



Council Report

For the Meeting of January 14, 2016

To: Council **Date:** December 29, 2015

From: Chris Coates, City Clerk

Subject: Application for a Liquor Primary Licence, **Yuk Yuk's Victoria (Licenced to Laugh Productions Inc.)**, 665 Douglas Street (James Bay Neighbourhood)

RECOMMENDATION

That Council, after conducting a review of the staff assessment respecting noise and community impacts of the application for a Liquor Primary Liquor Licence for **Yuk Yuk's Victoria (Licenced to Laugh Productions Inc.)**, located at 665 Douglas Street, and receiving public input in accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy:

1. Does not support the application as described in the application summary dated July 29, 2015 and the revised terms and conditions outlined in letters dated October 13, 2015 and December 10, 2015 due to likelihood of noise and other community impacts.
2. Provides comments to the Liquor Control and Licensing Branch on the prescribed considerations as follows:

- a. The location of the establishment:

The proposed location of the Yuk Yuk's Comedy Club is the ground floor of the "Q" apartment building, which is the space previously licensed as Samuel's Dining Lounge in the former Queen Victoria Hotel. The location is in the Intermediate Noise District as defined in the Noise Bylaw. The zoning permits club use. The venue is near residential properties, and adjacent land uses are generally focused on daytime operation or are hotels. The establishment is co-located in a multi-story apartment building, beneath the apartments. Adjacent properties include apartment buildings and townhouses, hotels, St. Ann's Academy, and the Royal BC Museum. The proposed location is not considered compatible with the existing neighbourhood due to the number of residences close by.

- 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.

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

The proposed hours of liquor service are 12:00 Noon to 10:30PM, seven days per week. The proposed licensed person capacity (occupant load), which includes staff and patrons, is 211 persons.

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

Within a 2 block radius of the proposed business, there are 9 other Liquor Primary Licensed establishments with a total patron capacity of 7,458 seats. Four of these are located in hotels, others include the Victoria Conference Centre, Royal BC Museum (special events) and a private club. Yuk Yuk's has a different focus, providing entertainment in the form of stand-up comedy, with snack and beverage service. The club caters to an over 35 years, mixed demographic, which includes tourists, business people and residents.

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

It is anticipated that there would be noise-related conflicts between residents and patrons exiting the premise at closing time, primarily near the entrance on Douglas Street. Even though the proposed use is permitted under existing zoning, City staff do not believe that this use is compatible with the land use in the area, given the significant number of residents currently living in the subject building and nearby, with more residents likely in future. Issues related to additional traffic and parking from patrons attending the venue can also be anticipated. The building was converted from the Queen Victoria Hotel to a rental apartment building with 146 suites in 2013. Council approval was given for a reduced parking requirement per suite with the provision of two car share stalls on-site. These stalls are for the use of residents and guests only; no other parking capacity is available on-site for patrons of the club.

- f. The impact on the community if the application is approved:

While the type of business proposed would serve to add vitality and help diversify the business offering in this area of the downtown, if the application is approved it is anticipated that residents will be impacted by noise and increased traffic.

- g. The City consulted the public on this application by:

- i. Sending out written notice to all property owners and residents within 300 metres of this business inviting comment on the application and notifying them of a public hearing;
- ii. Posting notices in two consecutive editions of the newspaper;
- iii. Having the business post a notice at the access point to the business for a period of 21 days inviting the public to provide written comment and/or attend the public hearing; and
- iv. Holding a public hearing on December 10, 2015 to receive public input on this proposal.

Sixty-four (64) 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 not supportive of the application, citing primarily noise, traffic and pedestrian safety

impacts related to the siting of an event venue in a residential setting.

Of the other 64 responses, 13 were in support of the application, noting the contribution to the diversity and growth of the entertainment sector, the new and unique experience available to visitors and residents, support to existing businesses, and new opportunities for local performers. Fifty one (51) letters were received in opposition. The primary reasons cited by those in opposition was the poor fit with the residential area, due to noise, parking and traffic concerns. Twelve people spoke at the Liquor Licence Hearing, all opposing the application.

Based upon the public input received, the Council concludes that the community is opposed to the application. The opposition comes primarily from residents. While a large number support the concept of a comedy club in Victoria they believe the proposed location is not appropriate for this purpose.

Despite the appeal of a new entertainment option in the city, the potential creation of additional jobs, and the applicant's efforts to mitigate negative impacts, Council is unable to support the issuance of a liquor licence for this establishment, and recommends that a licence not be issued.

EXECUTIVE SUMMARY

The purpose of this report is to seek a Council resolution regarding an application by Yuk Yuk's Victoria (Licenced to Laugh Productions Inc.) located at 665 Douglas Street to obtain a Liquor Primary 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 12:00 Noon to 10:30PM, seven days per week. This change to operating hours was made by the applicant following the meeting with the James Bay Neighbourhood Association. The proposed licensed person capacity (occupant load), inclusive of patrons and staff, is 211 persons.

Council received a staff technical review of the application (see Attachment 1), and subsequently initiated a public input process for the application. Input was sought through a notice requesting written submissions on the application (over a 21 day period) and by convening a Liquor Licence Hearing at the December 10, 2015 Council meeting. Written input was received from the James Bay Neighbourhood Association and 64 residents and businesses. Twelve members of the public spoke at the Hearing.

The staff technical review of the application concluded that while the application complies with the City's zoning regulations and some aspects of the City's Liquor Licensing Policy, it is anticipated to have a negative impact on the community. The public input received indicates there are significant concerns with the proposed liquor primary licence application. Despite the appeal of a new entertainment option in the city, the potential creation of additional jobs, and the applicant's efforts to mitigate negative impacts, staff recommend that Council not support the issuance of a liquor licence for this establishment.

PURPOSE

The purpose of this report is to seek a Council resolution regarding an application by Yuk Yuk's Victoria (Licenced to Laugh Productions Inc.) located at 665 Douglas 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 lounge/club style business. The maximum proposed hours of liquor service would be from 12:00 Noon to 10:30PM, seven days per week. The proposed occupant load is 211 persons, inclusive of patrons and staff.

The proposed business is located at an existing building at 665 Douglas Street, previously licensed as Samuel's Dining Lounge. The site is on the ground floor of the former Queen Victoria Hotel, which was converted to an apartment building in 2013.

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 licence 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.

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 December 10, 2015. In addition, newspaper ads were published advising of the Liquor Licence Hearing and the opportunity to speak to the application, and the business operator displayed posters at the access point to the business for a 3 week period. The posters also 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 64 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 not supportive of the application, citing primarily noise, traffic and pedestrian safety impacts related to the location of the venue in a residential setting.

Of the other 64 responses, 13 were in support of the application, noting the contribution to the diversity and growth of the entertainment sector, the new and unique experience available to visitors and residents, support to existing businesses, and new opportunities for local performers. Fifty one (51) letters were received in opposition. The primary reasons cited by those in opposition was the poor fit with the residential area, due to noise, parking and traffic concerns. Twelve people spoke at the Liquor Licence Hearing on December 10, 2015, all opposing the application.

ISSUES AND ANALYSIS

This application was reviewed by various departments within the City and some concerns were expressed regarding the potential for noise impacts if the application was approved. The Sustainable

Planning and Community Development Department provided the following advice:

While recreation and tourism-related uses are envisaged in the Official Community Plan, the Sustainable Planning and Community Development Department does not believe that a comedy club is a good fit with the land use within this residential enclave on the edge of Downtown, given the significant number of residents currently living in the subject building and nearby with more residents likely in future.

It seems likely that noise impacts can be expected above the noise impacts of a restaurant, and a location within downtown would be a better candidate for this type of business. If a comedy club use is to be given further consideration by Council, information should be provided on the operation of the comedy club and how noise from patrons would be addressed.

The applicant has made a number of amendments to the application to respond to and attempt to mitigate concerns raised about noise, traffic and parking, but these are likely not sufficient to resolve the community impacts. These amendments are outlined in Attachments 2 and 4.

The public consultation process, including a Liquor Licence Hearing, generated considerable feedback, the majority being opposed to the application. The James Bay Neighbourhood Association held a community meeting on the application, at which significant concerns were raised.

