



Governance and Priorities Committee Report

For the December 18, 2014 Meeting

To: Governance and Priorities Committee **Date:** November 26, 2014
From: Robert Woodland, Director of Legislative and Regulatory Services
Subject: Application for a Transfer of a Liquor Primary Licence, **606329 BC Ltd. (Infiniti)**, #27 – 560 Johnson Street

Executive Summary

The purpose of this report is to seek a Council resolution regarding an application by 606329 BC Ltd. (Infiniti) located at #27 – 560 Johnson Street for a transfer of a Liquor Primary Licence previously operated at 1325 Government Street as "Hush". As this is a proposed transfer of a Liquor Primary licence to a new location it will require Council to receive input from the Public through a Liquor Licence hearing as set out in the Liquor Licensing Fee Bylaw and the City's Liquor Licensing Policy and Process.

The proposed hours of liquor service would be from 19:00h (7:00PM) to 02:00h (2:00AM) Monday through Saturday and 19:00h (7:00PM) to Midnight on Sunday. The occupant load for the proposed nightclub is 275 persons.

Recommendation:

That Council, after conducting a review of the staff assessment of the application for a transfer of a Liquor Primary Licence for **Infiniti** located at #27 – 560 Johnson Street and in accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy approves:

1. The scheduling of a Liquor Licence Hearing before Council to receive written and oral submissions from residents, property owners and the public with respect to this application; and
2. Based upon the results of the public input received through the Liquor Licence hearing process, approve a resolution (with comments on the relevant factors) either supporting the licence application or not supporting the licence application. The appropriate resolution will be brought to Council at the earliest opportunity after completion of the Liquor Licence hearing.
3. That this motion be forwarded to the December 18th Council Meeting for ratification.

Respectfully submitted,



Mark Hayden
Manager, Bylaw and
Licensing Services



Robert Woodland
Director Legislative and
Regulatory Services

Report accepted and recommended by the City Manager:



Date:

December 10, 2011

Purpose

The purpose of this report is to seek Council direction regarding a Liquor Primary Liquor Licence application by 606329 BC Ltd. (Infiniti), in relation to their proposed liquor primary nightclub style business located at #27 – 560 Johnson Street.

Background

This is an application requesting the relocation of the former “Hush” Nightclub from 1325 Government Street to Unit #27 – 560 Johnson Street (in Market Square). The premises would continue to be operated as a Nightclub. The proposed hours of liquor service would be from 19:00h (7:00PM) to 02:00h (2:00AM) Monday through Saturday and 19:00h (7:00PM) to Midnight on Sunday (unchanged from the current authorized hours of liquor service). While the original request was to extend the hours of liquor service until 2:00AM on Sundays, this request has been withdrawn by the applicant. A letter to this effect is attached in the Appendix to this Report. The occupant load for the proposed location is 275 persons, which would be an increase of 65 persons from the Government Street location (210 persons).

The proposed location is below street level in Market Square and was formerly used as a Nightclub for Sweetwaters/Social Club. The applicant is seeking to open a new business to provide a similar type of service for the general public as was provided at the previous location. A letter of intent from the business owner is attached in the Appendix as well as the Application Summary prepared by the LCLB. An occupant load of 275 persons has been approved by the Permits and Inspections Division.

Location

Official Community Plan:

- The property is within Core Historic Urban Place designation in the Official Community Plan. Clubs and entertainment uses are anticipated in this location.

Downtown Core Area Plan:

- The property is within the Historic Commercial District. Clubs and entertainment uses are anticipated land uses in this location.

Zoning:

- The property is zoned CA-3C, Old Town District, which permits clubs.

Neighbourhood Compatibility:

- The building fronts onto Johnson Street. Immediately adjacent land uses are:
 - South across Johnson Residences on the second and higher storeys.
 - West (1610 Store St): Residences (under construction)
 - East (1450 Government): Residences on the Second and higher storeys
 - North (524 Pandora) Residences on the Second and higher storeys
- The subject property is included in the “Intermediate District” under the Noise Bylaw.

The Sustainable Planning & Community Development Department has no objection to the application as the use is permitted.

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 new liquor-primary licence applications regarding the following criteria:

- a) The location of the establishment;
- b) The proximity of the establishment to other social or recreational facilities and Public buildings;
- c) The person capacity and hours of liquor service of the establishment;
- d) The number and market focus or clientele of liquor-primary licence establishments within a reasonable distance of the proposed location;
- e) The impact of noise on the community in the immediate vicinity of the establishment; and
- f) The impact on the community if the application is approved.

Relevant City Policy / Bylaw

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

Issues and Analysis

As stipulated in the *Liquor Control and Licensing Act*, Council has been requested to provide input to the LCLB with respect to this application. Under the City's Liquor Licensing Fee Bylaw and the City's Liquor Licensing Policy, Council is required to hold a Liquor Licence hearing to receive input on new applications for a Liquor Primary Licence (including a new location for an existing Liquor Primary Licence), such as this application.

Under the rules established by the Liquor Control and Licensing Branch, Council can choose to "opt out" of providing comment on this application. As proceeding to opt out is contrary to the City's Policy on Liquor Licensing, that option has not been further explored in this report.

Within a 2 block radius of the proposed business, there are 6 other Liquor Primary Licensed establishments with a total patron capacity of 1788 seats (914 seats when the McPherson Theatre is excluded). Details are set out in the table:

VENUE	HOURS	SUNDAY HOURS	SEATING	TYPE
Tequila Bar @ Victoria Plaza Hotel 603 Pandora Ave..	12:00h to 02:00h	11:00h to Midnight	75	Hotel
Metropolis Nightclub 603 Pandora Ave..	19:00h to 02:00h	19:00h to Midnight	225	Hotel
Victoria Plaza Hotel 603 Pandora Ave..	11:30h to 01:30h	11:00h to Midnight	225	Hotel
McPherson Playhouse #3 Centennial Square	11:00h to 01:00h	11:00h to Midnight	874	Cultural Centre
Swans #1 510 Pandora Ave.	12:00h to 02:00h	12:00h to Midnight	218	Hotel
Swans #2 510 Pandora Ave.	09:00h to 02:00h	09:00h to 02:00h	171	Hotel

Bylaw Enforcement

A violation ticket was issued to this licensee at their previous location on Government St. in April 2011 for a violation of the Good Neighbour Agreement (security staff failing to wear ID). Since this time there have been no other infractions noted and as a result the Bylaw and Licensing Services Division has no concerns with the application. If this application is ultimately approved, the applicant would need to complete a revised Good Neighbour Agreement in accordance with the requirements of the Business Licence Bylaw. This would continue to be a condition of their City issued business licence.

Engineering & Public Works Department

The Downtown Community Development Coordinator provided the following comments:
This licence was formerly assigned to the Hush location on Government Street (210 seats, 2:00am weekend closing) and that it will occupy the former Sweetwaters/Social Club location (which was 305 seats, 2:00am weekend closing).

The venue is located below ground level, thus significantly mitigating noise.

The nearest residences are in Waddington Alley to the south and hotel guests are situated above Swan's pub to the north. New residences will be located across Store and Wharf Streets to the west following future development. Despite future residential developments, the location is in the heart of the City's entertainment district, which is an important component of the downtown economy.

In this context, the Engineering and Public Works Department has no objections to the application.

