

Ryan Morhart

From: Caroline Woodward [REDACTED]
Sent: December 10, 2020 11:08 AM
To: Ryan Morhart
Subject: Swans pub proposal to increase occupant load

Hello,

We own a condo nearby at 510 Pandora, and just received your letter advising us of expansion plans at Swans. We hope to live there at some point in the next five years when we retire. It's being rented right now. Can you expand on exactly how the owners plan to drastically increase their 'occupant load'? Will it be at the expense of a whole floor of beautiful hotel rooms upstairs? It's difficult to know where the extra bodies, never mind Covid in the mix at the moment aka months on end, will fit.

If they choose to wipe out the beautiful upstairs rooms, which would be a shame as this is a gorgeous, historic building thanks to when the University of Victoria management had it, the neighbourhood noise factor will inevitably spread much further than it does currently, which is negligible. So we'd just like to know, logistically, what the plans are for expansion. Thank you.

Regards,
Caroline Woodward & Jeff George

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[REDACTED]

Grammar Goofs

The past, present, and future walked into a bar. It was tense.

December 30, 2020

Manager, Permits and Inspections
Sustainable Planning and Community Development Department
1 Centennial Square
Victoria BC V8W 1P6
rmorhart@victoria.ca

Dear Reader,

I am responding to a written invitation by the City of Victoria dated November 26, 2020 to provide comments on the proposed seating expansion at **Swans**.

I am not in favour of this application.

As a downtown resident in the neighborhood for the past three years I can attest to the poor overall behaviour of commercial enterprises in the area, the lack of physical capacity of the area to handle even more foot traffic and the lack of by-law support to address real problems of local area residents. The increase in the number of people drinking alcohol in what is a residential neighborhood does not improve its character for the residents in any shape or form but provides relief solely for the influx of visitors and their frequented businesses.

For example, there are currently three drinking establishments within this 100m radius and two of them I can hear from my balcony and the third I can hear by the loud music blaring as I walk down the street towards Wharf St. I can only imagine what real residents of the Janion feel about that. With garbage trucks and delivery trucks flouting the noise by-laws and Market Square booking power washing sessions outside of permitted times and allowing the Whistlebuoy to discharge fumes and excessive noise from its brewing operations just meters from where people are trying to live is not conducive to living in the area.

The City infrastructure at the proposed corner is inadequate to handle even more foot traffic. This will make living in the area even more difficult as trying to do a right turn from Pandora to Wharf requires the cooperation of cyclists and pedestrians to safely carry out. Sadly, this is very much lacking during the tourist season. Also, the width of the sidewalks in area are very narrow with overcrowding at the signal lights during tourist season and now we are proposing even more people entering and exiting a business right there bumping into those waiting to cross the street.

Lastly, there is insufficient budget and personnel in the City's by-law department to carry out the required enforcement. I know this from past interactions with the City. Given this business will operate outside of what by-law enforcement department current hours are I can already foresee a continued flouting of the social contract by businesses with their resident neighbours. Placing the burden on residents to constantly inform the City of what is happening is not an ideal interpretation of civic duty.

As a final comment, I suspect the City's response rate is poor with these invitations to provide comments. My experience leads me to believe this because there is a continued exodus of people who would like to call it home but cannot because of the inhospitable climate being fostered on the remaining residents. This is surely exacerbating the view that this downtown location is not for the residents but for business and their out-of-town patrons.

Sincerely,

David Pyatt

Ryan Morhart

From: Dylan Qian <[REDACTED]>
Sent: December 3, 2020 9:27 PM
To: Ryan Morhart
Subject: Swans structural change

Dear Sustainable Planning and Community Development Department,

My name is Dylan Qian and I am one of the residents who received the notice for application to change the hours and occupancy load of the pub Swans nearby.

I wanted to send my view on the matter for consideration as I feel increasing the occupancy load and extending the hours of operation for a local pub amidst a global pandemic would be a catastrophic mistake. I understand a business needs to make money, but at what point am I, a resident of the area, expected to make the sacrifice of prolonging the lockdown restrictions in place just so a local pub can stay open longer?

It is known that alcohol decreases personal awareness and inhibitions. So, knowing how much more irresponsible drunk people are, why would I want a pub to be able to serve alcohol to even more people for longer hours of the day?

It is absolutely ridiculous that this application for structural change is even being proposed. I am strongly against this proposal.

Thank you for hearing my voice,

Dylan Qian (409 Swift Street, Victoria, BC)

Please do not include any of my (unrequired) personal information when presenting to the Council.

Ryan Morhart

From: jennifer lee [REDACTED]
Sent: December 6, 2020 6:22 PM
To: Ryan Morhart
Subject: Objection to Application to increase the occupant load and adjustment to the existing hours by the Swans

Dear Manager,

I refer to your letter dated November 26, 2020 regarding the captioned application.

