



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council
From: Chief Administrative Officer
Subject: Chances Courtenay Structural Change Application

File No.: 4320-20
Date: November 21, 2016

PURPOSE:

The purpose of this report is to respond to the application made by Gateway Casino and Entertainment Limited for a structural change to allow for an increase in liquor licence occupancy load within the existing Chances Casino building.

CAO RECOMMENDATIONS:

That, based on the November 21, 2016 staff report, "Chances Courtenay Structural Change Application", Council approve Option 1 and direct staff to post a notice on the City's website requesting input on the proposed structural change for Council consideration at the regular meeting scheduled on December 5th, 2016.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

The subject property is located at 361 Hunt Road, where Chances Courtenay is currently being operated. Gateway Casino and Entertainment Limited, the owner of the business, has recently applied to the the Liquor Control and Licencing Branch (LCLB) for a structural change to their current liquor license. The proposed change is to increase their occupant load as shown on Appendix No. 1.

Pursuant to section 11.3 (2) (c) of the *Liquor Control and Licensing Act*, the local government must gather the views of residents when a licensee wishes to amend the existing approved licensed area. In order to gather the views of residents, the City will post notice of the application on the City's main website for two weeks. Council will send a resolution to the LCLB Victoria Head Office for the final decision.

DISCUSSION:

With respect to the requirement in section 11.1 (2) (c) of the *Liquor Control and Licensing Act*, staff is of the opinion that a notice on the City's website will satisfy the requirements of the LCLB.

The Liquor Primary and Liquor Primary Club Structural Change application form outlines items that must be addressed in the resolution as indicated below in order for the resolution to comply with section 53 of the *Liquor Control and Licensing Regulations*. Any report presented by an advisory body or sub-committee to the council or board may also be referenced in and attached to the resolution. The items to consider are:

- (a) The potential for noise if the application is approved (provide comments).
- (b) The impact on the community if the application is approved (provide comments).
- (c) If the amendment may affect nearby residents, the local government or first nation must gather the views of residents in accordance with 11.3(2) (c) of the Act.
 - If the local government or first nation gathered the views of residents, they must provide:
 - (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.
(Residents includes residents and business owners)
 - If the views of residents were not gathered, provide reasons.
- (d) Its recommendation with respect to whether the amendment should be approved.

Once Council receives public input on the application, a resolution addressing the points will be forwarded to the LCLB for final consideration. A proposed resolution in the correct format will be presented to Council for consideration at the regular meeting scheduled on November 21, 2016.

The proposed increase in occupant load will bring the liquor license occupant load up to the maximum building occupant load of 735 persons. In discussion with LCLB staff, City staff understand this is a commonly approved request for casinos. Because the increase will occur within the existing building there is no anticipated increase in noise or further impacts on the community as a result of the change. 250 parking stalls are currently provided, which will be sufficient after the proposed changes are made.

FINANCIAL IMPLICATIONS:

There is no direct financial implication related to this application.

ADMINISTRATIVE IMPLICATIONS:

Administration of liquor licencing amendments is included in the City's general statutory duties. The Development Services Department has recently taken over the function from Legislative Services. To date, staff has spent six hours to liaise with the applicant and process the application.

ASSET MANAGEMENT IMPLICATIONS:

There is no **direct** asset management implications related to this application.

STRATEGIC PRIORITIES REFERENCE:

<p>We actively pursue vibrant economic growth</p> <ul style="list-style-type: none"> ● Revitalizing our downtown is critical to our economic future ● Continue to improve our relationship with business in our community 	<p>We focus on organizational and governance excellence</p> <ul style="list-style-type: none"> ● We support and encourage initiatives to improve efficiencies ● We support meeting the fundamental corporate and statutory obligations 		<p>● Area of Control</p> <p>The policy, works and programming matters that fall within Council's jurisdictional authority to act.</p>
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OFFICIAL COMMUNITY PLAN REFERENCE:

There is no direct reference related to this application.

