



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

30 June 2021

**Re: 440 Swift Street – Heritage Alteration with Variance HAV00030**

Dear Mayor Helps and Council,

Based on the information provided by the City on the Development Tracker, we understand that the new business owners, CRAFT Beer Market, are applying for a Heritage Alteration Permit with Variance at 440 Swift Street to include:

- Enlarged window openings;
- Construction of a new enclosed patio structure;
- A 1-storey addition; and,
- Landscaping changes.

The modern history of this building is relevant and worth reviewing for this application. When the City of Victoria stopped using the foot of Swift Street for garbage handling and allowed a full renovation and lease of the building to be a hospitality venue, the floor levels and the locations for patrons and related services within that large open space were designed. Obviously suggestions about maximizing occupant load vs preserving the natural value of the original structure were assessed and a very good solution was delivered; creating an opportunity for a very large liquor licence occupancy of (786 persons) while maintaining the integrity of the historic 1894 City Electric Plant building. Certainly the space has been very popular since it opened and should be considered an excellent example of well-executed heritage rehabilitation that also manages to provide an excellent economic return to its owners.

We recognise that subsequent to filing their application, the applicant has made some revisions that have provided for some improvements, including; the removal of some of the signage, not painting the brick, removing the wall-like structure that enclosed the patio on southwest end of the building, and retaining the character of the multi-paned windows.

However, there are still items of concern regarding the proposal. The comments and concerns raised by committee members are as follows:

- Seating/Occupancy: At 786 persons the Licenced occupancy is very high for this establishment and without good management will certainly be a nuisance to its immediately adjacent residential neighbours. The proposed addition appears specifically designed to extend the utility of existing outdoor patio seats that are currently subject to constraints to both season and hours of operation due to weather and temperature. Consideration of an addition to a heritage building must not only include the correct aesthetic and materiality required by the National Standards and Guidelines for Historic Places but also must achieve mitigation priorities presented by the proposed uses.
- A study of the plans leads to the conclusion that the proposed enclosed patio on the harbour side compromises the heritage appearance and value of the building. It is offered as an enclosed "patio" but the design indicates that it will effectively function as a permanent addition to the indoor seating area that will operate year-round. Patios such as these are routinely used as a work around to requirements of the Building Code as "outdoor" patio seats are excluded from code requirements allowing operators to run more seats than otherwise possible.
- The drawings do not adequately demonstrate the impacts of the roll-down white edge vinyl screen proposed between the proposed timber posts on the overall appearance of the building. It is evident that it is near impossible for the City or residents to have any true sense of what these screens will look like in actual construction. In addition, it should be recognized that in practical application, these screens will be rolled down for the majority of the year given Victoria weather and the desirable location. Given this, the City should require further detailing of this sheltering solution be undertaken - perhaps including some CAD modeling such that Council can be assured that the proposed approach does not result in an unsightly and an incongruent addition and exterior finish to the harbour facing façade of an otherwise extremely attractive designated heritage building.
- Secondary to this application, but still completely relevant, is the question of the impacts of approval of the proposed Heritage Alteration Permit on its residential neighbours. There have been ongoing issues with noise impacts on neighbouring residential properties from this operation for decades. A patio with vinyl siding will extend the hours and seasons of possible use for a large number of patrons, but not provide any noise mitigation for neighbours. On the matter of more patrons outside until much later in the evening with increased noise 365 days a year, the answer should be obvious.

It is clear that noisy venues next to residences are very vexatious to those who live nearby, so Council should carefully consider any application that may contribute to potential nuisance. Apart from the obvious nuisance implications of the expanded patio capacity, the proposed changes will substantially degrade the inherent heritage value of this significant brick and heavy timber structure in Old Town and even more rare, one of those few heritage structures still remaining intact on our harbour waterfront.

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

cc: John O'Reilly