



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 4320-20

From: Deputy Chief Administrative Officer

Date: April 3, 2018

Subject: A Change to Existing Liquor Licence (Royal Canadian Legion) – 367 Cliffe Avenue

PURPOSE:

The purpose of the report is to provide Council with information for a resolution to the Liquor Control and Licencing Board (LCLB) with respect to the Royal Canadian Legion's application for transitioning licence classification from liquor primary club to liquor primary.

CAO RECOMMENDATIONS:

THAT, based on the April 3, 2018 staff report, "A Change to Existing Liquor Licence (Royal Canadian Legion)", Council approve OPTION 1 and direct staff to post notice on the City's website requesting public inputs on the proposed transition for Council consideration at the regular meeting scheduled for April 16, 2018.

Respectfully submitted,

John Ward, CMC
Deputy Chief Administrative Officer

BACKGROUND:

Royal Canadian Legion Branch number 17, the applicant, has applied to the the Liquor Control and Licencing Branch (LCLB) for a transition of the existing liquor licence from liquor primary club to liquor primary. The subject property is located at 367 Cliffe Avenue between 3rd and 4th Street. The purpose of this application is to enable the applicant to provide an added amenity liquor services to both the public and a wider range of events such as fundraisers, meetings, or ceremonies as it is restricted under the current licence.

Proposed hours of service will be maintained at Monday to Sunday between 11 AM and 1:00 AM.

According to the *Liquor Primary Terms and Conditions*, The general rules for Liquor Primary Club Licences are similar, but contain some special rules compared to Liquor Primary Licence as indicated below. A Club must:

- be legally incorporated as a society;
- have been in continuous operation for at least one year;
- have at least 50 members who pay \$10 or more in annual membership fees;
- have its own facilities; and

- do its own catering and liquor sales (these functions may not be sublet)

In addition, clubs must:

- only sell liquor to members or their guests;
- keep a visitors' register;
- impose a limit on the number of guests entering the club; and
- report to the branch the results of their annual board elections (this keeps the branch informed about who is responsible for the liquor licence).

A club may also not solicit the general public in its advertisements. Staff understand the primary difference between the liquor primary club and liquor primary license is that the licenced facility is open to the general public.

Pursuant to section 11.1 (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 licence. In order to gather the views of residents, the City will post notice of the application on the City's main website for minimum two weeks. Then, Council sends a resolution in writing to the LCLB Victoria Head Office upon final decision made at regular Council meeting.

DISCUSSION:

With respect to zoning classification, the subject property is currently zoned C-1, which the use intended is permitted. The property is in transition area between the traditional commercial area and residential area. Neighbouring land uses are: Courtenay and District Museum to the immediate south, Native Sons Hall across Cliffe Avenue, Comox Valley Child Development Association to the north. Property to the west is parking lot.

The application was referred to both internal departments and external agencies including Kòmoks First Nation, Comox Valley Economic Development Society, utility companies, and RCMP for comment. No comments have been received to date.

Section 71 (9) of the *Liquor Control and Licensing Regulation* states that a local government or first nation that wishes to provide comments and recommendations for the LCLB under section 38 (3) of the Act must do so in accordance with the following requirements:

- (a) the comments and recommendations must be in writing;
- (b) the comments must include the views of the local government or first nation on
 - (i) the impact of noise on the community in the immediate vicinity of the establishment unless subparagraph (ii) or (iii) apply,
 - (ii) in the case of an application that involves a temporary use area endorsement, the impact of noise on the community in the immediate vicinity of the proposed locations of event sites under corresponding temporary use area authorizations,
 - (iii) in the case of an application that involves a lounge or special event area endorsement, the impact of noise on the community in the immediate vicinity of the location of the service area under the endorsement,
 - (iv) the general impact on the community, and

- (c) if the local government or first nation has gathered the views of residents under section 38 (3) (c) of the Act, the comments must include
- (i) the views of the residents, and
 - (ii) a description of the method used to gather those views;
- (d) the recommendations must include whether the application should be approved or rejected;

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 as it has been normal practice in the past years. Once Council receives public input on the application, a resolution addressing these 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 Council meeting scheduled on April 16, 2018.