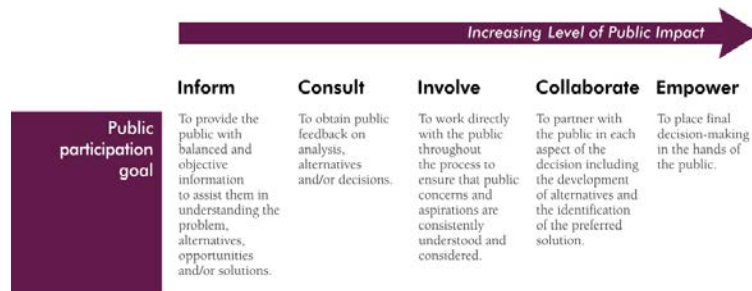
REGIONAL GROWTH STRATEGY REFERENCE:

There is no direct reference related to this application.

CITIZEN/PUBLIC ENGAGEMENT:

Public notice is required if Council wishes to comment on the application. Staff will **consult** the members of the public based on the IAP2 Spectrum of Public Participation:

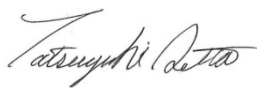
http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/imported/IAP2%20Spectrum_vertical.pdf



OPTIONS:

- Option 1: Direct staff to publish notice on the City's website requiring public input on the Structural Change for Council consideration at the regular meeting scheduled on November 21, 2016 (recommended); and
- Option 2: Direct staff to obtain public input through an alternative method
- Option 3: Opt out of the process and advise the LCLB

Prepared by:



Tatsuyuki Setta, MCIP, RPP
Manager of Planning

Approved by:



Ian Buck, MCIP, RPP
Director of Development Services

Attachments

1. Appendix No. 1: Structural Change Application Form
2. Appendix No. 2: The proposed interior floor plan

Appendix No. 1



**BRITISH
COLUMBIA**

Liquor Primary and Liquor Primary Club
Structural Change Application
 Liquor Control and Licensing Form LCLB 012a

What is a Structural Change?

It is defined as a change to the existing approved licensed area(s), including but not limited to:

- a change in the position of a wall or partial height divider (pony wall) or fixed planters used as separation between/within a licensed area
- new construction
- the removal or addition of permanent display cabinets, stages or dance floors
- a change to the food and liquor service bar location or size
- in the position of access and exit points leading to or from a licensed area
- the removal of a licensed area from the liquor licence
- addition of a new outdoor patio or the removal or expansion of an existing patio
- increase to capacity (occupant load) of a licensed establishment with or without changes to the licensed area(s)
- such other construction or changes the general manager considers may affect patron routing, capacity, or the line of sight between a staff control point and the licensed area of the establishment.

If you are making changes to the current approved floor plan, other than cosmetic changes, a structural alteration application is required.

Note: This does not include cosmetic changes such as changes to existing flooring, wallpaper, reconfiguring tables and chairs, countertops, painting, or changing the type of material used in the perimeter bounding of an outdoor patio.

If you have any questions about this application, call the Liquor Control and Licensing Branch (LCLB) toll-free at: **1 866 209-2111**

Licence Information

Please check if licence is currently dormant.

Licence # affected: 138146

If yes, attach a letter signed by the licensee requesting the licence to be reactivated if this application is approved.

