



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

March 27, 2019

Re: 506-508 Herald St – Brew Pub – Further Comment

Dear Mayor Helps and Council,

Since submission of the DRA letter dated March 15th 2019 regarding the proposed brewpub at 506 Herald Street, we understand that the application had been referred back to staff to review both the 178-person capacity and opening hours extending until 2:00 am. Staff has since reiterated support for this application and it has returned to Council unchanged despite ongoing concerns repeatedly expressed by downtown residents and the DRA regarding the incompatibility of late-night drinking establishments inserted within established residential enclaves. There is an abundance of evidence that supports neighbourhood claims of degradation of liveability. The Strathcona Hotel's impact on The Falls, and the Leiser Building - Lucky Bar conflicts are only two well-known examples and should serve as ample evidence for pause when considering mixing residents with late night drinking. Staff's consistent and ongoing support for these types of applications is counterintuitive and counter to the objectives of the Strategic Plan to support "Strong, Liveable Neighbourhoods".

The DRA also takes issue with Staff's representation that previous public engagement through the CALUC process was considered "preliminary discussions". To be clear these were not preliminary discussions as the applicant's architect presented a full suite of plans and the applicant clearly stated commitments to a midnight closing and a 100-person occupancy load for the same business concept. Despite the likelihood of negative impacts with the current proposal, the applicant has not engaged the DRA to discuss this revised application once rezoning for the proposed use was no longer necessary.

It needs to be pointed out that the proposed operating hours set this application aside from most others nearby such as Canoe, which closes at 11:00 pm most nights and is open until 1:00am Friday and Saturday only. The Drake itself is only open to midnight. Both the Drake and Canoe serve meals while this proposal will serve "snacks". Venues that are open until 2:00 am are "destination" establishments that draw patrons from outside the local area as well as other nearby venues as they close. Noise created by patrons arriving and leaving and behaviors that take place on the public right of way are technically beyond the control of the establishment that served the alcohol and cannot be mitigated. VicPD accurately assessed the situation in their comments "*The proposed*

capacity of 178 seats is significant. The hours of operation are that of a nightclub. These hours draw late-night street disorder issues well into the early morning hours that will affect our service levels."

The area north of Pandora and west of Douglas is already the densest residential enclave in Old Town and is continuing to grow as rapidly as the rest of Downtown to absorb the density desperately needed to house people and especially families that no other neighbourhood appears willing or able to provide. DRA LUC has calculated that there are over 600 existing residential units within 200m of the proposed application (with most barely outside the notification area for this application) and many more units under construction whose future owners will not have been informed of this application. The Pearl Condo will add 133 more units nearby and the new owners of the Ironworks will be no doubt be surprised that a 2:00 am drinking establishment has been inserted immediately next door to them. The ½ city block property directly across Herald Street will inevitably be developed in the near future adding hundreds more residential units in the immediate vicinity. The future viability and livability potential of this entire neighbourhood is at risk and requires thoughtful consideration by Council.

The DRA has a consistent record of supporting late night drinking establishments in the appropriate circumstances; both in protecting the interests of existing late night establishments and supporting new licenses that are proposed in areas with a low residential component. The DRA has also consistently expressed concerns when late night drinking establishments are proposed in predominantly residential areas and point out the profound negative impacts on livability these establishments consistently create. Despite these completely vindicated concerns expressed by neighbourhoods, staff recommendations are invariably to approve.

Licenses, once granted, continue in perpetuity. There is no licensing restriction or covenant offered in this case that restricts the proposed establishment from operating as a nightclub at anytime now or decades into the future. Council has little power to revise operating hours after the fact and needs to proceed with caution. We would point out to Council that the recently adopted Strategic Plan contains objectives for "Strong Livable Neighbourhoods" and that developing a Municipal Alcohol Policy in 2019 to address concerns, forms part of this objective. If Council is genuine in its desire to not degrade livability for all neighbourhoods including this one, it will restrict opening hours to midnight and reduce occupancy load of this proposed application until the Alcohol Policy committed to within the Strategic Plan is established and the applicant proves this location is capable of respecting its' neighbours right to quiet enjoyment.

