



## Planning and Land Use Committee Report

### For the Meeting of January 14, 2016

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**To:** Planning and Land Use Committee Report    **Date:** December 31, 2015  
**From:** Chris Coates, City Clerk  
**Subject:** Application for a permanent change of hours for liquor service for the **Duke Saloon**, located at 502 Discovery Street, Licence No.167968 (Burnside Gorge Neighbourhood)

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### RECOMMENDATION

That Council, after conducting a review with respect to noise and community impacts regarding the application to amend the hours of liquor service for the Liquor Primary Licence of the **Duke Saloon**, Liquor Licence No.167968 located at 502 Discovery Street supports:

1. The application of the Duke Saloon to amend its Liquor Primary Licence to allow a change in operating hours to include 12:00 PM to 2:00 AM liquor service seven days per week.
2. The Council provides the following comments on the prescribed considerations:
  - a. The location is within the Core Employment Urban Place designation in the Official Community Plan. The Core Area Employment area uses include: industrial, light industrial, high technology, marine industrial, research and development, commercial, office and complementary retail.
  - b. The views of the residents were solicited via a mailed notice to neighbouring property owners and occupiers within 50 metres of the hotel and a notice posted at the property. Seven written responses were received from residents, six opposed and one in favour of the application.

### EXECUTIVE SUMMARY

The purpose of this report is to seek a Council resolution, in accordance with the requirements of the *Liquor Control and Licensing Act*, regarding an application by the Duke Saloon in relation to their Liquor Primary Licence for the premises located at 502 Discovery Street, for a permanent change to extend their hours of operation in relation to their liquor service.

The requested change is to authorize liquor service between the hours of 12:00 PM to 2:00 AM seven days per week. The current hours of liquor service are from 07:00 PM to 2:00 AM seven days per week. The current occupancy is 293 persons. There would be no change in occupancy as a result of this application.

## PURPOSE

The purpose of this report is to seek a Council resolution regarding an application by the Duke Saloon, in relation to their Liquor Primary licensed business, located at 502 Discovery Street, for a change to their hours of liquor service.

## BACKGROUND

The Duke Saloon is located at 502 Discovery Street, in the Burnside Gorge Neighbourhood, and has been in operation since September 2014.

The current hours of liquor service are from 07:00PM to 2:00AM seven days per week.

The Duke has made application for an extension to its liquor licence hours of service, from 12:00PM until 2:00AM, seven days per week. As stated in the attached letter of intent, the applicant would like to provide more options for special occasions, sporting events, business parties and gatherings. These often happen during the day. At present, special occasion licences are required for these events and there is a limit to the number for which applications can be made.

The Duke Saloon will not be operating during daytime hours unless for special events and or bookings or until such time when a food preparation area can be installed. The requested hours of 12:00PM to 2:00AM would cover any and all of the above mentioned potential uses without the need for special licences. In addition, the extension to service hours will provide an opportunity to provide increased food service *within* the establishment.

### Location

#### *Official Community Plan:*

- The property is within the Core Employment Urban Place designation in the Official Community Plan. The Core Area Employment area uses include: industrial, light industrial, high technology, marine industrial, research and development, commercial, office and complementary retail.
- The area is covered by Development Permit Area #10B(HC) Rock Bay Heritage, which enables Council to review and approve the exterior design and finish of buildings and other structures as well as landscaping of commercial, industrial and multi-family residential developments.

#### *Downtown Core Area Plan:*

- The property is within the Rock Bay District of the Downtown Core Area Plan, which supports the redevelopment of the Rock Bay District as an employment focused area that provides a balance of industrial support services, light industrial, high-tech, with an accompanying balance of commercial and limited residential development.

#### *Zoning and Designations:*

- The property is zoned S-3 Zone, Modified Limited Service District
  - Permits restaurants, wholesale and retail sales offices, and light industrial activities
  - The site falls within the Activity Noise District
  - The building is Designated Heritage.

#### *Neighbourhood Compatibility:*

- The subject building is at the northeast corner of Store and Discovery Streets. The site is bounded by industrial zones on all sides.

Immediately adjacent uses include:

- North (across Pembroke St.): the BC Hydro site (currently vacant)
- West (across Store St.): Island Asphalt
- East: Sports Traders, Phillips Brewery
- South (across Discovery St.): Capital Iron parking lot

The closest residential use to the site is at the corner of Pembroke and Government Street, approximately 200 m door to door walking distance.

The potential for additional noise affecting neighbouring businesses and residential neighbours is minimal with the additional hours proposed for this liquor primary establishment.

#### Liquor Control and Licensing Branch

The General Manager of the provincial Liquor Control and Licensing Branch (LCLB) issues liquor licences under the authority of the *Liquor Control and Licensing Act* and regulations. Local government is to provide comments and recommendations to the LCLB on all liquor-primary licence applications regarding the potential for noise and impact on the community if the application is approved.

#### Relevant Policy/Bylaw

- a) Liquor Licensing Policy;
- b) Liquor Licensing Fee Bylaw.