Do you currently hold other licences at this location? Food Primary _____ (Licence #)
 Liquor Primary _____ (Licence #) Licensee Retail Store _____ (Licence #) UBrew/UVin _____ (Licence #) or Other

Licencee name [as shown on licence]: Chances Courtenay

Establishment name [as shown on licence]: Chances Courtenay

Establishment Location address: 361 Hunt Road Courtenay BC V9N 9B8
(as shown on licence) Street City Province Postal Code

Business Tel with area code: 250-334-4531 Business Fax with area code: 250-338-6164

Business e-mail:

Business Mailing address: _____
(if different from above) Street City Province Postal Code

Contact Name: Osborne / Jarrod Title/Position: Facility Manager
last / first / middle

Type of Change Requested

Sub- Job Number
Office Use ONLY

Please check appropriate box(es) below:

Part 1	<input type="checkbox"/> Addition of a New Outdoor Patio	Outdoor Patio (C3-LIC) _____
Part 2	<input checked="" type="checkbox"/> Alteration/Renovation	Structural - capacity change (C3-LIC) _____
	<input type="checkbox"/> Removal of an existing licensed area	Structural - no capacity change (C4-LIC) _____
	<input type="checkbox"/> Other	

Application Contact Information

This applicant authorizes the person below to be the primary contact for the duration of the application process only.

Name: Phone number:

Fax number: E-mail address:

PART 1: Addition of New Outdoor Patio

Fee: \$440 C3 - LIC

Provide the following information:

1. Attach one 11" x 17" copy of the proposed patio floor plan that shows furniture layout, entrance, exits, and abutting areas that may be licensed and/or unlicensed areas.

The branch requires an occupant load (patrons plus staff) for the proposed patio area(s) which must be marked/stamped and dated ON the plan you submit. Do **not** submit this application if you do not have the occupant load calculation stamped on your patio plans.

Note: The occupant load calculation is generally provided by local building or fire authorities in your area. If you are advised that local building or fire authorities do not have jurisdiction or opt out of providing this calculation, provide written confirmation from that authority. You may then take your plan to an alternate qualified architect or design professional who will authorize the calculation.

2. What is the occupant load calculation for the new patio(s)?

Patio #1: Patio #2: Patio #3:

3. If the patio(s) is already constructed, **attach a photo**

4. Provide the height and composition of the patio perimeter or bounding that is designed to control patron entry/exit (i.e., railings, fencing, planters, hedging, etc.):

5. Describe the location of the patio in relationship to the licensed interior. The patio should be immediately adjacent or contiguous to the interior licensed area so that it does not appear to be a standalone patio.

6. Describe how patrons will access the patio.

7. Will servers have to carry liquor through any unlicensed areas to get to the patio? No Yes **If yes, please explain:**

8. Describe how staff will manage and control the patio from the interior licensed area.

9. Is the patio located on: (a) grass, (b) earth, (c) gravel, (d) finished flooring, (e) cement sidewalk or (f) other (please specify below). If located on grass, earth or gravel, please make sure that you have local health authority approval.

10. Will the patio have a fixed or portable liquor service bar? Yes No

11. If "No", will liquor be served from the interior service bar? Yes No

Note: A resolution from your local government or First Nation commenting on the application is required. Please see Parts 3 and 4 for an explanation of what the local government or First Nation is required to consider.

PART 2: Structural Changes (Excluding construction of new patios)

Fee: \$440	C3 - Cap Ch.
	C4 - No Cap Ch.

Provide the following information:

1. Describe in full detail the reason for this application and what the changes are that you want considered.

The restaurant area will be fully renovated into a Match Patio & Public House. The gaming floor will be fully renovated that will include: the removal of Shift Manager and Security office area; creation of a new Bingo area, removal of bistro and lounge areas, an increase and reconfiguration of slot machines; creation of a Player's Club/Greeting Desk; and a single access point to the casino floor staffed by Security.

2. Attach one 11" x 17" updated floor plan of the establishment which shows the changes proposed and has the determined occupant load calculations stamped on the plan. The floor plan is a view of the establishment as seen if you were to remove the roof or ceiling.

