

Governance and Priorities Committee Report

Date: December 9, 2013 **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 **Glo Restaurant and
Lounge**, #104 – 2940 Jutland Road, Licence, No. 300963

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 Glo Restaurant and Lounge in relation to their Liquor Primary Liquor Licence for their premises located at #104 – 2940 Jutland Road, for a change to increase their occupancy load.

The current occupant load for the liquor primary service area of the restaurant/lounge is 85 persons. The hours of liquor service are from 11:00h to midnight Sunday through Thursday and 11:00h to 1:00h Friday and Saturday. Sales of liquor in the patio areas must end at 9:00pm daily. The requested change would reconfigure the space within the restaurant, lounge and adjoining patio resulting in the liquor primary service area being relocated to a different area within the restaurant/lounge. If approved, the occupancy load for liquor primary service area would be increased to 104 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 occupancy load respecting liquor service hours for the Liquor Primary Liquor Licence of the **Glo Restaurant and Lounge**, Liquor License No. 300963, located at #104 – 2940 Jutland Road, supports:

- The application of the **Glo Restaurant and Lounge** to amend its Liquor Primary Liquor Licence to allow an increase in occupancy load to 104 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 and office space, with some residential use in the immediate vicinity. The Liquor Primary operation within the lounge/restaurant is compatible with the neighbouring land uses. The business is located within the Large Urban Village 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 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. Two responses, both in favour of the proposed change were received from the public.

Respectfully submitted,



Mark Hayden
Manager, Bylaw and
Licensing Services



Robert Woodland
Director Legislative and
Regulatory Services

MATERIALS RECEIVED VIA PUBLIC CONSULTATION PROCESS:

Attached 3 Available _____ N/A _____

(A Letter from the proponent and 2 letters from nearby residents/tenants are attached)

Purpose

The purpose of this report is to seek a Council resolution regarding an application by the Glo Restaurant and Lounge, in relation to their Liquor Primary licensed operation located at #104 – 2940 Jutland Road for a change to increase their occupancy load in relation to their lounge/restaurant (liquor primary) operations.

The current occupancy load of 85 persons is for a licensed area inside the restaurant/lounge (65 persons) and an adjoining patio (20 persons). The request to increase the occupancy load to 104 persons is a result of the proposed reconfiguration of space inside the restaurant/lounge that would increase the interior seating to 98 persons and an adjoining outside patio area of 6 persons (total of 104 persons) for liquor primary service. The hours of liquor service would not change as a result of this request.

Background

The Glo Restaurant and Lounge is located adjacent to the Selkirk waterway on the west side of the Jutland Road. The business operates both food primary and liquor primary businesses within the same overall restaurant & lounge business. The business has held a Liquor Primary Liquor Licence since 2004 and a Food Primary Liquor Licence since 2001.

The current occupant load for the liquor primary portion of the business is 85 persons and about ¼ of that capacity is located on the outside patio on the north side of the building. The requested change would move most of the liquor primary seats to inside the building with only a small patio (capacity 6 persons) being used for liquor primary seating outdoors. This small patio is on the south side of the building and faces the Ellice Street recycling business. The current hours of operation are 11:00 AM to midnight, Sunday through Thursday, and 11:00 AM to 1:00 AM, Friday and Saturday. Sales of liquor in the patio areas must end at 9:00PM.

In the attached letter (see Appendix), the owner has noted his clientele has shifted to be more family focused which is the primary reason for changing the space to provide the indoor and outdoor spaces more conducive to the clientele being served in each area of the business.

Location

Official Community Plan:

- The OCP designates the property within the "Large Urban Village" category;
- The area is designated within Development Permit Area 5 – Large Urban Villages;
- An objective of the OCP is to complete the revitalization of Selkirk Village with new residential and commercial mixed-use development that is compatible with nearby industrial uses along Garbally Road.

Zoning:

- The property is zoned CD-1, Selkirk Comprehensive District;
- This zone permits a range of uses such as neighbourhood pubs, retail stores, office space and restaurants;
- 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 and offices. In addition to the building under construction to the north, across Jutland Road to the east is the four-storey Arc Office and retail building. To the north, across Waterfront Crescent is the four-storey South Circle Apartment building with ground floor commercial space. The waterfront Rail Spur boardwalk bounds the property on the harbour side.
- Due to the location of these properties in relation to the area within the restaurant and lounge that will become part of the liquor primary licence there is expected to be a minimal impact from noise associated with the requested changes.

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 restaurant/lounge can reconfigure it's existing interior and exterior space to provide physical locations best suited for both their food primary (family oriented) and liquor primary (private function oriented) clientele. A letter from the proponent outlining the purposes of the requested change is attached as Appendix "A".

As noted in this report, while there have been 3 noise complaints associated with the licensed operation filed with the City in the past 10 years, they were all minor in nature and quickly resolved by the business.

There are no other liquor primary licensed businesses and one other food primary licensed business (with a seating capacity of 84 persons) in the same area.

Bylaw Enforcement

The Bylaw and Licensing Services Division has no objections to this application. There have been 3 noise complaints received about the restaurant and lounge in the past 10 years, the last complaint (resolved with a warning issued to the business) occurred in 2012. It is noted that each of these complaints was minor in nature and was quickly resolved by the business when the issue was brought to their attention.

