



## **Committee of the Whole Report**

### **For the Meeting of January 12, 2023**

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**To:** Committee of the Whole **Date:** November 28, 2022

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

**Subject:** **Application to Change a Liquor Primary Club Licence to a Liquor Primary Licence for the Victoria Curling Club at 1952 Quadra Street**

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### **RECOMMENDATION**

That Council direct staff to provide the following response to the Liquor and Cannabis Regulation Branch:

1. That Council, after conducting a review with respect to noise and community impacts, does support the application of the Victoria Curling Club, located at 1952 Quadra Street, to transition their liquor primary club licence to a liquor primary licence and retain the existing hours that are 11 a.m. to 1 a.m. Monday to Saturday and 11 a.m. to 12 a.m. Sunday, and retain the existing occupant load of 181 people.

Approval of the application is not expected to produce noise related impacts and the following comments are provided regarding the prescribed considerations:

- a. If the application is approved, it is anticipated to have a positive economic impact on the community as the approval supports the viability of the business as a local employer.
- b. The views of residents were solicited through a mailout to neighbouring property owners and occupiers within 100 metres of the licensed location and a notice posted at the property. In response to the notification that went to 868 owners and occupants, the City received three letters in response to the notification which included a letter from the North Park Neighbourhood Association (NPNA); all correspondence indicated support for the application.
- c. Council recommends to the Province that the liquor primary licence be approved as recommended.

### **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 Victoria Curling Club located at 1952 Quadra Street. The application is to transition their liquor primary club licence to a liquor primary licence, retain the existing hours which are 11 a.m. to 1 a.m. Monday to Saturday and 11

a.m. to 12 a.m. Sunday, and retain the existing occupant load of 181 people. A liquor primary club licence requires that licensees must only sell liquor to members and their guests. Members of the public who are not guests of a club member are not permitted to enter or remain in a service area when liquor is sold or served but may attend events when liquor is not sold or served. A liquor primary licence would allow the Victoria Curling Club to provide licenced service to the broader community.

The Victoria Curling Club's application was evaluated against City policy, staff commentary and feedback received through the public notification process. It has also been considered in the context of the local vicinity and the City as a whole and is consistent with the City's *Liquor Licensing Policy*. The establishment has a history of responsible operation and concerns have not been brought forward through the public notification process. On this basis, it is recommended that the application of the Victoria Curling Club at 1952 Quadra Street be supported where the hours that are 11 a.m. to 1 a.m. Monday to Saturday and 11 a.m. to 12 a.m. Sunday and the occupant load of 181 are existing and remain unchanged.

## **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 Victoria Curling Club at 1952 Quadra Street. The Liquor and Cannabis Regulations Branch (LCRB) is requesting a resolution from the City of Victoria regarding:

1. Impact of noise on nearby residents.
2. Impact on the community if the application is approved.

## **PROPOSAL**

The Victoria Curling Club is seeking approval to change their liquor primary club licence to a liquor primary licence with no change to the hours of licenced service or the occupant load. The hours are 11 a.m. to 1 a.m. Monday to Saturday and 11 a.m. to 12 a.m. Sunday and the occupant load is 181 people.

A liquor primary club licence restricts licensees by requiring that they must only sell liquor to members and their guests. Members of the public who are not guests of a club member are not permitted to enter or remain in a service area when liquor is sold or served but may attend events when liquor is not sold or served. The Victoria Curling Club is seeking approval for a liquor primary licence so they are not subject to restrictions of the club licence and can provide licenced service to the broader community.

A letter of intent has been provided in Appendix A and includes information about the business model and the rationale for the licence application. A map of the subject property and the immediate area is provided in Appendix B and illustrates the 100m public notification area.

## **ISSUES & ANALYSIS**

The following sections provide Council with information, analysis and recommendations for consideration of the Council resolution to the LCRB.

