



## Governance and Priorities Committee Report

### For the June 4, 2015 Meeting

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**To:** Governance and Priorities Committee **Date:** May 14, 2015

**From:** Robert Woodland, Director of Legislative and Regulatory Services

**Subject:** Application for a permanent change to Hours of Sale in relation to a Liquor Primary Liquor License, for the **Irish Times Pub and Oyster Bar**, 1200 Government Street, Licence No. 301113

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#### 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 the Irish Times Pub and Oyster Bar in relation to their Liquor Primary License for the premises located at 1200 Government Street, for a permanent change to extend their hours of operation in relation to their liquor service.

The applicant has noted that they have been approached by a number of tourists and residents who are seeking more places along Government Street to be open for breakfast. As a result, the applicant is requesting to change their current opening time from 11:00AM to 9:00AM daily. The current occupant load for the pub is 250 persons. There would be no change in occupant load as a result of this application.

#### Recommendation:

That Council, after conducting a review with respect to noise and community impacts regarding the application to amend the hours of liquor service for the Liquor Primary License of the **Irish Times Pub and Oyster Bar**, Liquor License No. 301113, located at 1200 Government Street, supports:

- The application of the **Irish Times Pub and Oyster Bar** to amend its Liquor Primary Licence for their Pub to allow a change in operating hours to include 9:00AM to 1:00AM from Monday to Sunday.
- The Council provides the following comments on the prescribed considerations;
  - (a) The location is within a mixed commercial zone which authorizes offices, retail, multi-unit residential, transient accommodation, restaurants, clubs and associated uses. There is a small amount of residential use in the immediate vicinity. The Liquor Primary licensed operation is compatible with the neighbouring land uses. The business is located within the Historic Commercial District and is within the Intermediate Noise District which allows for a higher noise threshold.

- (b) This request represents a change in operating hours to enable liquor service 2 hours earlier each day. This change is expected to have minimal impact on the neighbourhood due to the time of day involved in the longer opening hours and the nature of service being provided during that time period. There have been no complaints of noise or nuisance from the pub in the past 5 years. There is no concern that this change would result in the business being operated contrary to its primary purpose.
- (c) The views of residents were solicited via a mail out to neighbouring property owners and occupiers within 50 metres of the pub and a notice posted at the property. Two responses were received by the City, both in support of the application.

Respectfully submitted,



Mark Hayden  
Manager, Bylaw and  
Licensing Services



Robert Woodland  
Director Legislative and  
Regulatory Services

Report accepted and recommended by the City Manager:



Date:

May 28, 2015

**MATERIALS RECEIVED VIA PUBLIC CONSULTATION PROCESS:**

**Attached 4** (Two letters from the applicant and 2 email letters of support from the public)



## Purpose

The purpose of this report is to seek a Council resolution regarding an application by the Irish Times Pub and Oyster Bar, in relation to their Liquor Primary licensed business located at 1200 Government Street for a change to their hours of liquor service for the pub.

## Background

The Irish Times Pub and Oyster Bar is located at 1200 Government Street which is located at the NW corner of the intersection of Government and View Streets. The venue is a full service pub offering food and beverage service during all hours of operation. The pub has been in business since 2004 and is requesting this change for the primary purpose of being able to offer breakfast service to local residents and tourists.

In their attached letters (see Attachments), the applicant has described the full rationale for their request. A map of the subject property and immediate area is also attached to this report.

### Location

#### Official Community Plan

- The property is within the Core Historic Place designation in the Official Community Plan. Area uses include: commercial, including office, retail, visitor accommodation, multi-unit residential and mixed use.
- The area is covered by Development Permit Area 1 (HC): Core Historic which enables Council to review and approve the character of commercial, industrial and multi-family residential developments. Heritage conservation is also included as a purpose of the DPA.

#### Downtown Core Area Plan

- The property is within the Historic Commercial District of the Downtown Core Area Plan, which supports growth in the tourism, retail and entertainment sectors. Residential dwellings are also encouraged in the upper stories of existing buildings.

#### Zoning and Designations

- The property is zoned CA-3C Zone, - Old Town District
  - Permits offices, retail, residences restricted to the second and higher storeys, transient accommodation, restaurants, clubs,
  - No off-street parking is required in this Zone.
- The property is Heritage Designated.
- The site falls within the Intermediate Noise District.

