



Governance and Priorities Committee Report

Date: March 6, 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 **Bedford Regency**,
1140 Government Street, Licence, No. 116081

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 Bedford Regency (Bedford Hotel Ltd.) in relation to their Liquor Primary Liquor Licence for the premises located at 1140 Government Street, for a change to increase the occupant load.

The current occupant load for the liquor primary service area of the restaurant/lounge is 30 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 a result of the closure of the lounge on the mezzanine floor of the hotel and the conversion of a coffee shop on the lobby level to become a lounge. If approved, the occupancy for the liquor primary service area would be increased to 90 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 **Bedford Regency**, Liquor License No. 116081, located at 1140 Government Street, supports:

- The application of the **Bedford Regency** to amend its Liquor Primary Liquor Licence to allow an increase in occupant load to 90 persons.
- The Council provides the following comments on the prescribed considerations:
 - (a) The location is in a designated neighbourhood commercial area which authorizes restaurants, retail stores, neighbourhood pubs, hotels and office space. 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 Historic Commercial 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. One response, not in favour of the proposed change was received from a neighbouring business owner.

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: _____

March 11, 2014

MATERIALS RECEIVED VIA PUBLIC CONSULTATION PROCESS:

Attached 2 Available _____ N/A _____

(A letter from the proponent and 1 email from a nearby business is attached)

Purpose

The purpose of this report is to seek a Council resolution regarding an application by the Bedford Regency, in relation to their Liquor Primary licensed operation located at 1140 Government 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.

The current occupant load of 30 persons is for a licensed area on the mezzanine level of the hotel. This area adjoined a food primary licensed area of 70 persons. The request to increase the occupancy load to 90 persons is a result of the proposed move of the liquor primary space from the mezzanine level of the hotel to the lobby area, one floor down. The hours of liquor service would not change as a result of this request.

Background

The Bedford Regency is located adjacent to Bastion Square on the west side of Government Street. The business is a hotel which operates both food primary and liquor primary businesses within the overall hotel operation. The hotel has held a Liquor Primary Liquor Licence since 1986 and a Food Primary Liquor Licence since 1989.

The current occupant load for the liquor primary portion of the business is 30 persons and is located in an area directly adjacent to the Food Primary licensed area. The requested change would move the liquor primary seats to the lobby area of the hotel one floor below the food primary licensed area. 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 new area proposed for the liquor primary operation will support an occupant load of 90 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.

In the attached letter (see Appendix), the owner has described his business plan for this new space which includes offering a wider variety of craft beers as well as wine and spirits to his customers.

Location

Official Community Plan:

- The OCP designates the property within the "Historic Commercial District" (HCD);
- The area is designated within Development Permit Area 1 – Heritage Conservation;
- The HCD forms the primary hub for retail, entertainment and tourism within the Downtown Core Area.

Zoning:

- The property is zoned CA-3C, Old Town District;
- This zone accommodates a diverse range of active commercial uses such as retail stores, cafés and restaurants, along with complementary uses such as multiresidential development, hotels, public institutions, tourist services and personal service businesses.;
- Specific off-street parking is required in the zone and would be unaffected by the proposed change.

Neighbourhood Compatibility:

- Surrounding land uses include: retail, restaurants, personal services, hotels, offices and public/cultural buildings. There is no residential use in the area around this business.
- Due to the location of the licensed area within the hotel 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 moved from the mezzanine level of the hotel reception area to the main lobby floor. 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 100 metre radius there are 5 other liquor primary licensed businesses with a seating capacity of 1228 seats. In addition within a 50 metre radius there are 5 food primary licensed businesses with a seating capacity of 567 persons.

LIQUOR PRIMARY VENUE	HOURS	SUNDAY HOURS	SEATING	TYPE
Upstairs Cabaret 15 Bastion Sq.	Open to 02:00h	24:00h	300	Cabaret
Bard and Banker 1022 Government	Open to 01:00h	01:00h	320 including 50 on *patios	Neighbourhood Public House
D'Arcy McGhees 1127 Wharf	Open to 01:00h	01:00h	190 including 40 on *patio	Neighbourhood Public House
Garrick's Head Pub 1140 Government	Open to 01:00h	24:00h	168	Hotel Pub
Irish Times Pub 1200 Government	Open to 01:00h	01:00h	250 including 70 on *patio	Neighbourhood Public House

*Patio service ends at 23:00h

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 2009) for this Liquor Primary business. This is a condition of their business licence.

Engineering & Public Works Department

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

- The venue is located in the entertainment district with no adjacent residences and therefore there is not likely to cause direct noise or other impacts to the community.
- The increase in seating represents an incremental increase in the number of licensed seats downtown. In conjunction with relaxation of provincial liquor laws, this provides an opportunity for the applicant and other businesses to meet an anticipated consumer demand and increase their revenue.
- While this can also contribute to maintaining downtown Victoria's position as the premiere late night entertainment destination in the region, it will also require that efforts are sustained to effectively manage issues associated with increased availability of alcohol.

