

**To:** Committee of the Whole **Date:** February 14, 2019

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

**Subject:** Application for a Lounge Endorsement to a Manufacturer's License (brewing) for Herald Street Brew Works, 506 Herald Street.

- a. The impact of noise on the community in the vicinity of the establishment has been considered in relation to the request and assumptions are the noise impacts would be proportional to existing licence capacity in the vicinity. The applicant and operator does not expect the establishment will have negative impacts on neighbours due to the operational concept and a commitment to minimize impacts through monitoring of, and communication to guests. The requested hours of operation and occupant load are not expected to result in disproportionately high negative impacts to the community.
- b. If the application is approved, the impact on the community is expected to be positive economically as the approval supports the business plan and long term viability of the establishment. The business model is seen to align well with recent changes made to zoning bylaws which encourage this type of development. The establishment contributes to the richness, and diversity of offerings in the area.
- c. The views of residents were solicited via a mail out which included 284 letters to neighbouring property owners and occupiers within 100 metres of the licensed location and a notice posted at the property. The City received two letters in response to the request, both of which were opposed to the application.
- d. Council recommends the license endorsements be approved.

## EXECUTIVE SUMMARY

The purpose of this report is to seek a Council resolution, in accordance with the requirements of the *Liquor Control and Licensing Act*, regarding an application by Herald Street Brew Works to add a lounge endorsement to their manufacturer's licence and having hours of operation from 9:00 am to 2:00 am daily, and an occupant load of 178 persons. The application has been reviewed by City staff including Planning, Engineering, Business and Community Relations, Bylaw, and Police. In addition, a public notification process is conducted, as required by the Liquor Licence Policy, to allow individuals and the community to share comments through written correspondence. The application has been reviewed against technical policy, and inputs provided by City staff, and through the public notification process have been considered. The proposal has also been considered in the context of the local vicinity and the City as a whole, all of which are reflected in this report and the resulting recommendation.

Herald Street Brew Works application to add a lounge endorsement to their manufacturer's licence, having hours of operation from 9:00 am to 2:00 am daily, and an occupant load of 178 is not in conflict with the City's current Liquor License Policy. The proposal is not inconsistent with other establishments in the area in terms of occupant load and hours, and cautions with compatibility of this proposal, along with others in the area has been expressed by staff due to increases in residential occupancies in the area. Opportunity for public comment included two letters opposed to the application. No letters were received in support of the application and no correspondence was received from the community association. Staff have recommended for Council's consideration that a resolution be made regarding the application, and that Council support the application to add a lounge endorsement to their manufacturer's licence, having hours of operation from 9:00 am to 2:00 am daily, and an occupant load of 178 persons at 506 Herald Street.

## 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 Herald Street Brew Works to have a lounge endorsement added to their manufacturing license and having hours of operation from 9:00 am to 2:00 am daily, and an occupant load of 178 persons.

The letter of intent provided in conjunction with the application is included as Appendix A.

## BACKGROUND

The Liquor and Cannabis Regulations Branch (LCRB) issues liquor licences under the authority of the *Liquor Control and Licensing Act* and regulations. LCRB determines the category of licence appropriate for the business based on submitted details. In the case of Herald Street Brew Works, the establishment will have a manufacturing licence with lounge endorsement. The manufacture's licence with lounge endorsement is the appropriate licence for the proposed business model and while they are not a food primary, licence conditions do require that food is available while open. Local governments are not referred the manufacturing licence component, but they are referred applications for lounge endorsement, and so at a minimum, the manufacturing component can be approved with no input from local government subject to Zoning Bylaw requirements.

With regard to the application for a lounge endorsement on their manufacturing licence at Herald Street Brew Works, local government is asked to provide comments and recommendations to the LCRB regarding:

1. The impact of noise on nearby residents.
2. Impact on the community if the application is approved.



A map of the subject property and the immediate area is attached to this report (Appendix B) and illustrates the 100m public notification area targeted for comment.

As noted above, this application is to have a lounge endorsement added to a manufacturing license, having hours of operation from 9:00 am to 2:00 am daily, and an occupant load of 178 persons. The Liquor and Cannabis Regulations 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:

### **Zoning**

The site is zoned for a Brew-Pub which is defined as facilities used for the consumption of beer, spirits, wine or other alcoholic beverages which are produced and manufactured on the premises and which may be provided in combination with Food and Beverage Service or Retail Trade. The zone places no restrictions on occupant loads or hours of operation. The production and manufacturing area for a Brew Pub (beer, spirits, wine) must not be located above the First Storey and is not permitted within six metres of the wall of any Building that abuts a Street or pedestrian walkway, except where the Brew Pub (beer, spirits, wine) is provided in conjunction with Retail Trade or Food and Beverage Service. Production capacity is limited to not more than 35% of the first storey floor area of a Brew Pub (beer, spirits, wine) for the purpose of production and manufacturing of beer, spirits, wine and other alcoholic beverages.

Compliance is demonstrated conceptually through application for a building permit and the resulting construction is monitored for compliance through the City inspection process related to the issued building permit.