Floor plans must:

- Show acceptable levels of detail
- Show the dimensions of rooms and provide labels for each room as well as identify unlicensed areas, partial height walls, full height walls, planters, doors and windows, stairs showing direction of travel and all entrances and exits, washrooms, kitchens, bar, patio(s), and furniture layout must be marked on the plan you submit

Note: The occupant load calculation is generally provided by local building or fire authorities in your area. If you are advised that local building or fire authorities do not have jurisdiction or opt out of providing this calculation, provide written confirmation from that authority. You may then take your plan to an alternate qualified architect or design professional who will authorize the calculation. Do not submit this application if you do not have updated floor plans with updated current occupant load.

3. Current total of all licensed areas (as shown on the liquor licence):

4. By making these alterations, the total occupant load will:

- Decrease to: (patrons plus staff)
- Stay the same: (patrons plus staff)
- Increase to: (patrons plus staff)

If there is an increase, a resolution from your local government or First Nation commenting on the application is required. Please see Parts 3 and 4 for an explanation of what the local government or First Nation is required to consider.

PART 3: Local Government/First Nation Resolutions: Information for the Applicant

A resolution from your local government or First Nation commenting on the application is required for the following change types:

- Part 1: Addition of a new patio
- Part 2: Any alteration/addition, when the proposed change increases the occupant load calculation.

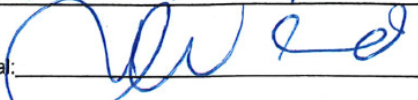
Licensee responsibilities:

1. Fill out applicable sections of this form.
2. Attach floor plan showing the proposed changes and stamped with an updated and current occupant load calculation.
3. **Take your completed application, updated floor plan with updated occupancy load calculation to your local government/First Nation office. They will photocopy all of the documents and complete Part 4.**
4. Request that a resolution be provided within 90 days and sent via email or post directly to the Liquor Control and Licensing Branch, Victoria.
5. Send the completed original form, floor plan and application fees to the branch.
6. The Liquor Control and Licensing Branch will follow up with the local government/First Nation if a resolution has not been received by the Branch within 90 days of the local government's receipt of your request.

Your local government/First Nation may decide that it does not wish to provide comment on your change request. However, they must still provide a resolution or letter stating this decision and submit it directly to the Liquor Control and Licensing Branch.

PART 4: Local Government/First Nation Confirmation of Receipt of Application

This is to be filled out by your local government/First Nation office in relation to Parts 1 and 2. Applies to Liquor Primary and Liquor Primary Club licences.

Local government/First Nation (name): City of Courtenay
Name of Official: WARD, JOHN W. Title/Position: CORPORATE OFFICER
(last / first / middle)
Email: WARD@COURTENAY.CA Phone: 250-703-4853
Signature of Official:  Date of receipt of application: 08/09/2016
(day / month / year)

This application serves as notice from the Liquor Control and Licensing Branch (LCLB) that an application for a permanent change to a liquor licence is being made within your community. LCLB requests that a resolution commenting on the application be sent to the LCLB Victoria Head Office within 90 days of the above date of receipt. If more than 90 days is required to provide a resolution, please contact the branch to make a request to the general manager for an extension. If the local government/First Nation decides not to provide comment, a resolution or letter indicating this decision must be provided to the branch.

All of the items outlined below in points (a) through (d) must be addressed in the resolution in order for the resolution to comply with section 53 of the Liquor Control and Licensing Regulation. Any report presented by an advisory body or sub-committee to the council or board may be referenced in and attached to the resolution.

- (a) The potential for noise if the application is approved (provide comments).
- (b) The impact on the community if the application is approved (provide comments).
- (c) If the amendment may affect nearby residents, the local government or first nation must gather the views of residents in accordance with 11.3(2)(c) of the Act.
 - If the local government or first nation gathered the views of residents, they must provide:
 - (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.(Residents includes residents and business owners)
 - If the views of residents were not gathered, provide reasons.
- (d) Its recommendation with respect to whether the amendment should be approved.

For more information on resolutions regarding B.C. liquor licences, please visit the LCLB website publication index to consult the guide *Role of Local Government and First Nation* at <http://www.pssg.gov.bc.ca/lclb> under "Publications, Legislation & Resources".

