



## Council Report

For the Meeting of February 11, 2016

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**To:** Council **Date:** February 4, 2016  
**From:** Chris Coates, City Clerk  
**Subject:** Application for a Liquor Primary Licence, Royal Canadian Legion Public Service Branch #127, 514 Government Street (James Bay Neighbourhood)

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### RECOMMENDATION

That Council, after conducting a review of the staff assessment respecting noise and community impacts on the application for a Liquor Primary Liquor Licence for the Royal Canadian Legion Public Service Branch #127, located at 514 Government Street, and receiving public input in accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy

1. Does support the application as described in the application summary dated October 1, 2015 and the letter from the applicant dated November 24, 2015 subject to a successful rezoning to permit the intended use and a business licence acquired.
2. Provides comments to the Liquor Control and Licensing Branch on the prescribed considerations as follows:
  - a. *The location of the establishment*
    - The Royal Canadian Legion Public Service Branch 127 is located at 514 Government Street, which is in the area of the Parliament Buildings, tourist attractions, some residential and very little retail.
    - The property is within the Inner Harbour District of the Downtown Core Area Plan, which supports maintaining and strengthening the area as a focus for tourism as well as Provincial Government office and business activities.
    - Mixed-use development with residential above active commercial uses at street level is supported. In addition, the location, design and siting of residential development should ensure that any potentially negative effects on the general operation and function of employment activities is mitigated.
    - The site is Zone CD-2 and is located within the LP-2E sub area, the Legislature Comprehensive District. The permitted uses in this area are:
      - Public buildings
      - Offices
      - Fitness clubs
      - Residential
      - Surface parking

- The proposed use as a clubhouse and restaurant/pub is not consistent with existing zone. As a result, a Rezoning Application and approval from Council is required to permit the proposed use.

*b. The proximity of the establishment to other social or recreational facilities and public buildings*

- There are no apparent conflicts with nearby social, recreational and public buildings.
- The Queen's Printer building (directly to the north) is the large building on the southwest corner of Superior and Government.
- There is a small lot of green space directly to the south of 514 Government; most nearby properties (outlined in next section) are residential. The applicant outlined in the application there should be no disturbances or any problems as a result of this licence because most of their members are social drinkers and most members depart by 8:30 pm.

*c. The person capacity and hours of liquor service of the establishment*

- This legion is a social meeting place for local and out of town club members, and a few guests of veterans. The maximum proposed hours of liquor service would be from 11:00h (11:00AM) to 23:00h (11:00PM) seven days per week. The occupant load proposed is 100 persons (all inside the building). Snacks and beverages will be provided to guests.
- There are no apparent conflicts with nearby social, recreational and public buildings.

*d. The number and market focus or clientele of liquor primary licence establishments within a reasonable distance of the proposed location*

- Within a 300 metre radius, (which is the same radius as the public consultation mail-out for this new application), there are 4 other Liquor Primary Licensed establishments with a total patron capacity of up to 4,057 seats, but the majority of these seats are for special events (Royal BC Museum).

*e. The impact on the community in the immediate vicinity of the establishment*

- On-street parking is used by public servants, those attending meetings or appointments in government offices or tourists visiting nearby attractions (Parliament Buildings, Royal British Columbia Museum, Inner Harbour, Beacon Hill Park, etc.)
- It is noted that this is a new licence for 100 seats with a relatively early closing time (11pm), there are no outdoor patios at this location and the premises are open to members only.
- Because of the existence of residences across the street, office workers present during the day immediately adjacent to the premises, on-street parking on both sides of Government Street and the location being in James Bay adjacent to the downtown and outside the entertainment district, there is a concern about possible noise disturbance to the neighbours and lack of parking.
- However, given that it is a private club and the Legion is an organization with sensitivities to the interests of the public, there are not likely to be (unmanageable) disturbance problems.
- Larger events with the given number of licensed seats could impact the neighbourhood in terms of parking and activity. Overall, the likelihood of this would be moderate.

- There are no other concerns with this application regarding negative impacts of the immediate vicinity of the establishment
- f. The impact on the community if the application is approved*
- There have been no significant concerns raised that would impact negatively on the community.
- g. The City consulted the public on this application by*
- Connecting the applicant to the James Bay Neighbourhood Association (JBNA), early on in the process. The applicant attended a JBNA meeting, spoke to the application, and the City received the input from the JBNA (Appendix A). As well, the public hearing date was postponed from original scheduling (January 14, 2016) so that the JBNA had time to get input into the City, prior to the public hearing, but proceeding the JBNA monthly meeting.
  - Sending out written notice to all property owners and residents within 300 metres of the Legion inviting comment on the application and notifying them of a public hearing to be held on January 28, 2016
  - Having the Legion post a notice at the access point to the business for a period of 30 days inviting the public to provide written comment and/or attend the public hearing; and
  - Holding a public hearing on January 28, 2016 to receive public input on this proposal.

Two (2) responses were received from residents and businesses. One letter was received from the James Bay Neighbourhood Association providing comment after the applicant presented their proposal at a community meeting. The JBNA is supportive of the application. All correspondence is in Appendix A.

Of the two responses, one was in favour (the Heritage House located at 507 Government) and the other expressed concerns about availability of parking especially with development in the immediate vicinity. As mentioned, the JBNA supports the application.

## **EXECUTIVE SUMMARY**

The purpose of this report is to seek a Council resolution regarding an application by the Royal Canadian Legion Public Service Branch #127 located at 514 Government Street to obtain a Liquor Public Liquor Licence. This is a new licence application and Council is to provide input to the Liquor Control and Licensing Branch (LCLB) in accordance with the prescribed criteria either in support of, or objecting to, the issuance of the Liquor Licence by the LCLB.

