



Governance and Priorities Committee Report

Date: April 4, 2014 **From:** Robert Woodland, Director of
Legislative and Regulatory Services

Subject: Application for a permanent change to Occupant Load of Licensed area in
relation to a Liquor-Primary Liquor Licence, for the **Splash Poolside
Lounge**, 1961 Douglas Street, Licence, No. 011138

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 Splash Poolside Lounge (Capital City Center Hotel Ltd.) in relation to their Liquor Primary Liquor Licence for the premises located at 1961 Douglas Street, for a change to increase the occupant load.

The current occupant load for the liquor primary service area of the lounge is 43 persons. The hours of liquor service are from 11:00h to 01:00h Monday through Saturday and 11:00h to midnight on Sunday. The requested change is due to the reconfiguration of the floor space on the ground floor of the hotel. If approved, the occupancy for the liquor primary service area would be increased to 71 persons. There would be no change in the hours of operation 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 occupant load respecting liquor service for the Liquor Primary Liquor Licence of the **Splash Poolside Lounge**, Liquor License No. 011138, located at 1961 Douglas Street, supports:

- The application of the **Splash Poolside Lounge** to amend its Liquor Primary Liquor Licence to allow an increase in occupant load to 71 persons.
- The Council provides the following comments on the prescribed considerations:
 - (a) The location is in a designated mixed use commercial area which authorizes restaurants, hotels, office space and associated uses. There is no residential use in the immediate vicinity. The Liquor Primary operation within the hotel is 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) There is expected to be minimal impact on the neighbourhood due to the relatively small increase in capacity that would result from this request being approved. 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 restaurant/lounge 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: _____



April 10, 2014

MATERIALS RECEIVED VIA PUBLIC CONSULTATION PROCESS:

Attached 1 Available _____ N/A _____
(A letter from the proponent is attached)

Purpose

The purpose of this report is to seek a Council resolution regarding an application by the Capital City Center Hotel Ltd. in relation to their Liquor Primary licensed operation located at 1961 Douglas Street for a change to increase the occupant load in relation to the lounge (liquor primary) operation which is an adjunct to their hotel business.

Background

The Capital City Center Hotel is located at the corner of Douglas Street and Discovery Street. The business is a hotel which operates both a food primary and a liquor primary business within the overall hotel operation. The hotel has held this Liquor Primary Liquor Licence since 1982 and a Food Primary Liquor Licence since 2010. There is a second Liquor Primary Licence for a 275 seat pub on the premises, (Soprano's) but the hotel owner advises it is now closed and the management contract with the third party operator has been terminated.

The current occupant load for the liquor primary lounge area within the hotel is 43 persons and is located in an area adjacent to the Food Primary licensed area off the main hotel lobby. The request to increase the occupancy load to 71 persons is a result of extensive renovations to the existing main floor of the hotel which includes the closure of an existing 275 seat pub, the proposed addition of hotel rooms and an addition to the existing lounge space adjacent (but inside the building) to the swimming pool. The attached floor plan (see Appendix) shows the existing location of the licensed area as well as the new area proposed by the hotel. This revised area proposed for the liquor primary operation will support an occupant load of 71 persons as determined by the Chief Building Official of the City. The current hours of operation are 11:00 AM to 1:00 AM, Monday through Saturday, and 11:00 AM to midnight on Sunday and will not change if this application is approved.

In the attached letter (see Appendix), the owner has described his business plan for the overall operation of the hotel complex.

Location

Official Community Plan:

- The OCP designates the property within the "Core Employment Urban Place" (CEUP);
- The area is designated within Development Permit Area 7A – Corridors;
- CEUP uses include residential mixed use, work/live and commercial, including office, hotels and other visitor accommodation, located between Douglas Street and Blanshard Street.

Zoning:

- The property is zoned T-1, Transient Accommodation District;
- This zone accommodates hotels rooming houses, housekeeping apartment buildings and associated uses;
- The general regulations for off-street parking apply in this zone and would be unaffected by the proposed change.

Neighbourhood Compatibility:

- Surrounding land uses include: restaurants, automobile services, hotels, commercial and a sports club. There is no residential use in the area around this business.
- Due to the location of the licensed area within the hotel and location of the hotel itself, there is expected to be a minimal impact from noise associated with the requested changes.
- The location of the hotel is 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 and Analysis

This application is being pursued as a permanent change to the operating conditions so that the lounge can be increased in size in the same area of the hotel as it is presently located. A letter from the applicant outlining the purposes of the requested change and a diagram outlining the proposed changes are attached in the Appendix.

