



Planning and Land Use Committee Report

For the meeting of December 11, 2014

Date: November 30, 2014 **From:** Jocelyn Jenkyns, General Manager, VCC

Subject: 1205 Wharf Street/10 Bastion Square – The Local
Within DPA 1 9HC) – Core Historic
Zoned: CA-3C-Old Town District

Executive Summary

The purpose of this report is to present the Planning and Land Use Committee with information and recommendations regarding the activities undertaken with regard to The Local Bar and Grill as it relates to outdoor patio area and the timber beam that has been attached to the Heritage-Designated building as part of the sidewalk cafe.


Recommendation:

That Council rescind the decision from the August 21, 2014 PLUC meeting and reconsider the existing application in light of the chronology of events and the additional information from the applicant.

Respectfully submitted


Jocelyn Jenkyns
GM Victoria Conference Centre

Report accepted and recommended by the City Manager: _____


December 10, 2014

Planning & Land Use
Standing Committee

DEC 11 2014

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1.0 Purpose

The purpose of this report is to present the Planning and Land Use Committee with information and recommendations regarding the activities undertaken with regard to The Local Bar and Grill as it relates to the outdoor patio area and the timber beam that has been attached to the Heritage-Designated building as part of the sidewalk cafe.

2.0 Background

The Local Bar and Grill has been in operation since 2007. In March 2007, a permit for a sidewalk café was submitted by Jeremy Petzing, the owner and operator of the establishment. In April 2007, a sidewalk café permit was approved based on the footprint of the café. The patio has always complied with the City of Victoria patio regulations as condition of the lease and has been operating without incident since 2007.

In 2011, the owner started to install a glass windbreak similar to the enclosure at a neighbouring establishment and was issued a stop work order due to the height of the glass. Two years later the windbreak was approved but with limited glass height. Based on that, the owner began to explore a way to heat the space to extend the seasonality of the operation.

For the last three years the City and the owner/operator have corresponded extensively on the issue of acceptable heaters for the patio. In the spring of 2013 the owner/operator submitted a rendering for a trellis beam, natural gas heaters and patio glazing. Following that, various departments were involved in aspects of this file but were unable to resolve the issue at hand as the proposal falls outside the parameters of the current bylaw.

The City indicated that a review of the Sidewalk Café Bylaw would be complete by 2014.

3.0 Issues and Analysis

Victoria as with many other jurisdictions has experienced an increase in the demand for patio spaces as a way to increase the hospitality season and extend the vibrancy of the downtown. Central to the city being able to respond to proposals outside of the existing bylaw parameters is the review of the Sidewalk Café Bylaw.

A review of the correspondence, files, conversations and activity on this file over the last seven years has been conducted. The chronology now involves five departments: Engineering, Sustainable Planning and Community Development, Legislative and Regulatory Services, Fire and Economic Development. A meeting with representatives from all five departments was convened on August 26, 2014.

There have also been a number of meetings held directly with the owner/operator of The Local Bar and Grill and between Sustainable Planning and Community Development and the owner/operator.

From a lessons learned perspective the City is taking steps to provide an effective one stop approach to future sidewalk café applications.

Recommendation:

That Council rescind the decision from the August 21, 2014 PLUC meeting and reconsider the

existing application at a future meeting of PLUC in light of the chronology of events and the additional information from the applicant.

That Council consider the review and update of the Sidewalk Café Bylaw as a priority for 2015-2019 Strategic Plan.