



1715 Government Street
Victoria, BC V8W 1Z4

Mayor Lisa Helps and Council
City of Victoria
No.1 Centennial Square
Victoria, BC V8W 1P6

25 January 2021

Re: Structural Change to a Liquor Primary Licence-The Churchill 1140 Government Street

Dear Mayor Helps and Council,

The DRA Land Use Committee has reviewed the application for a structural change to a Liquor Primary Licence to increase the occupant load from 90 to 144 people with no adjustment to the existing hours of 11AM – 1AM daily Monday to Saturday and 11AM-12AM on Sunday.

The applicant is seeking a 60% increase in capacity with all seating located in the interior of the building. The owners also operate a hotel in the building, so it is in their interest to mitigate the noise generated within the building.

If approved, the operator will likely not be able to achieve the full capacity they are requesting due to the global health pandemic and the provincially declared State of Emergency where “stay at home” has been key medical advice offered. However, there are concerns regarding the continued concentration of liquor related seats in our neighbourhood in relation to the public disorder and excessive patron noise on the streets that is anticipated once we return to a “new” normal and bars and clubs are operating at full capacity at regular hours of operation.

Also of concern is that increased capacity in the area will continue to demand more resources of the City of Victoria Police to monitor and respond to liquor related disorder during the late night hours with increased calls for service.

The property is not located proximal to residential buildings but residents are very much impacted by the noise and disturbances on the streets as patrons leave drinking establishments and filter through the neighbourhood making their way home or to their next destination. With consideration for the current Public Health emergency and in the absence of the completed Municipal Alcohol Policy (which was a deliverable in 2019), which would provide a

framework built on best practices to review liquor licence applications, it appears difficult to justify the approval of any applications at this time that seek such substantial changes to their operations that may negatively impact the community. We request that Council prioritizes the completion of the Liquor Policy before considering further substantive changes to any Liquor Licencing operation within the Downtown.

For your reference, we have attached the DRA LUC Liquor Primary & Late Night Food Primary Liquor Licence Applications Policy that was updated and approved in February 2020.

A handwritten signature in black ink, appearing to read 'W. Bowkett', with a long horizontal stroke extending to the right.

Wendy Bowkett
On Behalf of the Land Use Committee
Secretary, Land Use Committee, Downtown Residents Association



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.