



Committee of the Whole Report

For the Meeting of July 11, 2019

To: Committee of the Whole **Date:** June 11, 2019

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

Subject: Application to Adjust a Lounge Endorsement to a Manufacturer's License (Brewing) for Ile Sauvage, 2960 Bridge Street.

RECOMMENDATION

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

Council, after conducting a review with respect to noise and community impacts, does support the application of Ile Sauvage Brewing, located at 2960 Bridge Street, to have the lounge endorsement associated with their manufacturing license adjusted such that, hours of licenced service are from 11:00 am to 12:00 am daily, and that the occupant load is 60 persons.

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. Anticipated impacts are based on previous experience with the site which provided licenced service while operating as Prima Strada. The proposed hours of operation and occupant load are not expected to result in 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's operating model and presumably the long term viability as a local business.
- c. The views of residents were solicited via a mail out which included 89 letters to neighbouring property owners and occupiers within 100 metres of the licensed location and a notice posted at the property. The City received one letter in response to the request and the Burnside Gorge Community Association has not provided correspondence.
- d. Council recommends the license endorsement 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 Ile Sauvage Brewing to adjust hours and occupant load of their existing lounge endorsement associated with a manufacturer's licence. Ile Sauvage has requested hours of operation from 11:00 am to 12:00 am daily, and an occupant load of 60 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.

Ile Sauvage Brewing's application to adjust the hours and occupant load of the lounge endorsement associated with their manufacturer's licence, having hours of operation from 11:00 am to 12:00 am daily, and an occupant load of 60 is not in conflict with the City's current Liquor License Policy. The establishment currently provides licenced service through their lounge endorsement from 9:00 am to 10:00 pm daily for an occupant load of 30 people. Opportunity for public comment included one letter in support of the application and the community association has not provided comment regarding the application. Staff have recommended for Council's consideration that a resolution be made regarding the application, and that Council support the application to adjust the lounge endorsement to their manufacturer's licence, having hours of operation from 11:00 am to 12:00 am daily, and an occupant load of 60 persons at 2960 Bridge 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 Ile Sauvage Brewing to adjust their lounge endorsement to have hours of operation from 11:00 am to 12:00 am daily, and an occupant load of 60 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 Ile Sauvage Brewing, the establishment has a manufacturing licence, and existing lounge endorsement, and is licenced to provide service from 9:00 am to 10:00 pm daily with an occupant load of 30 people. The manufacture's licence with lounge endorsement is the appropriate licence for the business model and while they are not a food primary, licence conditions do require that food is available while open.

With regard to the application for a lounge endorsement on their manufacturing licence at Ile Sauvage Brewing, 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 adjust the lounge endorsement associated with their manufacturing license to have hours of operation from 11:00 am to 12:00 am daily, and an occupant load of 60 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 appropriately for the use, having rezoned recently (REZ00623) to permit the use.

Compliance of the built space 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. Vancouver Island Brewing is within the Activity District and limited to 70 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 60 dBA in Quiet districts, 67.5 dBA in the Harbour Intermediate, 67.5 dBA in the Intermediate districts and 70 dBA in the Activity district. 50 dBA is comparable to rainfall, light traffic or a refrigerator, 60 dBA is comparable to conversational speech or an air conditioner, and 70 dBA is comparable to the sound of a gas lawnmower at 100 ft away. 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.

Ile Sauvage Brewing's 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 Ile Sauvage Brewing 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.

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, the establishment would provide an additional 30 licenced seats in the area, amounting to a 7% increase in licenced capacity in the area. Vicinity information is attached as Appendix D.

The hours and occupant load proposed for licensed service are considered moderate in comparison other establishments and hours of licenced establishments in the City. Impacts on residents or adjacent business in the area is not expected to be significant due to the moderate occupant load and hours proposed.

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, Business and Community Relations, Bylaw, and Police. That review has resulted in the following feedback:

Planning

- The use is approved as per REZ00623, specifically to permit the licenced seating area (lounge) in the manufacturing space and retail sale of manufactured products.

Engineering

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

Business and Community Relations

- Business and Community Relations noted the absence of residents in the area and does not anticipate issues because of this, and the low occupant load and moderate hours proposed.

Bylaw

- Bylaw did not have concerns related to the proposal

Police

- Police did not express concern for the request at the location given the size and hours proposed, and also because of the remoteness of the establishment in relation to those that may be impacted otherwise such as residents. Appendix F.

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, Ile Sauvage Brewing 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 one letter was received which was in support of the application. Correspondence from the Burnside Gorge Community Association was not received. Letters were sent to 89 owners and occupants in the area and resulting correspondence received is 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 declined opportunity to provide additional correspondence related to the staff review.

IMPACTS

Accessibility Impact Statement

The establishment is accessible at ground level and meets accessibility requirements of the BC Building Code.

Strategic Plan 2019 – 2022

The recommendation to support the application is likely to increase the long-term viability of the local brewery as an employer and economic contributor, which is consistent with Strategic Objective #4 – *Prosperity and Economic Inclusion*.

Impacts to Financial Plan

None

Official Community Plan

The license application is consistent with the *Official Community Plan* which designates the property for Industrial / Employment use.

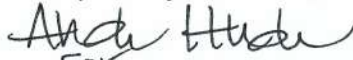
CONCLUSIONS

The application to adjust hours and occupant load of the lounge endorsement associated with Ile Sauvage Brewing's manufacturing license, to have hours of operation from 11:00 am to 12:00 am daily, and an occupant load of 60 persons is not in conflict with the City's current liquor licensing policy. The site has been rezoned to accommodate the proposal, and potential for impacts related to the establishment, if approved, will likely be minimal based on the hours proposed, low occupant load and low licenced seating capacity in the area. Staff recommend for Council's consideration that a resolution be made regarding the application and that Council support the application for lounge endorsement for Ile Sauvage Brewing.

ALTERNATE MOTION (No Support)

That Council, after conducting a review with respect to noise and community impacts regarding the application to adjust hours and occupant load of the lounge endorsement associated with the manufacturing licence of Ile Sauvage Brewing, at 2960 Bridge Street, does not support the request for the amendment.

Respectfully submitted,



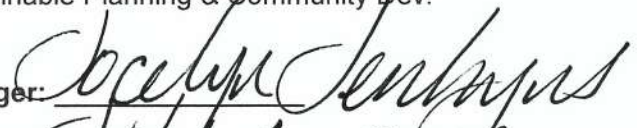

^{For}
Ryan Morhart
Manager
Permits & Inspections



Andrea Hudson
Acting Director
Sustainable Planning & Community Dev.

Report accepted and recommended by the City Manager:

Date:

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: Provincial Liquor License Types