



## Governance and Priorities Committee Report

### For the October 9, 2014 Meeting

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**To:** Governance and Priorities Committee **Date:** October 2, 2014

**From:** Robert Woodland, Director of Legislative and Regulatory Services

**Subject:** Application for a permanent change to add a Patron Participation Endorsement in relation to a Food Primary Liquor Licence, for **Lacey-Lou Tapas Lounge**, 1320 Broad Street, Licence No. 305859

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#### 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 Lacey-Lou Tapas Lounge in relation to their Food Primary Liquor licensed business located at 1320 Broad Street, for a change to add a Patron Participation Endorsement.

The hours of liquor service are from 9:00AM to midnight seven (7) days per week. The occupant load for the restaurant is 100 persons. The approval of a Patron Participation Endorsement would allow the restaurant to install a small dance floor so that patrons could dance when live music is being played. There would be no change in occupancy or hours of service as a result of this application.

#### 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 **Lacey-Lou Tapas Lounge**, Liquor License No. 305859, located at 1320 Broad Street, supports:

- The application of **Lacey-Lou Tapas Lounge** 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. There is some residential use in the immediate vicinity. 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 opening in April 2014. 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 residents were solicited via a mailed notice to neighbouring property owners and occupiers within 50 metres of the hotel and a notice posted at the property. Three written responses were received by the City, all were in support of the application.

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: \_\_\_\_\_

October 2, 2014

**MATERIALS RECEIVED VIA PUBLIC CONSULTATION PROCESS:**

Attached 4 Available \_\_\_\_\_ N/A \_\_\_\_\_

[A letter from the proponent and 3 email letters in support of the application are attached]

## Purpose

The purpose of this report is to seek a Council resolution regarding an application by Lacey-Lou Tapas Lounge, in relation to their Food Primary Liquor licensed business located at 1320 Broad Street for a change to add a Patron Participation Endorsement for their restaurant business.

## Background

Lacey-Lou Tapas Lounge is located at 1320 Broad Street and has been in operation since April of 2014. The venue is licensed for 100 persons (including 20 interior lounge seats) and the current operating hours are from 9:00AM until Midnight, 7 days per week. The applicant is seeking a patron participation endorsement so that a small dance floor can be installed and used by patrons in conjunction with the live music events that take place in the restaurant on a regular basis. In their attached letter (see Attachments), the operator has described the full rationale for their request. A map of the subject property and immediate area is also attached to this report.

### Location

Official Community Plan:

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

Downtown Core Area Plan:

- The property is within the Historic Commercial District. Restaurants and other liquor licensed businesses are anticipated land uses in this location.

Zoning:

- The property is zoned CA-3C, Old Town District, which permits restaurants, offices, retail sales, clubs and both residential (2<sup>nd</sup> floor and above) and transient accommodation.

Neighbourhood Compatibility:

- The building fronts onto Broad Street. Immediately adjacent land uses are:
  - North (1324 Broad St): Retail
  - East (1315 Broad St): Retail and Residential (19 units)
  - West (1319 Government): Retail
  - South: Retail

Given that the restaurant is already permitted to have bands play live music, the provision of a dance floor is not likely to increase noise levels significantly on the street. It should be noted that there is already a large night club next door to this restaurant which likely contributes to most of the late night noise on this section of Broad Street. In addition, the property is located within the Intermediate Noise District.

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 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.

### **Issues & Analysis**

This application is being pursued as a permanent change to the operating conditions as the restaurant operator wishes to be able to have a small dance floor available for patrons to use when live music is being played. A letter from the applicant detailing the reasons for the requested change is attached to this Report.

Within a 50 metre radius of Lacey-Lou Tapas Lounge, there are 6 other Food Primary Liquor licensed establishments having a seating capacity of 530 seats.

In addition, there are 4 Liquor Primary Liquor licensed establishments within a 50 metre radius of Lacey-Lou Tapas Lounge having a seating capacity of 922 seats. One of these, Boutique Lounge, is located in the same building as Lacey-Lou Tapas Lounge. It has a seating capacity of 292 seats and is open 7 days a week from 7:00PM to 2:00AM.

### Bylaw Enforcement

The Bylaw and Licensing Services Division has no concerns with the application. This is a new business which opened in April of 2014 and there have been no complaints received about the business since that date.

### Engineering & Public Works Department

The Downtown Community Development Section has no concerns with this application.

### Police

The Police Department has no concerns with, or objections to, this 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 points 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, all in support of the proposed change.

### **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 operating since April 2014. There have been no noise or nuisance complaints received by the City in respect to these premises since that date.

City staff from all Departments have no concerns about the proposed change to add a Patron Participation endorsement. However, it is noted that the addition of a dance floor will change the character of the restaurant, although it is unlikely this change would lead to any increase in noise or nuisance issues. The focus of the licensed business is to be the provision of food service.

The public consultation conducted by the City has resulted in only positive feedback from the public (3 email letters) which is a general indication that the community is supportive of the proposed changes. Therefore, a resolution supporting the application has been drafted to meet the Liquor Control and Licensing Branch requirements.

