



**AGENDA  
PLANNING AND LAND USE COMMITTEE  
MEETING OF NOVEMBER 12, 2015, AT 9:00 A.M.  
COUNCIL CHAMBERS  
CITY HALL, 1 CENTENNIAL SQUARE**

Page

**CALL TO ORDER**

**APPROVAL OF AGENDA**

**CONSENT AGENDA**

**ADOPTION OF MINUTES**

1. Minutes from the Meeting held on October 29, 2015.

**DECISION REQUEST**

2. R1-A Zone, Rockland Single Family Dwelling Bylaw Housekeeping Amendment 5 - 11  
--J. Tinney, Director - Sustainable Planning and Community Development

*A report recommending amendments that would clarify the intent of the Bylaw in relation to minimum site area.*

Staff Recommendation: That Council consider giving first and second reading to the Bylaw Amendment, and that a Public Hearing date be set.

3. Sidewalk Café Bylaw Progress Report 13 - 58  
--J. Tinney, Director - Sustainable Planning and Community Development

*A report to provide Council with a proposed approach for updating the Sidewalk Café Bylaw, improvements to the process associated with establishing sidewalk cafes and to seek direction to proceed with focused public consultation for feedback on the proposed changes.*

Staff Recommendation: That Council consider approving the proposed approach to amending the Sidewalk Café Bylaw.

## DEVELOPMENT APPLICATION REPORTS

4. Development Permit Application No. 000430 for 1029 View Street 59 - 135  
--J. Tinney, Director - Sustainable Planning and Community Development
- An application to authorize a mixed-use building with ground-floor retail fronting View Street and residential above.*
- Staff Recommendation: That Council consider referring the application to the Advisory Design Panel.
5. Heritage Application Permit No. 00208 for 700 Government Street 137 - 164  
--J. Tinney, Director - Sustainable Planning and Community Development
- An application to install six lamp posts in order to light the pedestrian part of the Lower Causeway.*
- Staff Recommendation: That Council consider authorizing the permit.

## LIQUOR LICENCE REPORTS

6. Liquor Licence Report - The Local Bar and Grill - Liquor Licence Application 165 - 173  
--C. Coates, City Clerk
- An application seeking an addition of Patron Participation Endorsement to the Food Primary Liquor Licence for the Local Bar and Grill, located at 1205 Wharf Street.*
- Staff Recommendation: That Council consider supporting the request.
7. Liquor Licence Report - The Strathcona Hotel - Liquor Licence Application 175 - 183  
--C. Coates, City Clerk
- An application seeking a permanent change to the hours of operation from 11:00 a.m. to 2:00 a.m. to 10:00 a.m. to 2:00 a.m. for the Strathcona Hotel, located at 919 Douglas Street.*
- Staff Recommendation: That Council consider supporting the request.

## COUNCIL MEMBER MOTION

- |    |   |           |
|----|---|-----------|
| 8. | Potential Heritage Advisory Panel Referrals<br><i>--Councillors Madoff and Thornton-Joe</i> | 185 - 186 |
|----|---|-----------|

*A proposed motion to undertake referrals to the Heritage Advisory Panel.*

## **ADJOURNMENT**





## Planning and Land Use Committee Report

For the Meeting of November 12, 2015

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**To:** Planning and Land Use Committee      **Date:** October 29 , 2015

**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development

**Subject:** R1-A Zone, Rockland Single Family Dwelling District  
Housekeeping Amendments Regarding Site Area Requirements

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### RECOMMENDATION

Staff recommend that the Committee forward this report to Council and that Council consider giving first and second reading to the attached Zoning Regulation Bylaw Amendment proposed to the R1-A Zone, Rockland Single Family Dwelling District, and that a Public Hearing date be set.

### LEGISLATIVE AUTHORITY

In accordance with Section 903 (c) of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures, the density of the use of the land, building and other structures, the siting, size and dimensions of buildings and other structures as well as the uses that are permitted on the land and the location of uses on the land and within buildings and other structures.

In accordance with Section 904(1) of the *Local Government Act*, a zoning bylaw may establish different density regulations for a zone, one generally applicable for the zone and the others to apply if certain conditions are met.

### EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations regarding amendments that are proposed to the R1-A Zone, Rockland Single Family Dwelling District. The proposed amendments would clarify the intent of the Bylaw, specifically confirming that:

- self-contained dwelling units in a house conversion are to be included in calculating the minimum site area when associated with attached and semi-attached dwelling units
- minimum site area (breathing room) requirements for pre-1970 conversions apply only when subdivision of the lot occupied by the conversion is proposed.

When the City initiates significant changes to zones in the *Zoning Regulation Bylaw*, there would usually be a consultation process in advance of the Public Hearing. However, in this case, the proposed changes are minor in nature and consistent with longstanding interpretations of site area regulations within the R1-A Zone.

## BACKGROUND

### Relevant History

In 2011, Council approved amendments to the *Zoning Regulation Bylaw* to clarify and simplify the regulations in the R1-A Zone, Rockland Single Family Dwelling District; R1-B Zone, Single Family Dwelling District; and R1-G Zone, Single Family Dwelling (Gonzales) District. The changes in wording unintentionally affected the minimum site area requirements per dwelling unit in the Zones. A correction to include a single family dwelling in the calculation of minimum site area when associated with attached and semi-attached dwelling units was approved by Council on March 26, 2015. However, a further correction is required to include in the calculation the dwelling units in a house conversion in association with attached and semi-attached dwelling units. In addition, the wording on the site area required for pre-1970 conversions needs to be amended to specify that this applies only when subdivision of the lot occupied by the conversion is proposed.

### Community Consultation

When the City initiates significant changes to the zones in the *Zoning Regulation Bylaw*, there would usually be a consultation process in advance of the Public Hearing. However, in this case, the proposed changes are of a housekeeping nature and are consistent with longstanding interpretations of the R1-A Zone as well as the *Subdivision Bylaw* and it is important to make the amendments expeditiously to avoid misinterpretations. Staff have contacted the Rockland Neighbourhood Community Association Land Use Committee (CALUC) to advise them of the proposed change and the CALUC will be notified of Council's resolution and the date of the Public Hearing.

## ANALYSIS

### Minimum Site Area per Self-Contained Dwelling Unit

Prior to 2011, the site area requirement in the R1-A Zone for single family dwellings and for conversions in association with attached and semi-attached dwelling units was more clearly stated as requiring 835m<sup>2</sup> per dwelling unit, including the single family dwelling or the dwelling units in a house conversion. The changes to the R1-A Zone in 2011 unintentionally removed the single family dwelling and the units in a house conversion from the calculation of the site area requirement. The exclusion of single family dwellings was corrected by Council on March 26, 2015. Staff are recommending that the R1-A Zone be amended further to ensure that the Bylaw is applied to dwelling units in house conversions, as was originally intended.

### Minimum Site Area (Breathing Room) for Pre-1970 Conversions

The City's previous *Subdivision Bylaw* included a section that required the provision of "breathing room" for conversions in houses built before 1970 when subdivision of the lot occupied by the conversion was proposed. The site area of the lot occupied by the house conversion was required to be 2800m<sup>2</sup> or the total floor area of the building (m<sup>2</sup>) multiplied by

3.63, whichever was less. This site area provision was added to the R1-A Zone in 2011 and removed from the current *Victoria Subdivision and Development Servicing Bylaw*, which was adopted in 2012. However, the wording in the R1-A Zone did not specify that the application of this site area requirement is with subdivision only. Staff are recommending that the R1-A Zone be amended to make this subdivision reference.

## CONCLUSIONS

As these proposed amendments to the site area regulations are housekeeping in nature and consistent with the longstanding R1-A Zone site area regulations and interpretations, staff recommend that Council consider proceeding with first and second reading of the attached Zoning Regulation Bylaw Amendment and set a Public Hearing date.

## ALTERNATE MOTION

That Council receive and file this report for information.

Respectfully submitted,



Brian Sikstrom, Senior Planner  
Development Services Division



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date: November 2, 2015

## List of Attachments

- Zoning Regulation Bylaw, Amendment Bylaw No. 15-084 for Part 1.1, R1-A Zone, Single Family Dwelling District
- R1-A Zone, prior to 2011 and 2015 amendments.

No. 15-084

## A BYLAW OF THE CITY OF VICTORIA

The purpose of this bylaw is to amend the Zoning Regulation Bylaw by amending the R1-A Zone, Rockland Single Family Dwelling District, to better define regulations related to the site area required for lots with attached and semi-attached dwelling units and the site area for house conversions upon subdivision.

Under its statutory powers, including section 903 of the *Local Government Act*, the Council of the Corporation of the City of Victoria, in a public meeting, enacts the following provisions:

**Title**

- 1 This Bylaw may be cited as "Zoning Regulation Bylaw, Amendment Bylaw (No. 1055)".

**Zoning Regulation Bylaw**

- 2 Bylaw No. 80-159, the Zoning Regulation Bylaw, is amended as follows:

- (a) in Part 1.1 (R1-A Zone, Rockland Single Family Dwelling District) of Schedule B:

- (i) in section 1.1.2

by repealing paragraphs 1.1.2 c. and d. and replacing those paragraphs with the following:

- |     |  |   |
|-----|--|---|
| "c. | <u>Site area</u> for each <u>self-contained dwelling unit</u> on a <u>lot</u> on which there is an <u>attached dwelling</u> or <u>semi-attached dwelling</u> (minimum) | 835m <sup>2</sup>   |
| d.  | <u>Site area</u> when creating a <u>lot</u> , on which there is a pre-1970 <u>building</u> which can accommodate <u>house conversion</u> (minimum)                     | 2800 m <sup>2</sup> in <u>site area</u> or the <u>total floor area</u> of the <u>building</u> multiplied by 3.63 whichever is less" |

**Effective Date**

- 3 This Bylaw comes into force on adoption.

READ A FIRST TIME the \_\_\_\_\_ day of \_\_\_\_\_ 2015.

READ A SECOND TIME the \_\_\_\_\_ day of \_\_\_\_\_ 2015.

ADOPTED on the \_\_\_\_\_ day of \_\_\_\_\_ 2015.

MAYOR

**PART 1.1 - R1-A ZONE, ROCKLAND SINGLE FAMILY DWELLING DISTRICT****1.1.1 Permitted Uses**

- a. Single family dwelling with no more than one of the following accessory uses:  
Secondary suite subject to the regulations in Schedule "J"; or  
Roomers and/or Boarders up to a maximum of 4
- b. Attached and semi-attached dwellings
- c. The uses created as a result of a house conversion, subject to the regulations in Schedule "G"
- d. Home occupation subject to the regulations in Schedule "D"
- e. Accessory buildings subject to the regulations in Schedule "F"
- f. Private garage
- g. Public building
- h. Garage sales limited to no more than 2 in any year
- i. Commercial exhibits existing prior to January 1, 2011
- j. notwithstanding paragraphs a. through i., the only uses permitted on a panhandle lot created by way of subdivision after July 10, 2009, are the uses described in paragraphs a., d. (subject to the regulations in Schedule "D"), e., f., and h., which uses are subject to the regulations in Schedule "H"
- k. notwithstanding paragraphs a. through j., the only use permitted on a lot with a site area less than 230m<sup>2</sup> or with an average lot width less than 7.5m is a private garage

**1.1.2 Site Area, Lot Width**

- a. Lot area (minimum) 740m<sup>2</sup>
- b. Lot width (minimum average) 24m
- c. Site area for each self-contained dwelling unit where there is more than one self-contained dwelling unit on a lot excluding uses created as a result of a house conversion (minimum) 835m<sup>2</sup>
- d. Site area for any lot with a pre 1970 building which can accommodate house conversions (minimum) 2800m<sup>2</sup> in site area or the total floor area of the building multiplied by 3.63 whichever is less
- e. Panhandle lot Subject to regulations in Schedule "H"

**1.1.3 Floor Area of the Principal Building**

- a. Floor area, of all floor levels combined, of a single family dwelling, attached or semi-attached dwelling (minimum) 130m<sup>2</sup>
- b. Private garage, floor area of all floor levels combined (maximum) 37m<sup>2</sup>
- c. Public building Not applicable

Words that are underlined see definitions in Schedule "A" of the Zoning Regulation Bylaw

**PART 1.1 - R1-A ZONE, ROCKLAND SINGLE FAMILY DWELLING DISTRICT****1.1.4 Height, Storeys, Roof Decks**

- |   |                                      |
|---|--------------------------------------|
| a. Residential <u>building</u> (maximum)                        | 7.6m in <u>height</u> and 2½ storeys |
| b. <u>Attached</u> and <u>semi-attached dwellings</u> (maximum) | 7.6m in <u>height</u> and 2½ storeys |
| c. <u>Public building</u> (maximum)                             | 11m and 2½ storeys                   |
| d. <u>Roof deck</u>   | Not permitted                        |

**1.1.5 Setbacks, Projections**

- |   |   |
|---|---|
| a. <u>Front yard setback</u> (minimum)<br>except for the following maximum<br>projections into the <u>setback</u> : | 10.5m except for <u>lots</u> less than 30.5m in depth<br>which require a 7.5m   |
| • steps less than 1.7m in <u>height</u><br>(maximum)  | 2.5m  |
| • <u>porch</u> (maximum)  | 1.6m  |
| b. <u>Rear yard setback</u> (minimum)   | 7.5m or 25% of <u>lot depth</u> whichever is greater  |
| c. <u>Rear yard setback</u> for <u>attached</u> and <u>semi-attached dwellings</u> (minimum)                        | 7.5m  |
| d. <u>Side yard setbacks</u> from interior <u>lot lines</u><br>(minimum)  | 3.0m  |
| e. <u>Side yard setback</u> on a flanking <u>street</u> for a<br><u>corner lot</u> (minimum)                        | 10.5m, except on <u>lots</u> less than 35m in <u>width</u> ,<br>where the <u>setback</u> may be reduced by an<br>amount equal to the difference between the <u>lot</u><br><u>width</u> and the minimum <u>setback</u> , but shall be no<br>less than 6m |
| f. Eave projection into <u>setbacks</u> (maximum)   | 0.75m   |

**1.1.6 Site Coverage, Location of Uses, Parking**

- |   |   |
|---|---|
| a. <u>Site coverage</u> (maximum)   | 40%   |
| b. <u>Site coverage</u> of <u>attached</u> and <u>semi-attached dwellings</u> (maximum) | 25%   |
| c. <u>Attached</u> and <u>semi-attached dwellings</u><br>siting and connection          | Must be sited in the <u>side</u> or <u>rear yard</u> when<br>there is an existing residential <u>building</u> ; and<br>Must be connected by a common roof                 |
| d. Separation of <u>attached</u> and <u>semi-attached dwellings</u>                     | Notwithstanding the provisions of Schedule "A",<br><u>attached</u> and <u>semi-attached dwellings</u> may be<br>horizontally separated within an existing <u>building</u> |
| e. Parking  | Subject to the regulations in Schedule "C"  |

(Amended Bylaw 15-001 adopted March 26, 2015)  
(Amended Bylaw 14-041 adopted July 10, 2014)

Words that are underlined see definitions in Schedule "A" of the Zoning Regulation Bylaw





## Planning and Land Use Committee

For the Meeting of November 12, 2015

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**To:** Planning and Land Use Committee                      **Date:** October 29, 2015

**From:** Jonathan Tinney, Sustainable Planning and Community Development

**Subject:** Sidewalk Café Bylaw Update – Progress Report

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### RECOMMENDATIONS

That Council direct staff:

1. To bring forward an updated *Sidewalk Café Bylaw* (No. 02-75) based on the following approach:
  - a. that the type of sidewalk cafés distinguish between whether objects are fixed in place or not;
  - b. that fully enclosed sidewalk cafés are no longer permitted;
  - c. that only fixtures that are easily removable are permitted;
  - d. that clearances from the curb be updated for safety and clarity;
  - e. that heater regulations be updated for safety and clarity;
  - f. that the fees be updated to simplify the process and for consistency with City policy;
  - g. that the adjacent parallel parking stall be an option for sidewalk café use in some circumstances;
  - h. that the Bylaw language be improved for clarity.
2. To prepare design guidelines to provide guidance for sidewalk café design and application review.
3. To proceed with public consultation, focused on providing information on the bylaw and process changes to stakeholders for feedback.
4. To incorporate refinements into the draft *Sidewalk Café Bylaw* in response to the input received from the public consultation and report back to Council with the proposed Bylaw by February 2016.

### LEGISLATIVE AUTHORITY

Pursuant to Section 8 of the *Community Charter*, Council may, by bylaw, regulate, prohibit and impose requirements relating to public places, health, safety, protection of persons or property and the protection and enhancement of the well-being of its community in relation to nuisances, disturbances and objectionable situations.

Pursuant to Section 35 of the *Community Charter*, Council may grant licenses of occupation, or permits of encroachments, with respect to highways which are vested in the City, including the sidewalk portions of those highways.

In accordance with Section 194 of the *Community Charter*, the City may impose fees to exercise its authority to regulate, prohibit and impose requirements and to use municipal property.

## EXECUTIVE SUMMARY

The purpose of this report is to present Council with a proposed approach for updating the *Sidewalk Café Bylaw* (No. 02-75), improvements to the process associated with establishing sidewalk cafés and to seek direction to proceed with focused public consultation for feedback on the proposed changes.

Sidewalk cafes can help achieve City-wide objectives with regards to placemaking and economic development by contributing to the vibrancy of public spaces and facilitating economic vitality. The *Sidewalk Café Bylaw* was adopted in 2002 and regulates the construction, placement, use and maintenance of objects and fixtures on public sidewalks that support sidewalk cafés to ensure access, safety, mobility, consistent character, and to protect public property. As sidewalk patios have evolved over the years they have become all-year dining areas with associated fixtures for weather protection. The Bylaw needs to be updated as it does not anticipate structures or types of technology (such as heat sources) that are commonly installed as part of patios. The process also needs to be updated to improve customer service and streamline the review process.

There are many considerations with sidewalk café licence proposals that span various City departments ranging from placemaking, economic development, transportation, fire and safety, structural considerations and how proposed patios may affect servicing and other infrastructure within the public Right-of-Way. It is important that the regulations address any potential issues while encouraging street activity and economic vitality.

Staff have reviewed the City of Victoria *Sidewalk Café Bylaw* (No. 02-75) in conjunction with regulations and practices from other municipalities, site visits, and review with various City departments. Based on this review, comprehensive revisions are proposed to make the City's regulations and application process more efficient, effective and up-to-date with current practices. These changes will:

- improve customer service
- encourage vibrancy on sidewalks
- promote economic growth
- maintain public access, safety, and mobility on sidewalks
- ensure sidewalk cafés are consistent with the character of the area
- improve consistency with other City processes, policies and regulations
- protect public property from damage.

Staff suggest that several key areas in particular need revisions including definitions of sidewalk café types; appropriate fixture techniques; clearances for pedestrian passageway and traffic safety; access to utilities; heater safety; as well as fee structures and amounts. In addition, staff propose a new set of design guidelines to be used by applicants and staff to guide applications and approvals on aspects such as urban design, context, character and street vibrancy.

## PURPOSE

The purpose of this report is to present Council with a proposed approach for updating the *Sidewalk Café Bylaw* (No. 02-75) and improvements to the process associated with establishing sidewalk cafés, and to seek direction to proceed to public consultation and the subsequent refinement of the draft Bylaw.

## BACKGROUND

Accommodating sidewalk cafés within public space can achieve City-wide objectives with regards to placemaking and economic development, by contributing to the vibrancy of public spaces and facilitating economic vitality throughout Downtown and other commercial areas of the City. The *Sidewalk Café Bylaw* (2002) regulates the construction, placement, use and maintenance of objects and fixtures on public sidewalks that support sidewalk cafés to ensure access, safety, and mobility, consistent character, and to protect public property.

At the Planning and Land Use Committee (PLUC) meeting of April 16, 2015, it was moved that "Council expects receipt of a report reviewing sidewalk café regulations in the next three months". Following this direction and over the Summer months, staff prepared bylaw updates focused on permitting associated structures and technology (such as heat sources for weather protection) that are commonly installed as part of patios. As this Bylaw update forms part of a more comprehensive approach to improve the sidewalk café licence process, additional time was spent preparing design guidelines as a supplement to updated regulations, to assist applicants (and staff in review processes) in how patios can best be integrated along sidewalks and within public spaces to achieve placemaking and economic development objectives. In addition, staff are also improving the customer experience and the application review process through more coordinated reviews.

Historically, the City has issued permits for sidewalk cafés, at approximately five new permits per year. In total, there are currently 94 sidewalk cafés with licenses that are renewed annually. These originated as seasonal sidewalk cafés, some as basic as removable tables and chairs to more elaborate installations defining the patio area. Over the years, these have evolved and have extended their operations beyond the summer season through patio designs that offer weather protection. There are a few circumstances where fully-enclosed patios were permitted that in effect appear as privatization of public space, however, most are designed in a manner that balances weather protection and patron comfort with maintaining open-air characteristics to contribute to sidewalk vibrancy.

To that end, the City is working to improve the application and review process and update the *Sidewalk Café Bylaw* to better facilitate the establishment of outdoor patios in a manner that meets City objectives.

## ISSUES AND ANALYSIS

There are many considerations with sidewalk café licence proposals ranging from placemaking (urban design and heritage); economic development (encouraging active commercial uses at ground level throughout Downtown, including restaurants that contribute to sidewalk interest and vibrancy); transportation (in the form of pedestrian circulation); fire and safety (regarding types of heat sources); structural considerations and how proposed patios may affect servicing and other infrastructure within the public Right-of-Way. It is important that the regulations take a balanced approach to these topics, and address any potential issues while encouraging street activity and economic vitality.

## Proposed Approach

At the Planning and Land Use Committee meeting of April 16, 2015, staff indicated that the City of Victoria *Sidewalk Café Bylaw* (No. 02-75) should be updated as it does not meet current needs of applicants or the public. It is also difficult for staff to administer because it does not reflect current practice. Staff have reviewed the *Sidewalk Café Bylaw* in conjunction with regulations and practices from other municipalities, site visits, and review with various City departments. In addition to this, staff are making improvements to the application and review process.

The proposed changes to the *Sidewalk Café Bylaw* and process will increase efficiency and effectiveness and help to encourage street activity and economic vitality in the downtown core as well as the rest of the City. These changes will:

- improve customer service
- encourage vibrancy on sidewalks
- promote economic growth
- maintain public access, safety, and mobility on sidewalks
- ensure sidewalk cafés are consistent with the character of the area
- improve consistency with other City processes, policies and regulations
- protect public property from damage.

It is proposed that the Bylaw itself include the prescriptive aspects including utility access, fire and safety, fees, and liability. A set of design guidelines to supplement the Bylaw would provide guidance for considerations that are not regulatory, such as urban design, context, character and street vibrancy.

## Improved Application Process

Staff are improving the customer experience and the application review process to be more open, accountable, and responsive. These improvements will be in place ahead of the 2016 patio season when new applications and renewals would be anticipated. Specific improvements will include:

- A concise and easy to understand guide to the application process which will outline aspects such as how to apply, costs, technical requirements, and design guidelines.
- The application intake process will be coordinated by City business licencing staff. This will improve customer service by centralizing business licence and sidewalk café applications and providing one primary point of contact.
- The application review will be managed by the Sustainable Planning and Community Development Department (SPCD). The applications will be referred to appropriate City staff as necessary, for comments on elements such as heritage, utilities, transportation, heater safety, and other City permit requirements.

## Bylaw Updates

The existing Bylaw (adopted in 2002) requires general revisions to update it to current bylaw practices, revisions for clarity and to avoid causing unintended consequences. A draft of the proposed Bylaw is attached (Attachment A) to this report to give a general idea of what form they are intended to take. The exact wording still needs to be confirmed.

Staff have identified the following key areas to be improved:

- **Definition of sidewalk café types:** The types of sidewalk cafés have been reviewed and will be revised. The current Bylaw distinguishes between a Temporary Sidewalk Café and an Enclosed Sidewalk Café. This is misleading since both types are required to be temporary in nature. It is also proposed that fully enclosed sidewalk cafés not be allowed on the right-of-way because they essentially function as an extension of private, interior space and do not contribute to street activity. City policy does not support the privatization of public space in this way and instead, encourages a balanced use of the space. Staff propose that the two types of sidewalk cafés be distinguished by whether any objects (e.g. railings, fences, etc.) are fixed in place or not as this will require special attention during the application review process.
- **Objects attached to the sidewalk:** Staff propose that the method of affixing objects in place (e.g. railings, fences, etc.) be limited to techniques that facilitate ease of removal and repair to the sidewalk. Generally, free standing or, if necessary, a plate with bolts affixed to the sidewalk is preferred. Private infrastructure installed on public property should be limited.
- **Pedestrian passageway and utility access:** Ensure sufficient clearances to allow for pedestrian passageway, access to utilities, and setbacks from moving traffic are updated for function and clarity.
- **Heater and fire safety:** The section on heaters is based on outdated technology. Staff propose that the Bylaw not specify types of heaters (e.g. propane, natural gas). Instead, the Bylaw will require all provincial and federal safety codes and certifications be met where necessary, providing greater flexibility with heater types and ensuring public safety.
- **Annual fees:** Staff propose that fees continue to be charged on a square foot basis (plus an application fee) to account for sidewalk café size. In accordance with legislative requirements, this fee will continue to be based on market value. However, in keeping with City policy to support economic vitality and street activity, staff propose to increase the fees only as necessary. This will require an appraiser to be hired to determine what the appropriate fees should be in the current market context. The existing bylaw has three potential reductions for annual fees: location in City, north facing, and abutment with the associated business. Staff propose to remove these reductions because they are not justified, do not provide appropriate incentives, and to simplify the process. The square foot fee amount would be based on the type of sidewalk café: movable would have lower fees than fixed sidewalk cafes because they have less of an impact on public space.
- **Use of adjacent parking stall:** It is proposed that sidewalk cafes be permitted in the adjacent parallel parking stall under certain circumstances. This would allow sidewalk cafes in locations that would otherwise be too difficult to accommodate without negatively impacting other sidewalk uses such as pedestrian passageway and utility access. It would also allow more design flexibility and creative solutions to sidewalk café goals. This practice has been successfully implemented in other cities, and builds upon the City's recent placemaking initiative on Fort Street in the form of a parklet. Further work will be required to determine the best approach to updating the *Sidewalk Café Bylaw* to permit this.

### Design Guidelines Added

In response to the review of the *Sidewalk Café Bylaw*, the creation of new design guidelines (Attachment B) are proposed to provide clear guidance to applicants and City staff when reviewing applications. Although the DCAP includes general guidelines for outdoor dining

areas, there is a need for more detailed guidelines to achieve the City's objectives for placemaking and economic development, to assist restaurant owners in the design of their sidewalk cafés to achieve those objectives, and to assist staff in evaluating applications more efficiently. A draft of these design guidelines are attached to this report to give a general idea of what content is proposed. The exact wording, form and document design still need to be confirmed, subject to stakeholder feedback.

Specific aspects proposed to be addressed in the design guidelines include weather protection, sightlines and views, open appearance, and suitability to the surrounding setting. Staff have reviewed Sidewalk Café Design Guidelines used by other municipalities and propose using the following approach:

- clear and concise
- address specific goals
- flexibility to allow creative solutions
- organized by type of guideline for ease of use
- graphic/visual examples to guide best practice.

A review of other municipalities' Sidewalk Café regulations revealed that high-level discretionary guidelines are more common than more detailed and prescriptive approaches such as requiring choices be made from a "kit of parts". Staff believe that a high-level approach is preferred to allow applications to respond to specific context, site constraints, unforeseen circumstances, and allow for variation that increases visual impact of use of outdoor space.

### Consultation on the Proposed Bylaw and Design Guidelines

Staff propose that outreach be focused on the current Sidewalk Café Licence holders and several key organizations including the Downtown Victoria Business Association, Greater Victoria Chamber of Commerce, BC Restaurant and Foodservices Association, and the BC Hotel Association. These licence holders and organizations will be informed of the proposed bylaw changes and process improvements, and invited to provide feedback to help finalize the proposed bylaw and design guidelines for Council's consideration.

### Next Steps

It is proposed that staff complete the following next steps before reporting back to Council in February 2016 with the proposed Bylaw:

- **Determine fees based on market value:** An appraiser needs to be retained to determine the market value and consider whether the square foot fee amount needs to be adjusted.
- **Advance the draft Bylaw and design guidelines:** The draft Bylaw and design guidelines will be completed as outlined above.
- **Complete public consultation:** Public consultation will be completed as outlined above.
- **Report to Council:** Staff will complete the steps noted above and bring the results of the consultation and the proposed Bylaw to Council in February 2016.

## OPTIONS AND IMPACTS

### Option 1

Council may approve the proposed approach.

### Option 1 Impact

This would direct staff to proceed with the work as outlined in this report. Staff would advance and further develop a draft Bylaw and design guidelines, proceed with public consultation, incorporate refinements, and report back to Council by February 2016. The proposed approach would result in comprehensive revisions to the Sidewalk Café regulations and application process making them more efficient, effective and up-to-date with current practices.

### Option 2

Should Council wish to provide input on any aspects of the update to the *Sidewalk Café Bylaw* at this stage, Council may provide additional direction to incorporate into the staff recommendation.

### Option 2 Impact

The impact of Option 2 is dependent on the additional direction that Council may incorporate into the staff recommendation.

### **2015 – 2018 Strategic Plan**

This update to the Sidewalk Café regulations and application process contributes to "Strategic Objective 5: Create Prosperity Through Economic Development" of the 2015 - 2018 Strategic Plan and is accordingly item number 77 in the Operational Plan.

### **Impacts to 2015 – 2018 Financial Plan**

This report proposes to update the sidewalk café fees to simplify the process and for consistency with other City policy. The impact on the 2015 - 2018 Financial Plan cannot be assessed until an appraisal to determine market rates is completed and appropriate fees are set.

### **Official Community Plan Consistency Statement**

The proposed *Sidewalk Café Bylaw* and update is consistent with the goals and policies of the *Official Community Plan (2012)*, *Downtown Core Area Plan (2011)* (DCAP), and *Guiding Principles on the Use of Public Space (2011)*.

The DCAP contains specific policies on urban animation including high-level guidelines to encourage outdoor dining that contributes to vibrant streets. These general guidelines provide the foundation for the more detailed design guidelines proposed in this report (Attachment B).

## CONCLUSIONS

The *Sidewalk Café Bylaw* has been reviewed in conjunction with regulations and practices from other municipalities, site visits, and review with various City departments. Based on this review, staff propose comprehensive revisions to make the City's regulations and process more

efficient, effective and up-to-date with current practices. This report summarizes the proposed approach to updating the *Sidewalk Café Bylaw*, the progress made to date, and recommends that Council direct staff to proceed with the approach.

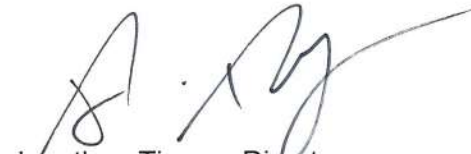
A preliminary draft of the proposed Bylaw and design guidelines have been attached to this report to give a general idea of what form they are intended to take. Exact wording still needs to be confirmed.

Respectfully submitted,



Rob Bateman  
Planner  
Community Planning Division

Att.



Jonathan Tinney, Director  
Sustainable Planning and  
Community Development

Report accepted and recommended by the City Manager:



Date: Nov. 3, 2015

#### List of Attachments

- Attachment A: Draft *Sidewalk Café Bylaw No. 15-61*
- Attachment B: Draft Design Guidelines.

NO. 15-61

## THE CORPORATION OF THE CITY OF VICTORIA

The purpose of this Bylaw is to replace the Sidewalk Cafés Regulation Bylaw No. 02-75 with an updated bylaw under which the City may authorize the placement of Movable and semi-permanent structures on sidewalks within the City of Victoria.

Under its statutory powers, including section 14 of the *Victoria City Act, 1919* and sections 8, 35 and 194 of the *Community Charter*, the Municipal Council of The Corporation of the City of Victoria enacts the following provisions:

**Contents****PART 1 – INTRODUCTION**

- 1 Title
- 2 Definitions

**PART 2 – LICENCE REQUIREMENTS**

- 3 Licence Requirements
- 4 Sidewalk Cafes
- 5 Heaters

**PART 3 – LICENCE APPLICATION**

- 6 Application

**PART 4 – CONDITIONS OF LICENCE**

- 7 Conditions
- 8 No Assignment of Licence
- 9 Fixed Sidewalk Cafe
- 10 Enclosed Sidewalk Cafe

**PART 5 – REFUSAL AND CANCELLATION OF LICENCE**

- 11 Refusal
- 12 Cancellation

**PART 6 – APPLICATION FEES AND ANNUAL FEES**

- 13 Fees

**PART 7 – APPLICATION IN PARKS**

- 14 Parks

## PART 8 – GENERAL

- 15 Signs
- 16 Removal, Detention and Impounding
- 17 Ticket Bylaw

## PART 9 – REPEAL

- 18 Repeal

## PART 10 – COMMENCEMENT

- 19 Commencement

## PART 1 - INTRODUCTION

### Title

- 1 This Bylaw may be cited for all purposes as the "SIDEWALK CAFES REGULATION BYLAW".

### Definitions

- 2 For the purposes of this Bylaw,

**"Applicant"** means an applicant for a Licence, and for the purposes of this Bylaw, also means the holder of a Licence, once issued;

**"Application"** means an application for a Licence;

**"Director"** means the Director of Sustainable Planning and Community Development for the City of Victoria;

**"Enclosed Sidewalk Café"** means a Sidewalk Café consisting of any fixtures erected within a licensed Sidewalk Café area, consisting of glass or plexiglass roofs and walls which are Movable in nature and removable, and tables, chairs, platforms and portable planters;

**"Fixed Sidewalk Cafe"** means an area of a Sidewalk where structure are constructed, placed or fixed for seating and serving customers as an extension of, and immediately adjacent to, the business address of an existing food vending establishment;

**"Licence"** means a licence for a Sidewalk Café issued under this Bylaw;

**"Movable Sidewalk Café"** means an area of Sidewalk where moveable furniture placed for seating and serving customers as an extension of, and adjacent to, the business address of an existing food vending establishment;

**"Sidewalk"** includes

- (a) every sidewalk within the meaning of the Streets and Traffic Bylaw
- (b) Centennial Square
- (c) Bastion Square
- (d) Gladstone Mall and
- (e) Millie's Lane

**"Sidewalk Café"** includes a Fixed Sidewalk Cafe and Movable Sidewalk Cafe;

## PART 2 - LICENCE REQUIREMENTS

### Licence Required

- 3 A person may not place, construct or keep a Sidewalk Cafe except as provided in this bylaw.

### Sidewalk Cafes

- 4
  - (1) An owner in possession or an occupant of property abutting a Sidewalk may establish, operate and maintain a Sidewalk Café on a designated portion of the Sidewalk if:
    - (a) that owner or occupant is using the property abutting the Sidewalk for a commercial purpose by operating a restaurant, diner, lunch counter, dining lounge, dining room, lounge or public house, or a combination of any of these;
    - (b) that owner or occupant possesses a valid Licence;
    - (c) that owner or occupant places, constructs and maintains the Sidewalk in strict accordance with the terms of the Licence.
  - (2) The designated portion of the Sidewalk for which a Licence is issued shall not be less than 1m from the curb.

### Heaters

- 5
  - (1) An Applicant for a Licence may place heaters within the designated portion of the Sidewalk for which the Licence is issued provided that the following conditions are satisfied:
    - (a) the number and location of any proposed heaters is indicated on

the Application;

- (b) the installation and operation of any heater must:
  - (i) conform to the standards established by the Canadian Standards Association and certified to the standards of Underwriters Laboratories of Canada;
  - (ii) be used in strict accordance with all Provincial safety regulations and the manufacturer's instructions; and
  - (iii) not present a risk of harm to the health or safety of the public.

(2) The Director may require as a condition of the issuance of a Sidewalk Café Licence that:

- (a) heaters not be permitted within the designated portion of the Sidewalk for which the Licence is issued;
- (b) that the number and type of heaters be limited; or
- (c) that the location of heaters be confined to certain areas prescribed by the Director;

where in the opinion of the Director the number, type or location of the heaters proposed in the Application would present a risk of harm to the health or safety of the public.

### **PART 3 - LICENCE APPLICATION**

#### **Application**

- 6 (1) To obtain a Licence, an Applicant must apply to the Director in the form prescribed by the Director, and must provide the plans and details of the proposed Sidewalk Café showing:
  - (a) the area of the Sidewalk to be occupied; and
  - (b) the location of any fixtures or other objects which shall be placed within the area of the Sidewalk to be occupied.
- (2) The Director may grant a Licence if the Director is satisfied that:
  - (a) the Applicant:
    - (i) has paid the Application fee pursuant to section 13(a);

- (ii) has fully completed the Application form and provided all information required pursuant to section 6(1);
  - (iii) holds a valid business licence issued by the City;
  - (iv) has obtained all additional applicable federal, provincial and municipal permits or licences;
- (b) the Sidewalk Cafe will not:
- (i) unreasonably obstruct or interfere with vehicle, bicycle or pedestrian traffic or vehicle, bicycle or pedestrian safety;
  - (ii) unreasonably obstruct or interfere with the ability of the City or any public utility company to have access to or maintain a utility or service installation;
  - (iii) unreasonably interfere with the public's use and enjoyment of the Sidewalk or adjoining roadway;
  - (iv) unreasonably interrupts the sightlines along the Sidewalk;
  - (v) present a risk of harm to the health or safety of the public;
  - (vi) constitute a nuisance;
  - (vii) detract from the character of the area;
  - (viii) contravene the provisions of this bylaw;
- (3) In addition to the provisions set out in section 6(2), the Director may only grant a licence for a Movable Sidewalk Cafe if the Director is satisfied that the Sidewalk Cafe does not include any fixtures.
- (4) The Application form, when approved and signed by the Director or Director's designate, and when issued to the Applicant, is the Sidewalk Café Licence.

