



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

05 November 2021

Re: Application to Change of Hours of Liquor Service for a Food Primary Licence

Dear Mayor Helps and Council,

With regards to the Application for a Change of Hours for Liquor Service for a Food Primary Liquor Application at 1245 Wharf Street, JR Slims, the DRA Land Use Committee understands the following:

- The current hours are from 9AM to 12AM daily with an occupant load of 178 people that includes a 38-person patio.
- The proposed hours of licenced service are from 10AM to 2AM daily with the same occupancy indoors and on the patio seating area.

Feedback in response to the submitted application is as follows:

- There does not seem to be any impediment to this application. That said the steady trickle of applications for extended hours does seem to be a sort of chase to the bottom. It is not clear that Victoria should aim to be the late-night destination for the region; aspiring to become another city that never sleeps may not be compatible with maintaining a liveable downtown residential neighbourhood.
- If the kitchen will be open until 2AM, with a full menu of food options, I would still hesitate supporting this application. It seems we are seeing more and more late night liquor service concentrated in a small area. This operation is located at the base of Yates Street, which I understand already places heavy demands on the community and police services, so I have misgivings on potentially having more

people, fuelled by alcohol, pouring out onto Yates Street at 2AM, adding greater noise and nuisance in the immediate neighbourhood.

- I do not think there is much residential if any nearby. If that is so, no objection.

In absence of the long-anticipated Municipal Alcohol Policy, the LUC developed and the DRA Board ratified the DRA Policy for Liquor Primary & Late Night Food Primary Liquor Licences in February 2020 (attached below). All liquor applications are reviewed on the basis of relevant policy items in addition to any input from the public.

LUC members have expressed a measure of concern regarding this application 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.

Sincerely,



Wendy Bowkett
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.