Police

The Victoria Police Department has the following comments:

- Any increase in liquor seats in the core of the City has a direct impact on police resources and public safety. While it could be argued that "a few more seats won't make a difference", it's the ongoing accumulation of extra seats, over the years, that "does" make a difference. Extra liquor seats, especially liquor-primary, are not supported by the VicPD. The City currently funds police officers to come out on overtime to focus on public safety issues that result from our liquor establishments. Any increase will incrementally erode the VicPD's ability to police the "bar crowd".
- There is a direct correlation between liquor seats and the impact on VicPD's resources. We would support the non-renewal of this license in order to curtail the amount of liquor seats in the core.

Public Engagement and Consultation

If Council endorses the recommendation of this Report, in accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy, all owners and occupiers of property within 100 metres of the applicant's location will be solicited by mail to provide input regarding this application and invited to attend the Liquor Licence Hearing. In addition, the business will be required to display posters at the access points to their proposed business location for a minimum

3 week period which will also invite the Public to provide input to the City with respect to this application and to attend the Liquor Licence Hearing.

Conclusions

As required under the City's bylaws and policy, the staff review has been completed and has identified no barriers to this application proceeding to the next step – public consultation via a Liquor Licence hearing before Council. While there are concerns regarding this application from the police department, it is appropriate that Council continue the process and receive public input on the application. The police department concerns will form part of the final report to Council as set out below.

If the recommendations are approved, staff will arrange to receive public input via a Liquor Licence hearing in accordance with City policy within 30 days. A final Report to Council would be prepared and submitted summarizing the results of the Liquor Licence Hearing. This report will also provide a draft Resolution for submission to the Liquor Control and Licensing Branch for Council's consideration.

Recommendation

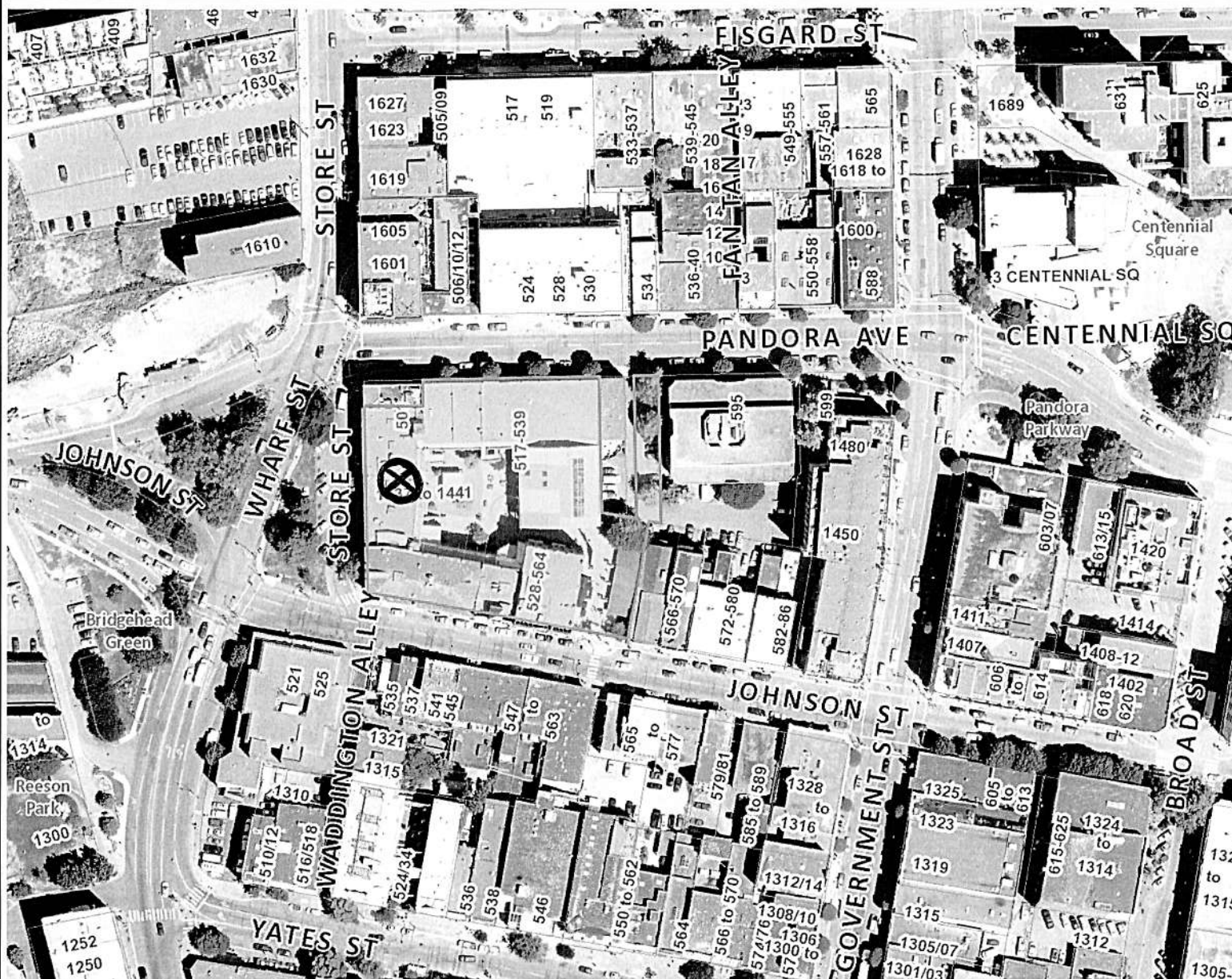
That Council, after conducting a review of the staff assessment of the application for a transfer of a Liquor Primary Licence for **Infiniti** located at #27 – 560 Johnson Street and in accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy approves:

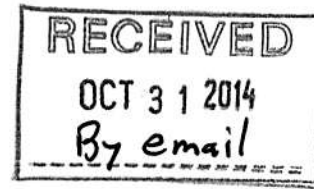
1. The scheduling of a Liquor Licence Hearing before Council to receive written and oral submissions from residents, property owners and the public with respect to this application; and
2. Based upon the results of the public input received through the Liquor Licence hearing process, approve a resolution (with comments on the relevant factors) either supporting the licence application or not supporting the licence application. The appropriate resolution will be brought to Council at the earliest opportunity after completion of the Liquor Licence hearing.
3. That this motion be forwarded to the December 18th Council Meeting for ratification.

ATTACHMENTS

The following documents are attached:

1. An aerial photograph (map) of the property and surrounding area.
2. The Application Summary prepared by LCLB
3. A letter from the applicant requesting that the extension of liquor service hours on Sundays be withdrawn.
4. A letter from the applicant explaining the purpose for the application.





ATTN: Mark Hayden

The proposed Liquor Primary License transfer from 1325 Government Street (Hush Nightclub) to #27 560 Johnson Street (Sweet Waters) space is to better serve our 30 year old and above GLBT community and like-minded adults.

The proposed transfer location is currently zoned for a Liquor Primary License and is situated in a downtown tourist attraction, Market Square. The clientele this proposed Nightclub Transfer will cater to are particularly suited for this location, as the "Artisan" style Retail Stores and Restaurants in Market Square are already targeting this demographic. Thus, the inclusion of a nightclub will create more walk through traffic of the GLBT demographic for the already established premises.

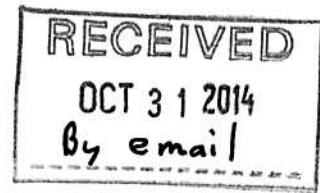
To build upon the 15 years (Hush Nightclub) of providing a safe and positive environment for the GLBT community and open minded adults as well as bettering Victoria's Nightlife by setting a higher standard of entertainment in a room catering to 30 year olds and above.

