

I. REPORTS OF COMMITTEES

I.1 Committee of the Whole

I.1.b Report from the January 31, 2019 COTW Meeting

Councillor Collins withdrew from the meeting at 8:11 p.m. due to a non-pecuniary conflict of interest with the following item, as she is a board member of the Greater Victoria Harbour Authority.

I.1.b.a Rezoning Application No.00654 for 700 Government Street (Downtown)

Moved By Councillor Thornton-Joe
Seconded By Councillor Potts

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.

CARRIED UNANIMOUSLY

Councillor Collins returned to the meeting at 8:12 p.m.

B. CONSENT AGENDA

That the following items be approved without further debate:

E.1 Rezoning Application No. 00654 for 700 Government Street

Committee received a report dated January 18, 2019 from the Acting Director of Sustainable Planning and Community Development to allow for a larger restaurant patio than is currently permitted.

Moved By Councillor Isitt

Seconded By Councillor Loveday

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.

CARRIED UNANIMOUSLY



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.

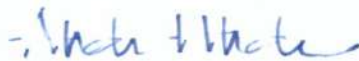
ALTERNATE MOTION

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

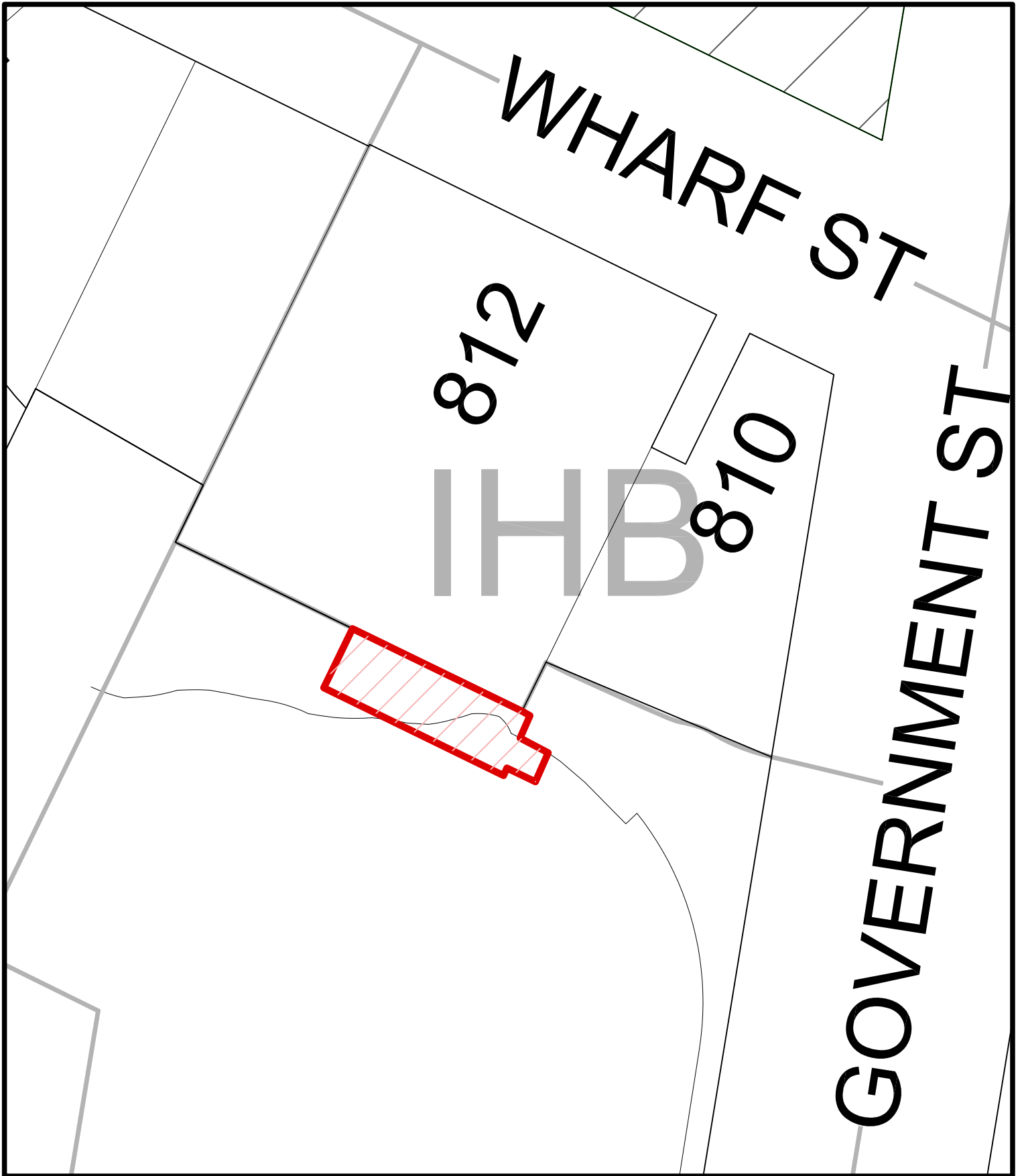
Report accepted and recommended by the City Manager.