## **PART 4 - CONDITIONS OF LICENCE**

### **Conditions**

- 7 (1) Every Licence is subject to the following conditions:

- (a) For the purpose of installing, maintaining or repairing any utility or service installation owned by the City or a public utility, the Applicant shall:
  - (i) allow the Director and the employees or agents of the City and of any public utility to enter the portion of the Sidewalk designated in the Licence; and
  - (ii) when requested by the Director, remove part of the Sidewalk Café within 48 hours, or immediately in the event of an emergency, for regularly scheduled utility or service installation, maintenance or repair.
- (b) Where an Applicant neglects, refuses or fails to remove part of a Sidewalk Café under section 7(1)(a), or fails to do so within the time specified under that section, the Director may cause any part of the Sidewalk Café to be removed for the purposes in that clause and may charge the costs of the removal to the Applicant.
- (c) At all times and at his own expense, the Applicant shall keep and maintain the Sidewalk Café in a clean, sanitary, attractive condition satisfactory to the Director and shall keep the Sidewalk surrounding or adjacent to the Sidewalk Café free from papers, rubbish and debris of any kind.
- (d) The Applicant shall not open, retract, remove, lower or affix any part of the Sidewalk Café structure if by doing so the area for which a Licence has been issued is enlarged.
- (e) The Applicant shall not use the Licence area for any purpose other than seating and serving customers.
- (f) Where an Applicant is required to remove any fixtures, furnishings and personal property pursuant to this bylaw, the Applicant shall not make any claim against the City on account of such removal and shall replace and restore the Sidewalk to a safe and proper condition to the satisfaction of the Director.
- (g) Where an Applicant neglects, refuses or fails to cease occupation of the Sidewalk as required pursuant to this bylaw, or fails to do so within the time specified, the Director may cause any fixtures, furnishings or personal property located on the Sidewalk to be removed and may cause the Sidewalk to be restored to a safe and proper condition and may charge the costs of such removal and restoration to the Applicant.
- (h) Where the City has incurred costs as specified in section 7(a)(g), a certificate of the Director setting out those costs shall be final and

the City may recover such costs from the Applicant in any Court of competent jurisdiction as a debt owing by the Applicant to the City.

- (i) A Licence is valid for a period of 12 months and may be renewed for additional periods of 12 months upon payment of the prescribed Licence fees, subject to the terms of this Bylaw.
  - (j) In consideration for the issuance of the Licence, the Applicant agrees to indemnify the City in accordance with the agreement included in the Application Form.
- (2) In addition to the provisions set out in section 7(a), each Licence for a Sidewalk Café with a heater is subject to the following conditions:
- (a) During the term of the Licence
    - (i) the Applicant must obtain and maintain in force commercial general liability insurance, in the minimum amount of \$2 million per occurrence; and
    - (ii) the City must be added as an additional insured, together with a cross liability clause, to every policy of insurance required to be maintained under section 7(2)(a)(i) and that the City must be provided with proof of such coverage prior to the issuance of a Licence, and at any subsequent time upon request of the Director or Director's designate.

### **No Assignment of Licence**

- 8
- (1) An Applicant must not assign or transfer the permission for the use of the portion of the Sidewalk as authorized in the Licence without the prior written consent of the Director.
  - (2) Where the Director refuses to consent to assignment or transfer under section 8(1), the person who requested the assignment or transfer may appeal the Director's decision to Council, in which case the procedures outlined in section 12(5) apply with the necessary changes.

### **Fixed Sidewalk Cafe**

- 9 An Applicant who holds a Licence for a Fixed Sidewalk Cafe must:
- (a) ensure that all fixtures are affixed in a manner which allows them to be completely removed, and the Sidewalk restored, with minimal reasonable effort; and

- (b) the Applicant shall, at its own cost and expense, remove all fixtures, furnishings and personal property from the Sidewalk upon 30 days' notice in writing from the Director, and shall cease occupation of the licensed area within that time.

### **Enclosed Sidewalk Cafe**

- 10 (1) Subject to section 10(1)(2), a person may not place, construct or keep an Enclosed Sidewalk Cafe.
- (2) An Enclosed Sidewalk Cafes which validly existed on July 1, 2015 may be kept, provided:
  - (a) there is no additional construction or improvements added to the Sidewalk Cafe, except for basic repair;
  - (b) any repair to the Sidewalk Cafe may only replace or maintain the Enclosed Sidewalk Cafe's shape and design as it existed on July 1, 2015;
  - (c) if the Sidewalk Cafe is damaged to the extent that 40% or more of the Sidewalk Cafe must be replaced or repaired, the Sidewalk Cafe must be removed and not rebuilt;
  - (d) the Applicant continuously holds a valid Licence;
  - (e) the Applicant continuously holds a valid business licence; and
  - (f) the Applicant pays the fees required from Fixed Sidewalk Cafe Applicants who have issued a Licence, and in all other ways complies with all provision of this bylaw which are applicable to Movable Licence holders.

## **PART 5 - REFUSAL AND CANCELLATION OF LICENCE**

### **Refusal**

- 11 (1) The Director may refuse to issue a Licence to an Applicant if any of the following circumstances apply:
  - (a) the Director is not satisfied that the Applicant met the conditions to approve the Application pursuant to section 6(2); or
  - (b) the Director believes the Application contains false or misleading information.

- (2) The Director may refuse to renew a Licence if any of the circumstances described in section 12(2) apply.

### Cancellation

- 12 (1) The Director is designated as a municipal officer for the purposes of this section, in accordance with section 192 of the *Local Government Act*.
- (2) The Director may cancel a Licence if the Director is satisfied that any the following circumstances have occurred:
- (i) the Sidewalk Cafe does not strictly adhere to the plans, design, or other information provided by the Applicant in his or her Application;
  - (ii) the Applicant fails to comply with a term or condition of the Licence;
  - (iii) the Applicant is convicted of an offence under an Act or municipal bylaw in respect of the Sidewalk Café for which the Licence was issued;
  - (iv) the Applicant is deemed, under the *Local Government Act*, or the *Offence Act* to have pleaded guilty to an offence referred to subsection (iii);
  - (v) the Applicant has ceased to comply with a bylaw or has otherwise ceased to meet the lawful requirements to operate the Sidewalk Café for which the Licence is issued;
  - (vi) the continued operation of the Sidewalk Café for which the Licence was issued would present a risk of harm to the health or safety of the public, or would constitute a nuisance;
  - (vii) the continued operation of the Sidewalk Café unreasonably interferes with the ability of the City or any public utility company to have access to or maintain any utility or service installation;
  - (viii) the Licence area is required for the construction or installation of a municipal work, service, utility or other improvement;
  - (ix) the continued operation of the Sidewalk Café would unreasonably interfere with the public's use or enjoyment of the Sidewalk or the adjoining roadway.
- (3) Before cancelling a Licence, the Director must notify the Applicant of the proposed cancellation and provide the Applicant with an opportunity to be heard by the Director;
- (4) If the Director cancels a Licence pursuant to section 12(2)

- (a) the Applicant may apply to Council for reconsideration of the cancellation; and
  - (b) the Director must notify the Applicant of the right for Council reconsideration pursuant to section 12(4)(a).
- (5) When permitted pursuant to the provisions of this bylaw, an Applicant applying for reconsideration, by Council, of a decision of the Director must comply with the following procedures:
- (a) the Applicant must deliver written notice of the request for reconsideration to the Corporate Administrator for the City within 30 days of the decision, together with a written summary of the Applicant's reasons for requesting the reconsideration;
  - (b) the Corporate Administrator must place the request for reconsideration on the agenda of a meeting of City Council at which the matter can be dealt with conveniently, to be heard within 45 days after the request for reconsideration is received;
  - (c) the Council may adjourn the hearing of the reconsideration request from time to time;
  - (d) the Applicant may attend the meeting of City Council at which the matter is to be considered, and at that meeting, may present oral and written submissions to the Council in support of the request for reconsideration;
  - (e) after hearing from the Applicant, and from the Director whose decision is the subject of the reconsideration request, the Council may:
    - (i) confirm the decision of the Director; or
    - (ii) rescind that decision and substitute in its place any other decision that the Council determines is appropriate.
- (6) By resolution of its Council, the City may at any time cancel a Licence issued under this Bylaw.
- (7) Before cancelling a Licence pursuant to section 12(6), Council for the City must provide the Applicant with an opportunity to be heard by Council, and for that purpose must follow the hearing procedures outlined in section 12(5).

## **PART 6 - APPLICATION FEES AND ANNUAL FEES**

## **Fees**

- 13 An Applicant for a Sidewalk Café Licence must pay to the City:
- (a) an Application fee of \$50.00 for any Application which is not a renewal of a Licence; and
  - (b) and the annual Licence fees prescribed in Schedule "B".

## **PART 7 – APPLICATION IN PARKS**

### **Parks**

- 14 If, with respect any matter relating to a Sidewalk in a Park, there is a conflict between this bylaw and the Parks bylaw, this Bylaw prevails.

## **PART 8 - GENERAL**

### **Signs**

- 15 (1) The holder of a Licence must ensure that there are no signs:
- (a) in the area of the Sidewalk Cafe;
  - (b) on fences, railings or other means of separating the Sidewalk Cafe from other areas of a Sidewalk
- which promote a third party.

### **Removal, Detention and Impounding**

- 16 The provisions of the Streets and Traffic Bylaw for the removal, detention and impounding of objects unlawfully occupying a Sidewalk apply with necessary changes as applicable to objects on a Sidewalk in contravention of the provisions of this Bylaw or the terms of a Licence.

### **Ticket Bylaw**

- 17 (1) A person commits an offence and is subject to the penalties imposed by this Bylaw, the TicketBylaw and the *Offence Act* if that person:
- (a) contravenes a provision of this Bylaw;
  - (b) consents to, allows, or permits an act or thing to be done contrary to this Bylaw; or
  - (c) neglects or refrains from doing anything required by a provision of this Bylaw.

- (2) Each day that a contravention of a provision of this Bylaw occurs or continues constitutes a separate offence.

## **PART 9 - REPEAL**

### **Repeal**

- 18 The Sidewalk Café Regulation Bylaw No. 02-75 is repealed.

## **PART 10 – COMMENCEMENT**

### **Commencement**

- 19 This bylaw comes into force upon adoption.

READ A FIRST TIME the                      day of                      2015.

READ A SECOND TIME the                      day of                      2015.

READ A THIRD TIME the                      day of                      2015.

ADOPTED on the                      day of                      2015.

CORPORATE ADMINISTRATOR

MAYOR

**SCHEDULE A**  
(Note see s. 6.1(a) )  
**SIDEWALK CAFÉ ANNUAL RENTAL FEES**

1. The amount of the annual Licence fee constitutes:
  - (a) an administrative fee of: \$\_\_\_\_\_;
  - (b) an occupation fee.
2. The occupation fee for a Movable Sidewalk Café is \$\_\_\_\_\_ per square foot of sidewalk occupied.
3. The occupation fee for a Fixed Sidewalk Café is \$\_\_\_\_\_per square foot of sidewalk occupied.

## Sidewalk Café Design Guidelines

The Sidewalk Café Design Guidelines are intended to clarify and provide standards for sidewalk cafes in order to enhance the quality and safety of the pedestrian experience and to encourage economic vitality and street activity.

### General

- The primary function of sidewalks is for pedestrian movement. Locations and design of sidewalk cafés should enhance the pedestrian experience along sidewalks and not negatively impact pedestrian and vehicular movement.
- A sidewalk café can be allowed only if its location and construction will maintain a safe, secure and comfortable environment for pedestrians using the public right-of-way.
- A sidewalk café should have an open appearance that contributes to a feeling of vibrancy and activity on the street. A sidewalk cafe shall not be fully enclosed.
- A sidewalk café should reinforce the character of the area. The design and materials should respect the setting of the surrounding streetscape, buildings and neighbourhood.
- Sidewalk cafes should not negatively impact key public view corridors noted in other City policies.
- No third party advertising is permitted in a sidewalk café.



### Maintenance and Operations

- The business holding the license shall be responsible for the proper maintenance of the sidewalk café at all times, including repairs, painting, cleaning, and hazards.
- No cooking shall be allowed in the sidewalk café area.
- Refuse receptacles are not permitted within the sidewalk café area.

### Location and Area

- All objects associated with a sidewalk cafe such as furnishings, awnings, umbrellas, signage, lighting, and planters should be located within this area at all times with no parts overhanging.

- Sidewalk cafés may be built only in locations where they do not obstruct access to public utilities, service connections, access for emergency vehicles and exits from buildings.
- A sidewalk café shall not obstruct delivery access to private and public buildings.
- Sidewalk cafes shall not obstruct access to hanging basket lamp poles.
- The design must promote visibility to passing traffic and maintain clear sightlines at intersections and crossings.
- The design, location, and area of the sidewalk café must not adversely affect boulevard vegetation such as grass and trees or prevent City access and maintenance.
- Trees which have tree grates or other tree well areas covered by basalt, pavers and other materials should not be included in a sidewalk café area without additional fencing to keep patrons and site furniture away from these areas.
- Roadway and curb drainage must be maintained.

### Circulation

- A minimum clearance of 1.5 m from the sidewalk cafe to the nearest sidewalk obstruction, such as a tree, bike rack, sign post, utility pole, bench, portable sign or bus shelter, is required to allow pedestrian passageway. A clearance greater of 1.5 m may be required in high pedestrian flow areas. The clearances for pedestrian passageway should remain as straight and clear as possible.
- Access and clearances for pedestrian passageway must be on hardscaped materials outside of any boulevard areas to avoid damage to grass, trees, and other vegetation and must not include tree grate surfaces or other tree well areas covered by basalt, pavers or other material.
- Unless the sidewalk café has permission to occupy the adjacent parking stall, the minimum setback of 1.0 m from the nearest curb is required to separate the sidewalk cafe from traffic and parked cars. A setback greater than 1.0m may be required in high traffic areas to ensure public safety.
- A sidewalk café that has permission to occupy the adjacent parking stall must not extend more than 2.5m from the curb into the street.



### Fixtures

- All objects fixed in place, such as fences and railings, must be of significant strength yet allow easy removal within two working days.
- A removable deck may be approved if there is a need to level a steep incline (more than 5%) or to harmonize indoor and outdoor seating levels.
- A sidewalk café that has permission to occupy the adjacent parking stall must have railings that are 1.07m in height from curb elevation on all sides that are exposed to the street with reflectors for visibility to traffic.

### Site Furniture

- Furnishings such as tables, chairs, and accessories should be moveable and of a solid weight for stability.
- Furnishings should be commercial grade, safe, sturdy, durable material and manufactured for outdoor use.
- All furnishings and accessories shall be contained within the perimeter of the sidewalk cafe area.
- Furnishings shall be limited to dining purposes only (e.g. tables, chairs, and accessories) and shall not obstruct the entrance to the café.

### Weather Protection

- Awnings should be mounted on a removable wall bracket and be retractable.
- Weather protection, such as awnings, umbrellas or other similar solutions should be constructed of flame-resistant and fade-resistant canvas.

### Heating Devices

- Heaters must not be placed with the dripline and/or closer than 2 metres from any part of adjacent street trees.
- The visual impact of heating devices/systems should be considered and arranged to be as unobtrusive as possible.
- All outdoor heating devices should be appropriate for use in a sidewalk café and complement the character of the business to which it is associated.
- All outdoor heating devices must conform



to safety standards established by the Canadian Standards Association (CSA) and certified by Underwriters' Laboratories of Canada (ULC), where necessary.

### **Lighting**

- Lighting levels should be low and directed into the café rather than out towards the street.
- Light fixtures should complement the character of the business to which it is associated.

### **Signage**

- No third party signage is permitted within the sidewalk cafe area.

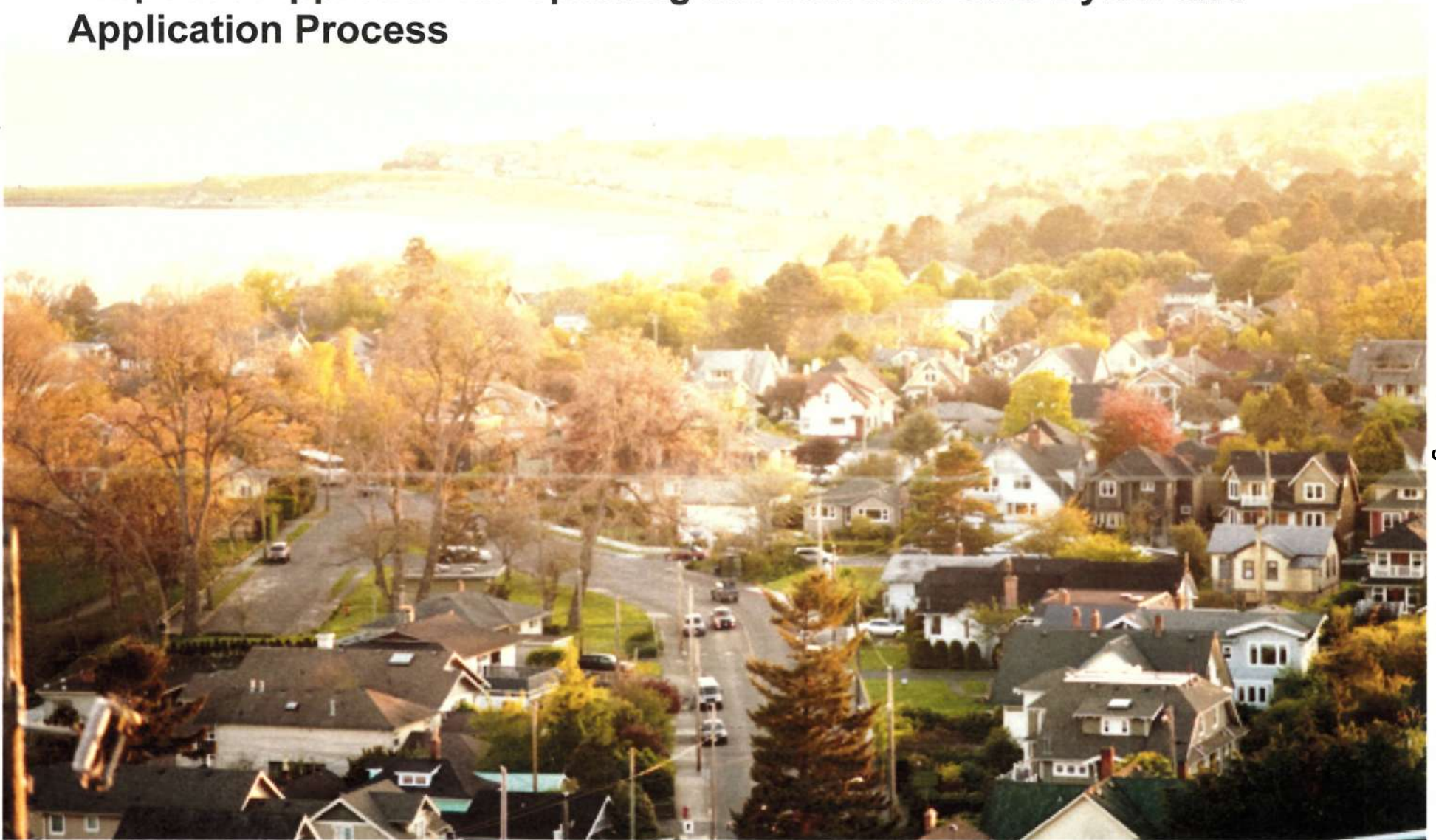
### **Street Tree Protection and Maintenance**

- A sidewalk café shall not cause damage to a street tree.
- No items including, but not limited to, signage, banners and lighting may be hung, attached, draped or affixed to a street tree.
- No liquids or cleaning products shall be dumped, allowed to flow or to drain in to a tree well.
- No pesticide or fertilizer applications shall be applied to street trees.



# Sidewalk Café Bylaw Update

## Proposed Approach for Updating the Sidewalk Café Bylaw and Application Process



# Purpose

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- To present Council with:
  - A proposed approach for updating the Sidewalk Café Bylaw
  - A proposed approach for improvements to the process associated with establishing sidewalk cafés
- To seek direction to proceed to public consultation and the subsequent refinement of the draft Bylaw.



# Background

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- Sidewalk Cafés can help achieve City objectives related to street activity and economic vitality
- Bylaw regulates the construction, placement, use and maintenance of objects and fixtures on public sidewalks
- Adopted in 2002
- Currently 94 sidewalk cafés with licences (5 new per year)



# Proposed Approach

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- Improve customer service
- Encourage vibrancy on sidewalks
- Promote economic growth
- Maintain public access, safety, and mobility on sidewalks
- Ensure sidewalk cafés are consistent with the character of the area
- Improve consistency with other City processes, policies and regulations
- Protect public property from damage.



# Improved Application Process

- Concise and easy to understand guide to the application process
- Application process coordinated by business licencing staff and review managed by Sustainable Planning and Community Development Department
- SPCD to review for urban design, placemaking, and economic development
- Collaborative review by City staff addressing elements such as heritage, utilities, transportation, heater safety, and other potential requirements
- Coordinated response to applicant



# Bylaw Updates

## Key Areas to be Improved:

- Definition of sidewalk café types
- Objects attached to the sidewalk
- Pedestrian passageway and utility access
- Heater and fire safety
- Annual fees
- Use of adjacent parking stall



# Design Guidelines Added

- Clear and concise
- Address specific goals
- Flexibility to allow creative solutions
- Organized by type of guidelines for ease of use
- Graphic/visual examples to guide best practice



# Next Steps

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- Determine fees based on market value
- Advance the draft bylaw and design guidelines
- Complete public consultation
- Report to Council with proposed bylaw by February 2016



# Recommendations

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That Council consider:

1. Directing staff to continue preparation of an updated Sidewalk Café Bylaw (No. 02-75) based on the following approach:

- a. that the type of sidewalk cafés distinguish between whether objects are fixed in place or not;
- b. that fully enclosed sidewalk cafés are no longer permitted;
- c. that only fixtures that are easily removable are permitted;
- d. that clearances from the curb be updated for safety and clarity;
- e. that heater regulations be updated for safety and clarity;
- f. that the fees be updated to simplify the process and for consistency with City policy;
- g. that the adjacent parallel parking stall be an option for sidewalk café use in some circumstances;
- h. that the Bylaw language be improved for clarity.

## Recommendations (cont'd)

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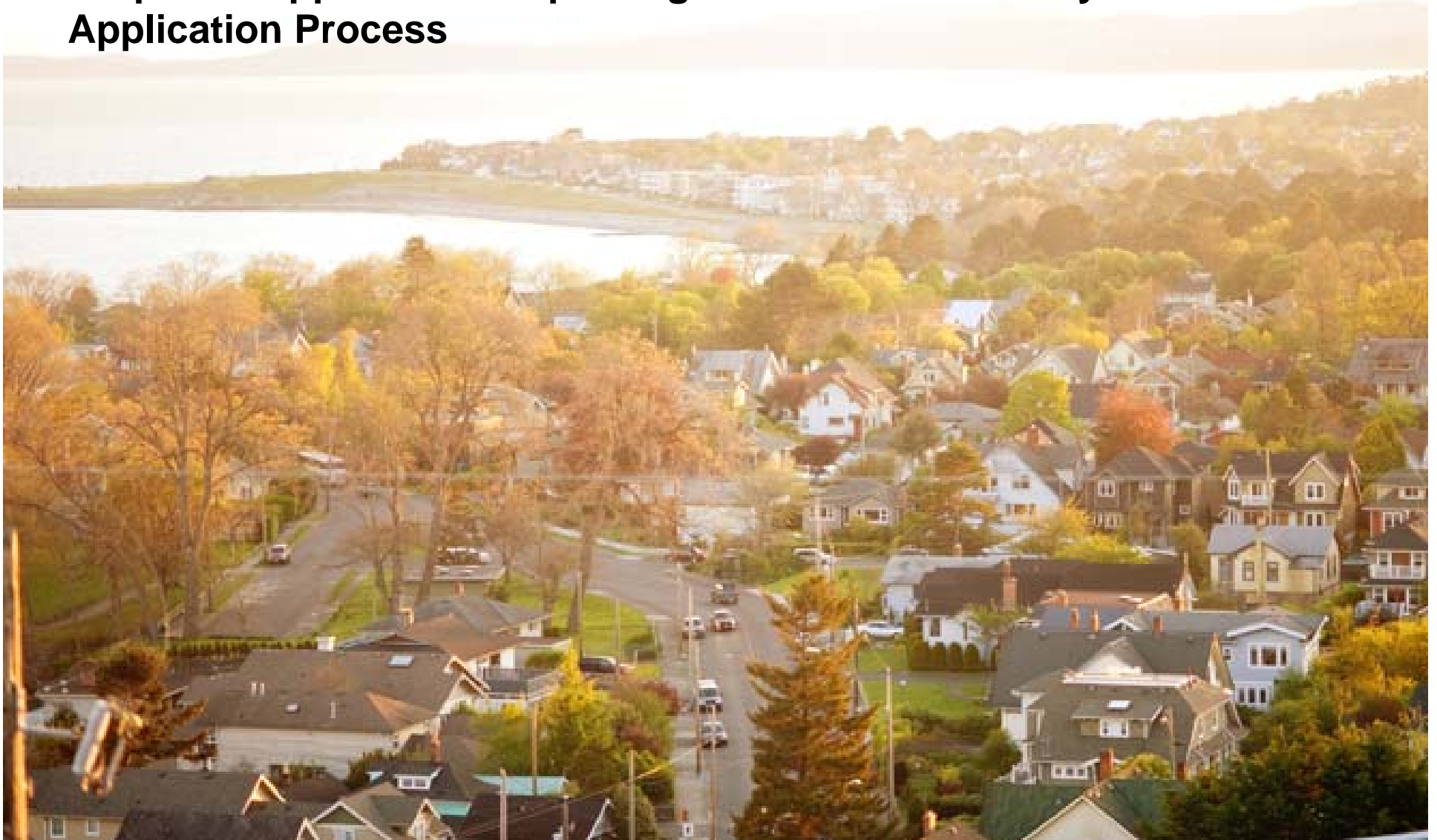
2. Directing staff to continue preparation of design guidelines to provide guidance for sidewalk café design and application review.
3. Directing staff to proceed with public consultation, focused on providing information on the bylaw and process changes to stakeholders for feedback.
4. Directing staff to incorporate refinements into the draft *Sidewalk Café Bylaw* in response to the input received from the public consultation and report back to Council with the proposed Bylaw by February 2016.





# Sidewalk Café Bylaw Update

## **Proposed Approach for Updating the Sidewalk Café Bylaw and Application Process**



# Purpose

To present Council with:

- A proposed approach for updating the Sidewalk Café Bylaw
- A proposed approach for improvements to the process associated with establishing sidewalk cafés

To seek direction to proceed to public consultation and the subsequent refinement of the draft Bylaw.



# Background

---

Sidewalk Cafés can help achieve City objectives related to street activity and economic vitality

Bylaw regulates the construction, placement, use and maintenance of objects and fixtures on public sidewalks

Adopted in 2002

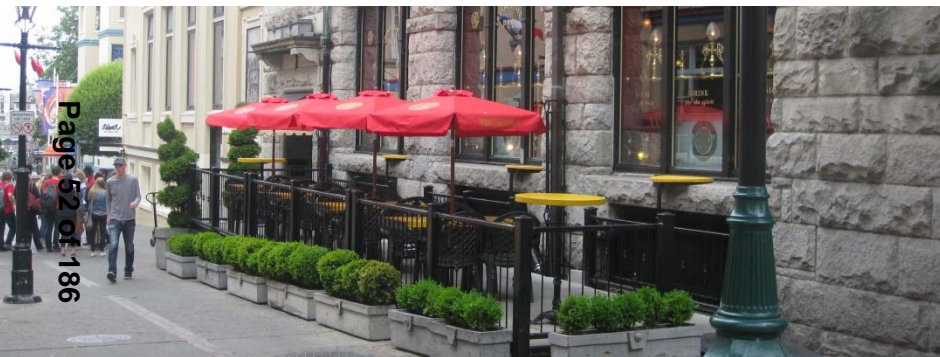
Currently 94 sidewalk cafés with licences (5 new per year)



# Proposed Approach

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- Improve customer service
- Encourage vibrancy on sidewalks
- Promote economic growth
- Maintain public access, safety, and mobility on sidewalks
- Ensure sidewalk cafés are consistent with the character of the area
- Improve consistency with other City processes, policies and regulations
- Protect public property from damage.



# Improved Application Process

Concise and easy to understand guide to the application process

Application process coordinated by business licencing staff and review managed by Sustainable Planning and Community Development Department

SPCD to review for urban design, placemaking, and economic development

Collaborative review by City staff addressing elements such as heritage, utilities, transportation, heater safety, and other potential requirements

Coordinated response to applicant



# Bylaw Updates

Areas to be Improved:

Definition of sidewalk café types

Objects attached to the sidewalk

Pedestrian passageway and utility access

Heater and fire safety

Annual fees

Use of adjacent parking stall



# Design Guidelines Added

- Clear and concise
- Address specific goals
- Flexibility to allow creative solutions
- Organized by type of guidelines for ease of use
- Graphic/visual examples to guide best practice



# Next Steps

- Determine fees based on market value
- Advance the draft bylaw and design guidelines
- Complete public consultation
- Report to Council with proposed bylaw by February 2016



# Recommendations

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Request Council direct staff:

to bring forward an updated Sidewalk Café Bylaw (No. 02-75) based on the following recommendations:

- a. that the type of sidewalk cafés distinguish between whether objects are fixed in place or not;
- b. that fully enclosed sidewalk cafés are no longer permitted;
- c. that only fixtures that are easily removable are permitted;
- d. that clearances from the curb be updated for safety and clarity;
- e. that heater regulations be updated for safety and clarity;
- f. that the fees be updated to simplify the process and for consistency with City policy;
- g. that the adjacent parallel parking stall be an option for sidewalk café use in some circumstances;
- h. that the Bylaw language be improved for clarity.



## Recommendations (cont'd)

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To prepare design guidelines to provide guidance for sidewalk café design and application review.

To proceed with public consultation, focused on providing information on the bylaw and process changes to stakeholders for feedback.

To incorporate refinements into the draft *Sidewalk Café Bylaw* in response to the input received from the public consultation and report back to Council with the proposed Bylaw by February 2016.





## Planning and Land Use Committee Report

### For the Meeting of November 12, 2015

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**To:** Planning and Land Use Committee **Date:** October 29, 2015

**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development

**Subject:** Development Permit Application No. 000430 for 1029 View Street

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### RECOMMENDATION

Staff recommend that Committee forward this report to Council and that Council consider the following motion:

"That Council refer Development Permit Application No. 000430 to the Advisory Design Panel, with a request that the Panel pay particular attention to the following:

1. The building separation distances and opportunities to improve the interface between the existing multi-unit building at 1039 View Street.
2. The overall building design and in particular:
  - a. the visual impact of the "rotunda" feature and the projection to the west of the main entrance as it relates to the overall massing and proportions of the building;
  - b. opportunities to improve the demarcation of "base, body and top" through architectural elements as a means of mitigating the massing of the building;
  - c. finishes and materials and how these meet the intent of the guidelines;
  - d. opportunities to improve the definition of the podium level through increased ceiling heights;
  - e. review of the private courtyards and the privacy screens as they relate to the pedestrian experience along the street.
3. The massing and bulkiness of levels seven and eight as they relate to floor plate limitation sizes.
4. The relationship of the building and how it provides a sensitive transition to the surrounding context.
5. Crime Prevention Through Environmental Design (CPTED) concerns associated with the garbage and recycling area.

Following this referral and after provision of either an arborist report or details for alternative replacement street trees and any necessary revisions requested by the Advisory Design Panel, that the Application be referred back to the Planning and Land Use Committee."

## LEGISLATIVE AUTHORITY

In accordance with Section 920(2) of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

Pursuant to Section 920(8) of the *Local Government Act*, where the purpose of the designation is the revitalization of an area in which a commercial use is permitted, a Development Permit may include requirements respecting the character of the development, including landscaping, siting, form, exterior design and finish of buildings and other structures.

## EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application for the property located at 1029 View Street. The proposal is to construct a mixed-use building comprising of ground-floor commercial and eight storeys of residential above. There are no variances associated with this Application.

The following points were considered in assessing this Application:

- the proposed building is subject to Development Permit Area 3 (HC) and is not consistent with the applicable design guidelines in the *Official Community Plan* (OCP) and the *Downtown Core Area Plan* (DCAP)
- the proposal requires significant revisions to comply with the relevant design guidelines
- an arborist report or alternate tree replacement strategy is required in relation to the current street trees along View Street.

## BACKGROUND

### Description of Proposal

The proposal is to construct a mixed-use building with ground-floor retail fronting View Street and residential above. Specific details include:

- a total of 624m<sup>2</sup> for 11 commercial-retail units on the ground floor
- 214 residential units above the commercial retail units
- 146 parking stalls within three levels (one level underground and two above grade) accessed off View Street
- a total of 225 bike racks (210 residential and 4 commercial) comprised of:
  - 16 bicycle storage lockers located at level 1 of the underground parkade
  - 148 bicycle storage lockers (144 residential, 4 commercial) located on the ground floor
  - 52 bicycle storage lockers located on the second floor
  - publicly accessible bike racks for 9 bikes (6 residential, 3 commercial) located at the front of the building
- streetscape improvements to the frontages adjacent to the property on View Street consistent with the Harris Green standards
- retention of the five street trees on View Street
- a feature entrance plaza off View Street with seating, a sculpture and decorative paving as noted on the landscape plan
- a rear courtyard consisting of hard and soft landscaping as noted on the landscape plan

- exterior building materials consisting of:
  - a mixture of metal panels in copper and metallic copper colour
  - aluminium windows with a combination of clear anodized and black frames
  - tinted windows in evergreen colour with accents in charcoal colour
  - porthole windows with smoke coloured glazing
  - frosted glass guardrails in evergreen colour
  - perforated metal screens for balconies
  - concrete wall/planters between the sidewalk and commercial units
  - frosted privacy screens for the ground-floor commercial units
  - panel system in sand finish for the mechanical penthouse.

### Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

### Active Transportation Impacts

The Application supports active transportation by the inclusion of bicycle storage facilities in the parkade and at grade.

### Public Realm Improvements

No public realm improvements are proposed in association with this Development Permit Application.

### Existing Site Development and Development Potential

The site is presently a vacant lot.

Under the current R-48 Zone (Harris Green District), the property could be developed at a height of 10 storeys to accommodate a range of uses, including but not limited to retail, office, restaurant, theatres or daycares. The current Zone does not prescribe a maximum density.

### Data Table

The following data table compares the proposal with the existing R-48 Zone. There are no variances associated with the Application.

Zoning Criteria	Proposal	Zone Standard R-48
Site area (m <sup>2</sup> ) – minimum	2694.00	n/a
Total floor area (m <sup>2</sup> ) – maximum	11,924.00	n/a
Height (m) – maximum	29.75	30
Storeys – maximum	10	10
Setbacks (m) - minimum	0.50	0.50
Front (View Street)	0.18	n/a
Rear (west)	0.20	n/a
Side (east)	0.20	n/a

Zoning Criteria	Proposal	Zone Standard R-48
Parking – minimum	146	n/a
Visitor Parking - minimum	0	n/a
Bicycle storage (Class 1) - minimum	216	215
Bicycle rack (Class 2) - minimum	9	9

### Land Use Context

The site is in an area of predominantly residential and commercial uses. Immediately adjacent uses are:

- North (across View Street) – Regents Park 17-storey multi-unit residential
- East – Tara Place 10-storey multi-unit residential
- South – retail commercial along Fort Street (one to four storeys)
- West – surface parking lot.

### Relevant History

A previous Development Permit for 181 residential units and ground-floor retail was approved by Council on April 21, 2011. The previously approved Development Permit was similar to the proposal before Council today but has since lapsed. At the time of this approval, the *Official Community Plan* (2012) and *Downtown Core Area Plan* (September 2011) had not been adopted by Council. The policy context has, therefore, been updated since the original approval.

### Community Consultation

The Application does not include variances, therefore, consistent with the Community Association Land Use Committee (CALUC) procedures related to development applications, it was not circulated to the Downtown Residents Association for comment.

### ANALYSIS

The key issue associated with this Application is the consistency with the design guidelines. The following section analyzes the proposal's consistency with City policy and applicable guidelines.

### Development Permit Area and Design Guidelines

The *Official Community Plan 2012* (OCP) Urban Place Designation for the subject property is Core Residential, which supports multi-unit residential, commercial and mixed-use buildings from three storeys up to approximately 20 storeys. The OCP also identifies this property in Development Permit Area 3 (HC) Core Mixed-Use Residential. The objectives of this DPA are to transform the area through mid-to-high-rise residential mixed-use and commercial buildings, with the greatest heights along Yates Street. Ensuring high-quality architecture, landscape and urban design are also an important objective of this DPA. Although the proposed development at 1029 View Street would contribute to the OCP objectives for housing growth in the Downtown core, it is not consistent with DPA 3 (HC) objectives for overall high-quality design due to the

inconsistencies with the applicable guidelines. These are discussed in more detail in the following sections.

### **Downtown Core Area Plan**

With respect to local area plans, the *Downtown Core Area Plan, 2011* (DCAP) applies to the subject site. Within the DCAP, the subject property falls within the Residential Mixed District (RMD).

Multi-unit residential development is encouraged in the RMD with higher density focussed along Yates Street. The RMD encourages multi-residential development appropriate to the context that respects the allowable building heights in the neighbourhood. Active commercial street-level uses are encouraged to help increase pedestrian activity. The current proposal is generally consistent with these objectives as it contributes new street-level commercial space in the RMD, which is further supported by residential uses above. The proposed maximum building height is 29.75m, which is consistent with the building height limits in the guidelines.

The DCAP provides both broad urban design objectives for the Downtown Core and more detailed design guidelines for specific districts. The DCAP also includes policies related to the design of buildings.

### Building Separation

DCAP prescribes building separation guidelines based on the principle of increasing building separation in relation to increased building height. The intent of this is to enhance privacy and open up views between buildings. Additional clearances for windows are encouraged where feasible to enhance liveability for residential uses. The proposal does not comply with these guidelines for both the east and west side elevations. Staff have raised concerns for the east elevation in particular as the reduced separation distances affect the privacy and livability of the adjacent residential units at 1039 View Street. The guidelines require a minimum separation of 3m between the exterior wall (not applicable to the front half of the parcel) and the property line and 3.5m for balconies. The proposal includes generous balconies at level five that are positioned at the property line (zero setback), which step back to 2.3m at level six (1.2m below the guidelines). In addition, the "rotunda" feature at levels seven and eight contains a high proportion of glazing that is only 2.5m from the property line (0.5m below the recommended guidelines). Similar inconsistencies exist with the west elevation although the current impact is minimal due to the adjacent surface parking lot.

### Building Design

The DCAP provides general guidelines relating to massing and built form, including guidelines for street wall heights based on the width of the street. The intent of these guidelines is to:

- minimize the effects of shading and wind
- maintain views to the open sky
- avoid the visual presence of bulky upper-building mass.

Although the proposed building composition is heavy in its overall form and massing, it generally complies with the guidelines as it relates to street walls and height. View Street is considered a narrow street and has reduced street wall heights ranging from 10 to 15m. Anything above the 15m primary street wall should be stepped back. Only 60% of the building face parallel to the street needs to comply with this guideline and technically the proposal does conform in this

respect. However, the two remaining projections that are located at the property line (zero setback) dominate the front of the building. While the “rotunda” feature on the east of the main entrance and the projection on the west do help to frame the central glazed portion of the front facade, they have the detrimental effect of exacerbating the visual presence of the upper massing of the building. Staff recommend for Council’s consideration that the ADP review this particular aspect of the design.