The proposed transfer will enable us to continue to supply a social outlet for an adult market (30 year old and above) in a room that is more conducive to that age group.

This Transfer of a Liquor Primary will give the GLBT and like-minded adult Tourists to Victoria a much more positive and lasting impression of the City of Victoria and its' Nightlife, in that this Transfer of a Liquor Primary license will allow the operator to create an atmosphere both comfortable and safe to this adult tourist demographic. The continued support and direction from the Victoria Pride Society will allow this proposed Transfer to reach this goal.

Sincerely;

Jack Weeks



Mr. Hayden,

Do to the time constraints on applying for the later hours of operation on Sundays for Liquor License #41581 also known as Hush Nightclub (a.k.a. Infiniti), I would like to **End my Application for Extension of Hours on Sundays** at this time.

Thank you for allowing this request.

Sincerely;

Jack Weeks

October 23, 2014

Job #708581-64

Robert Woodland
Director of Legislative & Regulatory Services
City of Victoria
1 Centennial Square
Victoria BC V8W 1P6

Dear Mr. Woodland:

Re: Application for a Transfer of Location – Liquor Primary Licence #041581
Applicant: 606329 BC Ltd.
Current Establishment Name: Hush
Current Location: 1325 Government Street, Victoria
Proposed Establishment Name: Infiniti
Proposed Location: 27-560 Johnson Street, Victoria

The Applicant, 606329 BC Ltd., has applied to the Liquor Control and Licensing Branch (Branch) for a transfer of location of the above-noted liquor primary licence from 1325 Government Street to #27-560 Johnson Street in Victoria. The Branch has completed the initial review of the application to determine applicant suitability and eligibility of the transfer of location.

Based on the information provided with the application, the General Manager determined that the new proposed site meets the requirements outlined in section 8(4) of the *Liquor Control and Licensing Regulation* (the *Regulation*).

A further determination was made that as the proposed overall occupant load would increase by 65 persons and the subject site is 185 metres distance from the current location, factors pertinent to the public interest are affected by the relocation, i.e. those factors related to community impact and to local government input.

We are now proceeding to the Site and Community Assessment stage which is the stage for local government input.

The City of Victoria is requested to consider the application and provide the Branch with a resolution which includes their comments and recommendation with respect to the transfer of location application. The details needed in the Resolution are the same as those relative to a new liquor primary. To assist with Council's assessment of the application, the Branch has prepared a summary report for review and consideration by

Liquor Control and
Licensing Branch

Mailing Address:
PO Box 9292 Stn Prov Govt
Victoria BC V8W 9J8
Telephone: 250 952-5787
Facsimile: 250 952-7066

Location:
4th Floor, 3350 Douglas Street
Victoria, BC
<http://www.pssg.gov.bc.ca/lclb>

Council. The summary report is based on information provided by the applicant and by Branch staff.

Council has 90 days to either provide comments to the General Manager, or to advise that they wish to "opt out" of the process. Either must be in the form of a Council resolution. Additional time over the 90 days can be approved by the Branch if the request is received in writing prior to the end of the 90 day period.

Upon receipt of a Council Resolution, the Branch will review the Resolution to determine if all the regulatory criteria have been met in accordance with section 10 of the *Regulation* and; if recommended by local government, assess whether the granting of the transfer of location would be contrary to the public interest.

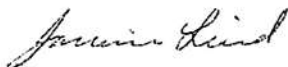
Following the rendering of a decision by the General Manager as to whether to grant site and community approval, the applicant and the local government will be advised in writing.

Once granted site and community approval, the application proceeds to the building assessment stage of the licensing process, where floor plans are reviewed and if approved in principle, the applicant may proceed with construction/renovation of the establishment, followed by the final stages of the licensing process.

Further details of the liquor licensing application process can be found in the "Role of Local Government and First Nations in the Provincial Liquor Licensing Process" guidelines, previously sent to you and also available on the branch website at <http://www.hsd.gov.bc.ca/lclb/>.

If you have any questions regarding this application please contact me at (250) 952-5767 or janine.lind@gov.bc.ca.

Sincerely,



Senior Licensing Analyst

Enclosure

copy: Robert Scott, Liquor Inspector
606329 BC Ltd. c/o Malcolm McMicken, McMicken & Bennett



Job #708581-64

Re: Application for Transfer of Location – Liquor Primary Licence #041581
Applicant: 606329 BC Ltd.
Current Site: 1325 Government Street, Victoria
Proposed Site: 27-560 Johnson Street, Victoria
Establishment Name: Infiniti (currently Hush)

[illegible]

2. APPLICANT SUITABILITY INFORMATION (Fit and Proper)

Applicant has met the eligibility and suitability requirements of the *Liquor Control and Licensing Act*.

3. LOCATION/SITE FACTORS

The proposed establishment is located in a below-street-level unit of Market Square – see attached for legal descriptions.

The General Manager has deemed the proposed site to meet the legislative criteria stated in Regulation 8 (4) (a) and (b) for an LP transfer of location. The new site is approximately 185 metres (0.185 kilometres) and a comfortable walking distance from the current location.

The following sections are compiled from information provided by the applicant except where indicated otherwise.

See the attached Applicant's Letter of Intent for details of the proposed Liquor Primary establishment, including the following details:

- a) ***Business Focus***
- b) ***Target Market***
- c) ***Composition of the Neighbourhood and Reasonable Distance Measure***
- d) ***Benefits to the Community***
- e) ***Noise in the Community***
- f) ***Impact on the Community***
- g) ***Other impacts, comments or requests***

Please note that the applicant's letter of intent is enclosed as an attachment to this report for reference purposes. The information or statements included in the letter of intent have not been confirmed unless otherwise stated in this report.

Community Indicators

Contravention Statistics

The Liquor Control and Licensing Branch will provide contravention statistics for liquor primary and liquor primary club establishments near the subject location upon request.

Population, population density and population trends for the community:

- Circle population statistics for 2001 and 2006 are available from BC Stats by emailing your request to BC.Stats@gov.bc.ca
- BC Stats Community Facts includes the BC Benefits recipient and EI Beneficiary statistics and is available at <http://www.bcstats.gov.bc.ca/data/dd/facsheet/facsheet.asp>
- Statistics Canada Population breakdown by categories is available at: <http://www12.statcan.ca/census-recensement/2006/dp-pd/prof/92-591/index.cfm?Lang=E>

4. PUBLIC INTEREST

In providing its resolution on the proposed Liquor Primary application, local government must consider and comment on each of the regulatory criteria indicated below. The written comments must be provided to the general manager by way of a resolution within 90 days after the local government receives notice of the application, or any further period authorized by the General Manager in writing.

Regulatory Criteria local government or First Nation must consider and comment on:

- a) The location of the establishment;
- b) The proximity of the establishment to other social or recreational facilities and public buildings;
- c) The person capacity and hours of liquor service of the establishment;
- d) The number and market focus or clientele of liquor primary establishments within a reasonable distance of the proposed location;
- e) The impact of noise on the community in the immediate vicinity of the establishment; and
- f) The impact on the community if the application is approved.

The local government or first nation must gather the views of residents in accordance with section 11.1 (2) (c) of the Act and include in their resolution:

- (i) the views of the residents,
- (ii) the method used to gather the views of the residents, and
- (iii) its comments and recommendations respecting the views of the residents;

A sample resolution template and comments are enclosed as attachments 2 and 3 to this report for reference purposes.

