



## Planning and Land Use Committee Report For the Meeting of March 5, 2015

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**To:** Planning and Land Use Committee **Date:** February 19, 2015  
**From:** Lucina Baryluk, Senior Process Planner  
**Subject:** Development Permit Application No. 000406 with variances for 1609 Fort Street

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### RECOMMENDATION

Staff recommend that Committee forward this report to Council and that after giving notice and allowing an opportunity for public comment and after the Public Hearing for Rezoning Application No. 00465, if it is approved, Council consider the following motion:

"That Council authorize the issuance of Development Permit Application No. 000406 for 1609 Fort Street, in accordance with:

1. Plans dated January 28, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for Schedule C, total number of parking stalls reduced from 22 to 20.
3. Final plans to be generally in accordance with the plans identified above to the satisfaction of the Assistant Director of Development Services."

### LEGISLATIVE AUTHORITY

In accordance with section 920(2) 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 sections 920(8) of the *Local Government Act*, where the purpose of a 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, 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 Application for the property located at 1609 Fort Street. The proposal is to locate a Liquor Retail Store within an existing building (currently three vacant ground-floor retail spaces). The variance is related to the reduction of the off-street vehicle parking requirements.

The following points were considered in assessing this Application:

- The subject property is within Development Permit Area 5, Large Urban Village, Stadacona Village. The applicable design guidelines are the *Oak Bay Avenue Land Use and Design Guidelines (2001)*. Since there is no new construction, the existing building design is not a matter for review. However, minor landscape improvements will result.
- A parking variance is required to reduce the number of off-street parking stalls from 22 to 20. While this is not an optimal situation, the applicant has indicated an on-site parking management strategy to alleviate this shortfall. In addition, bicycle parking will be relocated to a more functional location and secure bike parking within the premises will be provided for employees.

## **BACKGROUND**

### **Description of Proposal**

The proposal is to use existing retail space to for a Liquor Retail Store. Specific details include:

- minor changes to the building façade for a more prominent store entrance
- new signage for the Liquor Store
- upgraded exterior lighting
- an enclosed area behind the store for recycling (east elevation)
- adding screening around existing recycling and garbage bins in the parking lot
- existing landscaping to remain in place.

### **Sustainability Features**

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

### **Community Consultation**

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the South Jubilee Neighbourhood Association at a Community Meeting held on October 15, 2014. A letter dated October 21, 2014, is attached to the Rezoning Application Report.

## **ANALYSIS**

### **Official Community Plan (OCP)**

The *Official Community Plan (OCP)* identifies this property within DPA 5, Large Urban Village, Stadacona Village. The specific guidelines that apply to this area are the *Oak Bay Avenue Land Use and Design Guidelines (2001)*.

With respect to Stadacona Village area, the OCP specifies that:

- Revitalization is needed to permit the intensification of development balanced with the open space character, to achieve a unique sense of place and urban design.
- An objective for all Large Urban Villages is to design them in a manner that encourages pedestrian and cycling use and enhances the experience of pedestrians and cyclists.

As no new buildings will be constructed as part of this application, the opportunities for affecting the revitalization targets of the OCP are limited. However, the policy guidelines with respect to the streetscape redevelopment are applicable to this site.

Garbage and recycling bins are currently located behind a number of parking stalls along the east property line. At the current time, these bins are not screened. The applicant has indicated that this area will be screened with a chain link fence with screening material as shown on the landscape plan. This will provide definition to this area and will be an improvement over the existing situation, creating a visual screen for pedestrians.

### **Regulatory Considerations – Parking Variance**

The C1-J Zone, Limited Commercial Junction District requires a total of 22 parking stalls for the existing building; however, at some time in the past the parking lay out was changed and the parking lay out no longer complies with the Schedule C Parking Requirements of the *Zoning Regulation Bylaw*. The proposal is to provide a total of 20 parking stalls on-site, resulting in a request to reduce the requirements by two stalls. It should be noted that the parking plan shows 21 stalls; however, the stall closest to Oak Bay Avenue (stall seven) does not comply with the standards set out in Schedule C so can not be counted.

The parking variance is considered to be supportable as it is minor, reflects the current conditions and the property is well served by public transit.

### **Bicycle Parking**

The applicant has indicated that the existing bike rack will be relocated to a more functional and safe location outside the restaurant (Fort Street frontage). In addition, secure bike storage will be provided for staff within the facility.

### **CONCLUSIONS**

With no new construction, the existing building design is not a matter for review. However, minor landscape improvements will result at this time. The parking variance is minor and is supportable given the proposed on-site parking management strategy. In addition, bicycle parking will be relocated to a more functional location and secure bike parking within the premises will be provided for employees.

**ALTERNATE MOTION**

That Council decline Development Permit Application No. 000406 for the property located at 1609 Fort Street. (Note: If the Rezoning Application is declined, the Development Permit Application does not proceed.)

Respectfully submitted,



Lucina Baryluk  
Senior Process Planner  
Development Services Division



Alison Meyer  
Assistant Director  
Development Services Division

Report accepted and recommended by the City Manager:

  
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Jason Johnson

Date:

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Feb. 27/15

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**List of Attachments**

- All attachments with the Rezoning Application Report.