Engineering & Public Works Department

The Downtown Community Development Section reviewed this application request and advised that this change is minor in nature from their perspective. The Downtown Community Development section has no objections to the change requested by the proponent.

Police

The Police Department conducted a site visit and spoke with a few of the neighbouring businesses in the area. The Police Department has no concerns with the application and believes that noise and nuisance issues will be 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 2 email letters being received from the public (attached in Appendix).

Conclusions

The restaurant and lounge business has been operating since 2001 with a reasonable compliance record. City staff from all Departments are supportive of the proposed change to extend the occupant load as requested by the applicant.

Further, it is noted that only positive feedback on this proposed change has been received by the City which suggests that nearby businesses and residents are not concerned about this application. 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 occupancy load respecting liquor service hours for the Liquor Primary Liquor Licence of the **Glo Restaurant and Lounge**, Liquor License No. 300963, located at #104 – 2940 Jutland Road, supports:

- The application of the **Glo Restaurant and Lounge** to amend its Liquor Primary Liquor Licence to allow an increase in occupancy load to 104 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 and office space, with some residential use in the immediate vicinity. The Liquor Primary operation within the lounge/restaurant is compatible with the neighbouring land uses. The business is located within the Large Urban Village 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 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. Two responses, both in favour of the proposed change were received from the public.

APPENDIX

Attached is a letter from the proponent and 2 letters from the public received in response to the consultation requested mailed out to area residents and occupants.



October 28, 2013

To Whom It May Concern:

RESTAURANT . LOUNGE

We are writing to request approval for the proposed structural changes and increase to the occupant load at Glo Restaurant & Lounge, located at 104 - 2940 Jutland Rd (Formerly South Pay Pub & Restaurant). The proposal will increase the liquor primary capacity from its current 85 to 104. The occupant load increase will allow us to accommodate more large parties as our clientele has shifted from single patrons and small parties, to large parties and families gathering for celebrations. The structural changes will create a more efficient layout for our staff and more desired layout for our patrons. The occupant load has been approved by the city of Victoria but we also require your approval for the increase in liquor primary.

We have recently rebranded from Glo Euro Pub & Grill to Glo Restaurant & Lounge. Our rebranding strategy has reflected our target consumer shift from pub clientele to couples, families and celebrations. Our current licensing prohibits families with minors from sitting in the most desired area of the restaurant and half of the patio that is currently designated as LP. Our intention is to convert the entire patio to FP to allow families to enjoy the entire space and convert the adjacent interior space to FP to reduce the crossing of licensed areas for patrons traveling through the restaurant from the patio.

Our current structural layout requires obstructive fencing on the patio to separate the 2 designated licensed areas and is an inconvenient to both our serving staff and patrons and guest in wheelchairs. The required signage that must be present between the several intersections between licensed areas is often confusing for guests, as is the ability to only seat them in certain sections when they are accompanied by minors.

Further to our structural changes, our LP licence will move from its current designated area, to the area currently designated FP. This area is more suited to private functions and special events and creates a natural barrier from the other side of the restaurant, allowing our diners who require more privacy and families to enjoy their space uninterrupted. The LP licensing change of patio #2 adjacent to the newly designated LP area further reduces necessary signage and crossing of licensed areas.

The LP structural changes will reduce the impact to the community with regards to noise as the area currently designated for LP on the patio faces residents and contains nearly 50 seats. This will be moved mostly inside with only 6 seats designated for patio #2 which faces the Elice Recycling center and surrounding industrial area. Although there haven't been issues relating to noise in the past, I think this will be viewed as a positive for residents in the area.

If you have any concerns relating to the liquor primary capacity increase, structural changes or community impact, please do not hesitate to call.

Sincerely,

Paul Simpson

Peter Vik

Glo Restaurant + Lounge | 104 - 2940 Jutland Rd. Victoria BC V8T 5K6 | glovictoria.com

Mark Hayden

From: Franc D'Ambrosio [REDACTED]
Sent: Wednesday, Nov 27, 2013 11:52 AM
To: Liquor Licence Email
Subject: Re. Glo restaurant. 104/ 2040 Jutland Road.

I hereby support the application for change to occupancy load as stated in the notice dated November 6, 2013.

Architect Franc D'Ambrosio
2960 Jutland Road

Mark Hayden

From: David Almond [REDACTED]
Sent: Saturday, Nov 9, 2013 12:07 PM
To: Liquor Licence Email
Subject: Glo Pub letter

Thank you for your letter of the 6th November, advising us of a proposal to change the terms of the Liquor Licence. I reside in a unit at 300 Waterfront Cres. quite close to the restaurant.

Although we very occasionally hear noise from departing patrons, we don't feel that this is enough to hinder the modest expansion proposed. Consequently, we have no objection to raising the occupant load proposed.

Disturbance is far more frequent and troublesome, from the assorted drunks and drug addicts that sometimes gather noisily late at night, in the Cecelia Cove park. This is between our residence and the Galloping Goose Trail, at the north end of the Selkirk Trestle Bridge and on the east side of the trail. Any regulatory attention to this would be far more welcome.

Thank you for consulting us.

Yours truly,
David & Margo Almond