



Governance and Priorities Committee Report

For the September 11, 2014 Meeting

To: Governance and Priorities Committee **Date:** August 29, 2014

From: Robert Woodland, Director of Legislative and Regulatory Services

Subject: Application for a permanent change to Hours of Sale in relation to two (2) Liquor Primary Liquor Licenses, for the **Tally Ho Motor Inn**, 3020 Douglas Street, Licence No. 010134 and 111522

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 Tally Ho Motor Inn in relation to their 2 Liquor Primary Liquor Licenses for the premises located at 3020 Douglas Street, for a permanent change to extend their hours of operation in relation to their liquor service.

The licensee has shifted their business model in their two Liquor Primary Liquor licensed venues and as a consequence wishes to generally operate with earlier opening and closing times. This is in keeping with the pub having changed to a "Sports Bar" theme and the Lounge having changed to a licensed horse racing off track betting facility. The specifics for the proposed changes in operating hours for each licence is set out in a table under "Background" on page 3 of the Report.

The current occupant load for the Lounge is 50 persons and the current occupant load for the Pub is 351 persons. There would be no change in occupant load as a result of this application.

Recommendation:

That Council, after conducting a review with respect to noise and community impacts regarding the application to amend the hours of liquor service for the two (2) Liquor Primary Liquor Licenses of the **Tally Ho Motor Inn**, Liquor Licenses No. 010134 and 111522, located at 3020 Douglas Street, supports:

- The application of the **Tally Ho Motor Inn** to amend its Liquor Primary Liquor Licence for their Lounge (Licence No. 010134) to allow a change in operating hours to include 9:00AM to 11:00PM from Monday to Saturday and 9:00AM to 10:00PM on Sunday.
- The application of the **Tally Ho Motor Inn** to amend its Liquor Primary Liquor Licence for their Pub (Licence No. 111522) to allow a change in operating hours to include 11:00AM to 1:00AM Monday to Thursday, 11:00AM to 1:30AM on Friday, 9:00AM to 1:30AM on Saturday and 9:00AM to 10:00PM on Sunday.

- The Council provides the following comments on the prescribed considerations (for both licence applications):
 - (a) The location is within a mixed commercial/residential light industrial area which authorizes offices, retail, hotels, restaurants and associated uses. There is a small amount of residential use in the immediate vicinity. The two Liquor Primary Liquor licensed operations within the hotel (lounge and pub) are compatible with the neighbouring land uses. The business is located within the Transient Accommodation District and is within the Intermediate Noise District which allows for a higher noise threshold.
 - (b) With respect to the Lounge (Licence No. 010134) this request represents a change in operating hours to enable liquor service 2 to 2.5 hours earlier each day but close 2 to 2.5 hours earlier each evening resulting in no net increase in the liquor service hours for the premises.
 With respect to the Pub (Licence No. 111522) this request represents a change in operating hours to enable liquor service 0.5 hour earlier on Friday, 2.5 hours earlier on Saturday and 2 hours earlier on Sunday with a 2 hour earlier closing time on Sunday, resulting in a net increase of 3 hours of liquor service weekly for the premises.
 These changes are expected to have minimal impact on the neighbourhood due to the configuration and use of the licensed premises within the hotel. The hotel has had no complaints of noise or nuisance in the past 5 years. There is no concern that this change would result in the business being operated contrary to its primary purpose.
 - (c) The views of residents were solicited via a mail out to neighbouring property owners and occupiers within 50 metres of the hotel and a notice posted at the property. No responses were received by the City.

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:


 Sept. 4/14

MATERIALS RECEIVED VIA PUBLIC CONSULTATION PROCESS:

Attached 1 (A letter from the applicant)

Purpose

The purpose of this report is to seek a Council resolution regarding an application by the Tally Ho Motor Inn, in relation to their Liquor Primary licensed businesses located at 3020 Douglas Street for a change to their hours of liquor service for both their Lounge and Pub located on the premises of the hotel.

Background

The Tally Ho Motor Inn is located at 3020 Douglas Street and the property spans the distance between Douglas and Burnside. The Lounge venue is located off the lobby in the hotel while the Pub is located towards the rear of the property, but attached to the hotel. The current management has been in place for approximately 2 years reopening the hotel in 2013 after extensive renovations.