Opportunities exist to mitigate the impacts of the overall building scale and composition through architectural elements. In addition to the careful placement of the building massing, a rich and varied choice of materials can help to demarcate the building base, body and top. The proposal includes metal panels in a “copper penny” colour for levels one to four as well as the rotunda feature. The remaining portion of the front and rear facades are proposed to be metal panels in a darker “copper metallic” colour. As the proposal currently stands, there is no distinction to the upper portion of the building through the choice in materials. Although there is an element of modulation in the roof line with varied heights and concrete projections, staff consider these to be disproportionate to the overall massing of the building. Staff have raised concerns with the choice in colour and materials, in particular the metal panels, tinted glazing and cast-in-place concrete walls on the exposed east and west elevations and do not feel these meet the DCAP goal of encouraging high-quality finishing materials with detailed architectural quality (policy 6.49). Staff recommend for Council’s consideration that a comprehensive review of the materials and finishes be undertaken by the ADP.

The guidelines encourage visually articulated designs and quality architectural materials in the building bases to enhance the visual interest for pedestrians (policy 6.181). Opportunities exist to improve the podium base level through higher ceiling heights on the ground-floor commercial units. The applicant has noted the height limit of 30m and the preference to avoid any variances as being the reason for this design response. However, a lowering of the “feature roof” would result in greater flexibility to explore this design refinement.

The proposal includes concrete planters and privacy screens between the commercial units at the street level. These elements do not meet the DCAP guidelines which state that primary entrances on commercial buildings should have direct access from a public sidewalk. The applicant has responded to staff comments by altering the style of the gates to be consistent with the building design. However, removal of the wall would improve the relationship between the building and the street and staff recommend ADP review this aspect of the design.

#### Floor Plate Size

The DCAP provides guidelines for new buildings with respect to floor plate sizes. The intent of the guidelines is to avoid bulky buildings and to encourage a more enhanced skyline.

Height	Floor Plate Limitation (as described in DCAP)	Proposal
Portion of building less than 20 m	No restriction	N/A
Portion of building between 20 m and 30 m (levels 7-9)	930 m <sup>2</sup> (10,010 ft <sup>2</sup> )	1,073 m <sup>2</sup> (11,550 ft <sup>2</sup> ) exceeded on levels 7-8

As noted in the table above, the proposal exceeds the maximum floor plate limitations by 143m<sup>2</sup> on levels seven and eight. Larger floor plates often accentuate the bulk of buildings. As a result, it is important that the visual impact of larger floor plates is broken down through careful design consideration and material selection. The current proposal does not include any architectural features (such as a change in material) that might help to mitigate the oversized

floor plates on levels seven and eight. Staff recommend for Council's consideration that this aspect of the proposal be reviewed by the ADP.

#### Sensitive Transition

The subject site is situated on the edge of the RMD, which highlights the importance of edge conditions, and where new buildings must be considerate of the scale, orientation, setbacks, massing and height as well as providing a sensitive transition to the surrounding neighbourhoods. Although the proposal is compliant with the zoning regulations under the R-48 Zone as they relate to height, it is not considered to be consistent with the DCAP guidelines and creates a contrast to the buildings to the rear, which are envisioned in the DCAP with a lower-profile building form (20m in height). Opportunities exist to improve the setbacks and modulation in height to provide a more sensitive transition to the surrounding context.

The proposal also includes a two-storey cast-in-place concrete wall along the south property line at the rear of the building to accommodate the above-grade parking structure. Although the R-48 Zone does not require parking on site, the above-grade parking structure creates a two-storey blank wall along this edge. Efforts have been made to include plants as a means of softening this exposed wall. This does provide an interim solution until such time that the properties along Fort Street are developed according to their zoning entitlement at zero rear yard setback. However, staff are concerned the current choice in materials is of insufficient quality and recommend that the ADP review this aspect of the design.

#### Crime Prevention Through Environmental Design

The proposal includes a dedicated area for garbage and recycling adjacent to the vehicle access on the east of the building, which is commendable. However, since no details have been provided on how this area is secured and given the blind corner created by the projecting walls, it has the potential to be an entrapment area and could create safety issues for the neighbourhood. Staff recommend for Council's consideration that this aspect of the design be reviewed by the ADP from a Crime Prevention Through Environmental Design (CPTED) perspective.

#### Transportation and Mobility

The applicant has provided bike parking that is in excess of the minimum requirements in Schedule C of the *Zoning Regulation Bylaw*. Staff requested additional detail on the type and functionality of the bike parking areas to ensure that these comply with the Bicycle Parking Strategy. The applicant has provided annotations listing the type of bike racks proposed; however, staff still have reservations on the functionality of the two-tier racks on level 1 of the parkade and feel the 1.8m clearance space is insufficient for this type of rack. Although this comment is technical in nature, staff will request further details on this aspect of the design as the Application progresses.

#### **Advisory Design Guidelines for Buildings Signs and Awnings (1981)**

These Guidelines state that an acceptable application will include consideration of an attractive streetscape and that the architecture and landscaping of the immediate area be identified and acknowledged. In evaluating a design, particular emphasis will be placed on the solution to these general aspects: comprehensive design approach, relevancy of expression, context, pedestrian access, massing, scale, roofline, detailing, street relationship, vistas, landscaping plan, colours and textures. The Application is not consistent with these Guidelines as it relates

to massing, scale, roofline, details, colours and textures. Further commentary on these design aspects is noted above under the DCAP section of this report.

### **Guidelines for Fences, Gates and Shutters (2010)**

The objective of these Guidelines is to ensure that where fences, gates and shutters are required that they are designed well and complement their surroundings. The Application proposes security fencing to the parkade entrance. No details have been provided on the materials or finishes of this fencing, although staff will be requesting that this be included in the package of material for review by the ADP. In addition, the landscape screening of the BC Hydro transformer provides an acceptable solution for the streetscape and is, therefore, consistent with the Guidelines and BC Hydro's clearance requirements.

### **Retention of Street Trees**

The proposal indicates the retention of the five street trees along View Street. Staff have reservations regarding the feasibility of these trees surviving the construction of the underground parkade and have requested an arborist report to provide details on the proposed measures that will reduce the impact to these trees. Alternatively, a strategy to replace the trees may be provided. This report has not been submitted and, therefore, staff recommend for Council's consideration that this be included as a condition prior to the Application being referred back to the Planning and Land Use Committee.

### **CONCLUSIONS**

The proposed mixed-use development at 1029 View Street would support the planning objectives found in the OCP in relation to the provision of additional housing and increased growth in the Downtown Core. However, the significance of the design concerns and inconsistencies with the guidelines warrants a comprehensive review of the proposal by the ADP. Staff have encouraged the applicant to address the design concerns raised by staff, however, the applicant has chosen to proceed to the Planning and Land Use Committee with the current design. Although staff recommend for Council's consideration that the application be referred to ADP, revisions be made by the applicant and a follow up report be prepared for the Planning and Land Use Committee's further consideration, Council may wish to opt for an alternate motion as noted below.

### **ALTERNATE MOTION**

#### **Option One**

That Council decline Development Permit Application No. 000430 for the property located at 1029 View Street.

#### **Option Two**

That Council approve Development Permit Application No. 000430 for the property located at 1029 View Street as submitted, subject to:

1. Provision of an arborist report to demonstrate the mitigation measures needed to reduce the impacts on the retained street trees along View Street or an alternate plan to replace the street trees to the satisfaction of City staff.

2. Provision of additional detail related to the functionality of the two-tier bicycle parking to the satisfaction of City staff.

Respectfully submitted,

*C. R. Wain*

*am*

Charlotte Wain  
Senior Planner – Urban Design  
Development Services Division



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



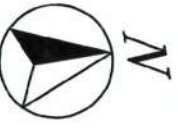
Date: November 3, 2015

#### List of Attachments

- Zoning map
- Aerial photo
- Letter from applicant, dated September 1, 2015
- Letter from applicant responding to staff comments, dated September 18, 2015
- Plans for Development Permit Application No. 000430 dated September 18, 2015
- Shadow studies dated June 22, 2015.



1029 View Street  
Development Permit #000430





1029 View Street

Development Permit #000430

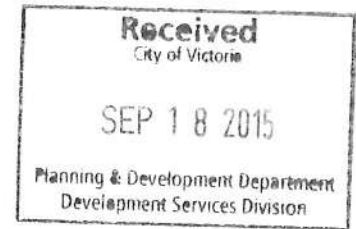


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September 18, 2015

City of Victoria  
Community Planning  
1 Centennial Square  
Victoria, B.C., V8W 1P6

Attention: Mayor and City Council



To: Mayor and Council, City of Victoria,

RE: **1029 View Street**  
**The Jukebox – Response to Application Review Summary**  
**Victoria, B.C.**

**Conditions to be met prior the Planning and Land Use Committee**

1. Further to an email from Thom Pebernat regarding height as shown on our data table, the height as noted is acceptable and no changes are required. See attached email (Attachment #1).
2. Our Theoretical maximum floor area density calculation is 4.43.
3. The ground floor is commercial as noted and no additional setback is required.
4. The total number of Class 1 and 2 Residential and Commercial Bike Stalls total 225. Please see clouded drawings identified with the number 24.
5. This response confirms that there will be no windows on elevations that are located at the zero property line.
6. The Garbage and Recycling Area has been revised in consultation with a local service provider. Bins will not be stored within the City's right-of-way. Refer to the attached letter from Progressive Waste Solutions (Attachment #2) and the drawings clouded with the number 6.

**Consistency with Design Guidelines (DCAP)**

7. We have reviewed the setbacks on the east elevation and refer the Planning Department to our Design Rationale response to Appendix 6 Floor Plate Limitation and Building Separation response, in which we feel the design of our building will be compromised. Furthermore, we feel that an increased setback is not required for two reasons. First, the issue regarding privacy, or lack thereof, is already present considering that Residents on the west side of the apartment building is only separated from one another by 4 meters, which is less than the distance between the two buildings. Second, considering that this is a high-density urban area, there is an expectation from residents living in the downtown core that closer proximities to one another should be expected and is desired. In fact, it is this higher density that separates the downtown from other suburban areas and people move into the downtown for that experience.
8. The design of our building for the commercial units on the ground floor has been carefully considered. Should the appearance be significantly different than the remainder of our building, then we feel that the aesthetics of our building may be compromised. The landscape retaining wall and privacy screen works two fold. The landscape wall provides a visual barrier between public and semi-private space. It acts as a guard

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for shop owners wishing to use their entry space as a sidewalk café or for displaying store merchandise. The privacy screens add form and character to the individual units and provide a sense of transition from one retail unit to the next.

9. We have modified the CRU entry doors to incorporate more glazing. We have also added glazing at the base of the tower element (Units 107 and 109). See the attached drawings, DP2, DP3, and DP12, clouded with the number 9.
10. The architectural materials chosen are modern and unique and set this development apart from traditional brick and stone facades found in many residential towers. The metal panels are deliberate and represent a lifestyle choice for purchasers wanting a modern experience.
11. Although higher ceiling levels would have been welcomed on all floors, a fine balance was necessary in order to stay within the maximum allowable height within this zone to avoid rezoning.
12. Our updated landscape plan shows landscaping in front of the transformer. We have provided the necessary walkway path within the landscaped area for access to the transformer. Refer to drawing L1 clouded with the number 12.
13. Please see attached updated letter to Mayor and Council. (Attachment #3)

#### General Comments

14. Please see attached updated Certificate of Compliance Letter from MOE. (Attachment #4)
15. BC Hydro does allow some landscaping around their pad mounted transformers. We are proposing to screen the transformer with a shrub hedge similar those planned for the front of the Commercial Units. This will create continuity for the landscape design along View Street while allowing BC Hydro crews to identify the transformer from the street. Please see attached e-mail from BC Hydro. (Attachment #5)
16. Our Client would like to move forward to Council without another Advisory Design Panel as presentations have already been made and our original submission was provided a Development Permit.
17. Please see attached Landscape Cost Estimate. (Attachment #6)
18. Please see updated zoning information as clouded on drawing sheets DP0, DP17, and DP18 with the number 18.

#### Engineering and Public Works Department Comments

19. For the 3.0m x 3.0 m site triangle, please see updated drawings DP0 and DP2 as clouded with the number 19.
20. We can confirm that our driveway access will be no more than 5%. Refer to drawing sheets DP2 and DP17 clouded with the number 20.
21. Refer to the letter from Progressive Waste Solutions (Attachment #2) regarding how the recycling and garbage will be handled.

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22. Please see updated Site Plan and Level 1 Plan indicating the driveway width. Refer to drawing sheets DP0 and DP2 clouded with the number 22.
23. This letter acknowledges that the Developer is financially responsible for the "Harris Green" sidewalk pattern across the remainder of the property. The sidewalk pattern will extend beyond into the driveway crossing. Refer to drawing sheet L1 clouded with the number 23.
24. Bike Stalls are shown on drawings DP0, DP1, DP2, and DP3 and are clouded with the number 24. There are a total of 225 bike stalls provided.
25. The Landscape Plan show on sheet L1 has been updated to coordinate with our Site Plan and Level 1 Floor Plan. Changes are clouded with the number 25.
26. We will engage an Arborist to develop a plan for the protection of the street trees during construction. The Arborist Report is not available at this time.

We trust the above response to your application review is acceptable. Do not hesitate to contact us should you have any questions.

Yours truly,  
**Gustavson Wylie Architects Inc.**

per David Cheung, BA, Dipl.T.  
Principal and Project Director

Reviewed by,

per John E. Gustavson Architect.AIBC, MRAIC, LEED  
Principal

GUSTAVSON WYLIE ARCHITECTS INC.

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**Don Glass**

**From:** David Cheung <dcheung@gwa.ca>  
**Sent:** August-20-15 12:00 AM  
**To:** Don Glass  
**Subject:** FW: Development Permit - 1029 View Street

Hi Don,

Please print this email and attach with our letter.

Do not hesitate to call should you have any questions. Thank you.

David



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**Gustavson Wylie Architects Inc.**  
 per David Cheung BA, Dipl.T.  
 Principal

4th Floor 576 Seymour Street  
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T: 604-687-2511 ext. 225  
 C: 604-910-2511  
[dcheung@gwa.ca](mailto:dcheung@gwa.ca)

**From:** Thom Pebernat <tpebernat@victoria.ca>  
**Date:** Thursday, July 30, 2015 at 1:22 PM  
**To:** David Cheung <dcheung@gwa.ca>  
**Cc:** Charlotte Wain <CWain@victoria.ca>  
**Subject:** Development Permit - 1029 View Street

Good afternoon David

Following up from the technical review comments sent to you on July 14<sup>th</sup> we have determined that the height of the building complies with zoning and you do not need to lower the rooftop mechanical. My apologies for the confusion, if you have any questions please contact myself or Charlotte.

Best regards,

**Thom Pebernat, CPT**  
*Zoning Administrator*  
*Development Services Division*  
*Department of Sustainable Planning and Community Development*  
 Phone: 250.361.0284  
 Web: [www.victoria.ca](http://www.victoria.ca)  
 City of Victoria



**Garbage / Recycling / Organic Removal**

**Jukebox Building – 1029 View Street – Victoria**

September 17, 2015

**ATTN: Don Glass**

Don,

Thank you for allowing us to assist you with your concerns regarding the Waste / Recycling removal from the Jukebox Building that will be built at 1029 View Street in Victoria.

I have reviewed your adjusted plan on the change of location to the garbage area for this building and I conclude that the new area will work for us, or any garbage hauler in the Victoria area. With the newly adjusted plan we will be able to house 4 – 4 yard bins to accommodate the volume the building will produce and with the bins being very close to the exit, with a no grade area, we will be able to roll out the bins and service them at the same time.

This proposed plan will eliminate the need to 'swamp' out the bins and put them at another location to be serviced.

I hope this helps. Thanks again for allowing us to be a part of the planning process; it is greatly appreciated at our end and I'm confident this new plan will work perfectly.

Yours truly,

Chad Stuart

Major Accounts

Progressive Waste Solutions. (BFI)



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September 1, 2015 (Revision 1)

City of Victoria  
 Community Planning  
 1 Centennial Square  
 Victoria, B.C., V8W 1P6

Attention: Mayor and City Council

To: Mayor and Council, City of Victoria,

RE: **1029 View Street**  
**The Jukebox – Updated Design Rationale**  
**Victoria, B.C.**

### Executive Summary

In a meeting with the Planning Department on May 20, 2015, Planning has indicated that the previous Development Permit issued for 1029 View Street has lapsed and that a new Development Permit application will be required. Any new Development Permit must demonstrate compliance with the recently adopted Official Community Plan and Downtown Core Area Plan. In Gustavson Wylie Architects Inc. updated Design Rationale; our summary concludes that our new application is generally in compliance with the guidelines. The only exception is in Appendix 6 where the recommended floor plate limitation is exceeded by 143 sq.m. The intent of the floor plate limitation in Appendix 6 is to encourage a more varied skyline in the City of Victoria. The slight increase in the recommended floor plate size will have little impact on the City's intent since our building is already articulated and was supported by the previous Advisory Design Panel. Further reduction of our floor plate may in fact have a negative impact on the design of our building.

### Compliance with the new Downtown Core Area Plan and Official Community Plan

With the adoption of the Downtown Core Area Plan and Official Community Plan in 2011, GWA has considered and/or incorporated the relevant design guidelines as noted in the various sections of the Plans. Specifically, our Building is consistent with the following:

#### SECTION 3: DISTRICTS

The building is designed to relate to the street with ground oriented retail units. Our building is also sensitive to the transitions to surrounding districts by acting as a buffer from the higher towers already in our area, and the lower buildings along Fort Street and surroundings.

#### PEDESTRIAN SAFETY AND COMFORT

Building and street interface have been considered by a minimum 2-meter patterned sidewalk, street furniture, ornamental pedestrian lighting, universal access standards, canopies, and an articulated retail frontage.

#### ALL-WEATHER BUILDING DESIGN

Our Building's main entry is recessed from the sidewalk and provides a continuous canopy to the intercom.

GUSTAVSON WYLIE ARCHITECTS INC.

4TH FLOOR | 576 SEYMOUR STREET | VANCOUVER | BRITISH COLUMBIA | CANADA V6B 3K1 | www.gwa.ca | P: 604.687.3511 | F: 604.687.4203

*STREETSCAPE – POLICIES AND ACTIONS*

1029 View street is considered a local street and improvements to the public right-of-way has been considered and maintains a pedestrian friendly streetscape with our animated 2 m wide sidewalks, retail frontages, street furniture and landscaping.

*SURROUNDING BUILDINGS*

The Jukebox will feature it's own street level plaza at the entry to the building. Projecting Balconies, windows, and terraces facing View Street will help with CPTED principals. The step backs in our building assist in bringing in more natural light. Our Building's street walls, at zero lot lines, have been designed to create a human scale by introducing reveals and a varying colour palette, even though an adjacent building can be built right up against our zero lot line.

*DEVELOPMENT BLOCK POLICIES AND ACTIONS*

1029 View Street is located closer to Vancouver Street and steps down from the adjacent tower, and the towers across from us. A continuous setback has been maintained along our frontage. Interior spaces within our development have been landscaped providing visual interest while maintaining privacy for the residents. The varied massing of the Jukebox is deliberate and intended to break down the façade to a human scale. The curved elements pay homage to the rounded top of a jukebox and are central to the design of this mixed-use building. Projecting concrete eyebrows, glazed guardrails, coloured metal panels, all add to the rich detailing of the building façade providing a high degree of public interest.

*BUILT FORM POLICIES AND ACTIONS**MASSING AND DESIGN*

The Jukebox incorporates varied heights to avoid uniformity in design. The terraces and steps in our building help distinguish building podium from upper storeys. Recessed entries, small plazas, sidewalk dining, have been provided for visual articulation. In keeping with a modern mix-use building, sleek modern materials are proposed as opposed to the traditional brick and mortar type designs of typical residential buildings. Concrete eyebrows, Coloured Metal Panels, Glazed Curtain wall with metal accents, and Aluminum feature elements have been incorporated.

*BUILDING SEPARATION POLICIES AND ACTIONS*

Since the commercial aspect of the building is vertically separated from the residential aspect, privacy has been maintained. As the façade along View Street faces north, natural daylight is improved through the steps in the building.

*STREET WALLS AND SETBACKS – NARROW STREETS*

A primary street wall of 12.2 meters has been provided along 60% of the building face parallel to the street for 1029 View Street. The primary street wall falls within 0 to 3 meters of the property line parallel to the street. A secondary street wall has been provided along a 30 percent building face parallel to the street to a maximum height of 20 meters. The secondary street wall has been located within 3 to 6 meters from the property line. A minimum setback of 6 meters has been provided at the building face that exceeds 25 meters.

GUSTAVSON WYLIE ARCHITECTS INC.

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Handwritten notes:  
 L8: 1213 m<sup>2</sup> (+283)  
 L9: 977 m<sup>2</sup>

## Appendix 6 Floor Plate Limitation and Building Separation

The Downtown Core Area Plan is concerned with the visual impact of taller bulky buildings for a more graceful skyline. To this end, Appendix 6 recommends that for portions of buildings between 20 meters to 30 meters, the residential floor plate should be restricted to 930 sq.m. As indicated in our Appendix 6 Analysis drawing, our floor plates for levels 7 and 8 are 1073 sq.m. Although the recommended floor plate size is exceeded by 143 sq.m., Gustavson Wylie Architects believes that the relatively small increase in floor plate size does not negatively impact the visual impact of the building's skyline.

The Jukebox above level 5 is extensively setback on all 4 sides, not only in plan, but also in elevation. In fact, the building can be perceived as 3 separate buildings. Referring to our rendering, since the approach to our building is oblique in nature, i.e. the approach to our entry is parallel to the street; the visual plane can be perceived to extend infinitely in both directions. Since our façade and massing is articulated, building elements can be seen from the west portion, the central portion, in the form of the curtain wall and rounded feature element; and the east portion. The articulation and perception of these 3 elements assist in reducing the bulk of the building and help reinforce the animated streetscape and circulation. Additional reduction in floor plate area may in fact have a negative impact on the overall design of our building.

The steps and terracing of the building is further enhanced by the change in material and colour when the building is observed frontally, e.g. across the street for instance (refer to DP12). 3 distinct building elements can also be observed in our primary street wall, our secondary street wall, and our rounded feature element and curtain wall system. The steps and terracing of our building provides visual articulation that already addresses the negative impact a bulky building may potentially have on the skyline. Limiting the floor plate size can be seen as a tool to ensure that the massing is articulated and that the building will feel lighter at the top. For the Jukebox, however, Gustavson Wylie Architects feels that the reduction of 143 sq.m. in floor plate size will have almost no significant impact to the skyline and may in fact have a negative impact on the design of the building.

Based on our review of the City of Victoria's new Official Community Plan and the Downtown Core Area Plan, Gustavson Wylie Architects Inc. believes that our original design addresses all the guidelines that have been identified for the Development Permit area. With the exception of the floor plate limitation of Appendix 6 for levels 6 and 7, the slight increased in our floor plate will have little impact on the Building's skyline since the building has already been significantly articulated not only in plan, but also in elevation. To this end, our Client and Gustavson Wylie Architects Inc. respectfully request that a new DP submission based on our original design be accepted and moved forward to City Council to be considered for a new Development Permit.

We trust the above updated Design Rationale is acceptable. Do not hesitate to contact us should you have any questions.

Yours truly,  
 Gustavson Wylie Architects Inc.

per David Cheung, BA, Dipl.T.  
 Principal and Project Director

Reviewed by,

per John E. Gustavson Architect.AIBC, MRAIC, LEED  
 Principal

GUSTAVSON WYLIE ARCHITECTS INC.

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## DRAWING LIST

DP0 KEY / CONTEXT / SITE PLAN

L1 LANDSCAPE PLAN

DP1 LEVEL P1

DP2 LEVEL 1

DP3 LEVEL 2

DP4 LEVEL 3

DP5 LEVEL 4

DP6 LEVEL 5

DP7 LEVEL 6

DP8 LEVEL 7

DP9 LEVEL 8

DP10 LEVEL 9 PENTHOUSE

DP11 ROOF

DP12 NORTH (VIEW ST.) ELEVATION

DP13 SOUTH ELEVATION

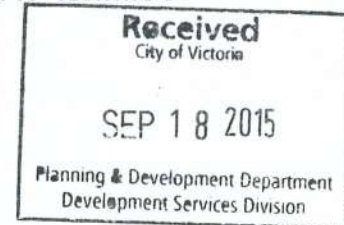
DP14 WEST ELEVATION

DP15 EAST ELEVATION

DP16 STREETScape (FORT STREET)

DP17 SECTIONS

DP18 SECTION D-D



1029 VIEW STREET, VICTORIA, B.C.

SEPTEMBER 15, 2015

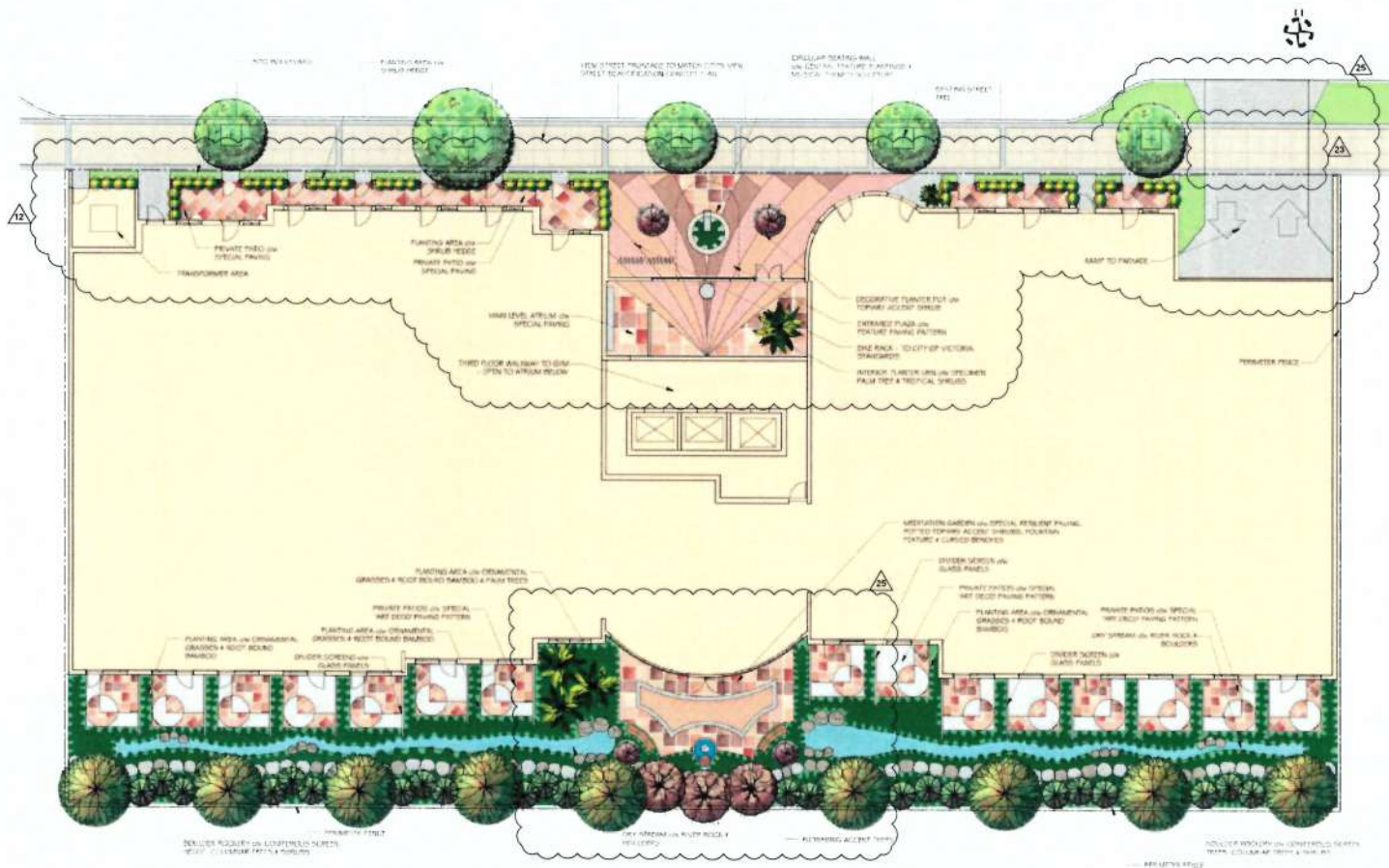


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REVISÉD SEPTÉMBER 9, 2015

**4 ★ SITE**  
LANDSCAPE ARCHITECTURE  
AND SITE PLANNING 250.590.5302

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City of Victoria

Planning & Development Department  
Development Services Division

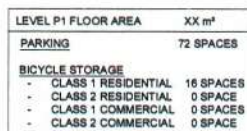
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City of Victoria



LANDSCAPE PLAN L1

SEPTEMBER 15, 2015

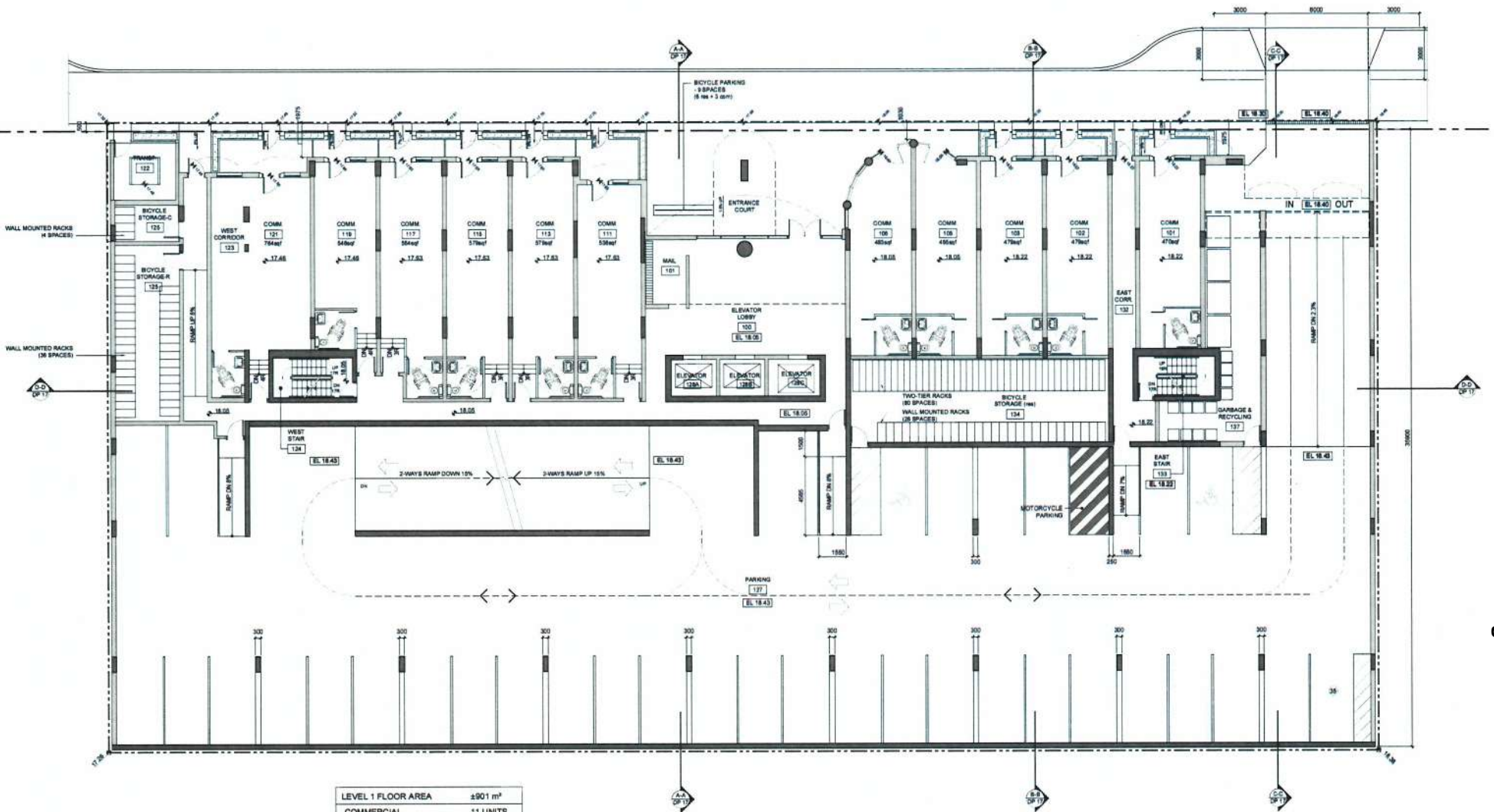
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SCALE: 1:100 SEPTEMBER 28, 2015



LEVEL 1 FLOOR AREA	±901 m <sup>2</sup>
COMMERCIAL	11 UNITS
PARKING	35 SPACES
BICYCLE STORAGE	
- CLASS 1 RESIDENTIAL	144 SPACES
- CLASS 2 RESIDENTIAL	6 SPACE
- CLASS 1 COMMERCIAL	4 SPACES
- CLASS 2 COMMERCIAL	3 SPACE

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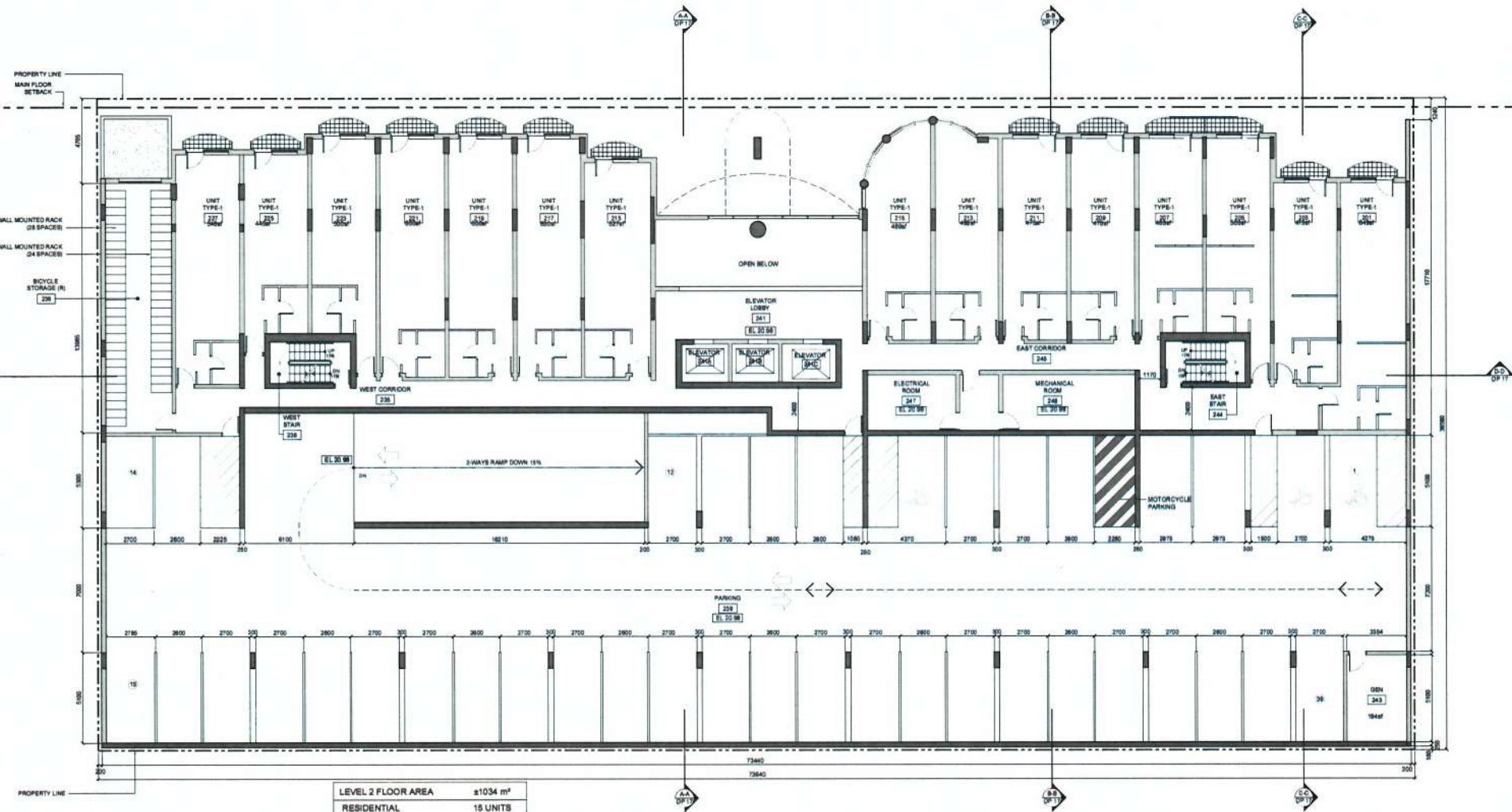