### **Noise Bylaw**

The City's Noise Bylaw sets forth limits on four key areas within the City which are the Quiet District, Intermediate District, Harbour Intermediate and Activity District. Herald Street Brew Works is within the Intermediate Noise District and limited to 60 dBA at the point of reception during daytime hours which end at 10:00 pm. During nighttime hours, noise at the point of reception received is limited to 50 dBA in Quiet districts, 55 dBA in the Harbour Intermediate and Intermediate districts and 65 dBA in the Activity district. 50 dBA is comparable to rainfall, light traffic or a refrigerator and 60 dBA is comparable to conversational speech or an air conditioner. Where issues of non-compliance exist, Bylaw Officers and Police have authority to order compliance.

The City of Victoria Noise District Map is included for reference (Appendix C).

### **Vicinity and Municipal Impacts**

Predictability of noise related issues or other community impacts, negative or positive in effect, is challenging due to a number of variable factors. The business model, target clientele, quality of owner/operator, existing density of licenced capacity in the area, hours of service, demographics, and fluctuating populations due to tourism factor into predicting the likelihood of noise related issues and impacts on the community.

Consideration of those factors can assist a municipality to predict negative aspects associated with licenced establishments. The factors considered in conjunction with any application approval at

time of consideration change over the life of a licenced establishment, and when they do change, and issues arise, compliance related to noise and other aspects is re-established using tools of enforcement. These tools include LCRB enforcement which ensure responsible and appropriate service as required by the terms of the licence with LCRB. The Noise Bylaw can be enforced to bring an establishment into compliance, and police have authority to bring an establishment back into compliance where issues are more complex.

Herald Street Brew Works' application has been considered with regard to the impact it would have on the community and its potential to generate noise related issues. The impact has been considered in terms of the vicinity and within the city as a whole. The category of licence required by Herald Street Brew Works for their operational concept is a manufacturer's licence with lounge endorsement. This type of licence carries a requirement that they must provide, at a minimum, a variety of hot or cold snacks and non-alcoholic beverages during all hours of operation. The establishment is neither a Liquor Primary nor Food Primary but has been compared to both to illustrate the impact it is likely to have in the vicinity.

<b>Vicinity Analysis – Licenced Occupant Load and % Increase</b>							
Opening & Closing Hours	Herald Street Seating	Existing Liquor Primary Seats	Increase in Seat Capacity	Existing Food Primary Seats	Increase in Seat Capacity	All Existing Seats	Increase in Seat Capacity
9:00 AM	178	171	104.1%	431	41.3%	602	29.6%
2:00 AM	178	907	19.6%	115	154.8%	1022	17.4%
<b>City Wide Analysis</b>							
Opening & Closing Hours	Herald Street Seating	Existing Liquor Primary Seats	Increase in Seat Capacity	Existing Food Primary Seats	Increase in Seat Capacity	All Existing Seats	Increase in Seat Capacity
9:00 AM	178	15,504	1.15%	16,965	1.05%	32,469	0.5%
2:00 AM	178	9,253	1.9%	2,658	6.7%	11,911	1.49%

The local vicinity and the city as a whole have been considered in terms of contributory impact related to occupant load and hours of operation, and if approved, represents a 17.4% increase to licenced capacity in the evening hours within the vicinity and an increase of 1.49% city wide. Vicinity information is attached as Appendix D.

The hours proposed for licensed service are in keeping with the vast majority of other licenced establishments in the vicinity. Herald Street Brew Works' proposal and its potential impact on residents in the area is not expected to be significant in terms of contribution to existing conditions in the area. The area is well established as host to a number of licenced venues, but residential growth is expected in the area and compatibility of these interfacing uses creates potential for conflict due to disturbances. Approval will contribute to the impacts associated with licenced establishments, and at the hour of 2:00 am the impact is 1.49% in terms of existing licensed capacity city wide and 17.4% in the vicinity of the establishment.

### **City Liquor Licensing Policy**

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

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 Planning, Engineering, Community Development, Bylaw, and Police. That review has resulted in the following feedback:

### Planning

- The use is permitted in the zone and there is no restriction on hours of business.

### Engineering

- Transportation related noise impacts or general community impact are not anticipated.

### Business and Community Relations

- Business and Community Relations noted that, in its current context, the proposal is unlikely to cause issues typically associated with interfacing residential uses and licenced establishments during evening hours as the location is somewhat remote from residences in the area. However, caution is recommended where future residential developments are anticipated in close proximity to the establishment.

### Bylaw

- Bylaw echoes comments made by Business and Community Relations

### Police

- Police express limited concern regarding the application in context of the current make-up of businesses and residences in the area. However, concern regarding future residential development and proximity to this establishment is expressed. Full Police comments attached separately as Appendix F.

From the perspective of provincial process relative to Food Primaries, midnight can be considered as normal or expected in terms of impacts. LCRB's Food Primary licence category, regardless of occupant load, is not referred to local government for consideration of impacts unless the closing hours are past midnight. This is recognized as a baseline for potential impact associated with the establishment as any Food Primary could occupy the space with no limitations on occupant load and without consideration by local government where hours do not extend beyond midnight.

## 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 applicant's location were solicited by a mailed notice to provide input regarding this application. In addition, Herald Street Brew Works displayed a notice poster at the entrance for 30 days which invited people to provide input to the City with respect to this application.