For use by Liquor Control and Licensing Branch:

5. REGULATORY CONSIDERATIONS

Liquor Control and Licensing Act, sections: 11, 16 and 18
Liquor Control and Licensing Regulations sections: 4, 5, 6, 8, 10

6. POLICY CONSIDERATIONS

Policy Manual Section 3.2 Applicant Eligibility Assessment
Policy Manual Section 3.3 Site and Community Assessment
Policy Manual Section 3.4 Building Assessment and Issue of a Licence

Attachment 1 – Applicant's Letter of Intent

PART 4: Establishment Proposal

1. **Proposed person capacity (patrons plus staff):** The person capacity of a licensed establishment must equal the occupant load of the establishment. Capacity must be approved by the LCLB and is subject to local government/First Nations comment. See Part 9 for an explanation of the liquor primary transfer of location approval process.

a) Proposed total interior capacity (occupant load): 305

b) Proposed patio capacity (occupant load):

- c) Describe the patio by addressing the three points in the space below, and, if applicable, providing the documentation requested in the fourth point.

1. Type of perimeter you intend to use to define and bound the patio area (ie: fencing, planters, iron railings, etc.)
2. Whether a portable bar is being used for food and/or liquor service
3. Whether the location of patio is immediately adjacent or contiguous to the interior licensed area

	LIQUOR CONTROL & LICENSING RECEIVED JUL 25 2014 VICTORIA BC
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4. If patio is located on a public sidewalk or other public property, you must attach written approval from local government or the landlord.

2. Proposed hours of sale

☒ Change requested: Complete the table below by entering the opening and closing times **proposed** for the establishment. Hours requested must fall between 9:00 am and 4:00 am of each business day. Any change to liquor service hours will be reviewed by your local government/First Nation for consideration.

☐ No change requested: Complete the table below by entering the **current** opening and closing times for the establishment.

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
OPEN	7:00 PM	7:00 PM	7:00 PM	7:00 PM	7:00 PM	7:00 PM	7:00 PM
CLOSE	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM

CURRENTLY
12:00 AM

3. Zoning

If a zoning change/amendment is required, please indicate the status of your application.

NO CHANGE.. IS ALREADY ZONED AS LIQUOR PRIMARY

4. Catering endorsement

Do you currently have a Catering endorsement? ☐ Yes ☒ No

If yes, LCLB will re-assess your eligibility for the catering endorsement of your new proposed location by ensuring you meet the following requirements:

- Catering service is focused on the preparation and serving of food.
- The applicant has the personnel and infrastructure necessary to prepare and serve food at events hosted by others. This includes a requirement to have a full commercial kitchen at the applicant's establishment. For more details please see the Catering Terms & Conditions Guide.

Licences with a catering endorsement are subject to an annual licensing fee of \$100 in addition to the annual renewal fees.

Do you wish to keep the catering endorsement at the new location? ☐ Yes ☒ No

PART 5: Letter of Intent (functions and services to be provided at proposed new location)

Explain the functions and services your facility or venue will provide at your proposed new location. The information you provide must address all relevant items indicated under each topic. If additional space is required or if you would like to attach a separate sheet please check the box.

☐ I have attached a separate sheet.

1. **Purpose.** Describe the purpose and business focus of your establishment. The business focus must fall within beverage service, entertainment and hospitality services and must not be youth oriented.

TO CONTINUE TO SUPPLY A SOCIAL OUTLET FOR THE 32+ AGE GROUP OF THE "GUEST" COMMUNITY AND MAKE NEEDLED ADULTS. TO CONTINUE BEING A SAFE AND POSITIVE ESTABLISHMENT AND TO BETTER THE CITY OF VICTORIA'S NIGHT LIFE AND OVER ALL IMPRESSION FOR "GUEST" TOURISTS

Part 5 continued on page 3...

2. Target Market. Your proposed establishment will serve mainly (check all that apply):

- ☒ Urban locals ☐ Suburban locals ☐ Rural locals ☐ Neighbouring communities ☐ Tourists
☐ Other (please specify): _____

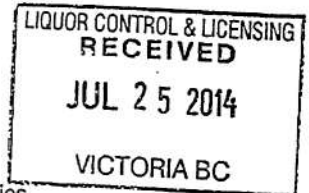
3. Composition of the Neighbourhood

A) The composition of the neighbourhood is best characterized as (check all that apply):

- ☒ Commercial ☒ Residential ☐ Industrial ☐ Light Industrial ☒ Urban
☒ Downtown ☐ Suburban ☐ Rural ☐ Agricultural Land Reserve (ALR) ☐ First Nations' Land
☐ Other (please specify): _____

B) Provide a site map of the area surrounding your proposed location identifying the following within a reasonable distance* of the proposed establishment:

- Site location
- Road access, egress, parking and all residential areas
- All other licensed liquor primary or liquor primary club establishments and liquor primary applications in progress
- Churches
- Clubs
- Schools (K-12, colleges, universities)
- Preschools
- Day care centres
- Health care facilities
- Seniors facilities
- Recreational/sports facilities
- Police stations
- Fire halls
- Libraries
- Government buildings
- Any other social, public or private facilities



*Note: What constitutes a reasonable distance will vary depending on individual circumstances.

Reasonable Distance Guidelines:

- In a densely populated city or municipality, reasonable distance is probably a 2 block radius;
- In a pocket community having no adjacent developed regional areas (e.g. Gold River, Tumbler Ridge, Whistler, Valemont) reasonable distance is probably the whole community;
- In a rural area having large acre parcels, reasonable distance is probably up to 8 km (5 miles);
- In a moderately populated area of developed subdivisions, suburbs, reasonable distance is probably 1.5 or 2 km (1 mile).

C) On the same map, please mark the boundaries of the neighbourhood of the proposed location as per the reasonable distance guidelines above. State what distance measure you chose and explain your logic.

TWO BLOCK RADIUS EXISTING WISELY TRANSFERRED TO A NEW LOCATION APPROXIMATELY ONE BLOCK DISTANCE

4. Benefits of the proposed establishment to the community

Describe the community/market need you are addressing by providing an additional licensed establishment in the community: (e.g. the proposed establishment will be located in a new mixed-use development where businesses, government offices, residences and sports facilities are located and the LP will be meeting a food and beverage need OR there are currently no licensed establishments in the area)

PROPOSED ESTABLISHMENT IS LOCATED IN A DOWNTOWN TOURIST ATTRACTION LOCAL SHOPS MARKET SQUARE. WE WANT CREATE MORE WALK THROUGH TRAFFIC FOR THE LOCAL BUSINESS IN THIS "ARTISAN" RETAIL AREA. AS WELL AS CONTINUING TO PROVIDE A HIGHER STANDARD OF NIGHT LIFE TO THE "ARTIST" VICTORIA COMMUNITY TO A SPACE MORE SUBTLE

5. Impact of noise on the surrounding community TO THE ADULT COMMUNITY WE CURRENTLY HAVE

Describe the noise issues expected from your proposed establishment and the measures you will take to ensure others are not disturbed by your establishment: (e.g. entertainment involving amplified music will be addressed by soundproofing walls; noise from outdoor patio will be addressed by closing the patio by 10 p.m.; outdoor entry lineups will be monitored according to our security plan by trained door security and outdoor lighting and cameras will be installed)

AMPLIFIED MUSIC WILL BE CONTROLLED BY STATE OF THE ART EQUIPMENT THAT FOCUSES ON CLARITY RATHER THAN VOLUME, WHICH IS IN MORE OF THE TASTE OF OUR 32+ CLIENTELE AS WELL AS THE SOUND PROOFING OF WALLS; OUTDOOR ENTRY ON BOTH FRONT AND BACK WILL BE MONITORED ACCORDING TO OUR SECURITY PLAN ALREADY IN PLACE IN OUR LOCATION WHICH HAS RECEIVED ZERO COMPLAINTS IN 15 YEARS OF BEING A NIGHTCLUB.