LEVEL 1 **DP2**

SCALE: 1:100 SEPTEMBER 28, 2015



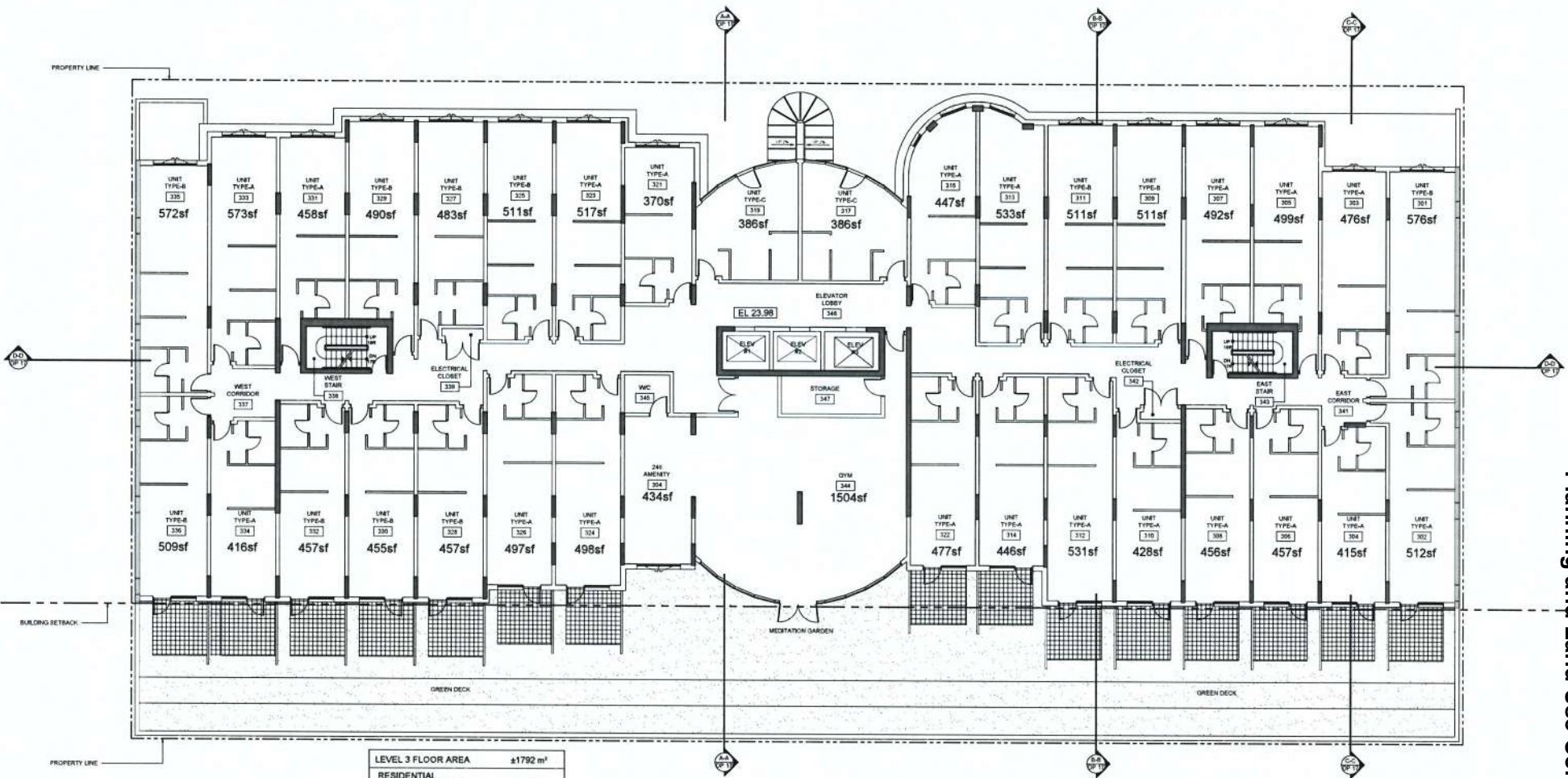
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LEVEL 2 FLOOR AREA	±1034 m <sup>2</sup>
RESIDENTIAL	15 UNITS
PARKING	39 SPACES
BICYCLE STORAGE	
• CLASS 1 RESIDENTIAL	52 SPACES
• CLASS 2 RESIDENTIAL	0 SPACE

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LEVEL 3 FLOOR AREA		±1792 m²
<b>RESIDENTIAL</b>		
- ONE BEDROOM	33	
- TWO BEDROOM	0	
<b>RECREATION</b>		
- GYM	1	
- AMENITY	1	

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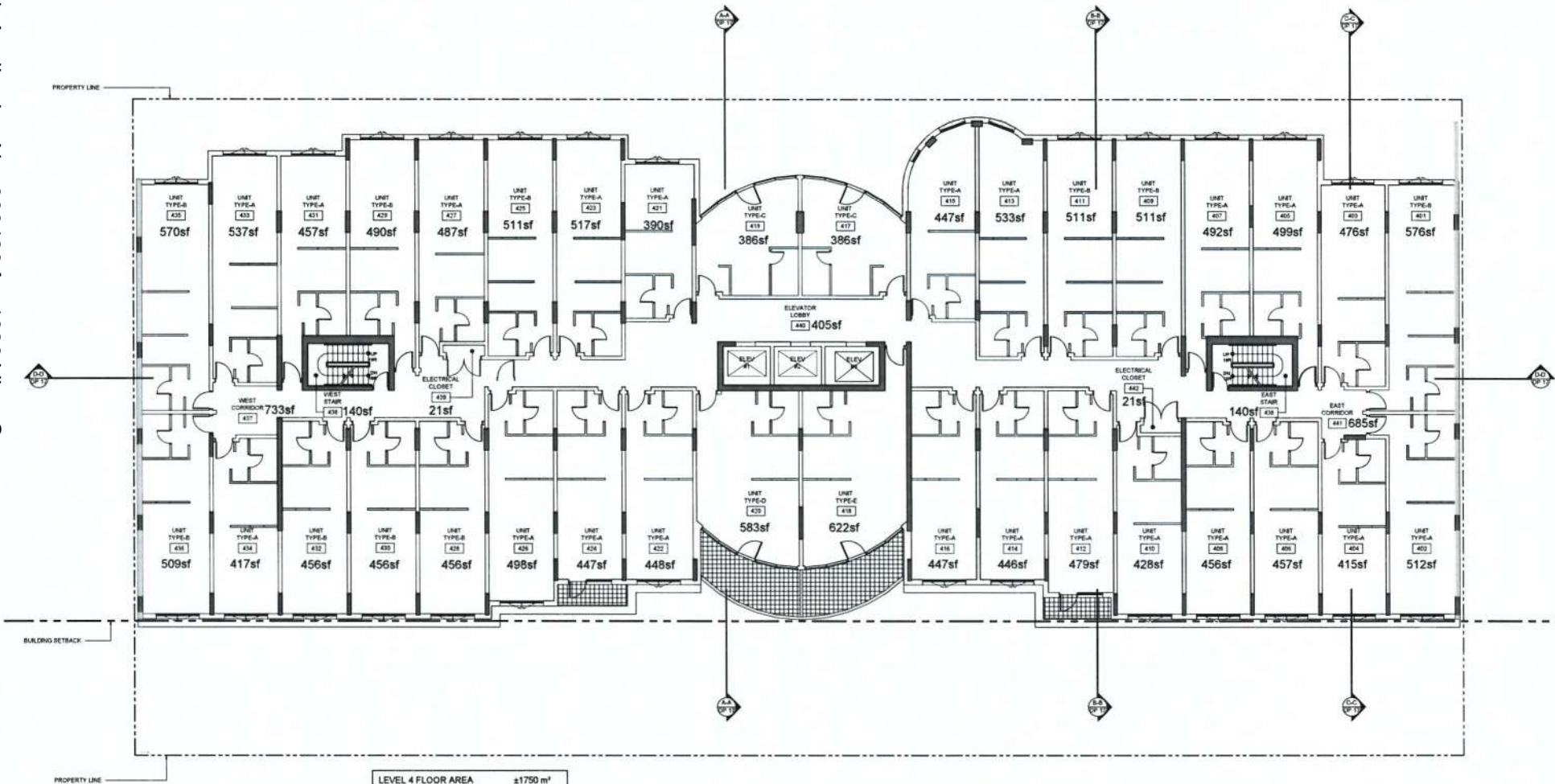
SEP 18 2015

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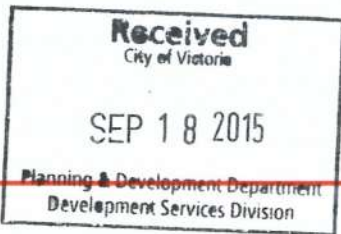
LEVEL 3 DP4

SCALE: 1:100 SEPTEMBER 15, 2015



LEVEL 4 FLOOR AREA	±1750 m <sup>2</sup>
RESIDENTIAL	
- ONE BEDROOM	36
- TWO BEDROOM	0
TOTAL	36

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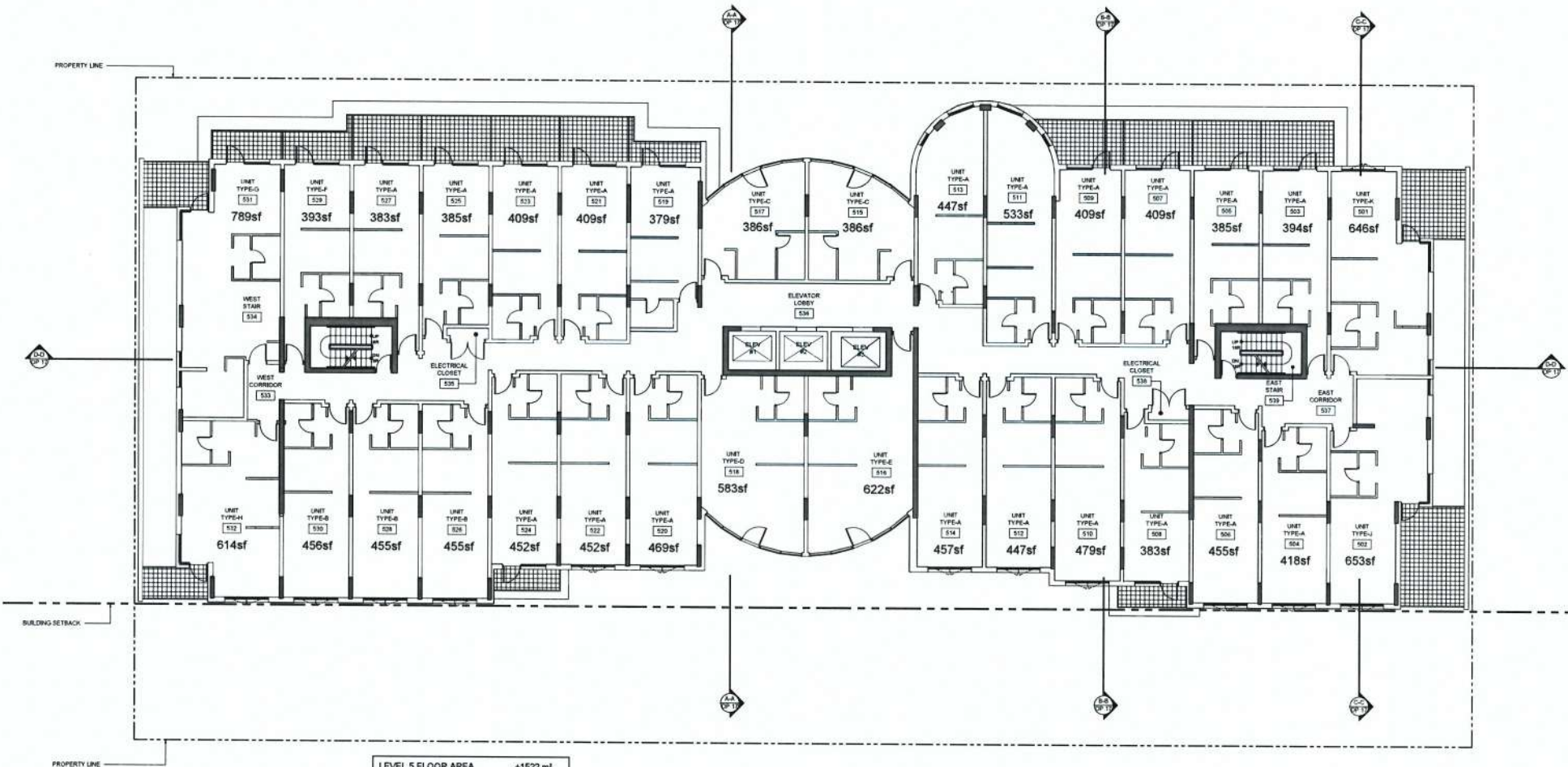


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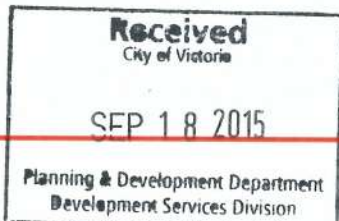


**LEVEL 4 DP5**

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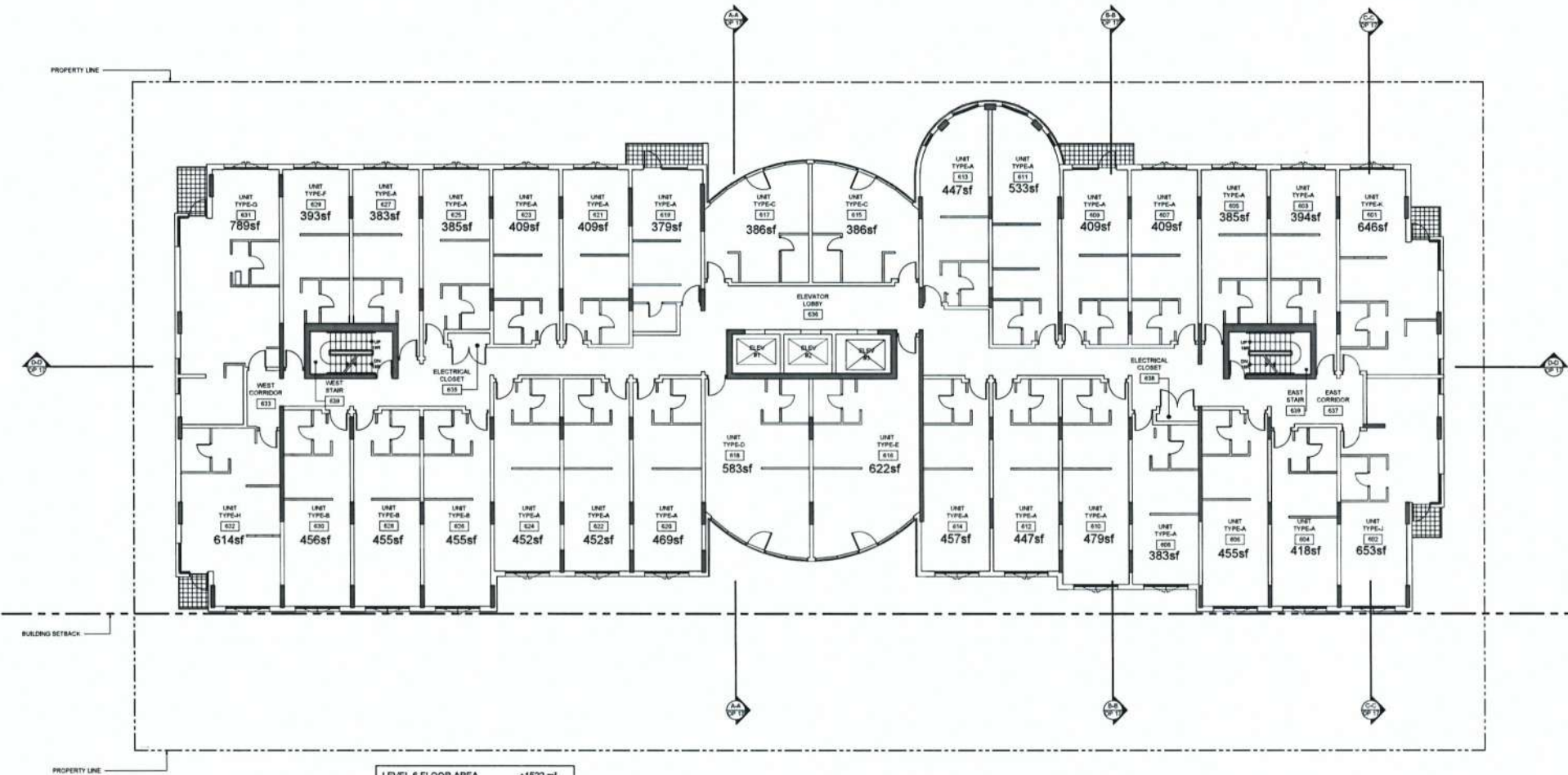


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LEVEL 5 DP6

SCALE: 1:100 SEPTEMBER 15, 2015

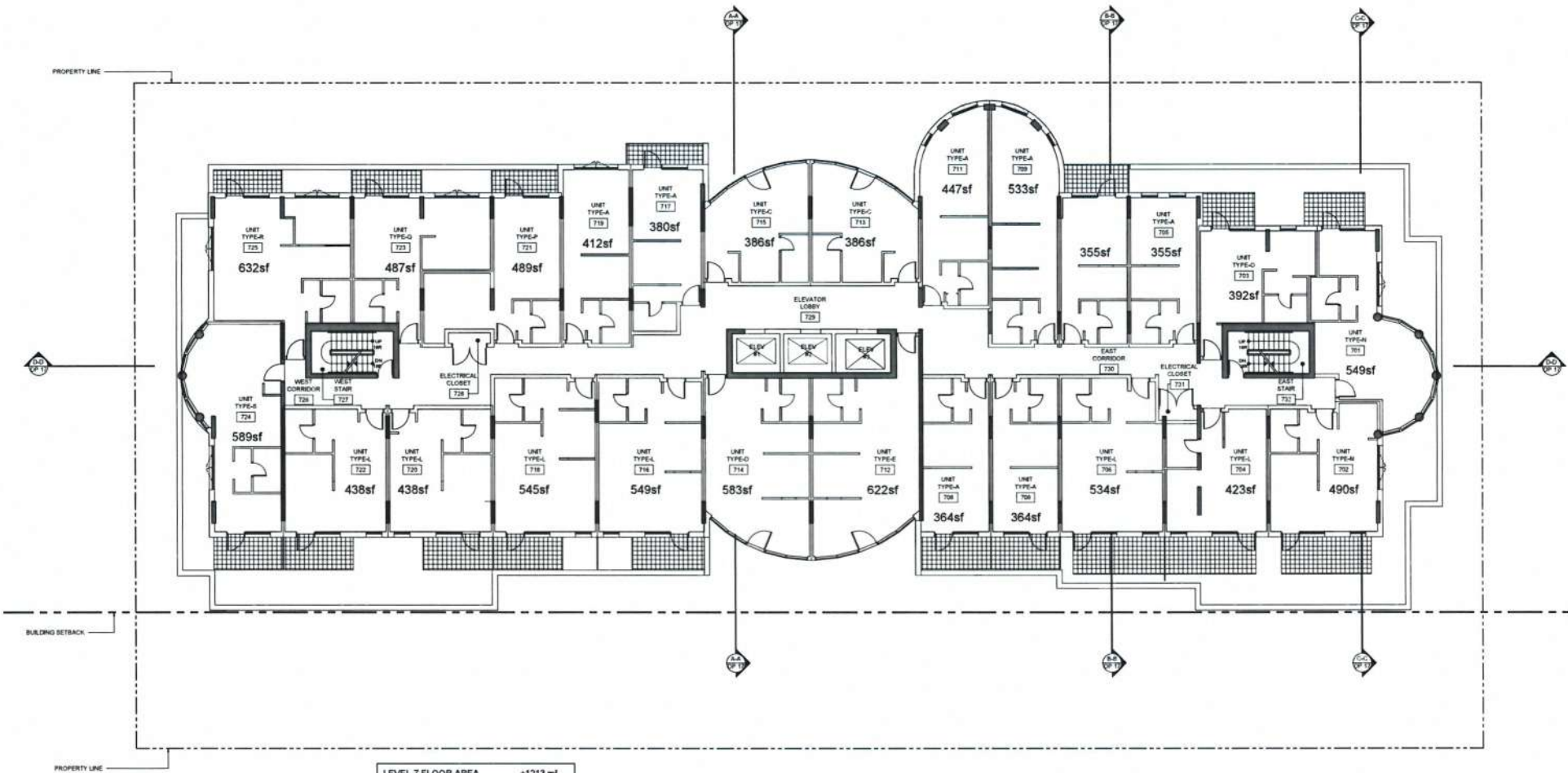


LEVEL 6 FLOOR AREA	±1522 m <sup>2</sup>
<b>RESIDENTIAL</b>	
- ONE BEDROOM	32
- TWO BEDROOM	0
TOTAL	32

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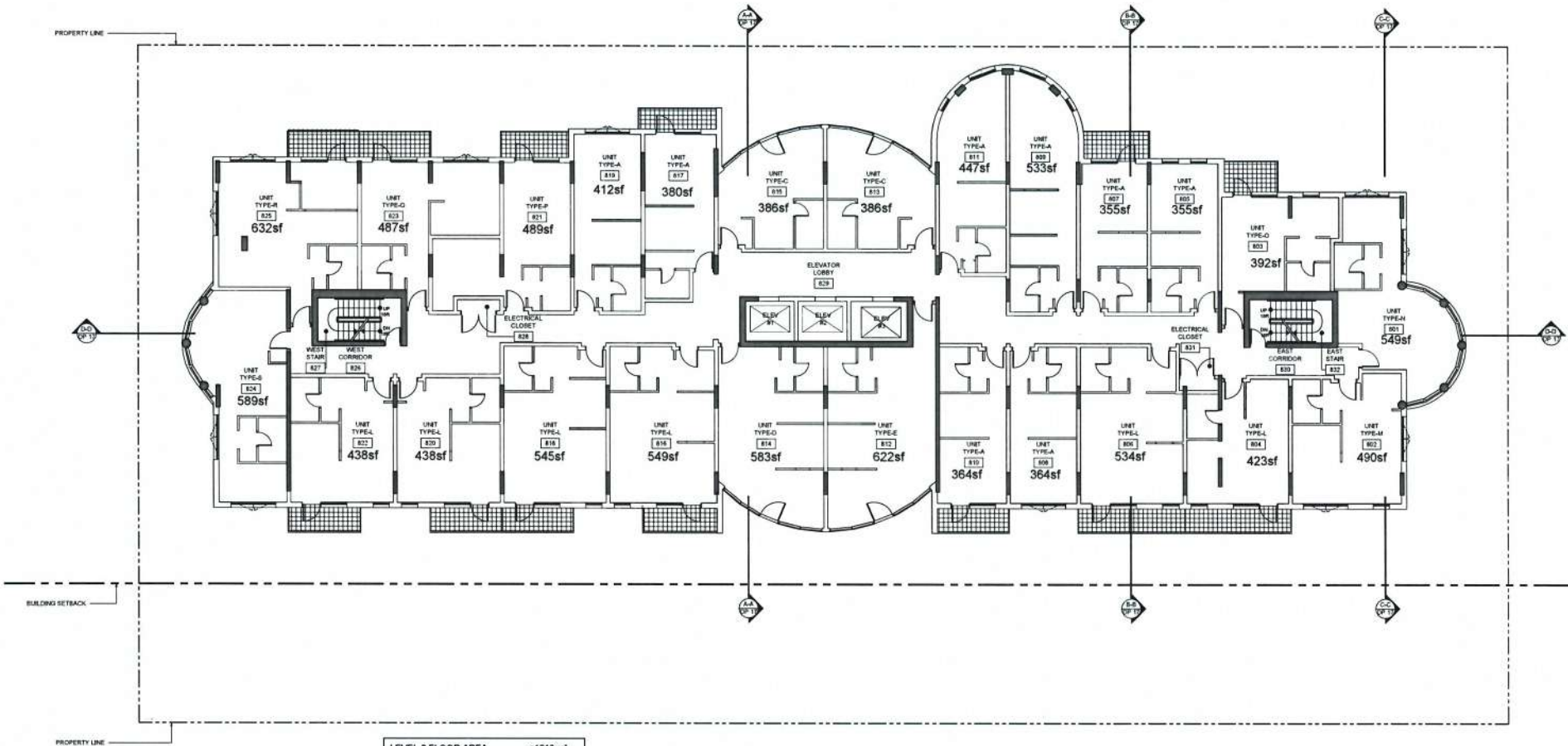
**LEVEL 6 DP7**  
SCALE: 1:100 SEPTEMBER 15, 2015



LEVEL 7 FLOOR AREA	±1213 m <sup>2</sup>
RESIDENTIAL	
- ONE BEDROOM	25
- TWO BEDROOM	0
TOTAL	25

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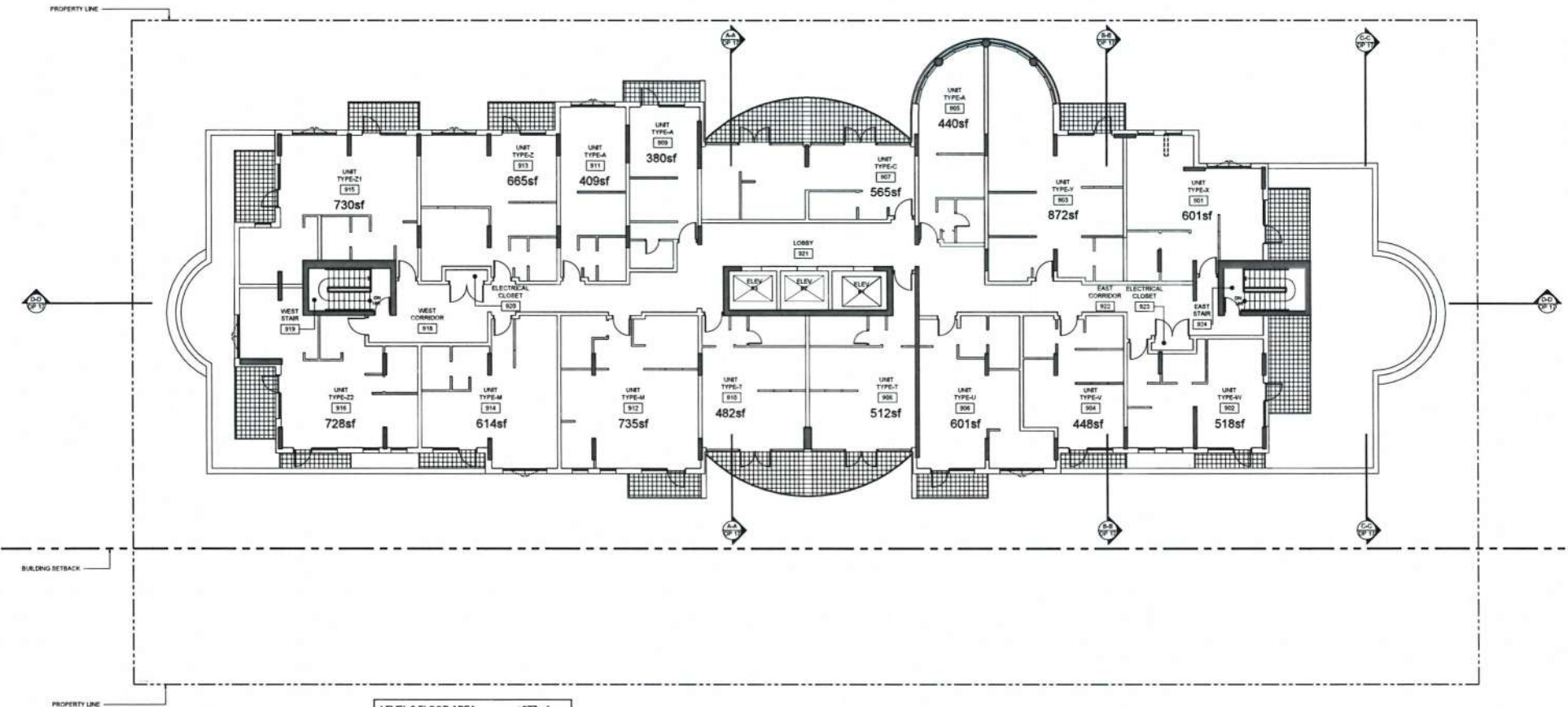
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LEVEL 8 FLOOR AREA		±1213 m²
<b>RESIDENTIAL</b>		
- ONE BEDROOM	25	
- TWO BEDROOM	0	
TOTAL	25	

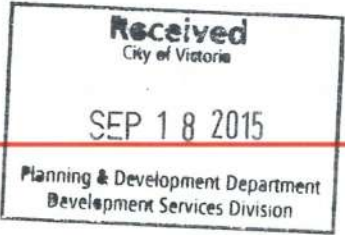
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LEVEL 9 FLOOR AREA	±977 m <sup>2</sup>
<b>RESIDENTIAL</b>	
- ONE BEDROOM	15
- TWO BEDROOM	1
TOTAL	16

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**LEVEL 9 DP10**

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DP11

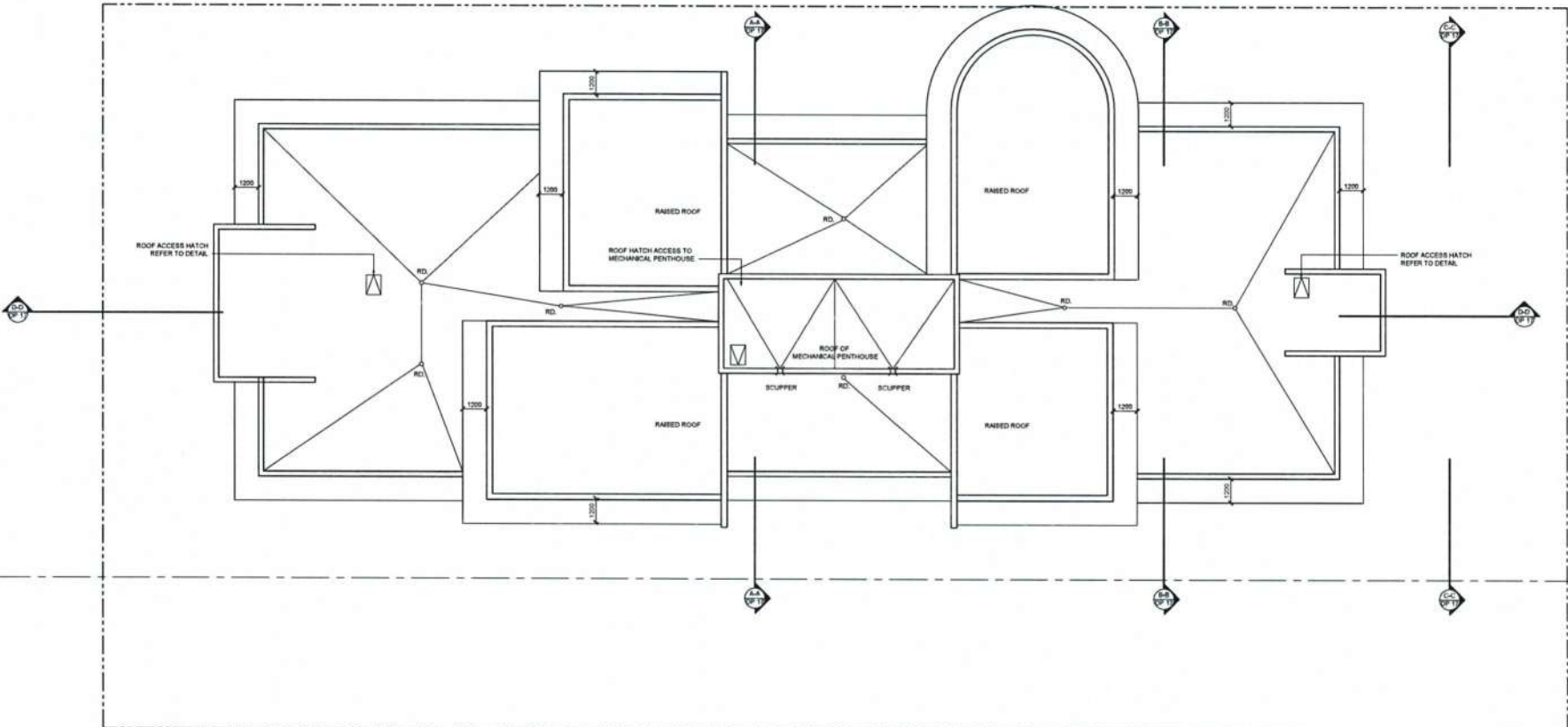
ROOF



SCALE: 1:100 SEPTEMBER 15, 2015



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**NORTH ELEVATION DP12**

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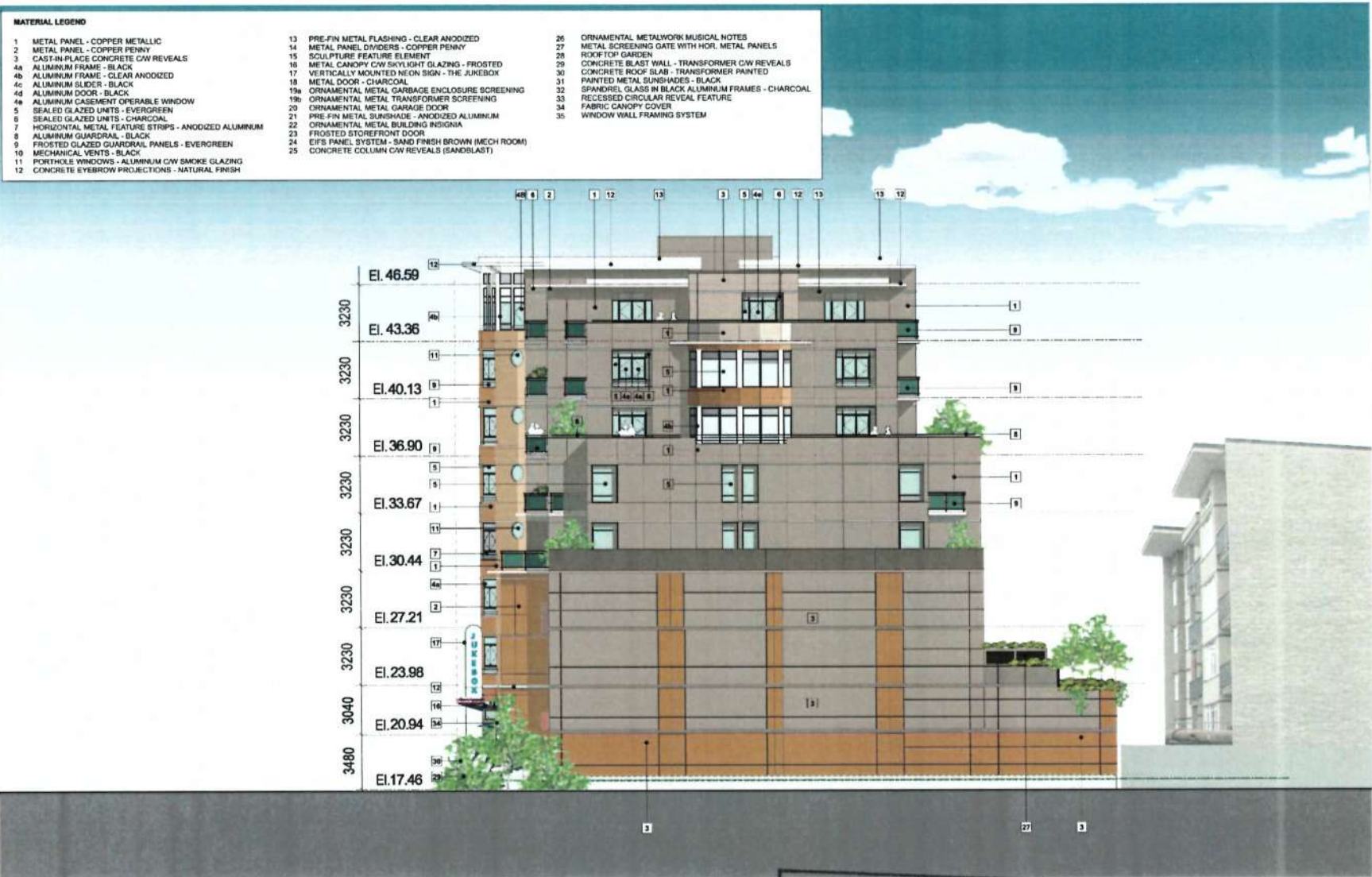
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**SOUTH ELEVATION**

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**DP13**

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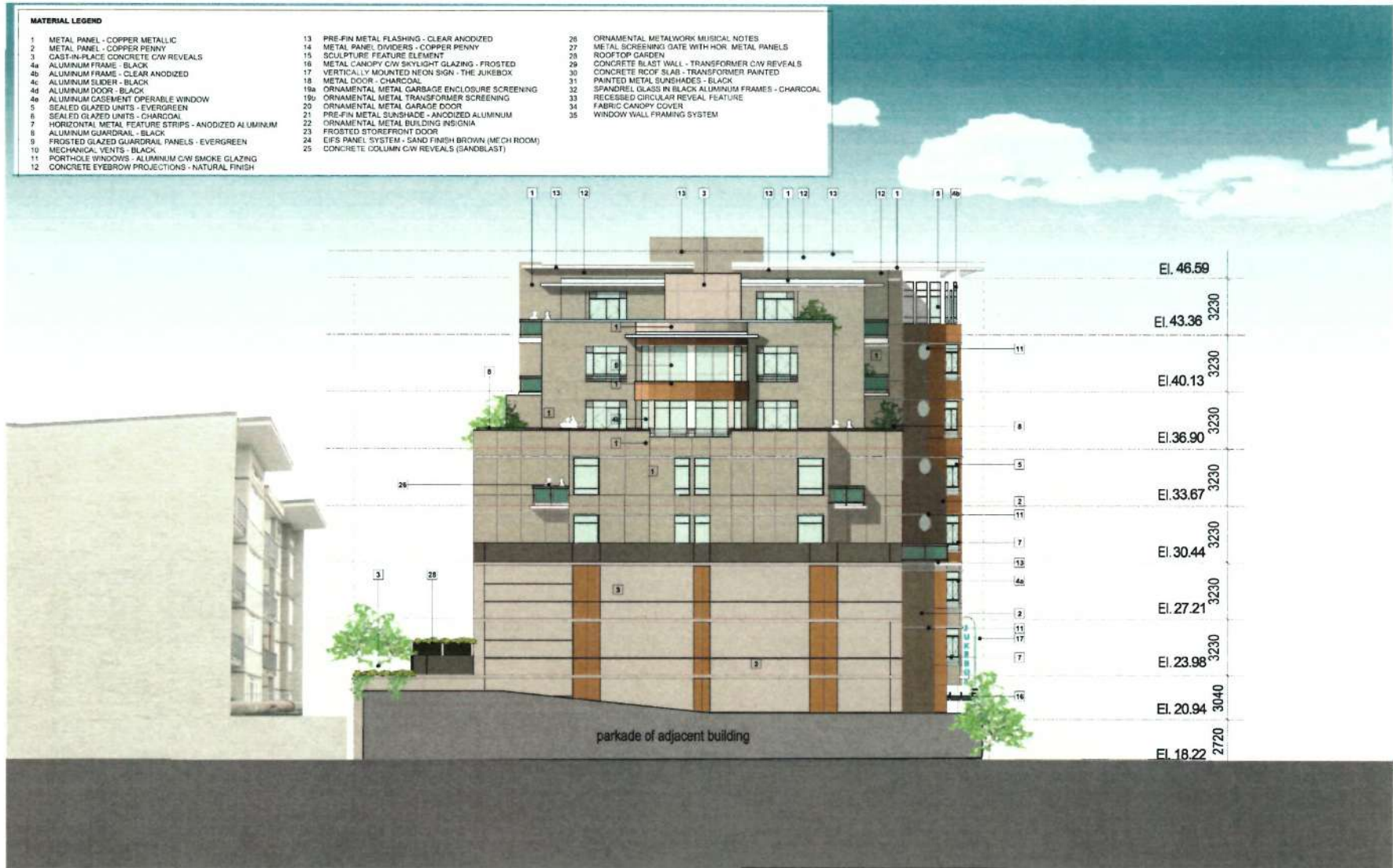


**WEST ELEVATION**

SCALE: 1:100 SEPTEMBER 15, 2015

**DP14**  
- 12 Nov 2015

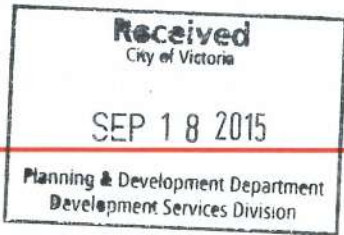
Planning and Land Use Committee - 12 Nov 2015





