



Committee of the Whole Report

For the Meeting of September 14, 2017

To: Committee of the Whole **Date:** August 22, 2017

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Application for a New Liquor Primary Licence for Interactivity Board Game Café, 721 Yates Street.

RECOMMENDATION

That Council direct staff to provide the following response to the Liquor Control and Licensing Branch:

1. Council, after conducting a review with respect to the location of the establishment and the person capacity and hours of liquor service, supports the application of Interactivity Board Game Café, located at 721 Yates Street to obtain a new Liquor Primary License permitting service from 11:00 am until 12:00 am Sunday through Thursday, and 11:00 am to 1:00 am on Fridays and Saturdays with an occupant load of 65 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 and is not expected to be appreciatively different than that generated by the existing operations. It is understood that the total licensed capacity is to be 65 persons and that approval of the Liquor Primary Licence is dependent on existence of the core gaming business.
- b. If the application is approved, the impact on the community is expected to be negligible given the size, hours, and primary focus of the business.
- c. The views of residents were solicited via a mail out to neighbouring property owners and occupiers within 50 metres of the licensed location and a notice posted at the property. The City received two letters in support of the application and two expressing concern about the application for a liquor licence.
- d. Council recommends the issuance of the license as it is expected to increase the economic viability of the business.

PURPOSE

The purpose of this report is to seek Council resolution, in accordance with the requirements of the *Liquor Control and Licensing Act* (the Act), regarding an application by Interactivity Board Game Café for a new Liquor Primary License at 721 Yates Street with a licensed occupant load of 65 persons from 11:00 am until 12:00 am Sunday through Thursday and 11:00 am to 1:00 am on Fridays and Saturdays.

BACKGROUND

The Liquor Control and Licensing Branch (LCLB) issues liquor licences under the authority of the *Liquor Control and Licensing Act* and regulations. Local governments are asked to provide comments and recommendations to the LCLB on all Liquor Primary Licence applications regarding:

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

In an attached letter of intent (Appendix A), the applicant outlines the rationale for application to LCLB for the new Liquor Primary License. A map of the subject property and the immediate area is attached to this report (Appendix B).

In January of 2017, LCLB introduced new licencing opportunities. Any business is eligible for a Liquor Primary Licence, except those that operate from a motor vehicle or focus on minors, (e.g. store, spa, rental hall), subject to zoning, and to local government and public input. Liquor primary establishments must ensure food is available for patrons.

Where a liquor primary is in another business (e.g. a barber shop), the licensed area may completely or partially overlap the main business, or be adjacent to it. Also, the hours of operation may completely or partially overlap the main business' hours of operation. The Liquor Control and Licensing Branch (LCLB) will determine if and when minors are permitted. The licensee must apply to the LCLB if they want to change or close the main business, as that might affect the terms and conditions of the licence.

As is the case with all Liquor Primary Licence applications, the LCLB is requesting a resolution from the City of Victoria regarding the application.

ISSUES & ANALYSIS

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

City Liquor Licensing Policy

In 2007, Council adopted as part of the City's Liquor Licensing Policy that it consider applications for Liquor Primaries having hours of operation not later than 2:00 am.

*The limitations for opening and closing hours adopted by Council only refers to the sale of liquor and not the other aspects of the business. The applicable Council minutes are attached to this report as Appendix C.

The hours of licensed service proposed in the application are within parameters of the policy.

City Referrals

An inter-departmental review of the project has been undertaken by City staff. The inter-departmental review includes circulation to Police, Bylaw, Planning, Community Development and Engineering. That review has resulted in the following feedback:

- No concerns were brought forward through that review process.

Community Consultation

In accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy, all property owners and occupiers within 50 metres of the applicant's location were solicited by a mailed notice to provide input regarding this application. In addition, Interactivity Board Game Café displayed a notice poster at its entrance for 30 days which invited people to provide input to the City with respect to this application.

Two letters were received in support of the application to LCLB. The letters of support noted the existing business to be excellent neighbours and expressed a desire for additional options for consumption.

Two letters were received which expressed concern about increased licenced seats. Patron behaviour of nearby businesses cause general concern for additional licenced capacity in the area.

Applicant Response

As is standard practice as a part of the liquor licence process, after City staff give 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.

In summary, after conducting a review with respect to noise and community impacts and soliciting community views regarding the application for a new Liquor Primary License by Interactivity Board Game Café, located at 721 Yates Street, it is considered that the proposal is consistent with current City policy and would result in a net-positive impact on the community and would not create additional noise over and above what the current business generates or related issues as a consequence of the license approval. Therefore, staff recommend that Council consider directing staff to notify the Liquor Licensing Agency that Council supports the application for the new Liquor Primary License.

IMPACTS

Accessibility Impact Statement

None

Strategic Plan 2015 – 2018

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

Impacts to Financial Plan

There are no anticipated impacts to the Financial Plan.

Official Community Plan

The business is existing and licensing opportunities are secondary to the primary focus of the business which aligns with the *Official Community Plan* objectives for this neighbourhood.

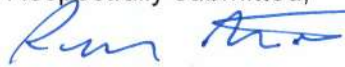
CONCLUSIONS

The application for a new Liquor Primary License for Interactivity Board Game Café is not in conflict with the City's current liquor licensing policy and limited objection has been raised through the community consultation process. Therefore, staff recommend for Council's consideration that a resolution be made regarding the application and that Council support the application of Interactivity Board Game Café to LCLB for a Liquor Primary License having hours of licensed service from 11:00 am until 12:00 am Sunday through Thursday and 11:00 am to 1:00 am on Fridays and Saturdays.

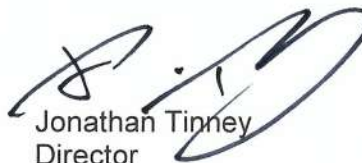
ALTERNATE MOTION (No Support)

That Council, after conducting a review with respect to noise and community impacts regarding the application for a new Liquor Primary License for Interactivity Board Game Café, located at 721 Yates Street, does not support the request for the amendment.

Respectfully submitted,



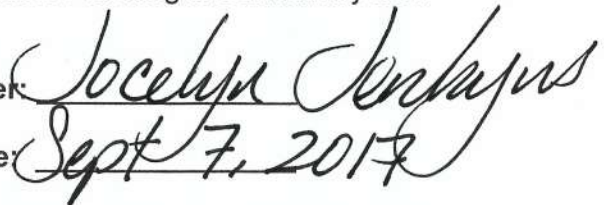
Ryan Morhart
Manager
Permits & Inspections



Jonathan Tinney
Director
Sustainable Planning & Community Dev.

Report accepted and recommended by the City Manager:

Date:


Sept 7, 2017

List of Attachments

- Appendix A: Letter of Rationale, from Interactivity Board Game Café
- Appendix B: Aerial photograph (map) of location and surrounding area.
- Appendix C: Council Minute from May 24, 2007, (Liquor Licencing Policy)
- Appendix D: Letters from the public
- Appendix E: Provincial Liquor License Types