## **Recommendations**

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 **Lacey-Lou Tapas Lounge**, Liquor License No. 305859, located at 1320 Broad Street, supports:

- The application of **Lacey-Lou Tapas Lounge** 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. There is some residential use in the immediate vicinity. 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 opening in April 2014. 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 residents were solicited via a mailed notice to neighbouring property owners and occupiers within 50 metres of the hotel and a notice posted at the property. Three written responses were received by the City, all were in support of the application.

## **ATTACHMENTS**

The following documents are attached:

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





To Whom It May Concern,

I am submitting a request to amend Lacey-Lou Tapas Lounge's food primary liquor license to allow patron participation. As it stands, Lacey-Lou's license already includes an entertainment endorsement.

Since opening in April 2014, Lacey-Lou Tapas Lounge's focus has expanded from its original concept, which focused on integrating visual art by primarily local artists, to include arts and entertainment in the form of live music, poetry, comedy and more. There is clearly a great demand for a low-key, casual venue for local performing artists and Lacey-Lou Tapas Lounge is a perfect fit. Our patrons enjoy the diverse entertainment which ranges from solo performers to small bands of all ages and types of music, as well as other performers (actors, comedians, authors). Our patrons would appreciate the option to get up and dance to different types of music, and to do so in a laid-back venue, rather than in a crowded, noisy bar.

The amendment would not affect the food primary focus of the business. In fact, we would expect food sales to increase as patrons would view the business as a more desirable location to spend an evening.

In regards to noise levels, we would not expect them to augment, as the type of entertainment and business hours would not change. During our time in operation, we have not received any noise complaints.

The proposed dance area would be a small space in front of the stage, similar to Canoe Club or the Bard and Banker. We will not promote the business as a location for dancing – it is not the focus, but merely an option our patrons can enjoy in addition to listening to the musical performances.

Neighbouring businesses have not been consulted about the change. The hours during which there would be dancing would not overlap with our neighbours' business hours, other than the nightclub that is above the restaurant. To date, we have had no problem with the staff and managers of the nightclub and neither business' activities have had a negative effect on the other.

I believe that allowing dancing at Lacey-Lou Tapas Lounge would add to the business' friendly and warm atmosphere, and to the feeling of community, diversity and culture we have created. It would add an interesting and unique option to the dining and entertainment sector downtown, one which may well offer opportunities in conjunction with performing arts festivals and performers in future.

Thank you for reviewing the application.

Kindly,

A handwritten signature in dark ink, appearing to read "Natasha GE".

Natasha Grau-Ensminger

CEO and Founder of Lacey-Lou Tapas Lounge Inc.



**Mark Hayden**

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**From:** Mark Woolley [REDACTED]  
**Sent:** Wednesday, Sep 3, 2014 6:37 PM  
**To:** Liquor Licence Email  
**Cc:** [REDACTED]  
**Subject:** Fwd: Lacey Lou Tapas Lounge

----- Forwarded Message -----

**From:** "Mark Woolley" [REDACTED]  
**To:** liquorlicence@victoria.ca  
**Cc:** [REDACTED]  
**Sent:** Wednesday, September 3, 2014 6:18:18 PM  
**Subject:** Lacey Lou Tapas Lounge

Manager, Bylaw and Licensing Services  
Legislative Services, 1 Centennial Square. Victoria, BC V8W-1P6

Regarding: Lacey-Lou Tapas Lounge. 1320 Broad Street. Victoria, BC. V8W-2B2

I believe that adding a Patron-Participation Entertainment Endorsement would add positively to the culture and experience of patrons at Lacey-Lou Tapas Lounge.

Best Regards

Mark ofthefamily Woolley  
6804 West Coast Rd.  
Sooke BC  
[REDACTED]

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**Mark Hayden**

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**From:** Dani Dubois [REDACTED]  
**Sent:** Thursday, Sep 4, 2014 4:34 PM  
**To:** Liquor Licence Email  
**Subject:** Lacey-Lou Tapas Lounge

Hello,

We received your letter regarding a license change for Lacey-Lou Tapas Lounge and we approve of the dance floor. That spot is great for the neighborhood.

Thank you,  
Dani Dubois  
Paradise Boutique  
613 Johnson Street  
Victoria BC  
V8W-1M5  
[REDACTED]

## Mark Hayden

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**From:** Chris Watson <chris@bestwesterncarlton.com>  
**Sent:** Wednesday, Sep 10, 2014 5:28 PM  
**To:** Liquor Licence Email  
**Subject:** Lacey-Lou Tapas Lounge

Dear Bylaw and Licensing Services Manager,

I am writing this letter in support of a small dance floor at the Lacey-Lou Tapas Lounge located at 1320 Broad St. I believe the atmosphere it will bring to the neighborhood will be beneficial to all.

Sincerely,

*Chris Watson*

General Manager  
BEST WESTERN PLUS Carlton Plaza Hotel  
250-413-2190