



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 4320-20

From: Chief Administrative Officer

Date: May 7, 2018

Subject: A New Liquor Licence (Match Eatery and Public House) – 361 Hunt Road

PURPOSE:

The purpose of the report is to provide Council with information for a resolution to the Liquor Control and Licensing Board (LCLB) with respect to the Playtime Gaming Group's application for a new liquor primary licence for the above referenced business and location.

CAO RECOMMENDATIONS:

THAT, based on the May 7, 2018 staff report, "A New Liquor Licence (Match Eatery and Public House) – 361 Hunt Road", Council approve OPTION 1 and direct staff to post notice on the City's website requesting public input on the proposed new liquor primary licence application for Council consideration at the regular meeting scheduled for May 22, 2018.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

Playtime Gaming Group Inc. has applied to the the Liquor Control and Licensing Branch (LCLB) for a new liquor primary licence with a Family Foodservice Term and Condition for their new food establishment called "Match Eatery and Public House". This liquor licence application is explicitly for the service area established within the existing building at the subject property. The intent is to open the new restaurant as soon as the new licence is granted. Although the City has approved the development permit for the patio, this licence application excludes the patio area.

Proposed Hours of Service:

	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Open	10 AM	10 AM	10 AM	10 AM	10 AM	10 AM	10 AM
Close	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:30 AM	2:30 AM

Pursuant to section 38 (3)(c) of the *Liquor Control and Licensing Act*, the local government must gather the views of residents when the applicant has given the local government for the area in which the establishment is proposed to be located or is located notice of the application. 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. Then, Council sends a resolution in writing to the LCLB Victoria Head Office for their final decision.

DISCUSSION:

The applicant attempted to apply for a new liquor primary licence for "Match Eatery and Public House" including a patio last year. Subsequently, they made several changes to their development plan by modifying service area and loading capacity. The change includes separating the proposed patio off from the original plan and creating a new liquor primary licence for "Match Eatery and Public House" with a Family Foodservice Terms and Condition (accompanied minors permitted until 10 PM). If a new licence is granted by the LCLB, the applicant's plan is to open and operate the restaurant entirely within the existing building.

The proposed use is permitted under the current zoning and meets all other requirements including the required number of parking stalls.

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 38 (3) (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 for a simple application like this and this 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 May 22, 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 four hours to process the application.

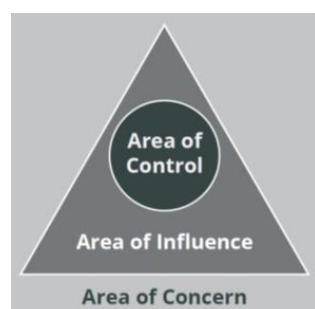
ASSET MANAGEMENT IMPLICATIONS:

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.

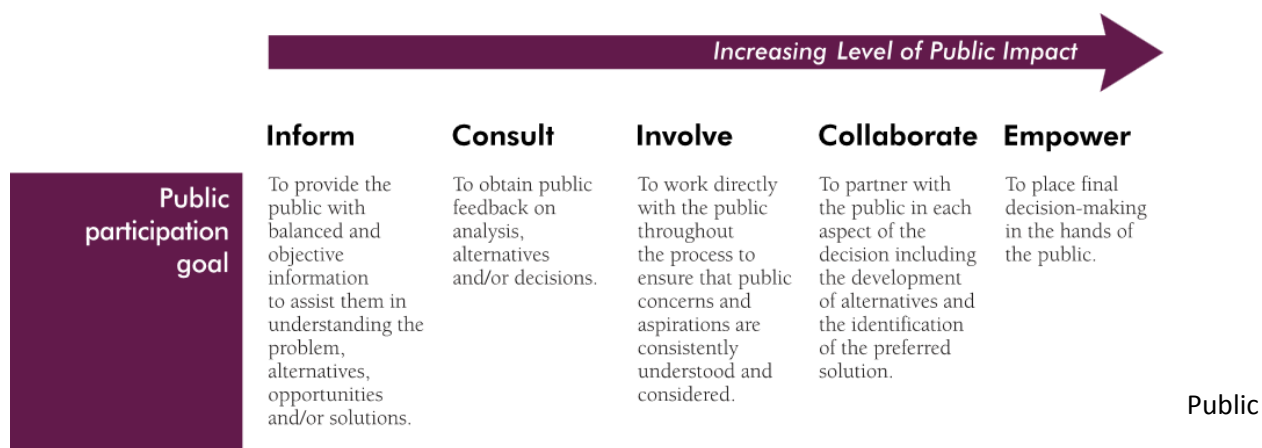
REGIONAL GROWTH STRATEGY REFERENCE:

