



## **Committee of the Whole Report**

### **For the Meeting of August 3, 2017**

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**To:** Committee of the Whole **Date:** July 21, 2017

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

**Subject:** Rezoning Application No. 00586 for 304 Cook Street

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### **RECOMMENDATION**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00586 for 304 Cook Street, 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 of a legal agreement to secure the decorative paving along Cook Street and Sutej Street, executed by the applicant to the satisfaction of the City Solicitor.

### **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, buildings 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 304 Cook Street. The proposal is to rezone from the CR-3M Zone, Commercial Residential Apartment Modified District to a new site specific zone in order to allow for a liquor retail store as a permitted use within the existing building.

The following points were considered in assessing this application:

- the proposed change of use is consistent with the Large Urban Village urban place designation in the *Official Community Plan, 2012* (OCP)
- the proposal is generally consistent with the Liquor Retail Stores Rezoning Policy; however, the proposed location is within 200m of 230 Cook Street, which is zoned to allow for a liquor retail store as a permitted use
- the applicant intends to move the liquor retail store from 230 Cook Street to the subject site and provincial regulations require a 1km minimum separation distance between

liquor retail stores; therefore, under the current Provincial regulations, another liquor retail store could not open at 230 Cook Street

- the applicant has received a letter of preliminary approval from the Province to relocate the liquor retail store to 304 Cook Street
- in accordance with the City's *Liquor Retail Stores Rezoning Policy*, the applicant has polled all residents and owners of neighbouring lots regarding the acceptability of the application and received positive responses from all respondents.

## **BACKGROUND**

### **Description of Proposal**

This Application is to rezone from the CR-3M Zone, Commercial Residential Apartment Modified District, to a new site specific zone to allow for a liquor retail store as a permitted use within the existing building. The following differences from the standard CR-3M Zone are being proposed and would be accommodated in the new zone:

- including liquor retail store as a permitted use with a maximum floor area of 138m<sup>2</sup>
- reducing the minimum parking requirement for retail commercial uses from 8 stalls to 4 stalls (existing)
- allowing a portion of the second storey to be used as office space.

### **Sustainability Features**

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

### **Active Transportation Impacts**

The application proposes two Class 1 bicycle parking stalls and eight Class 2 bicycle parking stalls which supports active transportation.

### **Public Realm Improvements**

The application proposes to replace a portion of the concrete sidewalk along Cook Street with decorative pavers to compliment the pavers located along Cook Street south of Sutlej Street. These would be secured with a Section 219 covenant, registered on the property's title, prior to Council giving final consideration of the proposed Zoning Regulation Bylaw Amendment.

### **Accessibility Impact Statement**

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

### **Land Use Context**

The area is characterized by commercial and mixed-use buildings along Cook Street and multi-unit residential, attached dwellings and single-family dwellings along Sutlej Street.

### **Existing Site Development and Development Potential**

The site is presently developed as a two-storey commercial building. The building is currently vacant and was previously occupied by a bank.

Under the current CR-3M Zone, the property could be developed as a three-storey commercial-



residential building with ground floor commercial uses and residential units above.

## Data Table

The following data table compares the proposal with the standard CR-3M Zone. An asterisk is used to identify where the proposal is less stringent than the standard zone. A double asterisk is used to identify where the proposal is existing legal non-conforming.

Zoning Criteria	Proposal	CR-3M
Site area (m <sup>2</sup> ) - minimum	537.10	N/A
Combined Floor Area (m <sup>2</sup> ) - maximum	381.90	537.10
Density (Floor Space Ratio) - maximum	0.78:1	1:1
Height (m) - maximum	8.00	10.70
Storeys - maximum	2	3
<b>Setbacks (m) – minimum:</b>		
Front (Cook Street)	<b>0**</b> (first storey) 10.79 (second storey)	3.00 (first storey) 6.00 (second storey)
Rear	12.40	6.00
Side (north)	0.00	0.00 (non-residential adjacent lot)
Flanking (Sutlej Street)	2.40	2.40
Parking - minimum	<b>4.00*</b>	8.00
Bicycle parking stalls (minimum)		
Class 1	2	N/A
Class 2	8	N/A

## Relevant History

Cook Street Liquor (previously the Cook Street Village Wine Store) has operated in Cook Street Village since 1998. Originally located at 242 Cook Street, in 2005, the business was relocated to a temporary trailer behind 230 Cook Street during redevelopment of 240 Cook Street. On March 27, 2008, Council approved a rezoning application to add liquor retail store as a permitted use at 230 Cook Street, and to remove liquor retail store as a permitted use at 240 Cook Street; thus, transferring the liquor retail store use from one property to another. The Cook Street Liquor Store now fronts onto the parking lot located at the rear of 230 Cook Street.

