



**Planning and Land Use Committee Report
For the Meeting of August 27, 2015**

To: Planning and Land Use Committee **Date:** July 29, 2015
From: Rob Woodland, Director, Legislative and Regulatory Services
Subject: Application for Permanent Change to the Hours of Licensee Retail Store Liquor Licence
For Cascadia Fine Wines, Ales & Spirits, 2631 Quadra Street, Licence No. 195499

RECOMMENDATION

That Council, after conducting a review with respect to noise and community impacts regarding the application to amend liquor sales hours for the Licensee Retail Store business of **Cascadia Fine Wines Ales and Spirits**, Liquor License No. 195499, located at 2631 Quadra Street, approves:

1. The application of **Cascadia Fine Wines Ales and Spirits** to operate their Licensee Retail Store business during the hours of 9:00am to 11:00pm daily.
2. Instructs the Corporate Administrator to notify the General Manager of the Liquor Control and Licensing Branch (LCLB) of this decision so that the LCLB can amend the provincial Retail Store Liquor Licence accordingly.

EXECUTIVE SUMMARY

The purpose of this report is to seek direction from Council in response to a request from the owner of Cascadia Fine Wines Ales and Spirits, located in Quadra Village at 2631 Quadra Street, to amend their Licensee Retail Store Liquor Licence to enable a one hour extension to their hours of operation.

The current hours for liquor sales at this location are 9:00am to 10:00pm seven (7) days per week. If approved, the hours of operation for liquor sales would be 9:00am to 11:00pm seven days a week.

PURPOSE

The purpose of this report is to seek Council direction regarding an application by Cascadia Fine Wines Ales & Spirits, in relation to their Licensee Retail Store business located at 2631 Quadra Street, to extend their hours of liquor sales from 10:00pm to 11:00pm seven (7) days per week. The current hours for liquor sales are from 9:00am to 10:00pm seven days per week.

BACKGROUND

Cascadia Fine Wines, Ales & Spirits is located at 2631 Quadra St. and is part of the Quadra Village commercial area. Cascadia first applied to open a Liquor Retail Store at this location in

2008 by applying to have the property rezoned to allow this use. The Liquor Retail Store was approved on August 27, 2009. At the public hearing for this application there was a fair amount of discussion about the hours of operation. Council made a specific motion that the General Manager, Liquor Control and Licensing Branch set the closing time for this liquor store at 10:00 pm. This condition was agreed to by the applicant.

At the time the store opened (late 2009), the main retail tenant in Quadra Village (Fairway Market) had business closing hours of 10:00 pm. Since that time, the grocery store has changed its business closing hour to 11:00 pm. As a result, Cascadia Fine Wines Ales & Spirits is requesting that their closing hour be set at the same time, which is also consistent with the provincial standard for operating hours for their liquor licensed business. If approved, the Licensee Retail Store would be open for liquor sales from 9:00am to 11:00pm seven days per week. No other aspect of the business would change if this request is approved. Full rationale for the request is outlined in the applicant's letter in Appendix A.

Location

Official Community Plan:

- The property is within the Quadra Village Large Urban Village, Development Permit Area 5 in the Official Community Plan.

Downtown Core Area Plan:

- The property is not within the area of Downtown as defined by the DCAP.

Zoning:

- The property is zoned C1-QV1 Quadra Village Commercial District, which allows for a Liquor Retail Store not to exceed 200 m2 in total floor area. The Zoning Bylaw does not regulate the hours of operation. The Liquor Retail Store at this location was approved on August 27, 2009. At the public hearing for this application, there was a fair amount of discussion about the hours of operation. Council made a specific motion that the General Manager, Liquor Control & Licensing Branch to set the closing time for this liquor store at 10:00pm.
- Parking requirements are satisfied on the subject site.

