



1715 Government Street
Victoria, BC V8W 1Z4

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

19 April 2021

Re: Application for a NEW Liquor Primary Licence-Market Sq #27-560 Johnson

Dear Mayor Helps and Council,

The DRA Land Use Committee has reviewed the application for a new Liquor Primary Licence for a total occupant load of 110 people with operating hours of 11AM-11PM Monday to Thursday, 11AM-Midnight Friday and Saturday and 11AM-10PM on Sunday. There is no outdoor seating included as part of this application.

Comments from LUC members:

- In general, there is a concern about the potential for an over-concentration of liquor primary seats in any one area of downtown.
- As with all the other liquor primary applications since January 2021, there is also a general concern about the number of new liquor primary seats that have been approved or are under application in the downtown area.
- It's understood that there have been a series of liquor primary/related operations at this location for a number of years. Most recently, a nightclub (Infiniti) was located at this address but closed in 2018. Previous to that operation, another nightclub operated at this address.
- Historically, Market Square was a jazz entertainment hub, with three licenced jazz restaurants, one of which was located in the same unit under application.
- Market Square has a long and storied history as an ever-changing entertainment venue that has not been associated with any substantial issues of public disorder or public annoyance.
- The applicants are seeking operating hours that provide staggered closing hours that do not support late night drinking at this location.

In conclusion, there are concerns regarding the potential for over concentration of liquor primary seats in this area but as Market Square has a long history of being a successful

entertainment hub without substantial negative impacts on their neighbours or the community, there is also some general support for this application for a liquor primary operation that closes before midnight.

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.

Sincerely,

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

Ian Sutherland
Chair, 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.