



## Committee of the Whole Report

For the Meeting of November 8, 2018

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**To:** Committee of the Whole    **Date:** October 18, 2018

**From:** Andrea Hudson, Acting Director, Sustainable Planning and Community Development

**Subject:** Application for a Permanent Change to Hours of Service for a Liquor Primary License (044231), Yates Street Taphouse, 759 Yates St.

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### RECOMMENDATION

That Council direct staff to provide the following response to the Liquor Licensing Agency:

1. Council, after conducting a review with respect to noise and community impacts, does support the application of Yates Street Taphouse, located at 759 Yates Street, to change the hours of liquor service from 11:30 am to 1:30 am Monday to Saturday and 11:00 am to 12:30 am Sundays to 9:00 am to 1:30 am Monday to Saturday and 9:00 am to 12:00 am Sundays.

Providing the following comments on the prescribed considerations:

- a. The impact of noise on the community in the vicinity of the establishment has been considered in relation to the request is not expected be an issue.
- b. If the application is approved, the net impact on the community is expected to be positive economically as the approval supports the request of the business and presumably their long term viability as a local business and employer.
- a. The views of residents were solicited via a mail-out to neighbouring property owners and occupiers within 100 metres of the licensed location and a notice posted at the property. The City received three letters opposed to the application, and one letter indicating support. The City did not receive correspondence regarding the application from the Downtown Residents Association.
- b. Council recommends the issuance of the license.

## PURPOSE

The purpose of this report is to seek Council resolution, in accordance with the requirements of the *Liquor Control and Licensing Act* (the Act), regarding an application by the Yates Street Taphouse to change their Liquor Primary License service hours at 759 Yates Street as follows.

### Current Hours of Liquor Service:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	11:30 am	11:30 am	11:30 am	11:30 am	11:30 am	11:30 am	11:00 am
Close	1:30 am	1:30 am	1:30 am	1:30 am	1:30 am	1:30 am	12:30 am

### Proposed Hours of Liquor Service:

	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	1:30 am	1:30 am	1:30 am	1:30 am	1:30 am	1:30 am	12:00 am

## BACKGROUND

The Liquor Control and Licensing Branch (LCLB) issues liquor licences under the authority of the *Liquor Control and Licensing Act* and regulations. Local governments are asked to provide comments and recommendations to the LCLB on all liquor-primary licence applications regarding:

1. The potential for noise.
2. Impact on the community if the application is approved.

LCLB applications for a permanent change to hours of business for Liquor Primaries do not require the applicant to submit a corresponding letter of intent.

A map of the subject property and the immediate area is attached to this report (Appendix A).

As noted above, this application is for a permanent change to the hours of liquor service for the Liquor Primary License. The Liquor Control and Licensing Branch is requesting a resolution from the City of Victoria regarding the application and the review criteria noted above.

## ISSUES & ANALYSIS

The following sections will identify the key issues and provide analysis for Council's consideration.

### City Liquor Licensing Policy

The City's Liquor Licensing Policy directs staff to consider applications for Liquor Primaries having hours of operation not later than 2:00 am. The applicable Council Policy is attached to this report (Appendix B).

The hours of licensed service proposed in this application are within the parameters of the policy.

## City Referrals

An inter-departmental review of the project has been undertaken by City staff. The inter-departmental review includes circulation to Bylaw, Planning, Community Development, Engineering and Police Departments. That review has resulted in the following feedback:

- Planning and Engineering Staff do not anticipate a noticeable impact on existing noise levels during licenced hours, transportation or the community in general due to the earlier hours and Bylaw Services has expressed no concern for the application.
- Police have made the following comments regarding the application.

*Police have no objections to the extension of hours for the Taphouse. The earlier opening/service times are of no significant concern. The application, if granted, should not have any impacts on policing in the area.*

## Community Consultation

In accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy, all property owners and occupiers within 100 metres of the establishment were solicited by a mailed notice to provide input regarding this application. In addition, Yates Street Taphouse displayed a notice poster at its entrance for 30 days which invited people to provide input to the City with respect to this application.

Three letters were received opposing the application to change hours of liquor service. The letters of concern focus on societal impacts of increased availability for alcohol and on potential for immediate impacts due to patron behaviours when intoxicated. The DRA did not provide correspondence regarding this application. One letter was received in support of the application from the public.

All letters are available in Appendix C.

## Applicant Response

As is standard practice as part of the liquor licence process, after City staff give input, the applicant has a chance to review the information (and this report) and respond prior to the report being forwarded to Council. The applicant has declined the opportunity to address the report.

In summary, after conducting a review with respect to noise and community impacts, and soliciting community views regarding Yates Street Taphouse's application to permanently change hours from 11:30 am to 1:30 am Monday to Saturday and 11:00 am to 12:30 am Sundays to 9:00 am to 1:30 am Monday to Saturday and 9:00 am to 12:00 am Sundays at 759 Yates Street, it is considered that the proposal is consistent with current City policy. Therefore, staff recommend that Council consider directing staff to notify the Liquor Licensing Agency that Council supports the application to extend hours of licenced service for the Liquor Primary License.

## IMPACTS

### Accessibility Impact Statement

None

Strategic Plan 2015 – 2018

The recommendation to support the application is likely to increase the business viability of the pub, which is consistent with Strategic Plan Objective #5 - *Create Prosperity Through Economic Development*.

Impacts to Financial Plan

None

Official Community Plan

The existing and proposed uses of the liquor primary license are consistent with the *Official Community Plan* objectives for this neighbourhood.

**CONCLUSIONS**

The application regarding the Liquor Primary License for Yates Street Taphouse to change hours from 11:30 am to 1:30 am Monday to Saturday and 11:00 am to 12:30 am Sundays to 9:00 am to 1:30 am Monday to Saturday and 9:00 am to 12:00 am Sundays is not in conflict with the City's current liquor licensing policy; therefore, staff recommend for Council's consideration that a resolution be made regarding the application, and that Council support the application to change the hours for the Liquor Primary License of Yates Street Taphouse.

**ALTERNATE MOTION (No Support)**

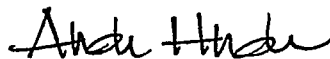
Alternate Motion

That Council, after conducting a review with respect to noise and community impacts regarding the application to extend hours of liquor service for a Liquor Primary License (044231), Yates Street Taphouse, 759 Yates Street, does not support the request for the amendment.

Respectfully submitted,



Ryan Morhart  
Manager  
Permits & Inspections



Andrea Hudson  
Acting Director  
Sustainable Planning & Community Dev.

Report accepted and recommended by the City Manager:



Date: Nov 2, 2018

**List of Attachments:**

- Appendix A: Aerial photograph (map) of the establishment and surrounding area.
- Appendix B: Liquor Licencing Policy – October 12, 2017
- Appendix C: Letters from the public
- Appendix D: Provincial Liquor License Types
- Appendix E: Police Comments