Part 5 continued on page 4...

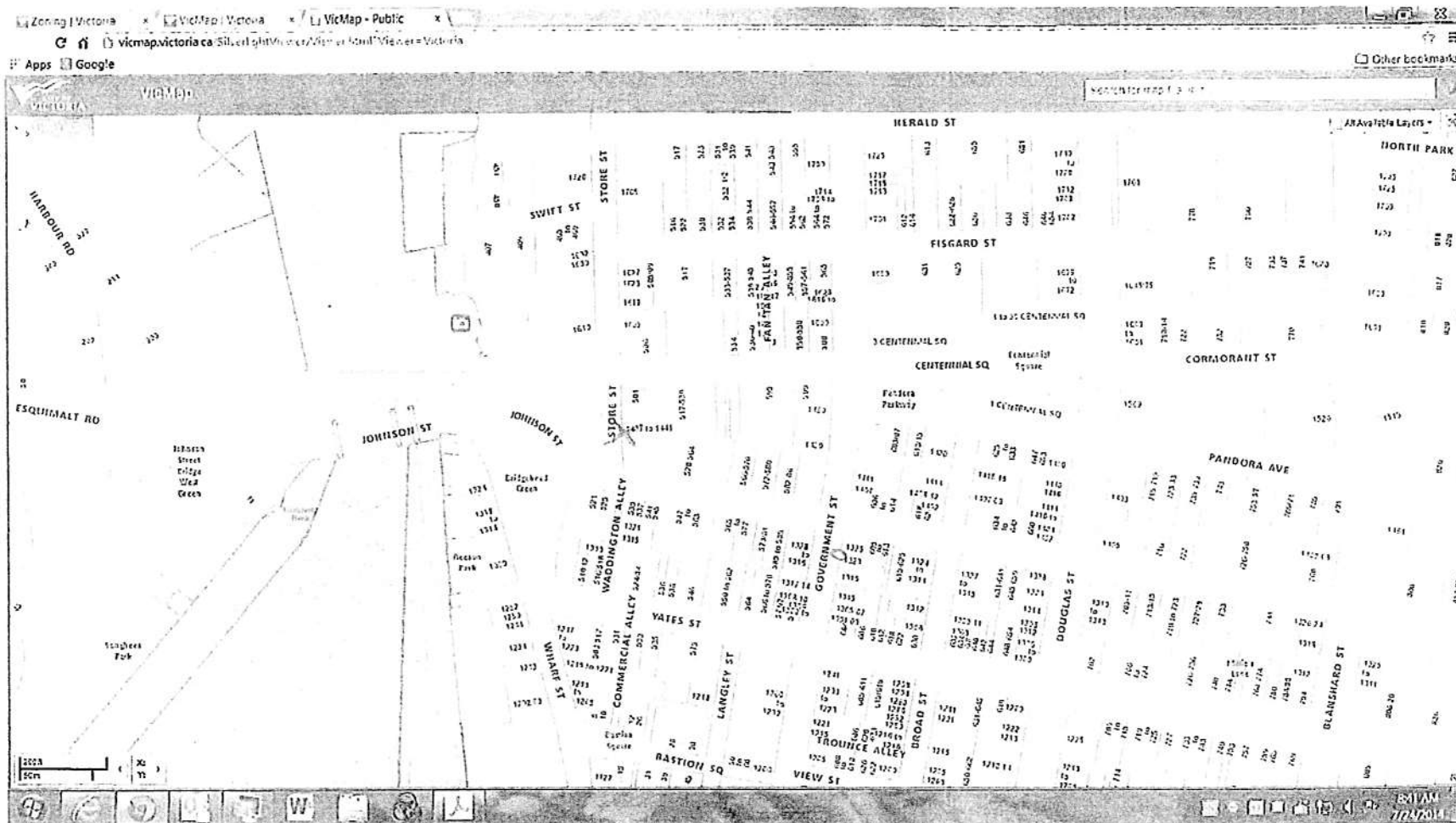
SCHEDULE "A"

LEGAL DESCRIPTION

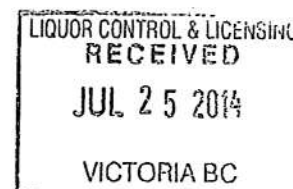
Those lands and premises, legally described as:

1. Parcel Identifier 002-940-647 Parcel A (DD 112789I) of Lot 193, Victoria City
2. Parcel Identifier 002-940-086 Lot 194, Victoria City
3. Parcel Identifier 003-339-564 Lot 528, Victoria City
4. Parcel Identifier 003-339-599 Lot 529, Victoria City
5. Parcel Identifier 003-339-513 That Part of Lot 530, Victoria City lying East of a boundary parallel to the Easterly boundary of said lot and distant 25 feet therefrom
6. Parcel Identifier 003-339-548 Lot 1262, Victoria City
7. Parcel Identifier 002-940-809 Amended Lot 1263 (DD 262876I), Victoria City
8. Parcel Identifier 002-938-774 Amended Lot 1264 (DD 262877I), Victoria City
9. Parcel Identifier 002-946-459 The Easterly 42 Feet 6 1/4 inches of Lot 1265, Victoria City
10. Parcel Identifier 002-939-622 Parcel A (DD 56434I) of Lots 1265 and 1266, Victoria City
11. Parcel Identifier 002-942-364 Lot 1266, Victoria City, Except Parcel A (DD 56434I)
12. Parcel Identifier 002-939-088 Lot 1265, Victoria City, Except Parcel A, (DD 56434I) and except the Easterly 42 feet 6 1/4 inches of said lot





O - EXISTING LOCATIONS TO BE MAINTAINED
 X - NEW LOCATIONS MARKET SQUARE



Date: August 12, 2014
Time: 8:33:49 PM

PROFESSIONAL SEALS

CONSULTANTS

LIST OF DRAWINGS

A1	Site Plan
A2	Front Elevation
A3	Rear Elevation
A4	Lower Floor Plan (Ground Level)
A5	Main Floor Plan (Street Level)
A6	Upper Floor Plan
A7	Cross Section

ISSUE/REVISED

No.	DATE	DESCRIPTION
01	08/01/14	Initial Drawing
02	08/01/14	SSS Compliance Check Set
03	08/12/14	Allowance for parking lot

General Contractor and/or Owner to verify and throughly review all aspects of plan prior to commencement and during all of work. Any discrepancies are to be reported to Building Department immediately. Building Department will issue for drawings made to plan on site or to turn in report. Drawings prior to General Contractor's review on plan. These drawings are not to be used for construction of any structure on lot. General Contractor to work in conjunction with B.C.L.S. to ensure proper placement of structures on site prior to starting work. Building Department not responsible for any discrepancies of a kind which may be used for placement of structures on lot. Structural Engineer to review plan before required, and verify structure as designed necessary. It is the responsibility of the owner or contractor to verify and commission all engineering requirements with municipal building departments prior to starting work.

This plan and design is shown prior to verify and design where any and where shown, and is intended to be used by the owner or contractor to verify and commission all engineering requirements with municipal building departments prior to starting work.

