

3.4 Development Variance Permit Application No. 00168 for 360 Bay Street

Committee received a report dated February 26th, 2016 from the Sustainable Planning and Community Development Department regarding an application to authorize a parking variance to allow for an addition 15 seats in a bakery.

- Action:** It was moved by Councillor Alto, seconded by Councillor Isitt, 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 Application No. 00168 for 360 Bay Street, in accordance with:
1. Plans date stamped January 7, 2016.
 2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Schedule "C", Section 16.C.12 reduce parking requirement from 10 to 7 parking stalls to accommodate an additional 15 seats in a bakery/restaurant to a total of 25 seats
 3. The provision of bicycle parking to meet Schedule "C" requirements.
 4. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY 16/COTW

REPORTS OF THE COMMITTEES

1. Committee of the Whole – March 3, 2016

4. Development Variance Permit Application No. 00168 for 360 Bay Street

It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, 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 Application No. 00168 for 360 Bay Street, in accordance with:

1. Plans date stamped January 7, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
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3. The provision of bicycle parking to meet Schedule "C" requirements.
4. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously



Committee of the Whole Report

For the Meeting of March 3, 2016

To: Planning and Land Use Committee **Date:** February 26, 2016

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

Subject: Development Variance Permit No. 00168 for 360 Bay Street

RECOMMENDATION

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 Application No. 00168 for 360 Bay Street, in accordance with:

1. Plans date stamped January 7, 2016.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Schedule "C", Section 16.C.12 reduce parking requirement from 10 to 7 parking stalls to accommodate an additional 15 seats in a bakery/restaurant to a total of 25 seats
3. The provision of bicycle parking to meet Schedule "C" requirements.
4. The Development Permit lapsing two years from the date of this resolution."

LEGISLATIVE AUTHORITY

In accordance with Section 498 of the *Local Government Act*, council may issue a Development Variance Permit that varies a *Zoning Regulation Bylaw* provided the permit does not vary the use or density of land from that specified in the *Zoning Regulation Bylaw*.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Variance Permit Application for the property located at 360 Bay Street. The proposal is to add 15 seats to an existing bakery/restaurant. The additional seats would require three additional parking spaces under the City's parking regulations. The requested variance is to reduce the parking required by three stalls.

The following points were considered in assessing this application:

- the site is well served by public transit
- walk-in customers, employed at nearby businesses are expected
- a bicycle parking rack is proposed
- any increased parking demand would have to be accommodated on the nearby streets or parking lots.

BACKGROUND

Description of Proposal

The proposal is to add 15 seats to an existing bakery/restaurant. The added seats require three additional parking spaces under the City's parking regulations. The requested variance is to reduce the parking required by three stalls.

Specific details include:

- the building is served by seven parking spaces accessed from Bay Street
- the building has non-conforming rights to have three fewer parking spaces than the ten spaces required for the existing uses in the building under the existing heavy industrial zoning (M-3 Zone, Heavy Industrial District)
- the building is currently occupied by a kitchen cabinet manufacturer (603m²), the bakery/restaurant (168.8m²) and vacant warehouse space (150m²)
- the restaurant is accessory to the bakery
- with the proposal to add 15 restaurant seats in the bakery an additional three parking stalls are required to serve the building under the City's Schedule "C" parking regulations

Sustainability Features

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

Active Transportation Impacts

The application proposes a bike rack which supports active transportation.

Public Realm Improvements

No public realm improvements are proposed in association with this Development Permit Application.

Existing Site Development and Development Potential

The 1338m² site at the Northwest corner of Bay Street and Turner Street is currently occupied by a one-storey building built in 1947 with an addition constructed in 1972.

Under the current M-3 Zone, Heavy Industrial District the property could be developed at a density of 3:1 Floor Space Ratio (FSR) with limited commercial uses (e.g. bakery, restaurant, bank) and a wide range of manufacturing, warehouse, and other industrial uses.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on February 1, 2016 the application was referred for a 30-day comment period to the Burnside Gorge CALUC. The applicant consulted with the Burnside Gorge CALUC before submitting the application and a letter dated October 29, 2015 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

The site is well served by public transit. There is adjacent on-street parking on Turner Street. As the applicant indicates, this part of Rock Bay does not currently have a large number of restaurants and food establishments that serve day time workers. Those nearby would likely walk rather than drive to the bakery/restaurant. The addition of a bike rack as proposed would accommodate and also encourage bicyclists. The increased seating, nevertheless, may increase parking demand and this would have to be accommodated on nearby streets or parking lots.

