



## 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 Coast Victoria Harbourside Hotel. The application is to adjust existing hours, 11:00 am to 1:00 am Monday through Saturday and 11:00 am to 12:00 am Sunday, to 9:00 am to 1:00 am daily. The existing occupant load is not proposed to change and is 52 people.

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.

Coast Victoria Harbourside Hotel's application to change existing hours to 9:00 am to 1:00 am daily with an existing occupant load of 52 people is supportable based on the City's current Liquor License Policy. The proposal is not anticipated to result in significant impacts to the area as it is already experienced with a 1:00 am closing time on all days except Sunday and earlier opening times are not known to be consequential in terms of negative impacts when approved. Opportunity for public comment included 12 letters, 9 of which were opposed to the application and 3 were in support. The James Bay Neighbourhood 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 change hours of operation to 9:00 am to 1:00 am daily with an occupant load of 52 persons at 146 Kingston 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 Coast Victoria Harbourside Hotel 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 Coast Victoria Harbourside Hotel, 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 Coast Victoria Harbourside Hotel. The letter of intent provided in conjunction with the application is included as Appendix A.

The existing hours are 11:00 am to 1:00 am Monday through Saturday and 11:00 am to 12:00 am Sunday, with an existing occupant load of 52 persons. The application seeks a change to the hours and not the occupant load, proposing 9:00 am to 1:00 am daily and this change does not affect outdoor seating areas. 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 KMH, Kingston and Montreal Streets Hotel and Marine Commercial District notes that transient accommodation is a permitted use and transient accommodation accessory uses as defined in the T-1 Zone are permitted. The T-1 zone defines transient accommodation accessory uses as: "establishments in respect of which there is a subsisting dining-lounge license, dining-room license or lounge license issued in each case pursuant to the Liquor Control and Licensing Act".

This definition specifically permits liquor primary or secondary and as such planning have no objection to the request.

### **Noise Bylaw**

The City's Noise Bylaw sets limits for four key areas within the City, which are the Quiet District, Intermediate District, Harbour Intermediate and Activity District. Coast Victoria Harbourside Hotel 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 for any application approval 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.

Coast Victoria Harbourside Hotel'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. Approval of proposed changes at this location would result in the Coast Victoria Harbourside Hotel being the only establishment in the vicinity open until 1:00 am on Sunday with all others closing by 12:00 am. City wide, the incremental impacts are an increase of 0.6% to seating capacity between the hours of 12:00 am and 1:00 am Sundays. 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 the use, allowing for liquor consumption and service.

#### Engineering

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

#### Community and Business Relations

- Community and Business Relations does not foresee significant negative impacts arising from the proposed change to hours.

#### Bylaw

- Bylaw has not identified concerns associated with application.

#### Police

- Police are supportive of the adjustment to open two hours earlier daily and close one hour later Sundays. Police comments are available 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 applicant's location were solicited by a mailed notice to provide input regarding this application. In addition to the 276 letters sent, Coast Victoria Harbourside Hotel 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 twelve letters were received, 9 were opposed to the application and 3 supported the application. The James Bay Neighbourhood Association did not provide comment. 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 declined opportunity to provide additional correspondence related to 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 Core Inner Harbour/Legislative designation which permits commercial, visitor accommodation and other mixed uses.

## CONCLUSIONS

The application to change hours at Coast Victoria Harbourside Hotel from 11:00 am to 1:00 am Monday through Saturday and 11:00 am to 12:00 am Sunday, to 9:00 am to 1:00 am daily with no change to the existing occupant load of 52 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 Coast Victoria Harbourside Hotel at 146 Kingston Street.

## ALTERNATE MOTIONS

1. That Council, after conducting a review with respect to noise and community impacts regarding the application of Coast Victoria Harbourside Hotel, at 146 Kingston Street, does not support the request for the amendment.

Respectfully submitted,



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Manager, Permits & Inspections



Karen Hoese, Director  
Sustainable Planning & Community Dev.



Report accepted and recommended by the City Manager: \_\_\_\_\_

Date: June 25, 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