



Committee of the Whole Report

For the Meeting of December 7, 2017

To: Committee of the Whole **Date:** Nov 3, 2017

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Application for a New Liquor Primary Licence for Atomic Soap Lounge, 530 Pandora Avenue.

RECOMMENDATION

That Council direct staff to provide the following response to the Liquor Control and Licensing Branch:

1. Council, after conducting a review with respect to the location of the establishment, the person capacity and hours of liquor service, supports the application of Atomic Soap Lounge, located at 530 Pandora Avenue to obtain a new Liquor Primary License permitting service from 10:00 am until 10:00 pm daily with an interior occupant load of 59 persons (no outdoor service area is included in the application).

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 and is not expected to be appreciatively different than similar approvable establishments not subject to municipal review for liquor licencing. It is understood that the total licensed capacity is to be 59 persons and that approval of the Liquor Primary Licence is dependent on existence of the core soap making business.
- b. If the application is approved, the impact on the community is expected to be negligible given the size, hours, and primary focus of the business.
- c. The views of residents were solicited via a mail out to neighbouring property owners and occupiers within 50 metres of the licensed location and a notice posted at the property. The City received ten letters in total; including nine letters expressing concern or opposition to the application and one expressing support for the application for a liquor licence.
- d. Council recommends the issuance of the license as it is expected to support the economic viability of the business through support of its business plan to serve liquor complementary to the primary focus which is an instructor-led soap crafting experience.

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 Atomic Soap Lounge for a new Liquor Primary License at 530 Pandora Avenue with a licensed interior occupant load of 59 persons from 10:00 am until 10:00 pm daily.

BACKGROUND

The Liquor Control and Licensing Branch (LCLB) issues liquor licences under the authority of the *Liquor Control and Licensing Act* and regulations. Local governments are asked to provide comments and recommendations to the LCLB on all Liquor Primary Licence applications regarding:

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

In an attached letter of intent (Appendix A), the applicant outlines the rationale for application to LCLB for the new Liquor Primary License. A map of the subject property and the immediate area is attached to this report (Appendix B).

In January of 2017, LCLB introduced new licencing opportunities. Any business is eligible for a Liquor Primary Licence, except those that operate from a motor vehicle or focus on minors, (e.g. store, spa, rental hall), subject to zoning, and to local government and public input. Liquor primary establishments must ensure food is available for patrons. Furthermore, an updated publication prepared by LCLB (Appendix E), outlines licensing options available to businesses.

Where a liquor primary is in another business (e.g. a barber shop), the licensed area may completely or partially overlap the main business, or be adjacent to it. Also, the hours of operation may completely or partially overlap the main business' hours of operation. The Liquor Control and Licensing Branch (LCLB) will determine if and when minors are permitted. The licensee must apply to the LCLB if they want to change or close the main business, as that might affect the terms and conditions of the licence.

As is the case with all Liquor Primary Licence applications, the LCLB is requesting a resolution from the City of Victoria regarding the application.

ISSUES & ANALYSIS

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

City Liquor Licensing Policy

The City's Liquor Licensing Policy is that it consider applications for Liquor Primaries having hours of operation not later than 2:00 am.

*The limitations for opening and closing hours adopted by Council only refers to the sale of liquor and not the other aspects of the business. The applicable Council Policy is attached to this report (Appendix C).

The hours of licensed service proposed in the application are within 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 Police, Bylaw, Planning, Community Development and Engineering. That review has resulted in the following feedback:

- Staff's consideration of the application resulted in recognition of existing potential for noise related issues due to interfacing commercial and residential occupancies. Staff did note that the activities of the business and its patrons are consistent with uses contemplated for the site and while residential occupants are in close proximity to the establishment, the Atomic Soap Lounge is not proposing a use or activity for which consequences of its existence have not been previously considered.

Community Consultation

In accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy, all property 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, Atomic Soap Lounge displayed a notice poster at its entrance for a period of 30 days ending on October 25th which invited people to provide input to the City with respect to this application.

