



1715 Government Street  
Victoria, BC, V8W 1Z4

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

February 3<sup>rd</sup>, 2020

**Re: Application for Food Primary Liquor Licence with Patron Participation –  
January Gin Joint & Eatery**

Dear Mayor Helps and Council,

With regards to a Food Primary Liquor Application with Patron Participation for January Gin Joint & Eatery at 1820 Government Street, the DRA Land Use Committee understands the following:

- The application proposes operating hours from 9:00 am to 12:00 am Sunday through Wednesday and 9:00 am to 1:00 am Thursday through Saturday with an occupant load of 67 people.
- The applicant intends to operate from 3:00 pm to 1:00 am Thursday through Saturday.
- The Patron Participation Entertainment Endorsement is intended to allow customers to use the lower level of the establishment for occasional dancing when not being used for dining.
- The proposed establishment is intended to be a stopping off point before or after other dinner plans.
- The proposed food menu consists of charcuterie and desserts.

Feedback in response to the submitted plans is as follows:

- By only offering charcuterie and desserts, this application does not comply with the rules and requirements for food primary licences as set by the Liquor Control and Licensing Act. Specifically, Item 18 (b) states, “when liquor is being sold or served, there must be a varied selection of food items, including appetizers and

main courses or their equivalent, available for purchase and the food items must be prepared in a kitchen in the establishment”.

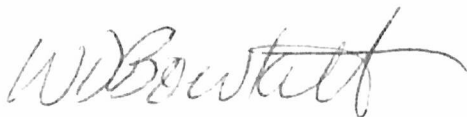
- From our records, there are 26 rental units in the two floors above the street level commercial units along Government Street. These units have provided living and working spaces for local artists and other residents. Going back to 1980, there has never been a licensed establishment in this building. Sager’s Home Living has been the anchor tenant all along.
- In general, the concept may have some appeal but co-locating it in a heritage building without sound mitigation long occupied by residents with the proposed hours of operation and the request for public participation is deeply troubling.
- This application appears to present a concept that is consistent with a licensed lounge and not a food primary.
- The Patron Participation Entertainment Endorsement cannot be supported in any way at this location to preserve the liveability for long-established residents in this building. If granted, there is no mechanism to prohibit this use on the ground floor directly beneath residents’ suites either by this operator or future operators.

In addition to the comments provided by committee and community members, we have concluded an assessment of the application in relation to our DRA LUC Liquor Policy (attached). We find that this application does not adequately meet the requirements in the following areas:

- Policy 1: Proximity to residential buildings and units
- Policy 2: Sound mitigation
- Policy 4: Days and hours of operation (Indoor seating)
- Policy 5: Excess patron noise
- Policy 7: Late night hours – rationale and justification
- Policy 8: Patron participation
- Policy 9: Entertainment endorsement
- Policy 10: Implications of licencing in perpetuity
- Policy 11: Food service strategy (Food primary licences)
- Policy 13: Level of support by residents

The DRA LUC points out that introducing late night activities into a residential building "after the fact" should be considered through a different and much more powerful lens. Co-locating these types of uses in a heritage building with no sound mitigation, for the hours proposed that includes patron participation and entertainment will inevitably result in conflict between residents and the business operator(s) and destroy the liveability of the residential units. DRA LUC members strongly support a vibrant downtown that includes a variety of late night establishments but we cannot support this food primary licence application as proposed.

Sincerely,



Wendy Bowkett  
Land Use Committee, Downtown Residents Association

**Victoria Downtown Residents Association  
Land Use Committee  
Liquor Primary & Late Night Food Primary Liquor Licence  
Applications: Policy  
02 February 2020**



The Victoria Downtown Residents Association's Land Use Committee ("LUC") has been extremely consistent in expressing concerns regarding Food Primary Applications that propose to operate after midnight and Liquor Primary Applications within the Downtown Harris Green Community. As residents, we support an active, dynamic community with a diversity of entertainment and business operations. In addition, we support the long-term coexistence of residential uses and business operations. The following policy provides clarity to community stakeholders regarding the parameters the LUC uses to assess each application. The LUC may withhold support for an application if any of the following aspects are not adequately addressed.

**1. Proximity to residential buildings and units**

Sufficient separation between licenced venues and residential units is required to ensure liveability for residents and the successful coexistence of licenced operations and residents. Support may be withheld for applications that propose inserting licenced venues proximal to residential units. We may decline to support any liquor application that is proposed to be located in an existing residential building. (Likewise, we do not provide wholesale support for the creation of residential units adjacent to established licenced venues without comprehensive mitigation strategies.)

**2. Sound mitigation**

Support may be withheld for applications that have not properly mitigated noise impacts on effected residential units through proper design and soundproofing assemblies with consideration for whether neighbouring residential units have sufficient window Sound Transmission Class Ratings and air-conditioning.

**3. Capacity (Indoor seating)**

Support for an application may be withheld if the requested capacity is expected to negatively impact the residential community. EG. Large capacity operations with late night hours of operation adjacent to residential units will not be supported.

**4. Days and hours of operation (Indoor seating)**

An application may be supported if the days and hours of operation are not expected to negatively impact the residential community.

**5. Excess patron noise**

Late Night Food Primary and Liquor Primary operations often come with associated nuisance noise, such as patrons congregating on the street, yelling, and smoking, etc, patrons exiting en masse on closing, and interior noise related to capacity. An application may be supported if excess patron noise is not expected to negatively impact the residential community.

**6. Outdoor seating (Patio or Sidewalk): proximity, capacity and hours of operation**

Hours of operation for outdoor seating areas may be regulated differently than for the related indoor operations. An application may be supported if the capacity and hours of operation for outdoor seating areas are not expected to negatively impact the residential community. The proximity of residential units to outdoor seating areas will be assessed on a case-by-case basis in terms of the potential impact.

**7. Late night hours – rationale and justification required for both Liquor and Food Primary**

Support for late night hours may be withheld if an applicant does not supply their rationale and justification for extended hours. These will be assessed on a case-by-case basis in terms of the potential impact on the residential community.

**8. Patron participation**

Support for the inclusion of patron participation will be assessed on a case-by-case basis relative to the other aspects of this policy.

**9. Entertainment endorsement**

Support for the inclusion of entertainment endorsement will be assessed on a case-by-case basis relative to the other aspects of this policy.

**10. Implications of licencing in perpetuity**

Support for an application will consider the potential long-term impact of the existence of the licence beyond the proposed business model and current operator/applicant.

**11. Food service strategy (Food primary licences)**

Applications for new food primary liquor licences requesting late operating hours will also be reviewed on the basis of their food service strategy. Support may be withheld if an application does not demonstrate that food service is the focus of the operation after midnight. Food primary applications for venues that intend to effectively operate as liquor primary venues will not be supported.

**12. Food Primary Licences: Sales records**

Applicants are requested to demonstrate that food service will remain the focus of their operations. Support for the extension of operating hours for existing food primary liquor licences will be determined on the basis of sales records for food and alcoholic beverages for evening hours. Food primary venues that intend to effectively operate as liquor primary venues in the late night will not be supported.

**13. Level of support of residents**

Support or concerns expressed by residents in the neighbourhood through letters and emails also inform the LUC and will shape the level of support for applications.