A total of two letters were received, and both opposed the application. Concerns with the application were representative of experiences associated with other establishments in the area and a general preference to limit the amount of licenced establishments in the area to what currently exists. Correspondence from the Downtown Residents Association DRA was not received. The letters are available in Appendix G.

## Applicant Response

As is standard practice as a part of the liquor licence process, after City staff gives input, the applicant has a chance to review the information (and this report) and respond prior to the report being forwarded to Council. After the applicant reviewed City staff comments, the applicant chose to provide additional correspondence related to the staff review. This is available as Appendix H.

In summary, after conducting a review with respect to noise and community impacts and soliciting community views regarding Herald Street Brew Works application for a lounge endorsement to be added to their manufacturing license, and having hours of operation from 9:00 am to 2:00 am daily, and an occupant load of 178 persons, 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 for the addition of a lounge endorsement to the manufacture's 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 lounge endorsement and manufacturing license are consistent with the *Official Community Plan* objectives for this neighbourhood.

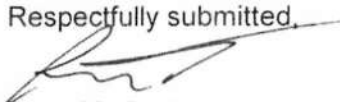
## CONCLUSIONS

The application for a lounge endorsement to Herald Street Brew Works manufacturing license, having hours of operation from 9:00 am to 2:00 am daily, and an occupant load of 178 persons is not in conflict with the City's current liquor licensing policy. While the site is zoned appropriately, caution is expressed regarding future residential development in close proximity to the establishment. In its current context, potential impacts related to the establishment if approved will likely be minimal based on experience with similar establishments and their proximity to residences in the area, and the establishment has proposed hours similar to other establishments in close proximity. Staff recommend for Council's consideration that a resolution be made regarding the application and that Council support the application for lounge endorsements for Herald Street Brew Works.

## ALTERNATE MOTION (No Support)

That Council, after conducting a review with respect to noise and community impacts regarding the application to add lounge endorsements to the manufacturing licences of Herald Street Brew Works, at 506 Herald Street, does not support the request for the amendment.

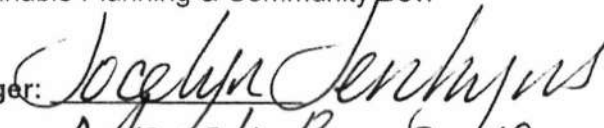
Respectfully submitted,

  
Ryan Morhart  
Manager  
Permits & Inspections

  
Andrea Hudson  
Acting Director  
Sustainable Planning & Community Dev.

Report accepted and recommended by the City Manager:

Date:

  
March 8, 2019

### List of Attachments

Appendix A: Rationale Letter  
Appendix B: Site Map  
Appendix C: Noise District Map  
Appendix D: Vicinity Map  
Appendix E: Council Policy  
Appendix F: Police Comments  
Appendix G: Public Response from 30 day posting  
Appendix H: Applicant Comments  
Appendix I: Provincial Liquor License Types





Nov. 14th, 2018.

To whom it may concern,

We are applying for a lounge endorsement for our new brewery at 506 Herald Street (Herald Street Brew Works).

My husband, Mike Spence and I (owners of The Drake Eatery), will be the owner/operators and we will be assisted by our partners, the owners of Steel & Oak Brewing from New Westminster. Steel & Oak Brewing is an award winning brewery and the owners, Jorden Foss and James Garbutt, are very well thought of in their city of New Westminster. We have secured an extremely talented young brewer, Ryan Voigt, who has made a name for himself in the Vancouver brewing scene. Ryan has relocated back home to Victoria, but while awaiting our opening, is currently interning with Cantillon in Belgium, one of the world's best breweries. We hope to open for business in May/June of 2019.

This will be a 'destination brewery' meaning all product is meant to be consumed on site in the Tasting Lounge or packaged in personal sized containers for take-home. There will be no traditional distribution to liquor stores, bars or restaurants therefore delivery vehicle traffic will be very limited. This also eliminates excessive noise associated with a commercial bottling line.

Herald Street Brew Works is meant to honour the rich history of old town Victoria. We also want to enhance the developing craft beer trail in Victoria. From Spinnakers, across the new bridge, through old town and over to the Rock Bay area. While our location is at the centre of what is mainly a commercial district we are aware of the new residential development now under construction nearby (IronWorks).



We plan on Herald Street Brew Works being a comfortable environment to socialize with family and friends, such as the atmosphere that we worked to create at The Drake Eatery. It will have no TVs but will have background music playing and will be a room to encourage conversation. Games such as darts and pinball may be included in one section. These spaces are inside and we do not expect there to be bothersome noise extending beyond our doors to the surrounding area. Live music may be included as part of very limited special events. Occasional, educational speaking engagements may occur that include video presentations. We will monitor our guests and ask that they be respectful to any neighbours when exiting the building.