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Fairfield Gonzales CALUC at a Community Meeting held on April 27, 2017. A summary of the meeting is attached to this report.

In accordance with the City's *Liquor Retail Stores Rezoning Policy*, the applicant has polled the immediate neighbours and reports that 100% of respondents support the application. The required rezoning petitions and illustrative map provided by the applicant are attached to this report. Consistent with the *Liquor Retail Stores Rezoning Policy*, the application was circulated to School District No. 61 and Victoria City Police on July 20, 2017. At the time of report writing no response had been received; however, any future responses would be included in a report to Council should this application advance to a Public Hearing.

## **ANALYSIS**

### **Official Community Plan**

The subject site is designated as Large Urban Village in the OCP, which envisions a range of commercial uses, including liquor retail stores, in ground oriented commercial buildings that are set close to the street with parking located at the rear of the building. The proposal is consistent with this designation and adds to the compliment of commercial uses along Cook Street.

### **Tree Preservation Bylaw and Urban Forest Master Plan**

There are no Tree Preservation Bylaw impacts with this application.

### **Regulatory Considerations**

The proposal to reduce the parking requirement for retail uses and accessory office use from eight parking stalls to four parking stalls is considered supportable as the site functioned with four parking stalls when the building was occupied by a bank. The parking requirements are the same for retail stores and banks, therefore, there is no anticipated increase in parking demand associated with this change of use.

The proposed 138m<sup>2</sup> of floor area for the liquor retail store is considered supportable as the proposed floor area is less than the maximum of 275m<sup>2</sup> envisioned in the *Liquor Retail Stores Rezoning Policy*.

### **Liquor Retail Stores Rezoning Policy**

The proposal is consistent with the City's *Liquor Retail Stores Rezoning Policy*, which encourages liquor stores within established retail locations with entrances fronting onto streets. As well, the proposed location is more than 200m from an elementary or secondary school. In order to avoid concentrations of liquor retail stores, the policy states that stores should be at least 200m from an existing liquor retail store, although, a reduced distance may be warranted in locations such as large urban villages. In this case, the proposed location is less than 50m from the store's current location; however, since the existing store would be relocated with this application, there would be no increase in the concentration of liquor retail stores. The Provincial regulations require a separation distance of 1km between liquor retail stores; therefore, under the current Provincial regulations, another liquor retail store would not be permitted at 230 Cook Street. If the Provincial regulations were relaxed at some future point and with the continued presence of "liquor retail store" as a use at 230 Cook Street, a second liquor store would be permitted, without rezoning, in the Cook Street Village. If this occurred, the combined floor area of the two locations, would still be less than the 275m<sup>2</sup> total per store, envisioned in the City's *Liquor Retail Stores Rezoning Policy*.



## CONCLUSIONS

The proposal to add to the range of permitted uses is consistent with the OCP objectives for Large Urban Villages and the City's Liquor Retail Stores Rezoning Policy in terms of adding to the compliment of commercial uses in Cook Street Village, and creating pedestrian friendly streets through active uses at the street level. The proposed uses are considered appropriate in this location. Staff recommend that Council approve this Application.

## ALTERNATE MOTION

That Council decline Rezoning Application No. 00586 for the property located at 304 Cook Street.

Respectfully submitted,

  
Alec Johnston, Senior Planner  
Development Services Division

  
Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date: July 26, 2017

### List of Attachments:

- Attachment A - Subject Map
- Attachment B - Aerial Map
- Attachment C - Plans date stamped July 10, 2017
- Attachment D - Letter from applicant to Mayor and Council dated June 30, 2017
- Attachment E - Community Association Land Use Committee Summary of April 27, 2017 Meeting
- Attachment F - Liquor Retail Stores Rezoning Policy Petition Responses and Map
- Attachment G - Correspondence