#### Neighbourhood Compatibility

- The building is on the north west corner of View and Government Streets. The site is bounded on all sides with the CA-3C Zone, Old Town District. Immediately adjacent uses include:
  - North: retail with upper floor offices
  - West: restaurant and offices
  - East (across Government) retail with upper floor offices and the Bay Centre retail mall.
  - South: entrance to Bastion Square and hotel, pub and retail uses

The closest residential use to the site is the 21-unit New England Hotel retail/residential building approximately 125 m north on Government Street

The Sustainable Planning & Community Development Department has no objection to the application as the use is permitted, the application for the change in hours will not significantly change the existing pub operations and the potential for additional noise affecting neighbouring businesses and residential neighbours is minimal.

#### Liquor Control and Licensing Branch

The General Manager of the provincial Liquor Control and Licensing Branch (LCLB) issues liquor licences under the authority of the *Liquor Control and Licensing Act* and regulations. Local government is to provide comments and recommendations to the LCLB on all liquor-primary licence applications regarding the potential for noise and impact on the community if the application is approved.

#### Relevant Policy / Bylaw

- a) Liquor Licensing Policy;
- b) Liquor Licensing Fee Bylaw.

### **Issues & Analysis**

This application is being pursued as a permanent change to the operating conditions as the pub operator wishes to commence providing a breakfast service on a daily basis. Two letters from the applicant detailing the reasons for the requested change are attached to this Report.

The change to the operating hours being requested by the applicant is within the hours of operation contemplated by the City's Liquor Licensing Policy. This policy provides guidance on closing hours for Liquor Primary businesses, but does not specify approved opening hours other than what is allowed by the LCLB (which is 9:00AM).

Within a 50 metre radius there are 2 other liquor primary licensed businesses with a seating capacity of 258 seats (see below). Also within a 50 metre radius there are 3 food primary licensed businesses with a seating capacity of 259 persons. It is noted that 2 of the 3 food primary businesses open for service at 10:00AM and the other one opens for service at 11:00AM.

LIQUOR PRIMARY VENUE	HOURS	SUNDAY HOURS	SEATING	TYPE
Bedford Regency 1140 Government St.	11:00AM to 1:00AM	11:00AM to Midnight	90	Hotel Lounge
Garrick's Head Pub 1140 Government St.	11:00AM to 1:00AM	11:00AM to Midnight	168	Hotel Pub

#### Bylaw Enforcement

The Bylaw and Licensing Services Division has no concerns with the application. There have been no complaints made about the Liquor Primary Licensed operation of the pub with respect to nuisance or noise in the past 5 years. A Good Neighbour Agreement for the licensee, as required by the Business Licence Bylaw, is in place.



### Engineering & Public Works Department

The Community Development Coordinator reviewed this application and provided the following comments:

Providing more hours of operation for businesses allows businesses opportunities to be more profitable and gives downtown patrons more options for dining. While there is a public health concern with increasing alcohol availability in the community, the hours of the requested extension are not typically associated with significant alcohol consumption.

### Police

As the increase in operating hours falls in the morning time only, the Police Department has no concerns with, or objections to, this application.

### Public Engagement and Consultation

In accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy, all owners and occupiers within 50 metres of the applicant's location were solicited by a mailed notice to provide input regarding this application. In addition, the business displayed a poster at the access points to their business for a 4 week period which also invited people to provide input to the City with respect to this application.

The result of this consultation was that the City received 2 email letters from the community, both in support of the application. Copies of these email letters are attached to this Report.

## **Conclusions**

The request complies with the City's current liquor licensing policy as the proposed opening and closing hours contained in the requests are within the hours specified by City Policy where such parameters have been set. The Liquor Primary Liquor Licence associated with this pub has been operating since 2004. There have been no complaints received related to noise or nuisance in the past 5 years in relation to the operation of the pub.

City staff from all Departments have no concerns about the proposed change to the operating hours for liquor service. The public consultation conducted by the City has resulted in two letters from the public, both supportive of the application. This is a general indication that the community has no concerns about the proposed changes. Therefore, a Resolution supporting the application has been drafted to meet the Liquor Control and Licensing Branch requirements.

