



1715 Government Street  
Victoria, BC V8W 1Z4

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

23 August 2021

**Re: Application for Change of Hours – 768 Yates St – Cenote**

Dear Mayor Helps and Council,

The DRA Land Use Committee has reviewed the application for proposed change of hours for liquor service for a Food Primary Licence as per the following:

- Proposed hours: 11AM to 1AM Sunday to Thursday and 11AM to 2AM Friday & Saturday.
- Current hours: 11AM to 12AM Sunday to Thursday and 11AM to 1AM Friday & Saturday.
- The total occupant load of 110 people will remain the same.

Feedback from the committee is as follows:

- Cenote seems to be a well-run business in a location without adjoining residential.
- The operators of Cenote have a proven track record and this establishment has been in operation for more than six years. Unless there are complaints from neighbouring residents, or a history of complaints registered with VicPD, this application seems reasonable.
- The closest residential property to Cenote is The Rocket, which sits atop the Yates Street Tap House. It is assumed that those residents are already prepared for the impact of drinking establishments. The only concern is that in lengthening hours, there will eventually be a request to lengthen the Tap House hours as well and we will gradually see areas in the Downtown that are very difficult for residents to continue living.

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 in February 2020. All relevant liquor applications are reviewed on the basis of this policy in addition to any input from the public.

- General support for this application has been provided by LUC members and we have not received any communication expressing concerns by members of the community.

DRA LUC members strongly support a vibrant community and remain concerned about the increasing number and concentration of late night liquor primary seats in the Downtown.

Regards,

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

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.