I write to express my strongest objection to the application made by Swan Hotel for increasing the number of occupants and extending the current opening hours. My unit is at The Janion just across the street from Swan Hotel. We have been suffering from the extremely annoying noises - sometimes unacceptably high-pitched screams and shouts, made by their patrons gathering just outside/leaving the restaurant/bar of the Hotel during odd hours on weekend and public holidays. The 'better' and more civilized behaviour of some would be just yelling and chatting loudly while puffing a cigarette or the like at the kerbside. This has created much disturbance and annoyance in the neighbourhood. I truly believe accepting more occupants plus extending the opening hours will only worsen the situation and make life so much more difficult for nearby residents like myself. Please feel free to contact me by email or phone at [REDACTED] if you have any questions. Thank you!

Best regards,
Jennifer

Ryan Morhart

From: Judith Scown-Geary [REDACTED] >
Sent: December 5, 2020 8:15 PM
To: Ryan Morhart
Subject: Application made by Swans to modify hours to increase occupant load from 171-282

To Whom it May Concern

I live within 100 metres of 510 Pandora avenue and hereby object to increasing occupant load at Swans for the following reasons:

Interestingly, the Greater Victoria Cycling Coalition (GVCC) during a study on air and noise pollution, have said that noise pollution on city streets could also be a health concern. The downtown area around Pandora, with many Airbnb's and longer hours to continue to drink, is an area of prime concern.

People spill out onto the streets, creating noise for local residents that goes on long after closing, even though the noise bylaw for Friday and Saturday nights is 11pm, noise continues on the streets and disturbs the neighbourhood.

The downtown area is an area of growth as indicated by the number of developments given planning permission and the population will continue to grow. More restaurants and bars will open. Living downtown for many people, and it is being encouraged by the City, is for close proximity to work. Development also invites in families and older people to take advantage of downtown living, touting walking distance to shops and services., and selling the City as a 'livable' city.

Now that Covid has paused the impact of noise, many cities are using this opportunity to look at how we want our cities to be. Prague is a good example of a city being torn apart by visitors who made life miserable for the local people who lived there, and officials are now going to make changes to bring the city back to a liveable city.

Although the City changed to short term letting laws, my building, the Union, still has many units with absent owners, used as a business for Airbnb owners who are letting units to many young people looking to party.

There needs to be restrictions on noise and patios after certain hours - 11pm on weekends would seem reasonable - and to increase the occupant load at Swans for another hundred people is just encouraging more people to pile in and create noise. There is no controlling noise and people out on the streets. Many people come to the downtown area at weekends just to drink and party.

As is usual with noise issues, it is usually a few who spoil it for everyone, however, it is the few who can make downtown living unbearable. Ambulance and police sirens usually accompany late night drinking and huge crowds of people.

I would ask Swans to not increase their occupant load out of respect for a growing and changing neighbourhood and the people who live here. If we don't start to take this issues seriously, they will get bigger and the City will loose its uniqueness and just become a place to go and party. Swans may be doing a disservice to the people who come to stay as guests, as a higher occupant load will increase noise in the hotel and on the streets outside the rooms.

Pre-Covid, Friday and Saturday nights around Pandora and Store were pretty wild on some nights. The Mobile Cycling Bar didn't help.

The area around the new bridge and the 'beautification' of the area is making it a more desirable place to live, but at the same time, more people will want a 'liveable' place to work and live and although bars and restaurants are all part of what people want, we need to be mindful of noise issues that can have a huge impact on real estate prices and the success of the development of the city. We have the opportunity to create a city that is modern in thinking and respectful of the people who live there. Bike lanes are great in creating quite cities, let's go a step further by not encourage more noise on the streets by make responsible choices about the number of people late at night with the mix of alcohol, and the impact that makes.

Respectfully,

Judi James

412, 517 Fisgard Street

Victoria, BC V8W 0C5



Ryan Morhart

From: Peter Lloyd-jones [REDACTED]
Sent: December 19, 2020 9:58 AM
To: Ryan Morhart
Subject: Swans: Application for structural change to a liquor license

Ref: Swans, 510 Pandora Ave, Victoria

With reference to the above application to increase the occupancy load from 171 - 282 people, we believe this increase of 111 occupants (65%) seems excessive and will have a detrimental impact on parking, late night noise and litter etc. especially given that no new infrastructure is planned to accommodate this increase. Apart from increase in turnover and profits we don't see any benefits and certainly none for the neighbourhood.

We would object to the approval of this application.

Thank you

Peter and Jayne Lloyd Jones, (Owners)
Union Building, 404- 528 Pandora Ave,
Victoria V8W 3G9

Ryan Morhart

From: Jesse Taylor [REDACTED]
Sent: December 9, 2020 10:17 PM
To: Ryan Morhart
Subject: Attn: Manager, Permits & Inspections

To whom it may concern,

In response to the mail correspondence I received regarding Swan's application to the city.

