



Committee of the Whole Report

For the Meeting of May 17, 2018

To: Committee of the Whole **Date:** May 3, 2018

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Rezoning Application No. 00623 for 483/485 Garbally Road and 2960/2962 Bridge 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. 00623 for 483/485 Garbally Road and 2960/2962 Bridge Street; that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council and a Public Hearing date be set, subject to receipt of fully executed Statutory Right-of-Ways (SRW) of 0.86m on Bridge Street, and 1.38m on Garbally Road, to the satisfaction of the Director of Engineering and Public Works.

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 483/485 Garbally Road and 2960/2962 Bridge Street. The proposal is to rezone the property from the M-3 Zone, Heavy Industrial District to a site specific zone to allow a "liquor retail store" and "brew pub" as permitted uses in an existing building.

The following points were considered in assessing this application:

- a brewery is a permitted use within the existing zone; the proposal is to allow a brew pub and a liquor retail store as accessory uses (with limited floor area) to the primary use
- the proposed additional uses are generally consistent with the *Official Community Plan*, 2012, which designates the subject properties as Industrial Employment and supports light industry with ancillary retail sales
- the proposal is generally consistent with the *Burnside Gorge Neighbourhood Plan*, 2017, which envisions industry with accessory retail uses

- the application is consistent with the *Liquor Retail Stores Rezoning Policy*. In accordance with the policy, the applicant has received a letter of approval in principle from the Province of BC to have a manufacturing licence with on-site store endorsement. The applicant also polled all tenants and owners of neighbouring lots regarding the acceptability of the application and received positive responses from all respondents.
- the applicant has agreed to add a loading bay, add eight Class 1 bicycle parking stalls, and to reconfigure the parking spaces to comply with parking requirements.

BACKGROUND

Description of Proposal

This Rezoning Application is to create a site specific zone based on the M-3 Zone, Heavy Industrial District, to allow a liquor retail store and a brew pub as permitted uses accessory to a brewery. There are currently several business uses on site, including manufacturing, office, and wholesale. There will be minor changes to the exterior to the building; however, the parking area will be reconfigured to meet the parking requirements for the uses including re-instating the required loading bay and the addition of eight bicycle parking stalls.

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

- allowing liquor retail store up to 12 m² as a permitted use accessory to a brewery
- allowing brew pub up to 130 m² as a permitted use accessory to a brewery.

Sustainability Features

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

Active Transportation Impacts

The application proposes eight Class 1 bicycle parking stalls which support active transportation.

Public Realm Improvements

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

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Land Use Context

The area is characterized by a mix of commercial, industrial employment and residential uses.

Existing Site Development and Development Potential

The site is presently occupied by manufacturing, wholesale, and office uses. As well, there is currently a Building Permit application being processed to facilitate the addition of a brewery at this location. Under the current M-3 Zone, Heavy Industrial District, the property could be developed for a variety of industrial uses described in the Zone, with a maximum height of 15m and FSR up to 3:1.

Data Table

The following data table compares the proposal with the existing M-3 Zone, Heavy Industrial District. An asterisk is used to identify where the proposal is non-conforming.

Zoning Criteria	Proposal	Existing Zone M-3 Zone
Site area (m ²) - minimum	1470.20	n/a
Density (Floor Space Ratio) - maximum	0.65:1	3:1
Total floor area (m ²) - maximum	956.40	n/a
Height (m) - maximum	5.5 (approx.)	15.00
Setbacks (m) – minimum:		
North	0.30	0.00
South	0.00	0.00
Side (west)	0.40*	3.00
Side (east)	0.97	0.00
Corner lot	1.98*	No building within 3m sight triangle from intersection
Parking - minimum	14	14
<i>Parking – proposed Schedule C - minimum</i>	14	13
Loading Bay – minimum	1	1
Bicycle parking stalls - minimum	8 – Class 1	Not required for existing building

Relevant History

The subject property currently has several businesses, which include manufacturing, office, and wholesale uses. A building permit has been submitted for a brewery, which is a permitted use under the existing M-3 Zone, Heavy Industrial District.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Burnside Gorge CALUC at a Community Meeting held on September 18, 2017. A letter dated September 25, 2017 is attached to this report.