Police

The Police Department has 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.

This consultation resulted in 1 email letter being received from a neighbouring business (attached in Appendix).

Conclusions

The lounge business has been operating since 1986 with a good compliance record. City staff from all Departments are supportive of the proposed change to extend the occupant load as requested by the applicant.

It should be noted that the only negative feedback on this proposed change received by the City has come from a person who owns/manages businesses that are in competition with the applicant's business. No other concerns have been expressed by the community.

Lastly, the request complies with the City's current liquor licensing policy.

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 **Bedford Regency**, Liquor License No. 116081, located at 1140 Government Street, supports:

- The application of the **Bedford Regency** to amend its Liquor Primary Liquor Licence to allow an increase in occupant load to 90 persons.
- The Council provides the following comments on the prescribed considerations:
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 - (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. One response, not in favour of the proposed change was received from a neighbouring business owner.

APPENDIX

Attached is a letter from the proponent and an email from a nearby business owner received in response to the consultation request mailed out to area residents and occupants. A copy of the approved floor plan is also attached.

Applicant
Letter.

Jan.30.2014

New bar proposal for the Bedford Regency Hotel:

We are planning to move an existing Liquor license from our mezzanine level to the lobby level. There previously was a coffee shop there and we would like to build a new lobby bar/lounge. I have since closed a 100 seat restaurant/bar on the mezzanine level in Sept.2013 in order to open the new 90 seat bar.

It will take half the hotel lobby space and add a whole new great feel to the Hotel and Government st.

The overall plan for the new bar is to add 50 beer taps, and also concentrate on wine and whiskey.

The craft beer market in Victoria keeps growing every year and we are very proud to say that we carry more local beers then anyone else and plan to add more as they come.

After the expansion of Garricks Head Pub last year, the demand is still very strong and I am now looking to continue to fill the demand that we are receiving.

It will be a small place with a capacity of 90, but that will require the hiring of more staff witch helps with the local economy.

I would be more then happy to answer any questions you have.

Jay Nowak
General Manager of Garrick's Head Pub
Bedford Regency Hotel

Mark Hayden

Public Feedback

From: Liquor Licence Email
Subject: FW: Bedford Hotel Liquor Licence capacity increase

From: Matt MacNeil [REDACTED]
Sent: Thursday, Feb 27, 2014 10:11 AM
To: Liquor Licence Email
Subject: Bedford Hotel Liquor Licence capacity increase

To the City of Victoria,

This letter is to show my opposition to the request of an addition 60 persons to an existing 30 person licence in the Lobby of the Bedford Hotel.

I did not oppose or object to the expansion of their Garrick's Head Pub licence. In fact i think it has been a good addition to the street front and Bastion Square.

My objection comes as the owners are attempting to turn the lobby of a (rare boutique) hotel in the downtown core into a full scale bar.

We need boutique hotels in the downtown.

The applicant is somewhat presumptuous as the construction looks to be close to completion.

A lobby in a boutique hotel should look and feel like a lobby and scale is important. This does not seem to be the intent of this application. What is the Primary business of this applicant? A Hotel .

