



Governance and Priorities Committee Report

For the May 22, 2014 Meeting

To: Governance and Priorities Committee **Date:** May 8, 2014
From: Robert Woodland, Director of Legislative and Regulatory Services
Subject: Application for a Liquor Primary Licence, **The Victoria Film and Independent Video Festival (The Vic Theatre)**, 808 Douglas Street

Executive Summary

The purpose of this report is to seek a Council resolution regarding an application by The Vic Theatre located at 808 Douglas Street for a Liquor Primary (Theatre) Licence. This is a new licence application and 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 18:00h (6:00PM) to 23:00h (11:00PM) daily however liquor service would be limited from one hour before to one hour after the screening of a film (or like event). The occupant load for the theatre (lobby and auditorium) is 260 persons.

Recommendation:

That Council, after conducting a review of the staff assessment of the application for a Liquor Primary Licence for **The Vic Theatre** located at 808 Douglas 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 May 22nd Council Meeting for ratification.

Respectfully submitted,

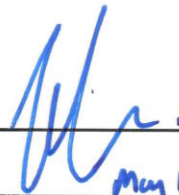


Mark Hayden
Manager, Bylaw and
Licensing Services



Robert Woodland
Director Legislative and
Regulatory Services

Report accepted and recommended by the City Manager:



Date:

May 14, 2014

Purpose

The purpose of this report is to seek Council direction regarding a Liquor Primary Liquor Licence (Theatre) application by The Victoria Film and Independent Video Festival, in relation to their proposed liquor primary business located in The Vic Theatre at 808 Douglas Street.

Background

This is a new application requesting the ability to provide liquor service as part of a theatre business. The maximum proposed hours of service would be from 6:00PM to 11:00PM daily. The actual hours of liquor service would vary since liquor service is further restricted to the time period commencing one hour before the screening of a film (or similar event) to one hour after the screening of a film (or similar event). In addition, patrons may only be served liquor on the premises if they hold a ticket to the film, broadcast or live event taking place at the theatre for the same date. Minors would not be permitted in the auditorium (theatre) portion of the business during the times when liquor is being served.

The Vic Theatre is located at 808 Douglas St. at the corner of Douglas and Humboldt Streets. With the closing of the Empire Theatres, the Vic Theatre wishes to be open year round and have the opportunity to offer a wider range of screened productions as well as live events. The ability to serve liquor at some events will broaden the appeal of the offerings to a wider audience. A Letter of Intent from the business owner is attached in the Appendix to this Report as well as the Application Summary prepared by the LCLB. An occupant load of 260 persons (214 persons in the auditorium (theatre) and 46 persons in the lobby area) has been approved by the Chief Building Official of the City. A copy of the floor plan is attached in the Appendix.

Location

Official Community Plan:

- The property is within the Core Historic Urban Place designation. Approved land uses in this designation are commercial, including retail, office and visitor accommodation.
- The area is covered by Development Permit Area 1 (HC): Historic Core, which enables Council to review and approve the form and character of commercial, industrial and multi-family residential development. Heritage conservation is also included as one of the purposes of this DPA.

Downtown Core Area Plan:

- The property is within the "Historic Commercial District" (HCD).
- The HCD supports growth in the tourism, retail and entertainment sectors. Residential dwellings are also encouraged in the upper stories of existing buildings.

Zoning:

- The property is zoned CA-29 (Courtney Street Commercial District)
- This zone permits those uses associated with CA-3 (Central Area General Commercial District) and CA-4 (Central Area Commercial Office District) including but not limited to restaurants, clubs, theatres, transient accommodation and residential units, as well as those specific to the CA-29 zone (public buildings and commercial exhibits).
- Parking is required under this zone for office and residential uses

Neighbourhood Compatibility:

- Within the immediate block, upper floors contain predominantly offices.
- The closest neighbouring residential units are:
 - 809-869 Douglas Street, 708 Burdette Ave – 155 units
 - 723-755 Humboldt Street – 171 Residential Units
 - 751 Fairfield Road – 161 Residential Units
 - 780-796 Humboldt Street – 76 Residential Units
- Additional impacts to nearby residents as a result of the new liquor service hours may occur, although these are considered to be marginal, since the theatre customers will be within the Vic Theatre building itself and not on outside deck or patio space. In addition, a number of bars and restaurants are within close proximity to the property, which all have longer liquor service hours than those proposed at the theatre. Noise impacts to adjacent residents and hotel guests from existing bars and restaurants in the neighbourhood are much more likely to occur.
- 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, 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 50 metre radius of The Vic Theatre, there are 9 other Liquor Primary Licensed establishments with a total patron capacity of 4425 seats. Details are set out in the table:

VENUE	HOURS	SUNDAY HOURS	SEATING TYPE	TYPE
Strathcona Hotel (3 licenses)	11:00h to 02:00h	11:00h to 02:00h	1328	Hotel/Pub
Victoria Conference Centre	09:00h to 02:00h	09:00h to Midnight	1969	Conference Centre
Magnolia Hotel	12:00h to 02:00h	11:00h to 01:00h	24	Hotel
Union Club	11:00h to 01:00h	11:00h to Midnight	759	Private Club
Chateau Victoria	11:00h to 01:00h	11:00h to Midnight	119	Hotel
Polo Lounge	09:00h to 01:00h	09:00h to 01:00h	40	Lounge
Executive House	09:00h to 01:00h	09:00h to 01:00h	186	Hotel

Bylaw Enforcement

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 Good Neighbour Agreement in accordance with the requirements of the Business Licence Bylaw. This would become a condition of their City issued business licence.

Engineering & Public Works Department

The Downtown Community Development Section (DCDS) provided the following comments:

- The applicant is located in the entertainment district of the downtown and the use is consistent with the evening economy.
- Serving alcohol concurrent with performances is similar to the service currently provide at the Royal and McPherson Theatres.
- The provisions of the licence bind the service of alcohol to performances and consider the presence of minors.
- There is a residential complex across the street from the entrance to the theatre, however all activity will be internal to the theatre building and the service time is limited to 11:00pm at night.

As a result, the DCDS has no concerns with this application being approved.

Police

The Police Department has no concerns with this application being approved.

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 business 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.

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 Liquor Primary Licence for **The Vic Theatre** located at 808 Douglas 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 May 22nd 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 explaining the purpose for the application.
4. A copy of the approved Occupant Load drawing for the business.

The Vic Theatre - 808 Douglas Street

05/07/2014



Legend
 Victoria Parcels

1: 818



Notes



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41.6

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.

NAD_1983_CSRS_UTM_Zone_10N

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION



BRITISH
COLUMBIA

APPLICATION SUMMARY

For Applicant and Local Government/First Nations

Date: March 7, 2014

Job # 22877812-001

Created by: Emma Ross

Re: Application for a Liquor-Primary licence
Applicant: Victoria Independent Film & Video Festival
Proposed Location: 808 Douglas Street in Victoria
Proposed Establishment Name: The Vic Theatre

APPLICATION INFORMATION

Date application deemed complete:

Local Government Jurisdiction: The City of Victoria

The primary business focus of the proposed establishment: Entertainment

1. TOTAL PERSON CAPACITY/OCCUPANT LOAD FOR THE PROPOSED LICENSED AREAS:
(this number includes patrons plus staff)
- Person 01 (Theatre)= 214
Person 02 (Lobby) = 46

2. HOURS OF LIQUOR SERVICE:

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
6:00 PM	6:00 PM	6:00 PM	6:00 PM	6:00 PM	6:00 PM	6:00 PM
11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM

3. TERMS AND CONDITIONS OR ENDORSEMENTS REQUESTED:

- Liquor service is permitted in the lobby, with minors present, in conjunction with films, broadcasts and live events.
- Liquor is permitted in the auditorium in conjunction with films, broadcasts and live events provided there are no minors present.
- When liquor is permitted in the auditorium, signage must be posted that no minors are permitted at the film, broadcast or live event.
- When liquor is being served in the lobby and minors are present, signage must be posted at the entrance to the auditorium which states "no liquor beyond this point".
- Liquor service is limited to one hour before, during and one hour after a film, broadcast or live event.
- Patrons must have a ticket to the film, broadcast or live event to be in the lobby or auditorium.
- The establishment may alternate between licensed and unlicensed films, broadcasts or live events with no need for LCLB permission.