FINANCIAL IMPLICATIONS:

There is no direct financial implication related to this application.

ADMINISTRATIVE IMPLICATIONS:

Administration of liquor licencing is included in the City's general statutory duties. To date, staff has spent three hours to process the application.

ASSET MANAGEMENT IMPLICATIONS:

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

STRATEGIC PRIORITIES REFERENCE:

We focus on organizational and governance excellence

- We support meeting the fundamental corporate and statutory obligations



- **Area of Control**
The policy, works and programming matters that fall within Council's jurisdictional authority to act.

OFFICIAL COMMUNITY PLAN REFERENCE:

There is no direct reference related to this application.

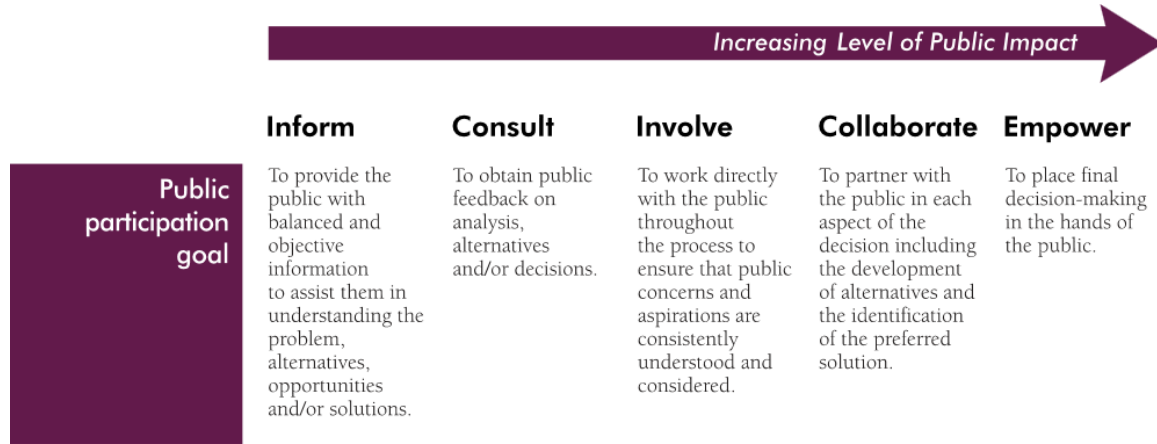
REGIONAL GROWTH STRATEGY REFERENCE:

There is no direct reference related to this application.

CITIZEN/PUBLIC ENGAGEMENT:

Staff will consult 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



Public comment gathering period is open between April 4 and April 16, 2018 on the City’s main website. Any comments received from the public will be forwarded to Council prior to the Council meeting on April 16, 2018.

OPTIONS:

- Option 1: Direct staff to publish notice on the City’s website requesting public input on the proposed change of liquor service hours for Council consideration at the regular meeting scheduled for April 16, 2018. (Recommended)
- Option 2: Direct staff to obtain public input through an alternative method
- Option 3: Direct staff not to proceed with the application and advise the LCLB that the City opts out providing a resolution

Prepared by:

Tatsuyuki Setta, MCIP, RPP
Manager of Planning

Approved by:

Ian Buck, MCIP, RPP
Director of Development Services

ATTACHMENTS:

Attachment No. 1: The applicant's written rationale

Attachment No. 1: The applicant's written rationale (1/3)



The Royal Canadian Legion
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Courtenay, BC V9N 2J1
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Web:
www.courtenaylegion.ca

APPLICATION TO TRANSITION FROM A LIQUOR PRIMARY CLUB LICENSE
TO LIQUOR PRIMARY LICENSE

AT: 367 CLIFFE AVENUE, COURTENAY, BC, V9N 2J1

APPLICANT: ROYAL CANADIAN LEGION, BRANCH NO. 17

LETTER OF INTENT

INTRODUCTION

This Letter of Intent is provided in support of the application submitted to the Liquor Control & Licensing Branch by the Royal Canadian Legion Branch 17 Courtenay for a transition of the existing Liquor Primary Club License to a Liquor Primary License. The proposed conversion will maintain a member only section and will also allow for a general public section.