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



comment gathering period is open between May 8 and May 22, 2018 on the City's main website. Any comments received from the public and the standard referral procedure will be attached to staff report for the Council meeting on May 22, 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 May 22, 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 does not support the request

Prepared by:



Tatsuyuki Setta, MCIP, RPP
Manager of Planning

Approved by:

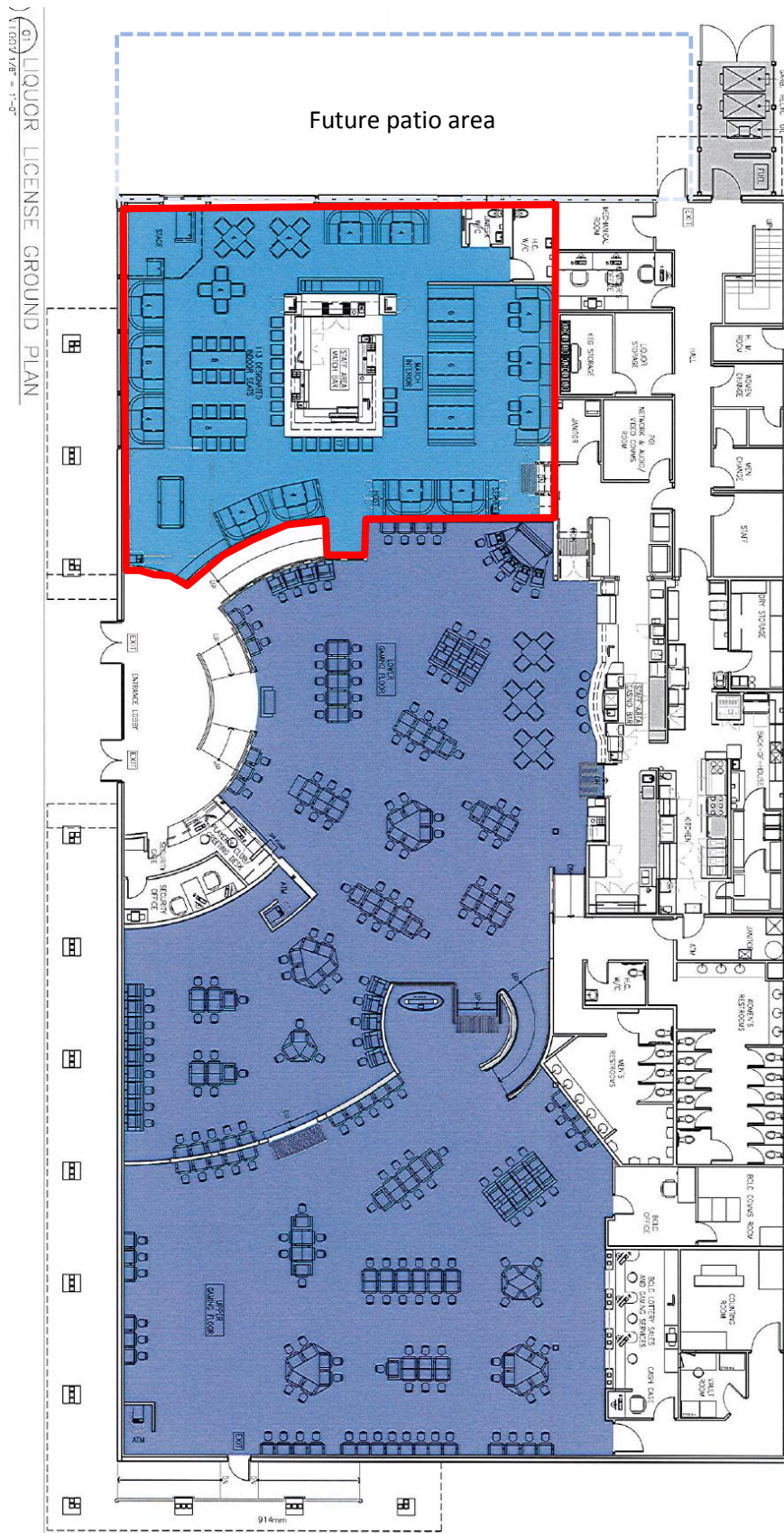


Ian Buck, MCIP, RPP
Director of Development Services

ATTACHMENTS:

- Attachment No. 1: Proposed Licenced Area
Attachment No. 2: The applicant's Letter of Intent

Attachment No. 1: Proposed Licenced Area



The area to include in the
Licence



GATEWAY
CASINOS & ENTERTAINMENT LIMITED

Attachment No. 2: The applicant's Letter of Intent

April 24, 2017

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

Letter of Intent

RE: New Liquor Primary Licence with Family Foodservice Term and Condition

Business Identification Information

Chances Courtenay & Match Eatery & Public House
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

Introduction

Gateway Casinos & Entertainment Limited ("Gateway") has identified an opportunity to enhance the customer experience by modernizing and expanding the layout of its Courtenay site's liquor service areas. This modernization includes:

1. removing the Match Eatery & Public House ("Match") liquor service area from the current Liquor Primary Licence;
2. adding a patio to Match; and
3. creating a new Liquor Primary Licence for Match with a Family Foodservice Term and Condition.