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



700 Government Street
Rezoning No.00654



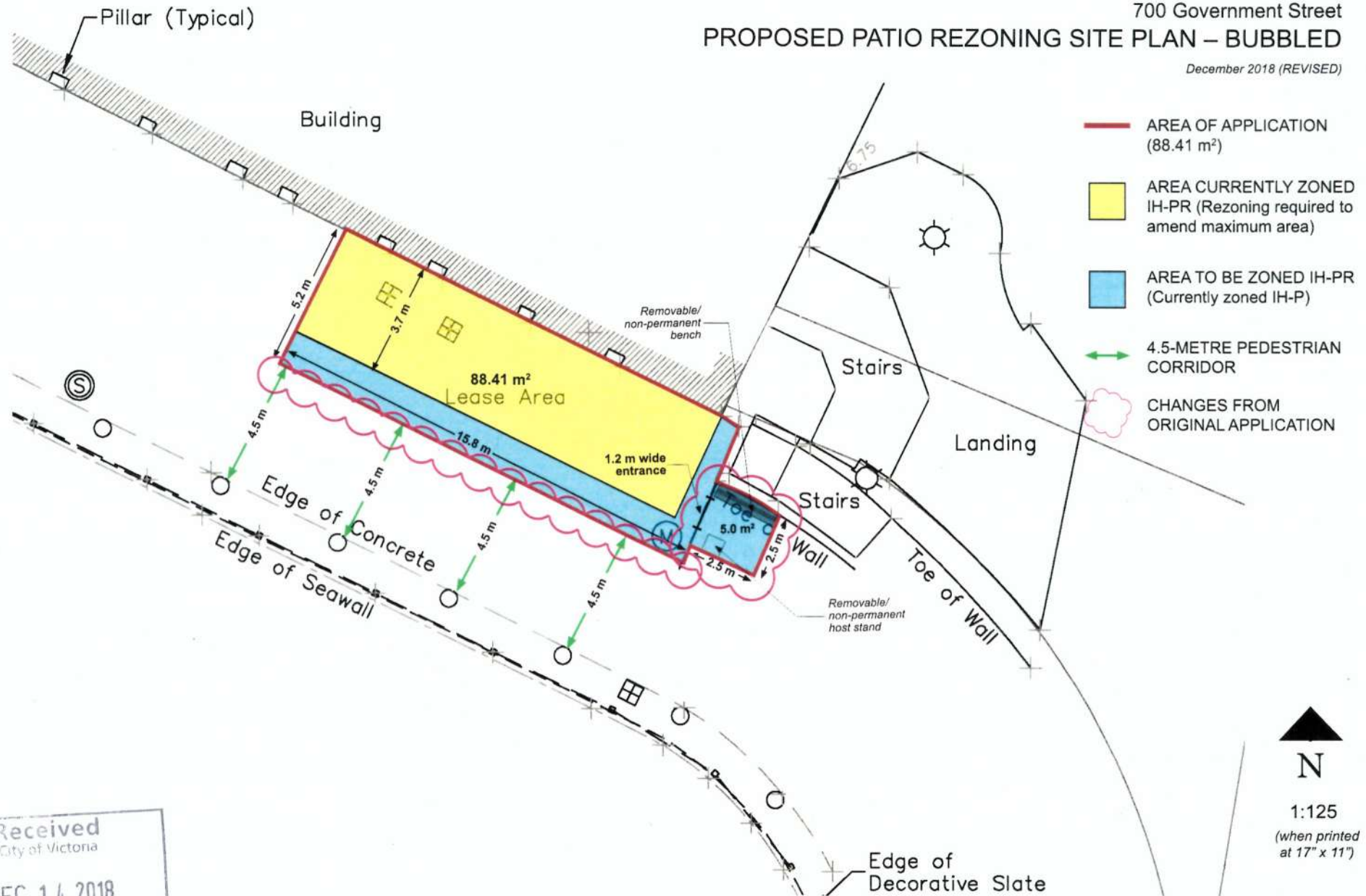


700 Government Street
Rezoning No.00654



700 Government Street
PROPOSED PATIO REZONING SITE PLAN – BUBBLED

December 2018 (REVISED)



1:125
 (when printed
 at 17" x 11")

Received
 City of Victoria

DEC 14 2018

Planning & Development Department
 Project Management Services Division



STRONGITHARM CONSULTING LTD.

January 8, 2019

(revised from June 22, 2018)

Mayor Lisa Helps & Council
City of Victoria
1 Centennial Square
Victoria BC V8W 1P6

Re: 700 Government Street Rezoning Application

Dear Mayor Helps & Council:

Strongitharm Consulting, on behalf of the Greater Victoria Harbour Authority (GVHA), is pleased to submit this application to rezone the property located at 700 Government Street (Milestone's Restaurant Causeway Patio), which adjoins the restaurant property at 812 Wharf Street.

Background

Milestone's (Causeway Restaurants Ltd.) has been a popular fixture along the Inner Harbour Causeway for more than 30 years, and is an important part of the Inner Harbour milieu, serving visitors and locals alike. It has recently been discovered by Milestone's that the zoning (IHP-R, Inner Harbour Parks and Causeway Restaurant District) for the restaurant's Lower Causeway patio area is slightly smaller than the lease area that has been in place for many years – first with the City, and subsequently with the GVHA. The intention of the rezoning is to correct this anomaly.

As a result of recent conversations and agreement with the landlord (Greater Victoria Harbour Authority) and City staff, the original area of application has been slightly modified to allow for more convenient entry to the patio and improved pedestrian traffic flow along the Lower Causeway. A site plan indicating the revised area of application is attached.

The Proposal

The purpose of the application is to align the IHP-R zone with the slightly revised restaurant patio configuration, as discussed with City staff and the GVHA. The area of application is now 52' x 17' (15.8 m x 5.2 m). A small entrance area at the east side of the patio is included in the proposed zoning.

CALUC Meeting

A CALUC meeting was hosted by the Downtown Victoria Residents Association on June 13, 2018. No members of the public attended.

In Conclusion

This rezoning is intended to correct an historical discrepancy, and align the Zoning Bylaw with the long term patio lease area at 700 Government Street (now as amended and described above). The use of the area is not changing, there will be no additional seating, and the pedestrian passageway along the Lower Causeway will be improved.

Should you require any further information, please do not hesitate to contact the undersigned (250-889-1862 or, dstrongitharm@cityspaces.ca).

Yours truly,

A handwritten signature in black ink, appearing to read 'Deane Strongitharm', with a horizontal line extending from the end of the signature.