The City received ten letters in total; including nine letters expressing concern or opposition to the application and one expressing support for the application for a liquor licence.

The letter of support anticipated the "lively vibe" the business was likely to bring to the neighbourhood contributing to the existing positive feel on the street

Nine letters were received which expressed concern or opposition to the application. The main themes of concern were noise related to the courtyard, hours of the business, patrons smoking and an overabundance of alcohol availability in the area.

Applicant Response

As is standard practice as a part of the liquor licence process, the applicant is provided with an opportunity to review this report and address it through correspondence prior to the report being forwarded to Council. After the applicant reviewed this report, the applicant has declined opportunity.

In summary, after conducting a review with respect to noise and community impacts and soliciting community views regarding the application for a new Liquor Primary License by Atomic Soap Lounge, located at 530 Pandora Avenue, it is considered that the proposal is consistent with current City policy and would result in a net-positive impact on the community and would not create additional noise over and above similar approvable establishments not subject to municipal review for liquor licencing. Therefore, staff recommend that Council consider directing staff to notify the Liquor Licensing Agency that Council supports the application for the new Liquor Primary License.

IMPACTS

Accessibility Impact Statement

None

Strategic Plan 2015 – 2018

The recommendation to support the application is likely to increase the viability of the business, which is consistent with Strategic Plan Objective #5 - *Create Prosperity Through Economic Development*.

Impacts to Financial Plan

There are no anticipated impacts to the Financial Plan.

Official Community Plan

The business will commence operations in December and licensing opportunities are secondary to the primary focus of the business which aligns with the *Official Community Plan* objectives for this neighbourhood.

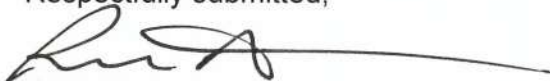
CONCLUSIONS

The application for a new Liquor Primary License for Atomic Soap Lounge is not in conflict with the City's current liquor licensing policy and while a significant number of letters were received opposed to the application, the operations of the business are considered consistent with the intended use contemplated for the commercial location. Concerns focused on consumption in the courtyard area, associated noise and nuisance related to smoking. The Courtyard is not proposed to be part of the licensed area and smoking would not be permitted regardless of a liquor license approval. Therefore, staff recommend for Council's consideration that a resolution be made regarding the application and that Council support the application of Atomic Soap Lounge to LCLB for a Liquor Primary License having hours of licensed service from 10:00 am until 10:00 pm daily having an interior occupant load of 59 persons.

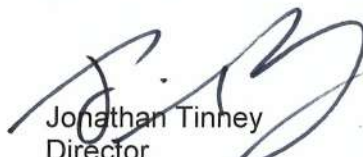
ALTERNATE MOTION (No Support)

That Council, after conducting a review with respect to noise and community impacts regarding the application for a new Liquor Primary License for Atomic Soap Lounge, located at 530 Pandora Avenue, does not support the request for the amendment.

Respectfully submitted,

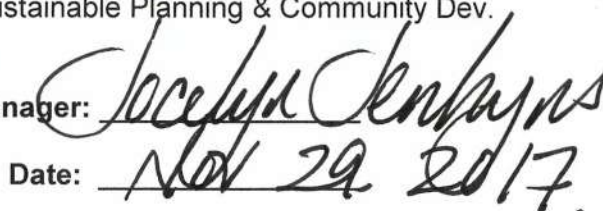


Ryan Morhart
Manager
Permits & Inspections



Jonathan Tinney
Director
Sustainable Planning & Community Dev.

Report accepted and recommended by the City Manager:


Date: Nov 29 2017

List of Attachments

Appendix A: Letter of Intent

Appendix B: Aerial photograph (map) of location and surrounding area.

Appendix C: Liquor Licencing Policy

Appendix D: Letters from the public

Appendix E: Provincial Liquor License Types