



Committee of the Whole Report

For the Meeting of May 18, 2017

To: Committee of the Whole **Date:** April 28, 2017

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

Subject: Application for a change to a Food-Primary License to add an Entertainment Endorsement. Liquor License (204648), Zambri's, 820 Yates Street.

RECOMMENDATION

That Council direct staff to provide the following response to the Liquor Licensing Agency:

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 Zambri's Merchant, located at 820 Yates Street to add an Entertainment Endorsement to their Food-Primary Liquor License.

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 there is no change to the existing approved occupant load or hours of operation.
- b. If the application is approved, the impact on the community is expected to be positive, as the approval supports the long term viability of the business in the community. Approval is not expected to be disruptive to the community.
- 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 3 letters in support of the application.
- d. Council recommends the issuance of the license as the requested change benefitting the business is compatible with the neighbourhood.

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 Zambri's to change their Food-Primary License and add an Entertainment Endorsement at 820 Yates Street.

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 food-primary licence applications seeking an entertainment endorsement, regarding:

1. the potential for noise
2. impact on the community if the application is approved
3. whether the amendment may result in the establishment being operated in a manner that is contrary to the primary purpose.

In an attached letter of intent (Appendix A), the applicant outlines the rationale for the addition of the Entertainment Endorsement to their existing Food Primary license. A map of the subject property and the immediate area is attached to this report (Appendix B).

The hours of licensed service and occupant load are existing and are not proposed for change as part of this application. The existing hours are 11:00 am to 12:00 am seven days per week and the occupant load is 150 persons.

As noted above, this application is to add an Entertainment Endorsement to an existing Food-Primary license and, therefore, the Liquor Control and Licensing Branch 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, specific hours of operation limitations for food-primary liquor licensed businesses that wanted to operate outside of the provincially approved hours. The policy that Council adopted includes:

- that Council will only support openings for food-primary liquor licensed businesses later than midnight (12:00 am) on Friday and Saturday nights; and,
- that Council will not support closing hours for food-primary liquor licensed businesses on Friday and Saturday nights later than 1:00 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 minutes are attached to this report as Appendix C.

The application to LCLB is within the parameters of the policy.

City Referrals

An inter-departmental review of the project has been undertaken by City staff. The inter-departmental review includes Police, Bylaw, Planning, Community Development and Engineering. That review has resulted in the following feedback:

- As there is no change in the occupant load and hours of operation, potential for increased noise was considered and is not thought to be an issue with the addition of entertainment endorsement.
- The approval of the license supports the businesses vision and this supports its economic viability and contributes to the strength of the local economy.
- The business is in good standing with Bylaw Services

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 business displayed a notice poster at its entrance for thirty days which invited people to provide input to the City with respect to this application.

A total of 3 letters were received in support of the application, one of which was from the Victoria Downtown Residents Association, for the amendment and no letters of opposition were received.

The letters of support indicated the change would add vibrancy to the area and in general would support the community minded business and therefore the community in turn.

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 to respond.

In summary, after conducting a review with respect to noise and community impacts and soliciting community views regarding the application to add an Entertainment Endorsement to the Food-Primary Liquor License of Zambri's, located at 820 Yates 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 addition of an Entertainment Endorsement to the Food-Primary License.

IMPACTS

Strategic Plan 2015 – 2018

The recommendation to support the application is likely to increase the business viability of the restaurant, 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 existing and proposed uses of the food primary license are consistent with the *Official Community Plan* objectives for this neighbourhood.

CONCLUSIONS

The application 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 Zambri's to LCLB for an Entertainment Endorsement – Food-Primary license.

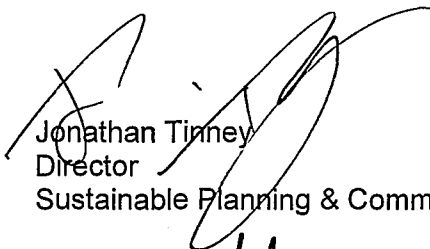
ALTERNATE MOTION (No Support)

That Council, after conducting a review with respect to noise and community impacts regarding the application for an Entertainment Endorsement – Food-Primary license at Zambri's, located at 820 Yates 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
- Appendix B: Aerial photograph (map) of the establishment and surrounding area.
- Appendix C: Council Minute from May 24, 2007, regarding policy for LCLB applications
- Appendix D: Letters from the public
- Appendix E: Provincial Liquor License Types