



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

30 March 2021

Re: NEW Liquor Primary Licence – 714 Cormorant Street in The Fairfield Block

Dear Mayor Helps and Council,

The DRA Land Use Committee has reviewed the application that proposes to convert a commercial retail unit, formerly a hair salon, in the heritage Fairfield Block to operate a new Liquor Primary Licence with a concept named the Tora Tiki with hours of licenced service from 12:00pm to 2:00am daily and a total occupant load of 60 people inside with no exterior seating.

The concept for a Tiki lounge appeals to some, but the significant issue under consideration is whether it is appropriate or advisable to insert a new late night liquor primary licence operation in a building with residential uses above and within a residential/office district where none has existed before.

In absence of the long-anticipated Municipal Alcohol Policy, the LUC developed and the DRA ratified the DRA Policy for Liquor Primary & Late Night Food Primary Liquor Licences on 02 Feb 2020. All relevant liquor applications are reviewed on the basis on this policy and our assessment of the application's performance is included below.

Feedback from the committee is as follows:

- In the Letter of Intent, the applicant refers to the potential for karaoke. However, patron participation is not included in this application. This is problematic in relation to two issues. First, the ambiguity presented in the LOI suggests that the applicant does not have a fully developed business plan and that approving a late-night liquor primary with a "lounge" concept may be a short-lived operation. Secondly, amplified karaoke in a converted commercial retail unit within a heritage residential building, without comprehensive noise abatement will only contribute to conflict between onsite residents and the operator.
- This application feels like an attempt to get their foot in the door. Will they be back, asking for more of everything? Not supported.
- The continuing concentration and proliferation of late night liquor primary seats in the downtown is concerning. Will there be no residential districts in our downtown community where residents might expect to continue to enjoy the quiet enjoyment of their homes?

- There have been a great number of applications for increased liquor primary seats, 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 districts (or vice versa) has typically been highly problematic. This ongoing situation requires comprehensive policies be created to address and mitigate potential conflicts BEFORE they arise. Certainly with the focus of much of the regional growth strategy on densifying the downtown core with many more thousands of residents, the need for such a policy is acute.

DRA LUC members strongly support a vibrant downtown that includes late night drinking establishments but cannot support this application in its current form.

For your reference, we have also included the DRA LUC Liquor Policy.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ian Sutherland', with a stylized, flowing script.

Ian Sutherland
Land Use Committee Chair
Downtown Residents Association

	DRA LUC Liquor Primary Policy Items	Performance of Application Relative to Policy
1	Proximity to residential buildings & units	Directly below and adjacent to existing residential units
2	Sound mitigation	No onsite soundproofing to mitigate noise for adjacent residential units nor consideration for whether neighbouring residential units have sufficient window Sound Transmission Class Ratings or Air-conditioning.
3	Capacity (indoor)	60 people
4	Days & hours of operation (indoor)	12:00pm – 2:00am seven days a week
5	Excess patron noise	This would be the only late night liquor primary operation in the immediate area. Any late night patron noise would be considered to be in excess relative to existing conditions.
6	Outdoor seating: proximity, capacity, hours	N/A
7	Late night hours: rationale for extension	N/A
8	Patron participation	Karaoke? Not listed in Notice of Application
9	Entertainment endorsement	N/A
10	Implication of licencing in perpetuity	There's never been a liquor primary operation in this building operating seven days a week until 2am directly neighbouring existing residential units. Proposed (and future) liquor primary operations are anticipated to put the two uses in conflict.
11	Food service strategy (Food Primary)	N/A
12	Food Primary Licences: Sales Records	N/A
13	Level of support of residents	Some support for the concept. Substantial concerns around operating hours, noise both from the venue and on the street and long-term implications of inserting the first liquor primary in the area in a residential building and district.

**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.