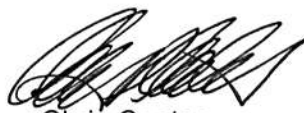
CONCLUSION

The technical assessment of the application concluded that the while the intended use is permitted under the zoning in the area, and there are no requirements for additional parking, it is incompatible with the land use in the neighbourhood, and the proposed business is anticipated to have a negative impact on the community. The public consultation process generated considerable concerns about the proposed liquor primary licence application. Despite the appeal of a new entertainment option in the city, the potential creation of additional jobs, and the applicant's efforts to mitigate negative impacts, due to the potential community impacts from nuisance and noise from this business should the application be approved, staff recommend that Council not support the issuance of a liquor licence for this establishment.

Respectfully submitted,



Janice Schmidt
Manager, Legislative Services



Chris Coates
City Clerk



Jocelyn Jenkins
Deputy City Manager

Report accepted and recommended by the City Manager:

Date:

January 5, 2016

List of Attachments

1. PLUC Report (Technical Assessment) for the meeting of October 15, 2015.
2. Letter dated October 13, 2015 from Rising Tide Consultants, outlining amendments to the application
3. Letter received from the James Bay Neighbourhood Association dated December 10, 2015
4. Email dated December 10, 2015 from Rising Tide Consultants, outlining additional amendments to the application
5. Liquor Licence Hearing minutes from December 10, 2015 Council meeting



Planning and Land Use Committee Report

For the October 15, 2015 Meeting

To: Planning and Land Use Committee **Date:** October 2, 2015

From: Janice Schmidt, Manager, Legislative Services

Subject: Application for a Liquor Primary Licence, **Yuk Yuk's Victoria (Licenced to Laugh Productions Inc.)**, 665 Douglas Street

RECOMMENDATION

That Council, after conducting a review of the staff assessment of the application for a Liquor Primary Licence for **Yuk Yuk's Victoria**, located at 665 Douglas Street, and in accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy, approves:

1. The scheduling of a Liquor Licence Hearing before Council to receive written and oral submissions from residents, property owners and the public with respect to this application; and
2. Based upon the results of the public input received through the Liquor Licence hearing process, approve a resolution (with comments on the relevant factors) either supporting the licence application or not supporting the licence application. The appropriate resolution will be brought to Council at the earliest opportunity after completion of the Liquor Licence hearing.

EXECUTIVE SUMMARY

The purpose of this report is to seek a Council resolution regarding an application by Licenced to Laugh Productions Inc. (Yuk Yuk's Victoria) located at 665 Douglas Street, for a Liquor Primary Licence. This is a new licence application and will require Council to receive input from the Public through a Liquor Licence hearing as set out in the Liquor Licensing Fee Bylaw and the City's Liquor Licensing Policy and Process.

The proposed hours of liquor service would be from 09:00h (9:00AM) to 01:00h (1:00AM) seven days per week. The occupant load proposed is 211 persons (all inside the building).

PURPOSE

The purpose of this report is to seek Council direction regarding a new Liquor Primary Liquor Licence application by Licenced to Laugh Productions Inc. (Yuk Yuk's Victoria) in relation to their proposed liquor primary lounge in their comedy club located at 665 Douglas Street.

BACKGROUND

This is a new application requesting the ability to provide liquor service as part of a lounge/club style business. The maximum proposed hours of liquor service would be from 09:00h (9:00AM) to 01:00h (1:00AM) seven days per week. The occupant load proposed is 211 persons (all inside the building).

The proposed business is located at an existing building at 665 Douglas Street, previously licensed as Samuel's Dining Lounge. The site is on the ground floor of the former Queen Victoria Hotel, which was converted to an apartment building in 2013.

The applicant, Licenced to Laugh Productions Inc., is seeking to provide a new type of entertainment to Victoria in the form of stand-up comedy, through the creation of Yuk Yuk's Comedy Club. The plan is to provide snacks and beverages to customers as they watch comedians from across the country performing 90 minute shows, with two shows per night on Friday through Sunday. Customers will be able to arrive one hour prior to the first show and 30 minutes prior to the second show.

A Letter of Intent from the business owner, submitted in May 2015 to the Liquor Control and Licensing Branch (LCLB) when the request was initiated, is attached in the Appendix to this Report, along with the Application Summary prepared by the LCLB.

Location

Official Community Plan:

- The property is within the Core Inner Harbour/Legislative Urban Place designation in the Official Community Plan. Area uses in this designation are public institutional and assembly, commercial, including retail, office and visitor accommodation, recreation and tourism-related uses, marine water and air transportation and multi-unit residential and mixed-use and home occupations.
- The area is covered by Development Permit Area 9 (HC): Inner Harbour, which enables Council to review and approve the form and character of commercial, industrial and multi-family residential development. Heritage conservation is also included as one of the purposes of this DPA.

Downtown Core Area Plan:

- 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.

Zoning and Designations:

- The property is zoned CA-9 (Queen Victoria Hotel District)
 - Permits transient accommodation, restaurants and retail sales
 - Reduced off-street parking is required for transient accommodation under this zone
- The site falls within the Intermediate Noise District under the Noise Bylaw

Neighbourhood Compatibility:

- The subject building is located on a triangular block bounded by Douglas, Blanshard and Belleville Streets. The property has frontages on Douglas Street as well as Blanshard Street.
- The building was converted from the Queen Victoria Hotel to a rental apartment building with 146 suites in 2013. Council approval was given for a reduced parking requirement per suite with the provision of two car share stalls on-site.

Immediately adjacent land uses are:

- North: The Landmark strata apartment building (30 units)
- South: Currently vacant (a rezoning proposal for an apartment building (133 units) oriented to seniors and ground floor commercial space was discussed at a JBNA CALUC meeting held on June 15, 2015)
- East (across Blanshard Street): St. Ann's Academy grounds and offices
- West (across Douglas Street): The Royal BC Museum grounds and museum building as well as the Glenshiel Seniors Apartments (68 units)

The triangular block on which the building is located is currently occupied by the Landmark condo building to the north with the vacant Crystal Court motel site to the south. Future redevelopment of the Crystal Court site will likely be largely residential in nature. Other nearby residential uses within 100m include an apartment building on Academy Close to the east and townhouses on Superior Street to the south.

Any noise impacts for residents are likely to be near the entrance to the proposed comedy club on Douglas Street. A canopy over the entrance may lessen noise at the entrance. The extent of noise above that of a restaurant will likely depend on whether line-ups are permitted outside the club. The applicant has not provided detailed information on the expected noise impacts or how patron noise would be addressed.

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 new liquor-primary licence applications regarding 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 licence 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.

Relevant City Policy / Bylaw

- a) Liquor Licensing Policy;
- b) Liquor Licensing Fee Bylaw.

ISSUES AND ANALYSIS

As stipulated in the *Liquor Control and Licensing Act*, Council has been requested to provide input to the LCLB with respect to this application. Under the City's Liquor Licensing Fee Bylaw and the

City's Liquor Licensing Policy, Council is required to hold a Liquor Licence hearing to receive input on new applications for a Liquor Primary Licence, such as this application.

Under the rules established by the Liquor Control and Licensing Branch, Council can choose to "opt out" of providing comment on this application. As proceeding to opt out is contrary to the City's Policy on Liquor Licensing, that option has not been further explored in this report.

Within a 2 block radius of the proposed business, there are 9 other Liquor Primary Licensed establishments with a total patron capacity of 7,458 seats. Two businesses hold 2 licences each, and one establishment is a private club and does not serve liquor to the general public. Details are set out in the table:

VENUE	HOURS	SUNDAY HOURS	SEATING	TYPE
Chateau Victoria Hotel 740 Burdett Avenue	11am – 1am	11am – midnight	119	Hotel
Executive House Ltd. 777 Douglas Street	9am – 1am (patio is 11pm)	9am – 1am (patio is 11pm)	241	Hotel
Polo Lounge (Executive House Ltd.) 777 Douglas Street	9am – 1am	9am -1am	40	Lounge
Empress Hotel 721 Government Street	11am – 1am	11am – midnight	166	Lounge
Royal BC Museum Corp. 675 Belleville Street	10am – midnight	10am – midnight	2,800	Cultural Centre Municipal
Union Club of BC 805 Gordon Street	11am – 1am	11am – midnight	759	Club - Private
Victoria Conference Centre 720 Douglas Street	9am – 2am	9am – midnight	1,969	Cultural Centre Municipal
Victoria Conference Centre at Crystal Garden 713 Douglas Street	9am – 1am	9am – 1am	1,150	Cultural Centre
The Vic Theatre 808 Douglas Street	6pm – 11pm	6pm – 11pm	214	Lounge

The City has received and processed 5 Liquor Primary liquor licence change applications since April 1, 2015. Two of these (including this application) are for new licenses totalling 241. The other 3 applications were for changes to hours of liquor service, with no impact on occupant load.

