



## **Committee of the Whole Report**

**For the Meeting of November 21, 2024**

---

**To:** Committee of the Whole **Date:** November 7, 2024

**From:** Karen Hoese, Director, Planning and Development Department

**Subject:** **450 Swift Street (Craft Beer Market) – Application to Consolidate Two Existing Liquor Primary Licences and Change Hours of the Resulting Liquor Primary Licence**

---

### **RECOMMENDATION**

That Council direct staff to provide the following response to the Liquor and Cannabis Regulation Branch:

1. That Council supports the application of Craft Beer Market, located at 450 Swift Street, to consolidate their two liquor primary licences, change the service hours associated with the licence, and change the distribution of the existing occupant load with support conditional on the following:
  - a. The establishment having a total occupant load of 786 people where 355 are interior (195 food primary / 160 liquor primary), and 431 are exterior (276 food primary / 155 liquor primary).
  - b. Interior food primary and liquor primary hours are 9 a.m. to 1 a.m. Monday to Saturday and 9 a.m. to 12 a.m. Sunday.
  - c. Exterior food primary and liquor primary hours are 9 a.m. to 11 p.m. Friday and Saturday and 9 a.m. to 10 p.m. Sunday to Thursday.
  - d. No exterior amplified music is permitted after 11 p.m. Friday and Saturday and after 10 p.m. Sunday to Thursday.
  - e. Unenclosed patio areas are considered exterior space and subject to the conditions prescribed in (c) and (d).
2. The following comments are provided regarding the prescribed considerations:
  - a. If the application is approved, it is anticipated to have a positive economic impact on the community as the approval supports the viability of the business as a local employer.

- b. The views of residents were solicited through a mailout to neighbouring property owners and occupiers within 100 metres of the licensed location and a notice posted at the property. In response to the notification that went to 419 owners and occupants, the City received 15 letters of correspondence. Of these letters, 10 expressed opposition and five expressed support for the proposal. A letter from the Downtown Residents Association (DRA) requested that the establishment monitors and modulates noise before approvals are granted.
3. Council recommends to the Province that the liquor primary licence be approved as recommended.

## **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 Craft Beer Market located at 450 Swift Street.

Craft Beer Market has recently completed exterior renovations and has applied to the LCRB to align liquor licences with the new space and business model. The establishment is currently licensed under one food primary licence and two liquor primary licences with a total occupant load of 786 people. The proposal is to consolidate the two existing liquor primary licences and retain the food primary licence, with no change to the total occupant load.

The net result of the proposal would have 105 more liquor primary seats outside, increased morning hours for the enclosed liquor primary patio, earlier closing hours for the outdoor patio and reduced hours for amplified outdoor music to reduce noise impacts late at night.

## **PURPOSE**

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 Craft Beer Market at 450 Swift Street. The Liquor and Cannabis Regulations Branch (LCRB) is requesting a resolution from the City of Victoria regarding:

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

## **PROPOSAL**

Craft Beer Market is seeking approval to consolidate their two existing liquor primary licences, retain their food primary licence, and align the hours of all licences according to the following table:

	<b>Existing</b>	<b>Proposed</b>
<b>Occupant Load</b>	786-person occupant load <ul style="list-style-type: none"> <li>• 460 inside (195 food primary / 265 liquor primary)</li> <li>• 326 outside (276 food primary / 50 liquor primary)</li> </ul>	786-person occupant load <ul style="list-style-type: none"> <li>• 355 inside (195 food primary / 160 liquor primary)</li> <li>• 431 outside (enclosed and unenclosed seating) (276 food primary / 155 liquor primary)</li> </ul>
<b>Food Primary Hours</b>	9 a.m. to 1am Monday to Saturday 9 a.m. to 12 a.m. Sunday	<u>Inside Seating (355)</u> Food Primary and Liquor Primary 9 a.m. to 1am Monday to Saturday, 9 a.m. to 12 a.m. Sunday
<b>Liquor Primary Hours</b>	11am to 12 a.m. Sunday to Thursday 11am to 1am Friday and Saturday	<u>Outside Patio Seating (431)</u> *Enclosed Patio – Liquor Primary (105) 9 a.m. to 1 a.m. Monday to Saturday and 12 a.m. Sunday *Unenclosed Patio - Food Primary (276) and Liquor Primary (50) 9 a.m. to 11 p.m. Friday and Saturday and 9 a.m. to 10 p.m. Sunday to Thursday *Amplified music in outside areas (enclosed and unenclosed patio areas) is restricted after 10 p.m. Sunday to Thursday and 11 p.m. Friday and Saturday.

A letter of intent has been provided in Appendix A and includes information about the business model and the rationale for the licence application. A map of the subject property and the immediate area is provided in Appendix B and illustrates the 100m public notification area.

**ISSUES & ANALYSIS**

The following sections provide Council with information, analysis and options for consideration of the Council resolution to the LCRB.

**LCRB Jurisdiction**

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 or acceptable for the business based on submitted details. In the case of Craft Beer

Market, the establishment is operated under both food primary and liquor primary licences to accommodate the business model, and this is an appropriate licencing arrangement for the business.

### **City Liquor Licensing Policy**

The City's *Liquor Licensing Policy* (2017) is included as Appendix E and provides direction on the procedures for the liquor licence application process. The hours of licensed service proposed in this application for Craft Beer Market are within the parameters of the City's policy.

### **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 (a total of 419 notices) were solicited by a mailed notice to provide input regarding this application. The notice was also sent to the Downtown Resident's Association. The public notification letter and poster reflected the applicant's intent to combine their liquor primary licences, change hours of the liquor primary to align with the food primary licence, and transfer some of their liquor primary occupant load to exterior patio areas. The comment period was open for 30 days.

