

Committee of the Whole Report
For the Meeting of October 12, 2017

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 The Drake for a new Liquor Primary License at 517 Pandora Avenue having licenced hours of service from 9:00 am until 12:00 am seven days a week and an occupant load of 178 persons.

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).

The establishment has been in operation a number of years and recently they have been directed by LCLB to obtain a Liquor Primary Licence in order to more accurately reflect the consumption behaviours of the patrons and to accommodate entrance of minors throughout business hours.

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

In 2007 Council adopted as part of the City's Liquor Licensing Policy that it consider applications for Liquor Primaries having hours of operation not later than 2:00am

*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 minutes are attached to this report as 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:

- No concerns have been brought forward by the inter-departmental review.

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, The Drake displayed a notice poster at its entrance for 30 days which invited people to provide input to the City with respect to this application.

Four letters were received, all in support of the application to LCLB.

The letters of support noted the business owners to be responsible, respectable and professional operators and support their efforts and all that The Drake brings to the community.

Applicant Response

As is standard practice as a part of the liquor licence process, after City staff give 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 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 The Drake, located at 517 Pandora Street, it is considered that the proposal is consistent with current City policy and would result in a net-positive impact on the community and not generate noise related issues as a consequence of the license approval. 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 is existing and licensing opportunities are secondary to the primary focus of the business. The primary purpose of the business aligns with the *Official Community Plan* objectives for this neighbourhood.

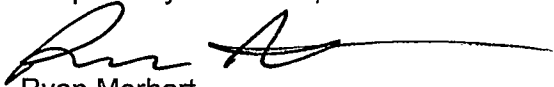
CONCLUSIONS

The application for a new Liquor Primary License for The Drake is not in conflict with the City's current liquor licensing policy and no objection has been raised through the community consultation process. Therefore, staff recommend for Council's consideration that a resolution be made regarding the application and that Council support the application of The Drake to LCLB for a Liquor Primary License having hours of licensed service from 9:00 am – 12:00 am seven days per week.

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 The Drake, located at 517 Pandora Avenue, does not support the request for the amendment.

Respectfully submitted,

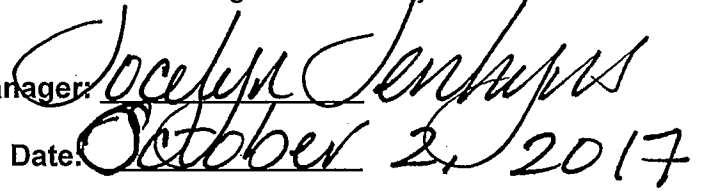


Ryan Morhart
Manager
Permits & Inspections



Jonathan Tinney
Director
Sustainable Planning & Community Dev.

Report accepted and recommended by the City Manager:


Date: October 2, 2017

List of Attachments

- Appendix A: Letter of Rationale
- Appendix B: Aerial photograph (map)
- Appendix C: Council Minute from May 24, 2007, (Liquor Licensing Policy)
- Appendix D: Letters from the public
- Appendix E: Provincial Liquor License Types