Bylaw Enforcement

The Bylaw and Licensing Services Division has no concerns with the application. If this application is ultimately approved, the applicant would need to complete a Good Neighbour Agreement in accordance with the requirements of the Business Licence Bylaw. This would become a condition of their City-issued business licence.

Citizen Engagement and Strategic Planning

The Community Development Coordinator provided the following comments:

- The proposed operation is close to prospective customers at the downtown conference centre, hotels and other entertainment venues.
- The type of business proposed would serve to add vitality and help diversify the business offering in this area of the downtown.
- Adjacent land uses are generally focused on daytime operation or are hotels.
- A degree of concern can reasonably be expected with regard to hotels across the street and a proposed 15 storey seniors' housing project at 701 Belleville Street.

- It is assumed that as the proposed licensed venue is co-located in an apartment building, management will ensure residents are not unduly disturbed.
- The proposed closing time of 1:00am seven days a week can be considered a concern in residential areas where sound and behaviour problems are possible.
- A comedy club may not have the same noise issues as a live music venue, however, if the comedy club fails, the licence will remain intact and could be the site of a more problematic type of use in terms of sound and behaviour. For example, live music and dancing is allowed without special permission "*unless otherwise restricted by the general manager.*"
- Considerations may therefore be made to: restrict licensed activities to a red-lined area where impacts to neighbours are unlikely; restrict closing times to 12:00am Sunday to Thursday; and/or request the general manager preclude live music and dancing at this time.

Engineering & Public Works Department

The Engineering & Public Works Department has no concerns with this application.

Sustainable Planning and Community Development Department

While recreation and tourism-related uses are envisaged in the Official Community Plan, the Sustainable Planning and Community Development Department does not believe that a comedy club is a good fit with the land use within this residential enclave on the edge of Downtown, given the significant number of residents currently living in the subject building and nearby with more residents likely in future.

It seems likely that noise impacts can be expected above the noise impacts of a restaurant, and a location within downtown would be a better candidate for this type of business. If a comedy club use is to be given further consideration by Council, information should be provided on the operation of the comedy club and how noise from patrons would be addressed.

Police

The Victoria Police Department expects there would be noise-related conflicts between residents and patrons exiting the premise at closing. Assuming that the appropriate consultation has been done with neighbours to address this issue, the Police Department does not object to the proposed application.

Public Engagement and Consultation

If Council endorses the recommendation of this Report, in accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy, all owners and occupiers of property within 100 metres of the applicant's location will be solicited by mail to provide input regarding this application and invited to attend the Liquor Licence Hearing. In addition, the business will be required to display posters at the access points to their proposed business location for a minimum 3 week period which will also invite the Public to provide input to the City with respect to this application and to attend the Liquor Licence Hearing.

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, which features live comedy entertainment, a unique offering in the city, is consistent with Strategic Plan Objective #10 - *Nurture Our Arts, Culture and Learning Capital*.

2015 – 2018 Financial Plan


There is no expenditure impact on the Financial Plan.

CONCLUSIONS

As required under the City's bylaws and policy, the staff review has been completed and has identified no barriers to this application proceeding to the next step – public consultation via a Liquor Licence hearing before Council.

If the recommendations are approved, staff will arrange to receive public input via a Liquor Licence hearing, in accordance with City policy, within 30 days. A final Report to Council would be prepared and submitted summarizing the results of the Liquor Licence Hearing. This report will also provide a draft Resolution for submission to the Liquor Control and Licensing Branch for Council's consideration.

Respectfully submitted,


Janice Schmidt
Manager, Legislative Services


Jocelyn Jenkyns
Deputy City Manager

Report accepted and recommended by the City Manager: _____

Date: _____


October 7, 2015

List of Attachments

Appendix A – Aerial photograph (map) of the property and surrounding area
Appendix B – Application Summary prepared by LCLB
Appendix C – Letter of Intent from applicant



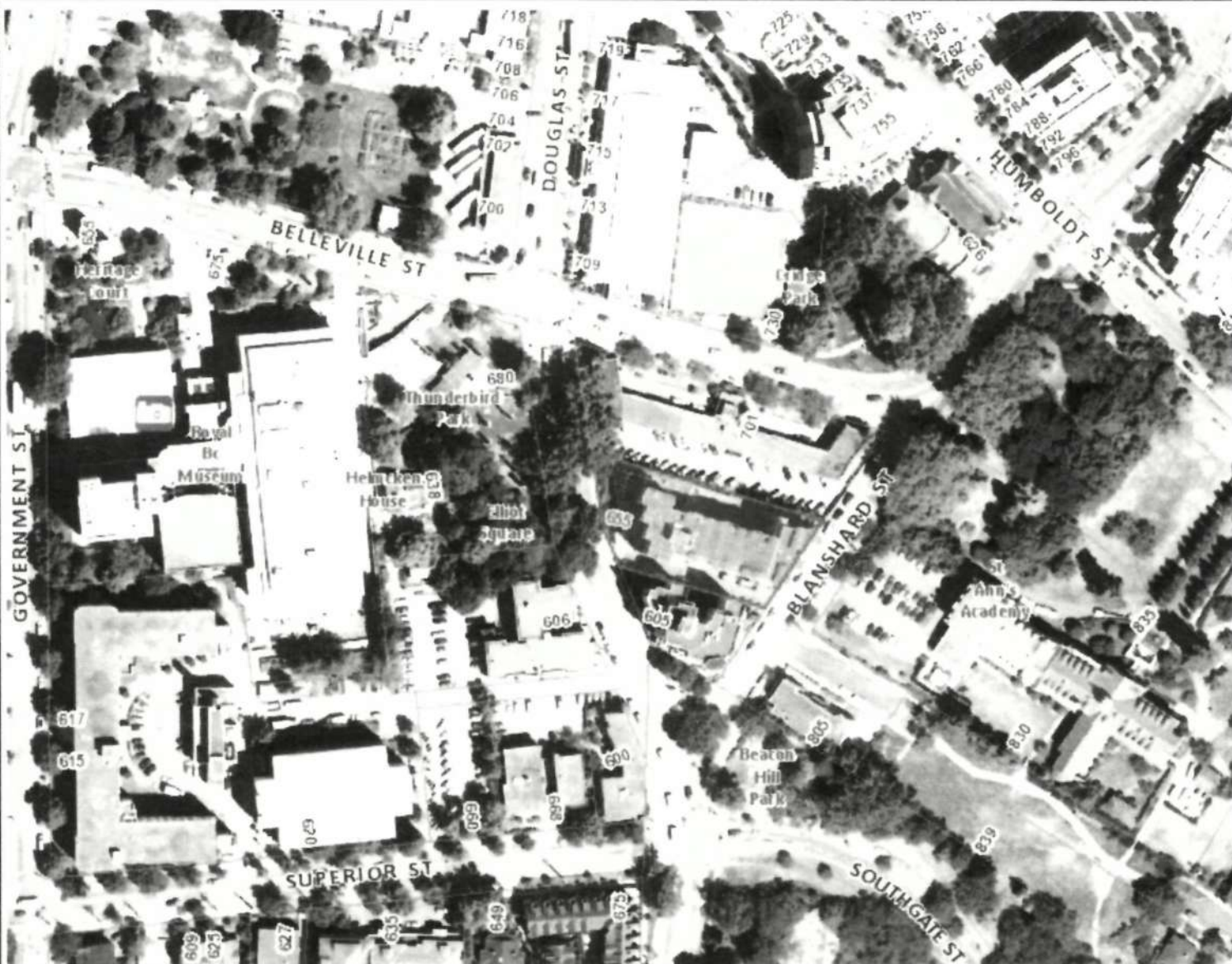
Legend

Victoria Parcels

1: 2,069



Notes



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Public domain: can be freely printed, copied and distributed without permission.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



APPLICATION SUMMARY
For Applicant and Local Government/First Nations

Date: July 29, 2015

Job #26305604-1

Created by: Janine Lind

Re: Application for a Liquor-Primary (LP) Licence
Applicant: Licensed to Laugh Productions Inc.
Proposed Location: 665 Douglas Street, Victoria
Proposed Establishment Name: yuk Yuk's Victoria

1. APPLICATION INFORMATION

Date application deemed complete: July 23, 2015

Local Government Jurisdiction: City of Victoria

The primary business focus of the proposed establishment: Entertainment

Total person capacity/occupant load requested: Person 01 = 211 persons
(this number includes patrons plus staff)

Hours of Operation requested:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM
Close	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM

Terms and Conditions and/or Endorsements Requested:

- Minors not permitted, other than entertainers.

