



Committee of the Whole Report For the Meeting of January 14, 2021

To: Committee of the Whole **Date:** December 31, 2020

From: Karen Hoese, Director, Sustainable Planning and Community Development

Subject: **Development Permit with Variances Application No. 00148 for 1609 Fort Street**

RECOMMENDATION

Staff recommend 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. 00148 for 1609 Fort Street, in accordance with:

1. Plans date stamped December 21, 2020.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Increase the maximum total floor area for liquor retail sales from 241.00m² to 327.00m².
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 *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 Variance Application for the property located at 1609 Fort Street. The proposal is to expand the current liquor store within the existing building. The variance is related to increasing the floor area of a liquor retail store above the maximum permitted in the zone.

The following points were considered in assessing this Application:

- The subject property is within Development Permit Area 5: Large Urban Village. The applicable design guidelines are the *Oak Bay Avenue Land Use and Design Guidelines (2001)*. There are changes proposed to the openings on the exterior of the building along Fort Street, and to materials
- The proposal is generally consistent with the *Liquor Retail Store Rezoning Policy*, which notes that stores larger than 275m² are to be considered on a case-by-case basis. The proposal is to increase the liquor store size from 241.00m² to 327.00m² to accommodate more retail space, offices, staff room and storage.

BACKGROUND

Description of Proposal

The proposal is to expand the existing liquor retail store. Minor exterior changes to the building are also proposed. Specific details include:

- changing a door to a window on the Fort Street side
- adding accent wood cladding.

The proposed variances are related to the increase in maximum floor area of a liquor retail store from 241.00m² to 327.00m². The interior liquor retail store would be expanded into another retail unit and would accommodate retail space, administration function, a small staff room and storage. Associated signage will be handled at a later date as part of a Sign Permit.

Sustainability

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

Land Use Context

The Fort Street and Oak Bay Avenue intersection is within the Stadacona Large Urban Village as identified in the *Official Community Plan*, and has a mix of commercial, mixed-use, and multi-unit buildings. There is a long-term care home located at 1650 Fort Street.

Public Realm

No public realm improvements beyond City standard requirements are proposed in association with this Development Permit Application.

Accessibility

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

Existing Site Development and Development Potential

The site is presently a two-storey commercial building. Under the current C1-J Zone, Limited Commercial Junction District, the property could be developed at a density of 0.55 to 1.0 Floor Space Ratio (FSR) and with the uses proposed; however, it could also be developed to accommodate retail, offices, restaurant, and residential mixed-use.

Data Table

The following data table compares the proposal with the existing C1-J Zone, Limited Commercial Junction District. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone.

| Zoning Criteria | Proposal | Existing C1-J Zone |
|--|----------------|--------------------|
| Site Area (m ²) | 1614.90 | n/a |
| Total Floor Area (m ²) - maximum | existing | n/a |
| Floor Space Ratio | 0.50 | 0.55 |
| Liquor Retail Store Floor Area (m ²) – maximum | 327.00* | 241.00 |
| Parking – minimum | 20 | 19 |

Relevant History

Rezoning and Development Permit Applications were approved May 28, 2015, to permit a Liquor Retail Store with a maximum floor area of 241.00m². A Delegated Development Permit was approved December 8th, 2020 to enclose the balconies on the second storey in order to expand office space, as well as, replace exterior materials. As this is an existing building and the expansion was less than 100m² and changes met the design guidelines, the application was delegated to staff.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on June 8, 2020 the application was referred for a 30-day comment period to the South Jubilee CALUC. At the time of writing this report, a letter from the CALUC had not been received.

Consistent with the *Liquor Retail Store Rezoning Policy*, the application was referred to School District No. 61 and the Victoria Police Department on July 3, 2020. No comments from the School District have been received at the time of writing this report. A letter dated November 24, 2020 was received from Victoria Police Department which stated they do not have further comments regarding this application.

Consistent with the Policy, the applicant also petitioned residents and owners of neighbouring lots as to the acceptability of the application. The petition and results are attached to this report.

Consistent with the Policy, a letter of preliminary approval from the Province of BC, Liquor and Cannabis Regulation Branch, has been obtained and is attached to this report.