Neighbourhood Compatibility:

- The Licensee Retail Store is located within the centre of the Quadra Village shopping centre, which has access from both Quadra and Fifth Streets. Immediately adjacent land uses are:
 - North: Commercial / theatre
 - East: Multi-family residential and single family homes along Fifth St.
 - West: Predominately commercial mixed use along Quadra Street
 - South: Mixed use – predominately commercial
- The subject property is in an Intermediate District as defined in the City's *Noise Bylaw*.

Liquor Control and Licensing Branch

The General Manager of the provincial Liquor Control and Licensing Branch (LCLB) issues liquor licences under the authority of the *Liquor Control and Licensing Act* and regulations. With respect to the retail sales of liquor, all Retail Store Liquor Licensed businesses throughout the province are allowed to sell liquor products between 9:00 am and 11:00 pm seven (7) days per week.

Relevant Policy / Bylaw

- a) Liquor Licensing Policy;
- b) Liquor Licensing Fee Bylaw.

Public Consultation

The application is from an existing liquor licensed business and is an amendment to the current terms and conditions of the provincial liquor licence. As such, the application was reviewed in accordance with the City's process for permanent changes to an existing liquor licence, which requires direct notification of neighbours within 50 m of the applicant's business and the posting of a sign on the business premises. The notices solicited written comments from the public in regard to the application.

ISSUES & ANALYSIS

This application is requesting a permanent change to the operating hours so that the Licensee Retail Store can be open until 11:00 pm daily.

Within a 100 metre radius of Cascadia Fine Wines Ales and Spirits there are no other Licensee Retail Store businesses.

The applicant's licence currently allows sales until 10:00 pm. The other 20 Licensee Retail Store businesses in the City are open until 11:00 pm. It would therefore be consistent with other licensees to allow an 11:00 pm closing time, as well as harmonizing it with the closing time of the adjacent grocery store.

Bylaw Enforcement

No complaints related to the business have been received since the business opened five years ago. The Bylaw and Licensing Services Division has no concerns with the application.

Citizen Engagement and Strategic Planning

The applicant's business complements the adjacent grocery store and contributed to the business viability of the Quadra Street Village. It provides a walkable destination for purchases that may otherwise require driving a vehicle or additional costs for transportation.

Notwithstanding the above, extending hours of liquor distribution outlets can contribute to liquor related problems. While this application may be considered reasonable on other grounds, the incremental expansion of alcohol availability in the community should be recognized and considered when reviewing applications.

Sustainable Planning and Community Development

Quadra Village is the commercial centre of the Hillside-Quadra neighbourhood and, as such, commercial uses are supportable. However, it is felt that the issues that the public and Council raised at the time of the original application may still remain relevant.

Police

The Police Department has no concerns with, or objections to, this application.

Public Engagement and Consultation

In accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy, all owners and occupiers within 50 metres of the applicant's location were solicited by a mailed notice to provide their input regarding this application. In addition, the business displayed a poster at the access points to their business for a four week period which also invited people to provide input to the City with respect to this application.

The result of this consultation was that the City received no responses. The Hillside Quadra Neighbourhood Action Group conducted their own call for comments on the proposed extension of hours of operation and received three responses – one in opposition and two neutral. These

are attached in Appendix C.

CONCLUSION

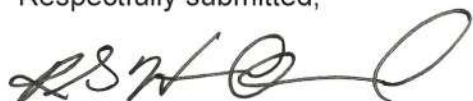
The Licensee Retail Store business has been operating since 2009 with a positive compliance record. City staff from relevant departments are either supportive of, or have no opposition to, the proposed change to extend the hours of liquor sales by 1 hour daily as requested by the applicant.

The increase in hours of service to 11:00pm is expected to have minimal impact on the community. Since the approval of the original application in 2009, there has been a change in operating hours for the adjacent grocery store in Quadra Village to 11:00pm. Other liquor retail store businesses in the City are open until 11:00pm.