In accordance with the City's *Liquor Retail Stores Rezoning Policy*, the applicant polled the immediate neighbours and reports that 100% of respondents support the application. The required rezoning petitions and map provided by the applicant are attached to this report. The

City of Victoria Public Works Yard at 417 Garbally Road is a neighbouring property, which is indicated as neutral in the summary. Additionally, as per the Policy, the City referred the application to School District #61 and the Victoria City Police Department, and received no comments at the time of writing this report.

ANALYSIS

Official Community Plan

The *Official Community Plan* Urban Place Designation for the subject property is Industrial Employment, which supports light industrial uses on the ground floor with accessory retail sales. This designation supports a floor space ratio (FSR) of up to 3:1 in areas west of Bridge Street; however, the applicant is not proposing to increase the floor area. The proposed additional accessory uses of a brew pub and a liquor retail store is appropriate for the area as it supports the brewery operation.

Local Area Plan

The *Burnside Gorge Neighbourhood Plan*, 2017 designates the property as the Rock Bay sub-area, which supports the City's primary industrial land area. Retail uses are supported where they are accessory to the primary uses. The land use category in the neighbourhood plan is Industrial Employment, which supports light industrial with ancillary uses on any floor. The applicant is proposing a liquor retail store for products made on site and a brew pub for tasting products made on site, which would support the primary use as a brewery. The proposal generally fits with the overall policy directions outlined in the Local Area Plan.

Liquor Retail Stores Rezoning Policy

The proposal is consistent with the *City of Victoria Liquor Retail Stores Rezoning Policy*. The applicant has received "approval in principle" from the BC Liquor Control Branch (attached) and petitioned neighbours (attached).

The proposed location is more than 200m from an elementary or secondary school; the closest schools are the Selkirk Montessori School (approximately 317m) and Burnside Elementary (approximately 345m).

In order to avoid concentrations of liquor retail stores, the policy states that stores should be at least 200m from an existing liquor retail store. In this case, the nearest liquor retail is approximately 645m away on Hillside Avenue and Blanchard Street.

The policy limits the size of retail facilities to 275m². The proposal is to have a liquor retail store as an accessory use to the brewery, and the dedicated retail area would be less than 12m². Liquor sold in the retail area would also be restricted to products made at this brewery site.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this application.

Regulatory Considerations

The applicant is willing to grant two Statutory Right-of-Ways of 0.86m on Bridge Street and 1.38m on Garbally Road for future upgrades to the sidewalk and boulevard. The SRWs have been made a condition of the Rezoning application to fulfill Council approved objectives within the OCP, Greenways Plan, Local Area Plan, Pedestrian Master Plan, and Bicycle Master Plan including enhanced sidewalks, space for boulevards and trees, street furniture, and facilities for cycling.

CONCLUSIONS

The application is generally consistent with the applicable land use policies. The use of the property as a brewery maintains a continuance of industrial uses in the area. The addition of a brew pub and the accessory liquor retail store would be associated and support the brewery operation. The uses are compatible with the *Burnside Gorge Neighbourhood Plan*, which envisions a mix of businesses engaged in production, distribution, and employment-generating uses.

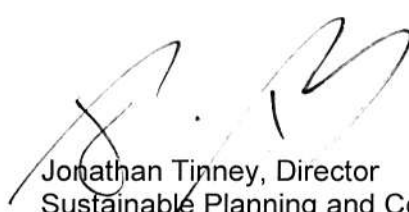
ALTERNATE MOTION

That Council decline Rezoning Application No. 0623 for the property located at 483/485 Garbally Road and 2960/2962 Bridge Street.

Respectfully submitted,




Chelsea Medd
Planner
Development Services



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: May 9, 2018

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped April 24, 2018
- Attachment D: Letter from applicant to Mayor and Council date stamped April 24, 2018
- Attachment E: Community Association Land Use Committee Comments dated April 20, 2018
- Attachment F: Liquor Control and Licensing Branch Letter dated September 25, 2017
- Attachment G: Liquor Retail Sales Neighbour Petition and summary map