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

Official Community Plan (OCP)

The *Official Community Plan* (OCP) identifies this property within DPA 5: Large Urban Villages. The OCP supports liquor stores within Large Urban Villages to provide a range of commercial and community services. Within this DPA, the Oak Bay Village Design Guidelines apply. The proposal is generally consistent with the Guidelines in terms of revitalizing existing buildings, creating a coordinated approach to design and using 'traditional' building materials. Minor changes are proposed to the exterior, such as removing a door on the corner on the Fort Street elevation and adding windows and adding wood cladding. The building will also be repainted.

Other changes to the building were approved as part of a Delegated Development Permit (DDP) application and further detail can be found in the Relevant History section of this report. The proposed building plans show the building with all the changes, both those approved as part of the DDP application and this DPV application.

Local Area Plan – Jubilee Neighbourhood Plan

The *Jubilee Neighbourhood Plan* envisions the area as needing physical improvements to reinforce the neighbourhood commercial areas as vibrant, pedestrian oriented places for local shopping and services. This is an important entry point to the neighbourhood as it's at the corner of two major roads, Fort Street and Oak Bay Avenue, and the proposed changes will help revitalize this building.

Liquor Retail Store Rezoning Policy

Although not strictly applicable to a Development Permit with Variance Application, staff used the *Liquor Retail Stores Rezoning Policy* to assess the application. The application meets most of the goals of the policy, including locating in an existing liquor retail location, distance from a school and minimum parking requirements. The proposal also revitalizes an existing shop frontage. Finally, the proposal notes that liquor retail stores in excess of 275m² are to be considered on a case-by-case basis. In this instance, the store is existing and within a Large Urban Village, which supports ground-oriented commercial uses. Therefore, staff believe a larger liquor retail store is supportable.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no *Tree Preservation Bylaw* impacts with this application. Two Bylaw protected trees are located off site, and tree protection measures will be in place at the Building Permit stage.

Statutory Right of Way

Staff requested statutory right-of-ways (SRW) as part of this application; however, the owner does not wish to provide these at this time, but would consider it if there is a future overall redevelopment proposal.

Fort Street is classified as an arterial street. The standard right-of-way for an arterial street is 30.0m, however future transportation-related needs on the Fort Street corridor can be met in a right-of-way width of 28.53m. To help achieve this minimum width on this portion of Fort Street, a SRW of 2.743m was requested. Fort Street has been identified as part of the All Ages and Abilities (AAA) Bicycle Network and is a corridor that would benefit from the inclusion of protected cycling facilities. Fort Street would also benefit from enhanced pedestrian amenities and a treed boulevard.

Oak Bay Avenue is classified as a secondary arterial street. The standard right-of-way for a secondary arterial street is 25.0m, however future transportation-related needs on the Oak Bay Avenue corridor can be met in a right-of-way width of 23.89m. To help achieve this minimum width on this portion of Oak Bay Avenue, a SRW of 2.15m was requested. Oak Bay Avenue has been identified as part of the cities all ages and abilities cycling network and would benefit from enhanced pedestrian amenities, protected bike lanes, and a treed boulevard.

Regulatory Considerations

A variance is proposed to increase the floor area for a liquor retail from 241.00m² to 327.00m². This is supportable given it is an existing liquor store that is expanding within the building.

CONCLUSIONS

The proposal to relocate and expand the existing liquor store 1609 Fort Street would improve an existing commercial building and bring activity to a currently vacant store front. In this instance, a liquor retail store larger than 275m² in the *Liquor Retail Policy* is considered acceptable due to the location of the property on a prominent corner within an existing building in the Large Urban Village designation and meeting the advisory policies found within the *Liquor Retail Store Rezoning Policy*. Staff therefore recommend that Council consider supporting the application.

ALTERNATE MOTION

That Council decline Development Permit with Variance Application No. 00148 for the property located at 1609 Fort Street.

Respectfully submitted,

Chelsea Medd
Planner
Development Services

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped December 21, 2020
- Attachment D: Letter from applicant to Mayor and Council dated November 3, 2020
- Attachment E: Letter of Plan Approval in Principal from Province of BC, Liquor and Cannabis Regulation Branch dated July 28, 2020
- Attachment F: Petitions and Summary
- Attachment G: Referral Response from Victoria Police Department dated November 24, 2020