The City received 15 letters in response to the public notification. Of these letters, 10 expressed opposition and five expressed support for the application. The public letters of response are included in Appendix G. A letter from the Downtown Residents Association (DRA) requested that the establishment monitors and modulates noise before approvals are granted (see Appendix H).

### **Impact Assessment**

#### Context

Craft Beer Market is located in the Old Town District 1 zone, which permits a range of uses, including mixed-use buildings with residential uses. Drinking establishments are permitted in this zone, including facilities licenced through the *Liquor Control and Licencing Act* and entertainment venues with live or recorded music, night clubs, bars and pubs. The zone does not restrict the hours of operation or occupant loads of these establishments.

The business is in a three-storey commercial building at 450 Swift Street. Adjacent to the building is a public pathway along the inner harbour, and a parking lot to the east for an adjacent commercial building. Across Swift Street is a mixed-use building with commercial and residential uses.

#### Operations

Craft Beer Market has recently completed exterior renovations and has applied to the LCRB to align liquor licences with the new space and business model. The applicant has provided a letter of intent, attached as Appendix A, which outlines their business operations and their approach to mitigate anticipated issues.

## Noise Considerations

Based on the City's Noise Bylaw, this site is within the Intermediate Noise District and is subject to the noise limits prescribed for this district. The Noise District Map is included in Appendix D and Appendix C illustrates the composition of licenced establishments in the area, which includes the block of the establishment and adjacent blocks.

Craft Beer Market has both enclosed and unenclosed patio areas and based on public feedback, noise from late-night patrons and amplified music is disturbing some neighbours. In response, the business is proposing to close the outdoor patios two hours earlier, at 11 p.m. Friday and Saturday and 10 p.m. Sunday to Thursday. As well, amplified music would be restricted after 11 p.m. Friday and Saturday, and 10 p.m. Sunday to Thursday.

Craft Beer Market's proposed hours of service would be consistent with other licensed establishments in the area and there would be no change to the overall licenced capacity in the area. The reduced late-night hours for liquor service and restricted amplified music in exterior areas help to mitigate potential for noise-related issues associated with the consumption of liquor.

## **Applicant Response**

As a part of the liquor licence process, it is standard practice to provide the applicant with an opportunity to review the report recommendations, so they may provide a response to the report prior to the report being forwarded to Council.

The applicant has confirmed they are satisfied with the recommendations and have included a letter (Appendix I) addressing neighbours' concerns.

## **OPTIONS & IMPACTS**

### **Option 1: That Council recommend support of the application to the LCRB (Recommended)**

Council may chose to support the application of Craft Beer Market, located at 450 Swift Street, to consolidate their two liquor primary licences, change the service hours associated with the licence, and change the distribution of the existing occupant load with support conditional on the following:

- a. The establishment having a total occupant load of 786 people where 355 are interior (195 food primary / 160 liquor primary), and 431 are exterior (276 food primary / 155 liquor primary).
- b. Interior food primary and liquor primary hours are 9 a.m. to 1 a.m. Monday to Saturday and 9 a.m. to 12 a.m. Sunday.
- c. Exterior food primary and liquor primary hours are 9 a.m. to 11 p.m. Friday and Saturday and 9 a.m. to 10 p.m. Sunday to Thursday.
- d. No exterior amplified music is permitted after 11 p.m. Friday and Saturday and after 10 p.m. Sunday to Thursday.
- e. Unenclosed patio areas are considered exterior space and subject to the conditions prescribed in (c) and (d).

## **Option 2: That Council recommend decline of the application to the LCRB**

Alternatively, Council may decide to not support this application and recommend to the Province that the liquor primary license be declined.

### **Impacts**

#### Accessibility Impact Statement

As the establishment is an existing building, current accessibility requirements may not be met. There is no retroactive application of accessibility requirements under the *BC Building Code* and the establishment is therefore conforming.

#### 2023 – 2026 Strategic Plan

The recommendation to support the application is likely to support small business and the visitor economy, and work to strengthen and add vitality to the downtown core, consistent with the Strategic Objective for *Economic Health and Community Vitality*.

#### Impacts to Financial Plan

None.

#### Official Community Plan Consistency Statement

The use as a *drinking establishment* is consistent with the Official Community Plan objectives for this neighbourhood.

### **CONCLUSIONS**

Craft Beer Market is seeking approval to consolidate its two existing liquor primary licences and retain the food primary licence, with no change to the total occupant load. The public notification process identified concerns about noise impacts related to the business noise from late-night patrons and amplified music. In response, the business is proposing to close the outdoor patios two hours earlier than the existing licence allows, at 11 p.m. Friday and Saturday and 10 p.m. Sunday to Thursday. Amplified music would also be restricted after 11 p.m. Friday and Saturday, and 10 p.m. Sunday to Thursday. On this basis, the application is considered supportable.

Respectfully submitted,

Katie Lauriston  
Development Process Coordinator

Karen Hoese, Director  
Planning and Development Department

**Report accepted and recommended by the City Manager.**

## List of Attachments

- Appendix A: Rationale Letter
- Appendix B: Site Map
- Appendix C: Vicinity Information and Map
- Appendix D: Noise District Information and Map
- Appendix E: Council Liquor Licencing Policy
- Appendix F: Public Response
- Appendix G: CALUC Response
- Appendix H: Types of Liquor Licences Issued in the Province of British Columbia
- Appendix I: Applicant Response