



Committee of the Whole Report

For the Meeting of May 18, 2017

To: Committee of the Whole **Date:** April 26, 2017

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

Subject: Application for a New Liquor Primary Licence for Terroir Tea Merchant, 832 Fort Street.

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 and the person capacity and hours of liquor service, supports the application of Terroir Tea Merchant, located at 832 Fort Street to obtain a new Liquor Primary License permitting service from 12:00 pm until 11:00 pm seven days a week for an occupant load not in excess of 24 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 and is not expected to be appreciatively different than that generated by the existing operations. It is understood that the total licensed capacity of 24 persons is distributed such that the outdoor space provides four licensed seats and the remaining 20 seats are within the building and the hours in which licenced service is permitted is 12:00 pm until 11:00 pm seven days a week.
- b. If the application is approved, the impact on the community is expected to be negligible given the size and hours 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 two letters in support of the application, one of which was from the Downtown Residents Association.
- d. Council recommends the issuance of the license as it is expected to increase the economic viability of the business.

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 Terroir Tea Merchant for a new Liquor Primary License at 832 Fort Street to license 24 seats (20 indoor and four patio seats) from 12:00 pm until 11:00 pm seven days a week.

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.

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.

This is the first business making application under the expanded opportunities for licensing provided by LCLB.

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:

- The total occupant load is 24 person which includes 18 indoor seat, 2 staff members and 4 outdoor patio seats. The hours of licenced service are 12:00 pm to 11:00 pm seven days a week.
- In consideration of the occupant load and hours of licenced service, it is not expected the approval of the licence will result in any noise related issues. Licenced outdoor areas do have an increased potential to generate noise related issues but this consideration is to be weighed in proportion to the size of the outdoor licenced area which has four seats.
- The approval of the license could reasonably be expected to improve the economic viability of the business and contribute to the diversity of the local economy.

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

Two letters were received in support of the application to LCLB.

The letters of support noted the respectability of the merchant in the community and the flexibility the licence would afford the business.

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 Terroir Tea Merchants, located at 832 Fort 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

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 Terroir Tea Merchant 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 Terroir Tea Merchant to LCLB for a Liquor Primary License having hours of licensed service from 12:00 pm – 11 pm 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 Terroir Tea Merchant, located at 832 Fort 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 11, 2017

List of Attachments

- Appendix A: Letter of Rationale, from Terroir Tea Merchant, Jason Spencer
- Appendix B: Aerial photograph (map) of 832 Fort Street and surrounding area.
- Appendix C: Council Minute from May 24, 2007, (Liquor Licencing Policy)
- Appendix D: One letter from the public
- Appendix E: Provincial Liquor License Types