



## Committee of the Whole Report

For the Meeting of January 23, 2020

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**To:** Committee of the Whole **Date:** December 19, 2019

**From:** Karen Hoes, Director, Sustainable Planning and Community Development

**Subject:** Application for an Entertainment Endorsement for the Union Club of British Columbia's Food Primary Licence, at 805 Gordon Street.

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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 the Union Club of British Columbia located at 805 Gordon Street to obtain an Entertainment Endorsement for their Food Primary licence having existing hours of 9:00 am to 1:00 am Monday through Saturday and 9:00 am to 12:00 am Sunday, and an existing occupant load of 759 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 proportional in comparison to existing licence capacity and associated noise levels in the vicinity are expected to be negligible.
- b. If the application is approved, the impact on the community is expected to be positive economically as the approval supports operational flexibility for the establishment to host a variety of special events.
- c. The views of residents were solicited via a mail out which included 260 letters to neighbouring property owners and occupants within 100 metres of the licensed location and a notice posted at the property. The City received one letter in support of the application and no response was received from the Downtown Residents Association.
- d. Council recommends the requested change to the license 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 the Union Club of British Columbia. The application is to add an Entertainment Endorsement to their Food Primary licence. The existing closing time is 1:00 am Monday through Saturday and 12:00 am Sunday, but the provisions of an entertainment endorsement end at midnight regardless of later closing hours. That is to say, all activities permitted by the Entertainment Endorsement would end at midnight and licenced service could then continue based on closing hours. 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 was reviewed for consistency with City policy, and inputs provided by City staff and 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.

The Union Club of British Columbia's application to add an Entertainment Endorsement is consistent with the City's current Liquor License Policy. Police and staff support the request as the hours and occupant load are not changing, long-standing experience with the establishment as a responsible operator exists, and LCRB policy requires that activities associated with the Entertainment Endorsement cease at midnight. Opportunity for public comment included one letter in support of the application and the Downtown Residents Association did not provide comment. Staff have recommended for Council's consideration that a resolution be made regarding the application, and that Council support the application to add an Entertainment Endorsement to the Food Primary Licence having existing hours of operation from 9:00 am to 1:00 am Monday through Saturday and 9:00 am to 12:00 am Sunday, and an occupant load of 759 persons at 805 Gordon 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 the Union Club of British Columbia to add an Entertainment Endorsement to their 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 the Union Club of British Columbia, the establishment is licenced under a Food Primary licence.

The application is to add an Entertainment Endorsement to the Food Primary licence for the Union Club of British Columbia. Please see the applicant's proposal and rationale in Appendix A. Local government is asked to provide comments and recommendations to the LCRB on all liquor-primary licence applications regarding:

1. The impact of noise on nearby residents.
2. Impact on the community if the application is approved.
3. Whether or not the amendment, if approved, would 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.

## **ISSUES & ANALYSIS**

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

### **Zoning**

The establishment is existing, and the proposed change is supportable as activities associated with the Entertainment Endorsement are permitted by the applicable Zoning Regulation Bylaw, and there are no restrictions registered on the title of the property that would prevent the change.

### **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. The Union Club of British Columbia 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 the time of consideration change over the life of a licenced establishment. When they do change and unanticipated issues arise, enforcement can be used to re-establish compliance related to noise and other areas of non-compliance. Enforcement can include LCRB to ensure responsible and appropriate service as required by the terms of the licence with LCRB. The Noise Bylaw can also be enforced, and police have additional authority to bring an establishment back into compliance where issues are more complex.

The Union Club of British Columbia's application has been considered regarding the impact it would have on the community and its potential to generate noise related issues. Addition of an Entertainment Endorsement does not include an increase to hours or occupant load and impacts are not expected. 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). Addition of the Entertainment Endorsement proposed in this application is 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 has not resulted in concerns associated with Entertainment Endorsement if approved.

### Planning

- The application is supportable as the existing establishment is permitted in the Zoning Regulation Bylaw.

### Engineering

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

### Community and Business Relations

- No concerns have been identified with the request.

### Bylaw

- No concerns have been identified with the request.

### Police

- Police have no objections with this request. Full police comments are available in Appendix F.

The request is seen to be consistent with hours established for licenced service in the area.

## **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, the Union Club of British Columbia displayed a notice poster at the entrance for 30 days which invited people to provide input to the City with respect to this application.

The mailout included letters to 260 owners and occupants, and one letter was received. The letter is available in Appendix G.

## **Applicant Response**

As is standard practice, after City staff provides input, community feedback is received and the report is prepared for COTW, the applicant has a chance to review and respond to issues and concerns expressed if they exist 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. The applicant has provided floor plans and documents related to the licence for information and they are available in Appendix A.

## **IMPACTS**

### Accessibility Impact Statement

None

### Strategic Plan 2019 – 2022

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

### 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 to add an Entertainment Endorsement is supportable with existing hours of 9:00 am to 1:00 am Monday through Saturday and 9:00 am to 12:00 am Sunday, and an existing occupant load of 759 persons. LCRB policy requires that activities associated with the Entertainment Endorsement cease at midnight, the site is appropriately zoned for the use, and potential impacts related to noise are not expected. Staff recommend for Council's consideration that a resolution be made regarding the application and that Council support the recommendation associated with the Union Club of British Columbia's application to add an Entertainment Endorsement.

## **ALTERNATE MOTION (No Support)**

That Council, after conducting a review with respect to noise and community impacts regarding the application of the Union Club of British Columbia, at 805 Gordon Street, does not support the request for the amendment.

Respectfully submitted,

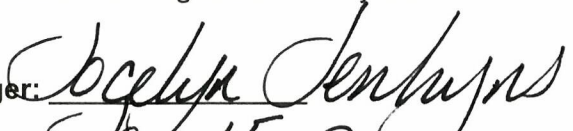


Ryan Morhart  
Manager  
Permits & Inspections



Karen Hoes  
Director  
Sustainable Planning & Community Dev.

**Report accepted and recommended by the City Manager:**

  
Date: Dec 15, 2020

## **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: Provincial Liquor License Types