The Lounge venue is licensed for 50 persons. The current operating hours and proposed changes are set out in the table below:

Day	Current Operating Hours	Proposed Operating Hours	Net Change
Monday to Saturday	11:30AM to 1:30AM	9:00AM to 11:00PM	Premises open and close 2.5 hours earlier each day
Sunday	11:00AM to Midnight	9:00AM to 10:00PM	Premises open and close 2 hours earlier each day

The Pub is licensed for 351 persons (including a 50 seat patio). The current operating hours and proposed changes are set out in the table below:

Day	Current Operating Hours	Proposed Operating Hours	Net Change
Monday to Thursday	11:00AM to 1:00AM	11:00AM to 1:00AM	No Change
Friday	11:30AM to 1:30AM	11:00AM to 1:30AM	Premises open 0.5 hour earlier
Saturday	11:30AM to 1:30AM	9:00AM to 1:30AM	Premises open 2.5 hours earlier
Sunday	11:00AM to Midnight	9:00AM to 10:00PM	Premises open and close 2 hours earlier

The applicant is seeking a change to the operating hours for the Lounge as patrons are there to watch and bet on horse racing. The Lounge is a licensed off track betting facility. The bar has been removed from the Lounge and liquor service would be provided from the pub. There would be no liquor service in the Lounge when the pub is not open (no service before 11:00AM except on Saturday and Sunday). The requested change to be open at 9:00AM simply allows the Lounge to remain open from that time (when horse racing generally starts) without the need to remove patrons for a ½ hour transition period which would be required if the Liquor Primary Liquor Licence continued to be an 11:00AM or 11:30AM opening.

The applicant is seeking a change to the operating hours for the pub to reflect the changed business model for the hotel and that the pub is now operated as a Sports Bar. The requested earlier openings on Fridays, Saturdays and Sundays will allow the pub to be open for various sporting events on the weekends. Closing hours are unchanged except for the proposed earlier

closing on Sunday night (10:00PM instead of Midnight). If the changes are approved, the pub would be open for an additional 3 hours of liquor service each week.

In their attached letter (see Attachments), the applicant 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 General Employment Urban Place designation in the Official Community Plan adjacent to properties in the Mayfair Town Centre Urban Place designation. General Employment area uses include: commercial, including office and retail, light industrial, industrial work-live, education, research and development and health services
- The area is covered by Development Permit Area #16: General Form and Character, which enables Council to review and approve the character of commercial, industrial and multi-family residential developments.

Burnside Neighbourhood Plan:

- The property is within the Northern Approaches area. The area envisages higher density housing or tourist accommodation fronting Douglas Street with large commercial sites south of Mayfair suitable for retail/wholesale and service outlets which require warehouse type buildings.

Zoning:

- The property is zoned T-1, Transient Accommodation District, which permits hotels and associated uses.

Neighbourhood Compatibility:

- The building fronts on Douglas Street with its rear yard parking lot fronting on Burnside Road to the west. Immediately adjacent land uses are:
 - North: Car dealership (under construction)
 - West (across Burnside): Single family dwellings
 - East (across Douglas): Retail and office uses and a vacant motel
 - South: Office and retail uses.
- The single family dwellings are from 77m to 107m from the rear of the building across Burnside Road. 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, the applications for changes in hours will not significantly change the existing lounge and pub operations and the potential for additional noise affecting occupants and residential neighbours is minimal and during the late evening likely reduced due to the proposed earlier closing hours on a number of days.

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 hotel operator has changed the focus of the service provided in their pub from a “beer hall” to that of a “sports bar and grill”. The change in the lounge is to allow uninterrupted access during the hours that horse racing is available. A letter from the applicant detailing the reasons for the requested change is attached to this Report.

With respect to the Lounge licence application, as set out in the Table under “Background”, the request is to open at 9:00AM each day and set the closing hours so that there is no net change in the number of hours of liquor service available each week.

With respect to the Pub application, as set out in the Table under “Background”, the hours of operation between Monday and Thursday will not change. On Friday, the request is to allow an 11:00AM opening (0.5 hour earlier) and to open at 9:00AM on Saturday and Sunday. Closing times stay the same on Friday and Saturday and are 2 hours earlier on Sunday. The net effect of all of the proposed changes would enable the pub would be open 3 hours more each week than is currently allowed. The modified hours of operation is in keeping with the theme of the pub which is now the “Tally Ho Sports Bar and Grill”.

All of the changes to the operating hours being requested by the applicant are within the hours of operation contemplated by the City’s Liquor Licensing Policy.

