



1715 Government Street
Victoria, BC V8W 1Z4

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

January 19th, 2021

Re: Structural Change to a Liquor Primary Licence-Swans Hotel 510 Pandora

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 171 to 282 people with no adjustment to the existing hours of 9AM – 2AM daily.

Since the applicant is seeking a 65% increase in capacity and the site is located proximal to several residential buildings, we request that the City defers this, and any other application, seeking substantial additions to liquor-related seating in the downtown core until two underlying issues have been resolved.

As our Mayor reminds us, we are still in a global health pandemic and in a provincially declared State of Emergency where “stay at home” has been key medical advice offered. Other levels of government have likewise supported this advice.

On December 30th, 2020 Dr. Bonnie Henry issued a new Public Health Order for all food and liquor serving premises. This Order does not have an expiration date. As such, operators continue to experience a reduction in their seating capacity in order to uphold the provincial restrictions. Even with the installation of physical barriers, most operators are unable to reach their pre-pandemic capacity. Any substantial increases in capacity at this time could not be realized until after the global health pandemic and provincially declared State of Emergency have ended. We suggest that on this basis alone, this application can justifiably be deferred.

In addition, consistent with Strategic Objective 8 Strong Liveable Neighbourhoods, one of the actions identified for 2019 was the creation of the Municipal Alcohol Policy. The City initiated this work and hired Responsible Hospitality Institute (“RHI”) at a cost of \$25,000 to help develop this new policy.

In May and June 2019, RHI conducted research including interviews with key stakeholders. In June 2019, meetings were held with city staff, hospitality venue operators, VicPD, and the City's Late Night and Music Advisory Committees. A women's focus group was also convened to identify the issues they experience with regards to late night hospitality and RHI provided a presentation on this topic.

As stated in a 2019 City release: "Over the summer, the gathered information will be reviewed and initial policy directions will be developed. These will be presented to Council and the community for feedback and discussion in late summer. Final policy recommendations will then be prepared for submission to Council for approval in late fall." (*Municipal Alcohol Policy update, City of Victoria, 2019*)

As correctly identified by the City, there can be conflicts of interest between the needs of residents in the downtown and a lively late night social environment. "Ensuring that residents enjoy a good quality of life and that the hospitality sector continues to flourish requires appropriate policies that are mutually beneficial and do not create an unreasonable implementation burden" (*Municipal Alcohol Policy update, City of Victoria, 2019*).

The substantive work for this initiative is complete but the policy has yet to be brought forward and approved. With the policy in place, it would provide the City with the necessary lens to review liquor related applications and provide greater clarity to community stakeholders. We support this approach and are waiting for the City to finalize the Municipal Alcohol Policy and ask that you defer this application until the policy is approved.

In the meantime, in the interests of full disclosure and information sharing, we request that staff consistently provide council and the public with a Vicinity Map as it relates to each application. These maps typically include information about all licenced establishments in a 100m-proximity showing licence type, establishment name, address, occupancy load and hours of operation. As we have seen with the variety of liquor related establishments at the Strathcona Hotel, there is a tipping point for the total capacity that any one residential area can absorb before liveability becomes a challenge.

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,



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.