PART 5: Declaration of Signing Authority Including Valid Interest

My signature, as Applicant, indicates that, with respect to the establishment:

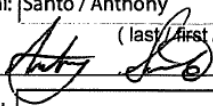
- I am the owner of the business to be carried on at the establishment or the portion of the establishment to be licensed.
- I am the owner or lessee of the establishment or portion of the establishment to be licensed. If I have an option/offer to lease the establishment, or portion of the establishment to be licensed, prior to a licence being issued, I will obtain a completed lease that will not expire for a minimum of 12 months after the date the licence is issued.
- I understand that the general manager has the right to request the following documentation supporting valid interest at any time and I agree to provide the requested documentation in a timely manner upon request:
 - If the applicant owns the property, a Certificate of Title in the applicant's name.
 - If the applicant is renting or leasing, a fully executed lease or assignment/offer of lease which does not expire for at least 12 months from the date the licence is issued. An offer for rent/lease must show rent paid, have a term and an expiry date and be signed by both the applicant and the property owner.
 - If the applicant is buying the land and the building(s), a copy of the offer or option to purchase the property and building(s). An offer must show price paid, have a term and expiry date, and be signed by both the applicant and the property owner.
- I understand that loss of valid interest at any time while holding a licence is reason for the general manager to consider cancelling the licence.
- I understand that I must advise the branch immediately if at any time the potential exists to lose valid interest either during the licensing process or once a licence has been issued.
- I understand that the name(s) on documentation demonstrating valid interest must be identical to the applicant name(s).
- As the licensee, I will be accountable for the overall operation, for all activities within the establishment and will not allow another person to use the licence without having first obtained a written approval from the general manager.
- I understand that a licence can only be renewed if I am the owner of the business carried on at the licensed establishment and I am the owner or lessee of the licensed portion of the establishment.

I solemnly declare that the statements in this declaration are true.

(Signature of any shareholder of a private corporation, signing officer of a public corporation or society, sole proprietor or all individuals in a partnership is required below):

Note: An agent, lawyer, resident manager or third party operator may not sign the declaration on behalf of the applicant.

Name of Official: Position: Date:
(last / first / middle) (Day/Month/Year)

Signature: X 

Name of Official: Position: Date:
(last / first / middle) (Day/Month/Year)

Signature: _____

Name of Official: Position: Date:
(last / first / middle) (Day/Month/Year)

Signature: _____

Name of Official: Position: Date:
(last / first / middle) (Day/Month/Year)

Signature: _____

Section 15(2) of the Liquor Control and Licensing Act states: "A person applying for the issue, renewal, transfer, or amendment of a licence who fails to disclose a material fact required by the form of application or makes a false or misleading statement in the form of application commits an offence".

False declaration of valid interest is reason for the general manager to consider terminating the licence application and/or cancelling the licence.

PART 6: Application Fees - Payment Options

TOTAL FEE Submitted: \$

In accordance with Payment Card Industry Standards, the branch is no longer able to accept credit card information via email.

Payment is by (check one):

- Cheque, payable to Minister of Finance (if cheque is returned as non-sufficient funds, a \$30 fee will be charged)
- Money order, payable to Minister of Finance
- Credit card: VISA MasterCard AMEX
- I am submitting my application by email and I will call with my credit card information. I will call Victoria Head Office at 250-952-5787 or 1-866-209-2111 and understand that no action can proceed with my application until the application fee is paid in full.
- I am submitting my application by mail and have given my credit information in the space provided at the bottom of the page.

Note: To ensure legibility, do not submit by fax.