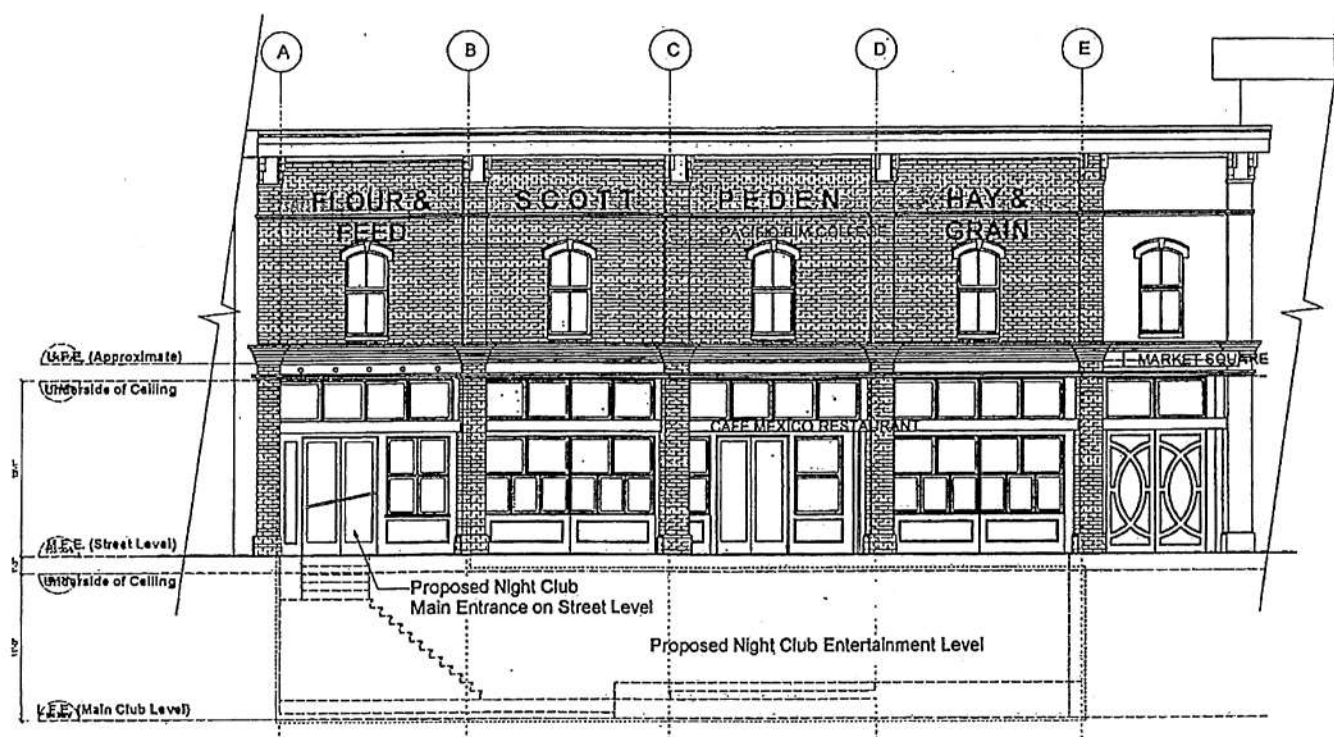
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AK	HUS140801
NO.	A2 OF A7
DATE	August 12nd, 2014
SCALE	As Shown
DESIGNER	Omnia
DESIGNER	Harshita C. Thiruvall
DESIGNER	REVISED BY

FRONT ELEVATION

PROJECT

PROPOSED NIGHT CLUB
Jack Weeks & Cam Birge
1425 Store Street
Victoria, BC V8W 3J6



1 Front Elevation
Scale: 1/4" = 1'-0"

Date: August 12, 2014
Time: 9:53:49 PM

LIQUOR PRIMARY LICENSED ESTABLISHMENTS

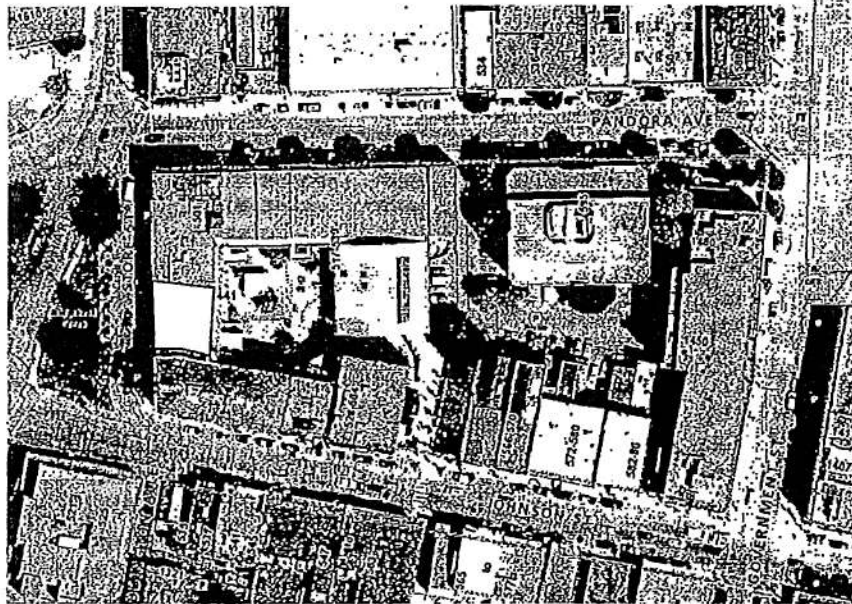
- 1 - Hush Nightclub (8248) - 1325 Government St
- 2 - Boutique Lounge (15044) - 1318 Broad St
- 3 - Darcey's Pub (2009) Ltd (22400) - 1127 Wharf St
- 4 - Harbour Canoe Club (7262) - 450 Swift St
- 5 - Swans - Marquis Room (23843) - 506 Pandora Ave
- 6 - Hotel Rialto (1251) - 1450 Douglas St
- 7 - Veneto Tapa Lounge (1252) - 1450 Douglas St
- 8 - Irish Times Pub (12899) - 1200 Government St
- 9 - Best Western Carlton Plaza (6268) - 634 Johnson St
- 10 - Lucky Bar (8188) - 517 Yates St
- 11 - Swans Heritage Realty Properties Ltd (4916) - 506 Pandora Ave
- 12 - The Churchill (5149) - 1140 Government St
- 13 - Upstairs Cabaret 2009 Ltd (22402) - 15 Bastion SQ

