



Committee of the Whole Report For the Meeting of July 8, 2021

To: Committee of the Whole **Date:** June 28, 2021

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

Subject: Development Permit with Variance Application No. 00170 for 1609 Fort Street

RECOMMENDATION

That 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. 00170 for 1609 Fort Street, in accordance with:

1. Plans date stamped June 3, 2021.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. Increase the total floor area for a liquor store (maximum) from 241m² to 453.8m².
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 landscaping to enhance the streetscape.
- 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 241.0m² to 453.8m².

BACKGROUND

Description of Proposal

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

- changing doors and glazing
- new landscaping to enhance Fort Street.

The proposed variances are related to increasing the total floor area for a liquor store from 241.0m² to 453.8m². A Development Permit with Variance was approved on February 25, 2021, to increase the maximum total floor area for liquor retail sales from 241.0m² to 327.0m², as well as design changes. Since that time, a restaurant in the building closed, so this application is to expand the liquor store to include that unit (an additional 126.8m² of floor area than the proposal approved in February 2021).

Sustainability

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

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.

Active Transportation

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

Public Realm

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

Accessibility

No accessibility improvements are proposed beyond what is required through the *British Columbia Building Code*.

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 0.55:1 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 Zone
Site area (m ²) – minimum	1614.90	
Density (Floor Space Ratio) – maximum	0.55	0.55
Total floor area (m ²) – maximum	886.30	n/a
Liquor Retail Store Floor Area (m ²) – maximum	453.80* (previously approved - 327.00)	241.00
Parking – minimum	20	17
Short term bicycle parking – minimum	8	n/a
Long term bicycle parking - minimum	n/a	n/a

Relevant History

Rezoning and Development Permit Applications were approved May 28, 2015, to permit a Liquor Retail Store with a maximum floor area of 241.0m². A Delegated Development Permit was approved December 8, 2020 to enclose the balconies on the second storey in order to expand office space and to replace exterior materials. A Development Permit with Variance was approved on February 25, 2021 to increase the maximum total floor area for liquor retail sales from 241.0m² to 327.0m², as well as design changes. Since that time, a restaurant in the building closed, so this application is to further expand the liquor store.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on April 29, 2021 this application was referred for a 30-day comment period to the South Jubilee CALUC. An email dated April 14, 2021 is attached to this report which states they have no comments or objections to the expansion.

Consistent with the *Liquor Retail Store Rezoning Policy*, the application was referred to School District No. 61 and the Victoria Police Department on April 29, 2021. No comments from the School District have been received at the time of writing this report. Correspondence was received from Victoria Police Department which states they do not have comments regarding this application, and this correspondence is attached to this report.

Consistent with the Policy, the applicant also petitioned residents and owners of neighbouring lots as to the acceptability of the application. Two neighbours responded at the time of writing this report, both were in support 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 with in 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 as well as, additional landscaping on the Fort Street frontage.

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. The proposal includes additional entries along the Fort Street façade, and revitalizing the landscaping along this edge, which will improve the streetscape and relationship to the street.

Liquor Retail Store Rezoning Policy

Although not strictly applicable to a Development Permit with Variance Application, staff have assessed the application against the *Liquor Retail Stores Rezoning Policy*. 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 creates a more active street facade along Fort Street. Whereas the entrance is currently accessed from the parking lot, there will also be entries along Fort Street. Finally, the policy 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.

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.

Regulatory Considerations

A variance is proposed to increase the floor area for a liquor retail from 241.0m² to 453.8m². This is supportable given it is an existing liquor store that is expanding within the building into an additional commercial unit.

CONCLUSIONS

The proposal to expand the existing liquor store 1609 Fort Street would improve an existing commercial building, bring activity to a currently vacant store front, and further activate Fort Street. 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. 00170 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 June 3, 2021
- Attachment D: Letter from applicant to Mayor and Council dated June 18, 2021
- Attachment E: Liquor Retail Petition
- Attachment F: Community Association Land Use Committee email dated April 14, 2021
- Attachment G: Letter of Plan Approval in Principle from Province of BC, Liquor and Cannabis Regulation Branch dated June 14, 2021
- Attachment H: Referral Response from Victoria Police Department email dated April 29, 2021