2. APPLICANT ELIGIBILITY AND SUITABILITY INFORMATION (Fit and Proper)

Applicant has met the eligibility and suitability requirements of the Liquor Control and Licensing Act (LCLA) as well as Liquor Control and Licensing Policy section 3.2.

3. LOCATION/SITE FACTORS

The following sections are compiled from information provided by the applicant except where indicated otherwise.

The legal description of the proposed site is: PID 003-883-141, Lot 1 of Lots 576 and 1269, Victoria City, Plan 17229. The proposed licensed area is identified on the attached floor plans.

See the attached **Applicant's Letter of Intent** for details of the proposed Liquor Primary establishment, including the following details:

- a) **Business Focus or Purpose**
- b) **Target Market**
- c) **Composition of the Neighbourhood and Reasonable Distance Measure**
- d) **Benefits to the Community**
- e) **Noise in the Community**
- f) **Impact on the Community**
- g) **Other impacts, comments or requests**

Please note that the applicant's letter of intent is attached to this report for reference purposes. The information or statements included in the letter of intent have not been confirmed unless otherwise stated in this report.

Community Indicators

Contravention Statistics

- The Liquor Control and Licensing Branch can provide contravention statistics for liquor primary and liquor primary club establishments within your area upon request.

POPULATION AND SOCIO-ECONOMIC INFORMATION

- Circle population statistics for 2001 and 2006 are available from BC Stats by emailing your request to BC.Stats@gov.bc.ca
- BC Stats Community Facts includes the BC Benefits recipient and EI Beneficiary statistics and is available at <http://www.bcstats.gov.bc.ca/data/dd/facsheet/facsheet.asp>

4. PUBLIC INTEREST

In providing its resolution on the proposed Liquor Primary application, local government must consider and comment on each of the regulatory criteria indicated below. The written comments must be provided to the general manager by way of a resolution within 90 days after the local government receives notice of the application, or any further period authorized by the general manager in writing.

Section 10 of the Liquor Control and Licensing Regulation states that local government or First Nation must consider and comment on each 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 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.

The local government or first nation must gather the views of residents in accordance with section 11.1 (2) (c) of the Act and include in their resolution:

- (i) the views of the residents,
- (ii) the method used to gather the views of the residents, and
- (iii) its comments and recommendations respecting the views of the residents;

The local government or first nation must provide their recommendations with respect to whether the licence should be issued and the reasons for its recommendations.

The resolution must be provided to the general manager within 90 days after the local government or first nation receives notice or any period authorized by the general manager in writing.

A sample resolution template and comments are enclosed as attachments 2 and 3 to this report for reference purposes.

For use by Liquor Control and Licensing Branch:

5. REGULATORY CONSIDERATIONS

Liquor Control and Licensing Act, sections: 11, 16 and 18

Liquor Control and Licensing Regulations sections: 4, 5, 6, 8, 10

6. POLICY CONSIDERATIONS

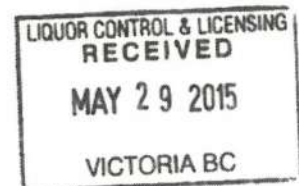
Policy Manual Section 3.2 Applicant Eligibility Assessment

Policy Manual Section 3.3 Site and Community Assessment

Policy Manual Section 3.4 Building Assessment and Issue of a Licence

ATTACHMENT 1

APPLICANT'S LETTER OF INTENT



APPLICATION FOR A LIQUOR PRIMARY LICENSE

**AT: YUK YUK'S VICTORIA
665 DOUGLAS STREET
VICTORIA, B.C. V8T 1A8**

APPLICANT: LICENCED TO LAUGH PRODUCTIONS INC.

LETTER OF INTENT FOR A NEW LIQUOR PRIMARY LICENCE MAY 28, 2015

INTRODUCTION

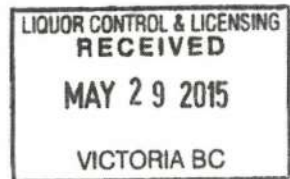
The applicant is applying for a liquor primary license to be located inside the existing building located at 665 Douglas Street to create a Yuk Yuk's Comedy Club. The proposed establishment will have a proposed capacity of approximately 211 persons and there will not be a patio.

The location at 665 Douglas Street was previously licensed as Samuel's Dining Lounge (FP #017570). The site is on the ground floor of what was previously the Queen Victoria Hotel. The building is no longer a hotel but rather an apartment building.

Licensed to Laugh Productions Inc. is a franchisee of Mark Breslin's Yuk Yuk's Inc.. As such, they will provide customers with entertainment in the form of stand-up comedy. The focus is to provide a new style of entertainment that does not exist in Victoria. The concept is to provide snacks and beverages to customers as they enjoy watching comedians from across the country. Each show will last approximately 90 minutes and most nights (Friday-Sunday) will consist of two shows. Customers will be able to arrive one hour prior to the first show and 30 minutes prior to the second show.

Enclosed with this Letter of intent is a letter dated April 8, 2015 from Mr. Jeff Silverman, President of Yuk Yuk's Inc. which supports this application and sets out the very positive record their Clubs have in 15 locations across Canada.

The applicant intends to operate this upscale comedy club establishment which will cater to the diverse population and business community of Victoria and Tourists visiting Victoria.



The site is ideal for a Yuk Yuk's comedy club in that it is located in the Downtown core of Victoria in close proximity to the major Hotels, The Convention Centre, the Royal B.C. Museum, The Legislature and inner Harbour tourist destinations as well as office buildings and restaurants.

The proposed hours of licensing for the establishment are 9:00 a.m. to 1:00 a.m., Monday through Sunday

TARGET MARKET

The target market will include Victoria residents, the Victoria business community and tourists visiting Victoria.

The target market group will be primarily over 25 years of age with a variety of occupations.

The establishment, because of its unique entertainment in the Victoria market, will also cater to family and business celebratory functions such as Anniversaries, office functions and Christmas parties. Because of the proximity to the Provincial Legislature, Yuk Yuk's will cater to the provincial government for retirement and political events. The venue could also be used for fundraising events by various community groups.

HOSPITALITY/TOURISM DEVELOPMENT FACTORS

As the new proposed liquor primary licensed establishment is located in downtown Victoria, the comedy club will contribute to the hospitality/tourism development in the city of Victoria by providing a unique and interesting entertainment venue for visitors to attend.

Victoria does not have a comedy club. Yuk Yuk's will fill that void and a venue that will enrich and compliment other Victoria Hospitality and Tourism venues.

BENEFITS TO THE COMMUNITY

The applicant's proposed establishment will benefit the community in the following ways:

- Yuk Yuk's will further diversify the entertainment venues available in Victoria;
- Employment opportunities for residents of Victoria;
- Provide a source of additional tax revenue for the city, the provincial and federal governments;
- Provides an additional venue for community events, fundraisers and special events;
- Involvement in community sponsorships and activities;
- Compliment other nearby businesses in the area;
- Provide a venue for comedians to perform and therefore support local artists in moving their careers forward.

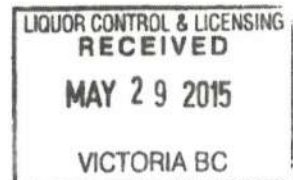
COMPOSITION OF THE NEIGHBOURHOOD

The proposed site of Yuk Yuk's Victoria is in an area that is predominantly Park, community and Residential. The site is on the edge of Downtown Victoria, close to Beacon Hill Park, Thunderbird Park (across the street) with Motels, Residences and offices in the area. It is predominantly a Tourist area because of the proximity to the Inner Harbour, Legislative Buildings, Royal B.C. Museum, Parks and the Conference Centre.