The application for an additional one hours of service until 11:00 pm is supportable for the following reasons:

- The requested use is compatible with the Official Community Plan;
- The 11:00 pm closing hour would be a positive economic benefit to the licensee;
- There does not appear to be any significant neighbourhood concerns with the application;
- The business has a positive compliance record; and
- The application is consistent with the operating hours of other similar liquor-licensed businesses, and the adjacent grocery store.

Respectfully submitted,



Rob Woodland, Director
Legislative and Regulatory Services



Report accepted and recommended by the City Manager:

Date:

August 19, 2015

List of Attachments

Appendix A – Letter from Applicant Re: Requested Change

Appendix B – Map of 2631 Quadra Street

Appendix C – Three responses to Hillside Quadra NAG call for comments

Appendix A – Letter from Applicant Re: Requested Change

May 28, 2015

Mark Hayden
City of Victoria - Manager, Bylaw and Licensing Services
Legislative and Regulatory Services Department
1 Centennial Square, Victoria BC V8W 1P6

Cascadia Liquor Quadra Inc. ("Cascadia Fine Wines Ale & Spirits") has made an application for a "Permanent Change to a Liquor License" with the Liquor Control and Licensing Branch.

The request is to change the operating hours from 9:00AM – 10:00PM to 9:00AM to **11:00PM**.

11:00PM is the standard closing time associated with a Licensee Retail Store. Limitations on the operating hours at the Cascadia Liquor location in Quadra Village were made as part of the 2009 rezoning process.

At the time of rezoning Cascadia Liquor "agreed that the closing time of the Licensed Retail Store will be limited to the same time as the closing time of Fairways Market, the adjacent grocery store, which is currently 10:00PM".

Fairways Market has been open until 11:00PM for some time now. The request to extend the operating hours is to provide consistent shopping hours to customers at the mall and also to match the closing times of other liquor retailers in the area and in the City of Victoria.

Cascadia Quadra Village also has a requirement to meet with the Quadra Hillside Neighbourhood Action Group at least annually. We have done this and will consult with them again as a requirement of the City of Victoria council approval process.

Respectfully,

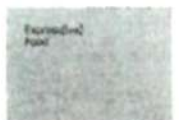
Don Calveley, President
Cascadia Liquor Quadra Inc.