SCHOOLS & COLLEGES

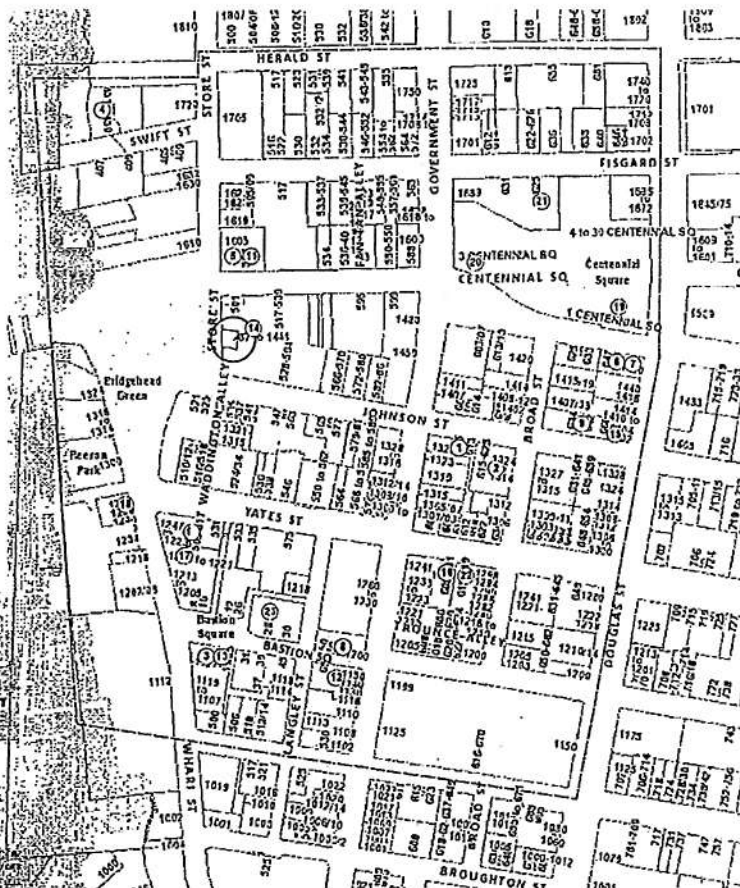
- 14 - Pacific Rim College - 560 Johnson St
- 15 - Aveda Institute Victoria - 1402 Douglas St
- 16 - Insignia College of Health & Business - 607 Yates St
- 17 - Richard Mar Advanced School - 1217A Wharf St
- 18 - Pacific Design Academy - 1252 Wharf St
- 22 - Victoria Academy of Dramatic Arts - 618 Yates St

PUBLIC BUILDINGS

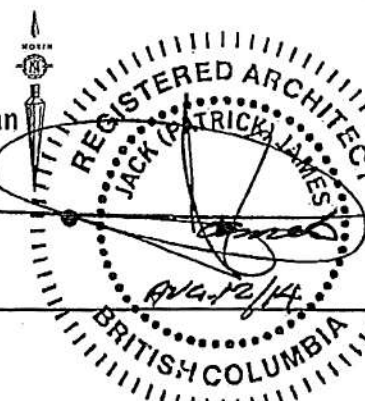
- 19 - City Hall - 620-698 Pandora Ave
- 20 - McPherson Playhouse - 600-618 Pandora Ave
- 21 - Royal Theatre - 625 Fisgard St
- 23 - The Maritime Museum of BC - 28 Bastion SQ



MAP SHOWING PARCELS AROUND PROPOSED NIGHT CLUB



1 Siteplan
A1 Scale: 1:100



PROFESSIONAL SEALS

CONSULTANTS

LIST OF DRAWINGS

A1	Map
A2	Front Elevation
A3	Plan Elevation
A4	Lower Floor Plan (Ground Level)
A5	Upper Floor Plan (Second Level)
A6	Upper Floor Plan
A7	Cross Section

ISSUED/REVISED

No.	Date	Description
01	07/06/14	10% Complete
02	04/10/14	10% Complete Check, Rev
03	05/13/14	Liquor License partial Rev

General Contractor and/or Owner to verify and thoroughly review all aspects of this plan to determine accuracy and verify that all work is done in accordance with the Building Code and all applicable regulations. The Designer has no liability for changes made to the plan after the date of this drawing. Refer to the General Notes included in the plan.

Notes: B.C.L.S. is to verify accuracy and show all structures on lot. General Contractor to verify all structures with B.C.L.S. to ensure proper placement of structures on site prior to starting work. Build as Designed and responsible for any amendments of any kind with respect to scope or placement of structures on lot.

Structural Engineer to review plan (where required) and specify structure as deemed necessary. It is the responsibility of the owner or contractor to verify and amend all existing requirements with municipal building department prior to starting work.

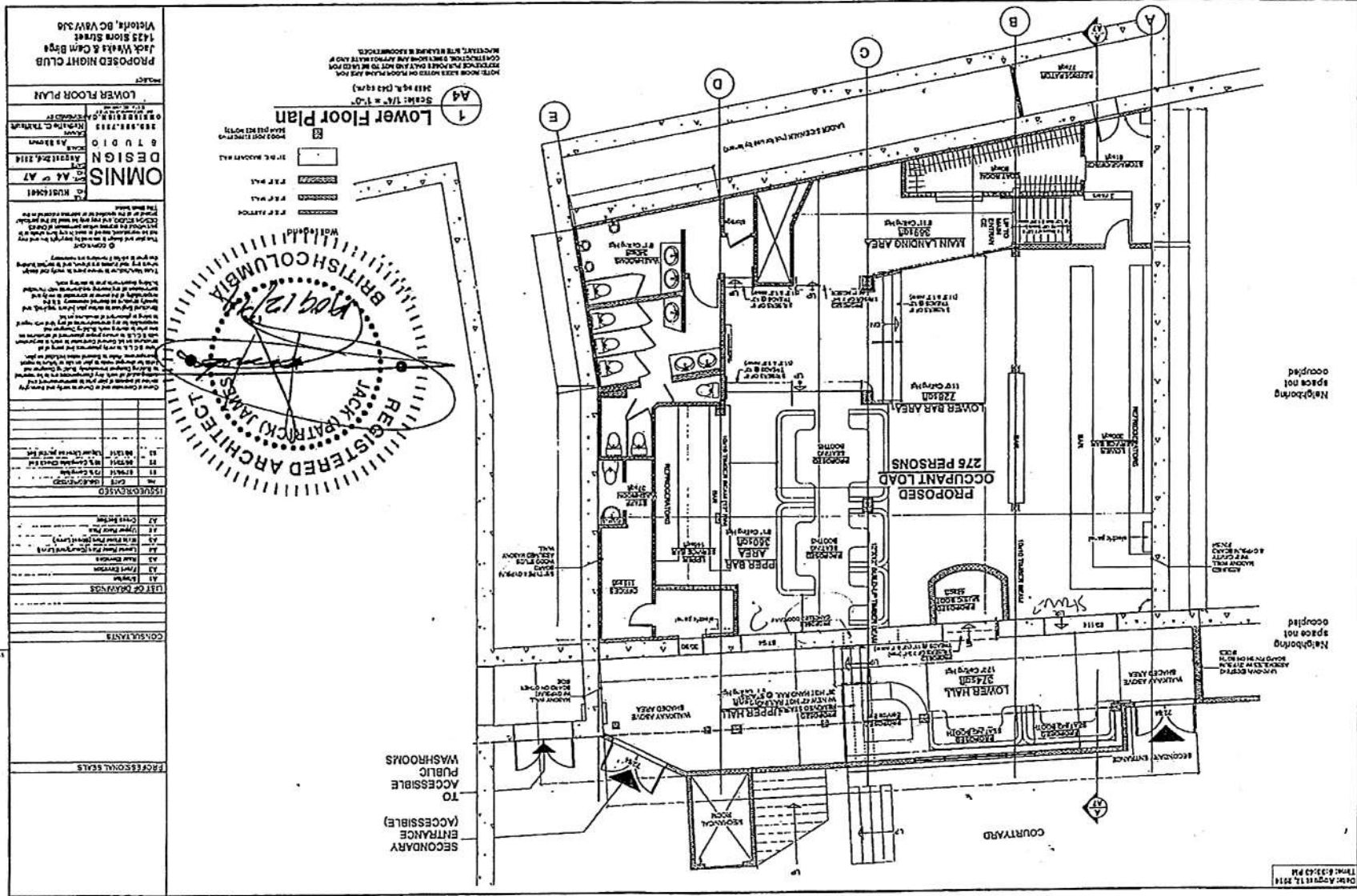
These drawings are to be used for the purpose of obtaining a liquor license only and are not to be used for any other purpose without the written consent of the Designer.