SOCIAL FACILITIES & PUBLIC BUILDINGS

Given as the site is in an urban commercial and residential area, the proposed site is close to several social facilities and public buildings. These include the following:

- Cridge Park (1 block away)
- Broughton Street Library (2 blocks away)
- Church (1 block away)
- Beacon Hill Park (2 blocks away)
- Thunderbird Park (across the street)
- Victoria Conference Centre (2 blocks away)
- St. Anne's Academy – National Historic Site (1 block away)
- Royal B.C. Museum (1 block away)
- Empress Hotel (2 blocks away)
- South Park Family School (Elementary) (1 ½ blocks away)
- Legislature Buildings (2 blocks away)



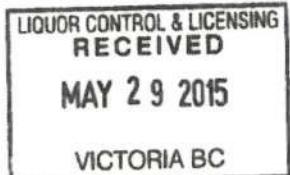
Attached are maps of Victoria showing the site and the proximity to the various social facilities and public buildings.

The applicant submits that the proposed establishment will not impact negatively on any of the surrounding social facilities and public buildings as it will primarily cater to a mature clientele and evening operations.

The proposed comedy club will have a capacity of approximately 211 seats in size. There is no patio. Therefore, it is not expected to have a negative impact on the surrounding social facilities and public buildings.

Comedy Club type establishments do not typically create a problem for social facilities and public buildings. Also, the sale and consumption of liquor is not the focus of the business of Yuk Yuk's Comedy Clubs but rather an added amenity to the comedy entertainment. Yuk Yuk's is in other jurisdictions and do not cause any problems in their community.

The proximity to social facilities and public buildings is a factor that the city of Victoria will consider when it assesses this application.



NOISE IN THE COMMUNITY

The applicant will be required to comply with the city of Victoria's Noise Bylaw. Also, the concept of a Stand Up comedy club does not result in excessive noise as patrons have to hear the Comedian on stage. Also the room is relatively small and caters to an older clientele. Therefore, this should not be any noise impact on the community.

ZONING – COMMERCIAL / RESIDENTIAL LIGHT OR HEAVY INDUSTRIAL

Attached to this letter of intent is a zoning map of the area. This site is zoned CA-9 Queen Victoria Hotel District and a liquor primary licensed establishment is a permitted use at this site. This has been confirmed with the City of Victoria. The location is in an area of Victoria that is best described as being a mixed commercial and residential area. It is not industrial. Therefore the property will not have to be rezoned. This is also a factor the city will consider when they assess this application.

OTHER LIQUOR PRIMARY LICENSED ESTABLISHMENTS IN CLOSE PROXIMITY

As the proposed site is in downtown Victoria, the appropriate proximity factor should be a two block radius. The following is a list of liquor primary licensed establishments we have identified within this radius (2 block radius) that would be considered relevant to this application:

<u>Licensed Establishment</u>	<u>Address</u>	<u>Establishment Type</u>	<u>License #</u>	<u>Distance</u>
Victoria Conference Centre at Crystal Garden	720 Douglas Street	Cultural Centre	LP 133237	1 block away
Victoria Conference Centre	713 Douglas Street	Convention Centre	LP 303380	1 block away
Union Club of B.C. (Private Club)	805 Gordon Street	Club	LP 059830	2 blocks away
Executive House Hotel	777 Douglas Street	Hotel	LP 064730	2 block away
Polo Lounge (Executive House Hotel)	777 Douglas Street	Lounge	LP 305243	2 block away
The Vic Theatre	808 Douglas Street	Lounge	LP 306128	2 blocks away
Chateau Victoria Hotel	740 Burdett Avenue	Hotel	LP 002139	2 block away
Fairmont Empress Hotel	721 Government Street	Hotel	LP043531	2 block away

Enclosed is a map showing their proposed site is relative to these other Liquor Primary Licensed venues. Due to the specialized nature of the comedy club the proposed establishment should not impact on the other liquor primary establishments within the area.

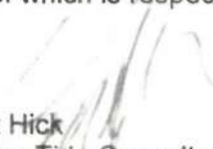
Indeed an upscale comedy venue will compliment many of these other Licensed establishment such as the Conference Centre. The Vic Theatre caters only to persons who paid admission to see a movie.

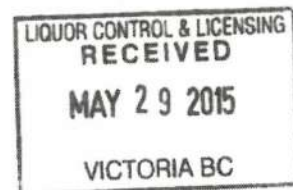
OTHER FACTORS

The applicant also submits the following additional factors for consideration:

- The venue is for an stand-up comedy club concept and will not be a nightclub;
- The experience is that comedy club venues do not to create problems in the community;
- Liquor service is an added amenity to the focus of the business which is provided stand up comedy.
- The site was previously a licensed establishment.

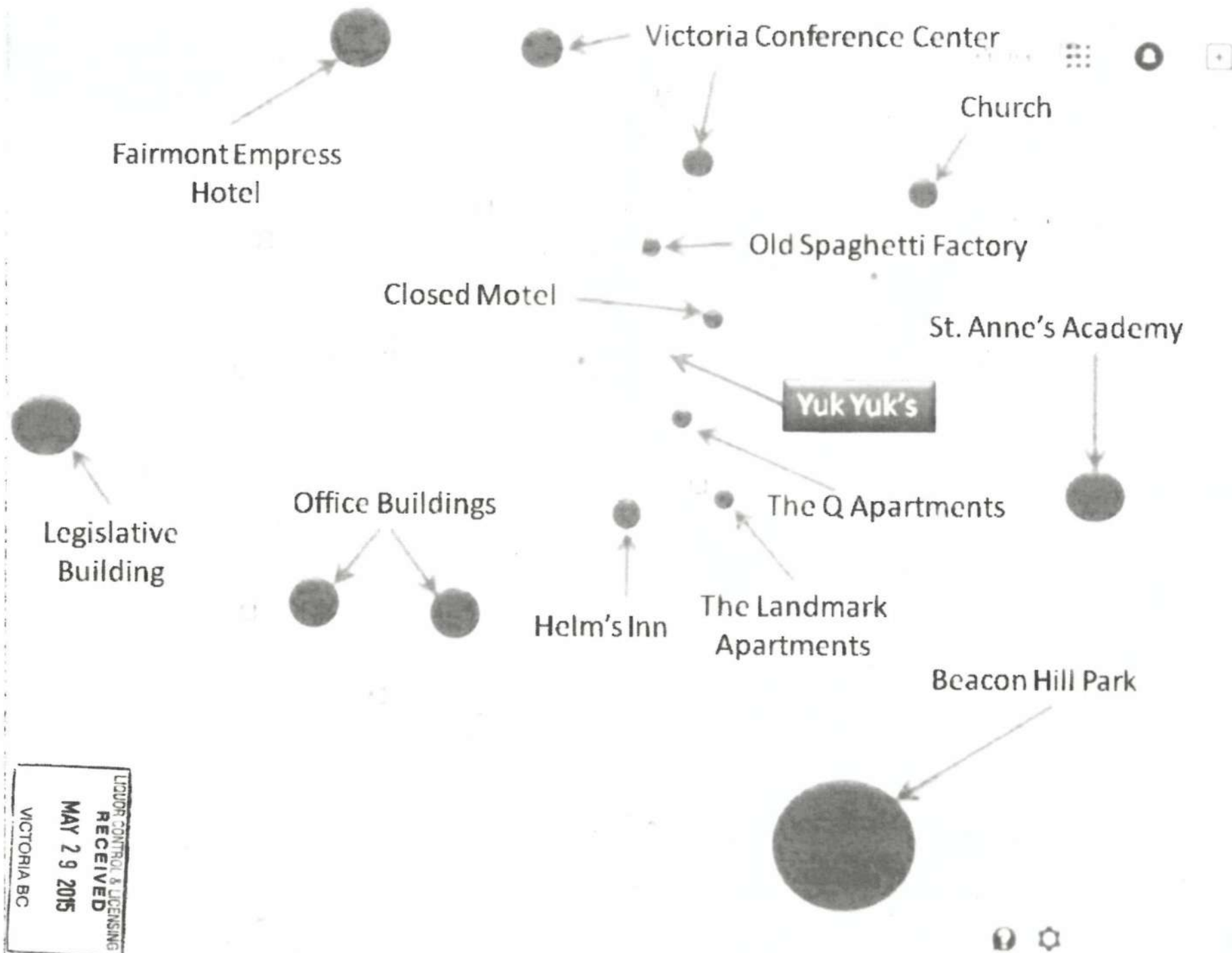
All of which is respectfully submitted this 28th day of May 2015.