This policy provides guidance on closing hours for Liquor Primary businesses, but does not specify approved opening hours other than what is allowed by the LCLB (which is 9:00AM).

Within a 50 metre radius of the Tally Ho Motor Inn, there are no other Liquor Primary licensed establishments. The 2 closest Liquor Primary Liquor Licensed venues are:

VENUE	HOURS	SUNDAY HOURS	SEATING	TYPE
Shark Club 2852 Douglas Street	11:00h to 02:00h	10:00h to 24:00h	155	Hotel Pub
Comfort Inn Hotel 3020 Blanshard Street	11:30h to 01:30h	11:00h to 24:00h	172	Hotel Lounge

Bylaw Enforcement

The Bylaw and Licensing Services Division has no concerns with the application. There have been no complaints made about the Liquor Primary Liquor Licensed operations in the hotel with respect to nuisance or noise. A Good Neighbour Agreement for both licenses as required by the Business Licence Bylaw is in place.

Engineering & Public Works Department

The Downtown Community Development Section reviewed this application and provided the following comments:

The proposed changes would make the closing times earlier:

Lounge: Monday to Saturday 2.5 hours; Sunday 2.0 hours and the Pub: Sunday 2 hours

Also the proposed changes would move the opening hours 2.0 - 2.5 hours earlier on most of these days. As a result there would be little change in the net service hours of the two licenced premises and we do not have any concerns with the proposed change in hours.

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 no feedback from the community.

Conclusions

The request complies with the City's current liquor licensing policy as the proposed opening and closing hours contained in the requests are within the hours specified by City Policy where such parameters have been set. The Liquor Primary Liquor Licence associated with this hotel has been operating since 2013. There have been no noise or nuisance complaints received in respect to liquor service in the past 5 years.

City staff from all Departments have no concerns about the proposed change to the operating hours for liquor service. The public consultation conducted by the City has resulted in no feedback from the public which is a general indication that the community has no concerns about 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 amend the hours of liquor service for the two (2) Liquor Primary Liquor Licences of the **Tally Ho Motor Inn**, Liquor Licences No. 010134 and 111522, located at 3020 Douglas Street, supports:

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- (c) The views of residents were solicited via a mail out to neighbouring property owners and occupiers within 50 metres of the hotel and a notice posted at the property. No responses were received by the City.

ATTACHMENTS

The following documents are attached:

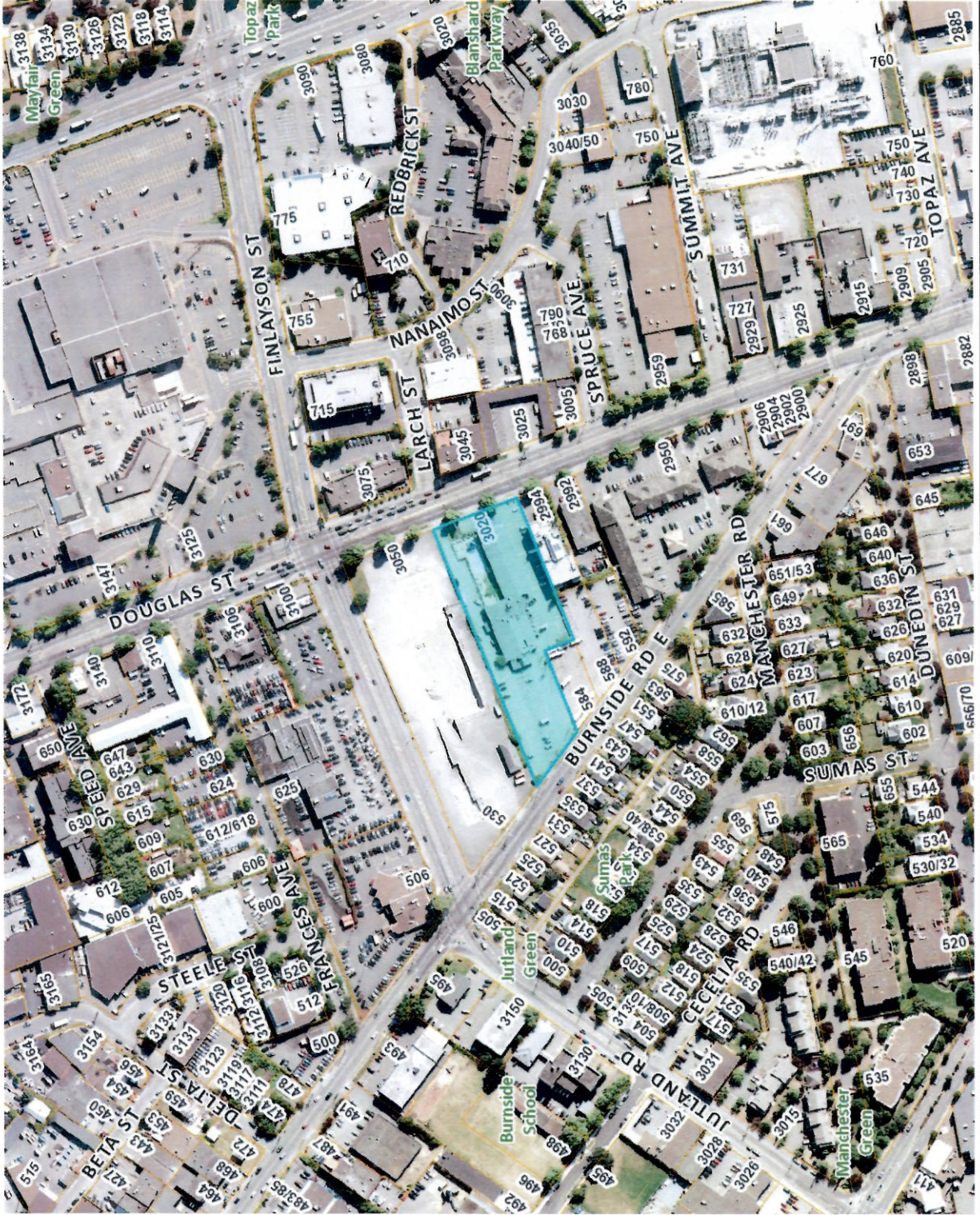
1. An aerial photograph (map) of the property and surrounding area.
2. A letter from the applicant explaining the purpose for the requested change.



