

**From:** Ian Sutherland [REDACTED]  
**Sent:** May 19, 2020 10:13 PM  
**To:** Victoria Mayor and Council <mayorandcouncil@victoria.ca>  
**Subject:** 506 Herald Street-DP with Variance No.00105

Please see attached letter regarding 506 Herald Street.

Best regards,  
Ian Sutherland  
Chair DRA LUC



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

May 16, 2020

**Re: 506-508 Herald St – Brew Pub – Development Permit with Variance No. 00105**

Dear Mayor Helps and Council,

Further to the DRA letters dated April 26, 2018 and March 27, 2019 expressing concerns regarding the proposed brewpub at 506 Herald Street, we now understand that the applicant is applying for an additional 99- person roof top patio held back from the original application for the 178-person interior capacity that was approved by Council in 2019. Opening hours for the currently approved interior brewpub are 9:00 am to midnight Sunday through Thursday and 9:00 am to 1:00 am Friday and Saturday. While this application seeks approval to construct a rooftop patio for a 99 person occupancy it does not include a liquor licensing application for the intended use to be considered concurrently.

Within a 200m proximity from the subject property, there are a great many residences and the neighbourhood is rapidly growing. The larger buildings in the immediate area are outlined below and comprise a total of 935 units. This still does not include small buildings or the several hundred units to be built in the near future on the several Lou Poy properties (that are currently parking lots) directly across the street from this application.

<b>Building</b>	<b># Units</b>
Ironworks	170
Mermaid Wharf	102
Janion	110
The Pearl (approved)	132
The Union	136
Chinese Care Centre	31
Swift Street Apartments	49
555 Chatham	22
Lee Cheong & Lum Sam	25
555 Chatham	25
601 Herald	27
Cityzen	32
Lim Dat Building	22
Biggerstaff Building	24
Dragon Alley	12
Herald Building	16

The DRA has pointed out repeatedly that the insertion of large capacity late night Liquor establishments into the center of either existing or planned dense residential neighbourhoods such as this one is extremely detrimental to the livability of the neighbourhood and creates unnecessary and ongoing conflict. The approval of an additional of 99 outdoor seats without consideration of the intended use as outdoor liquor service will no doubt provide disruption to the local area residents and ongoing conflict with the existing and hundreds more units soon to be built immediately adjacent.

The applicant has stated that the developer of the adjacent condominium, Chris Le Fevre, is fully supportive of this project. We would simply note that the developer will not reside in his development and according to his public statements, appears unaware that many complaints against neighbouring liquor establishments have come from residents of his developments in the past. Some Councillors are well-aware of the litany of complaints that have been made from residents of his Leiser Building project on lower Yates regarding noise from public congregation in front of Lucky Bar. That, and the well known catastrophic impacts of the rooftop patio at the Strath on livability at The Falls condo should provide Council some pause to reflect.

The DRA would like to point out that this application has morphed from an initial proposal of 100 seats closing at midnight that was fully supported by the community to a destination pub to be almost triple in size with later operating hours. It is interesting that this application is being segregated from the inevitable liquor application for the additional 99 outdoor seats that this proposed rooftop patio will facilitate. While this application is technical in nature and it is the applicant's right to invest in and construct a rooftop patio that is unlicensed at the time of approval, we would point out that the incremental approval of this application appears as a strategy that will allow the applicant to both avoid public comment on what is effectively a licensing application as well as provide a claim of financial hardship if liquor licensing for that same space is not approved in the near future. It is logical that both licensing and construction approvals should be heard by Council concurrently as the rationale for approval for one is indelibly linked to the other.

The DRA strongly supports a vibrant Downtown which includes late night drinking establishments in appropriate locations. Downtown residents are concerned about impacts on their livability this type of establishment will create and have been patiently awaiting the recommendations of the Alcohol Policy Review conducted a year ago in June of 2019. We trust Council will honour commitments to prioritize the implementation of any policy recommendations this review may bring forward. Downtown is expected to absorb the majority of residential growth for the region, so Council needs to thoughtfully consider the impacts decisions such this one will have on the quality of life for this rapidly growing community.

Sincerely,

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