Opportunity (Target Market)

With an opportunity to add a Family Foodservice Term and Condition (Accompanied Minors Permitted until 10pm) to a Liquor Primary Licence, Gateway would like to expand its offerings at Match to families while still excluding minors' access to gaming products and services.

To take advantage of this opportunity, Gateway is requesting the Liquor Control and Licensing Branch (“LCLB”) and the City of Courtenay to approve:

- the creation a new Liquor Primary Licence with a Family Foodservice Term and Condition for Match and its to-be-built patio with a total occupant load of 235 (115 interior; 120 Patio).

An LCLB application is being submitted at the same time to reduce the Chances Liquor Primary Licence occupant load from 735 to 649.

- The existing licence shows an occupant load of 419, however, an LCLB Structural Change Application currently in progress and, as approved already by City of Courtenay Council, increases the Occupant Load to 735 with the interior build of Match.

Primary Business Focus

Match Eatery & Public House is a contemporary-themed public house offering a dining destination and premium sports viewing experience. Energetic, attentive and confident staff will serve pub staples, with a local gastro flare.

Entertainment

Throughout the week, Match will show events people want to watch, and families will be able to dine and enjoy. As the week graduates into the weekend, Match will become more energetic and vibrant with sporting PPV events, bands, DJ's and dancing. A variety of activities such as pool, foosball & shuffleboard will provide additional entertainment options.

