

UPSTAIRS CABARET (2009) LTD.

**15 Bastion Square
Victoria, BC
V8W 1T7**

Telephone 250-385-9525

December 22, 2017

MAYOR LISA HELPS AND COUNCIL

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

**Attention: Mr. Ryan Morhart
Manager & Chief Building Official
Permits & Inspections
Sustainable Planning and Community Development Department**

Dear Ryan,

RE: UPSTAIRS CABARET INCREASED OCCUPANCY APPLICATION.

As noted in your Committee of the Whole Report dated December 22, 2017, we have made application to increase our occupancy (structural change) to 500 persons.

There are a number of concerning factors leading us to this application:

- Our customers and staff have observed for some time the room is underutilized, especially when compared to other similar establishments. Many of our customers comment the room lacks energy given the large space.
- On any given night, we have an extraordinary long lineup of customers backed up in Bastion Square, many not making it inside the venue at all.
- Disruption and disturbances seldom arise within the venue, but most always in the lineup outside in Bastion Square.
- Our management team is not able to book/secure the better known bands, as the benchmark for many agents have a minimum 500 person venue.
- With the steadily increasing costs of operation, the ability to run the business at its current occupancy is simply not sustainable.

We believe mitigation measures can be achieved by:

- Increasing the allowable persons into the venue, whereby creating an environment that is expected of a music venue such as Upstairs.
- Decreasing, and on many nights eliminating a lineup of waiting patrons, allowing our security team to better manage and monitor our customers inside the venue.

... /2

- Having worked closely with Vic.PD's bar-watch and LCLB's officers, we know they are in favour of moving people out of the square and into the venue, where they can be better observed.
- Enabling Upstairs to book well known/popular bands, allowing Victorians to enjoy these artists here in our city, rather, in many cases traveling to Vancouver.

In November of 2016 we engaged the services of Stellar Architectural Consultants, to review and establish, the allowable/correct occupancy for Upstairs Cabaret, the findings were:

- based on room size, building and fire code the allowable occupancy is 703 persons.
- based on standing, fixed and non-fixed seating the allowable occupancy is 675 persons.
- based on washroom facilities the allowable occupancy was 300 persons.

Based on this understanding we proceeded to make application to the City of Victoria's Building Department for the approval to increase our washroom facilities to an allowable occupancy of 500 persons. In March of 2017 we were issued a Building Permit (BP053556), to proceed with the required work. This work involved the relocation of the men's washroom, expanding the current women's washroom, and the development of a gender-neutral, mobility-friendly washroom. This was completed at a cost in excess of \$85,000. and an occupancy/completion permit was issued by the City of Victoria in June of 2017.

At this same time the project architect issued sealed as-built drawings, verifying that the facility now met all applicable code requirements for an allowable loading of 500 persons.

As prudent and responsible operators of Upstairs Cabaret, Darcy's Pub, and The Duke Saloon, we have always striven to be good neighbours and corporate citizens in order to promote a healthy, safe and vibrant downtown Victoria. Our company has at any given time, in excess of 35 persons making up its licensed security team. The mandate of this security team is not only to maintain lawful and orderly conduct, but also to ensure all our customers have a safe and enjoyable experience. Our security team, stay well after Upstairs has closed, providing a strong presence, ensuring our patrons are leaving orderly and safely. Given that Upstairs Cabaret and Darcy's Pub have a strong presence in Bastion Square, our security team provides and builds a positive and safe environment to the larger square, and often come to the assistance of the general public, whether it be providing medical assistance, security to those in peril, or simply providing directions or assistance in hailing a cab.

We are aware and respectful to those that have expressed opposition to this application, however, we believe it prudent to kindly address those concerns herein, as there are important observations to be made;

- the resident at 1218A Wharf Street raises concerns of late night noise. Granted, many of our patrons can be boisterous on their departure from our venue, however, it must be

pointed out that this resident is directly across the road from The Joint Pizzeria at 1219 Wharf Street, that is open to 3:00am (or later) on Friday and Saturday nights, and provides excellent food to those enjoying a late night downtown. The Joint Pizzeria is a go-to destination, not just from patrons of the venues on Government Street, lower Yates Street, and Wharf Street, but many from the greater downtown area congregate there, as finding any other food establishment at that hour is almost non-existent.

As well, three residents, along with the general manager from the Regent Hotel, expressed concern of noise. After careful observation it has been noted that there is a large building on the west side of Wharf Street that blocks Upstairs Cabaret and the Regent Hotel; this certainly mitigates the transmission of sound. Again, like the resident at 1218A, we are not suggesting our venue has zero impact on the Regent Hotel, however, we would respectfully point out, that the late night venues on lower Yates Street are in a far closer proximity to the hotel and also that of the late night food establishment on Wharf Street.

The matter of public urination has long been a concern; unfortunately this is not a problem just in our area, but is a problem in the larger downtown area. From our late night observations, there are a number of attributable factors, from the marginalized, the homeless, general citizenry, to those exiting late night venues. Currently we participate financially with the city's initiative of public washrooms, not unlike the stationary unit on Langley Street, in the middle of Bastion Square. As dedicated downtown operators, we are committed to keeping Victoria healthy and clean, and will continue to financially participate in the existing, and additional programs that serve to improve this situation.

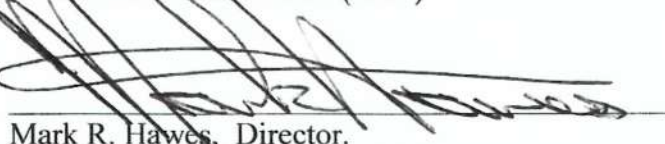
We believe our location of lower Bastion Square is positioned well in the entertainment district of Victoria. It has the lowest residential population, yet, is an easy walk, or taxi ride from the city's more populated areas. Additionally, we are central and easy to find for tourists visiting our city.

We are pleased that City of Victoria staff are supportive of this application and are recommending approval.

Thank you for your consideration. If I can provide further information, or if you require additional clarification, please do not hesitate to contact me anytime at 250-380-8625.

Yours sincerely,

UPSTAIRS CABARET (2009) LTD.



Mark R. Hawes, Director.

cc. Ron Hampton, Rene Spielman, Frontier Group Ownership.