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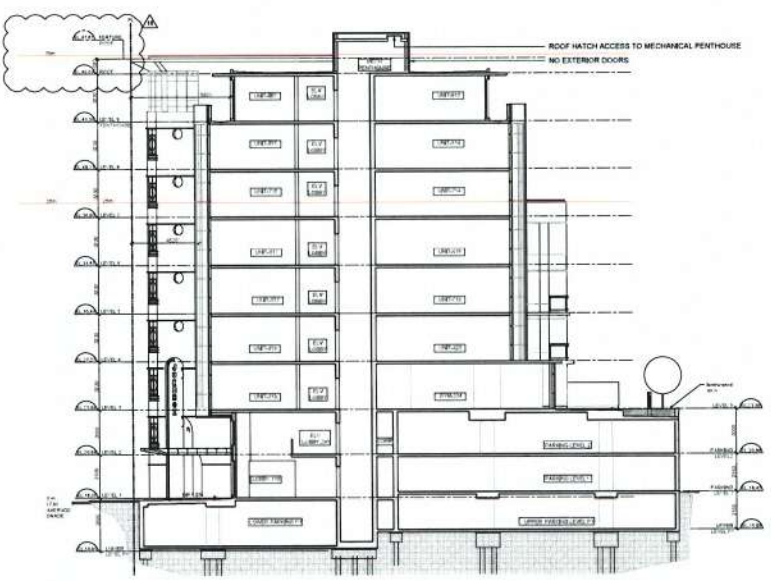
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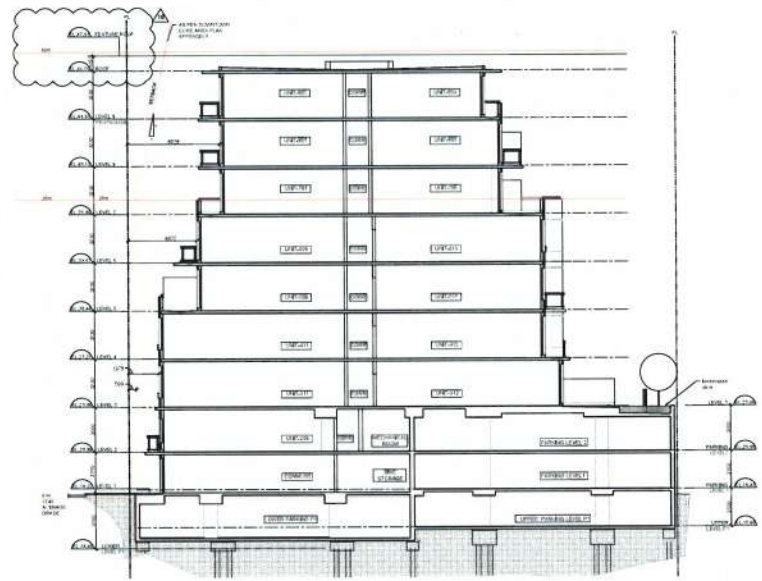
**STREETSCAPE FROM  
FORT STREET**

SEPTEMBER 15, 2015

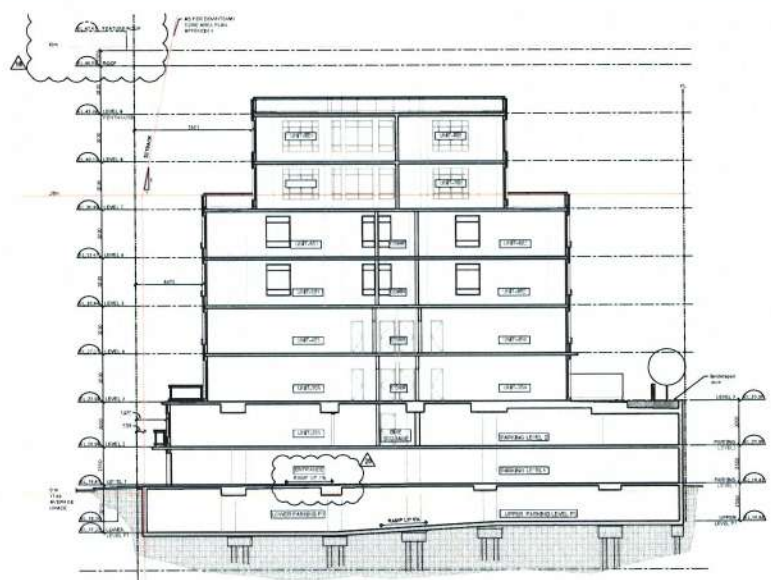
**DP16**



SECTION A-A

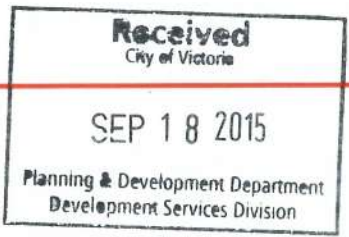


SECTION B-B



SECTION C-C

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**BUILDING SECTION**  
SCALE: 1:150 SEPTEMBER 15, 2015

**DP17**  
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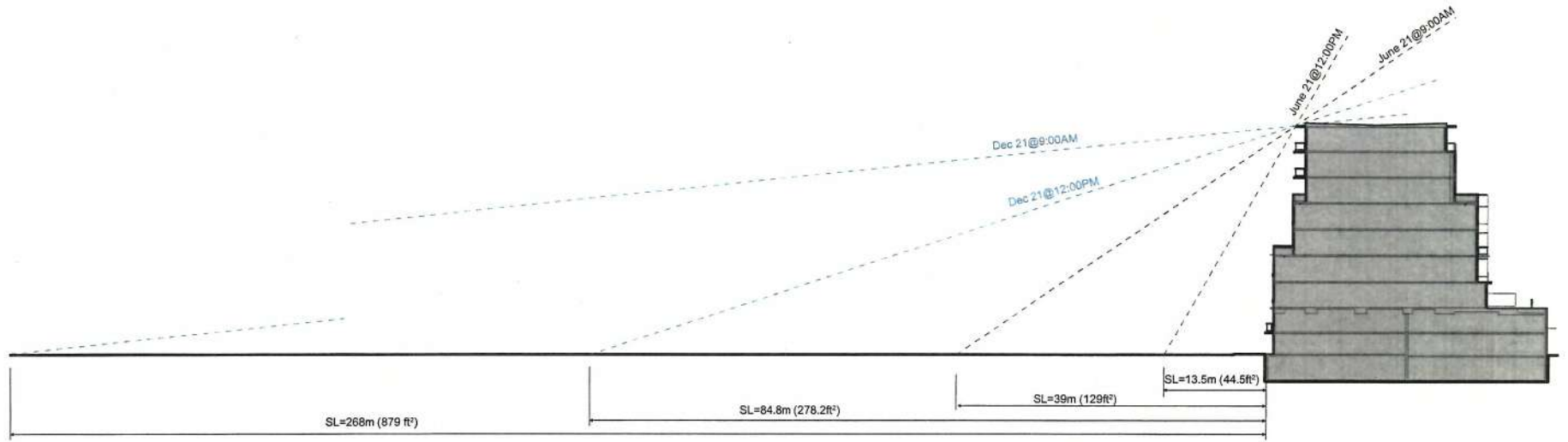


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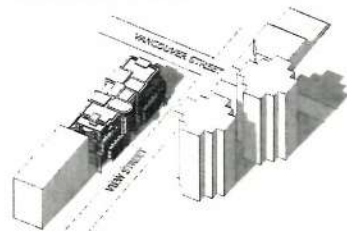
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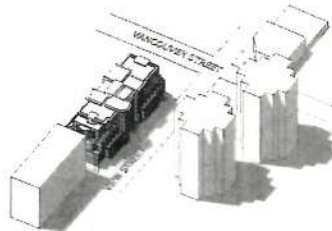
## Planning and Land Use Committee - 12 Nov 2015



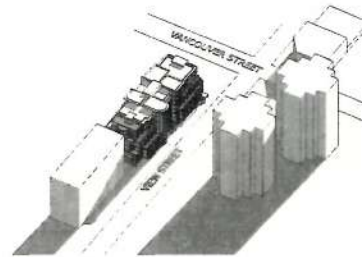
SHADOW STUDY SECTION



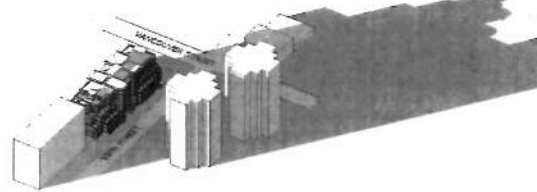
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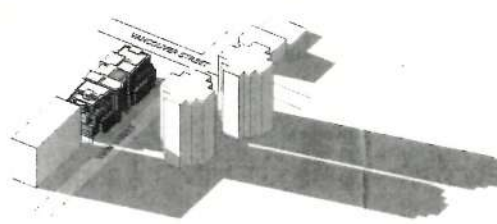
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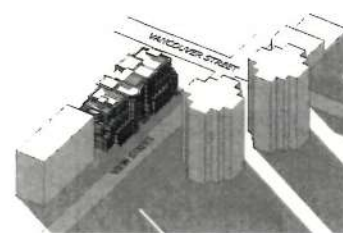
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DECEMBER 21, 9:00AM



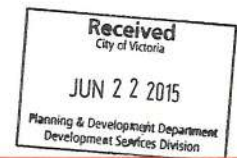
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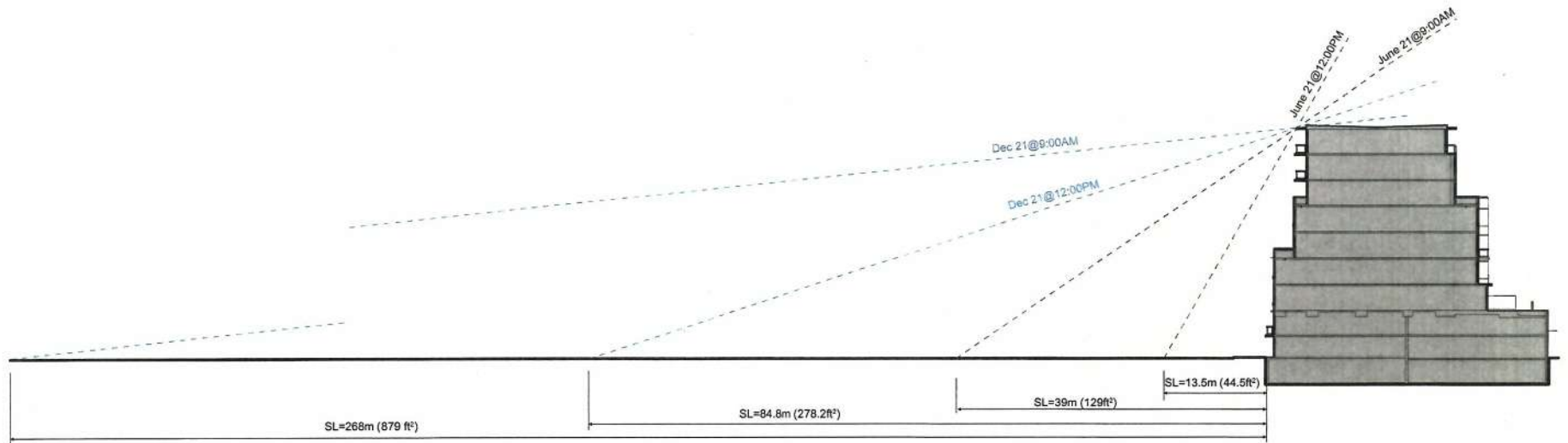
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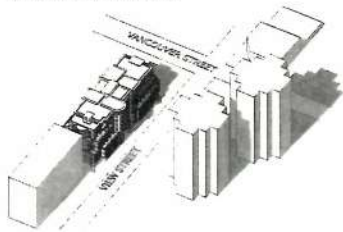
THE JUKEBOX  
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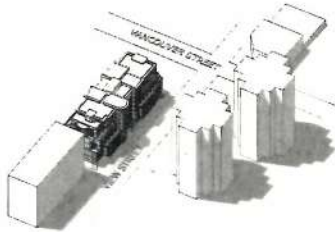
SHADOW STUDY  
June 16th, 2015



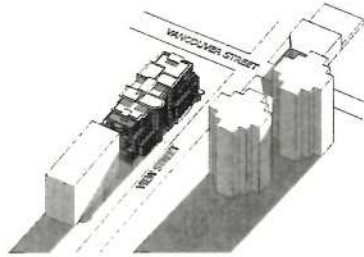
SHADOW STUDY SECTION



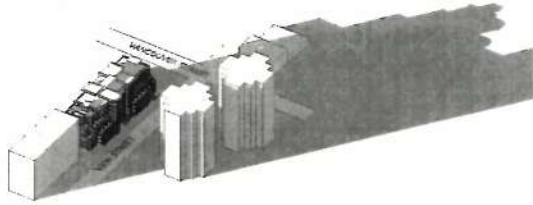
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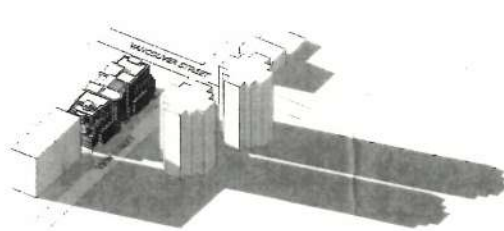
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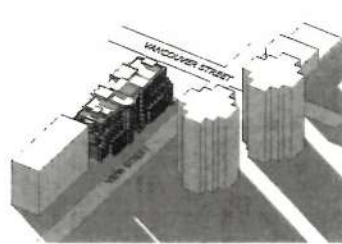
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DECEMBER 21, 9:00AM



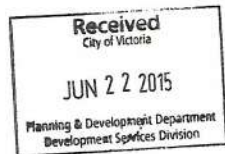
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DECEMBER 21, 3:00PM

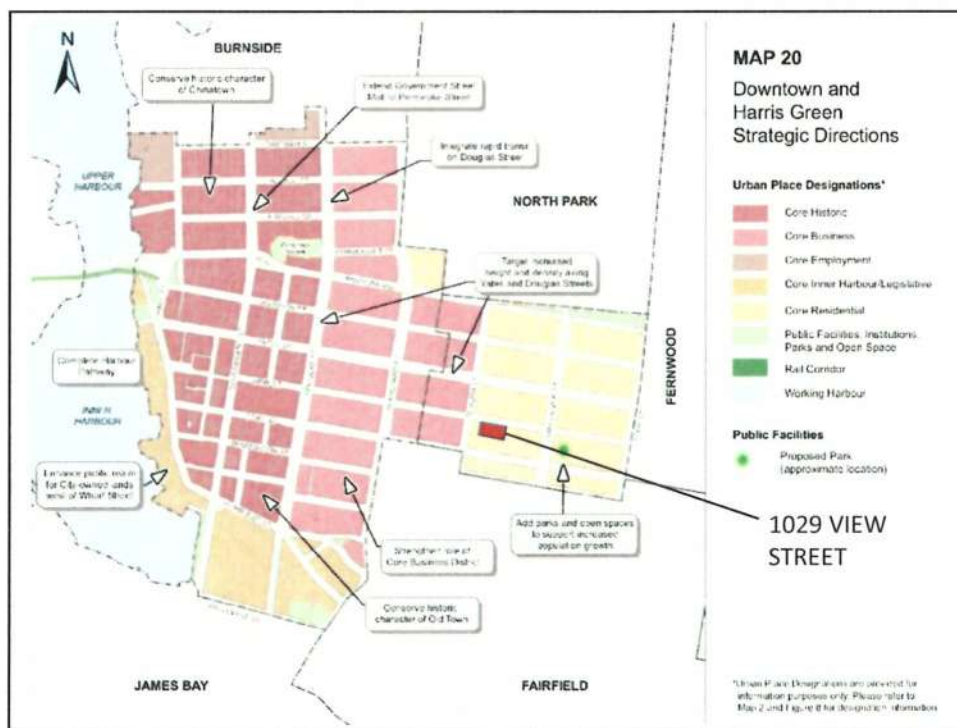


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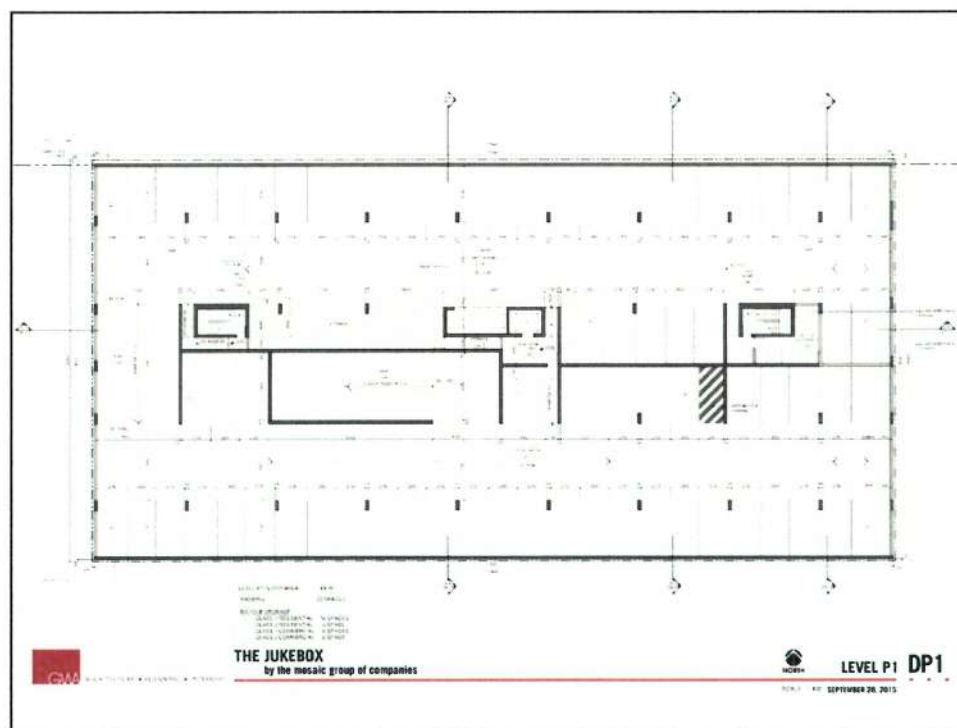
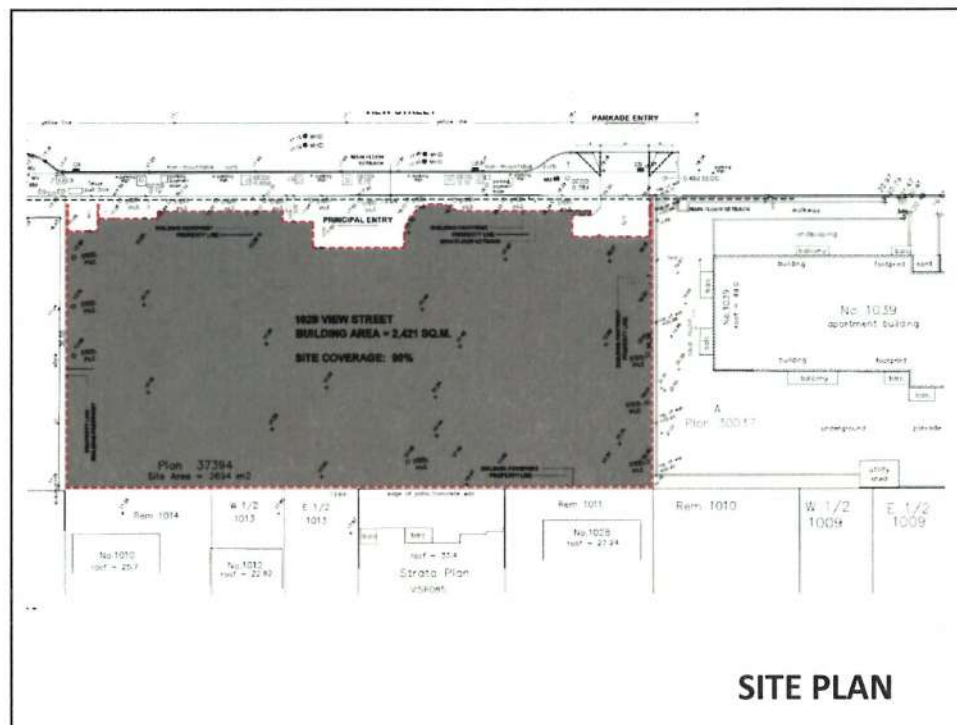
SHADOW STUDY

June 16th, 2015

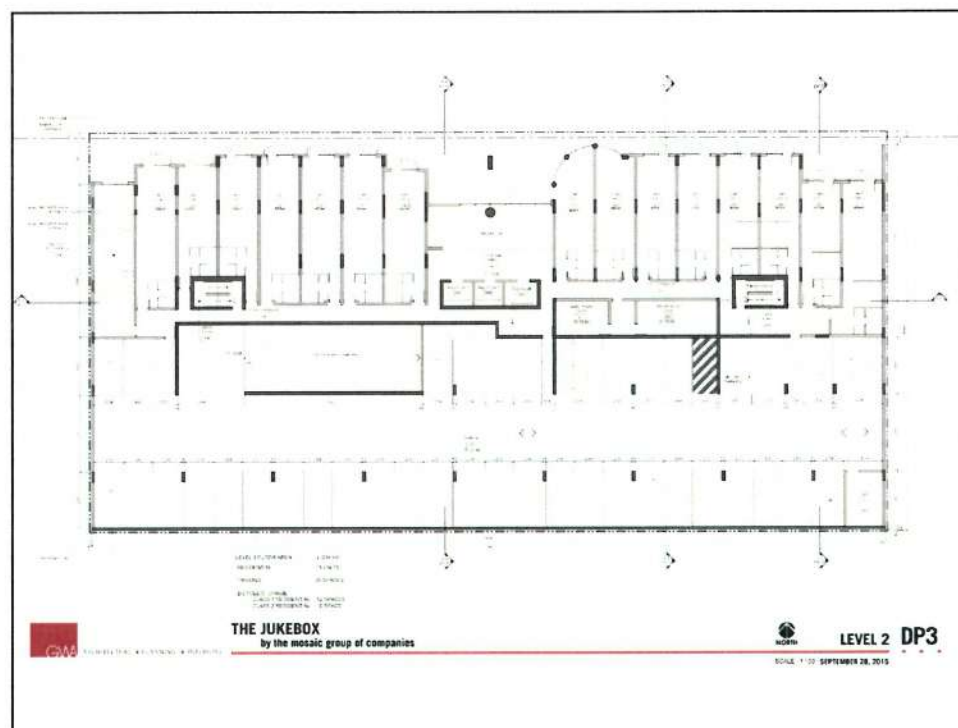
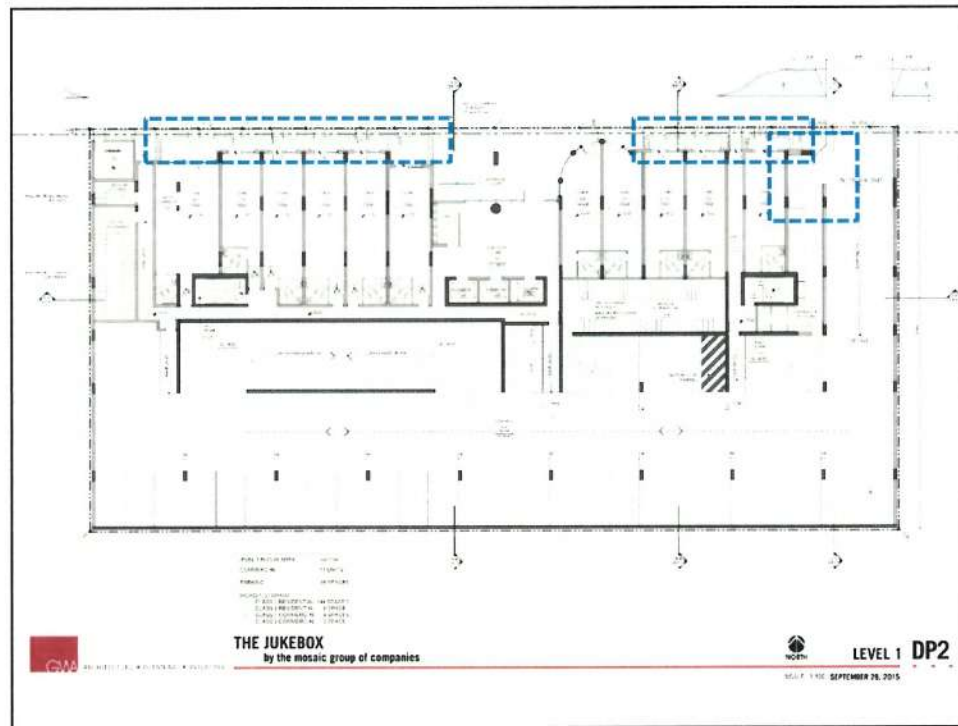


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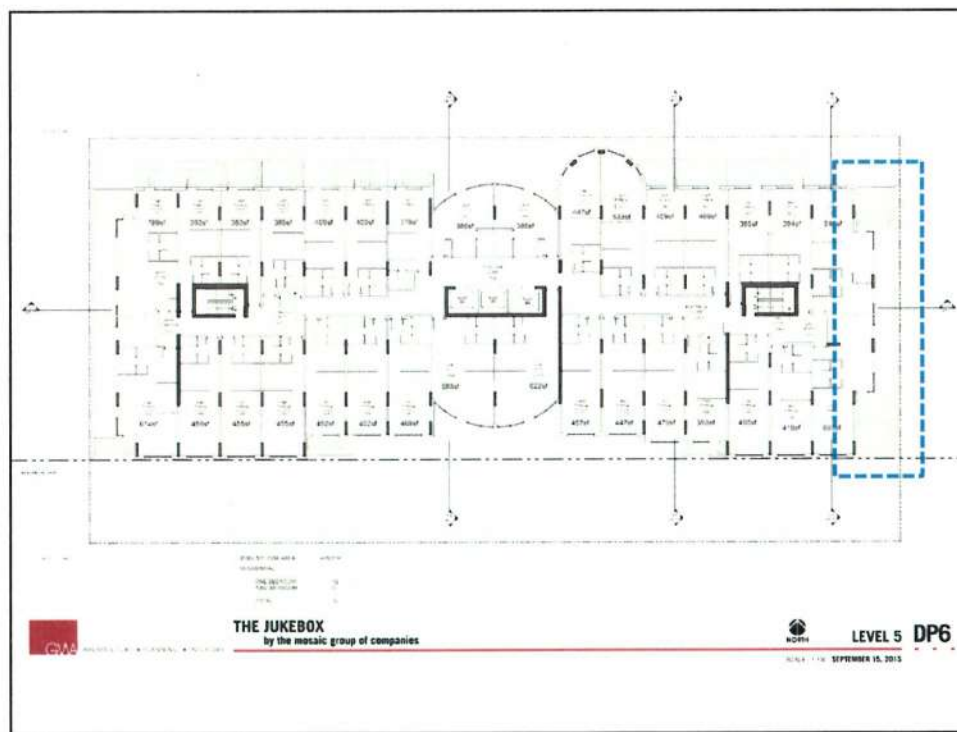
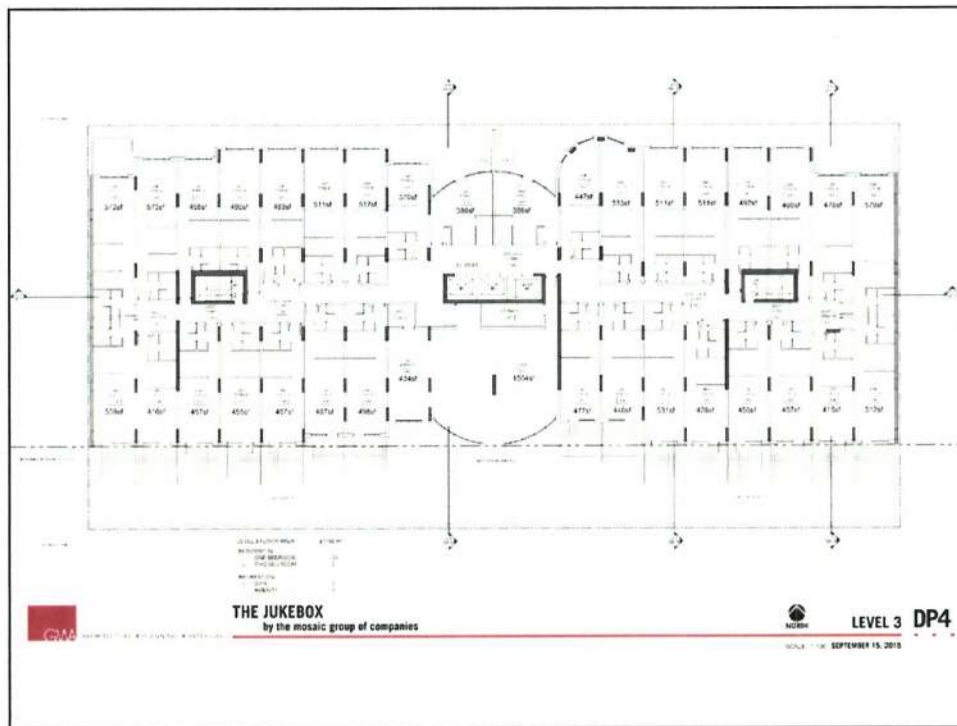




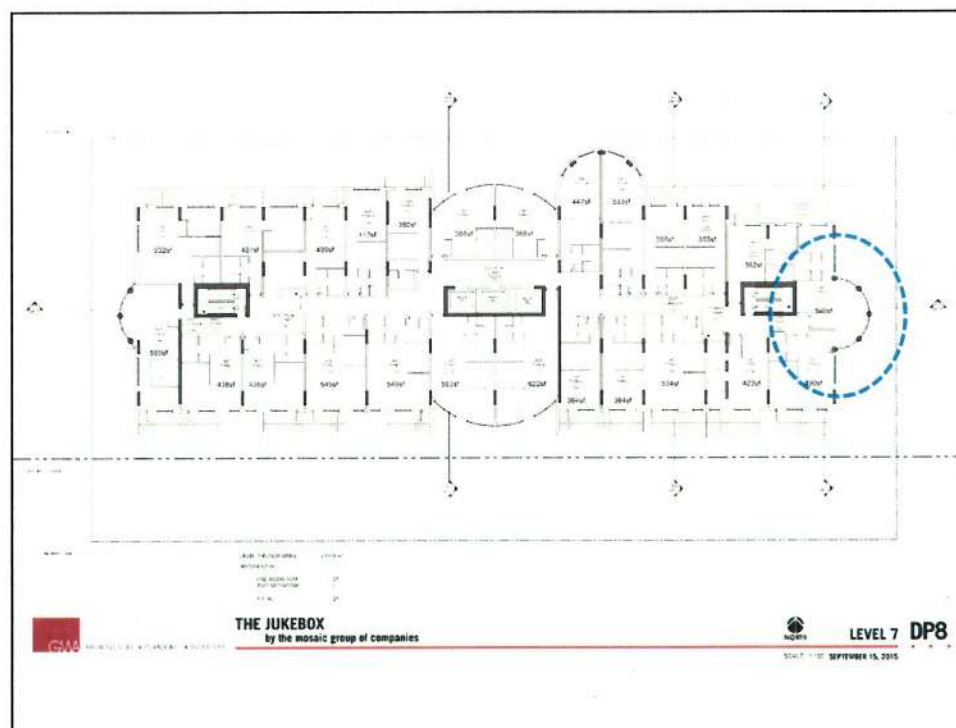
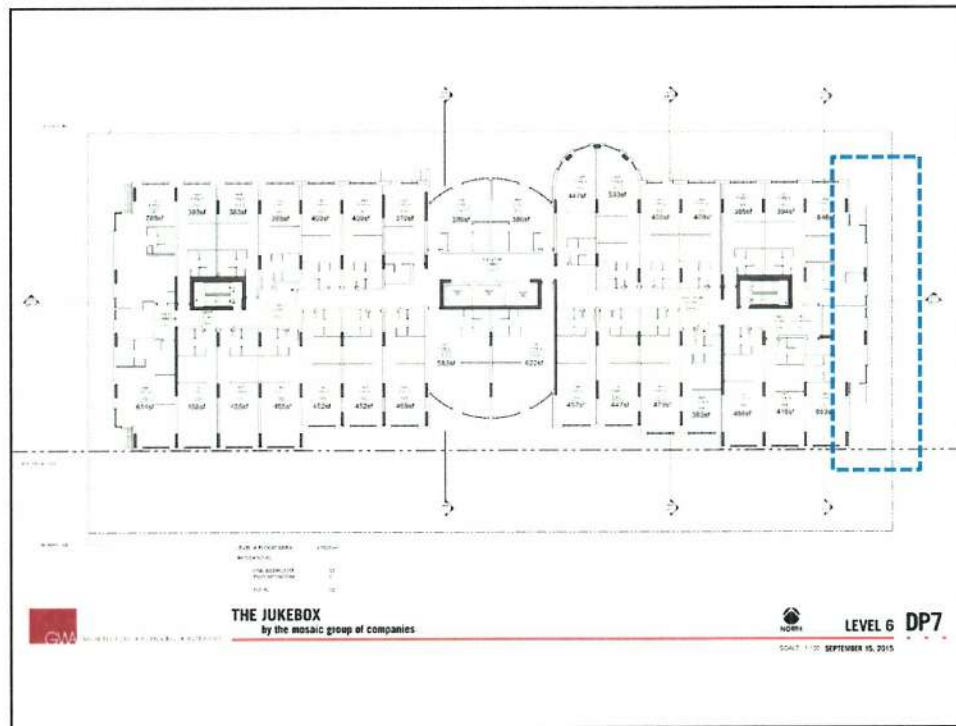
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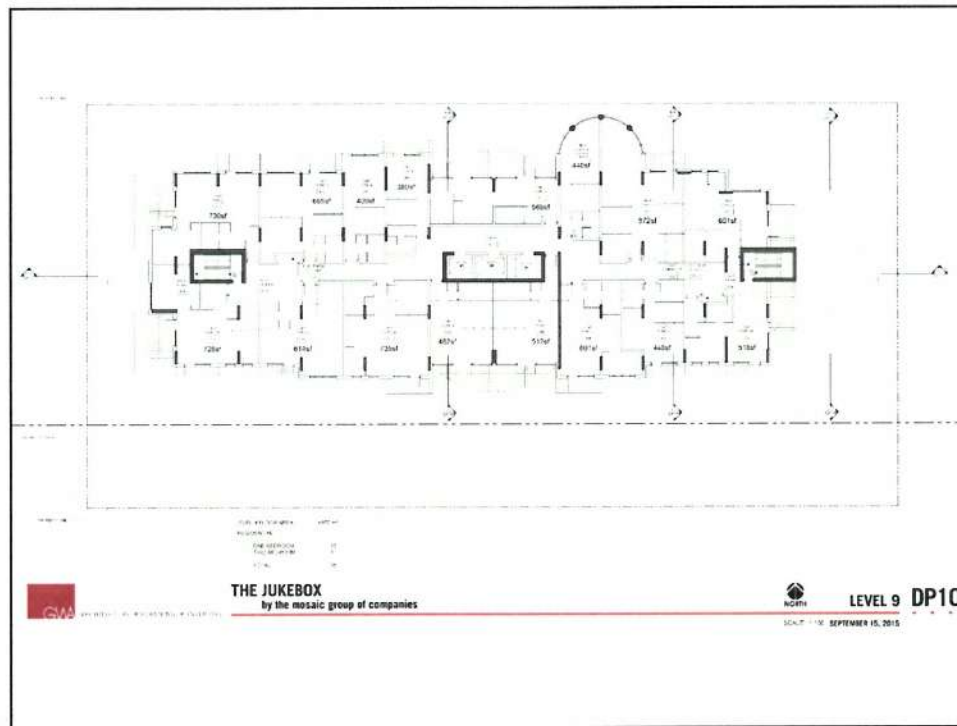
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10/30/2015