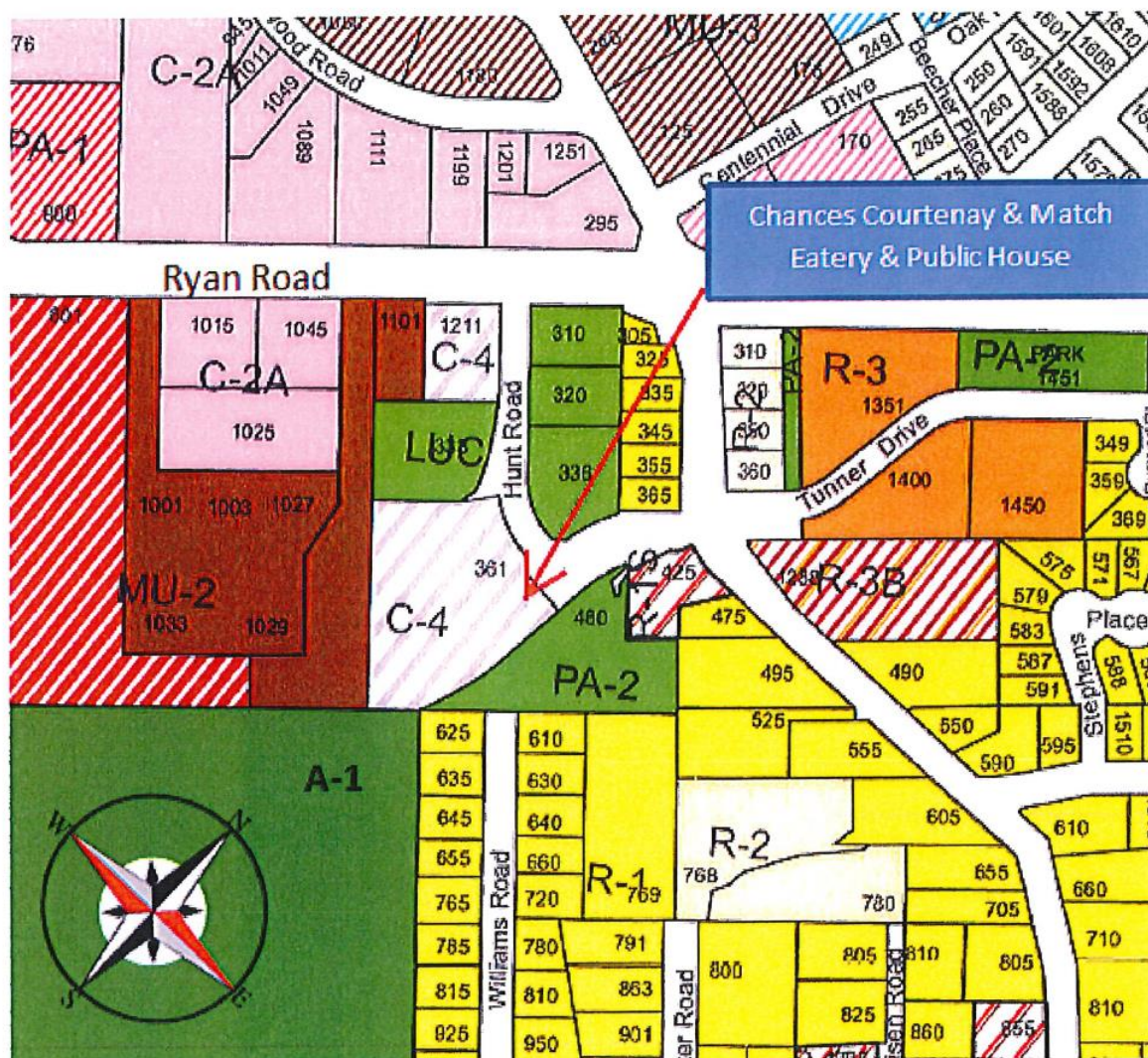
Food Service

Match will offer full service menus with signature pub staples and a kids menu during all hours of operation. Menus are standardized throughout Gateway's seven (7) other Match Eatery & Public House locations and can be viewed online.