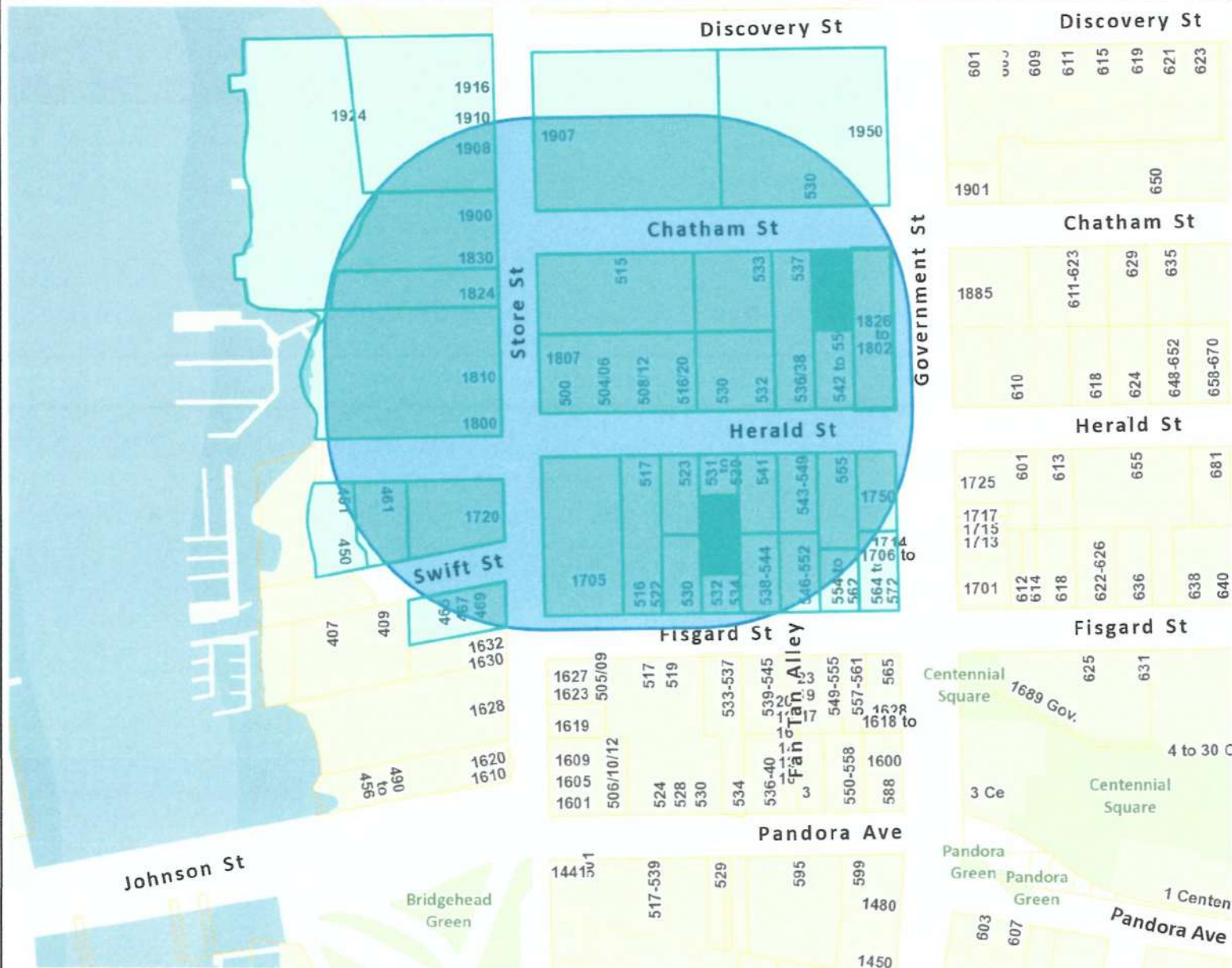
We will offer a variety of hot and cold prepared foods and snacks from The Drake Eatery, including nuts, pepperoni, cheese (also vegan cheese) and meat boards, and wrapped sandwiches. We have acquired two parking spots in the back parking lot, where one spot could potentially be used for a food truck to park, for additional food offerings. We will sell our rotating brews, a couple of guest beer taps, a couple of quality wines and cider, and Phillips sodas, juices and sparkling water. The offerings, serving sizes, pricing, well trained staff and 'family friendly' atmosphere will encourage a responsible and respectful environment for our guest.

Herald Street Brew Works will be a premium craft brewery that we feel will become a welcome cultural piece of old town Victoria.

Sincerely,



Lee Spence  
Owner/Operator The Drake Eatery  
work 250-590-9075  
cell 250-818-5465  
[lee.spence.112@gmail.com](mailto:lee.spence.112@gmail.com)



