



Committee of the Whole Report

For the Meeting of February 7, 2019

To: Committee of the Whole **Date:** February 7, 2019

From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development

Subject: **Development Permit with Variances Application No. 00099 for 184 Wilson Street**

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 Permit with Variance Application No. 00099 for Unit 100, 184 Wilson Street, in accordance with:

1. Plans date stamped January 9, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce setback from Bay Street from 3.0m to 0.15m to allow construction of a covered patio and awning;
 - ii. reduce landscaped area setback from Bay Street from 3.0m to 0.15m;
 - iii. reduce setback from Tyee Road from 3.0m to 2.4m for window awnings.
3. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the revitalization of an area in which a commercial use is permitted, a Development Permit may include requirements respecting the character of the development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variances Application for the property located at Unit 100, 184

Wilson Street (Westside Village). The proposal is to add a covered patio and window awnings to a restaurant. The proposed additions project into the setbacks on Bay Street and Tyee Road; therefore, variances are required.

The following points were considered in assessing this application:

- the proposal is consistent with the applicable Design Guidelines
- the proposal is consistent with the *Victoria West Neighbourhood Plan* (2018)
- the proposal is consistent with the *Official Community Plan* (2012)
- the proposed variances are considered supportable as the building additions would provide animation and activity on adjacent streets, consistent with the applicable Design Guidelines and Policies.

BACKGROUND

Description of Proposal

The application proposes to add a covered patio and window awnings to a restaurant. The proposed additions project into the required setbacks on Bay Street and Tyee Road; therefore, variances are required. Specific details include:

- a covered patio area fronting Bay Street
- three projecting window awnings fronting Tyee Road and Bay Street.

The proposed variances are related to:

- reducing the setback from Bay Street from 3.0m to 0.15m to allow construction of a covered patio and awning
- reducing the landscaped area setback from Bay Street from 3.0m to 0.15m
- reducing the setback from Tyee Road from 3.0m to 2.4m for awnings.

Sustainability Features

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

Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this specific application; however, a Delegated Development Permit was submitted on October 23, 2018 and approved, allowing the removal of a drive-through structure associated with the subject building (formerly a bank) and replaced with soft landscaping and 12 new visitor bicycle racks located within the landscaped area.

Public Realm Improvements

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

Accessibility Impact Statement

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

Existing Site Development and Development Potential

The existing building is situated within Westside Village, which is a commercial retail centre designated as Large Urban Village in the *Official Community Plan (OCP)*, 2012.

Under the current SNC-1 Zone, Songhees Wilson Park Commercial District, the property could be developed with a total floor area of up to 17,100m² with a mix of commercial and residential uses.

Data Table

The following data table compares the proposal with the SNC-1 Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone. A double asterisk identifies a previously approved variance.

Zoning Criteria	Proposal	Existing Zone
Site area (m ²) - minimum	14,900	14,000
Total floor area (m ²) – maximum (commercial use)	7,558	8,700
Height (m) - maximum	6.1	12.0
Storeys - maximum	1	4
Site coverage % - maximum	49.6	50
Setbacks (m) – minimum:		
Tyee Road	2.4 (awning)* 3.0 (main building)	3
Bay Street	0.15 (patio)*	3
Landscaped Area Setback	0.15*	3.0
Parking - minimum	302**	366
Bicycle parking stalls (minimum)	Long Term – 1 Short Term – 12	Long Term – 1 Short Term – 3

Relevant History

On October 23, 2018, the City approved a Delegated Development Permit proposing alterations to the existing building and landscaping to facilitate a new restaurant at the subject property. A two-stall parking variance was also approved as part of this delegated application.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on November 29, 2018 the application was referred for a 30-day comment period to the Victoria West 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

Development Permit Area, Policies and Design Guidelines

The OCP identifies this property within Development Permit Area 5: Large Urban Village, and the following documents were considered in assessing this Application:

- *Official Community Plan* (2012)
- *Victoria West Neighbourhood Plan* (2018)
- *Policy Plan and Design Guidelines for Songhees Area of Victoria West* (2005)
- *Design Guidelines for; Multi-Unit Residential, Commercial and Industrial* (2012)
- *Revitalization Guidelines for Corridors, Villages and Town Centres* (2017).

The existing commercial buildings at Westside Village generally face into the site, fronting onto a surface car parking area; whereas, the rear of these buildings, which face the public streets adjacent to the site, consist predominantly of blank walls. The Guidelines seek to avoid this relationship between commercial buildings and the public street. The Guidelines discourage large expanses of blank walls adjacent to the public street, and instead encourage an active street-edge with commercial development that is located close to the street. Where a setback exists, the Guidelines encourage features such as patios. Doorways, windows and other features that create "eyes on the street" are also encouraged.

The proposed patio addition would enhance what is largely a blank elevation facing Bay Street and the addition of the patio would be consistent with the relevant Guidelines outlined above. The materials proposed (concrete wall, metal roof and canopies) are also consistent with the preferred list of materials specifically identified in the *Revitalization Guidelines for Corridors, Villages and Town Centres*.

While the patio projects into a landscaped setback area, as described in the current site zoning, a landscaped City Boulevard with a depth of approximately 3.5m would still be situated between the sidewalk and the edge of the private property.

The proposed window awnings would also assist in animating the building, and to accommodate these features, the modest variance to the setback being proposed on Tyee Road (from 3m to 2.4m) is considered supportable. It should also be noted that two awnings of similar dimensions are currently located in this area. These were associated with the former bank and would be replaced under the current proposal.

For the reasons outlined above, staff recommend for Council's consideration that the design of the proposed building additions, and the resulting variances, are supportable.

Tree Preservation Bylaw and Urban Forest Master Plan

There is a healthy 80cm diameter breast-height public *Cedrus Atlantica* tree on the Bay Street municipal boulevard. An ISA professional arborist report was conducted with exploratory digging to locate tree roots that could potentially be affected by the patio foundation excavation. Although this protected tree is not shown in the elevations, the applicant has assured the City that the project arborist will be retained for recommendations during the patio construction, and

the patio structural foundation footings will be revised if needed to protect the tree's roots. Staff will follow-up to ensure this tree is retained and protected at building permit phase.

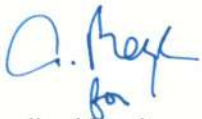
CONCLUSIONS

Staff consider that the proposal is consistent with the recently approved *Victoria West Neighbourhood Plan* and the applicable Design Guidelines, and thus, is supportable as presented. The proposed setback variances are considered supportable as the patio and awning additions would animate what is currently a predominantly blank wall facing Bay Street, which is consistent with the objectives of the applicable Design Guidelines for Large Urban Villages.

ALTERNATE MOTION

That Council decline Development Permit with Variance Application No. 00099 for the property located at Unit 100 – 184 Wilson Street.

Respectfully submitted,



Jim Handy
Senior Planner – Development Agreements
Development Services Division

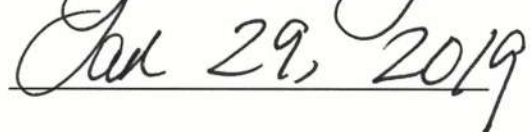


Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:



List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped January 9, 2019
- Attachment D: Letter from applicant to Mayor and Council dated November 20, 2018
- Attachment E: Arborist Report