

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. Under building permit, The Churchill is increasing its floor area and is consequently required to apply to LCRB for a structural change to provide licenced service in the new area. The application for a structural change is to increase the occupant load from 90 to 144 people, with no change to hours of operation from 11:00 am to 1:00 am Monday through Saturday and 11:00 am to 12:00 am Sunday.

The application was evaluated against City policy and staff commentary, and no feedback was received through the public notification process. 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 Churchill's application is consistent with the City's *Liquor Licensing Policy* and the recommended hours of operation are based on input received through the review process. Staff recommend that Council consider supporting the request to increase the occupant load with no change to existing hours of operation. The establishment has a reputation of responsible operation and no concern was brought forward by the community.

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 Churchill for a structural change to increase the occupant load of their existing liquor primary licence. The proposal is to increase the occupant load to 144 people from 90 with no change to existing hours of operation from 11:00 am to 1:00 am Monday to Saturday and 11:00 am to 12:00 am Sunday.

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.

The Churchill has included a letter of intent which provides information about the business model and is included as Appendix A. 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.

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 or acceptable for the business based on submitted details. In the case of The Churchill, the establishment is licenced under a liquor primary licence.

ISSUES & ANALYSIS

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

Zoning

Zoning for the establishment is OTD-1 which permits the use and does not have a requirement for parking.

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. The Churchill 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.

The Churchill's proposal has been considered regarding the impact it could have on the community and its potential to generate noise related issues. Under building permit, The Churchill is increasing its floor area and is consequently required to apply to LCRB for a structural change to provide licenced service in the new area. The establishment proposes to provide licenced service to an occupant load of 144 people which is an increase of 54 from the existing occupant load of 90 people. Service to these patrons is interior to the building as the establishment does not have an outdoor seating area. Staff did not share specific concern regarding the application beyond the incremental impact associated with increased seating density.

If approved, the request results in a total occupant load of 144 people. There are 2,466 licenced seats in the vicinity and the increase off 54 people is a 2.1% increase to licenced capacity in the area. 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 occupant load increase.

Bylaw

- Bylaw has not identified concerns associated with application.

Police

- Police have identified that no residential units exist within the immediate vicinity and note that the hotel units are operated by the same applicant/owner/operator and can manage impacts to their clients. 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, The Churchill displayed a notice poster at their entrance for 30 days, which invited input to the City with respect to this application.

The City did not receive correspondence in reply to the notification that went to 587 owners and occupants.

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 Old Town, Core Historic designation which permits commercial, visitor accommodation and other mixed uses.

CONCLUSIONS

The application for a structural change to a liquor primary licence to increase the occupant load to 140 people is supportable where hours of operation are from 11:00 am to 1:00 am Monday through Saturday and 11:00 am to 12:00 am Sunday.

The site is appropriately zoned for the use, is consistent with current City policy, and staff recommend for Council's consideration that a resolution be made supporting the recommendation for The Churchill.

ALTERNATE MOTIONS

1. That Council, after conducting a review with respect to noise and community impacts regarding the application of The Churchill, at 1140 Government Street, does not support the application.

Respectfully submitted,

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Manager, Permits & Inspections

Karen Hoese, Director
Sustainable Planning & Community Dev.

Report accepted and recommended by the City Manager.

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: Provincial Liquor License Types