Legend

- Victoria Parcels

1: 2,678



## Notes

Appendix A

THIS MAP IS NOT TO BE USED FOR NAVIGATION

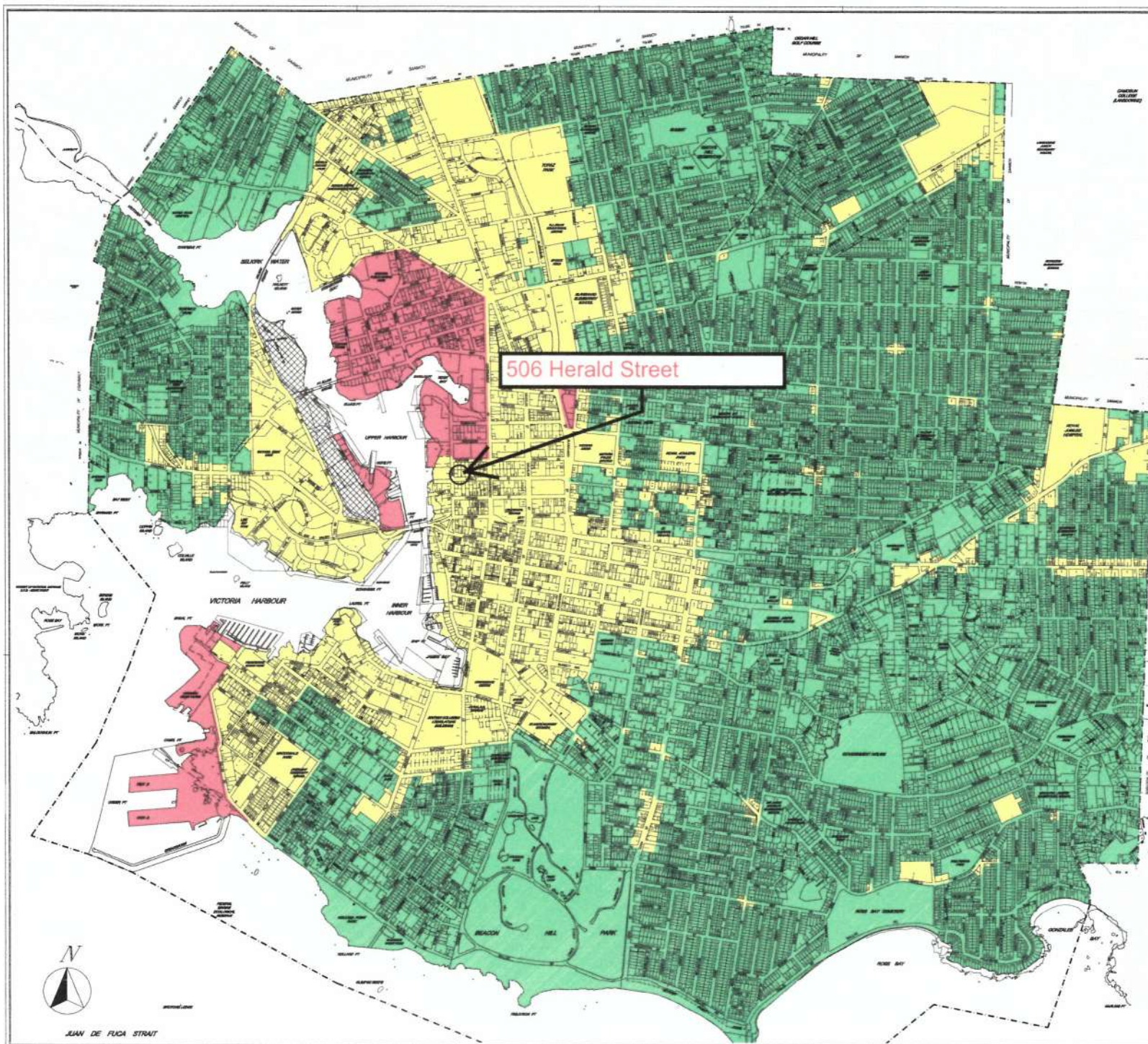
136	0	68	136 Meters
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NAD 1983 CSRS UTM Zone 10N

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 plan should be field confirmed by the user prior to beginning construction. BC Hydro, Fortis Gas, Telus, and Fibre Optics locations must be confirmed with the appropriate utility. For internal use only. Do not distribute.





# City of Victoria Noise District Map

## LEGEND

- Quiet District
- Intermediate District
- Harbour Intermediate District
- Activity District