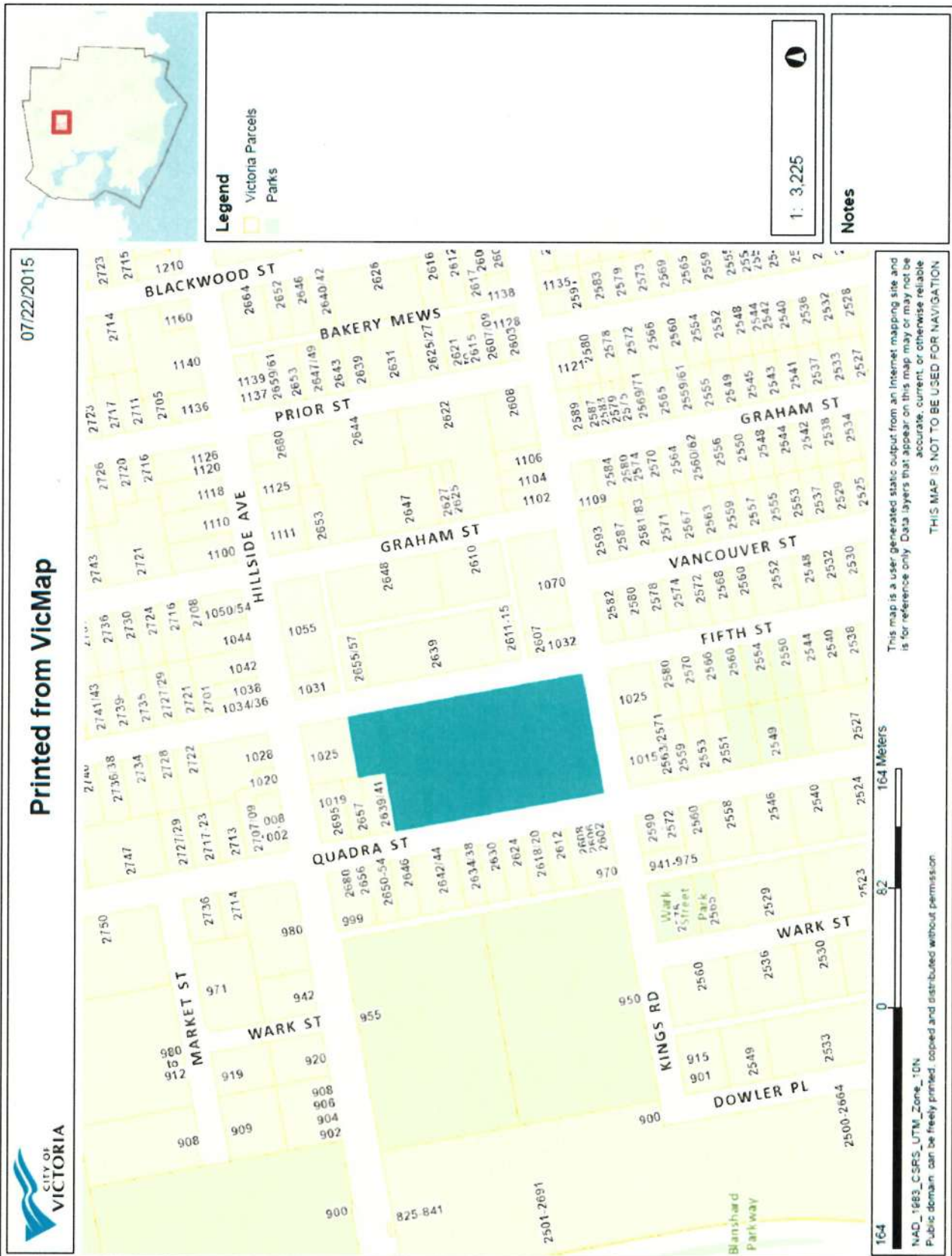
Truffle



CANOE



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Appendix C – Three responses to Hillside Quadra NAG call for comments

From: Lucina Baryluk
Sent: Thursday, Jul 2, 2015 4:06 PM
To: Public Hearings
Subject: FW: Cascadia Liquor Store (Cascadia) application for extended hours

From: Rowena and John [mailto: [REDACTED]]
Sent: Sunday, Jun 28, 2015 4:12 PM
To: Lucina Baryluk
Subject: Cascadia Liquor Store (Cascadia) application for extended hours

Hello Lucina,

We are aware that Cascadia is applying to extend their hours from 10pm to 11pm. We put this info out to our list and had 3 comments back from the community about the extension of Cascadia Liquor Store hours. Could you forward these to the appropriate person?

Thank you,

Rowena Locklin
Hillside Quadra NAG

----- Forwarded message from Chris Travis [REDACTED] -----

Date: Fri, 19 Jun 2015 17:30:46 -0700
From: Chris Travis <[REDACTED]>
Reply-To: Chris Travis <[REDACTED]>
Subject: Cascadia Liquor Store (Cascadia) considers later hours
To: nag@quadravillagecc.com

Hello,

We are members of NAG and have a property bordering the Quadra Centre.

Cascadia is applying for extended hours.

From time to time we have experienced drinking issues outside, including in particular people trying to 'temporally camp out' outside around Fairways Market.

There are other liquor outlets nearby within several blocks of Cascadia.

Therefore, with the noted reasons we do not see any benefit to the extended hours and cannot support this term.

Chris Travis

I don't personally see any problem with this.

Sarah Wicker
Vista Heights

Since I don't live in the immediate vicinity, I don't have a strong opinion on this. I haven't noticed the parking lot to be overly busy or traffic an issue when I have been in the block.

Thanks for requesting feedback via email.

Deirdre