Contact Information

Liquor Control and Licensing Branch

Location: 4th Floor, 3350 Douglas St., Victoria BC V8Z 3L1

For Mail Only: PO Box 9292 Stn Prov Govt Victoria, BC V8W 9J8

Phone: 250 952-5787 Web: www.pssg.gov.bc.ca/lclb E-mail: liquor.licensing@gov.bc.ca

Freedom of Information and Privacy Act - The information requested on this form is collected for the purpose of obtaining or making changes to a liquor licence application. All personal information is collected under the authority of Section 15 of the Liquor Control and Licensing Act (RSBC 1996, c.267). Questions should be directed to: Liquor Control and Licensing Branch, Freedom of Information Officer, PO Box 9292 STN PROV GOVT, Victoria, BC V8W 9J8. Ph: In Victoria, 250 952-5787 Outside Victoria, 1 866 209-2111. Fax: 250 952-7066

LCLB012a

5 of 5

Application for Structural Change

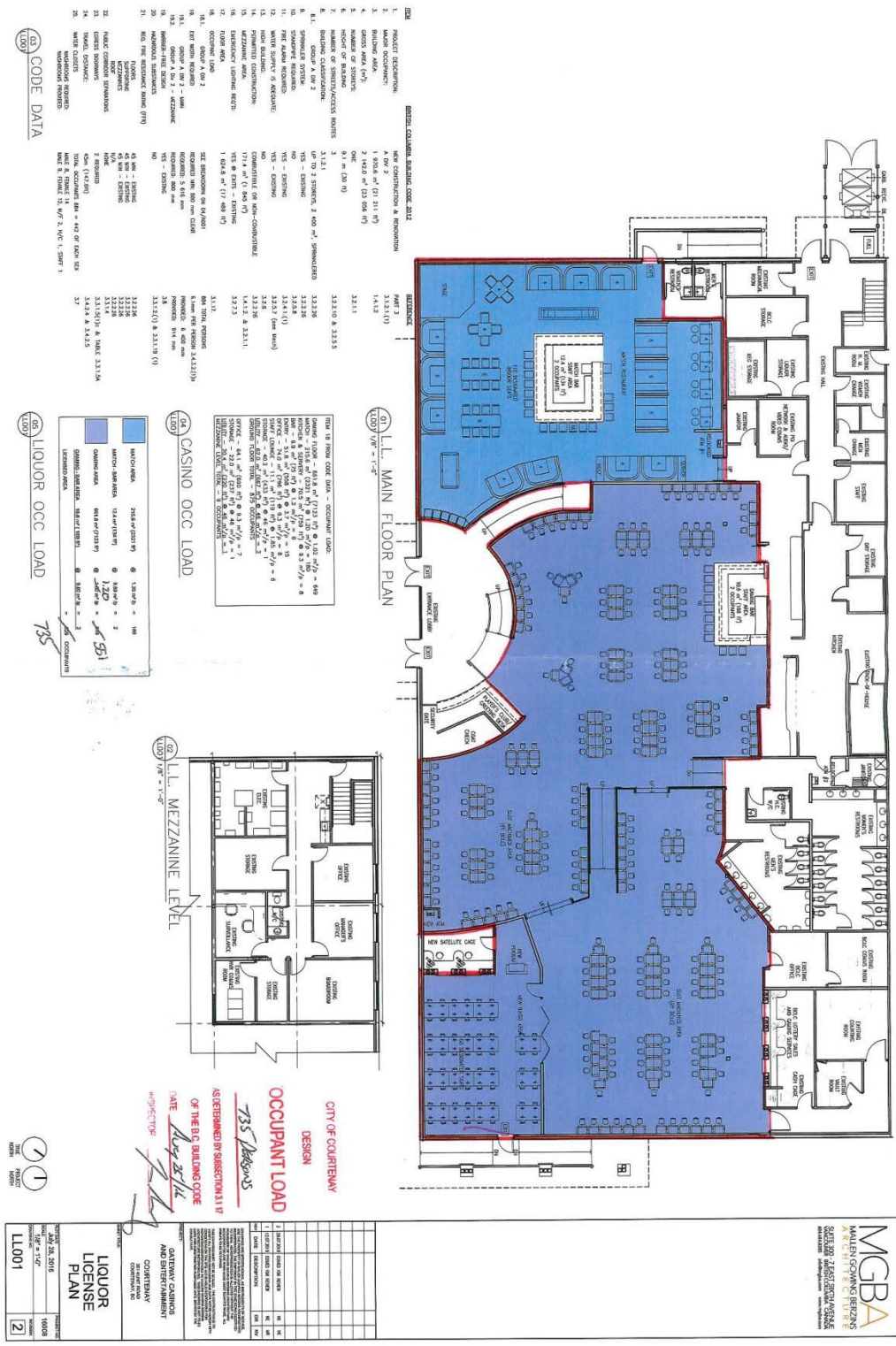
Credit Card Information (To be submitted by fax or mail only)