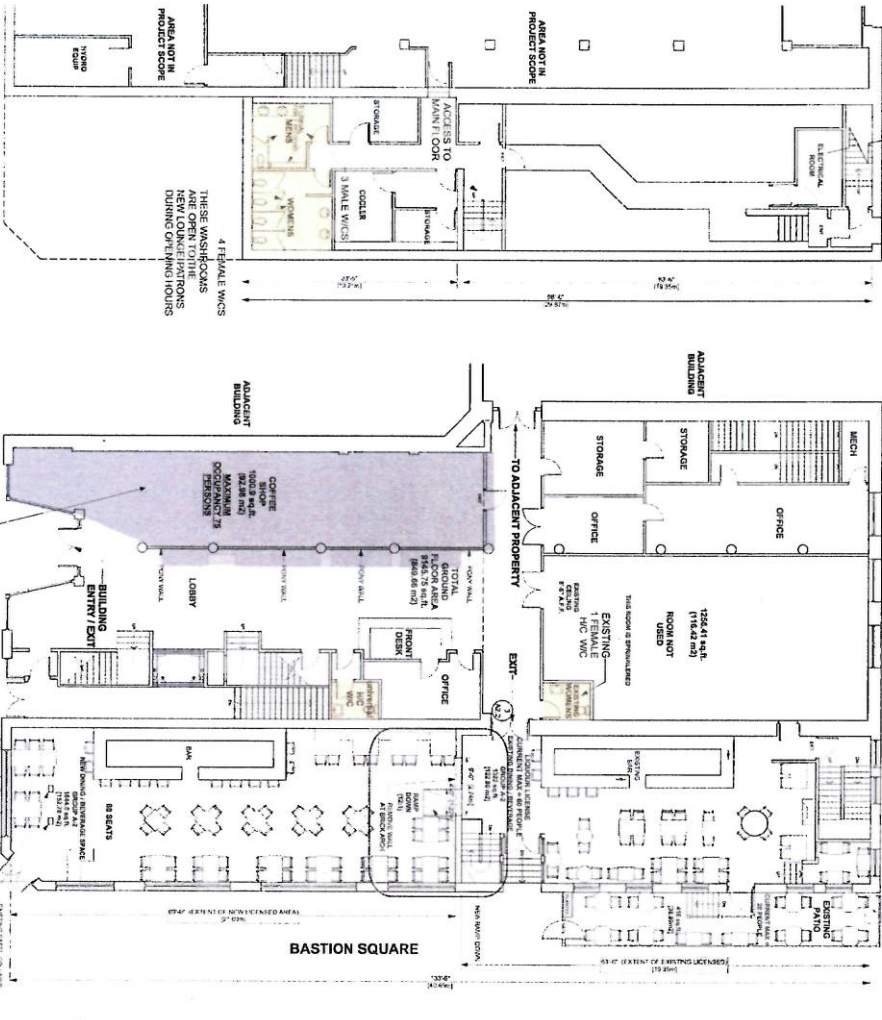
Regards,

Matt MacNeil
#208 - 1110 Government St.

Sent from my iPhone

LANGLEY STREET

LANGLEY STREET



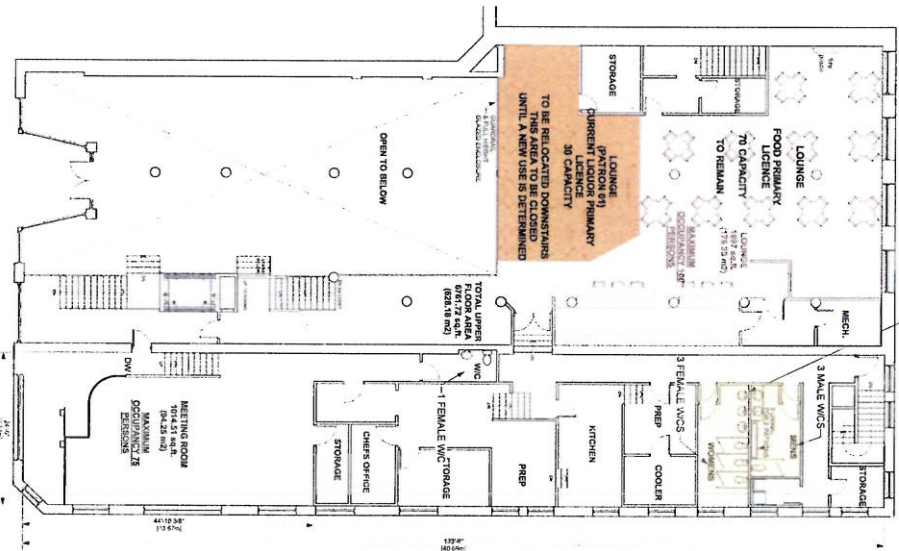
GOVERNMENT STREET

BASTION SQUARE

PROJECT SCOPE AREA
WITH PROPOSED 30 OCCUPANT LOAD
AND 30 CAPACITY LIQUOR PRIMARY
LICENCE.

GOVERNMENT STREET

THESE WASHROOMS ARE OPEN
TO THE NEW LOUNGE PATRONS
DURING OPENING HOURS



GOVERNMENT STREET

DATE	DESCRIPTION
2021-12-01	REVISION 1: ADDITIONAL
2021-12-01	REVISION 2: ADDITIONAL
2021-12-01	REVISION 3: ADDITIONAL
2021-12-01	REVISION 4: ADDITIONAL
2021-12-01	REVISION 5: ADDITIONAL
2021-12-01	REVISION 6: ADDITIONAL
2021-12-01	REVISION 7: ADDITIONAL
2021-12-01	REVISION 8: ADDITIONAL
2021-12-01	REVISION 9: ADDITIONAL
2021-12-01	REVISION 10: ADDITIONAL
2021-12-01	REVISION 11: ADDITIONAL
2021-12-01	REVISION 12: ADDITIONAL
2021-12-01	REVISION 13: ADDITIONAL
2021-12-01	REVISION 14: ADDITIONAL
2021-12-01	REVISION 15: ADDITIONAL
2021-12-01	REVISION 16: ADDITIONAL
2021-12-01	REVISION 17: ADDITIONAL
2021-12-01	REVISION 18: ADDITIONAL
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2021-12-01	REVISION 20: ADDITIONAL
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2021-12-01	REVISION 99: ADDITIONAL
2021-12-01	REVISION 100: ADDITIONAL



BEDFORD REGENCY HOTEL
LOUNGE EXPANSION
1140 Government Street
Victoria, B.C.



MOORE ARCHITECTURE INC.

FLOOR PLANS

13-131

A02