Bert Hick
Rising Tide Consultants Ltd.
1620-1130 West Pender Street
Vancouver BC V6E 4A4

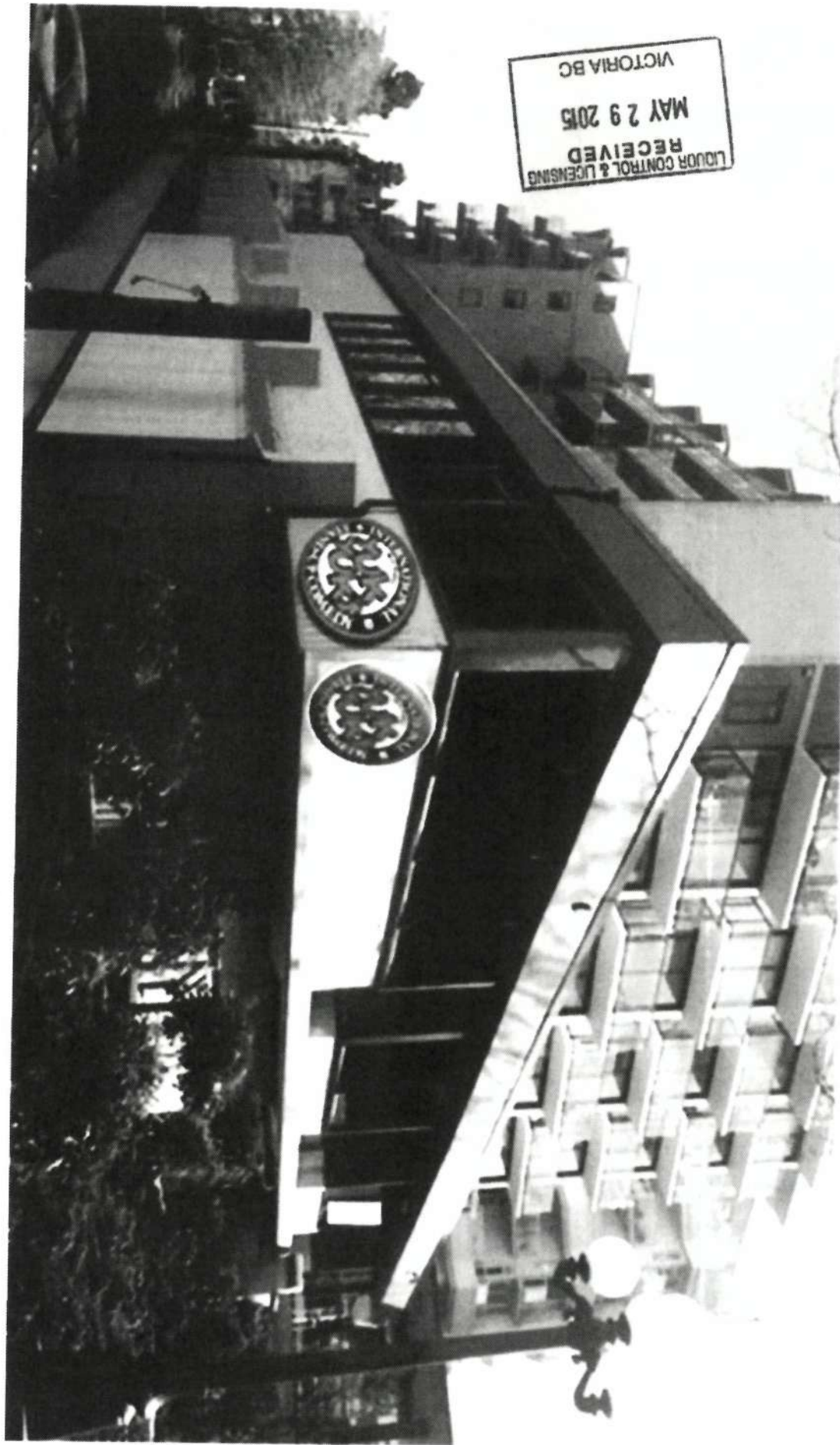




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VICTORIA BC



LIQUOR CONTROL & LICENSING
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VICTORIA BC





Experts in liquor licensing for the success of your business

October 13, 2015

By Email

City of Victoria
Legislative & Regulatory Services Department
1 Centennial Square
Victoria, BC V8W 1P6

Attention: Janice Schmidt
Manager, Legislative Services

Dear Janice:

Re: Application for Liquor Primary Licence for Yuk Yuk's Victoria
Address: 665 Douglas Street, Victoria, BC
Applicant: Licenced to Laugh Productions Inc.

Thank you very much for forwarding to us the Planning and Land Use Committee Report dated October 2, 2015 pertaining to the above application.

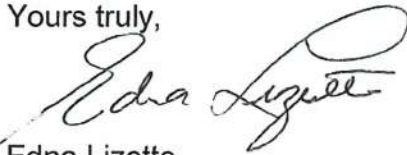
We have discussed the report with the applicant and would request that the application be amended to address several comments made in the report pertaining to the noise potential, line ups outside, hours of operation, use of the establishment and transfer of licence for a different use (i.e. a nightclub).

Therefore, we would like to amend this application as follows:

- Change the closing hours to close at 12 midnight from Sunday to Thursday and 1AM on Friday and Saturday (previously the hours proposed were to 1AM seven days a week);
- Completion of sound proofing to ensure no noise transfer – please see the attached email from the landlord;
- Construction of a canopy at entrance – the landlord is willing to discuss the addition of a canopy/awning at the front entrance of the building to address potential noise issues relating to line-ups/crowds.
- Approval by the City for a Term and Conditions to be placed on the licence stating that the Liquor Licence if approved cannot be transferred to another party without City of Victoria and Liquor Branch approval and that the use of the Licence is for a comedy club and any change in use would require City of Victoria approval.

Please do not hesitate to contact me if you require any additional information or if you have any questions.

Yours truly,

A handwritten signature in black ink, appearing to read 'Edna Lizotte', with a stylized flourish at the end.

Edna Lizotte
Licensing Specialist

Encl.

/el



James Bay Neighbourhood Association

jbna@vcn.bc.ca
Victoria, B.C., Canada

www.jbna.org

December 10th, 2015

Mayor & Council,
City of Victoria,

Re: CALUC Community Meeting - Yuk Yuks Primary Liquor Licence at the Q

The community meeting to consider the Yuk Yuks application for a Primary Liquor Licence at the Q, 665 Douglas was held last night (58 present during this agenda item).

The JBNA Development Review Committee met with the proponents, their consultant, and their landlord on November 9th. Several concerns were identified at that time. Most of the concerns were well articulated by residents and neighbours of the Q at the JBNA General Meeting. In summary, there was no support for the Yuk Yuks franchise in the chosen location. A lively late night comedy club was seen as more appropriate for a downtown location, not in a residential area.

Following please find an excerpt from the draft minutes of the meeting:

7. 665 Douglas (the "Q") Yuk Yuks Comedy Club primary liquor licence

Bert Hick, Rising Tides Consultants

Dave Wilcox, Yuk Yuks owner

Dean Johnson, Concert and Grant Knowles, Manager, The "Q", were in attendance

Marg Gardiner reported on the JBNA Development Review Committee meeting (DRC). Tim Sommers, Trevor Moat and Marg met with the owners and representatives from Rising Tide Consultants and Concert Properties on November 9th, 2015 to discuss the proposal. Issues raised focused on the siting of an event venue in a residential setting with noise and traffic impacts including: late night noise for nearby residents, no parking on site or within the block thereby spreading the noise impacts beyond the neighbouring residential buildings, the current traffic loads of about 500 vehicles per hour and how patrons being dropped off for an event may cause traffic issues, the planned 50% increase of cruise traffic in the years ahead, the potential danger for patrons crossing the roads late at night to get to parking, and the creeping of the downtown "Late night, Great Night" policy into a residential community.

Bert Hicks summarized the proposal. Lease is conditional on use as a comedy club. He also stated that there were letters of support from the Chamber, Tourism Victoria and the Film Commission. Dave Wilcox discussed parking concerns, and outlined discussions he's had with Robbins parking for use of nearby lots – Conference Centre 300, St. Ann's, 58, Museum, 30. Robbins tells him that these lots are mostly vacant at night.

