



## Committee of the Whole Report For the Meeting of March 5, 2020

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**To:** Committee of the Whole **Date:** February 6, 2020

**From:** Karen Hoese, Director, Sustainable Planning and Community Development

**Subject:** Application for a Change to Hours for Christies Carriage House Pub, Liquor Primary License at 1739 Fort Street.

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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 Christies Carriage House Pub located at 1739 Fort Street having hours of operation from 10:00 am to 11:00 pm Sunday through Thursday and 10:00 am to 12:00 am Friday and Saturday with the existing occupant load of 135 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, and assumptions are the noise impacts would be negligible based on experience with the operator, and nature of the request. The requested hours of operation in conjunction with the existing 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 plan and long-term viability of the establishment.
- c. The views of residents were solicited via a mail out which included 480 letters to neighbouring property owners and occupiers within 100 metres of the licensed location and a notice posted at the property. The City received six letters in response to the request, all of which generally supported the application and no correspondence was received from the South Jubilee Residents Association.
- 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 Christies Carriage House Pub. The application is to adjust existing hours of operation that are 11:00 am to 11:00 pm Sunday through Thursday and 11:00 am to 12:00 am Friday and Saturday, to 10:00 am to 11:00 pm Sunday

through Thursday and 10:00 am to 12:00 am Friday and Saturday. The existing occupant load is not proposed to change and is 135 people.

Christies Carriage House Pub's application to change the opening hour from 11:00 am to 10:00 am daily is consistent with the City's current Liquor License Policy. The application has been reviewed by City staff including Planning, Engineering, Business and Community Relations, Bylaw, and Police against policy, and their inputs have been considered. Staff and Police, have not expressed concern as the change is to open one hour earlier daily and the establishment has a reputation of being managed responsibly with very few issues. 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.

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. Opportunity for public comment included six letters, all of which generally supported the application and no correspondence was received from the South Jubilee Residents Association.

Staff have recommended for Council's consideration that a resolution be made regarding the application, and that Council support the application to change hours of operation to 10:00 am 11:00 pm Sunday through Thursday and 10:00 am to 12:00 am Friday and Saturday with an occupant load of 135 persons at 1739 Fort Street.

## **PURPOSE**

The purpose of this report is to seek a Council resolution, in accordance with the requirements of the *Liquor Control and Licensing Act* (the Act), regarding an application by Christies Carriage House Pub to increase hours of operation to open one hour earlier, seven days a week, for their existing liquor primary licence.

## **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 Christies Carriage House Pub, the establishment is regulated under a liquor primary licence.

This application is to extend hours of licensed service with no change to occupant load of an existing liquor primary license for Christies Carriage House Pub. The letter of intent provided in conjunction with the application is included as Appendix A.

The existing hours of operation are 11:00 am to 11:00 pm Sunday through Thursday and 11:00 am to 12:00 am Friday and Saturday and has an occupant load of 135 people. The application seeks a change to the hours and not the occupant load, proposing 10:00 am 11:00 pm Sunday through Thursday and 10:00 am to 12:00 am Friday and Saturday. The LCRB is requesting a resolution from the City of Victoria 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.

## **ISSUES & ANALYSIS**

The following sections identify key issues and provide analysis for Council's consideration:

### **Zoning**

Zoning for the establishment is C1-P-FL, Fort and Leighton Pub District, which only permits use as a neighbourhood pub and imposes no restriction on hours or occupant loads.

### **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. Christies Carriage House Pub is within the Intermediate Noise District and limited to 60dBA 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 50dBA in Quiet districts, 55dBA in the Harbour Intermediate and Intermediate districts and 65dBA in the Activity district. 50dBA is comparable to rainfall, light traffic or a refrigerator and 60dBA 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 several 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 unanticipated issues arise, the fallback to re-establish compliance related to noise and other aspects is to use 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 additional authority to bring an establishment back into compliance where issues are more complex.

Christies Carriage House Pub's application has been considered in terms of the impact it would have on the community and its potential to generate noise related issues. The establishment is regulated under a liquor primary licence and has been compared in terms of existing capacity in the vicinity and citywide, to understand of likely impact related to occupant load and hours of operation. The application is seen to be modest in terms of existing licence capacity and if approved, the earlier hours represent a 147% increase to existing licenced capacity at 10:00 am within the vicinity and an increase of 0.7% citywide. Vicinity information is attached as Appendix D.

### **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 was undertaken and included circulation to Planning, Engineering, Community and Business Relations, Bylaw, and Police. That review resulted in the following feedback.

### Planning

- The application is supportable as the establishment is zoned appropriately for use as a neighbourhood pub.

### Engineering

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

### Community and Business Relations

- Community and Business Relations were supportive of the requested changes.

### Bylaw

- Bylaw Services remarked on the establishment as being in good standing and is supportive of the requested change.

### Police

- Police have no objection to the requested change. Full Police comments available in 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 to the 480 letters sent, Christies Carriage House Pub displayed a notice poster at the entrance for 30 days which invited people to provide input to the City with respect to this application.

The City received six letters in response to the request, all of which generally supported the application and no correspondence was received from the South Jubilee Residents Association. 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 not to provide additional correspondence related to the staff review and the report.

## **IMPACTS**

### Accessibility Impact Statement

Not applicable

### Strategic Plan 2019 – 2022

The recommendation to support the application is likely to increase the viability of the neighbourhood pub as a local employer, which is consistent with Strategic Objective #4 – *Prosperity and Economic Inclusion*.

### Impacts to Financial Plan

None

### Official Community Plan

The proposed license changes are consistent with the *Official Community Plan* objectives for this neighbourhood as the property is located within the Large Urban Village Land Use Designation. This designation promotes a complement of community and commercial services and public amenities appropriate for the village size. For large urban villages, commercial services are anticipated to include small grocery stores, visitor accommodation, liquor stores, full service pubs and community recreation, education and cultural facilities.

## **CONCLUSIONS**

The application to change hours at Christies Carriage House Pub that are currently 11:00 am to 11:00 pm Sunday through Thursday and 11:00 am to 12:00 am Friday and Saturday, to 10:00 am to 11:00 pm Sunday through Thursday and 10:00 am to 12:00 am Friday and Saturday with the existing occupant load of 135 persons is not in conflict with the City's current liquor licensing policy. Staff recommend for Council's consideration that a resolution be made regarding the application and that Council support the application for proposed hours for Christies Carriage House Pub at 1739 Fort Street.

## **ALTERNATE MOTIONS**

1. That Council, after conducting a review with respect to noise and community impacts regarding the application of Christies Carriage House Pub, at 1739 Fort Street, does not support the request for the amendment.

Respectfully submitted,

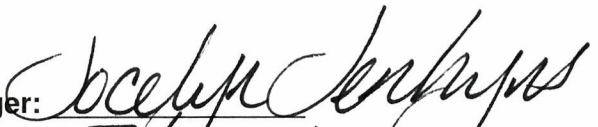
  
Ryan Morhart  
Manager, Permits & Inspections



Karen Hoese, Director  
Sustainable Planning & Community Dev.

Report accepted and recommended by the City Manager:

Date:

  
Feb 24, 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 H: Provincial Liquor License Types