### **ISSUES & ANALYSIS**

The technical review of the application has been completed, with the findings as noted below:

#### Bylaw & Licensing Services Division

The Bylaw and Licensing Services Division has no concerns with the application. A Good Neighbour Agreement for the licensee, as required by the Business Licence Bylaw, is in place and in good standing.

#### Citizen Engagement and Strategic Planning – Downtown Community Development Section

The Downtown Community Development Section has no concerns with this application.

#### Engineering & Public Works Department

The Engineering and Public Works Department has no concerns with this application.

#### Sustainable Planning and Community Development Department

The Sustainable Planning and Community Development Department has no concerns.

#### Police

The Victoria Police Department has no concerns with the application.

#### Public Engagement and Consultation

In accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy, all owners

and occupiers within 50 metres of the applicant's location were solicited by a mailed notice to provide input regarding this application. In addition, the business displayed a poster at the access point to their business for a 4 week period, which also invited people to provide input to the City with respect to this application.

The consultation resulted in seven written responses from the community, with six persons opposed and one in favour of the application.

Official Community Plan

The proposed use of the property is consistent with the Official Community Plan objectives for this neighbourhood.

2015 – 2018 Strategic Plan

There are no implications for the strategic plan.

2015-2018 Financial Plan

There is no expenditure impact on the Financial Plan.

**CONCLUSIONS**

The request complies with the City's current liquor licensing policy, as the proposed opening and closing hours contained in the request is within the hours specified by City Policy, where such parameters have been set. The Liquor Primary Liquor Licence associated with the business has been operating since September 2014.

City staff from all Departments canvassed have no concerns about the proposed change to the proposed operating hours for liquor service.

Respectfully submitted,

  
Kim Ferris  
Business Licence Inspector  
Bylaw & Licensing Services Division

  
Janice Schmidt  
Manager, Legislative Services

  
Chris Coates  
City Clerk

  
Jocelyn Jenkyns  
Deputy City Manager

Report accepted and recommended by the City Manager: 

Date: January 5, 2016

## **List of Attachments**

1. Aerial photograph (map) of the property and surrounding area.
2. Letter of Intent from applicant dated August 18, 2014, explaining the rationale for the requested change.
3. Seven letters from area residents.





### Legend

 Victoria Parcels

1: 3,488



### Notes

177 0 89 177 Meters

NAD\_1983\_CSRS\_UTM\_Zone\_10N

Public domain: can be freely printed, copied and distributed without permission.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

THE DUKE SALOON LTD  
502 Discovery St  
Tel 250-388-3000 Fax [Fax]  
info@thedukesaloon.com  
www.TheDukeSaloon.com



AUGUST 18, 2014

**City Of Victoria**

Re: Permanent Change to Liquor Licence Hours

Dear Heather,

Please let this letter serve as our "Letter of Intent" in regards to the "Application for Permanent Change to a Liquor Licence"

We the group of business's including Upstairs Cabaret and Darcy's Pub recently purchased BC Liquor Licence #167968 with the intention to operate as a "pub/bar style" establishment.

The Duke Saloon has been operating since August 21<sup>st</sup>, 2014 on Discovery St. Currently we operate from 9pm-2am Thursday, 8pm - 2am Friday & Saturday. We opened our doors opening from 7pm-2am Thursday to Sunday but found with the lack of a substantial food option that only the after diner hours worked.

The Duke is always live music when open at night supporting local original artists and touring artists.

Please let me briefly explain the reason for our application so more clarity can be understood as to our direction for The Duke Saloon.

We do have intention, though not immediately, to serve food beyond the free chips we currently offer to customers. We are currently consulting with local chefs to plan out space and technical restraints to install a small food preparation space.

We would like to have the option, in the future, to operate during the day as a place where locals in our area can stop in and enjoy a light sandwich and local brew.

We have started using our space in a more diverse way for meetings, conferences, demonstrations and gatherings. Currently the only way we can operate these types of events is to apply for a "Temporary Change to Liquor License". This option is only available 6 times a year with a cost of \$330 and approximately 6 week predate deadline.

Some events don't have that much advance notice but more importantly, such as in this year, we have already exceeded the 6 allowed amendments.

The Duke has over the past year tried to work with local food trucks however not being right outside our doors, winter weather and summer unavailability resulted inconsistent service and confusion for our customers. Paying their

monthly fee in the Capital Iron parking lot to be across from us still wasn't enough to keep them so with frustration we gave up on that option.

Corporate gatherings has worked great for us this holiday season and we were able to squeeze both Coast Capital Savings, CRD and The Keg for locally catered events in our space with rave reviews. The common response was the question why we don't do more of this.

The Duke would also like to offer viewing sports events in our space however most of these events take place during the daytime and again this is in conflict with our licensed hours.

I would like to be clear in that we have no intention to operate in what might consider the "old school" of day time bars which used to be found around Victoria. We are proud of The Duke and the clientele it brings through its doors and we are equally fond of our growing neighborhood and we would like to grow with it.

