



1715 Government Street
Victoria, BC
V8W 1Z4
250.386.5503

Mayor Lisa Helps and Council
City of Victoria
c/o Mr. Ryan Morhart – Manager, Permits and Inspections
No.1 Centennial Square
Victoria, BC V8W 1P6

October 9th, 2019

Re: Application for Liquor Primary Licence – Leopold's Tavern - REVISED

Dear Mayor Helps and Council,

With regards to a Liquor Primary Application for Leopold's Tavern at 570 Yates Street, the DRA Land Use Committee understands the following:

- The application has been revised with regards to hours of operation, occupancy and the addition of an outdoor patio.
- The applicant is seeking hours of operation from 9:00 am to 12:00 am Sunday to Thursday and 9:00 am to 1:00 am Friday and Saturday with a total occupant load of 120 persons with 100 allocated to the interior and 20 to an outdoor patio.
- The Staff report to Council recommends hours of operation 9:00 am to 12:00 am daily with a total occupant load of 120 people (100 interior and 20 exterior, sidewalk cafe seats).

Feedback in response to the revisions, specifically, include:

- We applaud and support Staff's efforts to address some of the impacts this operation may have on the community by recommending restricted hours of operation from 1am to 12 am daily.
- Since the patio will be located under residents' windows, we also request that that the patio close at 10pm daily.

The original feedback from the committee remains relevant to this application so it has been updated and included below:

- Lucky Bar and Fiamo are the only late night liquor or food primary liquor establishments currently operating on the 500-block of Yates St that are open until 2:00 am. Both of these establishments were in business prior to any residential development on the block.
- Steamers Pub previously operated on the ground floor of 570 Yates St, the same location proposed for Leopold's Tavern, and operated from 1993 to 2007. In 2007, with a plan to develop residential units in the upper floors, the owner cited "obvious incompatible uses" between the residential units and a pub. Subsequently, Steamers Pub was permanently closed in December 2007 and the ground level premises were converted to retail.
- Approximately 75 new residential units have been created within the 500-block of Yates St since 2008; with more than half of those located at 570 Yates St and the neighbouring building.
- With the building on the N.W. corner of Government and Yates recently changing ownership, there is the potential for the addition of even more residential units.
- The insertion of a new late night liquor establishment within a residential building will create conflict between operators and residents.
- Under BC's Terms and Conditions for Liquor Primary Licences, live entertainment is permitted. Since there are residences above the proposed tavern, if this licence is granted, live entertainment should either be prohibited, or should be required to end by 10:00 pm as a condition of issuance of the licence.
- There have been a great number of applications for extended hours for food primary licences downtown recently, including at 538 Yates St. However, there is no City policy that applies within the downtown area regarding the siting of late night liquor establishments and proximity to residential development or vice versa.
- No City policy exists requiring residential developments to achieve mandatory standards of "sound transmission class" (soundproofing) for developments constructed within the "entertainment" areas of Downtown.
- No City policy exists requiring late night liquor operators to achieve mandatory standards of "sound transmission class" (soundproofing) between licenced spaces and residential units.
- The current COV noise bylaw is not suited to govern in cases of noise generated by liquor establishments.

The DRA LUC points out that the introduction of late night liquor outlets in established residential areas (or vice versa) has the potential to be highly problematic. This ongoing situation requires comprehensive policies be created to address and mitigate potential conflicts BEFORE they may arise. Certainly with the focus of much of the regional growth strategy on densifying the downtown area with many more thousands of residents, the need for such a policy is acute.

Lower Yates is, and has been, home to long-established, late-night clubs and restaurants (as well as several restaurants that are not open past midnight). Steamers was a long-established pub that operated mid-block for over a decade. The owner of the building that housed Steamers decided to convert the building to rental apartments and recognized that a pub and residences were completely incompatible, so the lease was terminated and Steamers shut down permanently. Establishing a late night liquor outlet again in the same location would undermine those efforts to provide a liveable environment for residents that have now established their homes on the block.

The DRA LUC points out that introducing late night activities into a residential area "after the fact" should be considered through a different and much more powerful lens. The alternative will simply be setting the residents and operators up for the inevitable but avoidable conflicts. DRA LUC members strongly support a vibrant downtown that includes late night drinking establishments but cannot support liquor service beyond midnight on the weekends with earlier weekday closings at a brand new liquor primary establishment co-located with many pre-existing residences.

Sincerely,

A handwritten signature in purple ink, reading "WBowkett". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Wendy Bowkett
Land Use Committee, Downtown Residents Association