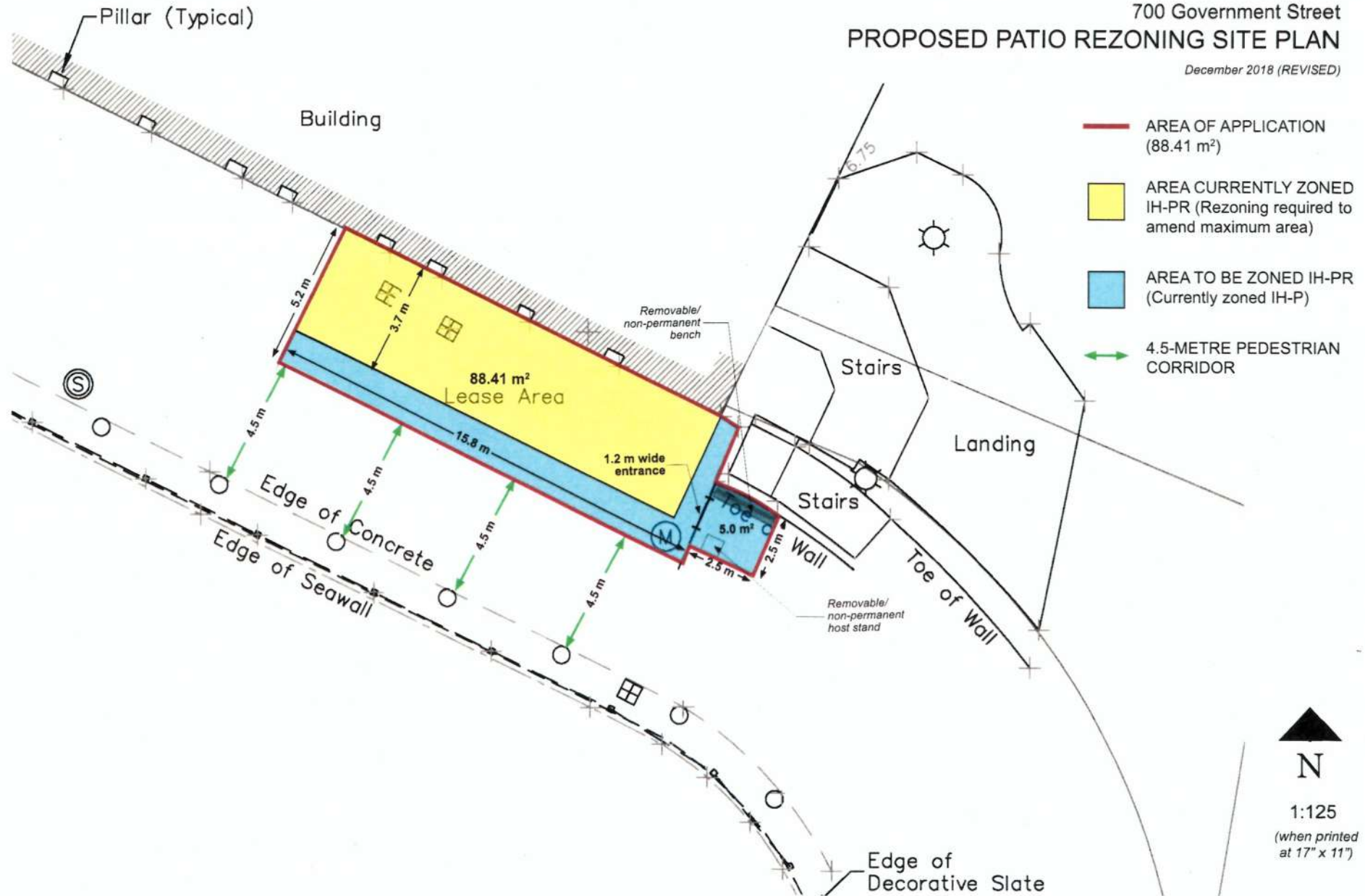
Deane Strongitharm, MCIP, RPP

Attach. Proposed Patio Rezoning Site Plan, December 2018

cc: Johanna Ward, Causeway Restaurants Ltd.
Sonterra Ross, Greater Victoria Harbour Authority

700 Government Street
PROPOSED PATIO REZONING SITE PLAN

December 2018 (REVISED)





100-1019 Wharf Street, Victoria, BC V8W 2Y9

p: 250.383.8300 | tf: 1-800-883-7079

e: gvha@gvha.ca | w: gvha.ca

Milestones Restaurant
c/o Deane Strongitharm
101 – 848 Courtney Street
Victoria BC V8W 1C4

November 5, 2018

Sent via email to dstrongitharm@cityspaces.ca

Deane

RE: MILESTONES REZONING APPLICATION

You have asked for some background information in regards to the Greater Victoria Harbour Authority's (GVHA) management of its Inner Harbour property as it relates to the Milestones Restaurant lease, which may help inform the current rezoning application to formalize the current patio space.