The Duke Saloon will not be operating during the daytime unless for special events and or bookings or until such time when we are able to install our food preparation area.

The requested hours of 12pm – 2am would blanket cover any and all of the above mentioned potential uses without the need for special amendments.

Warm regards,

**Joel Friesen**  
**Owner/Operator**  
**The Duke Saloon**  
**joel@thedukesaloon.com**



**Kim Ferris**

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**From:** Peg <[REDACTED]>  
**Sent:** Wednesday, Nov 25, 2015 6:48 PM  
**To:** Liquor Licence Email  
**Subject:** The Duke

I am in favor of the liquor license modification the Duke is asking for. I'm confident that adults are capable of making reasonable decisions. Although there is a business nearby that hosts children; I am not overly concerned about serving liquor to adults at the same time children nearby are engaged in supervised play. Furthermore, the rest of the neighborhood is rather "adult-oriented" -- ie. it includes businesses rather than much residential and there is not any kid centric activities other than the gymnastics business. (I am also mindful of the fact that the gym is a for profit business, not a government run or mandated educational facility. Thus parents have free choice of whether to send kids there.) But again, I can't see how adults having the choice to drink during daytime even impacts the children down the street who are fully supervised by staff.

Thank you,  
Peggy Austin  
Sent from my iPad

**Kim Ferris**

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**From:** Suzanne <[REDACTED]>  
**Sent:** Wednesday, Nov 25, 2015 6:52 PM  
**To:** Liquor Licence Email  
**Subject:** Concerns over Duke Saloon application of liquor license

Dear Mayor and Esteemed Council of Victoria;

Many parents who bring their children to Victoria Gymnastics at 2051 Store St, Victoria, BC V8T 5L9 have been discussing the proposed liquor license change proposed by the Duke Saloon (at 502 Discovery Street). This establishment is proposing to change its liquor licensing to allow it serve liquor at 12:00pm.

We believe that there is a problem with neighborhood compatibility in this area. Children are taking gymnastic classes during this time, getting out of cars, riding bicycles, and walking to their gymnastics classes. Parents are concerned over the possibility of accidents with alcohol impaired drivers.

The Duke Saloon is only a few feet away from Victoria Gymnastics. Please help us to keep this high traffic area safe for children.

Sincerely,

Suzanne Harlan

**Kim Ferris**

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**From:** Thomas Harlan [REDACTED]  
**Sent:** Wednesday, Nov 25, 2015 6:56 PM  
**To:** Liquor Licence Email  
**Subject:** Change of liquor license for Duke Saloon downtown

Hi,

writing as a dad who takes his two kids to Victoria Gymnastics during the afternoon, I'd really rather that the Duke \*not\* be selling alcohol starting at noon.

Right now it's a positive, safe environment to take the kids to SportsTraders, or Gymnastics or the natural foods store for a snack.

But adding a bunch of people drinking with the sun barely over the yardarm; that will change the complexion and make it not so nice, not so safe... Sportstraders is having a hard enough time staying in business, I wouldn't want to drive business away from them or the grocery store as well.

Thank you for your time,

--

Thomas Harlan  
[REDACTED]

## Kim Ferris

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**From:** Carrie ann Heighton <[REDACTED]>  
**Sent:** Wednesday, Nov 25, 2015 7:26 PM  
**To:** Liquor Licence Email  
**Subject:** The duke saloon

To whom it may concern,

I would like to bring up the issue of extending the liquor licence at the Duke saloon. My children go to Victoria Gymnastics and I would like it to be considered the amount of foot traffic that is parents and many children going to gymnastics. I believe this would h he the dynamics of the neighborhood for the worst as well as poss a huge issue with parking and safety. At this point it is a safe place and would be a concern to many if this was not the case.

Thank you

Carrie Ann

Sent from my iPhone



**Kim Ferris**

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**From:** Susannah Garrett <[REDACTED]>  
**Sent:** Wednesday, Nov 25, 2015 8:31 PM  
**To:** Liquor Licence Email  
**Subject:** Duke saloon

Hi,  
Please don't allow Duke saloon to sell liquor in the afternoon. There are way too many kids in that area because of gymnastics classes.  
Susannah Garrett

Sent from my iPhone

**Kim Ferris**

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**From:** Jenny Jenny [REDACTED] >  
**Sent:** Thursday, Nov 26, 2015 7:54 AM  
**To:** Liquor Licence Email  
**Subject:** Duke Saloon

Hello,

As a mother, I am concerned that the Duke Saloon is applying for a change in liquor licensing which would allow them to offer alcohol beginning at noon.

This venue is beside a popular gymnastics location where children come and go for lessons.

My concern is for the safety and security of our children using the gym, and I hope you take this into consideration as you make your decision.

Sincerely,  
Jenny Rosenthal

The Duke Saloon

902 Discovery Street

1200h-0200h Monday-Sunday

I disagree as there are very young children  
d groups of school children that pass everyday  
by this business. Children do not need to be  
close to the behavior that comes from a Pub.

Thank you

Sheri Galt

Received  
K. J. J. J.  
Nov 27/15