The proposed hours of liquor service are 11:00 am to 11:00 pm, seven days per week. However, as the applicant outlines in Appendix B, the hours and amount of days per month will be much fewer. The proposed licensed person capacity (occupant load), inclusive of patrons and staff, is 100 persons.

Council received a staff technical review of the application (see Appendix C), and subsequently initiated a public input process for the application. Input was sought through a notice requesting written submissions on the application (over a 30 day period) and by convening a Liquor Licence Hearing at the January 28, 2016 Council meeting. Written input was received from the James Bay Neighbourhood Association and two residents and businesses. No one spoke at the public hearing.

The staff technical review of the application concluded that although the establishment poses no negative impact to the community, the establishment is not zoned properly and requires a business licence to operate. The applicant is going through a rezoning process and is applying for a business licence at present. The public input received indicates there are no significant concerns with the proposed liquor primary licence application.

## **PURPOSE**

The purpose of this report is to seek a Council resolution regarding an application by the Royal Canadian Legion Public Service Branch #127 located at 514 Government Street to obtain a Liquor Primary Liquor Licence.

## **BACKGROUND**

This is a new application requesting the ability to provide liquor service as part of a clubhouse style business. The maximum proposed hours of liquor service would be from 11:00 am to 11:00PM, seven days per week. The proposed occupant load is 100 persons.

The proposed business is located at an existing building at 514 Government Street. 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's role is to provide comments and recommendations to the LCLB on all new liquor primary licence applications including an assessment 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 licensed 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.
- g) The recommendation in this report has been drafted to comply with the LCLB requirements.

## **Public Engagement and Consultation**

In accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy, all owners and occupiers of property within 300 metres of the applicant's location were solicited by mail to provide input regarding this application and invited to attend the Liquor Licence Hearing which was held on January 28, 2016. In addition, newspaper ads were published advising of the Liquor Licence Hearing and the opportunity to speak to the application, and the establishment displayed posters at the access point for 30 days. The posters invited the public to provide input to the City with respect to this application and to attend the Liquor Licence Hearing. As a result the City received submissions from residents and businesses. One was supportive and one had concerns about the availability of parking due to other development in the area. One letter was received from the James Bay Neighbourhood Association providing comment after the applicant presented their proposal at a community meeting. The JBNA is supportive of the application.

## ISSUES & ANALYSIS

This application was reviewed by Police, Bylaw and Licensing Services, Sustainable Planning and Community Development, Citizen Engagement and Strategic Planning, Engineering and Public Works and some concerns were expressed regarding the zoning and potential parking impacts (which were partially addressed by the applicant in the letter in Appendix B).

The Sustainable Planning and Community Department does not have any concerns regarding potential noise impacts.

- *The zoning review will likely identify a parking shortfall. A parking study should be completed to confirm if the parking demand will be met on-site, or if it will result in patrons/employees seeking parking on the surrounding streets. If spill over on to the streets will occur, the extent to which it will impact surrounding businesses and residents should be determined.*
- *The parking requirements for pubs is 1 space per 5 seats. One hundred seats are proposed; a parking variance may also be required if the 20 stalls are not accommodated on site.*
- *The applicant has partially addressed parking concerns, explaining that most patrons live in the immediate neighbourhood of the legion. Any on-street parking that is available is used by public servants, those attending meetings or appointments in government offices or tourists visiting nearby attractions (Parliament Buildings, Royal British Columbia Museum, Inner Harbour, Beacon Hill Park, etc.). When available, it is only for 60 or 90 minutes until after 6:00 pm and patrons are aware of the time they are in a space as this area is monitored regularly.*
- *The proposed use as a clubhouse and restaurant/pub is not consistent with existing zone. As a result, a Rezoning Application and approval from Council is required to permit the proposed use.*

## OPTIONS & IMPACTS

### Official Community Plan

The proposed use of the property is consistent with the Official Community Plan objectives for this neighbourhood, the Downtown Core Area Plan, and the 9 (HC) Inner Harbour District.

### Strategic Plan 2015 – 2018

The applicant's proposed business model is consistent with Strategic Plan Objective #7 – *Facilitate Social Inclusion and Community Wellness*.

### 2015 – 2018 Financial Plan

There is no expenditure impact on the Financial Plan.

## CONCLUSIONS

As required under the City's bylaws and policy, a staff review of this application has been completed (see Appendix C for full report to GPC on December 3, 2015), public consultation completed. A final Report to Council has been prepared and submitted summarizing the results of the Liquor Licence Hearing and public input. This report has provided a draft resolution for submission to the Liquor Control and Licensing Branch for Council's consideration.

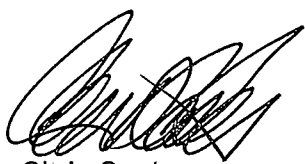
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Respectfully submitted,



Mary Chudley  
Policy Analyst  
Legislative and Regulatory Services

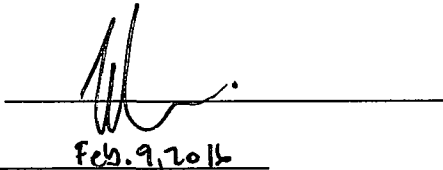


Chris Coates  
City Clerk



Jocelyn Jenkins  
Deputy City Manager

Report accepted and recommended by the City Manager:

  
Feb. 9, 2016

Date:

#### List of Attachments

- Appendix A – Letters from Two Residents/Businesses and the James Bay Neighbourhood Association (JBNA)
- Appendix B – Letter from Applicant responding to early concerns re: parking and hours/noise
- Appendix C – GPC Report (Staff Technical Assessment) for the meeting of December 3, 2015