Name of cardholder (as it appears on card):

Credit card number: Expiry date: /
(Month) (Year)

Signature: _____

Appendix No. 2



CITY OF COURTENAY
 DESIGN
 735
 AS DETERMINED BY SUBSECTION 1.19
 OF THE B.C. BUILDING CODE
 DATE: [Signature]

MGBA
 MALDEN SCHEPERS BERZINS ARCHITECTURE LTD.
 2500 28th Street, Courtenay BC V9A 5E8
 Tel: 250-338-1111
 Fax: 250-338-1112
 www.mgba.ca

DATE: MAY 28, 2016
 SCALE: 1/8" = 1'-0"
 SHEET: L1001
 2



RECEIVED
SEP 28 2016
CITY OF COURTENAY

September 23, 2016

City of Courtenay
Development Services
City Hall - 830 Cliffe Avenue
Courtenay, BC, V9N 2J7

Letter of Intent

RE: Gateway Casinos & Entertainment Limited – Liquor Primary Licence – Structural Change – #138146

Business Identification Information

Chances Playtime Courtenay
361 Hunt Road
Courtenay B.C. V9N 9B8
Phone: 250-334-4531
Email: info@playtimegaming.com

General Manager

Kent Hockley
Office: 250-334-4531 ext. 108
Email: khockley@playtimegaming.com

Gateway Casinos & Entertainment Casino's Mission Statement

Gateway Casinos & Entertainment Limited's mission is to enhance our market leadership in Canadian gaming by providing exceptional entertainment and service to our guests and contributing time, commitment and caring to our local communities. By improving Gateway Casinos & Entertainment Limited ("Gateway") properties and products, we are making our facilities the preferred choice for customers who seek the best possible entertainment experience every time they visit.

Meaningful Commitment

At Gateway, we understand our responsibility as a good community partner and take it seriously. We are actively involved with local and regional non-profit organizations and events. We are one of the largest businesses in the Province and donate charitable contributions to a wide range of community interests. We also encourage employees to volunteer for the sheer joy of helping others – and to make their communities better places

to live. We know that when we help improve the quality of life for our communities, we all reap the benefits.

Overview

Gateway is increasing the food and beverage and entertainment offerings at our properties to enhance our customers' overall experience. As part of our new offerings, we are introducing a new sports bar concept under the Match Eatery & Public House brand that we are rolling out at many Gateway properties. The new offerings are designed to attract a broader demographic, drive foot traffic and increase total patron hours at our facilities to not only enhance the food and beverage environment but also enhance the gaming environment.

Through targeted capital investment in our properties, we strive to ensure our properties are attractive, best-in-class and cater to our customers' unique tastes and demands.

Facility Description

Courtenay is located on the East Coast of Vancouver Island in the Comox Valley region. The site is approximately 4 km west of the city center. Since 2012 Courtenay has had two separate facility upgrades around adding Slot Machine product as well as adding RED 21, a fast casual tap and grill concept.

The décor has a West Coast feel with a warm neighbourhood feel to colour and furnishings.

