



Planning and Land Use Committee Report

For the Meeting of November 12, 2015

To: Planning and Land Use Committee **Date:** October 30, 2015
From: Chris Coates, City Clerk
Subject: Application for a permanent change to add a Patron Participation Endorsement in relation to a Food Primary Liquor Licence, for **The Local Bar and Grill**, 1205 Wharf Street, Licence No. 302531

RECOMMENDATION

That Council, after conducting a review with respect to noise and community impacts regarding the application to add a Patron Participation Endorsement for the Food Primary Liquor licence of **The Local Bar and Grill**, Liquor Licence No. 302531, located at 1205 Wharf Street, supports:

- The application of The Local Bar and Grill to amend its Food Primary Liquor Licence to add a Patron Participation Endorsement.
- The Council provides the following comments on the prescribed considerations:
 - a. The location is in the historic commercial district which authorizes restaurants, hotels, retail stores, tourist services and associated uses. The Food Primary Liquor licensed business is compatible with the neighbouring land uses. The business is located within the Old Town District and is within the Intermediate Noise District, which allows for a higher noise threshold.
 - b. This change is expected to have minimal impact on the neighbourhood due to the configuration, use and size of the licensed premises. The restaurant has had no complaints of noise or nuisance since April of 2007. There is some concern that this change could increase the likelihood of the business being operated contrary to its primary purpose.
 - c. The views of the residents were solicited via a mailed notice to neighbouring property owners and occupiers within 50 metres of the restaurant and a notice posted at the property. Three written responses were received by the City, two opposed and one in support of the application.

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 Local Bar and Grill in relation to their Food Primary Liquor licensed business located at 1205 Wharf Street, for a change to add a Patron Participation Endorsement.

The hours of liquor service are from 9:00 AM to midnight, Sunday to Thursday; and, 9:00 AM to 1:00 AM Friday and Saturday. The occupant load for the restaurant is 60 on the main floor.

The approval of a Patron Participation Endorsement would allow the restaurant to offer patron participation entertainment in the form of music trivia and quiz nights. There would be no change in occupancy or hours of service as a result of this application.

PURPOSE

The purpose of this report is to seek a Council resolution regarding an application by The Local Bar and Grill, in relation to their Food Primary Liquor licensed business located at 1205 Wharf Street, for a change to add a Patron Participation Endorsement for their restaurant business.

BACKGROUND

The Local Bar and Grill is located at 1205 Wharf Street and has been in operation since April of 2007. The occupant load is 60 persons on the main floor and a patio occupancy of 80 persons.

Current operating hours are 9:00 AM to Midnight, Sunday to Thursday, and 9:00 AM to 1:00 AM Friday and Saturday.

The applicant is seeking Patron Participation endorsement so that they can offer a music trivia/quiz form of entertainment. They plan to have a DJ/Quizmaster set up in the north-west corner of the business to facilitate this.

Location

Official Community Plan

- The property is within the Core Historic Place designation in the Official Community Plan. Area uses include: commercial, including office, retail, visitor accommodation, multi-unit residential and mixed use.
- The area is covered by Development Permit Area 1(HC): Core Historic which enables Council to review and approve the character of commercial, industrial and multi-family residential developments. Heritage conservation is also included in one of the purposes of the DPA.

Downtown Core Area Plan

- The property is within the Historic Commercial District of the Downtown Core Area Plan, which supports growth in the tourism, retail and entertainment sectors. Residential dwellings are also encouraged in the upper stories of existing buildings.

Zoning and Designations

- The property is zoned CA-3C Zone - Old Town District

- Permits offices, retail, residences restricted to the second and higher storeys, transient accommodation, restaurants, clubs
- No off-street parking is required in this Zone
- The property is Heritage Designated
- The site falls within the Intermediate Noise District

Neighbourhood Compatibility

- The building is on the north east corner of Wharf Street and Bastion Square. The site is bounded on all sides with the CA-3C Zone, Old Town District. Immediately adjacent uses include:
 - North: retail and office uses
 - West: (across Wharf Street) restaurant and parking uses
 - East: Commercial Alley and retail uses
 - South: Bastion Square and restaurant/cabaret uses

There are no nearby residential uses. Nearest hotel use is the Regent Hotel to the north west.

The potential for additional noise affecting neighbouring businesses and residential neighbours is minimal with the addition of an entertainment endorsement as proposed.

Liquor Control and Licensing Branch

The General Manager of the provincial Liquor Control and Licensing Branch (LCLB) issues liquor licences under the authority of the *Liquor Control and Licensing Act* and regulations. Local government is to provide comments and recommendations to the LCLB on all liquor-primary licence applications regarding the potential for noise and impact on the community if the application is approved.

Relevant Policy/Bylaw

- a) Liquor Licensing Policy;
- b) Liquor Licensing Fee Bylaw.

ISSUE & ANALYSIS

The technical review of the application has been completed, with the findings as noted below:

Bylaw Enforcement

The Bylaw and Licensing Services Division has no concerns with the application. Current owners have been operating since April of 2007.

Citizen Engagement and Strategic Planning – Downtown Community Development Section

This venue is located in the entertainment district of the downtown, well-suited to the endorsement requested. Adding an interactive component to this food and beverage business is valuable in adding diversity to the late night offering. The closest residential units are the Victoria Regent Hotel/apartments and this additional activity is unlikely to increase disturbance to residents above existing levels. The Downtown Community Development Section has no concerns with this application.

