

PLANNING & LAND USE COMMITTEE REPORT
FROM THE MEETING HELD NOVEMBER 12, 2015

For the Council Meeting of November 12, 2015, the Committee recommends the following:

1. R1-A Zone, Rockland Single Family Dwelling Bylaw Housekeeping Amendment: That Council consider giving first and second reading to the *Zoning Regulation Bylaw* amendment proposed to the R1-A Zone, Rockland Single Family Dwelling District, and that a Public Hearing date be set.

2. Sidewalk Café Bylaw Progress Report: 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 refer this item to the Accessibility Working Group for feedback.
 5. 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.

3. Development Permit Application No. 000430 for 1029 View Street: “That Council authorize the issuance of Development Permit Application No. 000430 for 1029 Fort Street in accordance with:
 1. Plans dated September 18, 2015.
 2. Development meeting all *Zoning Regulation Bylaw* requirements.
 3. 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.
 4. Provision of additional detail related to the functionality of the two-tier bicycle parking to the satisfaction of City staff.
 5. That Council authorize City of Victoria staff to execute an Encroachment Agreement for a fee of \$750 plus \$25 per m² of exposed shored face during construction, in a form satisfactory to City staff. This is to accommodate shoring for construction of the underground parking structure at the property line.
 6. Final plans to be generally in accordance with the plans identified above to the satisfaction of City staff.
 7. The Development Permit lapsing two years from the date of this resolution.”

4. Heritage Application Permit No. 00208 for 700 Government Street: That Council authorize the issuance of Heritage Alteration Permit 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.
5. Liquor Licence Amendment - The Local Bar and Grill: 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:
 1. The application of The Local Bar and Grill to amend its Food Primary Liquor Licence to add a Patron Participation Endorsement.
 2. That 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 licenced premises. The restaurant has had no complaints of noise or nuisance since April 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.
6. Liquor Licence Amendment - The Strathcona Hotel: 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:
 1. 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.
 2. That Council provides the following comments on the prescribed considerations:
 - a. The location is within the Core Business Place designation in the 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 licenced 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.

7. The Strathcona Hotel: That Council request that the applicant provide information on what practises are used to address neighbourhood concerns.
8. Heritage Advisory Panel Referrals: That Council approve the following referrals to the Heritage Advisory Panel for consideration, comments and / or recommendations on:
 1. Possible further losses of the 1860's houses in Victoria.
 2. The Heritage Significance of the 1889 Courthouse in Bastion Square.