Legend
 Victoria Parcels

1: 3,678

Notes



186.8 0 93.41 186.8 Meters

NAD_1983_CSRS_UTM_Zone_10N

Public domain: can be freely printed, copied and distributed without permission.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

*A proud member of the
Victoria community since 1967*

July 22, 2014

City of Victoria
#1 Centennial Square,
Victoria, BC
V8W 1P6

Attention: His Worship Mayor Fortin & Members of Council

Subject: Request for Resolution in Support of Change of Hours Application

Dear Sirs,

The Tally-Ho Hotel has been a Victoria business since 1967, and over the past 47 years the business and the property has gone through various phases. In 2012, we purchased the property then known as the Vacation Inn, out of receivership following the collapse of the Travellers Inn group of properties. Throughout late 2012 and early 2013, various options were considered for the property, and after considerable review, the decision was made to make a substantial investment into the building and property, and to reinvent and revive the business.

Following months of planning, considerable updates and improvements were completed in 2013 on the exterior of the property, including the rebirth and re-launch of the historical name "Tally-Ho". An updated logo, attitude and business plan was born that included a new family diner style restaurant, the "Hideaway Restaurant" and the regions newest and most well-appointed sports bar, the "Tally-Ho Sports Bar & Grill". The Tally-Ho Sports Bar & Grill also hosts the regions only off-track horse racing experience, known as the "Tally-Ho Players Lounge".

The improvements in 2013 included a complete interior renovation of the historical "beer hall" into the regions first true sports bar and grill, where friends "eat, drink and cheer". The sports bar includes over 40 big screen HD TV's, 3 mega screens, including the region's largest projection screen, and a state of the art audio system to make patrons feel like they are at the big game. Our audio video system allows almost any sports event or game to be available, all at the same time, therefore allowing us to promote that "we have your game". We have worked hard to create a sports entertainment experience that is not available anywhere in the region.

One of the primary goals of the renovation plan and renewed business strategy is to build a stronger business model based on sports and entertainment, and not center solely on the service of alcohol. New sports based food menus have been created, including themed menus for favourite teams such as the Vancouver Canucks and Victoria Royals, and for major events like the Super Bowl and the recent World Cup. Our new business strategy has seen food consumption increase over 100% since opening in November 2013.

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www.HideawayVictoria.com



www.TallyHoVictoria.com



www.TallyHoSportsBar.com

3020 Douglas Street, Victoria BC, V8T 4N4

The former Vacation Inn Pub and the Tally-Ho Pub before that, did not receive any investment for many years, and as such the facility had attracted some clientele that were less than desirable. This did not create an atmosphere that was an asset to the community, or sustainable as a business.