Within a 50 metre radius there are 3 other liquor primary licensed businesses with a seating capacity of 460 seats.

LIQUOR PRIMARY VENUE	HOURS	SUNDAY HOURS	SEATING	TYPE
City Center Hotel (Soprano's) 1961 Douglas	Open to 02:00h	02:00h	275	Pub – currently closed
Paul's Motor Inn 1900 Douglas	Open to 02:00h	24:00h	120	Hotel Pub
Discovery Sports Club 714 Discovery	Open to 01:00h	24:00h	65	Private Club

Bylaw Enforcement

The Bylaw and Licensing Services Division has no objections to this application. There have been no noise complaints received about the hotel and associated operations. A Good Neighbour Agreement has been in place since 2005 for this Liquor Primary business (as a condition of their business licence).

Engineering & Public Works Department

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

- There are no residences close to the site, though there is a hotel at 1850 Douglas that could be impacted by noise from the patio (Note – the patio area is not licensed under this Liquor Licence).
- Given that hotel guests are also located on the applicant's site, it would be expected that measures would be taken to manage late night noise issues.
- Notwithstanding any licensee compliance issues at the site, we have no significant concerns with the requested increase in seats.

Police

The Police Department has had concerns with the “Soprano’s Pub” operation in the past, but note that it has been closed (The pub was operated by a third party and their management contract has been terminated). They have no concerns with the application and believes that noise and nuisance issues will be largely unaffected by the proposed change.

Official Community Plan Consistency Statement

As the request by the applicant is congruent with the Zoning Regulation Bylaw requirements, this request, if approved, is consistent with the OCP.

Financial and Staff Capacity Assessment

Not applicable. This issue has no direct staffing or other resourcing impacts.

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 mail 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 no feedback was received by the City.

Conclusions

The request complies with the City’s current liquor licensing policy because:

- the requested use is compatible with the neighbourhood;
- allowing the extra seats would be a positive economic benefit to the licensee;
- the business has a positive compliance record (although there were documented problems with the “Soprano’s Pub” which was operated out of this building, by a third party, in the past; and
- the request complies with existing City regulations governing this type of business.

The lounge business has been operating since 1982 with a good compliance record. City staff from all Departments have no significant concerns about the proposed change to extend the occupant load as requested by the applicant. No concerns have been expressed by the community.

Recommendation

That Council, after conducting a review with respect to noise and community impacts regarding the application to amend the occupant load respecting liquor service for the Liquor Primary Liquor Licence of the **Splash Poolside Lounge**, Liquor License No. 011138, located at 1961 Douglas Street, supports:

- The application of the **Splash Poolside Lounge** to amend its Liquor Primary Liquor Licence to allow an increase in occupant load to 71 persons.

- The Council provides the following comments on the prescribed considerations:
 - (a) The location is in a designated mixed use commercial area which authorizes restaurants, hotels, office space and associated uses. There is no residential use in the immediate vicinity. The Liquor Primary operation within the hotel is 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) There is expected to be minimal impact on the neighbourhood due to the relatively small increase in capacity that would result from this request being approved. 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 restaurant/lounge and a notice posted at the property. No responses were received by the City.

APPENDIX

Attached is a letter from the proponent and a copy of the approved floor plan.



1961 Douglas Street, Victoria, BC, V8T 4K7
P:250-953-1000 F: 250-953-1001 email: reservations@capitalcitycenterhotel.com

March 3, 2014

Bylaw & Licensing Services
1 Centennial Square
Victoria, BC, V8W 1P6

M. A. Hayden,

Re: Capital City Center Hotel. Splash Poolside Lounge

My previous experience in the hotel business included the Salmon Arm Motor Inn, Tallyho Nanaimo and for the last 35 years, I co-owned the Sidney Travelodge. In Sidney, I added 40% more rooms and 20000 square feet of rental. I sold the Sidney Travelodge in 2012 and bought the Capital City Center Hotel in May 2013 (Formally the Imperial Inn). We have done extensive work to bring the hotel back to its original high standards. The pub which was leased out, I negotiated out of the lease Jan 1st, 2014. The pub sat 275 patrons and I have an application at the city to replace the pub area with 10 new handicap accessible suites.

Since the pub has now closed its 315 liquor primary seats, I am requesting the Lounge occupancy be increased from 43 to 71, as it is needed to service the customer base we are building with the additional hotels suites.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gerald Conrod", is written over a horizontal line.

Gerald Conrod, Owner



 Victoria Parcels

THIS MAP IS NOT TO BE USED FOR NAVIGATION