Date: February 17, 2004

Scale: Not to Scale








				Fri	Fri	Sun	Sun	
1	Liquor Pri	DISCOVERY SPORTS CLUB	714 DISCOVERY ST	65	11:00 AM	1:00 AM	11:00 AM	12:00 AM
2	Liquor Pri	The Duke Saloon	502 Discovery Street	293	12:00 PM	2:00 AM	12:00 PM	2:00 AM
3	Food Prim	Union Pacific Coffee Co.	537 Herald St	28	9:00 AM	12:00 AM	9:00 AM	12:00 AM
4	Food Prim	Jam Cafe	542 Herald Street	45	9:00 AM	12:00 AM	9:00 AM	12:00 AM
5	Food Prim	Saveur	658 Herald St	50	10:00 AM	12:00 AM	10:00 AM	12:00 AM
6	Food Prim	Pho Vuong Restaurant	622 Fisgard St	70	10:00 AM	12:00 AM	10:00 AM	12:00 AM
7	Food Prim	Ocean Garden Restaurant (V	568 Fisgard St	70	11:00 AM	1:00 AM	11:00 AM	12:00 AM
8	Food Prim	OLO	509 Fisgard St	75	9:00 AM	2:00 AM	9:00 AM	12:00 AM
9	Food Prim	bap	626 FISGARD ST	40	10:00 AM	12:00 AM	11:00 AM	12:00 AM
10	Food Prim	Ambrosia Catering and Even	638 FISGARD ST	200	10:00 AM	12:00 AM	10:00 AM	12:00 AM
11	Food Prim	Forum Seafood Restaurant	612 Fisgard Street	80	11:00 AM	1:00 AM	11:00 AM	12:00 AM
12	Food Prim	WAH LAI YUEN	560 FISGARD ST	68	10:00 AM	12:00 AM	11:00 AM	12:00 AM
13	Food Prim	KWONGTUNG SEAFOOD REST	548 FISGARD ST	100	11:30 AM	1:30 AM	11:00 AM	12:00 AM
14	Food Prim	FAN TAN CAFE	549 FISGARD ST	40	12:00 PM	2:00 AM	11:00 AM	12:00 AM
15	Food Prim	Little Yunnan Restaurant	546 Fisgard Street	77	12:00 PM	1:00 AM	11:00 AM	12:00 AM
16	Food Prim	DON MEE RESTAURANT	538 FISGARD ST	280	11:00 AM	1:00 AM	11:00 AM	12:00 AM
17	Food Prim	Victoria Plaza Hotel	603 Pandora Avenue	229	10:00 AM	12:00 AM	11:00 AM	12:00 AM
18	Food Prim	Mo'Le	554 Pandora Avenue	50	9:00 AM	12:00 AM	9:00 AM	12:00 AM
19	Food Prim	Shanzee's Biscuit Cafe	529 Pandora Avenue	83	9:00 AM	12:00 AM	9:00 AM	12:00 AM
20	Liquor Pri	Metropolis Nightclub	603 Pandora Avenue	225	7:00 PM	2:00 AM	7:00 PM	12:00 AM
21	Liquor Pri	Victoria Plaza Hotel	603 Pandora Avenue	225	11:30 AM	1:30 AM	11:00 AM	12:00 AM
22	Liquor Pri	Swans	510 Pandora Avenue	171	9:00 AM	2:00 AM	9:00 AM	2:00 AM
23	Liquor Pri	Swans	510 Pandora Avene	218	12:00 PM	2:00 AM	12:00 PM	12:00 AM
24	Food Prim	Fishhook	100-407 Swift St	150	9:00 AM	12:00 AM	9:00 AM	12:00 AM
25	Food Prim	Canoe Brewpub, Marina, and	450 Swift Street	471	11:00 AM	1:00 AM	11:00 AM	12:00 AM
26	Liquor Pri	Canoe Brewpub Bar	450 Swift Street	15	12:00 PM	1:00 AM	12:00 PM	12:00 AM
27	Liquor Pri	Canoe Brewpub, Marina, and	450 Swift Street	300	11:00 AM	1:00 AM	11:00 AM	12:00 AM
28	Food Prim	Shizen Sushi	1706 Government Street	114	11:00 AM	1:00 AM	11:00 AM	12:00 AM
29	Food Prim	BRASSERIE L'ECOLE	1715 GOVERNMENT ST	50	11:00 AM	1:00 AM	11:00 AM	1:00 AM

THIS MAP IS NOT TO BE USED FOR NAVIGATION



	<b>Liquor Licencing Policy</b>
	Page 1 of 2
<b>SUBJECT:</b>	Liquor Licencing Policy
<b>PREPARED BY:</b>	Sustainable Planning and Community Development
<b>AUTHORIZED BY:</b>	City Council
<b>EFFECTIVE DATE:</b>	October 12, 2017
<b>REVIEW FREQUENCY:</b>	Every three years
	<b>REVISION DATE:</b>

**A. PURPOSE**

The purpose of the City of Victoria's Liquor Licensing Policy is to provide direction to the following parties:

1. Liquor licence applicants on the process and fees associated with City of Victoria review of applications;
2. Liquor Control and Licencing Board (LCBC) on the types of applications that the City will opt-out of providing comment on; and
3. City staff on application review and public notification criteria for those types of liquor licence applications that require review by Council and opportunity for the public to comment.

**B. POLICY STATEMENTS**

1. This policy applies to liquor license applications in the City of Victoria.:
2. The city will opt out of the review and comment requirements for the following types of applications;
  - a. Liquor Primary with licensed service up to 10:00 pm and having an occupant load less than 31 persons.
  - b. Manufacturer with Lounge Endorsement, Special Event Area, or Picnic Area with licensed service up to 10:00 pm and having an occupant load less than 31 persons.
  - c. A temporary extension to hours of licensed service for all licence types up to 3:00 am on New Year's Eve.
  - d. The addition of an Entertainment Endorsement to any Food Primary with licensed service up to 12:00 am.
3. The City of Victoria generally does not approve the extension of liquor service past 2:00 am, with the exception of New Year's Eve, which allows for service up to 3:00 am. In extraordinary cases, the City may consider short term or one time provisions for allowing liquor service between 2:00 am and 9:00 am to accommodate international sporting or significant cultural events.

## **C. PROCEDURES**

A business engaging in the manufacture, sale or service of liquor must have a City of Victoria Business License to lawfully conduct its businesses.

The provincial government, through the Liquor Control and Licencing Branch, is the first and last point of contact for businesses interested in applying for a liquor licence.

The application process and related fees will be made available to any business or member of the public through the internet or by request.