## **Recommendations**

That Council, after conducting a review with respect to noise and community impacts regarding the application to amend the hours of liquor service for the Liquor Primary License of the **Irish Times Pub and Oyster Bar**, Liquor License No. 301113, located at 1200 Government Street, supports:

- The application of the **Irish Times Pub and Oyster Bar** to amend its Liquor Primary Licence for their Pub to allow a change in operating hours to include 9:00AM to 1:00AM from Monday to Sunday.
- The Council provides the following comments on the prescribed considerations;

- (a) The location is within a mixed commercial zone which authorizes offices, retail, multi-unit residential, transient accommodation, restaurants, clubs and associated uses. There is a small amount of residential use in the immediate vicinity. The Liquor Primary licensed operation is compatible with the neighbouring land uses. The business is located within the Historic Commercial District and is within the Intermediate Noise District which allows for a higher noise threshold.
- (b) This request represents a change in operating hours to enable liquor service 2 hours earlier each day. This change is expected to have minimal impact on the neighbourhood due to the time of day involved in the longer opening hours and the nature of service being provided during that time period. There have been no complaints of noise or nuisance from the pub in the past 5 years. There is no concern that this change would result in the business being operated contrary to its primary purpose.
- (c) The views of residents were solicited via a mail out to neighbouring property owners and occupiers within 50 metres of the pub and a notice posted at the property. Two responses were received by the City, both in support of the application.

## **ATTACHMENTS**

The following documents are attached:

1. An aerial photograph (map) of the property and surrounding area.
2. Two letters from the applicant explaining the purpose for the requested change.
3. Two letters from the public generally supporting the requested change.





## Legend

 Victoria Parcels

1: 2,445



## Notes

124.2 0 62.11 124.2 Meters

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 MAP IS NOT TO BE USED FOR NAVIGATION



April 16 2015

Attn: Mark Hayden Manager Bylaw and Licensing

Proposal to open early at the Irish Times and the Bard and Banker

We are seeking approval to change our hours to a 9 am opening at the Irish Times Pub and the Bard and Banker Pub. We would like to accommodate tourists and locals by offering breakfast. As you know we allow minors in our pubs and it has been a great success. We love the families and they are so happy to be able to experience our rooms and food. Currently we turn away many families and groups looking for spots to eat breakfast. In this part of downtown we do not have any restaurants or pubs that are open early. The cruise ship season is around the corner and with that Victoria will have 54 Cruise ships arrive before 9:00 am. The Irish Times and Bard and Banker would like to be open to serve these guests. Early opening would be very beneficial to the city of Victoria by adding a much needed dining option for our tourists as well it would ensure people and activity on the street which will have the positive effect of moving the transient population from Government Street. We would like to offer the tourist a world class welcome and we need to be able to open at 9:00 am to meet the needs of tourists and locals alike.

Thank you for taking the time to review this.

Sincerely,

Nancy Stewart

## Mark Hayden

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**From:** Nancy Stewart <[REDACTED]>  
**Sent:** Monday, May 4, 2015 1:14 PM  
**To:** Mark Hayden  
**Attachments:** image001.png; image002.png; image005.jpg

Good Afternoon Mark,

I have attached a letter of our intentions for breakfast for the Irish Times.

We are very excited about the possibility of offering our guests early hours. Just in the last 2 weeks since I wrote that letter I have personally turned away 10+ groups per morning. They are all looking for breakfast places to eat. I have now noticed that Lady Marmalade is no longer in business so options are limited in this area. We have had many favorable comments on the posters from our guest. All are supportive. I emailed Wendy Bowkett so I hope she will support this as well. Wayne Brown our liquor inspector verbally let me know that he thought it was a good idea.

Please let me know if you have any questions

Thank you for your time,

Cheers  
Nancy

Nancy Stewart  
General Manager





**Mark Hayden**

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**From:** Brennan Storr [REDACTED]  
**Sent:** Monday, Apr 13, 2015 1:52 PM  
**To:** Liquor Licence Email  
**Subject:** Change to Irish Times operating times

Hello,

We have operated a small consultancy on Langley Street, not far from the Irish Times Pub and Oyster Bar, for a number of years and have had no issues with the establishment. We do not object to the change in operating hours.

Kind regards,

Brennan Storr  
Office Manager  
Cortex Consultants

**Mark Hayden**

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**From:** Nancy <[REDACTED]>  
**Sent:** Wednesday, May 6, 2015 10:58 AM  
**To:** Liquor Licence Email  
**Subject:** Irish Times 9am weekend opening

I think it is great for downtown. With many cruise ships arriving early the downtown needs to wake up and have establishments open to keep the revenue downtown.

Nancy Smith  
[REDACTED]

Sent from my iPad