The liquor primary license will provide an added amenity for liquor service to the public and a wide variety of events such as Fundraisers, Seasonal Parties (i.e. Christmas, Halloween), Corporate Meetings, Receptions, Public Functions, Ceremonies, Sporting Events, Celebrations of Life, Meat Draws, Music Events, Saturday bands, Card Games (for amusement only) and Dancing. The license will also provide a section for customers to come and play Games of skill (such as darts, and pool). Food service will be available, and the regular Friday Steak and Burger Nights will continue.

The hours of licensing will be maintained at Monday to Sunday 11 am – 01:00 am.

The target market for this venue will be local/visiting residents, businesses and Legion Members. The Liquor Primary license will allow the Legion to include the general public in its many functions and provide an additional venue for fundraisers as well as community and special events. It will also provide a venue for local musicians to perform, therefore support for local artists.

Attachment No. 1: The applicant's written rationale (2/3)

COURTENAY LICENSEES:

NAME	ADDRESS	LICENSE TYPE
MEX PUB	1010 RYAN RD	LIQUOR PRIMARY
BEST WESTERN WESTERLY HOTEL	1590 CLIFFE AVE	LIQUOR PRIMARY
BEST WESTERN WESTERLY HOTEL	1591 CLIFFE AVE	LIQUOR PRIMARY
ORDER OF ELKS, #60	231 6TH STREET	LIQUOR PRIMARY
WHISTLE STOP	2355 MANSFIELD DR	LIQUOR PRIMARY
HIGH TIDE PUBLIC HOUSE	268 5TH STREET	LIQUOR PRIMARY
MT. WASHINGTON HOSTEL	275 8TH STREET	LIQUOR PRIMARY
CHANCES COURTENAY	361 HUNT RD	LIQUOR PRIMARY
COURTENAY AND DISTRICT FISH AND GAME ASSOC.	3780 COLAKE RD	LIQUOR PRIMARY
CROWN ISLE GOLF CLUB	399 CLUBHOUSE DRIVE	LIQUOR PRIMARY
SID WILLIAMS CIVIC THEATRE	442 CLIFFE AVE	LIQUOR PRIMARY
COMOX VALLEY CURLING CLUB	4835 HEADQUARTERS RD	LIQUOR PRIMARY
SUNNYDALE GOLF CLUB	5291 ISLAND HWY N	LIQUOR PRIMARY

The Legion will not be increasing its seating capacity and will basically be operating in the same format as it currently is. The removal of the club endorsement will negate the requirement to sign in guests and will not result in any increase in the noise factor in the community.

OTHER FACTORS:

The applicant also submits the following additional factors for consideration:

- A Liquor Primary License would be of great benefit to the Legion and the community;
- The maximum licensed capacity of this facility will not be increased;
- There is a need for this type of space within the community;
- There will be food service available;
- The applicant wishes to retain their Family Food Services endorsement;
- The applicant wishes to retain their Off Premises Sales endorsement;
- There will be no notable noise increase;
- The Legion will continue to provide space for the many non-profit, Cadets, Minor Sports and fitness groups from the community;
- Since 1998 the Courtenay Legion has donated over \$175,000 to support healthcare in the Comox Valley; and
- The Legion has been a part of the Courtenay community since 1927

Attachment No. 1: The applicant's written rationale (3/3)

THE COURTENAY LEGION BRANCH OFFERS:

- A bright, friendly atmosphere;
- A range of BC Lotteries games (Keno, Pacific Hold'em and Pull Tabs);
- A games room with two (2) pool tables and (6) dart boards and a variety of Dart Leagues in the winter months;
- Meat draws on Friday (5-7pm) and Saturdays (2-5pm);
- A refurbished Upper Hall, ideal for weddings, meetings, banquets and sports tournaments;
- Special Events including steak nights, New Years Eve, Mothers/Fathers Day, Veterans lunches, Elders drop in darts, weekly dances, Remembrance Day Parade, services and Open House, Tour de Rock, Victoria Day, Canada Day celebrations, etc;
- Host to various sporting events, dart, pool and crib/euchre leagues.

Respectfully Submitted by:



Glenn Litchfield

President

Branch 17 Royal Canadian Legion

