



## **Committee of the Whole Report**

### **For the Meeting of June 8, 2017**

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**To:** Committee of the Whole **Date:** May 9, 2017

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

**Subject:** Application for a Permanent Change to Hours of Service for a Liquor Primary License (212046), D'arcy McGee's, 1127 Wharf Street.

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### **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 D'arcy McGee's, located at 1127 Wharf Street to extend closing hours from 1:00 am to 2:00 am on Fridays and Saturdays.

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 to extend the hours to 2:00 am on Friday and Saturdays and is not expected to be a significant issue.
- b. If the application is approved, the impact on the community is expected to be positive economically as the approval supports the request 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 and three letters opposed to the application which included a letter from the Victoria Downtown Residents Association. The letter from VDRA states a number of concerns related to densification of similar establishments with similar closing hours due to the proximity of existing residential units.
- d. Council recommends the issuance of the license.

### **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 D'arcy McGee's to change their liquor primary licence at 1127 Wharf Street to extend liquor sales from 1:00 am to 2:00 am on Fridays and Saturdays.

## **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 potential for noise
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 extend the hours of business for the Liquor Primary license from 1:00 am to 2:00 am on Fridays and Saturdays. 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:

- The extension of hours will contribute incrementally to pressures on taxi and police services as the change contributes to the number of persons existing to the streets at the more common closing time of 2:00 am shared by other liquor primary establishments.
- The impact of noise on residential areas is not thought to be significant as the occupant load is remaining the same and already, the area has experience with their current closing time of 1:00 am and the 2:00 am closing time of other establishments.



## 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, D'arcy McGee's displayed a notice poster at its 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 three letters were received which expressed concerns about the extended hours.

The letters of concern pointed to the concentration of establishments sharing the common closing time of 2:00 am and thought additional seats sharing that time could only contribute to the negative aspects of the late night activity. These aspects include disruptive, offensive and loud behaviour, public urination, vomiting, and vandalism. Staggered closing times is preferred.

All letters are available in Appendix C.

## 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 submitted a letter in response which can be found in Appendix E.

In summary, after conducting a review with respect to noise and community impacts and soliciting community views regarding D'arcy McGee's application to extend their hours of operation from 1:00 am to 2:00 am on Fridays and Saturdays at 1127 Wharf Street, 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

### 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 liquor primary license are consistent with the *Official Community Plan* objectives for this neighbourhood.

## CONCLUSIONS

The application to change the Liquor Primary License for D'arcy McGee's, extending hours from 1:00 am to 2:00 am on Fridays and Saturdays is not in conflict with the City's current liquor licensing policy and while there were letters of opposition, the establishment has a long history of responsible operation and has no record of infractions. Noise in the area is not known to be a significant issue for nearby residential tenancies and issues of urination, vomiting and vandalism are not likely affected by staggered hours. While concern exists, the application is supportable based on existing policy and limited public opposition. Therefore, staff recommend for Council's consideration that a resolution be made regarding the application and that Council support the application for the extension of hours to the liquor primary license of D'arcy McGee's.

## ALTERNATE MOTION (No Support)

That Council, after conducting a review with respect to noise and community impacts regarding the application to extend hours of service for a liquor primary license (212046), D'arcy McGee's, 1127 Wharf 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: May 31, 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
- Appendix E: Response from Applicant regarding Council report