Composition of the Neighbourhood

The location site of Match Eatery & Public House is zoned as commercial along with the land to the west of the site. The closest residential property to Match is approximately 100 metres to the east.

The below is a zoning map of the site and surrounding areas.



Legend:

- A – Agriculture
- C – Commercial
- LUC – Land Use Contracts
- MU – Multiple Use (Commercial & Residential)
- PA – Public Use & Assembly
- R – Residential

Noise

Upon request by the City of Courtenay, Gateway contracted BKL Consultants Ltd to conduct a Noise Impact Assessment for the planned renovations that include an outdoor patio and a performance stage in the restaurant area.

Recommendations and Conclusion from the Noise Impact Assessment:

Recommendations

To minimize the noise impact of the site, we recommend restaurant windows are closed after 10 pm on nights when the band is performing.

The assessment assumes that the music speakers have a relatively flat frequency response, i.e., that the bass is not louder than the rest of the music. To ensure this occurs on site, we recommend avoiding the use of subwoofers outdoors and that the sound systems are commissioned prior to use and equalized to ensure a flat frequency response.

If a permanent roof for the patio is installed, this has the potential to provide noise shielding for some of the elevated apartment units. However, there is also the potential that patrons will raise their voices further in order to hear each other as the patio will be a semi-enclosed space. To minimize this risk, we recommend adding an acoustically absorptive treatment with a minimum NRC of 0.9 to the underside of the patio roof.

Conclusions

Predicted noise levels from the proposed outdoor patio and break-out noise from the restaurant are expected to be below both the daytime and nighttime project noise criterion for most receivers, provided noise source levels are within the expected range.

Patio and restaurant noise is predicted to exceed the nighttime criteria for some receivers in the apartment building west of the site, specifically those on the east facade and for some of the apartments facing into the courtyard. For these receivers, the project noise levels are expected to exceed the nighttime criteria when windows are open. With windows closed, we expect the internal noise level criteria to be achieved.

The significance of the noise impact at the apartment receivers will depend on the current noise levels that they are exposed to, including noise from the existing venue to the west of the apartment building. We note this venue has an existing patio area. Noise impacts can be minimized by following our recommendations noted above.

Gateway commits to following all recommendations made by BKL Consultants Ltd.

Parking

Regular Stalls	236
Disabled	12
Motorcycle	2
Total	250

Security & Surveillance

Gateway's security personnel at its facilities provide an extremely secure environment for its customers and employees.

1. Security will immediately respond when notified by surveillance or by an employee via the radio to attend due to a specified situation.
2. Gateway staff are mandated to ask for two pieces of ID per LCLB regulations when verifying an individual's age.
3. Security is stationed at the entrance to the gaming facility and conducts ID checks on everyone who looks under 30 years of age. Gateway's standard exceeds LCLB's "19 years of age" and BCLC's "25 years of age" ID requirements.

Additional surveillance cameras are installed to provide increased surveillance camera coverage of interior and exterior facility areas.

Serving It Right Training

All facility food and beverage employees, all gaming employees, all Security Officers, and all facility management are required to 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. Gateway has a "3-Tier" policy system:

1. House Liquor Service Policy (Tier 1) is posted for patrons and employees at all of its facilities, both in Alberta and British Columbia;
2. Responsible Liquor Service Policy (Tier 2) is reviewed and signed off by all food and beverage and gaming employees to ensure liquor service is provided in a responsible, courteous, lawful and professional manner to ensure a safe working environment for employees and a safe and enjoyable social environment for customers; and
3. Alcohol Regulations - Responsibilities Policy (Tier 3) is reviewed and signed off by Management, Food & Beverage Department, Security Department, Surveillance Department, and the Human Resources Department at each Gateway property to assign responsibility for ensuring employees follow all laws as they relate to the sale and service of alcohol.

