



## **Committee of the Whole Report**

### **For the Meeting of July 19, 2018**

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**To:** Committee of the Whole **Date:** July 5<sup>th</sup>, 2017

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

**Subject:** **Development Variance Permit Application No. 00217 for 350 Bay Street**

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### **RECOMMENDATION**

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of Development Variance Permit Application No. 00217 for 350 Bay Street, in accordance with:

1. Plans date stamped June 15, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. Schedule C - Section 16.C.13: Reduce the required parking stalls from 44 to 26 (existing variance of 7 stalls [previously approved] is included within this current request).
3. The Development Variance Permit lapsing two years from the date of this resolution.

### **LEGISLATIVE AUTHORITY**

In accordance with Section 498 of the *Local Government Act*, Council may issue a Development Variance Permit that varies a *Zoning Regulation Bylaw* provided the permit does not vary the use or density of land from that specified in the *Zoning Regulation Bylaw*.

### **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with information, analysis and recommendations for a Development Variance Permit Application for the property located at 350 Bay Street. The proposal is to add a new distillery and tasting room to the existing building and add to the number of seats in the existing brew-pub.

The following points were considered in assessing this application:

- the building is currently served by 26 parking stalls; a seven stall variance was previously approved by Council for the brew-pub

- the site is well served by public transit, it is near to the downtown core and within a short walking distance from several intensive residential developments in the Victoria West area
- the majority of patrons to the current brew-pub attend during the evening hours when on-street parking is in less demand
- the proposal complies with the proposed draft Schedule C requirements and no variance would be required, if the Bylaw amendment is adopted by Council.

## **BACKGROUND**

### **Description of Proposal**

The proposal is to add a tasting room associated with a proposed distillery and existing brew-pub. Specific details include:

- the subject lot has 26 parking stalls which are accessible from both Bay Street and Turner Street
- the building was granted a seven stall variance in 2011 in conjunction with a rezoning application to allow for the existing brew-pub
- the building is currently occupied by a brew-pub and an associated warehouse, as well as a vacant unit which was previously occupied by a wholesale business
- the approximate area of the previous wholesale business is currently proposed to be a distillery and tasting room associated with the brew-pub. The distillery and tasting room are permitted uses under the current zoning
- with the proposal to add a tasting room and to add seats to the brew pub area, an additional 11 parking stalls are required
- 10 bicycle stalls are existing on the site; however, they do not meet the required specifications of the current *Zoning Regulation Bylaw*.

The proposed variance is to reduce the required parking by an additional 11 stalls for a total parking shortfall of 18 stalls. The proposal would not require a parking variance under the proposed draft Schedule C, which is tentatively scheduled to go to Public Hearing on July 26, 2018.

### **Sustainability Features**

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

### **Active Transportation Impacts**

The applicant has not identified any active transportation impacts associated with this application.

### **Public Realm Improvements**

No public realm improvements are proposed in association with this application.

### **Accessibility Impact Statement**

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

## Existing Site Development and Development Potential

The 1,451m<sup>2</sup> site is presently occupied by a one-storey building. The M-BP Zone, Brew Pub Industrial District, applies to the property and allows for distilleries and tasting rooms, as well as a variety of other industrial uses.

### Data Table

The existing M-BP Zone refers to Schedule C – Off-Street Parking Regulations for parking requirements. The following data table compares the proposal with the existing parking requirements under the current Schedule C.; it also compares the proposal to the proposed draft Schedule C. An asterisk is used to identify where the proposal is less stringent than the existing requirement.

Zoning Criteria	Proposed	Current Schedule C	Proposed Schedule C
Site area (m <sup>2</sup> ) - minimum	1,450.8		
Parking - minimum			
Existing Pub and proposed new seats	104 seats, 298m <sup>2</sup>	35	5
Existing Brewery	171m <sup>2</sup>	1	1
Existing Warehouse	88m <sup>2</sup>	1	1
Proposed Distillery	98m <sup>2</sup>	1	1
Proposed Tasting Room	30 seats, 85m <sup>2</sup>	6	1
Proposed Accessory Retail	5m <sup>2</sup>	0	0
Total Parking - minimum	26*	44	9
Bicycle parking stalls-minimum			
Class 1 (long term)	10 (non-complying)	0	0
Class 2 (short term)	0	0	0

### Relevant History

In 2011, the subject site underwent a site-specific rezoning to allow for a brew-pub, which is still existing on the site. At that time, a seven stall variance was granted to reduce the required number of stalls from 33 to 26.

### Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on July 3, 2018 the application was referred for a 30-day comment period to the Burnside-Gorge CALUC. At the time of writing this report, a letter from the CALUC had not been received.

This application proposes variances, therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

## ANALYSIS

The site is well served by public transit and is relatively close to the downtown core and within a few hundred metres of several intensive residential developments on the other side of the Bay Street Bridge. Additionally, the application meets the vehicular parking requirements of the proposed draft Schedule C, which is based on more recent parking demand studies than the existing Bylaw. For example, in this instance, the current requirement for this type of building use is to provide one parking stall for every three seats in the pub and tasting room area; whereas, the current requirement in a restaurant would be to provide one stall for every five seats. Research on current parking usage rates indicates that restaurant and pub patrons are driving less to these types of businesses which is coincidental with societal trends to discourage driving and the consumption of alcohol. Additionally, much of the traffic to the site occurs in the evenings, a time where nearby streets in the industrial district can more easily accommodate on-street parking.

## Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this application.

## CONCLUSIONS

Due to the proximity of the subject site to the downtown core and intensive residential developments, the number of existing stalls, as well as, the previous variance approval and compliance with the proposed Schedule C, staff recommend for Council's consideration that the application is supportable.

## ALTERNATE MOTION

That Council decline DVP Application No. 00217 for the property located at 350 Bay Street.

Respectfully submitted,

 JH

Chloe Tunis  
Planning Analyst  
Development Services



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date:

July 12, 2018

**List of Attachments:**

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped June 15, 2018
- Attachment D: Letter from applicant to Mayor and Council dated June 15, 2018
- Attachment E: Correspondence