

### **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, Interactivity Board Game Café displayed a notice poster at its entrance for 30 days which invited people to provide input to the City with respect to this application.

One letter was received opposing the application to change hours of liquor service and one letter was received in support of the application. The DRA did not provide correspondence regarding this application.

All letters are available in Appendix F.

### **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 the opportunity to address the report.

In summary, after conducting a review with respect to noise and community impacts and soliciting community views regarding Interactivity Board Game Café's application to permanently change hours from 11:00 am to 11:00 pm daily, to 11:00 am to 11:30 pm Sunday through Thursday and 11:00 am to 12:30 am Friday and Saturday at 721-723 Yates 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 application to change hours of licenced service 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

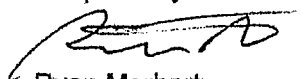
The application regarding the liquor primary license for Interactivity Board Game Café to change hours service from 11:00 am to 11:00 pm daily, to 11:00 am to 11:30 pm Sunday through Thursday and 11:00 am to 12:30 am Friday and Saturday is not in conflict with the City's current liquor licensing policy; 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 Interactivity Board Game Café.

## ALTERNATE MOTION (No Support)

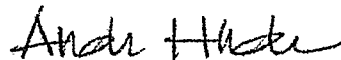
### Alternate Motion

That Council, after conducting a review with respect to noise and community impacts regarding the application to extend hours of liquor service for a liquor primary license, Interactivity Board Game Café, 721-723 Yates Street, does not support the request for the amendment.

Respectfully submitted,

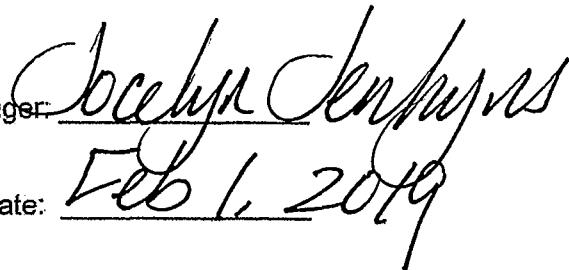


Ryan Morhart  
Manager  
Permits & Inspections



Andrea Hudson  
Acting Director  
Sustainable Planning & Community Dev.

Report accepted and recommended by the City Manager:



Date:

Feb 1, 2019

### List of Attachments:

- Appendix A: Site Map with 100 m buffer
- Appendix B: Noise District Map
- Appendix C: Vicinity Map
- Appendix D: Liquor Licensing Policy – October 12, 2017
- Appendix E: Police Comments
- Appendix F: Public Response from 30 day posting
- Appendix G: Provincial Liquor License Types