



**Committee of the Whole Report  
For the Meeting of October 3, 2024**

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**To:** Committee of the Whole **Date:** September 19, 2024  
**From:** Karen Hoese, Director, Planning and Development Department  
**Subject:** Application for a new Liquor Primary Licence at 516 Fisgard 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 supports the application of Pinhalla Pinball Pizzeria located at 516 Fisgard Street for a new liquor primary licence conditional on the following.
  - a. The establishment having a total occupant load of 110 people with no exterior seating areas.
  - b. Revised hours of licenced service that are 9:30 am to 12:00 am Sunday through Thursday and 9:30 am to 1:00 am Friday and Saturday.
2. 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 862 owners and occupants, the City received 12 letters of correspondence. Of these letters, 10 expressed opposition and two expressed support for the proposal. A letter from the Downtown Residents Association requested that the hours of operation be reduced as there are residents living in the area.
3. 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 Pinhalla Pinball Pizzeria located at

516 Fisgard Street. The business opened in February of this year and is seeking a new liquor primary licence having a 110-person occupant load with no outdoor seating and hours of licenced service that are 9:30 am to 1 am Sunday, 10 am to 1 am Monday through Thursday, 10 am to 2 am Friday and 9:30 am to 2 am Saturday.

The business's storefront includes a retractable garage door opening and through the public notification process, noise impacts related to this feature were identified. The business has responded by developing a policy to close the doors by 10 pm each day to manage the impacts and has also agreed to reduce the licenced hours originally proposed.

Based on the above, this report recommends support for the application conditional on the following:

- The establishment having a total occupant load of 110 people with no exterior seating areas.
- Revised hours of licenced service that are 9:30 am to 12:00 am Sunday through Thursday and 9:30 am to 1:00 am Friday and Saturday.

## **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 Pinhalla Pinball Pizzeria at 516 Fisgard 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**

Pinhalla Pinball Pizzeria is seeking approval for a new liquor primary licence having a 110-person occupant load with no outdoor seating and the following hours:

- 9:30 am to 1 am Sunday,
- 10 am to 1 am Monday through Thursday,
- 10 am to 2 am Friday, and
- 9:30 am to 2 am Saturday.

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 Liquor and Cannabis Regulations Branch (LCRB) issues liquor licences under the authority of the *Liquor Control and Licensing Act* and regulations. The LCRB determines the category of licence

appropriate or acceptable for the business based on submitted details. In the case of Pinhalla Pinball Pizzeria, the establishment has proposed to be licenced under a liquor primary licence to accommodate the business model; this is an appropriate licencing arrangement for the business.

### **City Liquor Licensing Policy**

The City's *Liquor Licensing Policy* (2017) is included as Appendix E and provides direction on the procedures for the liquor licence application process. The hours of licensed service proposed in this application for Pinhalla Pinball Pizzeria are within the parameters of the City's policy.

### **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 862 notices) were solicited by a mailed notice to provide input regarding this application. The notice was also sent to the Downtown Resident's Association. The public notification letter and poster reflected the applicant's intent to obtain a liquor primary licence, occupant load and requested hours of service. The comment period was open for 30 days.

The City received 12 letters in response to the public notification. Of these letters, 10 expressed opposition and two expressed support for the application. The public letters of response are included in Appendix G. A letter from the Downtown Residents Association (DRA) requested that the proposed hours of licenced service be reduced as there are residents living in the area (see Appendix H).

### **Impact Assessment**

#### Context

Pinhall Pinball Pizzeria is located in the Old Town District 1 zone, which permits a range of uses, including mixed-use buildings with residential uses. Drinking establishments are permitted in this zone, including facilities licenced through the *Liquor Control and Licencing Act* and entertainment venues with live or recorded music, night clubs, bars and pubs. The zone does not restrict the hours of operation or occupant loads of these establishments.

The business is in a single-storey commercial building at 516 Fisgard Street. Adjacent buildings include a mix of uses including commercial and residential uses.

#### Operations

Pinhalla Pinball Pizzeria has been providing pinball entertainment and pizza since it opened in February of 2024. It has now applied to the LCRB to provide licenced service for the business. The applicant has provided a letter of intent, attached as Appendix A, which outlines their business operations and their approach to mitigate anticipated issues.

## Noise Considerations

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 and Appendix C illustrates the composition of licenced establishments in the area, which includes the block of the establishment and adjacent blocks.

Pinhalla Pinball Pizzeria has a retractable garage door opening in its storefront and based on public feedback, noise escaping the openable storefront is disturbing some neighbours. In response, the business has implemented a policy to close these doors by 10 pm each day, and has also agreed to reduce the hours originally proposed. On this basis, the recommended hours, which are consistent with other licensed establishments in the area, are considered supportable.

## **Applicant Response**

As a part of the liquor licence process, it is standard practice to provide the applicant with an opportunity to review the report recommendations, so they may provide a response to the report prior to the report being forwarded to Council.

The applicant has confirmed they are satisfied with the recommendations and have included a letter (Attachment I) to address noise concerns.

## **OPTIONS & IMPACTS**

### **Option 1 (Recommend support of the application to the LCRB, subject to revised hours)**

1. That Council supports the application of Pinhalla Pinball Pizzeria located at 516 Fisgard Street for a new liquor primary licence conditional on the following:
  - a. The establishment having a total occupant load of 110 people with no exterior seating areas.
  - b. Revised hours of licenced service that are 9:30 am to 12:00 am Sunday through Thursday and 9:30 am to 1:00 am Friday and Saturday.
2. 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 862 owners and occupants, the City received 12 letters of correspondence. Of these letters, 10 expressed opposition and two

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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 pm; after 10 pm, 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.

expressed support for the proposal. A letter from the Downtown Residents Association requested that the hours of operation be reduced as there are residents living in the area.

3. Council recommends to the Province that the liquor primary licence be approved as recommended.

### **Option 2 (Recommend decline of the application to the LCRB)**

That Council does not support this application and recommends to the Province that the liquor primary license be declined.

### **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.

#### 2023 – 2026 Strategic Plan

The recommendation to support the application is likely to support small business and the visitor economy, and work to strengthen and add vitality to the downtown core, consistent with the Strategic Objective for *Economic Health and Community Vitality*.

#### Impacts to Financial Plan

None.

#### Official Community Plan Consistency Statement

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

### **CONCLUSIONS**

Pinhalla Pinball Pizzeria is seeking approval for a new liquor primary licence for their business that opened in February of this year. The public notification process identified noise impacts related to the business because of the retractable garage door opening in its storefront and escaping noise. The business has since developed policy to close the doors by 10 pm each day to manage the impacts and has agreed to reduce the hours originally requested. Based on this, the application is considered supportable where the total occupant load is 110 people with no exterior seating areas and hours of licenced service are 9:30 am to 12:00 am Sunday through Thursday and 9:30 am to 1:00 am Friday and Saturday.

Respectfully submitted,

Ryan Morhart  
Building and Inspection Services

Karen Hoese, Director  
Planning and Development Department

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

### **List of Attachments**

- Appendix A: Rationale Letter
- Appendix B: Site Map
- Appendix C: Vicinity Information and Map
- Appendix D: Noise District Map
- Appendix E: Council Liquor Licencing Policy
- Appendix F: Public Responses
- Appendix G: CALUC Response
- Appendix H: Types of Liquor Licences Issued in the Province of British Columbia
- Appendix I: Applicant's Comments