Since November 2013 when the Tally-Ho Sports Bar and Grill opened, we have worked hard to create an atmosphere that celebrates sports and entertainment, an atmosphere that includes residents of all backgrounds, where all sports fans can cheer on their favourite sport, team, or athlete. We are now a proud member of the Victoria Bar Watch Program, and we have worked closely with the Victoria Police to achieve our goal of creating a positive atmosphere, and ensuring a sustainable community based business model.

A large part of the new business model is community engagement and support. We are proud of the numerous minor sports and local entertainment groups we have been able to partner with to provide valuable fundraising opportunities in our first year. In 2014 alone we have helped raise over \$16,000.00 for local sports associations and community groups. As we continue to refine our fundraising efforts, we hope to increase our annual partnerships with the community to over \$40,000.00 annually.

We are also proud of our new relationships with local amateur and semi-pro sports organizations. In 2014 we have worked with and supported the Victoria Royals that play out of Victoria's Save-On-Foods Memorial Center, and the Victoria Harbour Cats baseball team and Victoria Highlanders FC, each playing out of Royal Athletic Park.

The purpose of our request today is our applications to alter our operating hours for both the Tally-Ho Sports Bar & Grill and the Tally-Ho Players Lounge. Our applications to BC Liquor Control & Licensing are based on months of review of sports league schedules and the sporting events that our regions sports enthusiasts follow and support.

The changes proposed for the Tally-Ho Sports Bar & Grill are as follows;

Monday, Tuesday, Wednesday & Thursday: No changes

Friday: Opening time change from 11:30am to 11:00am, the same opening time as Monday – Thursday. This change will help standardize opening times for weekdays, allowing us to further promote and grow the lunch business, as well as improve scheduling for employees.

Saturday: Opening time change from 11:30am to 9:00am. Although we do not plan to open regularly before 11:00am on Saturdays, having the ability to open as early as 9:00am will allow us to open for matinee games featuring marquee eastern based teams such as NHL Canadian icons Toronto Maple Leafs and Montreal Canadiens, or games that feature marquee players such as Sidney Crosby or Jamie Benn. Many events such as "Winter Classics" tend to be matinee games in Eastern time zones, therefore they are mid-morning in Victoria.

Sunday: Opening time change from 11:30am to 9:00am, and an earlier closing time change to 10:00pm from midnight. It is anticipated that we would open at 9:00am primarily for the NFL season, allowing NFL fans to gather for breakfast and cheer on their team for NFL Sunday morning football. We would also have flexibility to open for special events and games that occur earlier in the day such as NHL matinee games mentioned above. The proposed closing time change is earlier from midnight to 10:00pm.

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www.HideawayVictoria.com



www.TallyHoVictoria.com



www.TallyHoSportsBar.com

3020 Douglas Street, Victoria BC, V8T 4N4

The changes proposed for the Tally-Ho Players Lounge would change the opening times from 11:30am to 9:00am all days of the week, and change the closing time from 1:30am to the earlier time of 11:00pm Monday to Saturday, and 10:00pm on Sundays.

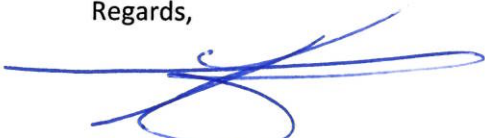
The change for the Tally-Ho Players Lounge is based solely on the schedule of the off-track horse racing activity. The Tally-Ho Players Lounge features horse races from around BC, Canada and the World, and races begin at 9:00am daily, and generally conclude before 11:00pm. The change will allow better service to the patrons of the horse race activity, as well as further our goal of moving the food and beverage sales to a more balanced model.

We are proud of the new Tally-Ho hotel, restaurant and sports bar, and we look forward to continuing to grow the new business model as a valued member of the community. The proposed changes to our licenses as detailed in this letter are designed to better serve our customers and to help us meet and exceed our business goals.

We are happy to provide a presentation and answer any questions you may have regarding this request. Please contact the undersigned if you require any further information.

Thank you for your consideration of this matter.

Regards,



Wayne Hopkins, Owner
ECN Holdings Ltd.



www.HideawayVictoria.com



www.TallyHoVictoria.com



www.TallyHoSportsBar.com

3020 Douglas Street, Victoria BC, V8T 4N4