For any liquor applications where the City of Victoria has not opted out of providing comment, the following provisions apply:

1. Public notification for comment will be placed at the site for a period no less than 30 days.
2. The City will provide public notification through mailed notice to all residents and businesses within a 100 metre radius.
3. The City will provide notification to the applicable community association.
4. When providing comment on an application, the City will include comments on those aspects within the parameters set by LCLB which currently include:
  - a. Noise impacts in the immediate vicinity of the establishment;
  - b. Impact on the community if approved (including the location of the establishment and person capacity and hour of liquor service of the establishment)
  - c. Confirm that the establishment is being operated in a manner that is consistent with its primary purpose (only for food primary)

## **D. ENFORCEMENT POLICY**

Businesses that have a history of non-compliance with local and provincial government bylaws and legislation or re-occurring nuisance issues may be subject to a Good Neighbour Agreement that will be reviewed along with the annual renewal of a business licence. Lack of adherence to this agreement may result in a business licence being revoked. This will be assessed by staff on a case by case basis.

## **E. REFERENCES**

Business License Bylaw (89-071)  
Land Use Procedures Bylaw (16-028)  
Noise Bylaw (03-012)  
Liquor Licensing Fee Bylaw (01-06)

## **F. REVISION HISTORY**

None



**Ryan Morhart**

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**From:** DoNotReply@escribemeetings.com on behalf of eSCRIBE Notification  
<DoNotReply@escribemeetings.com>  
**Sent:** Monday, June 18, 2018 3:15 PM  
**To:** Ryan Morhart  
**Subject:** eSCRIBE Task Alert: Motion Arising from the Motion to Postpone to the June 14, 2018 Committee of the Whole meeting the 1199 Government Street - Application for a Permanent Change to Hours of Service for a Food Primary License (0302087) Earl's Restauran...

This is an automated task reminder from eScribe.

A Task has been assigned to you does not have a due date.

Meeting: **VCC\_Jun14\_2018**

Agenda Item: **Motion Arising from the Motion to Postpone to the June 14, 2018 Committee of the Whole meeting the 1199 Government Street - Application for a Permanent Change to Hours of Service for a Food Primary License (0302087) Earl's Restaurant (Downtown)**

Due Date: **None**

**Task Description:**

That Council direct staff that all future liquor licence applications include a letter from the Police Department attached to the report.

To view the task, please [click here](#).

Please complete the task as soon as possible. Thank you.

**Ryan Morhart**

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**From:** [REDACTED]  
**Sent:** Wednesday, December 19, 2018 2:43 PM  
**To:** Ryan Morhart  
**Subject:** RE: LL000281 Herald Street Brew Works Lounge Endorsement | 506 Herald Street

Hi Ryan,

Comments:

We would preface all our comments with the caveat that they pertain to the current make-up of the immediate neighbourhood, as we are not privy to other developments in the area. (I only mention this because of the work underway at the IronWorks Condo development on the north side of this applicants premise)

Based on the current composition of the neighbourhood, this application would have minimal effects on residential units in the area. There are some residential units that face the applicant's premise. These are the units down "Dragon Alley" accessed to the rear of 531 Herald Street, that face westward onto a parking lot, and are line-of-sight to the applicant's premises. The only other current residential units are the supported housing units in the old Streetlink Shelter building at Store/Swift.

The proposed capacity of 178 seats is significant. The hours of operation are that of a nightclub. These hours draws late-night street disorder issues well into the early morning hours, and will affect our service levels.

As the core population increases, (not just the residential population, but the night time entertainment-seeking population) liquor licence applications/increases like these will further tax our limited policing resources.



**Sgt Cliff Watson**  
Operational Planning  
Victoria Police Department  
850 Caledonia Ave  
Victoria BC, V8T 5J8  
Office. 250-995-7218

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Ryan Morhart

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**From:** Sarah Iles [REDACTED]  
**Sent:** Thursday, January 17, 2019 11:38 AM  
**To:** Ryan Morhart  
**Subject:** 506 HERALD STREET // Notice of Application for Lounge

Hi Ryan, I'm going to keep this short and sweet.

We are **100% against the application** for the Lounge Endorsement for 506 Herald Street. **We do not support this.**

My husband and I have lived in this area of town for the last 6+ years, and it is nice and quiet. Having a lounge at this end of town will be very destructive to the neighborhood and not enjoyable for all.

Thank you,  
Sarah Iles & Matt Magi

## Ryan Morhart

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**From:** giecge [REDACTED]  
**Sent:** Sunday, January 27, 2019 5:25 PM  
**To:** Ryan Morhart  
**Subject:** Herald Street Brew Works

Hello

I live in Dragon Alley 532 1/2 Herald St.

I have had a problem with the Duke Saloon since it opened with noise, fast cars, ppl drunk walking down the streets in groups or single yelling, singing, FIGHTING, throwing beer bottles at my dogs, peeing everywhere including door handle of surrounding businesses.

Late at night you can't sleep until after the bar is closed

I object to bring a bar "Herald Street Brew" that close to where ppl are LIVING!!!!!!!!!!!!!!

Please no please

Thank you for allowing me to have a voice



# HERALD STREET BREW WORKS

Appendix H

Wed. Feb. 20th, 2019.