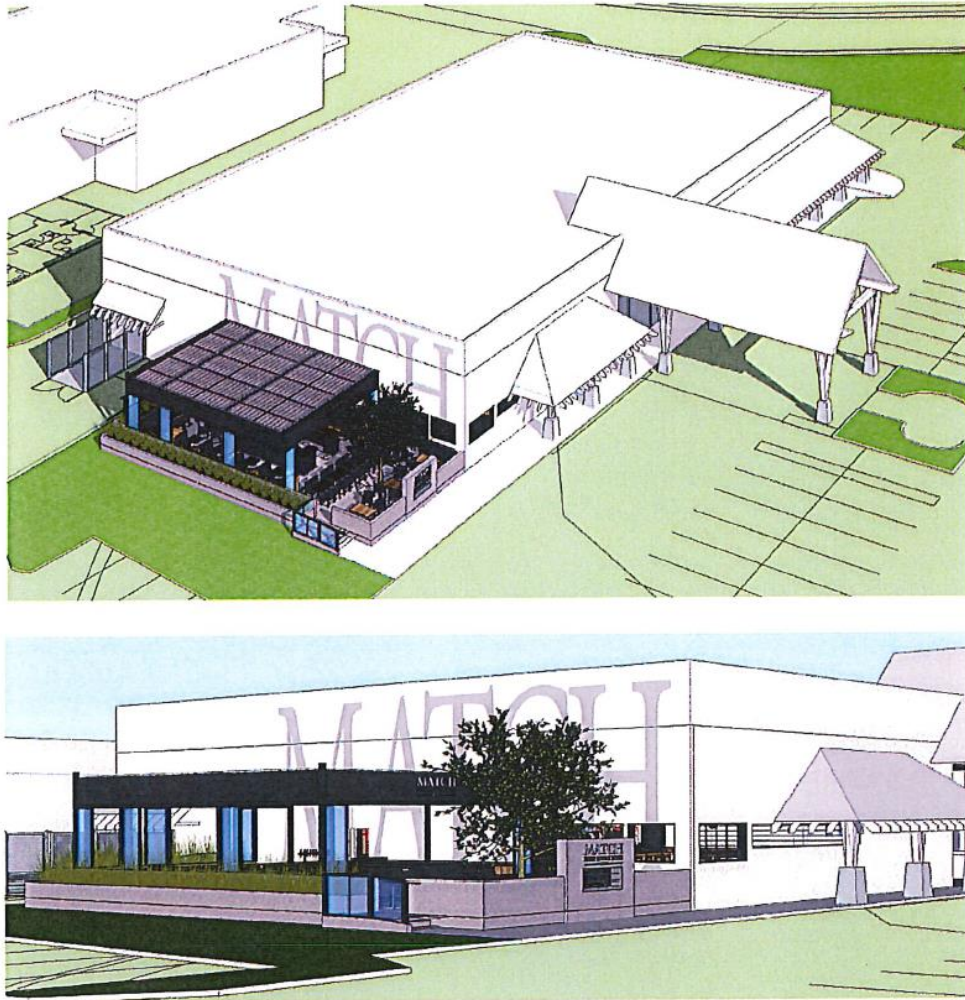
Family Foodservice Term and Condition

Gateway is requesting LCLB approve a "Family Foodservice Term and Condition" for the new Liquor Primary Licence for Match Eatery & Public House.

Appropriate signage and procedures will be in place to ensure no minors are in Match after 10PM.

Exterior – Renderings

Below are renderings of the facility's Match Eatery & Public House and its proposed patio:





Daily Operating Schedule

The anticipated schedule of Match Eatery & Public House is:

Sunday to Thursday 11:00am to 12:00am

Friday and Saturday 10:00am to 1:00am

The above may be subject to change due to increased demand. Operating times for the patio will be seasonal. It is expected that the patio will be open approximately 40% of the year from 11am to midnight, 7 days a week.

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

A handwritten signature in blue ink, which appears to read 'Glenn Atchison'.

Glenn Atchison, CPA, CGA
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