



Committee of the Whole Report

For the Meeting of January 23, 2020

To: Committee of the Whole **Date:** December 18, 2019

From: Karen Hoes, Director, Sustainable Planning and Community Development

Subject: Application for a Lounge Endorsement to a Manufacturer's License (brewing) for Vancouver Island Brewing, 2330 Government 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 Vancouver Island Brewing, located at 2330 Government Street, to have a lounge endorsement added to their manufacturing license, having hours of operation from 9:00 am to 11:00 pm daily, and an occupant load of 86 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 related to noise are based on experience with licenced establishments of comparable size, absence of existing licenced seating in the area, and the moderate closing time of 11:00 pm. 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 vision and long term viability. The business has recently rezoned the property to accommodate the proposal for the lounge.
- c. The views of residents were solicited via a mail out which included 250 letters to neighbouring property owners and occupiers within 100 metres of the licensed location and a notice posted at the property. The City received five letters in response to the request, four indicated support for the application and one was opposed. 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 Vancouver Island Brewing to add a lounge endorsement to their manufacturer's licence, having hours of operation from 9:00 am to

11:00 pm daily, and an occupant load of 86 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 was 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.

Vancouver Island Brewing's application to add a lounge endorsement to their manufacturer's licence is consistent with the City's current Liquor License Policy. There is currently no licenced seating provided in the vicinity and the establishment has recently acquired the zoning approval to provide licenced seating (Brew Pub) at this location. Opportunity for public comment included four letters in support of the application and one against. 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 add a lounge endorsement to their manufacturer's licence with hours of operation from 9:00 am to 11:00 pm daily, and an occupant load of 86 persons at 2330 Government 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 Vancouver Island Brewing to have a lounge endorsement added to their manufacturing license and having hours of operation from 9:00 am to 11:00 pm daily, and an occupant load of 86 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 Vancouver Island Brewing, the establishment will have a manufacturing licence with lounge endorsement. The manufacturing 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.

With regard to the application for a lounge endorsement on their manufacturing licence at Vancouver Island 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.

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 11:00 pm daily, and an occupant load of 86 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 a Brew-Pub and 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 the time of consideration change over the life of a licenced establishment. When they do change and unanticipated issues arise, enforcement can be used to re-establish compliance related to noise and other areas of non-compliance. Enforcement can include LCRB to ensure responsible and appropriate service as required by the terms of the licence with LCRB. The Noise Bylaw can also be enforced, and police have additional authority to bring an establishment back into compliance where issues are more complex.

Vancouver Island Brewing's application has been considered regarding the impact it would have on the community and its potential to generate noise related issues, in terms of the vicinity and within the city as a whole. The category of licence required by Vancouver Island 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 or Food Primary but has been compared to both to illustrate the impact it is likely to have in the vicinity. If approved, the establishment would be the first to provide licenced seating in the vicinity and represents an increase of 0.12% city wide. Vicinity information is attached as Appendix D.

The hours proposed for licensed service are considered moderate in comparison to similarly sized establishments and hours of licenced establishments in the City. There is no existing licenced seating in the area, however Vancouver Island Brewing is well established and specific issues associated with business are unknown. The proposal and its potential impact on residents in the area is not expected to be significant primarily 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 was recently approved through rezoning application (REZ00682), permitting the licenced seating area (lounge) in the existing manufacturing space.

Engineering

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

Business and Community Relations

- Business and Community Relations noted the area to be predominantly industrial and commercial, but notes that an apartment building exists across the street to the east. The occupant load, hours of business and location of seating areas within the building raise no concern with the application.

Bylaw

- Bylaw has not expressed concern for the application.

Police

- Police express limited concern regarding the application in the context of the current make-up of businesses and residences in the area. However, while impacts to police are anticipated to be minimal they are unable to support the application where liquor seats increased due to resource pressures. Full Police comments attached separately as 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, Vancouver Island 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 five letters were received, and one opposed the application. Concerns with the application

centre on the smells emanating from the brewery and the potential for traffic related issues from the clientele coming and going. Correspondence from the Burnside Gorge Community 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 and the report, the applicant chose not to provide additional correspondence.

In summary, after conducting a review with respect to noise and community impacts and soliciting community views regarding Vancouver Island Brewing's application for a lounge endorsement to be added to their manufacturing license, and having hours of operation from 9:00 am to 11:00 pm daily, and an occupant load of 86 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 2019 – 2022

The recommendation to support the application is likely to increase the long-term viability of the restaurant as a local 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*.

CONCLUSIONS

The application for a lounge endorsement to Vancouver Island Brewing manufacturers license, having hours of operation from 9:00 am to 11:00 pm daily and an occupant load of 86 persons is consistent with the City's current liquor licensing policy. The site has recently been rezoned to accommodate the proposal, and potential impacts related to the establishment, if approved, will likely be minimal based on the hours proposed, low occupant load and absence of contributing licenced 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 Vancouver Island Brewing.

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 Vancouver Island Brewing, at 2330 Government Street, does not support the request for the amendment.

Respectfully submitted,

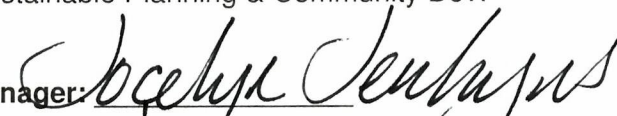


Ryan Morhart
Manager
Permits & Inspections



Karen Hoese
Director
Sustainable Planning & Community Dev.

Report accepted and recommended by the City Manager:


Date: Jan 15, 2020

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 I: Provincial Liquor License Types