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PROJECT: HUS140801
DATE: August 2nd, 2014
SCALE: As Shown
DRAWN: Nicholas C. Thillat
REVIEWED BY: [Signature]
SITE MAP

PROPOSED NIGHT CLUB
Jack Weeks & Cam Blige
1425 Store Street
Victoria, BC V8W 3J6

DATE: August 17, 2014
TIME: 6:03:43 PM



ATTACHMENT 2

Sample Resolution Template for a Liquor-Primary or Liquor-Primary Club Licence Application

General Manager, Liquor Control and Licensing Branch

RE: Application for a liquor-primary licence at: (address of proposed establishment)

At the (council/board) meeting held on (date), the (council/board) passed the following resolution with respect to the application for the above named liquor licence:

"Be it resolved that:

1. The (council/board) (recommends/does not recommend) the issuance of the licence for the following reasons: (detail and explain reasons for recommendation)

2. The (council's/board's) comments on the prescribed considerations are as follows: (see the following page for sample comments for each criterion – a comment on each must be included in the resolution. Where a staff report has been prepared that addresses the criteria this can be used to provide Council's comments provided the staff report is referenced in the resolution and there is a clear statement that Council endorsed the comments in the report.)

- (a) The location of the establishment (provide comments)
- (b) The proximity of the establishment to other social or recreational facilities and public buildings (provide comments)
- (c) The person capacity and hours of liquor service of the establishment (provide comments)
- (d) The number and market focus or clientele of liquor-primary licence establishments within a reasonable distance of the proposed location (provide comments)
- (e) The impact of noise on the community in the immediate vicinity of the establishment (provide comments), and
- (f) The impact on the community if the application is approved (provide comments)

3. The (council's/board's) comments on the views of residents are as follows: (describe the views of residents, the method used to gather the views and provide comments and recommendations with respect to the views. If the views of residents were not gathered, provide reasons).

The undersigned hereby certifies the above resolution to be a true copy of the resolution passed by the (council/board) of (local government/First Nation) on (date).

Sincerely,

(signature)
(name and title of official)
(local government/First Nation)

Note:

- All of the items outlined above in points 1, 2 (a) through (f) and 3 must be addressed in the resolution in order for the resolution to comply with section 10 of the Liquor Control and Licensing Regulation.
- Any report presented by an advisory body or sub-committee to the council or board may be attached to the resolution.

ATTACHMENT 3

Sample Resolution Comments for a Liquor-Primary Licence Application

The following are examples that illustrate the type of comments that local government and First Nations might provide to demonstrate they have taken into consideration each of the criterion in reaching their final recommendation. Comments may be a mix of positive, negative and neutral observations relevant to each criterion. The final recommendation is the result of balancing these 'pros and cons'.

The list is not intended to illustrate every possible comment as the variations are endless, given the wide range of applications and local circumstances.

It is important that the resolution include the comment and not refer to a staff report, as the general manager cannot suppose that the local government considered all the criteria unless comment on each criterion is specifically addressed in the resolution itself.

Local government or First Nation staff may wish to contact the Liquor Control and Licensing Branch for assistance on drafting the content of a resolution before it is presented to local government or First Nation to avoid resolutions that do not comply with the regulations.

(a) The location of the establishment:

The location is in a commercial area that is removed from nearby residences and is suitable for a late night entertainment venue where some street noise at closing time can be anticipated.

(b) The proximity of the establishment to other social or recreational facilities and public buildings:

The only nearby social, recreational and public buildings do not conflict with the operation of a late night entertainment venue.

– or –

The proposed location is across a lane from a church with an attached retirement facility and church hall routinely used for youth group gatherings. The proximity of the proposed establishment is not considered compatible with the existing facilities.

(c) The person capacity and hours of liquor service of the establishment

The maximum person capacity of 250 with closing hours of 2:00 a.m. Tuesday through Saturday and midnight on Sunday is acceptable. A larger capacity or later hours is not supported given the few number of police on duty at that time.

(d) The number and market focus or clientele of liquor-primary licence establishments within a reasonable distance of the proposed location:

The existing establishments are large public house establishments that focus on exotic entertainment or are nightclubs that attract patrons 19 to 25 years of age. The proposed establishment is a small local pub style facility with an extensive menu and is designed to appeal to couples wanting a quiet adult venue for socializing in their community. There are no other (or few other) facilities with a similar focus.

(e) The impact on the community in the immediate vicinity of the establishment:

The establishment is not expected to negatively affect traffic patterns and noise is not expected to be an issue because [of the small size and early hours] – or – [the applicant has agreed to various noise baffling strategies to ensure the neighbours are not disturbed by late night music]. The applicant has met the requirements of the zoning bylaw with regard to road access and parking.

(f) The impact on the community if the application is approved:
If the application is approved, the impact is expected to be positive in that it will support the growth in tourism and offer a new social venue for residents.

The Council's comments on the views of residents are as follows:

The views of residents within a half mile* of the proposed establishment were gathered by way of *written comments that were received in response to a public notice posted at the site and newspaper advertisements placed in two consecutive editions of the local newspaper. Residents were given 30 days from the date of the first newspaper advertisement to provide their written views. Residents were also given an opportunity to provide comments at the public meeting of Council held on March 18, 200X.

A total of 63 responses were received from businesses and residents. Of the responses received, 21 were in support of the application citing the creation of additional jobs and a new entertainment venue for the area as their primary reasons. A total of 42 letters were received in opposition to the application. The primary reason cited by those in opposition was the proposed closing hours of 4 am. A number of business residents in the area also cited the lack of parking as an area of concern.

The following three examples illustrate ways Council may complete their comments on the views of residents based upon the preceding fact pattern.

1. Council agrees that a 4 am closing time for this establishment would not be appropriate and therefore recommends that the establishment have a closing time of 2 am to be consistent with the other licensed establishments in the area. Council does not agree with the parking concerns raised by some of the local businesses as the proposed establishment's peak operating hours will be after the surrounding businesses have closed.

Council recommends that a liquor licence be issued with hours of operation ceasing at 2 am. Council believes that the majority of residents in the area support the issuance of the licence provided the closing hours are no later than 2 am. The establishment will create new jobs and provide a new entertainment venue that is needed in this area.

– or –

2. There are 6450 residents within the half mile radius of the proposed establishment. Notwithstanding that there is a two to one ratio of opposed residents to residents that support the application Council is of the view that the 42 residents who are in opposition represent a small proportion of the overall population that may be affected by this establishment. Council also notes that frequently only residents who oppose a proposal are the ones that respond; consequently Council is of the view that the rest of the residents are not opposed to issuance of a liquor licence for this establishment.

Council recommends that a liquor licence be issued with hours of operation ceasing at 4 am. Council believes that the majority of residents in the area support the issuance of the licence. The establishment will create new jobs and provide a new entertainment venue that is needed in

this area.

– or –

3. Based upon the input received by residents within a half mile of the proposed establishment there is a two to one ratio of opposed residents to residents that support the application. The opposition to this establishment comes from both homeowners and businesses. Council is of the view that with both the residential and business communities' opposition to this proposed establishment that the issuance of a licence for this establishment would be contrary to the community standard for this area.

Despite the potential creation of additional jobs and a new entertainment venue for the area Council is unable to support the issuance of a liquor licence for this establishment. Council recommends that a licence not be issued.

* The local government or First Nation determines the appropriate area to be included and the method for gathering those views