Sincerely,

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

Ian Sutherland
Chair Land Use Committee Downtown Residents Association

From: Nell Ross [REDACTED] >

Sent: Wednesday, March 27, 2019 5:51 PM

To: Lisa Helps (Mayor); Charlayne Thornton-Joe (Councillor); Jeremy Loveday (Councillor); Ben Isitt (Councillor)

Subject: PLEASE VOTE 'NO' to increased CAPACITY and 2:00AM CLOSING for the proposed 506 Herald Street BrewPub

Dear Mayor Helps and City Council Members, Charlayne Thornton-Joe, Jeremy Loveday, and Ben Isitt;

I have written previously to Council expressing concern regarding a proposal for increased seating capacity and a later i.e., 2:00am closing by the applicant for the new BrewPub at 506 Herald Street. I very much appreciated your response emails. It is good to know that Council does receive and consider citizen concerns.

I was gratified to learn that Council voted two weeks ago to postpone making a decision regarding the changes to the applicant's original proposal for two weeks and to review the application and to see if City staff could get the applicant to reduce the numbers and the hour of closing.

You indicated in your response to my previous letter, that when people are not supportive, you need to hear from them, and as well as need to hear from individuals who support the changes to the applicant's original proposal.

I have since spoken with many of my neighbours, and all expressed concern upon hearing about the proposed increased capacity and later closing. It was the first they had heard about this change to the original proposed capacity and closing! They and I still cannot, and do not, support the increased capacity and 2:00am closing.

I have been very disappointed that during the entire two weeks since the Council decision to postpone was made, that neighbourhood residents have not been invited to participate in another information session, nor have we received any additional print information from Council or further explanation from the applicant to help us understand why/for what purpose an increase in capacity is needed, and why the applicant believes an extension of business hours to 2:00am as proposed is deemed appropriate for the neighbourhood in which the BrewPub is to be located. How then can we

possibly abandon our previously expressed concerns? Obviously, in the absence of new information, our concerns remain the same, and we still cannot support the increased capacity and later closing proposal.

I have been very disappointed that City staff have not succeeded in their consultation with the applicant to return to the original numbers and closing time, and that their report recommendation to Council has relied solely on a persuasive argument from the applicant.

I would like to say again that we love the vibrancy of downtown living including access to local pubs and restaurants in the area. That is why we choose to live here. However, we are also very familiar with the disruption and noise associated with late night revellers pouring out of existing pubs in the neighbourhood at midnight. The very thought of a new pub pouring guests into the streets at 2:00am! is decidedly disconcerting.

I would like to propose that City staff and Council members conduct an small experiment tonight that I believe would help you better understand neighbourhood residents' experience and better inform your decision-making tomorrow evening.

I suggest that you all set your alarm clock this evening to wake you up at 12 midnight, and then set it again o wake you up at 2:00am. Perhaps this will give you a better idea of the timeframe we are concerned about. Perhaps it will also demonstrate in a small way our experience of disruption with current midnight closings in existing pubs in our neighbourhood and how the addition of a 2:00am closing at 506 Herald Street would affect the livability of our community.

Please show consideration, for maintaining the livability of our neighbourhood - for current residents, and for the expanding residential population that the addition of the Ironworks and Pearl developments will bring.

PLEASE VOTE NO ... to the increase in capacity to 178 and the extension of hours of operation to 2:00am closing now being proposed for the new BrewPub at 506 Herald Street!

Respectfully,

Nell Ross,

A Resident Owner @ Mermaid Wharf
Unit 421- 407/409 Swift Street
Victoria BC V8W 1S2

Dear Mayor and Council,

The signatories below request that the Herald Street Brew Works Lounge at 506 Herald Street be restricted to an occupancy of 100 and have a closing time of at the latest midnight. Our Chinatown neighbourhood is gradually increasing in residents and our Chinatown Care Centre for seniors is just up the block. We hope you will respect the concerns of the businesses, residents and associations that make up our neighbourhood.

[illegible]

Name	Address	Signature
Yingzi Zhang		
Shirvan Lubbins	420 Ross Drive Rd	
Li Sun	827 North Park St.	
Heather Birkett	594 Broadway St Victoria	
Claudia Lyabakulze	555 Herald St	
Xilan Shao	555 Herald St	
Ming Liang	555 Heereld St	
Jane Chen	555 Herald St	
Tan Jian Bin	555 Herald St	
KEITH YEUNG	3342 University Woods	
Amanda Chen	1541 San Juan Ave	
Remmet Sandhu	555 Herald Street.	
Qing Hu Li	555 Herald St	
Alma Hachese Wiso	555 Heereld St	
Sau Hone	555 Herald St	
Helen S. BORO	555 Herald St	
Vanessa Pollard	2421 Alpine Cres.	
Larry Lee	1621 Regbie St	
ALLEN MA	#203- 537 HEATHER DALE	