



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 Plans for this structure have apparently been withdrawn and have not been shown as part of this application to date.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