



Committee of the Whole Report

For the Meeting of January 31, 2019

To: Committee of the Whole **Date:** January 18, 2019

From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development

Subject: Rezoning Application No.00654 for 700 Government Street

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00654 for 700 Government Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

LEGISLATIVE AUTHORITY

In accordance with Section 479 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.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 700 Government Street. The proposal is to rezone a portion of the lot from from the IH-PARK Zone and the IH-PARK-R Zone, to a new zone that allows for a restaurant patio.

The following points were considered in assessing this application:

- The proposal is generally consistent with the *Official Community Plan*, 2012 (OCP), which identifies the harbour as a tourist hub and recreational asset
- the proposal is generally consistent with the OCP and the *Downtown Core Area Plan*, 2011 (DCAP) which supports the enhancement of the public walkway along the waterfront, including through active uses such as outdoor dining spaces. Further, it is consistent with the outdoor dining areas guidelines in the *DCAP*
- the proposal maintains a wide public walkway on the causeway in front of the patio, which is consistent with visions of the OCP, DCAP and the *Downtown Public Realm Plan & Streetscape Standards*, 2017, which aim to maintain and enhance the harbour-front walkway.

BACKGROUND

Description of Proposal

This Rezoning Application is to allow for a larger restaurant patio than is currently permitted in the IH-Park-R Zone, Inner Harbour Parks & Causeway District. The existing and proposed patio area is located along the Inner Harbour Causeway. The patio is used as part of the restaurant business at 812 Wharf Street, which is on a separate lot.

The patio is adjacent to the heritage designated building at 812 Wharf Street. The patio fencing, seating, and other furnishings are all movable and not fixed in place year-round. The application does not include any changes to the building or structural permanent additions to the patio area.

The following changes from the standard existing zones are being proposed and would be accommodated in the new zone:

- To allow for a larger outdoor seating area, the proposal is to rezone the existing IH-PARK-R area, as well as, a small portion of the land adjacent to the seating area, which is currently zoned IH-PARK Zone, Inner Harbour Parks & Causeway District.
- The total proposed area of the outdoor seating area is 88.41m². This is an additional 28.41m² of patio space beyond what is currently permitted.

Sustainability Features

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

Active Transportation Impacts

The proposal increases the width of the public walkway on the causeway in front of the patio, consistent with the visions of the OCP, DCAP and the Downtown Public Realm Plan & Streetscape Standards, which aim to maintain and enhance the harbour-front walkway. Relocating the patio entryway to the east side of the patio will move customer queuing activity away from the main walkway thoroughfare on the Lower Causeway.

Public Realm Improvements

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

Accessibility Impact Statement

Relocating the patio entry to the east side of the patio will move customer queuing activity away from the main walkway thoroughfare on the Lower Causeway, which will improve pedestrian traffic. The reconfigured patio space is also designed to provide accessible seating areas for patrons.

Land Use Context

The subject site is located on the causeway of Victoria's Inner Harbour. The area is characterized by a mix of active commercial, tourism and public park uses with some nearby multi-family residential buildings.

Existing Site Development and Development Potential

The subject property has two zoning designations. The IH-PARK-R Zone, Inner Harbour Parks & Causeway Restaurant District currently allows for restaurant use with a maximum of 60m² to be used for outdoor seating. The area in this zoning designation is approximately 60m². The zoning on the causeway beyond this area is IH-PARK Zone, Inner Harbour Parks and Causeway District, which only allows for park uses.

Relevant History

The original smaller patio area was added in approximately 1987. To permit the patio, a portion of the causeway was rezoned to add 'restaurant' as a permitted use, up to a maximum of 60m². The patio use has been in regular operation since this time. The patio area is currently leased from the Greater Victoria Harbour Authority, who have owned the property along the Lower Causeway since 2002.

Based on archival aerial photos, the patio space appears to have increased in approximately 2008. At about the same time, renovations to the restaurant took place; however, the approved plans did not include the patio area. Occupancy permits issued by the City and used for liquor licencing have shown the larger layout dated as far back as 2011; however, the discrepancy between the larger patio area and the zoning did not come to staff's attention until 2017 when the restaurant owner was exploring opportunities to make exterior improvements. The proposed patio area in this application extends outwards one foot less than the unapproved larger patio area that has been on the site in recent years. In summary, while the application represents an expansion to the area that is currently zoned to permit outdoor seating, it represents a decrease in the size of the patio that has been operating onsite for the past few years.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Downtown Residents Association CALUC at a Community Meeting held on June 13, 2018. A letter dated October 23, 2018 is attached to this report. The proposed plans have since been revised to slightly reduce the patio depth. At the time of writing this report, an updated letter from the CALUC had not been received.

ANALYSIS

Official Community Plan

The proposal is generally consistent with the Official Community Plan, which identifies the harbour as a tourist hub and recreational asset and supports patios within the public realm that maintain a visual and auditory connection with the public.

Downtown Core Area Plan

The Downtown Core Area Plan includes the proposed site in the Inner Harbour District, which envisions dually active frontages on Wharf Street and the waterfront, and additionally supports the maintenance of tourism related activities throughout the district. The proposed increased patio area is consistent with these policies. The proposal is specifically supported by the outdoor dining areas guidelines of the DCAP, which supports outdoor dining areas on public and private property that are coupled with adjacent indoor spaces.

The proposed patio is consistent with the vision of the Inner Harbour District, as well as the *Victoria Harbour Plan*, 2001, to support the sensitive integration of improvements with heritage properties. Additionally, there are no proposed changes to the building, or proposed structural additions to the patio area.

Harbourfront Pathway and Public Realm Plan

The proposal maintains a wide public walkway on the causeway in front of the patio, which is consistent with the vision of OCP, DCAP and the Downtown Public Realm Plan to maintain and enhance the harbourfront walkway. The proposal also supports the objective of the Downtown Public Realm Plan to support programming along the harbour pathway that draws people to the waterfront.

The *Greenways Plan*, 2013 identifies the harbour pathway as a top development priority, the implementation of which is supported by the *Harbour Pathway Plan*, 2008. The proposal would provide 4.5m for the harbour pathway in front of the patio, as measured from the patio edge to the bollard 'mushroom' lighting at the edge of the causeway, consistent with the range of widths established for harbourfront pathway development. The Harbour Pathway Plan identifies 'existing conditions' at the Lower Causeway as generally meeting a 4.11m width. Given the patio's consistency with the policies related to enhancing the harbourfront walkway, as well as, the need to maintain an adequately accessible patio area for patrons, a 4.5m width for the harbourfront at this location is considered to be supportable.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this application and there are no impacts to public trees with this application.

CONCLUSIONS

The proposal to add patio space to the restaurant patio is consistent with relevant policies by providing outdoor dining with connections to the public realm, and by encouraging activity at the harbour pathway level. Staff recommend that Council consider supporting this application.

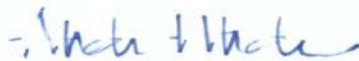
ALTERNATE MOTION

That Council decline Rezoning Application No. 00654 for the property located at 700 Government Street.

Respectfully submitted,



Chloe Tunis
Planning Analyst
Development Services



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

Date:

Joelynn Tenbrunsel
Jan 21, 2019

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped December 14th, 2018
- Attachment D: Letter from applicant to Mayor and Council dated January 8th, 2019
- Attachment E: Letter from the Greater Victoria Harbour Authority dated November 5th, 2018
- Attachment F: Community Association Land Use Committee Comments October 23rd, 2018