



Committee of the Whole Report

For the Meeting of October 7, 2021

To: Committee of the Whole **Date:** September 23, 2021

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

Subject: Rezoning Application No. 00779 for 2740 Bridge Street and 450 Hillside Avenue

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00779 for 2740 Bridge Street and 450 Hillside Avenue, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Preparation and execution of the following legal agreement, to the satisfaction of the City Solicitor and Director of Engineering and Public Works:
 - a. a Statutory Right-of-Way of 1.7m on Bridge Street.

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 2740 Bridge Street and 450 Hillside Avenue. The proposal is to rezone from the M-3 Zone, Heavy Industrial District, to a new zone in order in to permit liquor retail sales and brewpub uses in the existing brewery.

The following points were considered in assessing this application:

- The proposal is consistent with the *Official Community Plan* (OCP, 2012) Urban Place Designation, which is Industrial Employment. This designation supports light industrial uses such as manufacturing, processing, warehousing and distribution as well as accessory retail uses.

- The OCP also strongly supports the growth of local businesses and intensive employment in the Rock Bay neighbourhood.
- The *Burnside Gorge Neighbourhood Plan* designates the subject as Industrial Employment, which supports production, and distribution activities. Retail uses are supported where they are accessory to the primary use.
- There are currently liquor retail sales at the existing brewery and the applicant would like to legalize the use. The maximum floor area being requested for liquor retail store is 50m² (538ft²). According to the applicant, the brewery is a licensed establishment that permits liquor retail sales.
- The applicant fulfilled all the requirements of the *Liquor Retail Stores Rezoning Policy* and submitted the Neighbourhood Petition. Sixteen petitions were delivered to immediate neighbours and of the returned surveys, 14 neighbours are in support of a liquor retail store. Two petitions were not returned to the applicant.

BACKGROUND

Description of Proposal

This Rezoning Application is to rezone the subject property from the M-3 Zone, Heavy Industrial District, to a new zone in order to permit liquor retail sales and brewpub use in the existing brewery.

Sustainability

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

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 Rezoning Application.

Accessibility

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

Land Use Context

The area is characterized by light industrial, service commercial and retail uses.

Existing Site Development and Development Potential

The site is presently occupied by a brewery, warehouse and a liquor retail store, and service commercial uses. Under the current M-3 Zone, the property could be developed into a four or five storey building consisting of light industrial (manufacturing, processing, warehouse, distribution, and repairs) and commercial (restaurants and accessory retail) uses.

Data Table

The following data table compares the proposal with the existing M-3 Zone. In terms of siting and density, no changes are proposed. The matter for Council's consideration is the addition of two new uses (brewpub and liquor retail sales).

Zoning Criteria	Proposal	Existing Zone M-3 Zone
Site area (m ²) – minimum	4220	n/a
Density (Floor Space Ratio) – maximum	0.53:1	3:1
Height (m) – maximum	9.50	15
Setbacks (m) – minimum	Existing	3.00 or 0 / Setback for corner lot - diagonal line connecting two points 3m away from intersection
Parking – minimum	36	21
Loading Space (m) – minimum		
Width	Existing	4
Length	Existing	9
Height	Existing	4.30
Setback from street	Existing	3
Access from street	Existing	5
Bicycle parking stalls – minimum	0	Not required

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Burnside Gorge CALUC. The CALUC waived the requirement for a virtual community meeting and 30-day comment period on the City's Development Tracker for this rezoning application. Letters dated March 22, 2021 and June 29, 2021 are attached to this report.

ANALYSIS

Official Community Plan

The *Official Community Plan* (OCP, 2012) Urban Place Designation for the subject property is Industrial Employment, which supports light industrial uses such as manufacturing, processing, warehousing and distribution as well as accessory retail uses. The proposed land uses (brewpub and liquor retail sales) are appropriate for the area, as they support the brewery

operation and are consistent with the broader vision for the Rock Bay area. The inclusion of the brewery and accessory uses has served to retain and strengthen the industrial precinct while creating jobs and supporting economic growth in the city.