Although the GVHA was founded in 2002, the management of its causeway property was not taken over until 2005. The lower causeway is part of fee simple lands owned by the GVHA extending around to Ship Point. Prior to 2002, the lower causeway was owned by Transport Canada with the City managing causeway activities, including the long-established busker and food service vendor activities that have long been hallmarks of the causeway that adds life and vitality to it. The City continued to manage the causeway until 2005.

In 2006, GVHA and Milestones discussed a minor extension to the patio area to provide improved access for staff and host station. The lease area was then amended to reflect those discussions. The small extension to the lease area made practical sense and was done fully considering public access and convenience.

The Milestones patio area has operated in its current configuration for at least the past 12 years. At the time of the offer to extend the patio area, there was no consideration what-so-ever that there may be a zoning inconsistency, nor has there been any issue or concern expressed by the City with respect to occupancy since. I understand that the only reason why the minor variance in zoning was discovered was due to Milestones approaching the City and, upon some research, it came to light and was a surprise to all parties.

It is noted that the main Milestones lease and lease rent is with the City and the only interest GVHA has is the land lease of the causeway space allocated to Milestones.

Milestones has always worked cooperatively with the GVHA and are welcomed causeway tenants. We are fully in support of this small application for rezoning, which is effectively a minor housekeeping matter to remedy what has been a long-established and accepted practice.

Yours truly,

Sonterra Ross
Chief Operating Office, Greater Victoria Harbour Authority



1715 Government Street
Victoria, BC, V8W 1Z4

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

October 23, 2018

Re: Rezoning – Milestones Restaurant Patio

Dear Mayor Helps and Council,

The DRA LUC has reviewed the application for the proposed rezoning and hosted a CALUC meeting on June 13, 2018 for the above-mentioned application.

Based on the information presented by the applicant, the purpose of the rezoning is to match the area that is included on the current patio lease to the area zoned. Currently the existing patio protrudes approximately 6 feet beyond the current zoning boundary into the pedestrian portion of the lower harbour causeway. The applicant represented that the patio has been in existence for many decades and this non-compliance had been discovered recently when an application was submitted to the City of Victoria for a more substantial patio structure.

Comments and concerns raised by the Committee members are as follows:

- It is unclear whether the original lease for the area matched the zoning boundary. The subsequent lease apparently was granted by the City of Victoria without zoning approval or Council oversight. This situation has been technically noncompliant with the zoning and not legal for at least the past 8 years (as opposed to legal non-conforming).
- Site visits by the DRA during a festival event confirm that pedestrian traffic along this portion of the lower causeway appears constricted by the current patio dimensions.
- The existing patio structure does not currently create a visible barrier along the causeway. It was stated at the CALUC meeting that the applicant had submitted an application to build a taller more permanent structure that may be covered. This will accentuate the existing constriction of public space if permitted beyond the currently zoned area. Plans for this structure have apparently been withdrawn and have not been shown as part of this application to date. As the applicants' future plans certainly appear

to include a significantly larger structure, these plans should be included for public review prior to any consideration of this rezoning.

While this property is technically owned by the GVHA it is not private property. The appropriation of public space for private commercial uses should only be sanctioned by Council after careful consideration of the public needs. The DRA LUC considers that the patio area under application currently occupied by the Milestone's patio was improperly granted by the GVHA/City of Victoria lease and may represent a hindrance to the use of public space that may be worsened with the future plans for a structure. The creation in its current dimensions has taken place under circumstances that have yet to be fully justified and Council should feel under no obligation to approve this application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ian Sutherland', with a stylized, cursive script.