Total site Square footage is 20,000 feet

Parking is ample with 250 stalls all situated at the front of the building.

Scope of Current Project

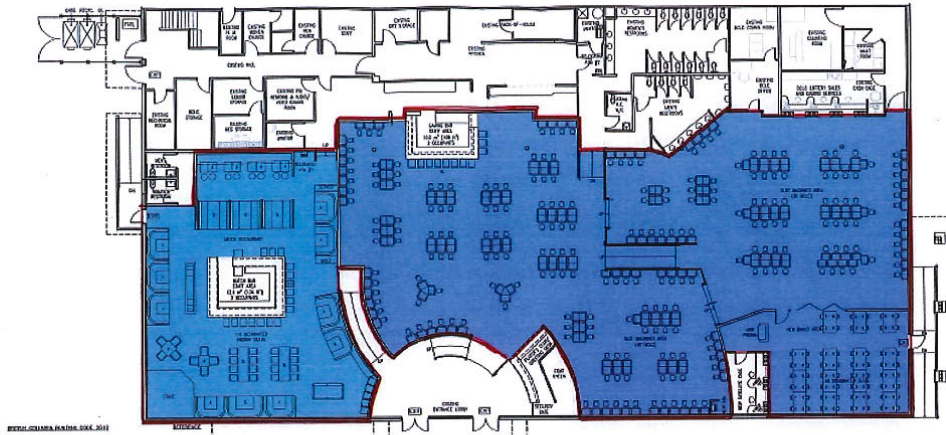
The scope of the project, which forms the basis of our Liquor Licence Structural Change Application (attached):

includes the deconstruction of the following:

1. Shift Manager Office (half circle at front)
2. Security Office (half circle at front)
3. Vestibule (half circle at front)
4. Bistro
5. Food Service Counter
6. Bar
7. Restaurant
8. Bingo
9. Ramps to slots
10. Administration & Food & Beverage Office

and includes the addition of the following:

1. Match Eatery & Public House
 - a. +2 Washrooms
 - b. Centre Bar
 - c. 132 interior seats
2. Bingo (60 spots)
3. Slots floor reconfiguration
4. Service Bar
5. Renovate areas to create offices for Shift Manager/ Security/ Food & Beverage Manager



Current and Anticipated Daily Operation Schedule

Current Gaming Centre Operating Hours

Slot floor:
Sun-Thurs 9:30am – 12:00am
Fri-Sat 9:30am – 1:30am

Kitchen Food Service – RED 21 Tap and Grill
Sun – Mon 9:30am – 10:00pm
Tues – Sat 9:30am – 11:00pm

Anticipated

Gaming Centre:
Sunday to Thursday 9:30am to 12:00am

Friday and Saturday 9:30am to 1:30am

Match Eatery and Public House
Sunday to Thursday 11:00am to 12:00am
Friday and Saturday 10:00am to 1:00am

Bingo Operations
Mon and Wed Evening Session Only 6:00pm – 9:00pm
Sun-Tues-Fri-Sat Daytime and Evening 12:00pm – 3:00pm & 6:00pm – 9:00pm
Closed Thursday

Noise

The potential noise arising from increased traffic to the facility is not expected to change.

Parking

Regular Stalls	236
Disabled	12
Motorcycle	2
Total	250

Serving It Right Training

All staff of Match and other food and beverage employees, gaming employees, Security Officers, and facility management complete BC's Serving It Right Certification.

Gateway Liquor Service Policies

Gateway has well-established house liquor service policies which all Gateway employees are mandated to follow (provided previously to LCLB and available upon request).

If you have any questions or require additional information, please contact me directly at (604) 296-5020 or by email at gatchison@gatewaycasinos.com.

Regards,



Glenn Atchison, CPA, CGA
Manager of Compliance
Gateway Casinos & Entertainment Limited
4331 Dominion Street
Burnaby, BC V5G 1C7
gatchison@gatewaycasinos.com