Burnside Gorge Neighbourhood Plan

The *Burnside Gorge Neighbourhood Plan* designates the subject property as Industrial Employment, which supports production and distribution activities. Retail uses are supported where they are accessory to the primary use. Preserving industrial lands and encouraging growth of local businesses in Rock Bay is strongly encouraged in the Plan.

Liquor Retail Stores Rezoning Policy

The proposal is subject to the *Liquor Retail Stores Rezoning Policy*. The Policy states that a liquor retail store should be at least 200m from an elementary or secondary school, and any other liquor retail store, have a floor area of no greater than 275m² and an entrance fronting an existing street. The subject property is not within 200m of a school nor another liquor retail store, the proposed floor area is 50m² and the entrance to the store is at the corner of Bridge Street and Hillside Avenue. There are no CPTED concerns with this proposal.

The Policy states that the rezoning application for a liquor retail store must be accompanied by a letter of preliminary approval from the Province of BC. According to the applicant, Hoyne Brewery is a licensed establishment with permission for onsite retail sales in accordance with their Liquor Manufacturers Agreement with the Liquor & Cannabis Regulatory Branch.

The Policy requires the applicant to complete a neighbourhood petition. The applicant distributed 16 petitions to immediate neighbours (10 immediate properties) and of the returned surveys, 14 neighbours are in support of liquor retail sales at the existing brewery. Two petitions were not returned to the applicant. The results of the neighbourhood petition are attached to this report.

Lastly, the Policy requires referrals to be sent to the Victoria City Police (VicPD) and School District #61 (SD61) for a 30-day comment period. A referral was sent to VicPD on July 6, 2021; a letter has not been received at the time of writing this report. A referral was not sent to SD61 since there is no school within 200m of the subject property.

Regulatory Considerations

The current M-3 Zone allows for a wide range of light industrial and commercial uses, including brewery, distillery, and restaurant; however, it does not permit liquor retail sales or a brewpub (lounge/tasting room), which allows alcohol to be served exclusively (no food).

The floor area of the existing liquor retail store is 22.46m² and the applicant's intention is to maintain the small scale. Even though there are no plans to expand the size of the store at this time, the applicant is requesting that the maximum floor area permitted in the new zone is 50m² to allow for some flexibility in the design of the retail space. This is a reasonable request and the new zone would limit the size of the liquor retail store to 50m².

Hoyne Brewery is a member of the Victoria Tourism Association and a stop on the "BC Ale Trail," and hosts tasting events from time to time. As noted in the applicant's letter (attached), brewpubs (i.e., tasting opportunities) are becoming increasingly popular as part of the brewery experience for customers. Even though the existing brewery does not have a formal tasting

room at this time, the applicant has indicated that they may explore this opportunity as part of business growth in the future. However, it is recommended that the new zone include a provision to require the brewpub to remain ancillary to the brewery to ensure that the primary light industrial uses are maintained on site.

Other Considerations

Statutory Right-of-Way

The applicant is willing to provide a 1.7m statutory right-of-way (SRW) on Bridge Street. The intent of this SRW is to formalize the existing frontage condition.

CONCLUSIONS

The proposal to rezone the property to allow liquor retail sales and brewpub uses supports existing brewery operations and expands the public element of the business and is consistent with the relevant policies in the OCP and *Burnside Gorge Neighbourhood Plan*. Limiting the floor area of the liquor retail store and ensuring that the brewpub is ancillary to the brewery (primary use) will maintain the light industrial activities that are currently permitted on the subject property. Staff recommend for Council's consideration that the Application advance to a Public Hearing.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00779 for the property located at 2740 Bridge Street and 450 Hillside Avenue.

Respectfully submitted,

Leanne Taylor
Senior Planner
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
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Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans deemed April 22, 2021
- Attachment D: Letter from applicant to Mayor and Council dated June 30, 2021
- Attachment E: Letter from Community Association Land Use Committee dated March 22, 2021
- Attachment F: Letter from Community Association Land Use Committee dated June 29, 2021
- Attachment G: Email from Community Association Land Use Committee dated May 26, 2021
- Attachment H: Neighbourhood Survey Memo and Map dated August 30, 2021
- Attachment I: Neighbourhood Petition dated August 25, 2021
- Attachment J: Additional Neighbourhood Petition dated August 18, 2021.