## **LCRB Jurisdiction**

The LCRB issues liquor licences under the authority of the *Liquor Control and Licensing Act* and regulations and determines the category of licence appropriate or acceptable for the business based on submitted details.

Liquor primary licences are required where the primary purpose of the business is not the service of food and where liquor is being served in the service area. All liquor primary licence applications are referred to local government by LCRB. In the case of the Victoria Curling Club, the operator is seeking a liquor primary licence to accommodate serving the broader community rather than club members and their guests only.

## **City Liquor Licensing Policy**

The City's *Liquor Licensing Policy* (2017) (included as Appendix E) provides direction on a number of matters including: which applications the City will opt out of reviewing and commenting on; the procedures for the application process for those the City has not opted out of commenting on; and the approach to enforcement. The policy further indicates that applications for liquor licences having hours of operation later than 2 a.m. will not be considered (except New Year's Eve).

Changing the licence from a liquor primary club licence to a liquor primary licence with no change to the existing hours and occupant load for the Victoria Curling at 1952 Quadra Street are within the parameters of the City's policy.

## **City Referrals**

An inter-departmental review of the application is conducted prior to public notification. Review of the application for a liquor primary licence at 1952 Quadra Street resulted in the following feedback.

### Sustainable Planning & Community Development

- The application is supportable as the establishment is zoned appropriately for use as club.
- Zoning for the establishment is C-1, Limited Commercial District, and the property is in Development Permit Area DPA 3 (HC), which aims to revitalize the area while conserving and enhancing its heritage value. The zone permits *clubs* along with ancillary services to this use (such as liquor service).
- Compliance would be demonstrated through the building permit process and verified through City inspection.
- Hours of operation and seating capacity are not regulated under the zoning bylaw.

### Engineering & Public Works

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

### Community & Business Relations

- The establishment's transition to a liquor primary licence would entitle it to provide licenced service more broadly to the community and issues could result from this; reduced hours would be an option to address the impacts anticipated.

## Bylaw Services

- Bylaw did not provide comments related to the application.

## Police

- Police have expressed that they have no objections to the application. Full police comments are available in Appendix F.

## **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 (a total of 868 notices) were solicited by a mailed notice to provide input regarding this application. The notice was also sent to the North Park Neighbourhood Association. The public notification letter and poster reflected the applicant's intent to transition from a liquor primary club licence to a liquor primary licence and retain the existing hours that are 11 a.m. to 1 a.m. Monday to Saturday and 11 a.m. to 12 a.m. Sunday, and the existing occupant load of 181 people. The comment period was open for 30 days.

The City received three letters in response to the notification, including a letter from the North Park Neighbourhood Association (NPNA); all responses indicated support for the application.

The public letters of response are included in Appendix G and the letter from the North Park Neighbourhood Association is included as Appendix H.

## **Impact Assessment**

As part of the licence application review, the LCRB has referred this application to the City of Victoria to review and provide comments regarding noise impacts and the overall impact on the community if the application is approved.

Noise and other community impacts are challenging to predict and there are several variables that can contribute to the level of impact such as the business model, quality of owner/operator, context and existing density of licenced capacity in the area, hours of service, and fluctuating populations due to tourism.

## Context

The Victoria Curling Club is in a stand alone building where the lounge area is found on the second floor of the building. The club is located in the Limited Commercial District and is appropriately zoned for this use. Based on the City's Noise Bylaw, this site is within the Intermediate Noise District and is subject to the noise limits prescribed for this district.<sup>1</sup> The Noise District Map is included in Appendix D.

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<sup>1</sup> The Noise Bylaw sets limits for four key areas within the City: Quiet District, Intermediate District, Harbour Intermediate and Activity District. The Intermediate Noise District is limited to 60dBA at the point of reception until 10 p.m.; after 10 p.m., noise at the point of reception is limited to 50dBA in Quiet districts, 55dBA in 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.