10/30/2015



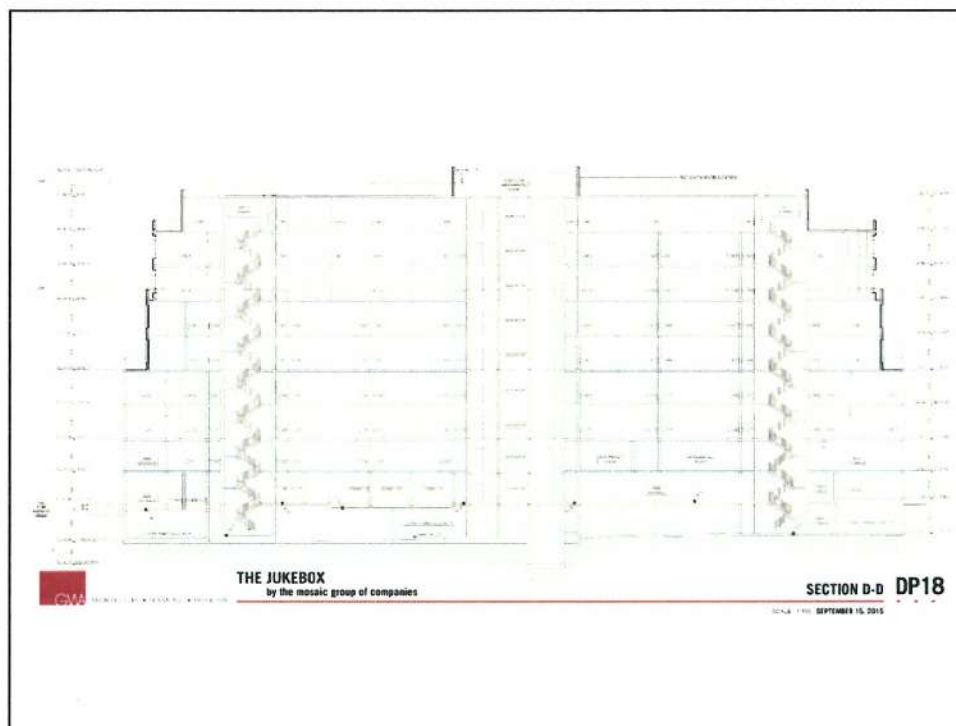
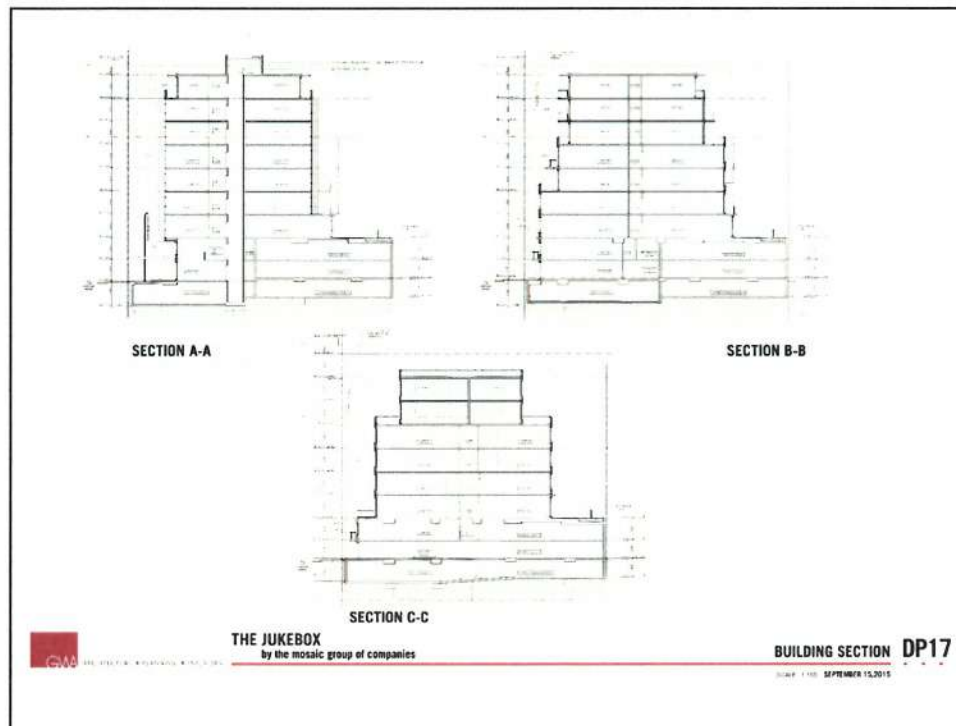
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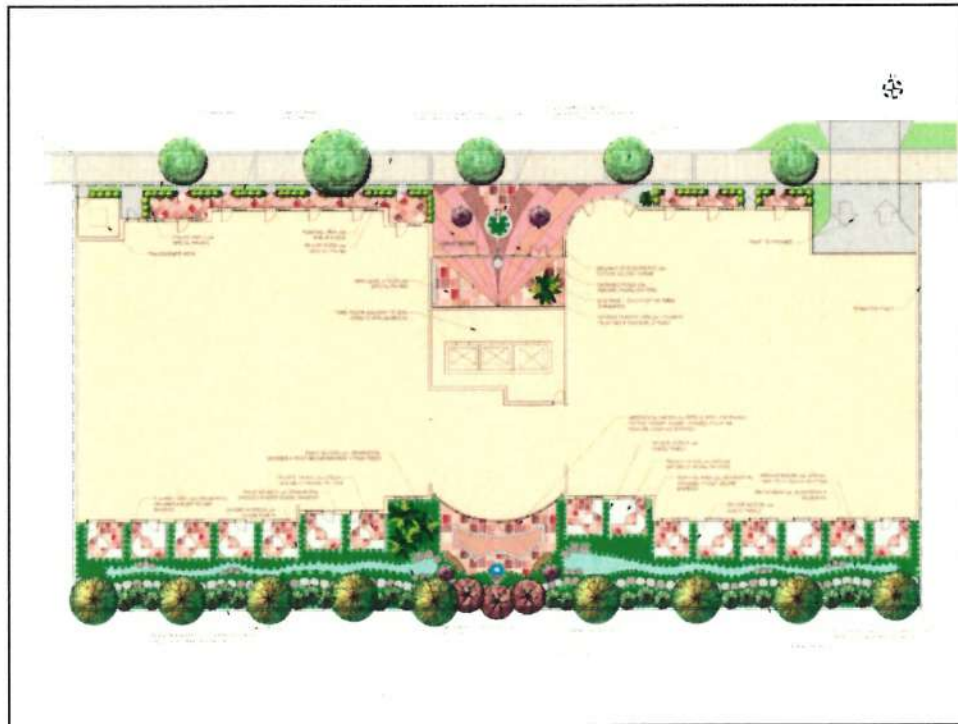
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10/30/2015



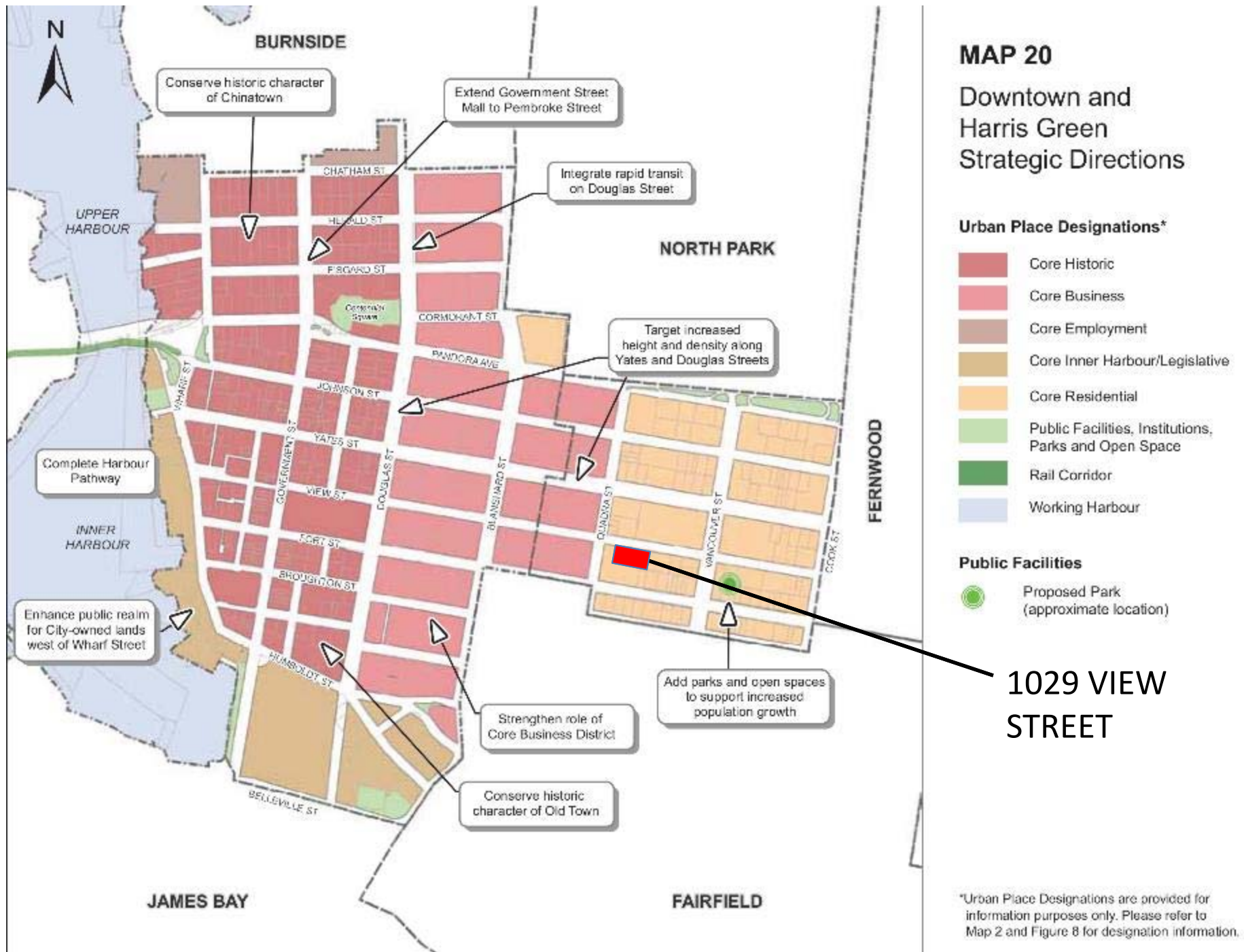
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10/30/2015









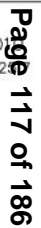
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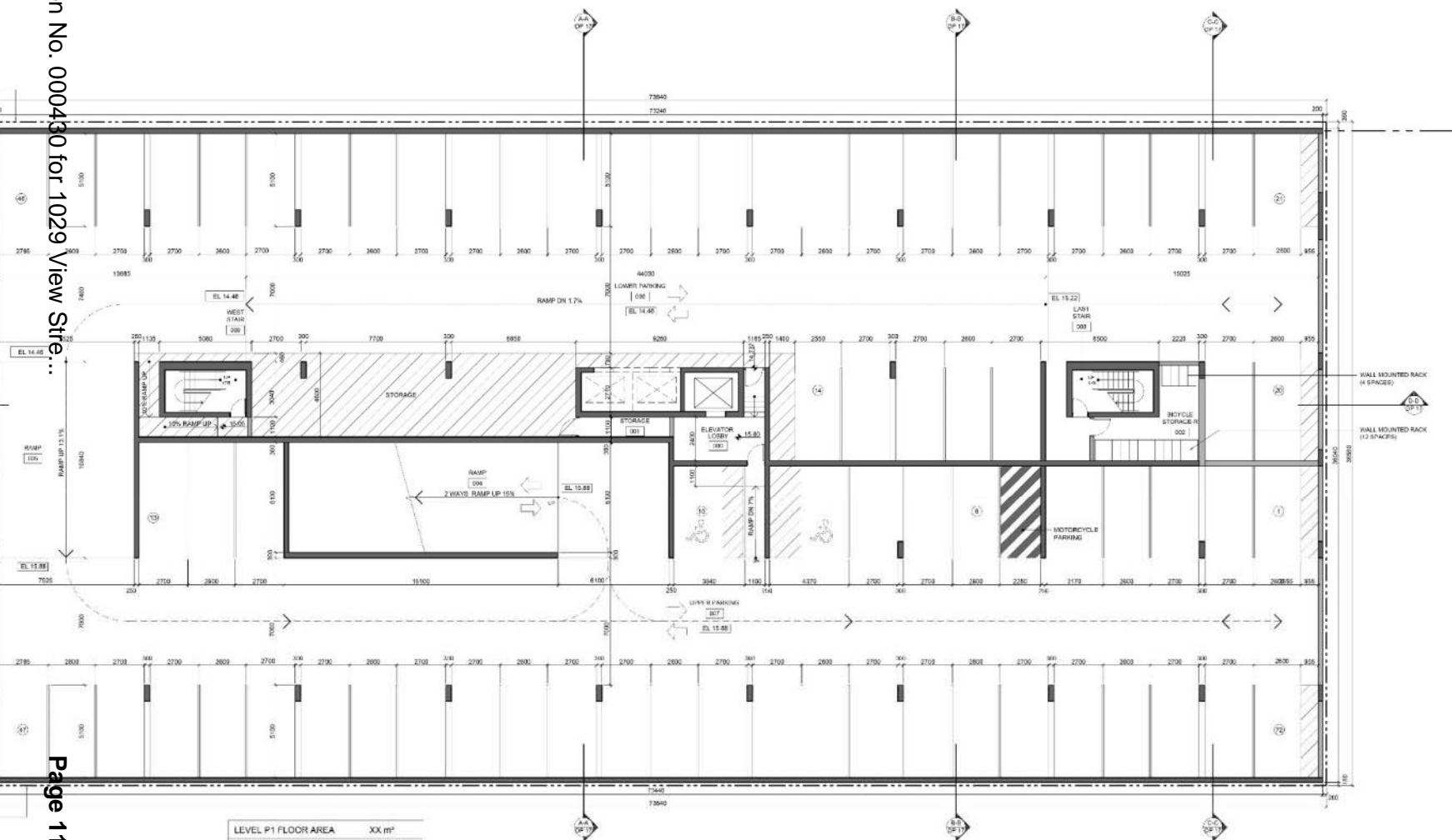
CONTEXT



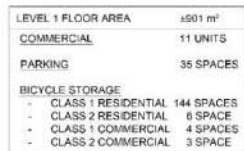
View Street

**CONTEXT**





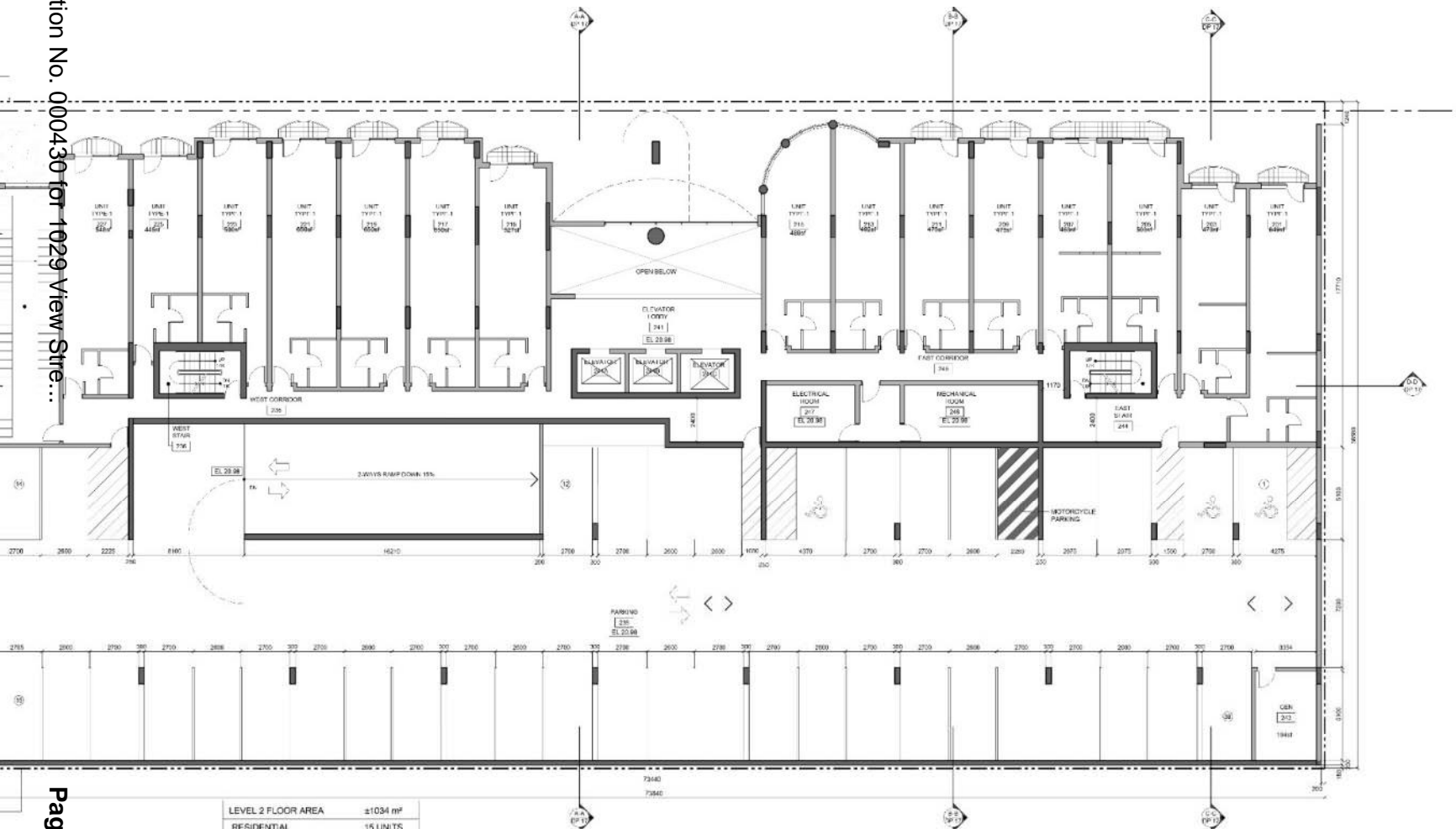
LEVEL P1 FLOOR AREA	XX m²
PARKING	72 SPACES
BICYCLE STORAGE	
• CLASS 1 RESIDENTIAL	16 SPACES
• CLASS 2 RESIDENTIAL	0 SPACE
• CLASS 1 COMMERCIAL	0 SPACES
• CLASS 2 COMMERCIAL	0 SPACE



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**LEVEL 1 DP2**



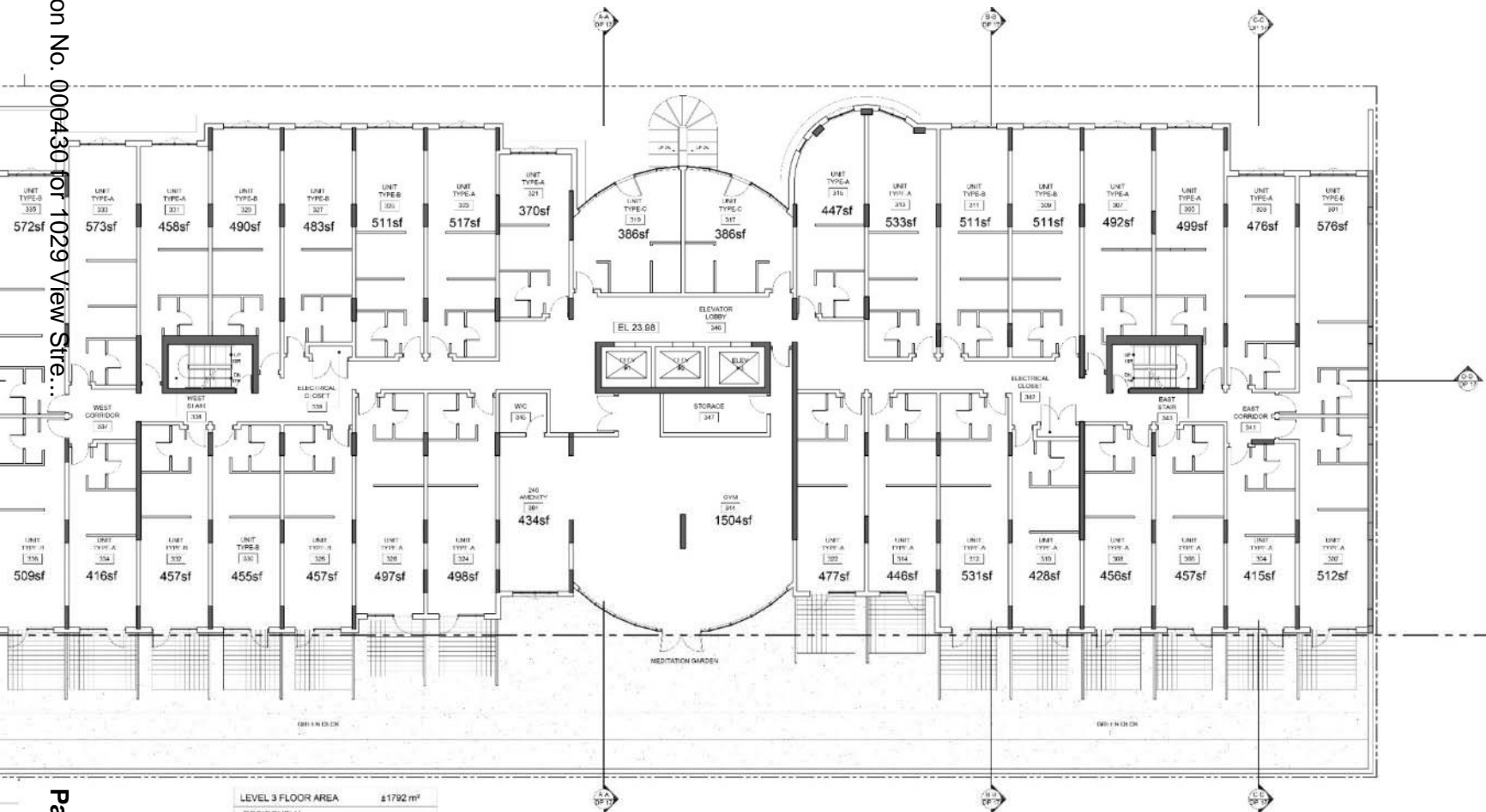
LEVEL 2 FLOOR AREA	±1034 m²
RESIDENTIAL	15 UNITS
PARKING	39 SPACES
BICYCLE STORAGE	
- CLASS 1 RESIDENTIAL	52 SPACES
- CLASS 2 RESIDENTIAL	0 SPACE

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**LEVEL 2 DP3**

SCALE 1:100 SEPTEMBER 28, 2015



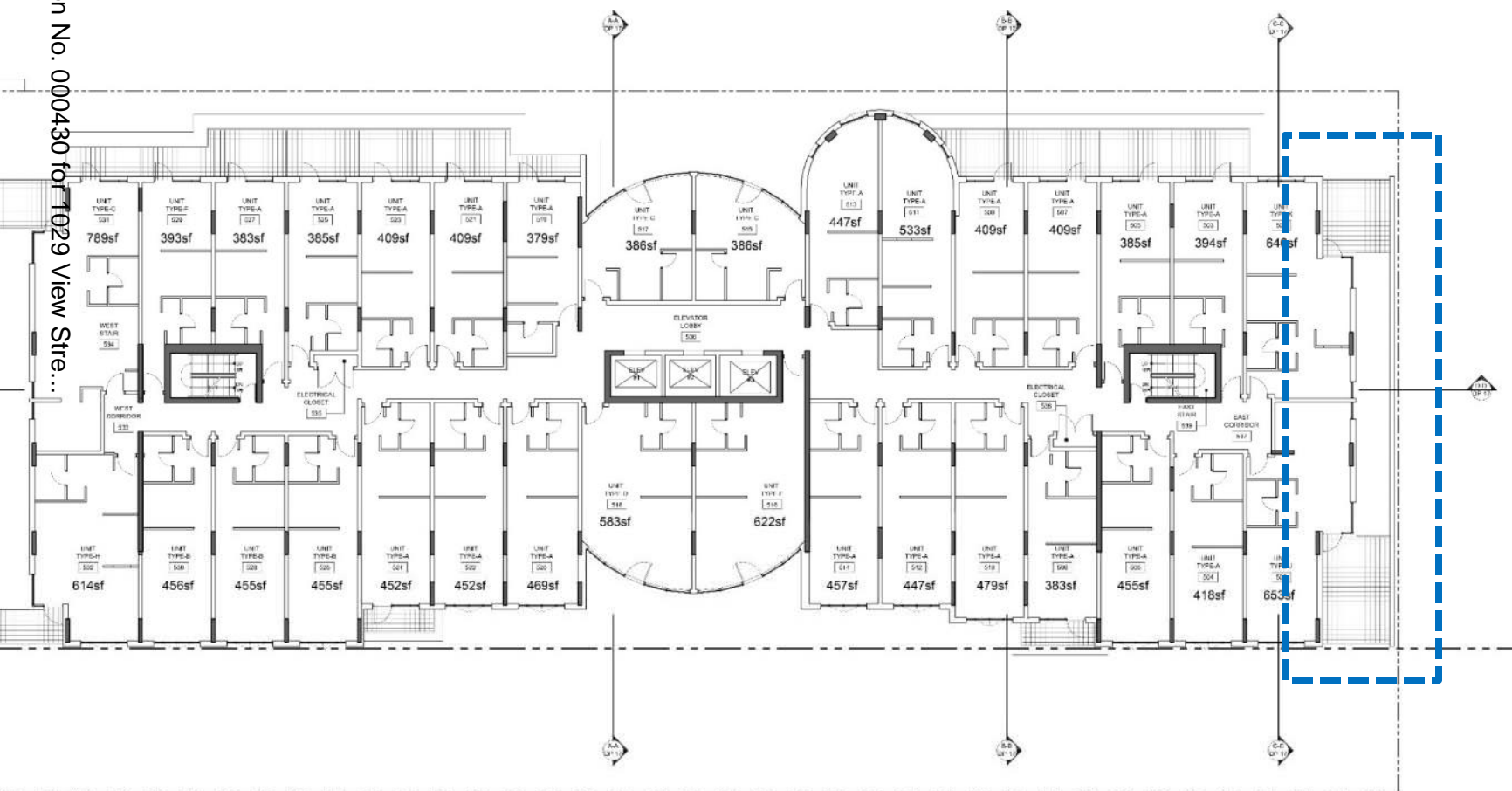
LEVEL 3 FLOOR AREA	±1792 m <sup>2</sup>
RESIDENTIAL	
- ONE BEDROOM	33
- TWO BEDROOM	0
RECREATION	
- GYM	1
- AMENITY	1

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**LEVEL 3 DP4**

SCALE: 1:100 SEPTEMBER 15, 2015



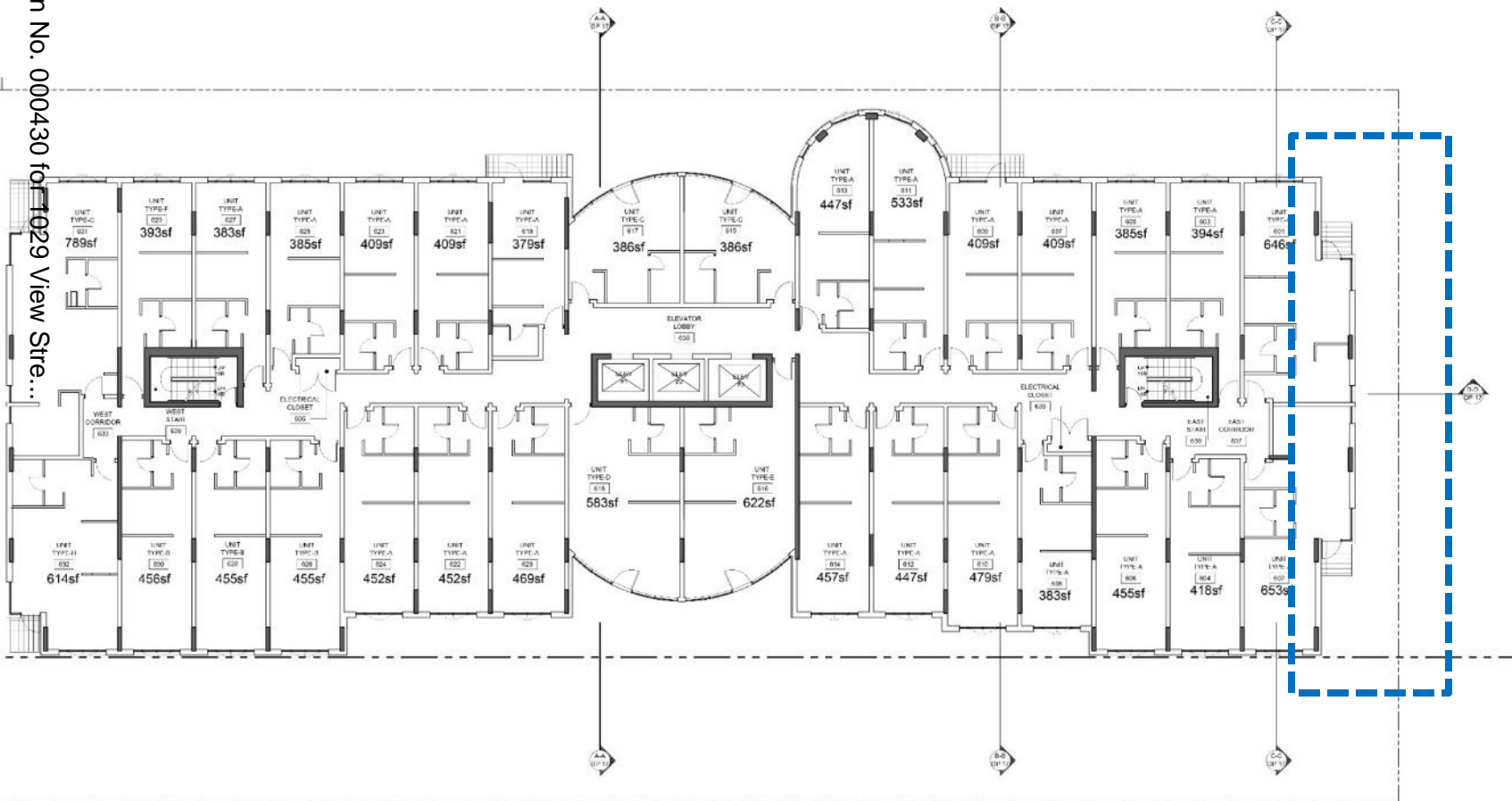
LEVEL 5 FLOOR AREA	±1522 m <sup>2</sup>
RESIDENTIAL	
- ONE BEDROOM	32
- TWO BEDROOM	0
TOTAL	32

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**LEVEL 5 DP6**

SCALE: 1:100 SEPTEMBER 15, 2015



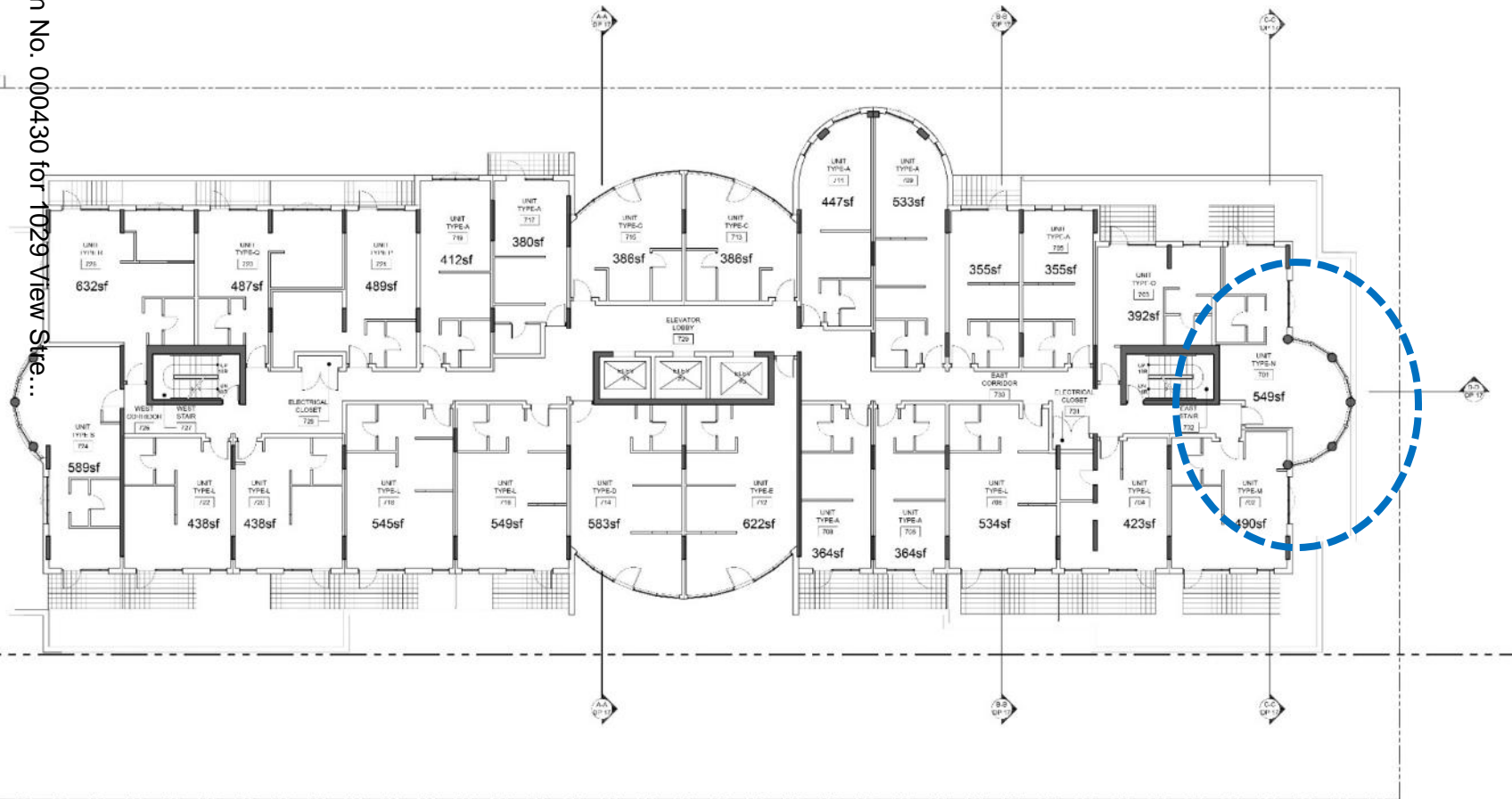
LEVEL 6 FLOOR AREA	±1522 m <sup>2</sup>
RESIDENTIAL	
- ONE BEDROOM	32
- TWO BEDROOM	0
TOTAL	32

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LEVEL 6 **DP7**

SCALE: 1:100 SEPTEMBER 15, 2015



LEVEL 7 FLOOR AREA	±1213 m <sup>2</sup>
RESIDENTIAL	
- ONE BEDROOM	25
- TWO BEDROOM	0
TOTAL	25

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by the mosaic group of companies

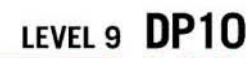


**LEVEL 7 DP8**

SCALE: 1:100 SEPTEMBER 15, 2015



by the mosaic group of companies



SCALE: 1:100 SEPTEMBER 15, 2015



	El. 46.59	
8	El. 43.36	3230
1	El. 40.13	3230
8	El. 36.90	3230
10		3230
4a		3230
9	El. 33.67	3230
12		3230
8		3230
5		3230
9	El. 30.44	3230
12		3230
2		3230
1	El. 27.21	3230
8		3230
5		3230
7	El. 23.98	3230
1		3040
	El. 20.94	
25		3480
	El. 17.46	

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**NORTH ELEVATION DP12**

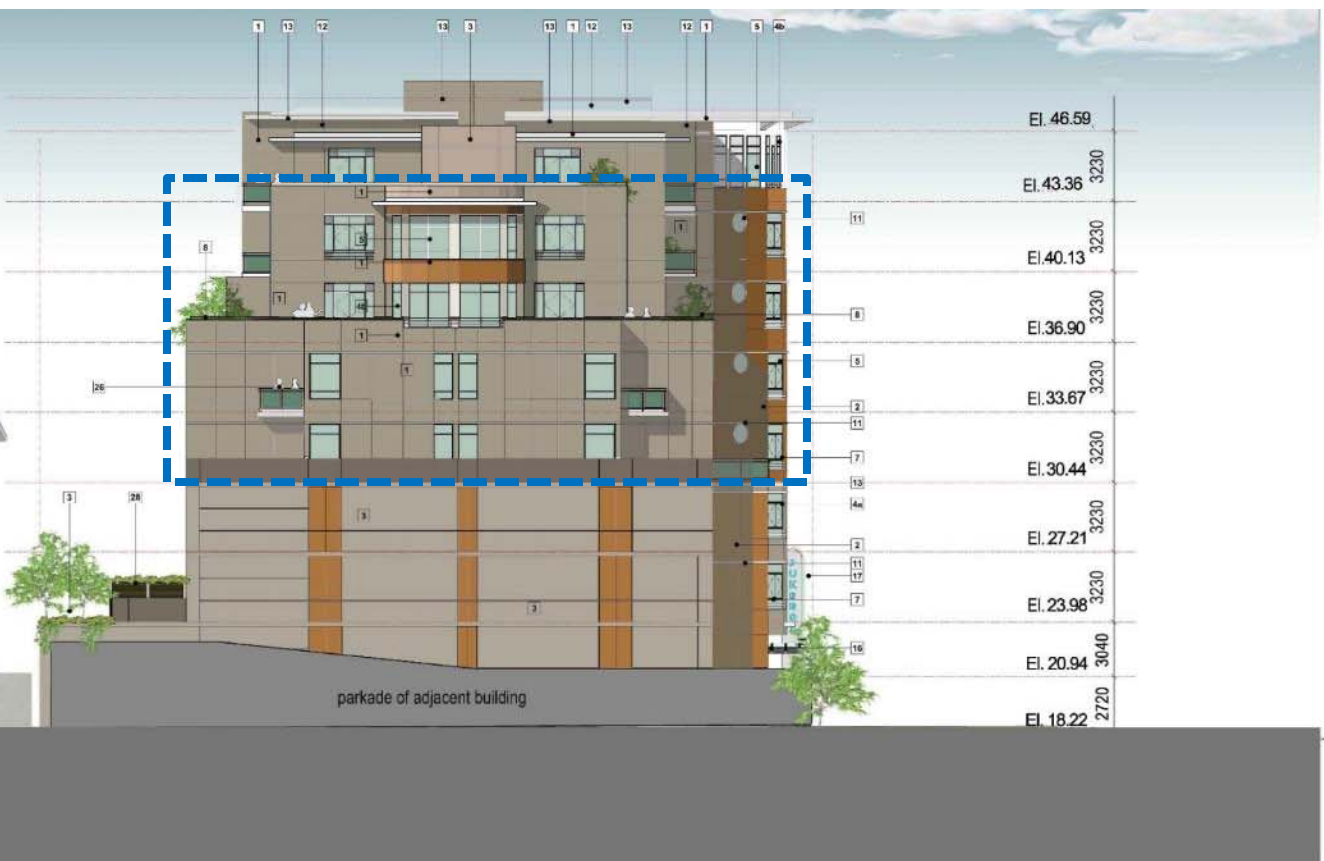
SCALE: 1:100 SEPTEMBER 15, 2015



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**SOUTH ELEVATION DP13**

SCALE: 1:100 SEPTEMBER 15, 2015



**THE JUKEBOX**  
by the mosaic group of companies

**EAST ELEVATION DP15**

SCALE: 1:100    OCTOBER 23, 2015



WEST ELEVATION **DP14**

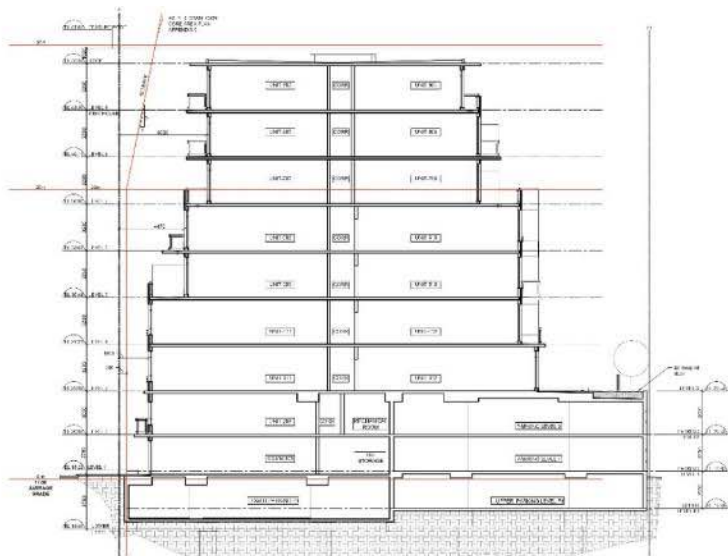
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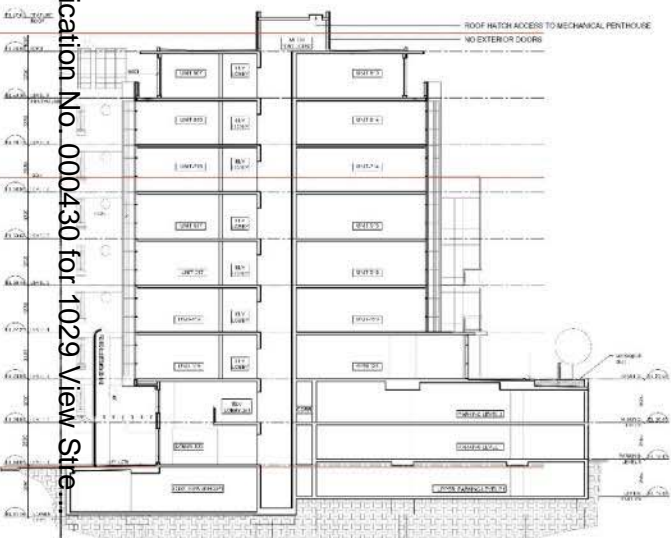
**THE JUKEBOX**  
by the mosaic group of companies

