

Ryan Morhart

From: Bert Hick <bert@risingtideconsultants.ca>
Sent: July 15, 2019 12:42 PM
To: Ryan Morhart
Cc: Edna Lizotte
Subject: Liquor Primary License Application for Leopold's Victoria
Attachments: Stamped plan for Leo's FP Jun 13 19.pdf; Leopold's Tavern Alberta Menu.pdf

Good afternoon Ryan,

Thank you for forwarding to us a copy of the report that will proceed to the Committee of the Whole regarding the above noted application. We understand this application will be considered at the August 1st meeting. We would like to offer our following comments and recommendations on this report, which should assist Council in considering this application.

Patio

The application to the Liquor Branch and to the City of Victoria, proposed a patio directly in front of the establishment. The report to Council does not include this patio which will be licensed. You will recall we had to remove the patio from the City application due to sizing issues. Those issues have now been resolved and the applicant has been issued a patio permit with a reduced capacity to only 20 persons, which would bring the establishment capacity to 120 persons in total. The applicant has a floor plan for the interior and patio which has been stamped by the local Fire Department. You may recall the original patio capacity being for 34 persons so there has been a decrease in size and capacity. (Floor Plans attached)

Hours of Closing

With respect to the hours of closing, which appears to be the main issue of concern of the report, we would offer the following comments:

- Leopold's is truly a Pub/Tavern experience with substantial and quality food and beverage services. They have a very positive record in Alberta, Saskatchewan and Manitoba and are expanding their concept and brand to other Canadian jurisdictions. Accordingly, in preparing this application, Leopold's wanted to have the same competitive hours that other tavern/pub establishments have in the downtown area of Victoria. For example Swans pub has hours to 2am. Also, by having the same hours as other establishments it prevents patrons leaving Leopold's at 11:30pm or midnight to try to get into other licensed establishments with later hours and create possible enforcement issues. It is my submission, that at closing times it is ideal if the patrons just went home rather than move on to another establishment in the area which are open later.
- The location of Leopold's has a long history of being a large licensed establishment when it was operated as Steamers pub with a larger capacity.
- Leopold's is a tavern with a full commercial kitchen and menu. As such it will have substantial food service throughout the day and night. It cannot be compared to night clubs such as Lucky

bar and other establishments with little or no food offerings. We have attached a copy of the Alberta menu for your information.

- We are not clear why the issues of the Refuge Tap Room at 832 Fort Street is a consideration in our application as they are separate establishments.
- It seems slightly unfair that other establishments were given the opportunity to open with the standard liquor primary hours to 2am whereas our client is being asked to restrict their hours based on other establishments records.

In recognition of the City's concerns on hours, we are prepared to reduce our requested hours of closing. We would propose the following hours:

- Sunday to Thursday 9am to midnight
- Friday and Saturday 9am to 1am

We feel these proposed hours will satisfy the City's concerns and yet we will be able to be somewhat competitive with the other pub/tavern establishments in the same area of downtown Victoria.

We would be happy to discuss this in further detail at your convenience.

Yours truly,
Bert Hick

Bert Hick | President

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Ryan Morhart

From: Stephanie McKenna <stephanie@risingtideconsultants.ca>
Sent: Friday, April 26, 2019 2:41 PM
To: Ryan Morhart
Cc: Carly Gowan; Edna Lizotte
Subject: RE: Liquor Primary License Referral (LL000294) | Leopold's Victoria

Hi Ryan,

Just to confirm after our discussion, that the client definitely wants to move forward with the 2am closing time.

Kind regards,
Stephanie

Stephanie McKenna
Licensing Specialist
P 604.669.2928

From: Stephanie McKenna
Sent: April 23, 2019 4:47 PM
To: RMorhart@victoria.ca
Cc: Carly Gowan <carly@leosgroup.ca>; Edna Lizotte <edna@risingtideconsultants.ca>
Subject: Liquor Primary License Referral (LL000294) | Leopold's Victoria

Good afternoon Ryan,

We have been authorized by the client to act on their behalf for the Liquor Primary Licence application. Please find a signed Letter of Authorization attached.

Following discussions and research in regards to the hours of operation, we would like to continue with the proposed hours outlined on the application from 9am to 2am. Whilst we understand the reasoning behind your concern, we believe it to be unfair that the establishment would not be able to operate as per the City policy, and also while other establishments in the local area are allowed to stay open until this time. We feel that even if this particular establishment were to close earlier, all the patrons would just be moving to another establishment that is allowed to stay open until 2am and would not negate the issue with resources.

The nature of the establishment is not a nightclub or a rowdy bar. The client also has successful establishments across Canada that are open from 9am to 2am, and have not had any previous issues. The client would use their experience in the industry to make sure safety of the patrons and local community is paramount.

In regards to the patio issue, the client has decided to proceed with the application removing the patio at this time. Therefore we will just be looking to move forward with the 100 person interior for approval.

We would be happy to discuss this with you in further detail.

Kind regards,
Stephanie

Stephanie McKenna

Licensing Specialist



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----- Forwarded message -----

From: **Ryan Morhart** <RMorhart@victoria.ca>
Date: Thu, Apr 11, 2019 at 5:02 PM
Subject: Liquor Primary License Referral (LL000294) | Leopold's Victoria
To: carly@leosgroup.ca <carly@leosgroup.ca>

Hi Carly,

To follow up on our discussion, the staff review for your application has been completed, and that was to consider hours from 9:00 am to 2:00 am daily with an occupant load of 100 inside and 34 outside. Our policy allows us to support all applications up to 2:00 am daily but significant concern has been brought forward based on the existing density in the area and close proximity to residences. Furthermore, Police are generally opposed to hours and increasing occupant load into the earlier morning hours due to pressures on resources.

Lastly, and this is technical issue, the sidewalk café policy will not support a reduction to less than 3 meters on the sidewalk. It may appear this is practical, but the measurement on your street is from the building face to the drainage channel in the middle of the sidewalk. The space from the channel to the street is a "furniture zone". I am the middle person on this particular point, but can put you in contact with the planner to discuss the patio and policy specifics. In any case, based on some rough dimensions I got off our mapping system, it looks like there is 3.8 meters from the building face to the channel which leaves you with a 0.8 meter 2'9" +/- patio; not sufficient for 34 persons.

Staff is suggesting that appropriate hours would be 9:00 am to 11:00 pm (10:00 pm patio) Sun – Thursday and 9:00 am to 12:00 pm (11:00 pm patio) Friday and Saturday.

You can direct me to move forward with the application as is, but my judgement is that additional work is required to consider staff feedback, and make the application more supportable. The next step is public notification, and it's beneficial to have a sense of what the community will support as well. We do send a letter notifying owners and residents within 100 meters of your location, post a sign at the location and the community association is sent the notice as well. If you haven't already, you mind find value in reaching out to get a sense of what they would support for the location and area.

That covers it I think but please let me know how you would like me to proceed.

Cheers,

Ryan

Ryan Morhart

Manager & Chief Building Official

Permits & Inspections
Sustainable Planning and Community Development Department
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