Ian Sutherland
Chair Land Use Committee
Downtown Residents Association

cc COV Planning

Rezoning Application for 700 Government Street



700 Government Street



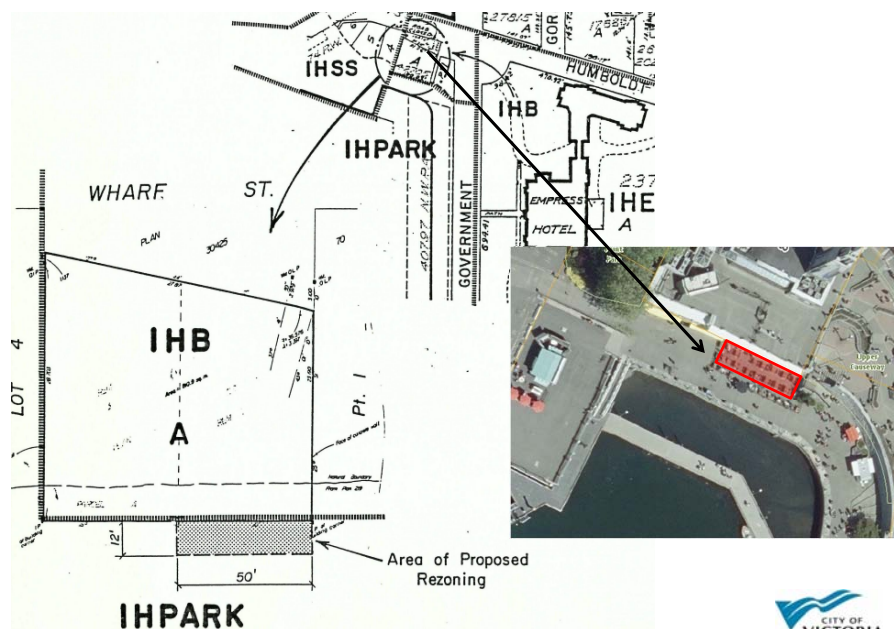
700 Government Street



Location of Patio and Rezoning

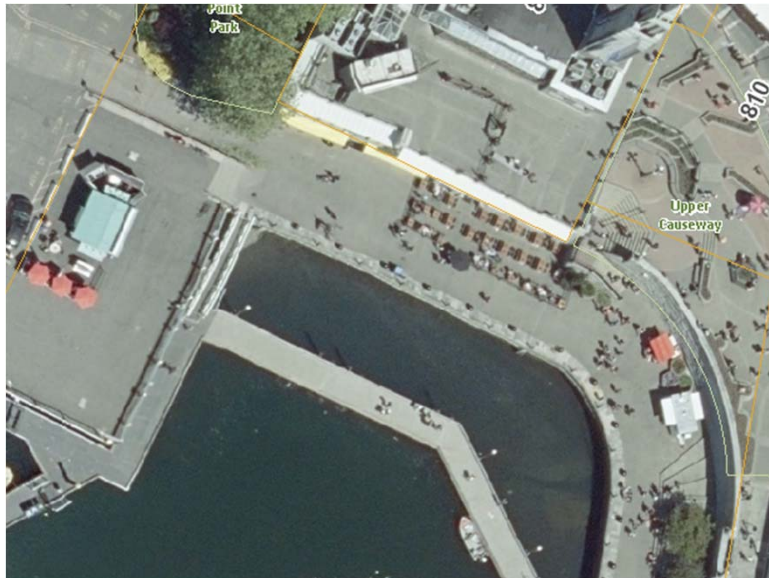


IH-PARK-R Zone