4. LOCATION/SITE FACTORS

The legal description of the proposed site is: PID 000-558-958 Lot 1, Plan VIP26451, Victoria Land District, OF Lots 347/8/9/350/1/364/5 & 366. This site is located in the downtown area, primarily neighbored by hotels, commercial and urban businesses and residential condominiums. The proposed establishment will operate as a cultural venue that offers quality independent cinema and live events to the residents of Victoria. The live events include book readings, musical series and industrial presentations. The establishment will also be rented out for similar uses.

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

- a) **Business Focus or Purpose**
- b) **Target Market**
- c) **Composition of the Neighbourhood and Reasonable Distance Measure**
- c) **Benefits to the Community**
- d) **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.

5. CONTRAVENTION STATISTICS:

- The Liquor Control and Licensing Branch can provide contravention statistics for liquor primary and liquor primary club establishments within your area upon request.

6. POPULATION AND SOCIO-ECONOMIC INFORMATION:

- 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>

7. APPLICANT'S LETTER OF INTENT:

- The Applicant's Letter of Intent is attached to this document for reference purposes. The information or statements included in the letter of intent have not been confirmed unless otherwise stated in this report.

8. 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.

Section 10 of the Liquor Control and Licensing Regulation states that local government or First Nation must consider and comment on each of 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 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;

The local government or first nation must provide their recommendations with respect to whether the licence should be issued and the reasons for its recommendations.

The resolution must be provided to the general manager within 90 days after the local government or first nation receives notice or any period authorized by the general manager in writing.

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

Letter of intent for The Vic Theatre – 808 Douglas Street, Victoria BC V8W 2B6

- a) **Purpose:** With the closing of Empire Theatres in downtown Victoria, we felt it was the perfect time to open The Vic Theatre year-round and offer quality, independent cinema to the residents of Victoria. We also wanted to add a live component to our programming by bringing in guests for book readings/launches, an intimate musical series and industry presentations.
 - b) **Target Market:** We want to serve the needs of urban locals, neighbouring communities and tourists by providing a range of quality and engaging entertainment.
 - c) **Composition of the neighbourhood:** The downtown area surrounding The Vic Theatre is made up of commercial and urban businesses, a hotel and residential condominiums as well as a couple of attractions near by.
 - d) **Benefits of the proposed establishment to the community:** As mentioned before, with the closing of the multiplex Empire Theatre, the selection of entertainment, aside from the various bars and restaurants, has diminished. The Vic Theatre will provide residents of Victoria with:
 - 1. Access to unique programming;
 - 2. A vibrant arts/cultural based venue in the neighbourhood;
 - 3. An attraction for tourists;
 - 4. A rental space for other nonprofit and arts-based organizations to use for the same purpose.
 - e) **Impact of noise on the community:** As The Vic Theatre is already set-up to screen films; the soundproofing of the theatre is already in place for screenings and live performances. Also, the building the theatre is located in is an office building and is not occupied in the evenings except for the theatre.
 - f) **Other impacts on the surrounding community:** Liquor service will also stop one hour before the end of the event to ensure that no noisy, intoxicated patrons leave the theatre. As well, "Serving It Right" licensed individuals will monitor alcohol consumption of guests to certify no one is over-served.
 - g) **Other:** Our liquor service will be event driven.
- 2 b) **Site Map:** State what distance measure you chose and explain your logic:
Being that The Vic Theatre is located in downtown Victoria, this would fall under the densely populated city or municipality category. Therefore we have used the reasonable distance of about a 2-block radius.