...2

C: Resident of Q, late 30's: Excited when plans were first shared. After a minute more thought, we think it's a terrible idea. There will be traffic problems, and people will be standing around talking afterwards – that's a problem already with passers by. The building has no air conditioning, so balcony doors are often left open in the summer. Noise is a serious concern for us, especially working people. Your announcement mentions that "it's not a late night venue", but your operating hours are stated to 11:15 pm and later.

C: Letters of support are irrelevant because they come from sources that are not resident in the area. I would welcome an offer to assist with moving expenses for dissatisfied tenants who want to leave.

C: Residents' friends use existing parking spaces on street; these will be unavailable if the proposal goes ahead.

C: Q resident who moved in this past August: Main concern is noise – people talking inside, where people are encouraged to be loud. It will spill onto the street after hours. I am a veteran and on disability leave from the military due to injury; this will be a big problem for me. There will not be much foot traffic clientele; it's a residential area; people will spill out on the street and my disability will make it difficult for me on the street. We have only one crosswalk already; we can't have large groups of pedestrian traffic coming onto this block.

C: Landmark resident for last 12 years: Concerned about noise of people coming and going; it will turn my life upside down; I'm 72, and my husband has dementia. Other speakers said they could move, I can't move from this location as it enables me to visit my husband.

C: Landmark resident: I'm 70, semi-retired. Traffic is already a problem, people drive around looking for parking. Noise is also a problem as I face the Q building. I can hear people from the Q already as the buildings are so close together. I really don't want a club to be here. I think it's a terrible idea.

Responses: *Dave Wilcox reminded audience that he's been talking to Robbins and they will advertise parking discounts for the club. I would prefer to be on Government Street, but sites available for leasing are too small, with no washrooms, kitchens, and bad sightlines. This is the only space found in two years of searching. Ben Hicks pointed out that the location supports a liquor primary license. Small shuttle vans could transport people in and out. Mondays and Tuesdays and Wednesdays, no shows. Food primary license would not even require this meeting; this isn't about the liquor license, it's about the amenity of a comedy club. The primary liquor license enables us to prohibit minors as shows are sometimes age-inappropriate.*

C: Entertainment facilities are downtown to control noise. If the application is not about liquor license, then why apply for it? Liquor makes people louder.

C: Landmark Resident: Putting a destination event in the middle of a residential neighborhood is a "sick joke". People will leave laughing – that's why they're there, and it won't stop under the canopy. They'll walk between the buildings, next to the seniors' residences. I wish you all the success, but not in this location as it will make us miserable. This is not the place for a destination venue. Please, leave us with our quiet.

... 3

Q: Are you planning to open at 11:30am?

A: No – there might be an odd occasion for a special event or corporate event, but it will be primarily an evening venue. These would be single 90-minute comedy shows only.

Q: Would you rent the premises on so-called “dark nights”?

A: We haven’t thought about that.

C: There will be a seniors’ facility built on Belleville Street, so you’ll be completely surrounded by residences, mostly for older people. I support the idea of the business being in Victoria, but this is not the right area.

C: I own a condo in the Aria. The concerns expressed are common. We would appreciate earlier closing hours.

Q: Will it be a restaurant between shows?

R: No – only for shows

C: This is an inappropriate place to have this club. I’m a recent retiree, found a quiet place, and we’ve enjoyed it, but the noise levels are very worrying to us. We already have echoes in the Humboldt Valley, tourist buses, garbage trucks, food services, people on patios, parking problems already with people driving around looking for spaces.

C: I’m concerned that liquor will be sold whenever permitted. People will line up outside and start drinking when the venue opens. Traffic is already a problem. Parking will be a huge problem.

C: Dallas Road resident: You want a liquor license from 11am to midnight, but your shows are only 7-9, and double-shows only on Friday/Saturday. Why not restrict the license to 10pm?

C: Fairfield resident: I’ve canvassed the area a few times. I don’t see how you’re going to make it, because you’ll need walk-up traffic. Are you intending to start here and move to better location?

C: Regarding the entrance, right next to my building. There could be 200 people lined up outside, right near my entrance-way. This will block the sidewalk. The Q meeting was more vocal than this one, better intended. We’re concerned about smoking too – it enters off the street into our apartments. The landlord should also be aware that if this goes ahead, I want to be relieved of my obligations under my lease agreement, and will consult with a lawyer.

Summary by Bert Hicks and Dave Wilcox: All our research shows that the location supports this use. We all hear noises from nearby businesses – it comes with the neighbourhood. We want the wide hours for liquor licenses so we can accommodate corporate events on occasion. Weekday evening shows don’t work; we need the shows on weekends. Weekend shows will have doors open at 6. We will make announcements to tell patrons to be quiet when they leave. People generally don’t linger. We could retract the hours; could be discussed. We’re willing to work on it.

Respectfully submitted,



Marg Gardiner,
Co-Chair CALUC &
President, JBNA

Christine Havelka

Subject: FW: Yuk Yuk's Victoria

From: Rising Tide Consultants [<mailto:risingtide@shawcable.com>]

Sent: Thursday, December 10, 2015 2:38 PM

To: Janice Schmidt

Cc: Dave Wilcox Yona Depue; Bert Hick

Subject: Yuk Yuk's Victoria

Janice,

Re: Application for a Liquor Primary Licence for Yuk Yuk's Comedy Club 665 Douglas Street Victoria,
Applicant: Licenced to Laugh Productions Inc.

This email is further to our conversation earlier today which I advised you that as a result of the public input we have received, particularly as a result of the meeting with the James Bay Neighbourhood Association, we would like to advise you and Council of some further changes to the proposed Terms and Conditions and restrictions on the application for a liquor primary licence for Yuk Yuk's Comedy Club.

These are as follows:

- Use of the liquor licence will be restricted to that of a comedy club venue (this Term and Condition is consistent with the Offer to Lease with Concert Properties for the space as the use is for a comedy club concept);
- The licence cannot be transferred to another party without City of Victoria's approval (this will ensure that the licence does not get transferred to someone who may operate the licence contrary to that of a Comedy Club);
- The hours of licensing are being amended to the following:
 - 12:00 noon – 10:30 pm Sunday to Saturday (the reason for the Noon hour and afternoon licensing is that the Licensee may want to offer, as was suggested last night at the James Bay Neighbourhood Association meeting, a matinee comedy performance as well as possible corporate events).
- For the Sunday night to Thursday night shows the performance will start at 7:00 pm and end at 8:30 pm; The Friday and Saturday shows will commence at 6:30 pm (rather than the previous 7:00 pm) and will run until 8:00pm. The second show will commence at 8:30 pm and will finish at 10:00 pm.
- The Licensee will construct a canopy over the front entrance in conjunction with the Landlord (Concert Properties) and will construct a decorative art separation (divider) by way of wrought iron or other structure between the entrance of Yuk Yuk's and the entrance to the "Q" building. This will be done in consultation with the Landlord to ensure it is attractive. This will ensure that patrons do not meander over to the "Q" Apartment side of the divider;
- Yuk Yuk's will hire a door person/greeter who will be outside the establishment at the front door prior to, and during, comedy performances to ensure patrons disperse quietly, patrons to Yuk Yuk's stay on their side of the above mentioned divider and to maintain a clean safe area for the benefit of all concerned;
- The Licensee will purchase a small shuttle van or bus (similar to those used by Helijet or Harbour Air) to transport groups or individuals from the venue to the downtown core or from the downtown core to Yuk Yuk's to reduce traffic and parking.
- As a result of discussions with Robbins Parking, the Licensee will provide customers with parking discounts at Robbins controlled parking lots at the Convention Centre and other locations in the Inner Harbour area to encourage patrons to use these parking lots. They will be required to provide proof of parking and will be provided with a discount at Yuk Yuk's.

The Licensee continues to agree that they will comply with the City of Victoria Noise Bylaw and the requirements of the Good Neighbour Agreement. The above proposed Terms and Conditions can be added to the liquor licence and the Good Neighbour Agreement similar to the way restrictions were placed on the Helijet Liquor Primary Licence.