**STREETSCAPE FROM  
FORT STREET DP16**

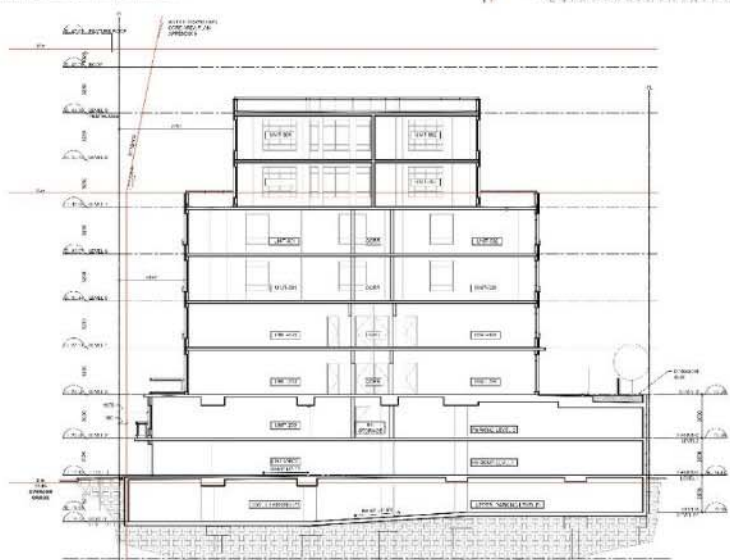
SEPTEMBER 15, 2015



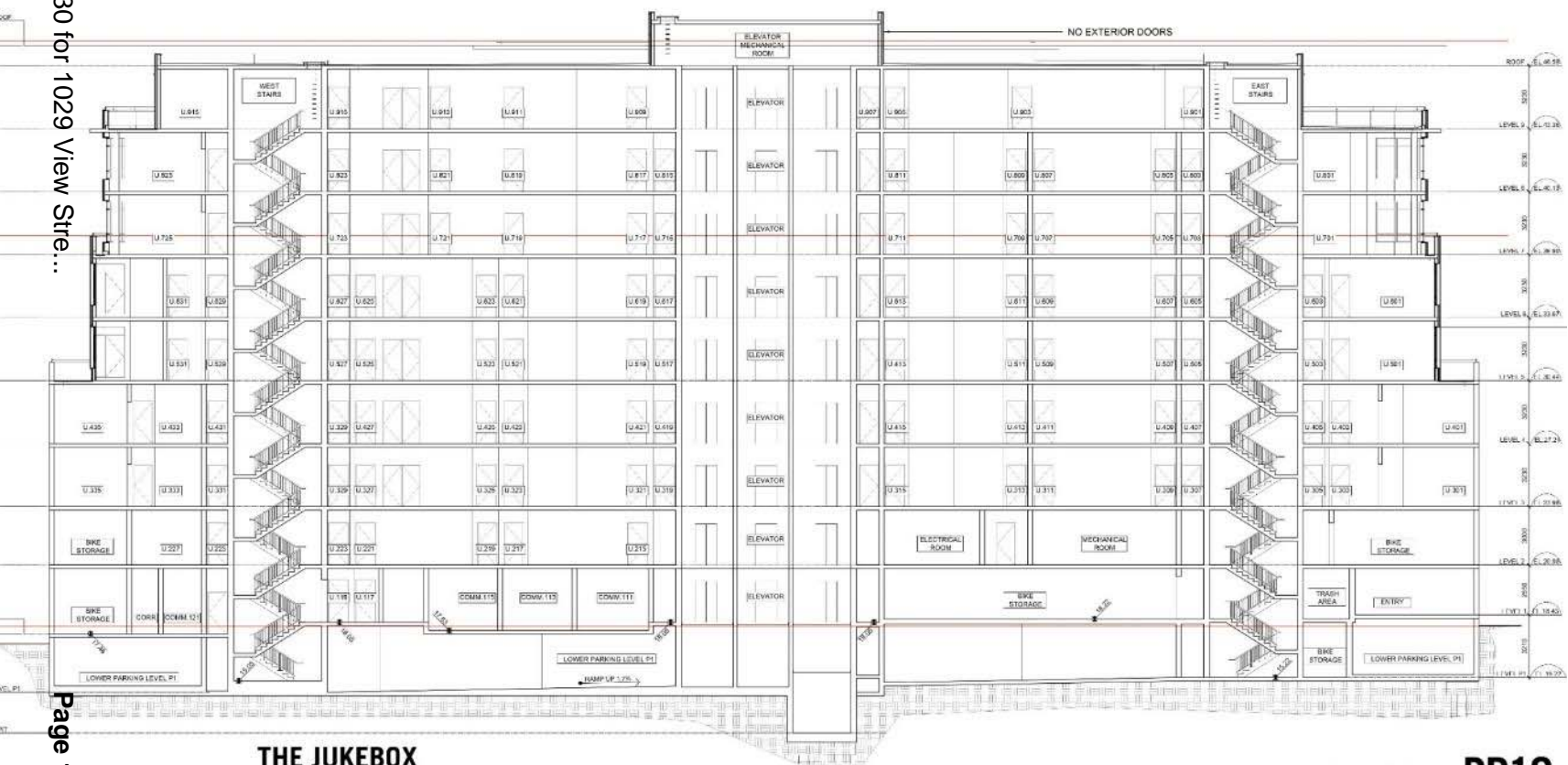
SECTION B-B



SECTION A-A



SECTION C-C



**THE JUKEBOX**  
by the mosaic group of companies

**SECTION D-D DP18**

SCALE: 1:100 SEPTEMBER 15, 2015











## Planning and Land Use Committee Report

For the Meeting of November 12, 2015

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**To:** Planning and Land Use Committee **Date:** October 28, 2015

**From:** Murray G. Miller, Senior Heritage Planner

**Subject:** Heritage Alteration Permit Application No. 00208 for 700 Government Street (Lower Causeway)

---

### RECOMMENDATION

That Council authorize the issuance of Heritage Alteration Permit (HAP) Application No. 00208 for the property at 700 Government Street, in accordance with:

1. Plans date stamped September 17, 2015
2. Development meeting all *Zoning Regulation Bylaw* requirements
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Director, Sustainable Planning and Community Development.

### LEGISLATIVE AUTHORITY

In accordance with Sections 972 and 973 of the *Local Government Act*, Council may issue a Heritage Alteration Permit which may be subject to terms consistent with the purpose of the heritage protection of the property, including:

- a. conditions respecting the sequencing and timing of construction;
- b. conditions respecting the character of the alteration or action to be authorized, including landscaping, siting, form, exterior design and finish of buildings and structures; and
- c. security.

Council may refuse to issue a Heritage Alteration Permit for an action that, in the opinion of Council, would not be consistent with the purpose of the heritage protection of the property.

### EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a HAP Application for the property located at 700 Government Street. The proposal is to install six lamp posts (similar to the lamp posts in the area) at the lower edge of the lawn that features the "Welcome to Victoria" floral arrangement.

The following points were considered in assessing this application:

- general consistency with the *Official Community Plan (OCP)*
- consistency with the relevant guidelines of DPA 9 (HC): Inner Harbour

- general consistency with the relevant policies in the *Downtown Core Area Plan* (DCAP)
- Statement of Significance.

The proposed work is consistent with relevant City policies; therefore, staff recommend that Council authorize the HAP for 700 Government Street.

## BACKGROUND

### Description of Proposal

The proposal is to install six surplus lamp posts (similar to the lamp posts in the area) at the lower edge of the lawn that features the "Welcome to Victoria" floral arrangement in order to light the pedestrian part of the Lower Causeway as well as the lettering. Lamp posts will carry white globe lights, typical of the area, as well as LED spot lights, similar to those used to light the nearby Steamship Terminal Building.

## ANALYSIS

The following sections provide a summary of the application's consistency with the relevant City policies and guidelines.

### Official Community Plan

The proposal is generally consistent with the OCP because it conserves the heritage value and special features of the Lower Causeway.

### Development Permit Area (DPA 9 (HC): Inner Harbour)

The OCP identifies this property within DPA 9 (HC): Inner Harbour, which includes a requirement to consider the *Standards and Guidelines for the Conservation of Historic Places in Canada* (Standards and Guidelines) and the *Downtown Core Area Plan* (DCAP). In relation to the Standards and Guidelines, the following guidelines have been considered:

## Standards and Guidelines for the Conservation of Historic Places in Canada

### Additional Standards Relating to Rehabilitation

#### Standard 12

*Create any new additions or related new construction so that the essential form and integrity of an historic place with not be impaired if the new work is removed in the future.*

### Guidelines for Cultural Landscapes

Built Features - Additions or Alterations to a Cultural Landscape

#### Recommended

*Designing a new built feature, when required by a new use, to be compatible with the heritage value of the cultural landscape. For example, erecting a new farm outbuilding, using traditional form and materials, or installing signs and lighting compatible with the cultural landscape.*

Staff consider that the proposed lamp posts would amount to minor new construction that if removed in the future, the essential form and integrity of the Lower Causeway would not be

impaired. In addition, the proposed installation is considered to be compatible with the cultural landscape.

### Downtown Core Area Plan

In relation to the DCAP, the proposal is generally consistent with the relevant View Corridor Guidelines because it accents the Lower Causeway with architecturally-designed lighting and enlivens the waterfront.

### Heritage Advisory Panel

The Heritage Advisory Panel considered the applicant's request for a heritage alteration permit at its regular meeting of October 13, 2015, and recommended that Council consider authorizing the issuance of Heritage Alteration Permit (HAP) Application No. 00208 for the property at 700 Government Street.

### CONCLUSIONS

The proposed work to install six lamp posts on the Lower Causeway, depicted in drawings prepared by Waymark Architecture Inc., is consistent with relevant City policies and guidelines. Staff, therefore, recommend that Council authorize the Heritage Alteration Permit for 700 Government Street.

### ALTERNATE MOTION

That Council decline Heritage Alteration Permit Application No. 00208 for the property located at 700 Government Street.

Respectfully submitted,



Murray G. Miller  
Senior Heritage Planner  
Community Planning Division



Jonathan Tinney  
Director  
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:



Date: November 3, 2015

### List of Attachments

- Subject map
- Statement of Significance
- Letter from architect, date stamped September 17, 2015
- Letter from Songhees Nation, date stamped September 17, 2015
- Letter from Esquimalt Nation, date stamped September 17, 2015
- Plans, date stamped September 17, 2015.



Thursday, September 10, 2015

Mayor Lisa Helps  
and City of Victoria Council  
City of Victoria  
1 Centennial Sq,  
Victoria, BC V8W 1P6

**re: Heritage Alteration Permit for new lighting of the Inner Harbour Lower Causeway**

Dear Mayor Helps,

The Greater Victoria Harbour Authority would like to submit the attached permit application for the addition of new lighting on the Inner Harbour's Lower Causeway. Specifically, this application is for the addition of 6 new lamp posts - similar to the lamp post in the area - at the lower edge of the lawn featuring the "Welcome to Victoria" lettering in flowers. The lamp posts will serve two purposes, of lighting the pedestrian walkways on the lower causeway with typical white globe lamps, and of lighting the lawn signage with LED spot lights.

Conduit(s) will be buried at the very edge of the lawn to minimize disturbance to the lawn area or to the concrete seating areas and walkway.

If you have any questions about the submission, please feel free to contact me at the number below.

Sincerely,

Will King, Architect AIBC, MRAIC. LEEP AP



E: [info@waymarkarchitecture.com](mailto:info@waymarkarchitecture.com)  
T: 778-977-0660

[www.waymarkarchitecture.com](http://www.waymarkarchitecture.com)  
Founding Principal: Will King, Architect AIBC

P.O. Box 8325 Stn Main  
Victoria, British Columbia  
V8W 3R9



## Songhees Nation



Mayor and Council  
#1 Centennial Sq.  
Victoria BC

September 14, 2015

**Re: Illumination to the causeway in front of the 'Welcome to Victoria' landscaping**

We have reviewed the architectural renderings and plans to install additional lighting along the causeway at the above location, as prepared by Iredale Architectural Group. We have discussed the project as identified on drawings [A001, A200, A300] and the lighting level study of the inner harbour offered by Applied Engineering Solutions [E4.0] that make up the project. The presentation of this scheme has been explained to the Songhees Nation and was well received with no concerns raised.

We have been looking forward to improving this area of the harbour causeway for many years, this level of illumination is greatly needed and will improve the experience for all user groups and the community at large it will offer a better connection to the harbour walkway and greatly increase the level of safety.

We look forward to working with the Greater Harbour Authority and City of Victoria and hope that this design becomes a reality.

Yours sincerely,

Chief Ron Sam



**ESQUIMALT NATION**

1189 Kosapsum Drive  
Victoria, BC, V9A 7K7  
Phone: 250-381-7861  
Fax: 250-384-9309

Received  
City of Victoria

SEP 17 2015

Planning & Development Department  
Development Services Division

September 1, 2015

Mayor and Council  
#1 Centennial Sq.  
Victoria BC

Dear Mayor Helps and Council:

**Re: Illumination to the causeway in front of the 'Welcome to Victoria' landscaping**

We have reviewed the architectural renderings and plans to install additional lighting along the causeway at the above location, as prepared by Iredale Architectural Group. We have discussed the project as identified on drawings [A001, A200, A300] and the lighting level study of the inner harbour offered by Applied Engineering Solutions [E4.0] that make up the project. The presentation of this scheme has been explained to the Esquimalt Nation and was received with no concerns raised.

We have been looking forward to improving this area of the harbour causeway for many years, this level of illumination is greatly needed and will improve the experience for all user groups and the community at large it will offer a better connection to the harbour walkway and greatly increase the level of safety.

We look forward to working with the Greater Victoria Harbour Authority and the City of Victoria and hope that this design becomes a reality.

Yours sincerely,

Chief Andy Thomas



## **STATEMENT OF SIGNIFICANCE**

### **LOWER CAUSEWAY 700 GOVERNMENT STREET**

#### **Description of Historic Place**

The historic place is a wide, formally-designed section of the public promenade skirting the perimeter of Victoria's Inner Harbour. It comprises a quayside walkway flanked by a raised area of planting, incorporating treed seating areas, set against the rustic stone retaining wall of the older causeway.

#### **Heritage Value**

The heritage value of the lower causeway resides in its strategic role in the development of Victoria's urban environment, for the way it reflects the changing role of Victoria's urban environment, for its design, and its use.

Completed in 1974, the lower causeway was the key recommendation, and the most tangible outcome, of Arthur Erickson Architects' 1973 Inner Harbour Study, commissioned by and written in collaboration with the City of Victoria, to consider enhancing the living and working environment of the Inner Harbour as its role as a commercial port and industrial margin declined. This innovative study, the first to look at the entire shoreline of that area, provided design guidelines that could be used by the City to make the shoreline accessible to the public. The guidance is of interest for reflecting the spirit of the age, focusing on people, health and play rather than machines, commerce and work.

Designed by Vancouver architect and waterfront design specialist, Norm Hotson, while at Arthur Erickson's office, and one of the last major projects engineered by City of Victoria staff, the causeway is of significance as a piece of enduring 1970s urban design. Its popularity as an open-air market, tourist destination, and attractive urban park are testament to the success of its design.

The form of the lower causeway is of value for the way it reflects the principles underlying Erickson's architecture. Spatially, the provision of a dedicated pedestrian route away from the traffic along Government Street, the creation of areas for events and people watching, and the integration of contemplative spaces are characteristic of his landscape design at that time, as is the sculptural use of "sitting and walking" steps and tiers to define spaces. The trees and low hedges that provide shade and a windbreak, and the "mushroom lights" and contrasting paving material at the promenade edge to avoid the use of railings are of interest for the way they illustrate the architect's lateral thinking on design issues.

The lower causeway has become a significant public space at the heart of the city, used by workers and visitors, market stall-holders, musicians and artists.

#### **Character-Defining Elements**

- Waterside location
- Public access by boat and on foot
- The steps and tiers that create zones, including the pedestrian zone, gathering areas, and contemplative areas
- The absence of buildings and signage

- The integration with the fabric of the old stone causeway, including the visibility of the rustic stone revetment as a backdrop to the lower causeway seating, and the adaptive reuse of the old steamer steps to link new causeway to old
- Uninterrupted views along the lower causeway promenade and between the trees and stone face of the old causeway
- Trees in square planters shaped to permit views of the Inner Harbour from the benches on the lower causeway, and from the parapet of the stone causeway behind
- The curving of the causeway at the northeast and southeast corners
- The paving materials, including the exposed aggregate placed concrete, the quartzite pavers at the water's edge, and the slate pavers in the seating areas
- The universal, including the benches on the upper tier, the octagonal planters arranged in groups, the mushroom luminaires, and the lighting poles
- The careful positioning of elements throughout the lower promenade, including the alignment of trees, control joints and lighting poles, the centering of benches between the trees, the even spacing of the lighting, and step irons to the water.

## Greater Victoria Harbour Authority Lower Causeway Lighting

PROJECT ID: 2015-002

REGISTERED OWNER:  
Greater Victoria Harbour Authority

LEGAL DESCRIPTION:  
Lot A of The Bed of Victoria Harbour Victoria District Plan VIP73552

Scope of Work:  
Install new lamp posts along the edge of the lawn, sporting the  
"Welcome to Victoria" lettering in flowers, in order to light the pedestrian  
part of the lower causeway as well as the lettering. Lamp posts will  
carry white globe lights, typical of the area, as well as LED spot lights,  
similar to those used to light the nearby Steamship Terminal Building.

Zoning:  
Part 8.25 - IHT2 Zone, Inner Harbour Terminal District

Building:  
Area contains hard and soft landscaping only.

### ARCHITECTURAL:

WILL KING  
WAYMARK ARCHITECTURE  
300-3 FAN TAN ALLEY  
VICTORIA, BC V8W 3G9  
778-977-0660

### LIGHTING:

IAIN BARNES  
APPLIED ENGINEERING SOLUTIONS  
3rd FLOOR, 1815 BLANCHARD STREET  
VICTORIA, BC V8T 5A4  
250-381-6121



www.waymarkarchitecture.com  
300-3 Fan Tan Alley  
Victoria, BC V8W 3G9

Greater Victoria Harbour Authority  
Lower Causeway Lighting

submission HAP for permit  
9/10/15

Planning and Land Use Committee  
Nov 2015



www.waymarkarchitecture.com  
100-11440 Yarmouth Ave.  
Victoria, BC V8W 3G9

No.	Date	Appr.	Revised Notes
2	8/15/15		Revised for HAP submission
No.	Date	Appr.	Revised Notes
Greater Victoria Harbour Authority Lower Causeway Lighting			
Site Plan			
Drawn By September 15, 2015		Scale 1:150	
Project Name 10-10 King		Client City of Victoria	
Drawn By W.E. King		Reviewed By W.E. King	A001
Drawn By W.E. King		Reviewed By W.E. King	

Planning and Land Use Committee - 12 Nov 2015

Victoria's Inner Harbour

Area of Lower Causeway to  
be illuminated



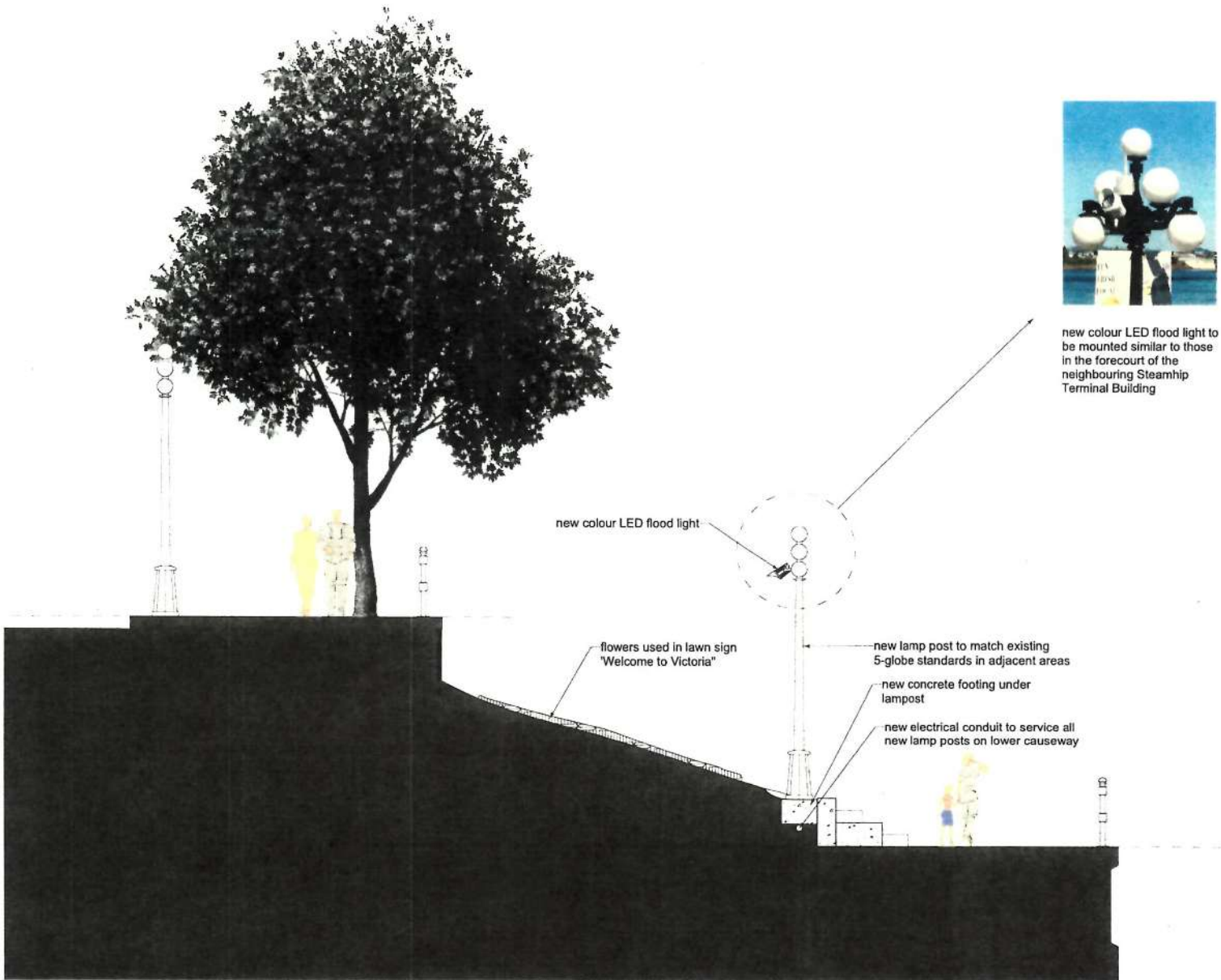
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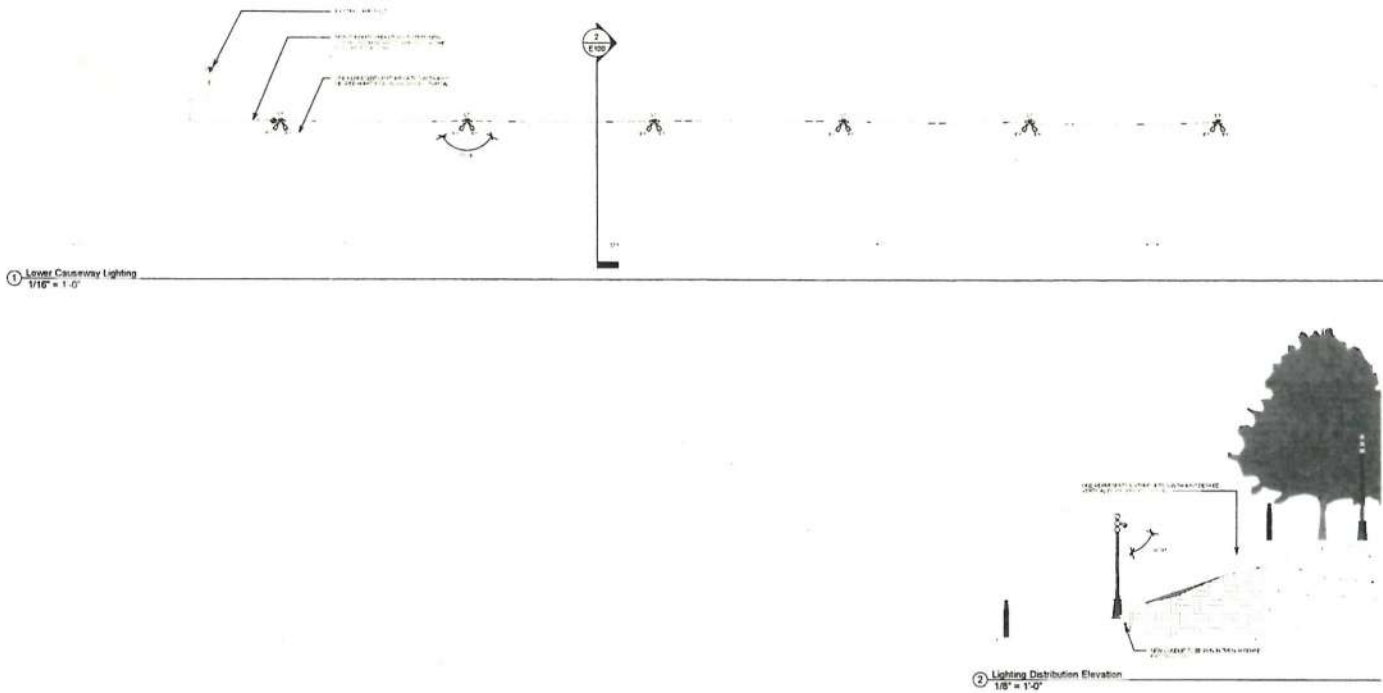
www.waymarkarchitecture.com  
301- 3 Fan Tan Alley  
Victoria, BC V8W 3C9

No	Date	Appr	Waymark Notes
2	6/15/15	Revised by MAP submittal	
No	Date	Initial Notes	
1			
Project Title	Greater Victoria Harbour Authority Lower Causeway Lighting		
Sheet Title	Renderings		
Date	September 15, 2015	Scale	1:40
Author or Designer	Nick King	Client Name	
Drawn by	Nick King		
Reviewed by	Nick King		
Project ID			A200



www.waymarkarchitecture.com  
3201 3 Fan Tan Alley  
Victoria, BC V8W 1C9

No	Date	Appr	Revision Notes
2	9/15/15		Revised for MAP submission
No	Date	Issue Notes	
Greater Victoria Harbour Authority Lower Causeway Lighting			
Causeway Section Option #1			
Issue	September 15, 2015	Scale	1:40
Author	W.A. (W)	Drawn	
Checked	W.A. (W)		
Reviewed	W.A. (W)		
Approved	W.A. (W)		
Project ID			A300



LUMINAIRE SCHEDULE						
TYPE	MANUFACTURER	DESCRIPTION	LAMP	WATTAGE	WATTAGE	Notes
1	1	1	1	1	1	1
2	2	2	2	2	2	2

Contractor must check and verify all dimensions and conditions on site and report any discrepancies to designer and/or engineer prior to proceeding with work.

**DO NOT SCALE DRAWINGS**

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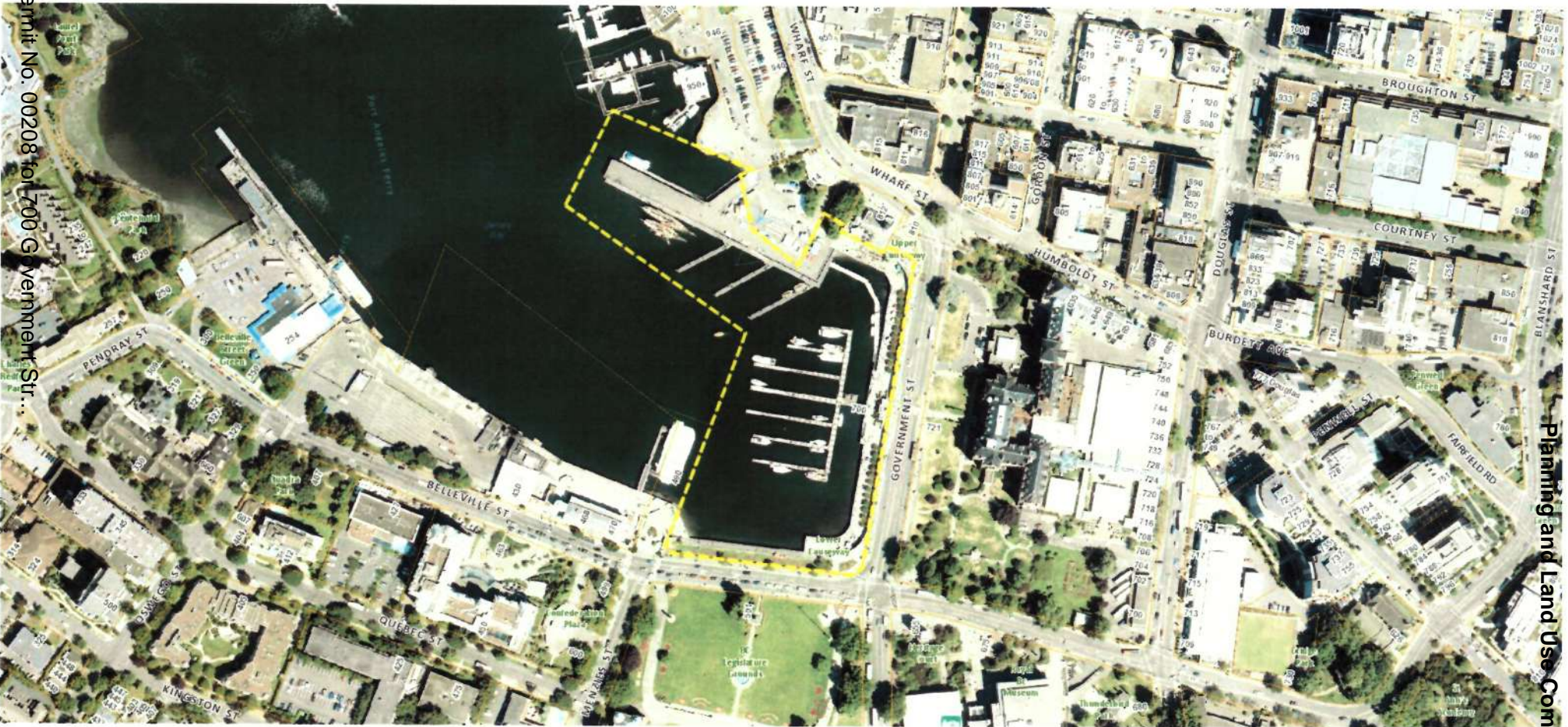
Revision Schedule		
Revision Number	Revision Description	Revision Date
2	Issued for HAP	2015-09-11
1	Issued for Review	2015-07-23

PROJECT NAME  
Inner Harbour Walkway and Welcome Sign Lighting

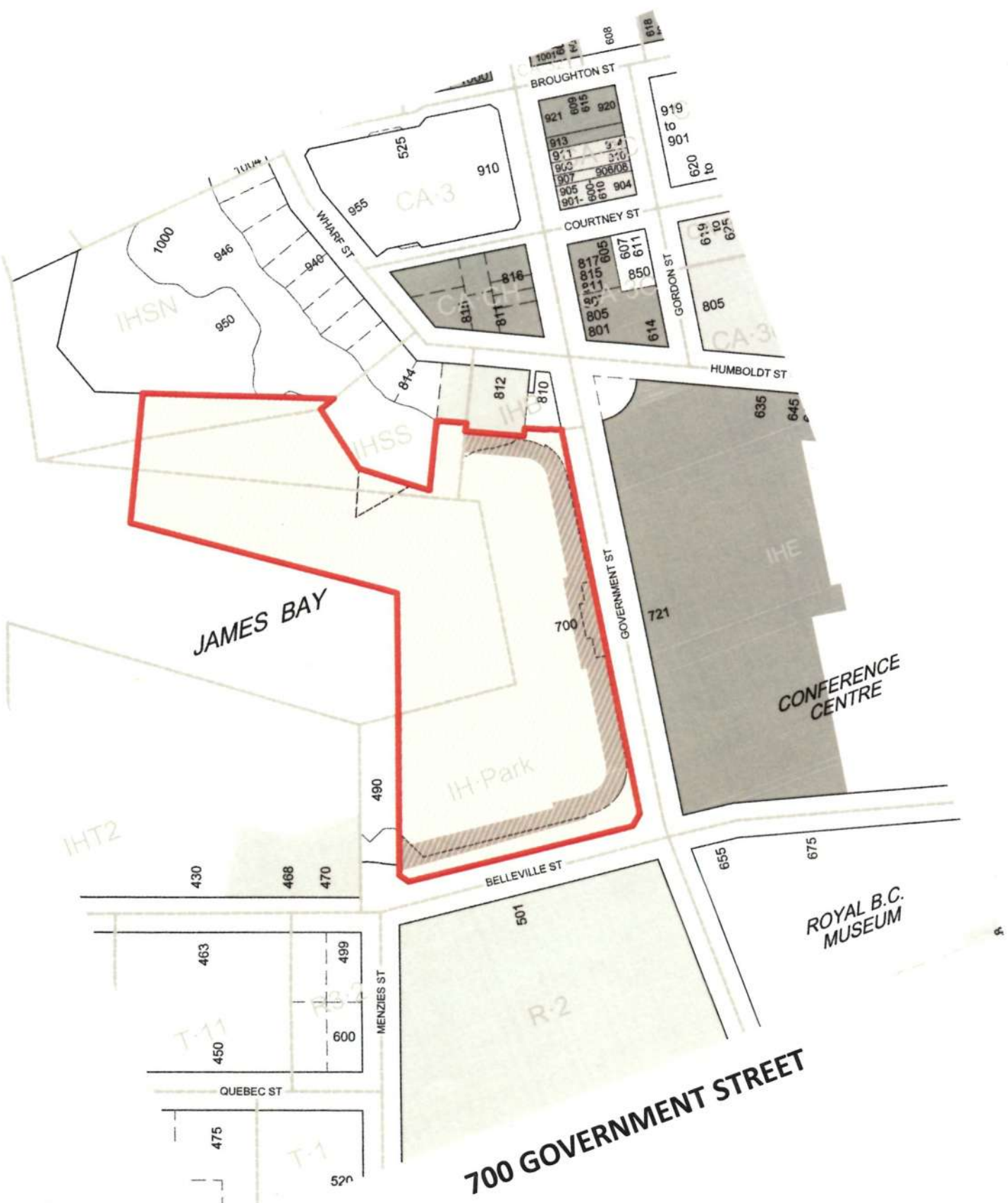
DRAWING TITLE  
Welcome to Victoria - Lighting Plan