CITY OF
VICTORIA

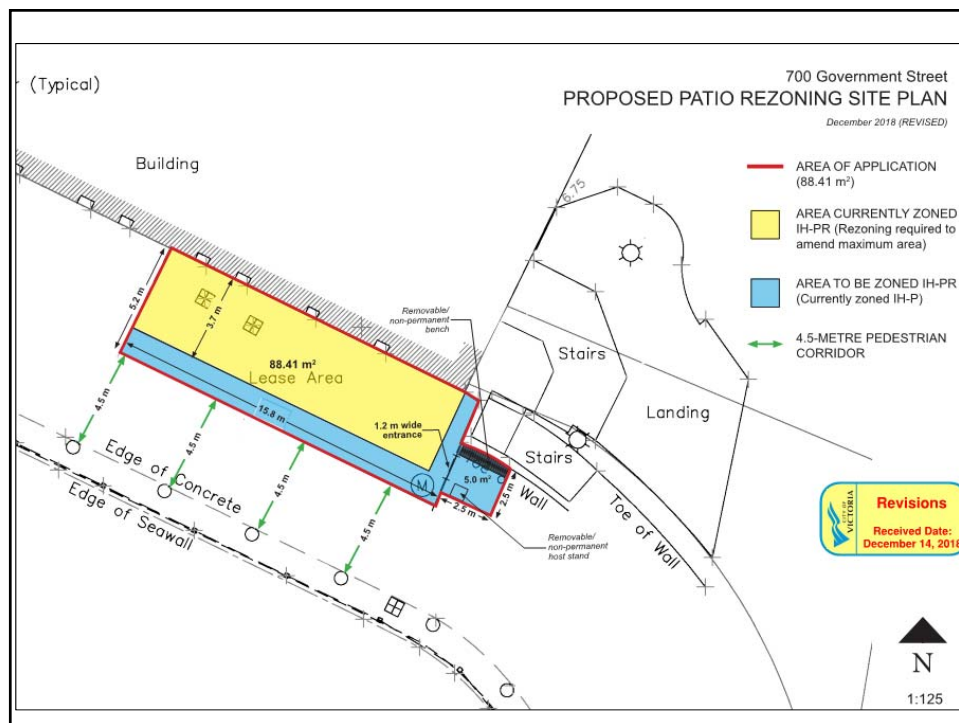
Patio Area 2017



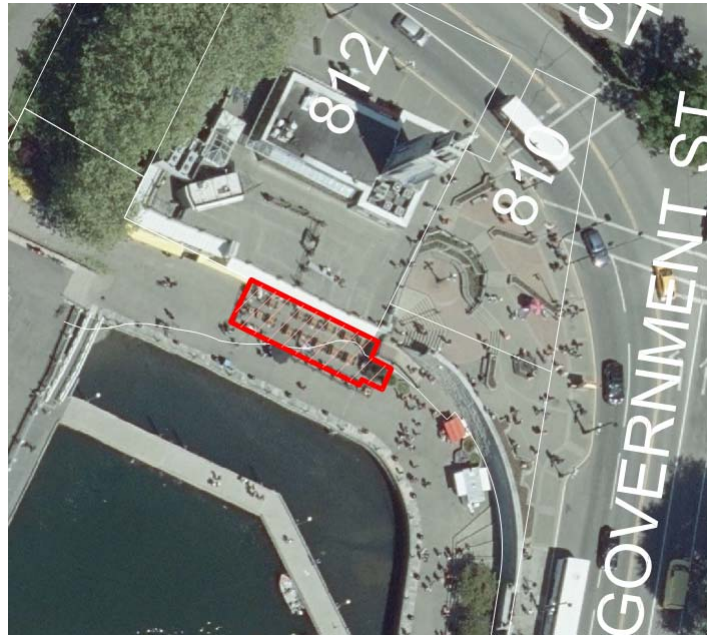
Patio Context in Recent Years



Patio Context in Recent Years



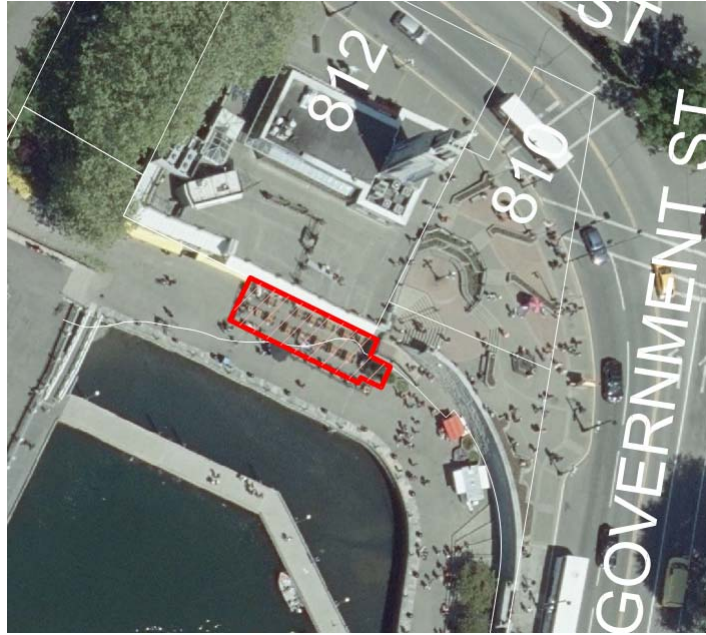
Area of Rezoning



Patio Context in Recent Years



Area of Rezoning



Patio Area 2017