The amendments to this application are in response to the letters the City has received raising concerns on this application as a result of the 2 public notifications which I understand involved over 2000 notifications in each mailing going out to the businesses and residents in the area. It also addresses some of the concerns raised during the meeting last night with the James Bay Neighbourhood Association regarding traffic, noise, parking and hours of operation.

We will address these proposed changes directly with Council this evening.

Yours truly,

Bert Hick



*Experts in liquor licensing
for the success of your business*

Bert Hick | President

bert@risingtideconsultants.ca

t: 604.669.2928 | c: 604.812.2322 | f: 604.669.2920

1620 - 1130 West Pender St. | Vancouver, BC, V6E 4A4

www.risingtideconsultants.ca

Christine Havelka

Subject:

FW: Comedy Feast

From: Dan Brady [<mailto:a>]

Sent: December-10-15 2:53 PM

To: 'Rising Tide Consultants'

Subject: Comedy Feast

Dear Mr. Hick,

My name is Dan Brady and I was the General Manager of the James Bay Inn in the late 80'S and early 1990's. During this time the James Bay INN and its Pub was home to The Comedy Feast. During the number of years that we ran the comedy shows I cannot remember receiving any complaints as a result of the shows or the clientele that it attracted. In fact the neighbours surrounding the Inn were always strong supporters of the comedy.

I believe that the return of Comedy would be of great benefit to the James Bay area.

Sincerely,

Dan Brady

LIQUOR LICENCE HEARING

1. Liquor Primary Licence Application for Yuk Yuk Victoria (Licenced to Laugh Productions Inc.) 665 Douglas Street

Chris Coates (City Clerk): Outlined the process for this hearing, noting the applicant's intention to further restrict the liquor licensing hours for stand-up comedy entertainment. The City doesn't approve the application but makes comments to the Liquor Control and Licensing Branch. Staff will report back at the January 14, 2016 Council meeting.

1. Hearing – Yuk Yuk's Victoria – 665 Douglas Road

To establish a new Liquor Primary Licence at 665 Douglas Street.

- The proposed licensed person capacity (occupant load), which includes staff and patrons, is 211 persons.
- The requested hours are: 0900h (9:00am) - 2400h (12:00am), Sunday to Thursday and 0900h (9:00am) - 0100h (1:00am), Friday and Saturday.
- Yuk Yuk's Comedy Club provides entertainment in the form of 90 minute stand-up comedy shows.
- The applicant has indicated their willingness to have Terms and Conditions placed on the licence stating that the Liquor Licence, if approved, cannot be transferred to another party without City of Victoria and Liquor Control & Licencing Branch approval, and that the use of the licence is for a comedy club and any change in use would require City of Victoria approval.

Mayor Helps opened the public hearing at 11:24 p.m.

Burt Hick (Applicant): Advised that they have submitted a revised proposal to City staff as a result of meeting with the Community Association:

- Use of the liquor licence will be restricted to that of a comedy club venue (this Term and Condition is consistent with the Offer to Lease with Concert Properties for the space as the use is for a comedy club concept);
- The licence cannot be transferred to another party without City of Victoria's approval (this will ensure that the licence does not get transferred to someone who may operate the licence contrary to that of a Comedy Club);
- The hours of licensing are being amended to the following:
 - 12:00 noon – 10:30 pm Sunday to Saturday (the reason for the Noon hour and afternoon licensing is that the Licensee may want to offer, as was suggested last night at the James Bay Neighbourhood Association meeting, a matinee comedy performance as well as possible corporate events).
- For the Sunday night to Thursday night shows the performance will start at 7:00 pm and end at 8:30 pm; The Friday and Saturday shows will commence at 6:30 pm (rather than the previous 7:00 pm) and will run until 8:00pm. The second show will commence at 8:30 pm and will finish at 10:00 pm.
- The Licensee will construct a canopy over the front entrance in conjunction with the Landlord (Concert Properties) and will construct a decorative art separation (divider) by way of wrought iron or other structure between the entrance of Yuk Yuk's and the entrance to the "Q" building. This will be done in consultation with the Landlord to ensure it is attractive. This will ensure that patrons do not meander over to the "Q" Apartment side of the divider;
- Yuk Yuk's will hire a door person/greeter who will be outside the establishment at the front door prior to, and during, comedy performances to ensure patrons disperse quietly, patrons to Yuk Yuk's stay on their side of the above mentioned divider and to maintain a clean safe area for the benefit of all concerned;
- The Licensee will purchase a small shuttle van or bus (similar to those used by Helijet or Harbour Air) to transport groups or individuals from the venue to the downtown core or from the downtown core to Yuk Yuk's to reduce traffic and parking.
- As a result of discussions with Robbins Parking, the Licensee will provide customers with parking discounts at Robbins controlled parking lots at the Convention Centre and other locations in the Inner

Harbour area to encourage patrons to use these parking lots. They will be required to provide proof of parking and will be provided with a discount at Yuk Yuk's.

The Licensee continues to agree that they will comply with the City of Victoria Noise Bylaw and the requirements of the Good Neighbour Agreement. The above proposed Terms and Conditions can be added to the liquor licence and the Good Neighbour Agreement similar to the way restrictions were placed on the Helijet Liquor Primary Licence.

Mr. Hick provided a presentation that outlined the requirement for a liquor primary licence and the consultation the applicant has done. He advised that 2,000 notifications were sent out from the City for this hearing.

Dave Wilcox (Applicant): Provided the reasoning behind the proposal for this business opportunity and why this location was selected for Yuk Yuks. He also noted the success of Yuk Yuks of integrating positively with communities.

Councillor Thornton-Joe asked about the food that will be served and hours of operation New Year's Eve.

Burt Hick: It will be a lighter menu that may change with events, and they may apply for a special licence on New Year's Eve.

Councillor Thornton-Joe noted that there may be smoking or noise issues when people leave the club.

Burt Hick: The greeter will make sure people don't congregate and there is the smoking bylaw.

Councillor Thornton-Joe noted that the location is across from a senior's home and Thunderbird Park, and people may be congregating there.

Burt Hick: The greeter can also deal with this and it shouldn't be an issue.

Derwin Ropey-Thomas (Douglas Street): Spoke against the proposal expressing concerns about loss and lack of parking, the impact on the context of the neighbourhood, and it's not an amenity to the community.

Natasha Clark (Douglas Street): Spoke against the proposal that doesn't fit the neighbourhood, and expressed concerns about noise and smokers that would impact adjacent residents.

Norma Hill (Douglas Street): Spoke against the proposal as there are residents surrounding the location and this type of business doesn't fit in. Noise is a concern as is parking.

Sandra Baldwin spoke for Dana Batho (Q Apartment): Ms. Batho is unable to attend the meeting. She is a disabled veteran who relocated to Victoria for the quietness, and she is concerned about the potential for noise and increased traffic.

Sandra Baldwin (Q Apartment): Expressed concerns about the potential for noise from the patrons and the additional traffic would also impact residents.

Bruce Gillespie (Academy Close): Member of Tourism Victoria and the Chamber of Commerce, who expressed concerns that this is the wrong place for a Yuk Yuks as it is a residential building.

Carol Steer (Douglas Street): Read a letter from her neighbour, Dr. Joan Mitchell of Douglas Street who is against the proposal due to noise and parking impacts in this residential area and sleep will be disrupted.

Marg Gardiner (President of James Bay Neighbourhood Association): Expressed concerns regarding the proposal and noted their presentation was made before the applicant submitted revised terms and considerations. A presentation outlined noise, parking and traffic issues.

Doug Steinberg (Douglas Street): Spoke in opposition of the application and noted that Yuk Yuks are not normally in residential neighbourhoods, and that is why they haven't had noise issues. Parking will be an issue, as will noise, and sleep will be affected.

Cynthia Raitt (Douglas Street): Spoke against the application as it doesn't fit into a residential neighbourhood and there has been confusion on what is being requested.

Michael Baldwin (Q Apartment): Spoke in opposition of the application and expressed concerns regarding the potential for noise, and that it doesn't fit in a residential area. Concerns were expressed regarding the proposed parking lot and traffic concerns were also noted.

Dallas Scott (Douglas Street): Spoke against the proposal as this is a residential neighbourhood and noise, parking and traffic are concerns.

Mayor Helps closed the public hearing at 12:26 a.m.

Chris Coates (City Clerk): Advised that staff will report back at the January 14, 2016 Council meeting.