DATE	2015-09-11
SCALE	AS NOTED
DRAWN BY	PE
CHECKED BY	AW
JOB NUMBER	1-15-102

DRAWING NUMBER  
**E100**

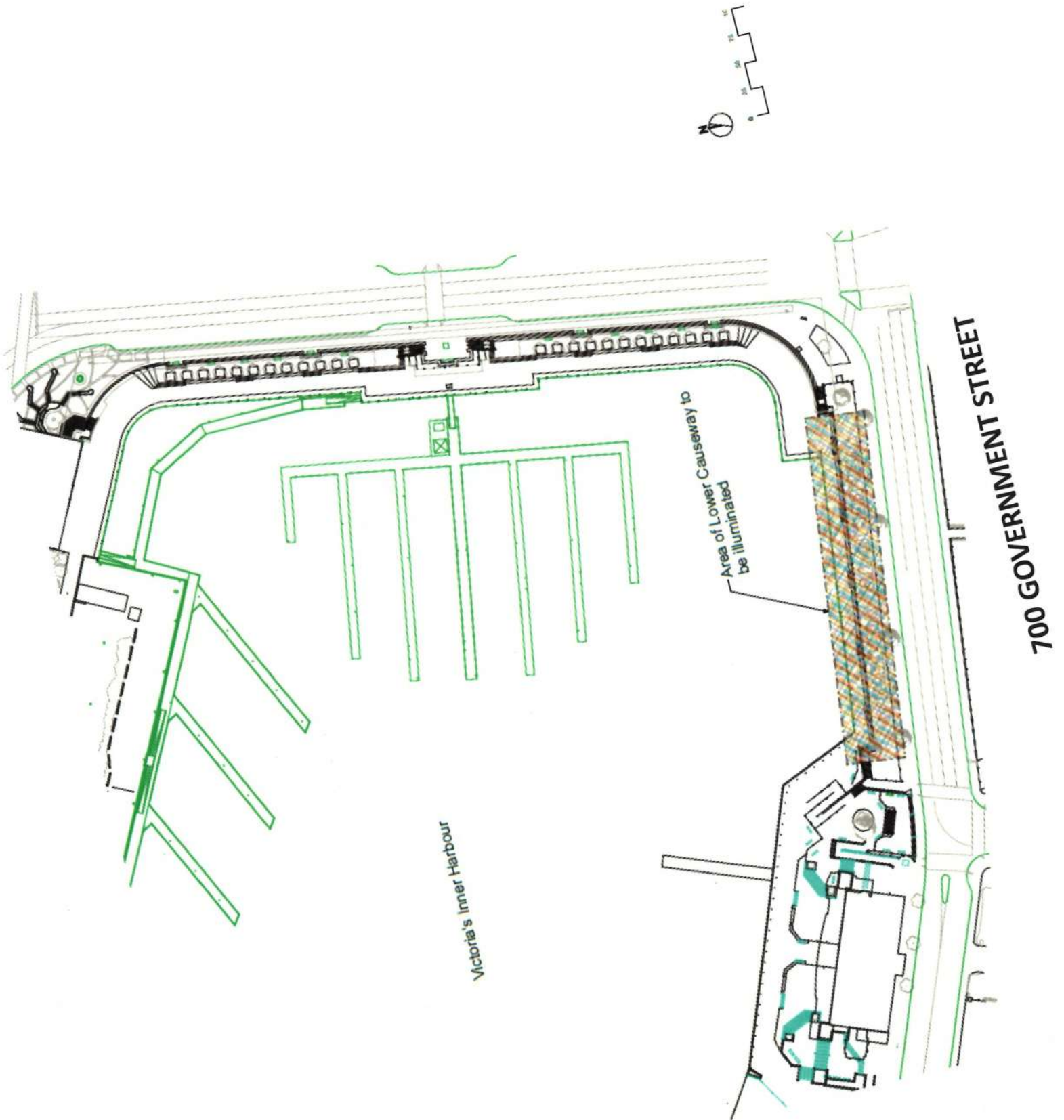


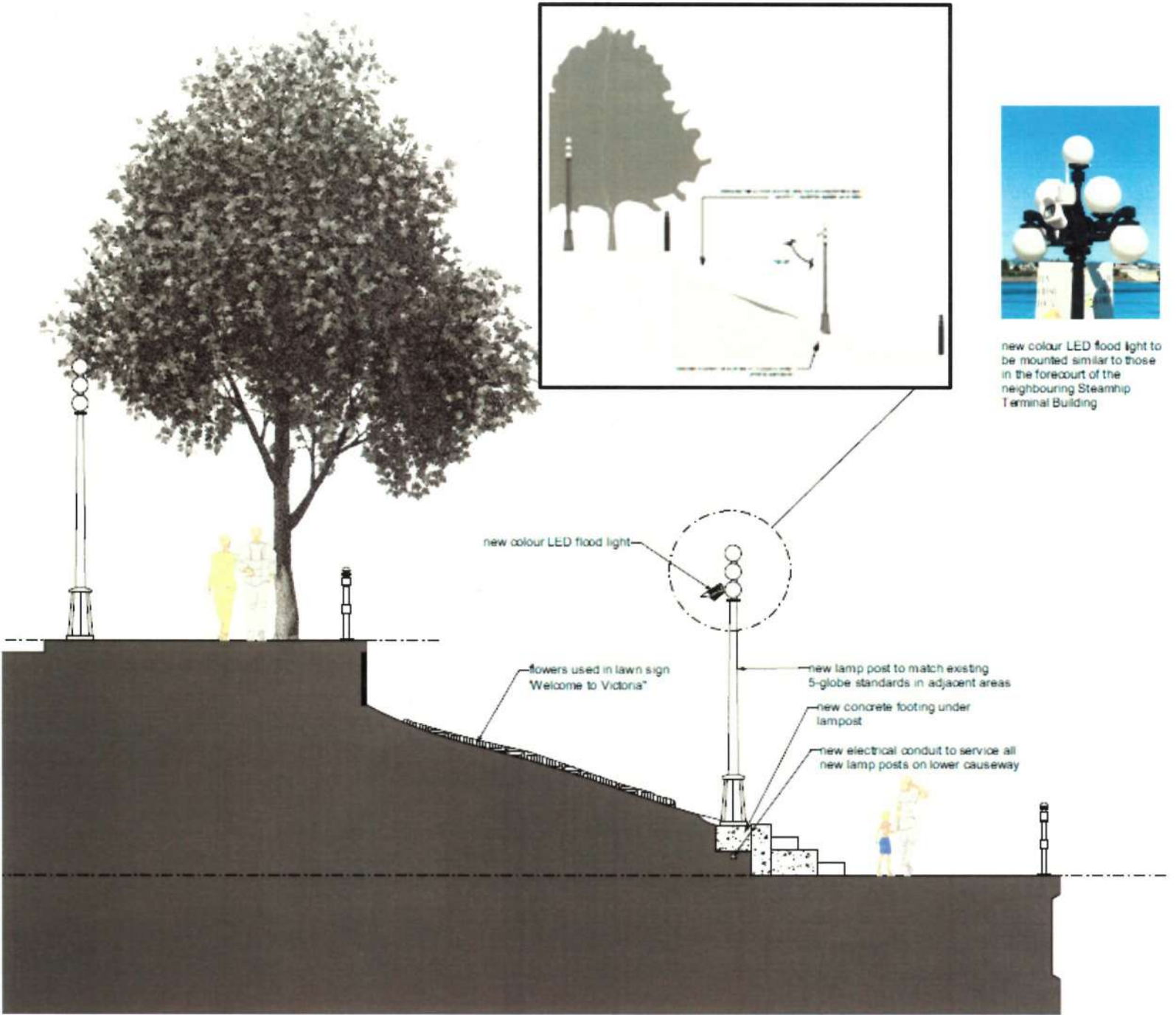
700 GOVERNMENT STREET





700 GOVERNMENT STREET

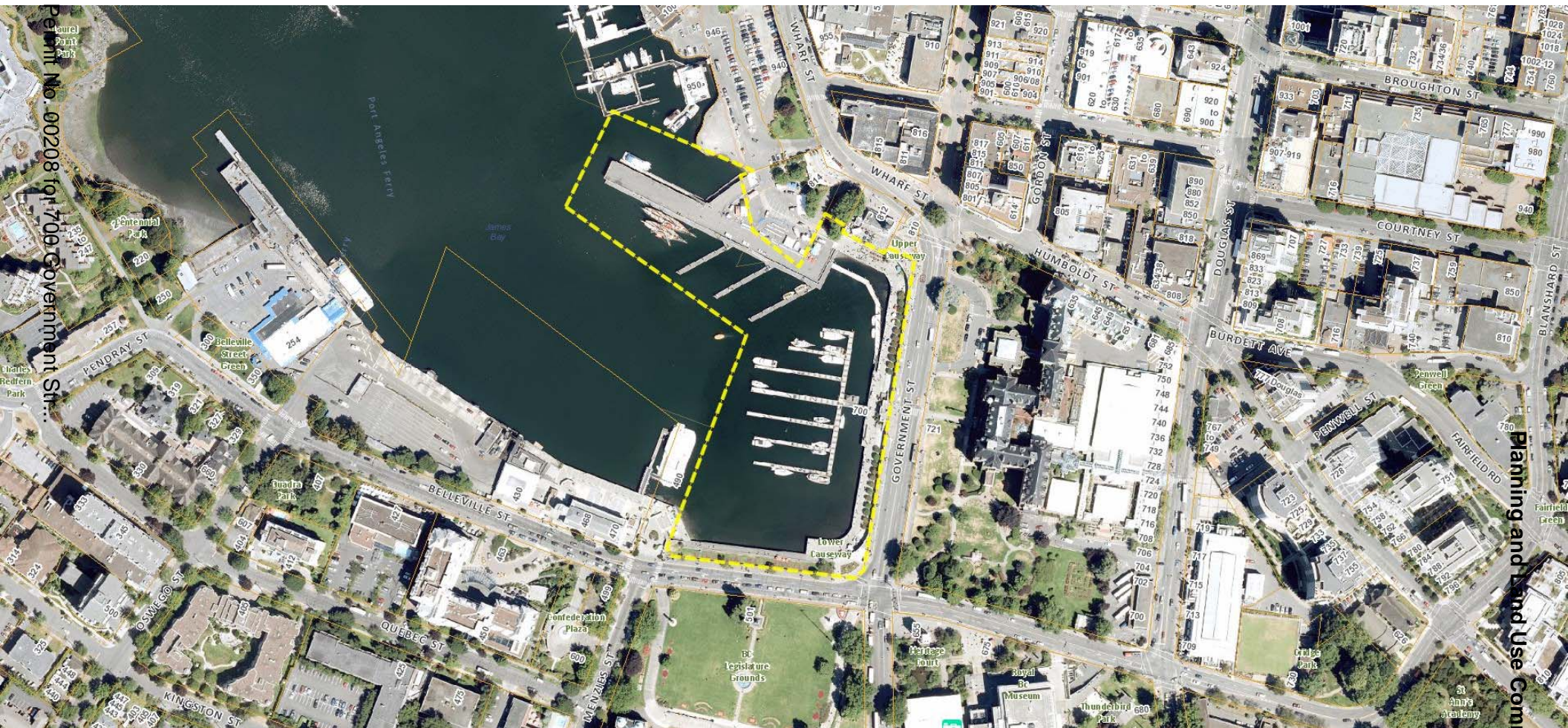






700 GOVERNMENT STREET



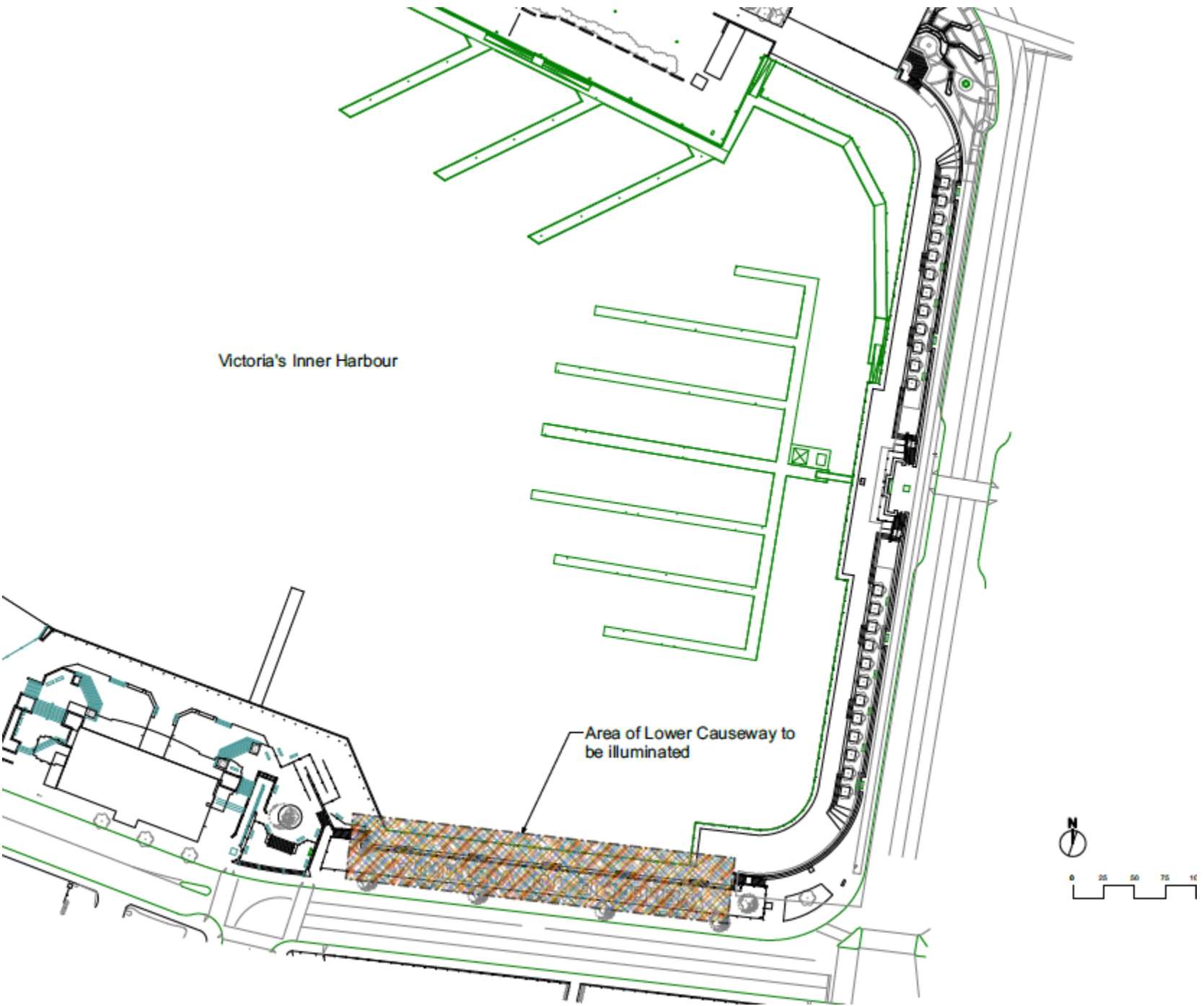


## 700 GOVERNMENT STREET

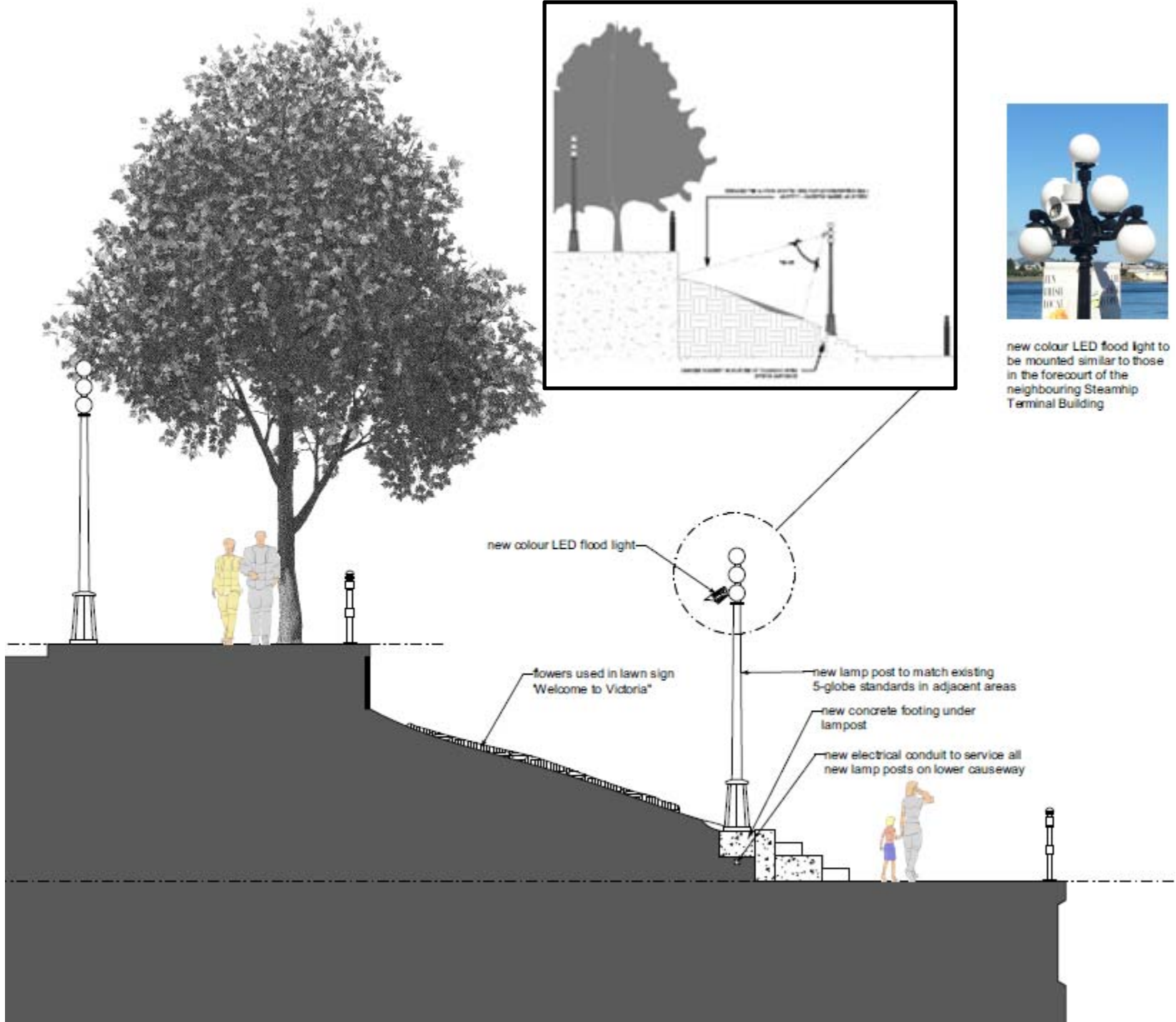




700 GOVERNMENT STREET



**700 GOVERNMENT STREET**



700 GOVERNMENT STREET



700 GOVERNMENT STREET



## Planning and Land Use Committee Report

### For the Meeting of November 12, 2015

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**To:** Planning and Land Use Committee      **Date:** October 30, 2015  
**From:** Chris Coates, City Clerk  
**Subject:** Application for a permanent change to add a Patron Participation Endorsement in relation to a Food Primary Liquor Licence, for **The Local Bar and Grill**, 1205 Wharf Street, Licence No. 302531

---

### RECOMMENDATION

That Council, after conducting a review with respect to noise and community impacts regarding the application to add a Patron Participation Endorsement for the Food Primary Liquor licence of **The Local Bar and Grill**, Liquor Licence No. 302531, located at 1205 Wharf Street, supports:

- The application of The Local Bar and Grill to amend its Food Primary Liquor Licence to add a Patron Participation Endorsement.
- The Council provides the following comments on the prescribed considerations:
  - a. The location is in the historic commercial district which authorizes restaurants, hotels, retail stores, tourist services and associated uses. The Food Primary Liquor licensed business is compatible with the neighbouring land uses. The business is located within the Old Town District and is within the Intermediate Noise District, which allows for a higher noise threshold.
  - b. This change is expected to have minimal impact on the neighbourhood due to the configuration, use and size of the licensed premises. The restaurant has had no complaints of noise or nuisance since April of 2007. There is some concern that this change could increase the likelihood of the business being operated contrary to its primary purpose.
  - c. The views of the residents were solicited via a mailed notice to neighbouring property owners and occupiers within 50 metres of the restaurant and a notice posted at the property. Three written responses were received by the City, two opposed and one in support 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 Local Bar and Grill in relation to their Food Primary Liquor licensed business located at 1205 Wharf Street, for a change to add a Patron Participation Endorsement.

The hours of liquor service are from 9:00 AM to midnight, Sunday to Thursday; and, 9:00 AM to 1:00 AM Friday and Saturday. The occupant load for the restaurant is 60 on the main floor.

The approval of a Patron Participation Endorsement would allow the restaurant to offer patron participation entertainment in the form of music trivia and quiz nights. There would be no change in occupancy or hours of service as a result of this application.

## PURPOSE

The purpose of this report is to seek a Council resolution regarding an application by The Local Bar and Grill, in relation to their Food Primary Liquor licensed business located at 1205 Wharf Street, for a change to add a Patron Participation Endorsement for their restaurant business.

## BACKGROUND

The Local Bar and Grill is located at 1205 Wharf Street and has been in operation since April of 2007. The occupant load is 60 persons on the main floor and a patio occupancy of 80 persons.

Current operating hours are 9:00 AM to Midnight, Sunday to Thursday, and 9:00 AM to 1:00 AM Friday and Saturday.

The applicant is seeking Patron Participation endorsement so that they can offer a music trivia/quiz form of entertainment. They plan to have a DJ/Quizmaster set up in the north-west corner of the business to facilitate this.

### Location

#### Official Community Plan

- The property is within the Core Historic Place designation in the Official Community Plan. Area uses include: commercial, including office, retail, visitor accommodation, multi-unit residential and mixed use.
- The area is covered by Development Permit Area 1(HC): Core Historic which enables Council to review and approve the character of commercial, industrial and multi-family residential developments. Heritage conservation is also included in one of the purposes of the DPA.

#### Downtown Core Area Plan

- The property is within the Historic Commercial District of the Downtown Core Area Plan, which supports growth in the tourism, retail and entertainment sectors. Residential dwellings are also encouraged in the upper stories of existing buildings.

#### Zoning and Designations

- The property is zoned CA-3C Zone - Old Town District

- Permits offices, retail, residences restricted to the second and higher storeys, transient accommodation, restaurants, clubs
- No off-street parking is required in this Zone
- The property is Heritage Designated
- The site falls within the Intermediate Noise District

#### Neighbourhood Compatibility

- The building is on the north east corner of Wharf Street and Bastion Square. The site is bounded on all sides with the CA-3C Zone, Old Town District. Immediately adjacent uses include:
  - North: retail and office uses
  - West: (across Wharf Street) restaurant and parking uses
  - East: Commercial Alley and retail uses
  - South: Bastion Square and restaurant/cabaret uses

There are no nearby residential uses. Nearest hotel use is the Regent Hotel to the north west.

The potential for additional noise affecting neighbouring businesses and residential neighbours is minimal with the addition of an entertainment endorsement as proposed.

#### 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.

### ISSUE & ANALYSIS

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

#### Bylaw Enforcement

The Bylaw and Licensing Services Division has no concerns with the application. Current owners have been operating since April of 2007.

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

This venue is located in the entertainment district of the downtown, well-suited to the endorsement requested. Adding an interactive component to this food and beverage business is valuable in adding diversity to the late night offering. The closest residential units are the Victoria Regent Hotel/apartments and this additional activity is unlikely to increase disturbance to residents above existing levels. The Downtown Community Development Section has no concerns with this application.

#### Engineering & Public Works Department

The Engineering & 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 result of this consultation was that the City received 3 written responses from the community, two opposed and one in favour.

Official Community Plan

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

Strategic Plan 2015 – 2018

The applicant's proposed business model, which features patron participation entertainment, is consistent with Strategic Plan Objective #10 - *Nurture Our Arts, Culture and Learning Capital*.

2015 – 2018 Financial Plan

There is no expenditure impact on the Financial Plan.

**CONCLUSIONS**

The City's current liquor licensing policy is silent about Patron Participation endorsements and Council has normally considered each application on its own merits. This restaurant has been operated by the applicant since April 2007. There have been no noise or nuisance complaints received by the City in respect to this business.

City staff from all Departments canvassed have no concerns about the proposed change to add a Patron Participation endorsement.

Respectfully submitted,

  
Kim Ferris  
Business Licence Inspector  
Bylaw & Licensing Services Division

  
Janice Schmidt  
Manager  
Legislative Services

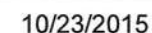
  
Jocelyn Jenkyns  
Deputy City Manager

**Report accepted and recommended by the City Manager:** 

**Date:** November 2, 2015

**List of Attachments**

1. An aerial photograph (map) of the property and surrounding area.
2. A letter from the applicant explaining the purpose of the requested change.
3. Three e-mail letters from the public.



- Legal Descriptions
- Neighbourhood Boundaries
- Victoria Parcels
- Zoning Boundary
- Comprehensive Development
- Comprehensive Development
- Development Permit Areas

1: 1,100



## Notes

The Local Bar & Grill 1205 Wharf St

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

56	0	28	56 Meters
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NAD 1983 CSRS UTM Zone 10N

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

August 7, 2015

Liquor Control  
Licensing Branch

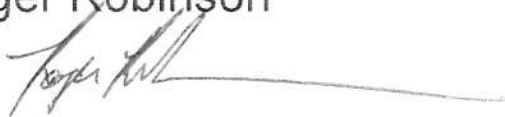
Attention Case Worker,

I am writing to you on behalf of The Local restaurant. As part of our ongoing efforts to enhance our patrons' enjoyment of our establishment, we are interested in applying for a patron participation entertainment endorsement to complement our current Food Primary License.

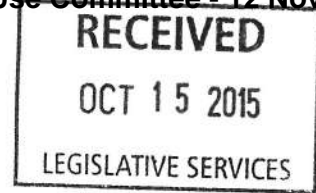
Our intent is to provide an opportunity for our guests to be involved in a music trivia/quiz night, perhaps twice weekly. We are hoping to have a DJ/Quiz master set up in the north-west corner of The Local to facilitate this endeavor.

Enclosed, please find the application form for this endorsement and the associated fee.

Sincerely,  
Roger Robinson

A handwritten signature in dark ink, appearing to read 'Roger Robinson', with a long horizontal flourish extending to the right.

General Manager  
The Local



October 7, 2015

Corporate Administrator  
Legislative Services  
1 Centennial Square  
Victoria, BC V8W 1P6

Dear Corporate Administrator:

**Re: Notice of Application for Permanent Change to a Food Primary Liquor License**

This letter is in response to the notice dated September 14, 2015 advising of the Local Bar and Grill's proposal to change the terms and conditions of their liquor license to offer entertainment such as music trivia and quiz nights.

On behalf of Elevate Consulting, our entire staff wholly endorses and supports this change. We regard the type of entertainment activities proposed as a welcome addition to the community, and will enhance the vibrancy of this area of Downtown Victoria.

Sincerely,

Lisa Makar, Managing Partner  
Elevate Consulting

IT STARTS WITH A CONVERSATION

<b>VICTORIA</b>	<b>EDMONTON</b>
302, 31 Bastion Square	201, 10240 - 124 St
Victoria BC   V8W 1J1	Edmonton AB   T5N 3W6
P 250.483.6660	P 780.250.4828

Toll Free 1.877.782.5455

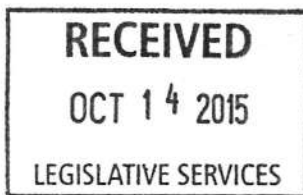
#605-1234 Wharf St,  
Victoria, B.C. V8W 3H9  
Oct. 13, 2015

Corporate Administrator,  
Legislative Services,  
1 Centennial Square,  
Victoria, B.C. V8W 1P6 -

Dear Sir - re= The Local Bar & Grill,

We are opposed to the requested  
Permanent Change to add music  
entertainment at the above  
establishment —

Yours truly,  
Arthur C. Brice  
Leona D. Brice



**Janet Hawkins**

---

**From:** Kay Keyzer [REDACTED]  
**Sent:** Thursday, Sep 24, 2015 11:01 AM  
**To:** Liquor Licence Email  
**Subject:** Application

With reference to your notification for a Permanent Change to a Food Primary Liquor Licence to The Local Bar & Grill on Wharf Street.

I own and have lived in Suite 803 at The Victoria Regent Hotel for 30 years. Over these years we have had no end of trouble with rowdiness and noise because the the Boom Boom Room, Harpo's, Pit-a-Pat etc. etc. Can't remember all the names. The Police were called out on a regular basis because fights and bad behaviour. Since these establishments have been closed, it has been quiet and almost peaceful, but I fear if this licence is granted it would all start up again. I must add The Pit-a-Pat is still open but thankfully, all is now quiet. So I strongly oppose this Application and say NO. D.K. Keyzer.





## Planning and Land Use Committee Report

For the Meeting of November 12, 2015

---

**To:** Planning and Land Use Committee Report    **Date:** October 30, 2015  
**From:** Chris Coates, City Clerk  
**Subject:** Application for a permanent change of hours for liquor service for the **Strathcona Hotel** located at 919 Douglas Street, Licence No.136243

---

### 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 Strathcona Hotel, Liquor Licence No.136243, located at 919 Douglas Street, supports:

- The application of the Strathcona Hotel to amend its Liquor Primary Licence to allow a change in operating hours to include 10:00 AM to 2:00 AM liquor service seven days per week.
- The Council provides the following comments on the prescribed considerations:
  - a. The location is within the Core Business Place designation in the Official Community Plan area which authorizes commercial, including office, retail, visitor accommodation, multi-unit residential and mixed use.
  - b. The Food Primary Liquor licensed business is compatible with the neighbouring land uses. The business is located within the Central Business District and is within the Intermediate Noise District, which allows for a higher noise threshold.
  - c. 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. Two written responses were received from residents opposed to 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 Strathcona Hotel in relation to their Liquor Primary Licence for the premises located at 919 Douglas 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 10:00 AM to 2:00 AM seven days per week. The current hours of liquor service are from 11:00 AM to 2:00 AM seven days per week.

The applicant carries three Liquor Primary Licences: No.016686, No.043930, No.136243 and one Food Primary Licence No.043919. The applicant is only looking at the extension of hours for Licence No.136243, which has an occupancy of 530 patrons. There would be no change in occupancy as a result of this application. This licence is shared between the Sticky Wicket Pub and Restaurant and the Clubhouse.

## **PURPOSE**

The purpose of this report is to seek a Council resolution regarding an application by the Strathcona Hotel, in relation to their Liquor Primary licensed business located at 919 Douglas Street, for a change to the hours of liquor service for the Sticky Wicket Pub and Restaurant.

## **BACKGROUND**

The Strathcona Hotel is located at 919 Douglas and has been in operation since 1996, with multiple food and beverage service venues within the location.

The current hours of service for the venue/licence that is the subject of this application are from 11:00 AM to 2:00 AM, seven days per week. The applicant is seeking to extend these hours to 10:00 AM to 2:00 AM, seven days per week to facilitate the televising of NFL Sunday football games that begin at 10:00 AM.

The televised sports viewing market is one of the primary markets for the Sticky Wicket Pub and Restaurant and the applicant's plan is to open the Games Room portion of the Pub at 10:00 AM on Sunday and provide both food and beverage service. On occasion there are world sporting events that are shown at earlier times than the current operating hours, so the change in hours would allow the venue to televise these events without making a special application for each event. This licenced area of the Games Room shares the same liquor licence as the main portion of the Sticky Wicket as well as the Clubhouse.

### Location

#### Official Community Plan

- The property is within the Core Business Place designation in the Official Community area uses include: commercial, including office, retail, visitor accommodation, multi-unit residential and mixed use.
- The area is covered by Development Permit Area 2(HC): Core Business which enables Council to review and approve the character of commercial, industrial and multi-family residential developments. Heritage conservation is also included in one of the purposes of the DPA.

#### Downtown Core Area Plan

- The property is within the Central Business District of the Downtown Core Area Plan, which supports growth in the tourism, retail and entertainment sectors.

#### Zoning and Designations

- The property is zoned CA-22 Zone

- Permits offices, retail, residences restricted to the second and higher storeys, transient accommodation, restaurants, clubs, pubs.
- The property is on the Heritage Register

#### Neighbourhood Compatibility

- Immediately adjacent uses include:
  - North: retail with upper floor offices
  - West: retail and offices
  - East: offices
  - South: retail and residential building

The closest residential use to the site is the Falls retail/residential building immediately to the south across Courtney Street.

The potential for additional noise affecting neighbouring businesses and residential neighbours is minimal, given that the additional time change proposed is in the morning.

#### 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.

### ISSUE & 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. The City has not received any complaints about noise in the morning. 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 with the application.

#### 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.

This consultation resulted in two written responses from the community, both opposed to the application.

Official Community Plan

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

Strategic plan 2015 – 2018

Not applicable.

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 requests are 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 1996.

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

Respectfully submitted,

  
Kim Ferris  
Business Licence Inspector  
Bylaw & Licensing Services Division

  
Janice Schmidt  
Manager  
Legislative Services

  
Jocelyn Jenkyns  
Deputy City Manager

**Report accepted and recommended by the City Manager:** 

**Date:** Nov. 2, 2015

**List of Attachments**

1. An aerial photograph (map) of the property and surrounding area.
2. A letter from the applicant providing the business rationale for the requested change.
3. An e-mail from applicant outlining purpose of the requested change.
4. Two e-mail letters from the public.



# Printed from VicMap (Internal Version)

10/30/2015



## Legend

Victoria Parcels



1: 1,600



## Notes

81 0 41 81 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 STRATHCONA



**The Strathcona Hotel | 919 Douglas Street, Victoria, B.C. | 250.383.7137 | strathconahotel.com**

September 16, 2015

Mr. Robert Woodland  
Director, Legislative and Regulatory Services  
City of Victoria  
1 Centennial Square  
Victoria B.C  
V8W 1P6

Re: Business Rationale for a Change of Hours Request at the Strathcona Hotel

Dear Mr. Woodland,

Thank you for considering our application for a change of hours at our hotel. As you are likely aware, the televised sports viewing market is one of the primary markets of the Sticky Wicket Pub and Restaurant. Our recent request is related to our desire to show the Sunday NFL games that start at 10:00 am. For this NFL Sunday football market we would likely only open the Games Room portion of the Sticky Wicket at 10:00 am on Sunday and provide both food and beverage service. This licensed area of the Games Room happens to share the same liquor license as the main portion of the Sticky Wicket as well as the Clubhouse. Also, on occasion there is a world sporting event (Rugby World Cup, World Cup Soccer, Olympic Hockey ....) that is shown at an earlier time than our existing operating hours. We would like to be permitted to show these major events as they happen without making a special application for each future event. There are competing outlets (both pubs and restaurants) that are able to show these events at this earlier hour and we would like to have the same opportunity.

If you have any questions regarding this request please do not hesitate to contact me.

Thank you.

Grant Olson  
General Manager and Co-owner  
Strathcona Hotel

**Kim Ferris**

---

**From:** Kim Ferris  
**Sent:** Thursday, Oct 29, 2015 3:39 PM  
**To:** 'Grant Olson'  
**Subject:** RE: Licenses

Hello Grant,

Thanks, I will attach this to the report.

Regards,

Kim Ferris  
Bylaw Officer/Business Licence Inspector  
Legislative & Regulatory Services Department  
City of Victoria  
1 Centennial Square, Victoria B.C. V8W 1P6

**From:** Grant Olson [mailto:grant.olson@strathconahotel.com]  
**Sent:** Thursday, Oct 29, 2015 1:58 PM  
**To:** Kim Ferris  
**Subject:** FW: Licenses

Hi Kim,

Please find the attachment with all our licenses. In particular we are looking to extend the hours only for License # 136243. Also it is not our intent to open at 10 am seven days a week. The primary reason for our request was so that we could open for Sunday NFL football in one of our spaces included in the 530 capacity number (The Games Room area). We thought we would ask for all days so that when a special event occurs somewhere in the world (Olympic Hockey, World Cup Rugby and Soccer....) we wouldn't have to ask for a special license. So basically we really only would open Sunday at 10 in the games room unless there is something else big going on.

Thanks  
Grant

**From:** Terry Friesen  
**Sent:** Thursday, October 29, 2015 1:48 PM  
**To:** Grant Olson  
**Subject:** Licenses

**Terry Friesen**  
Director of Outlets

**Janet Hawkins**

---

**From:** Monique Moore [REDACTED]  
**Sent:** Sunday, Sep 27, 2015 3:11 PM  
**To:** Liquor Licence Email; Glenn Price; Monique Moore  
**Subject:** Liquor Licence No. 136243

Monique Moore  
504-707 Courtney St.  
Victoria, BC  
[REDACTED]

To Whom it May Concern,

I wholeheartedly oppose any kind of extension of liquor service to this establishment. In fact, to put it not delicately at all it would be a cold day in hell when I support the Sticky Wicket and Clubhouse venues to pour further numbers of drunken out of control patrons onto the streets outside our residences.

I request a reduction in hours that liquor is being served. I request that the liquor license control supervisors take a regular look at the over pour service that occurs at this establishment. I request that the City of Victoria close the establishment at 11:00 p:m. I request that the City of Victoria and Victoria City Police have presence at closing time until 3:00 a:m because it is absolute chaos outside our homes any night of the week with blind drunk patrons screaming, yelling, swearing and fighting. We call regularly but you can't call every night of the week. I request the number of patrons be greatly reduced. Please follow the lead of major cities such as Vancouver and Chicago that shut down liquor service at 11:00 p:m to prevent drunk and disorderly chaos. I look forward to the day when there is no longer lip service to solving this problem downtown residents are supported in their choice to live and pay taxes in the core of the city.

Sincerely,

Monique Moore

**Janet Hawkins**

---

**From:** Susan Minaker [REDACTED]  
**Sent:** Wednesday, Oct 7, 2015 8:55 PM  
**To:** Liquor Licence Email  
**Subject:** Notice of Application for Permanent Change to a Liquor License. Re: Sticky Wicket and Club House Venues (Liquor License No. 136243)

Corporate Administrator, Legislative Services, City of Victoria,  
1 Centennial Square,  
Victoria BC, V8W 1P6

October 7, 2015

To Whom it May Concern:

We OPPOSE any kind of extension of liquor service hours to the Sticky Wicket and Club House Venues (Liquor License No. 136243).

We would like to request that the City of Victoria reduce the current hours that liquor is being served, thus closing the Sticky Wicket and Club House Venues establishment at 11:00 PM every day.

This would control the ongoing noise levels disturbing our peace from the establishment, the drunken disorderly conduct of patrons on the streets outside our residences, any violence and late night City Police Calls in our residential neighbourhood.

Consideration should be given to us residential tax payers and year round neighbours of this establishment, with respect to the health and wellness of our downtown community.

There is absolutely no reason to have blaring noise coming from that establishment and lingering patrons hanging around until 2 or 3 AM disturbing our peace.

Sincerely,

Perry & Susan Minaker  
908-707 Courtney Street,  
Victoria, BC  
V8W 0A9

Sent from my iPhone





**Council Member Motion**  
**For the Planning and Land Use Committee Meeting of November 12, 2015**

---

**Date:** November 5, 2015

**From:** Councillor Madoff

**Subject:** Potential Heritage Advisory Panel Referrals

---

**Background:**

The attached correspondence from the Heritage Advisory Panel Chair, Richard Linzey identifies two issues that the HAPL wishes to bring forward for potential consideration involving:

1. The continued loss of 1860's Heritage Houses in Victoria, and;
2. The Heritage Significance of the 1889 Courthouse in Bastion Square.

The correspondence notes some details around the request and that it may be something Council wishes to refer to the HAPL for advice.

**Motion:**

That Council approve referrals to the Heritage Advisory Panel for their consideration, comments and/or recommendations on:

- 1) Possible further losses of the 1860's houses in Victoria; and,
- 2) The Heritage Significance of the 1889 Courthouse in Bastion Square.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Pamela Madoff".

Councillor P. Madoff

A handwritten signature in cursive script, appearing to read "Charlae Thornton-Joe".

Councillor C. Thornton-Joe

Attachment: Correspondence for Heritage Advisory Panel Chair, Richard Linzey

City of Victoria  
Mayor and Council  
City Hall,  
1 Centennial Square  
Victoria, BC  
V8W 1P6

November 3<sup>rd</sup>, 2015

Dear Mayor and Council,

**Consideration of Miscellaneous Matters by Heritage Advisory Panel - Request for Council Direction**

I am writing to you in my capacity as chair of the City's Heritage Advisory Panel (HAPL) to seek Council's direction to consider and advise the Planning and Land Use Committee on two matters of importance raised by the panel.

Panel members have proposed that Council may wish to seek HAPL advice on:

1. The continued loss of 1860s houses in Victoria – two of the remaining fourteen houses have been demolished in the last couple of years.

2. The Heritage significance of the 1889 Court House in Bastion Square. While public concern has been focussed on the fate of the maritime museum, it is suggested that the future of the building should also be a matter of interest for council. A statement of significance would almost certainly identify:

- the 1889 Courthouse is significant for its age; its design; its architect (Tiedemann) and as a time-anchor in a highly trafficked public area
- the history that unfolded within its walls (Judge Matthew Baillie Begbie presided here)
- the last open-cage elevator in BC if not Canada
- extremely rare Colonial furniture from the Colonial Government Buildings (known as 'the Birdcages'). The furniture (benches with upholstery, railings, and judge's bench) was moved to the Court House in 1889 from the Birdcages and reinstated when the Supreme Courtroom was restored in the 1990's.
- some of the furniture was saved from Barkerville, where it had been shipped in the 1960s.

The panel would be happy to provide such advice if Council is so inclined to seek it.

Yours sincerely,

Richard Linzey

Chair, Heritage Advisory Panel

Cc: HAPL members, M Miller, Senior Heritage Planner; J Appleby, C Havelka PLUC Secretariat