The application is to transition the Victoria Curling Club's existing liquor primary club licence to a liquor primary licence and no change to the hours or occupant load (11 a.m. to 1 a.m. Monday to Saturday, 11 a.m. to 12 a.m. Sunday, and occupant load of 181 people) are proposed. To understand the potential impact of this change, the area context has been considered including the existing licenced capacity in the vicinity, which includes the block of the establishment and adjacent blocks.

The vicinity information, attached as Appendix C, illustrates the composition of licenced establishments in the area which includes a total of 9,579 licenced seats where:

- 9,398 (98%) are liquor primary seats belonging to Save on Foods Memorial Arena
- 181 (2%) are liquor primary club seats belonging to the Victoria Curling Club.

To provide perspective on the hours of operation of the 9,579 licenced seats in the area:

- 9,398 (98%) are closed by midnight
- 181 (2%) are closed by 1 a.m.

In Victoria, there are approximately 115,000 licenced seats of which:

- 53,400 (46%) close by midnight
- 42,500 (37%) close by 1 a.m.
- 19,000 (17%) close by 2 a.m..

### Operations

The Victoria Curling Club currently operates under a liquor primary club licence which entitles the establishment to provide licenced service to its club members and their guests. Based on the establishment's history of responsible operation and that the hours and occupant load will remain as they are under the club licence, the requested transition to a liquor primary licence with the ability to serve the broader public is not expected to result in community impacts beyond what currently exists.

### Enforcement

Consideration of the factors noted above can assist a municipality to predict negative aspects associated with licensed establishments; however, these factors can also change over the life of a licensed establishment. If 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 include:

- LCRB enforcement, which ensures responsible and appropriate service as required by the terms of the licence with LCRB
- Noise Bylaw enforcement by Bylaw Officers
- where issues are more complex, the Police have additional authority to bring an establishment back into compliance.

### **Applicant Response**

As a part of the liquor licence process, it is standard practice to provide the applicant with an opportunity to review this report and its recommendation including feedback from the public

notification and other attachments so they may respond to the report prior to the report being forwarded to Council.

In response, the applicant has provided correspondence in support of their application. This correspondence is available in Appendix I.

## **IMPACTS**

### Accessibility Impact Statement

As the establishment is an existing building, current accessibility requirements may not be met. There is no retroactive application of accessibility requirements under the BC Building Code and the establishment is therefore conforming.

### Strategic Plan 2019 – 2022

The recommendation to support the application as recommended is likely to increase the viability of the business as a local employer, which is consistent with Strategic Objective #4 – *Prosperity and Economic Inclusion*.

### Impacts to Financial Plan

None.

### Official Community Plan

The use as a *drinking establishment* is consistent with the Official Community Plan objectives for this neighbourhood.

## **CONCLUSIONS**

The Victoria Curling Club is seeking approval to transition their liquor primary club licence to a liquor primary licence to enable the business to provide licenced service to the broader community. The application for the liquor primary licence retains the existing hours that are 11 a.m. to 1 a.m. Monday to Saturday and 11 a.m. to 12 a.m. Sunday and the occupant load of 181 people. The site is appropriately zoned for the use, is consistent with current City *Liquor Licensing Policy*, and both the staff review and public notification process did not identify concerns with the application. Based on this, the application is considered supportable.

## **ALTERNATE MOTION**

That Council, after conducting a review with respect to noise and community impacts regarding the application of the Victoria Curling Club at 1952 Quadra Street, does not support the application.

Respectfully submitted,

Ryan Morhart, Manager  
Permits & Inspections Division

Karen Hoesel, Director  
Sustainable Planning and Community  
Development Department

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

## List of Attachments

- Appendix A: Rationale Letter
- Appendix B: Site Map
- Appendix C: Vicinity Map
- Appendix D: Noise District Map
- Appendix E: Council Policy
- Appendix F: Police Comments
- Appendix G: Public Response from 30-day Posting
- Appendix H: Response from the North Park Neighbourhood Association
- Appendix I: Applicant's Comments
- Appendix J: Provincial Liquor Licence Types