



Committee of the Whole Report

For the Meeting of September 14, 2017

To: Committee of the Whole **Date:** August 22, 2017

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

Subject: Application for Lounge Endorsements to Manufacturer's Licenses regarding manufacture licenses (300184 & 302296), Phillips Brewery, 2000 (2010) Government.

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 Phillips Brewery, located at 2000 Government Street, to have a lounge endorsement added to each of the two manufacturing licenses, having hours of operation from 11:00 am to 11:00 pm daily and an occupant load of 134 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 there is limited reason to expect noise will be an issue resulting from approval.
- b. If the application is approved, the impact on the community is expected to be positive economically as the approval supports the request and long term objectives 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 one letter in support of the application.
- d. Council recommends the license endorsements be approved.

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 Phillips Brewery to have a lounge endorsement added to each of their two manufacturing licenses and having hours of operation for the lounge from 11:00 am to 11:00 pm daily and having an occupant load of 134 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. 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 A).

As noted above, this application is to have a lounge endorsement added to each of their two manufacturing licenses and having hours of operation for the lounge from 11:00 am to 11:00 pm daily and an occupant load of 134 persons. The Liquor Control and Licensing Branch is requesting a resolution from the City of Victoria regarding the application and the review criteria noted above.

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, specific hours of operation limitations for liquor primary licensed businesses that wanted to operate outside of the provincially approved hours. The policy that Council adopted includes:

- That City Council not consider applications for extended hours of sale past 2:00 am for any date other than New Year's Eve;

*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 B.

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 were expressed by staff in regard to the application and the associated hours of operation and occupant load.

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

One letter was received in support of the application and no letters were received expressing concern.

The letter of support is available in Appendix C.

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.

In summary, after conducting a review with respect to noise and community impacts and soliciting community views regarding Phillips application to have a lounge endorsement added to each of their two manufacturing licenses, and having hours of operation for the lounge from 11:00 am to 11:00 pm daily and having an occupant load of 134 persons, it is considered that the proposal is consistent with current City policy. Therefore, staff recommend that Council consider directing staff to notify the Liquor Licensing Agency that Council supports the application to extend hours of licenced service for the Liquor Primary License.

IMPACTS

Accessibility Impact Statement

None

Strategic Plan 2015 – 2018

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

Impacts to Financial Plan

None

Official Community Plan

The existing and proposed uses of the lounge endorsement and manufacturing license are consistent with the *Official Community Plan* objectives for this neighbourhood.

CONCLUSIONS

The application to have a lounge endorsement added to each of Phillips two manufacturing licenses and having hours of operation for the lounge from 11:00 am to 11:00 pm daily and having an occupant load of 134 persons is not in conflict with the City's current liquor licensing policy and there has been no public objections raised. Therefore, staff recommend for Council's consideration that a resolution be made regarding the application and that Council support the application for lounge endorsements for Phillips.

ALTERNATE MOTION (No Support)

That Council, after conducting a review with respect to noise and community impacts regarding the application to add Lounge Endorsements to Phillips manufacturing licences at 2010 Government Street, does not support the request for the amendment.

Respectfully submitted,



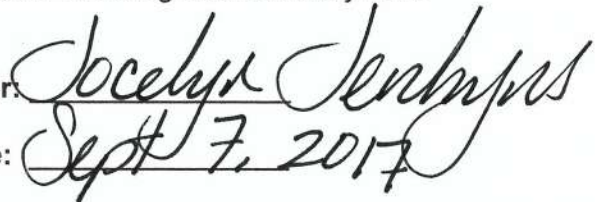
Ryan Morhart
Manager
Permits & Inspections



Jonathan Tinney
Director
Sustainable Planning & Community Dev.

Report accepted and recommended by the City Manager:

Date:


Sept 7, 2017

List of Attachments

- Appendix A: Aerial photograph (map) of the establishment and surrounding area.
- Appendix B: Council Minute from May 24, 2007
- Appendix C: Letters from the public
- Appendix D: Provincial Liquor License Types