Engineering & Public Works Department

The Engineering & Public Works Department has no concerns with this application.

Sustainable Planning and Community Development Department

The Sustainable Planning and Community Development Department has no concerns.

Police

The Victoria Police Department has no concerns with the application.

Public Engagement and Consultation

In accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy, all 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, the business displayed a poster at the access point to their business for a 4 week period which also invited people to provide input to the City with respect to this application.

The result of this consultation was that the City received 3 written responses from the community, two opposed and one in favour.

Official Community Plan

The proposed use of the property is consistent with the Official Community Plan objectives for this neighbourhood, the Core Historic Area.

Strategic Plan 2015 – 2018

The applicant's proposed business model, which features patron participation entertainment, is consistent with Strategic Plan Objective #10 - *Nurture Our Arts, Culture and Learning Capital*.

2015 – 2018 Financial Plan

There is no expenditure impact on the Financial Plan.

CONCLUSIONS

The City's current liquor licensing policy is silent about Patron Participation endorsements and Council has normally considered each application on its own merits. This restaurant has been operated by the applicant since April 2007. There have been no noise or nuisance complaints received by the City in respect to this business.

City staff from all Departments canvassed have no concerns about the proposed change to add a Patron Participation endorsement.

Respectfully submitted,


Kim Ferris
Business Licence Inspector
Bylaw & Licensing Services Division


Janice Schmidt
Manager
Legislative Services

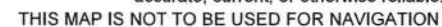

Jocelyn Jenkyns
Deputy City Manager

Report accepted and recommended by the City Manager: 

Date: November 2, 2015

List of Attachments

1. An aerial photograph (map) of the property and surrounding area.
2. A letter from the applicant explaining the purpose of the requested change.
3. Three e-mail letters from the public.



August 7, 2015

Liquor Control
Licensing Branch

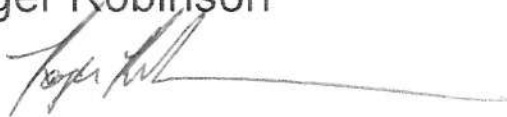
Attention Case Worker,

I am writing to you on behalf of The Local restaurant. As part of our ongoing efforts to enhance our patrons' enjoyment of our establishment, we are interested in applying for a patron participation entertainment endorsement to complement our current Food Primary License.

Our intent is to provide an opportunity for our guests to be involved in a music trivia/quiz night, perhaps twice weekly. We are hoping to have a DJ/Quiz master set up in the north-west corner of The Local to facilitate this endeavor.

Enclosed, please find the application form for this endorsement and the associated fee.

Sincerely,
Roger Robinson

A handwritten signature in dark ink, appearing to read 'Roger Robinson', with a long horizontal line extending to the right.

General Manager
The Local

October 7, 2015

Corporate Administrator
Legislative Services
1 Centennial Square
Victoria, BC V8W 1P6

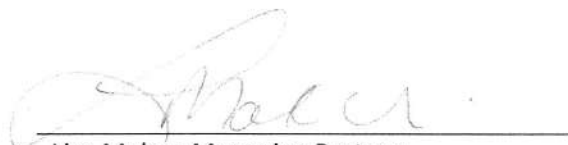
Dear Corporate Administrator:

Re: Notice of Application for Permanent Change to a Food Primary Liquor License

This letter is in response to the notice dated September 14, 2015 advising of the Local Bar and Grill's proposal to change the terms and conditions of their liquor license to offer entertainment such as music trivia and quiz nights.

On behalf of Elevate Consulting, our entire staff wholly endorses and supports this change. We regard the type of entertainment activities proposed as a welcome addition to the community, and will enhance the vibrancy of this area of Downtown Victoria.

Sincerely,



Lisa Makar, Managing Partner
Elevate Consulting

IT STARTS WITH A CONVERSATION

VICTORIA	EDMONTON
302, 31 Bastion Square	201, 10240 - 124 St
Victoria BC V8W 1J1	Edmonton AB T5N 3W6
P 250.483.6660	P 780.250.4828
Toll-Free 1.877.782.5455	

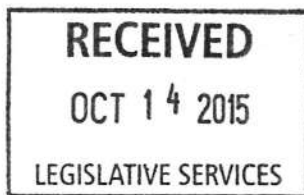
#605-1234 Wharf St,
Victoria, B.C. V8W 3H9
Oct. 13, 2015

Corporate Administrator,
Legislative Services,
1 Centennial Square,
Victoria, B.C. V8W 1P6 -

Dear Sir - re= The Local Bar & Grill,

We are opposed to the requested
Permanent Charge to add music
entertainment at the above
establishment —

Yours truly,
Arthur C. Brice
Leona D. Brice



Janet Hawkins

From: Kay Keyzer [REDACTED]
Sent: Thursday, Sep 24, 2015 11:01 AM
To: Liquor Licence Email
Subject: Application

With reference to your notification for a Permanent Change to a Food Primary Liquor Licence to The Local Bar & Grill on Wharf Street.

I own and have lived in Suite 803 at The Victoria Regent Hotel for 30 years. Over these years we have had no end of trouble with rowdiness and noise because the the Boom Boom Room, Harpo's, Pit-a-Pat etc. etc. Can't remember all the names. The Police were called out on a regular basis because fights and bad behaviour. Since these establishments have been closed, it has been quiet and almost peaceful, but I fear if this licence is granted it would all start up again. I must add The Pit-a-Pat is still open but thankfully, all is now quiet. So I strongly oppose this Application and say NO. D.K. Keyzer.