Dear Council Members,

Here are a few additional notes for your consideration, concerning our lounge liquor license application:

Hours - We have applied for the range of hours allowed by the liquor board. To begin with, when our new business opens, we will open for business for a smaller range of hours. From those hours, we will adjust accordingly to business flows. When we opened The Drake Eatery, we started with hours of 11:30 a.m until 10 p.m. We were quickly asked by hospitality workers and city councillors to remain open later in the evening. We extended until midnight and we have felt this has worked well for The Drake Eatery so far.

Noise - On Fri. Jan. 25th we met with Chris LeFevre, the developer for Ironworks, to assuage any of his concerns about noise from our venue. As we discussed with Mr. LeFevre, our brewery will not offer jugs of beer or discount alcohol. We have practices in place that allow our leadership team to quickly recognize and deal with a patron on the way to impairment. We feel that this is important to maintain a comfortable ambiance for our wide range of guests. Our businesses offer a room that is good for conversation with friends and family. Our staff are trained to monitor guests as they are leaving, and to intercede with any group that is louder than appropriate for the time of day.

Police - The Victoria Police do regular inspections of The Drake Eatery and have always been happy with what they see in our establishment. We have called the police only for occurrences that have happened with people on the street, outside of our business (not patrons).

With kind regards,

Lee & Mike Spence  
Owner/Operators of The Drake Eatery

## Types of Liquor Licences Issued in the Province of British Columbia

*Last updated: October 5, 2017*

The Liquor Control and Licensing Branch (LCLB) supervises over 10,200 licensed establishments and over 25,000 temporary special events per year in B.C.

The purpose of this document is to give a broad understanding of the types of liquor licences issued in B.C. Visit the LCLB's website at [www.gov.bc.ca/liquorregulationandlicensing](http://www.gov.bc.ca/liquorregulationandlicensing) and the hyperlinks below for the most up to date information.

### Licences:

Agent – for independent liquor agents who market products from liquor manufacturers outside of B.C.

Catering – for catering companies who wish to serve liquor in addition to food, with food service as the primary purpose.

Food Primary – for businesses where the primary purpose is to serve food (such as restaurants).

A Patron Participation Endorsement is an additional term and condition on a food primary licence that permits the active involvement of patrons in entertainment or results in patrons leaving their seats, such as dancing or karaoke. An application for this endorsement requires additional considerations beyond the routine assessment of an initial application. To ensure that community concerns about noise, nuisance and other impacts are considered, input from local government or First Nation authorities is required before patron participation entertainment will be approved for a food primary establishment.

Liquor Primary – for businesses where the primary purpose is to sell liquor (such as bars, pubs, and nightclubs, as well as stadiums, theatres, aircraft, etc.). Liquor primary licences are also for businesses that wish to serve liquor as an additional service to their primary business (such as spas, salons, art galleries, etc.)

*Liquor Primary Club* – a sub-class of the liquor primary licence for private clubs. To be eligible to apply, the club must be a society registered under the provincial Societies Act or a non-profit or veterans organization incorporated by special act of parliament. LP Clubs must have at least 50 members who pay annual fees. The service area of an LP Club is restricted to members and guests only.

Manufacturer – for businesses making wine, cider, beer (this includes brew pubs), or spirits (known as wineries, breweries, and distilleries). Manufacturers can also apply to add a lounge, special event area, and/or picnic area endorsement to their manufacturer licence.

UBrew/UVin (Ferment-on-Premises) – for businesses that sell ingredients, equipment and provide advice for customers to make their own beer, wine, cider or coolers.

Licensee Retail Store\* – for selling liquor by the bottle at retail stores (often called private liquor stores).



[Wine Store\\*](#) – for wine stores including winery-operated stores, independent wine stores, VQA stores and tourist wine stores.

[Special Wine Store](#) – available to eligible grocery stores only, the special wine store licence permits the sale of 100% BC wine on grocery store shelves.

*\*No new licences are available at this time.*

## **Permits:**

[Special Event Permit](#) – for individuals and groups holding special events (such as community celebrations, weddings or banquets).

[Ethyl Alcohol Purchase Permit](#) – for purchasing ethyl alcohol for commercial and industrial use.

[Charitable Auction Permit](#) – for registered charities and non-profit organizations that wish to hold liquor auctions to raise funds for a charitable purpose.

## **What is the difference between a food primary and a liquor primary licence?**

A food primary licence is issued when the primary purpose of the business is the service of food (such as restaurants and cafes). A liquor primary licence is issued when the primary purpose of the business is the service of liquor, hospitality or entertainment (such as bars, pubs, spas, and art galleries).

The approval process is different for both types of licences, with the process for liquor primaries being more involved. Minors are generally prohibited from liquor primary establishments, unless the licence specifically allows them.

## **Additional Resources:**

[Forms](#) – access to all LCLB forms, including application forms and licence change forms.

[Frequently Asked Questions](#) – answers to common liquor-related questions.

[Licensed Establishment Locations](#) – a list of all licensed establishments in B.C.

[Publications & Resources](#) – access to the licensee terms and conditions handbooks, public consultations, and the Local Government/First Nations Guide page and more.