I have lived next door to them for the last 6 years, and they have been a fantastic neighbor. I want to take the time to express my support for their application for change in capacity load and liquor primary changes. They have been a great neighborhood spot for me and my friends. Their staff have been wonderful, friendly, and always responsible. During this year with Covid, they have been ahead of the curve with protocols — regarding capacity, appropriate masking, etc and I have really appreciated that.

Understanding your responsibility to properly vet such applications, I felt compelled to chime in to offer my support to my neighbors at Swans, as they are certainly one of the good ones here in Victoria. I'd be happy to provide more feedback as needed, please feel free to contact me at any time.

Best regards,
Jesse Taylor
#402-528 Pandora Ave.
[REDACTED]

Ryan Morhart

From: Tony Basic [REDACTED]
Sent: December 1, 2020 5:44 PM
To: Ryan Morhart
Subject: Swans

Yes! Let them live and work. Obey the constitution and understand their right to do so. 9 AM to 2 AM daily sounds good. Cheers!

Ryan Morhart

From: Wendy Keeping [REDACTED]
Sent: December 2, 2020 4:08 PM
To: Ryan Morhart
Subject: Swans

Good Day,

Thank you for your correspondence regarding the increase in occupancy for the Swans. I am in favour and don't have any objections.

Wendy Keeping
Janion



1715 Government Street
Victoria, BC V8W 1Z4

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

January 19th, 2021

Re: Structural Change to a Liquor Primary Licence-Swans Hotel 510 Pandora

Dear Mayor Helps and Council,

The DRA Land Use Committee has reviewed the application for a structural change to a Liquor Primary Licence to increase the occupant load from 171 to 282 people with no adjustment to the existing hours of 9AM – 2AM daily.

Since the applicant is seeking a 65% increase in capacity and the site is located proximal to several residential buildings, we request that the City defers this, and any other application, seeking substantial additions to liquor-related seating in the downtown core until two underlying issues have been resolved.

As our Mayor reminds us, we are still in a global health pandemic and in a provincially declared State of Emergency where “stay at home” has been key medical advice offered. Other levels of government have likewise supported this advice.

On December 30th, 2020 Dr. Bonnie Henry issued a new Public Health Order for all food and liquor serving premises. This Order does not have an expiration date. As such, operators continue to experience a reduction in their seating capacity in order to uphold the provincial restrictions. Even with the installation of physical barriers, most operators are unable to reach their pre-pandemic capacity. Any substantial increases in capacity at this time could not be realized until after the global health pandemic and provincially declared State of Emergency have ended. We suggest that on this basis alone, this application can justifiably be deferred.

In addition, consistent with Strategic Objective 8 Strong Liveable Neighbourhoods, one of the actions identified for 2019 was the creation of the Municipal Alcohol Policy. The City initiated this work and hired Responsible Hospitality Institute (“RHI”) at a cost of \$25,000 to help develop this new policy.

In May and June 2019, RHI conducted research including interviews with key stakeholders. In June 2019, meetings were held with city staff, hospitality venue operators, VicPD, and the City's Late Night and Music Advisory Committees. A women's focus group was also convened to identify the issues they experience with regards to late night hospitality and RHI provided a presentation on this topic.

As stated in a 2019 City release: "Over the summer, the gathered information will be reviewed and initial policy directions will be developed. These will be presented to Council and the community for feedback and discussion in late summer. Final policy recommendations will then be prepared for submission to Council for approval in late fall." (*Municipal Alcohol Policy update, City of Victoria, 2019*)

As correctly identified by the City, there can be conflicts of interest between the needs of residents in the downtown and a lively late night social environment. "Ensuring that residents enjoy a good quality of life and that the hospitality sector continues to flourish requires appropriate policies that are mutually beneficial and do not create an unreasonable implementation burden" (*Municipal Alcohol Policy update, City of Victoria, 2019*).

The substantive work for this initiative is complete but the policy has yet to be brought forward and approved. With the policy in place, it would provide the City with the necessary lens to review liquor related applications and provide greater clarity to community stakeholders. We support this approach and are waiting for the City to finalize the Municipal Alcohol Policy and ask that you defer this application until the policy is approved.

In the meantime, in the interests of full disclosure and information sharing, we request that staff consistently provide council and the public with a Vicinity Map as it relates to each application. These maps typically include information about all licenced establishments in a 100m-proximity showing licence type, establishment name, address, occupancy load and hours of operation. As we have seen with the variety of liquor related establishments at the Strathcona Hotel, there is a tipping point for the total capacity that any one residential area can absorb before liveability becomes a challenge.

For your reference, we have attached the DRA LUC Liquor Primary & Late Night Food Primary Liquor Licence Applications Policy that was updated and approved in February 2020.

Sincerely,

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