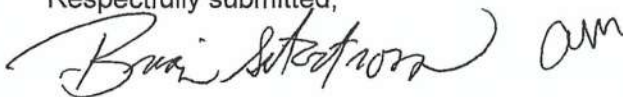
CONCLUSIONS

Due to the relatively small increase in restaurant seats and additional required parking, staff recommend for Council's consideration that the application is supportable subject to the bicycle rack being provided as a condition of the issuance of the Development Variance Permit.

ALTERNATE MOTION

That Council decline Development Variance Permit Application No. 00168 for the property located at 360 Bay Street.

Respectfully submitted,

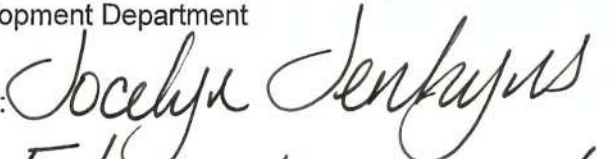


Brian Sikstrom
Senior Planner
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:



List of Attachments

- Zoning map
- Aerial map
- Letter from the applicant to Council dated
- Letter from the Burnside Gorge Community Association dated October 29, 2016
- Plans dated January 7, 2016



360 Bay Street
Development Variance Permit #00168



360 Bay Street
Development Variance



To Whom It May Concern

This letter is written to support the application of a Variance to the Parking Requirements for Saltchuck Pie Company Ltd, located at 360 Bay St, Victoria BC,

My name is Nick Crooks, and my partner Jodi Mann and I are opening a new business in Rock Bay, Victoria. We are building a Bakery that will focus on producing a variety of savoury pastry products, inspired by the ubiquitous meat pies from my homeland New Zealand. Our bakery will produce pies, and other pastry products, primarily for wholesale distribution to other affiliated retail locations. As well as this, we will have our mobile 'Pie Truck' in operation year round. We are also building a small retail presence at our location on Bay St. This cafe takes up less than 25% of our total leased space, and is the reason for this application. Under current calculations of the property to which we are a tenant, our off street parking allotment allows for 10 seats in our cafe. This is a very small number that will not allow us to provide enough seating for our busy working community, especially during peak operation times such as weekday lunches. We are only seeking a 3 stall variance that will enable us to increase our seating capacity by 15 seats, bringing the total to 25. Having the ability to seat and serve these extra customers is critical to the economic viability of our business, both directly through their purchases, and indirectly, through the ability for the cafe experience to drive demand for our product in our wholesale division.

We believe that this variance should be approved for the following reasons.

- premises are adjacent to bus stops going both ways on the busy #14 route.
- proximity to the galloping goose regional trail.
- surrounded by a variety of off street parking, from 2 hour through to general and commercial loading zones.
- an expectation that our cafe space will serve mostly people from our immediate surrounds, who will not be driving to the cafe. (Rock Bay is densely populated during business hours, but underserved by food businesses in the immediate vicinity causing many employees to drive to adjacent retail areas thereby increasing traffic congestion.)
- business is primarily focused on wholesale growth.

- If this application is successful, we will construct an off street bike rack to encourage both staff and customers to use alternate methods of transportation.

There are many benefits to the neighbourhood that our successful business will provide.

- Food service option in an under-served part of Victoria.
- Diversification and improvement of the Rock Bay neighbourhood.
- Revitalized of a space that had previously been run down and vacant for many years.
- Employment opportunities, especially for young adults.
- Economic growth of our community, through efforts to source resources and ingredients as locally as possible.

We are values driven businesspeople who believe in environmental stewardship, inclusive, empowering workspaces, and support for our community. We previously founded The Noodle Box Restaurants, and have a proven track record of successfully living our values.

We have spoken to the Burnside/Gorge Community Association, as well as neighbouring businesses, and have received unanimous support for our business, and this variance.

We believe that the approval of this variance will allow us to be successful and positive business citizens in Rock Bay for many years to come. We welcome any feedback and/or questions.

Thank you for your consideration.

A handwritten signature in black ink, appearing to be 'Nick Crooks and Jodi Mann', with a long horizontal line extending to the right.

Nick Crooks and Jodi Mann
saltchuckpies@gmail.com

October 29, 2015

Dear Mayor and Council,

Re: Parking Variance for 360 Bay Street

The Burnside-Gorge Land Use Committee (BGLUC) wishes to express our support for the new business opening at 360 Bay Street. They are seeking a 3-stall parking variance for their small cafe.

The BGLUC supports active transportation as a fundamental element of land use planning and recognizes that the area around 360 Bay Street is easily accessible by bus, on foot, and by bicycle as it is closely situated to the Galloping Goose trail. Additionally, we appreciate that the business owners approached our committee to work in good faith, recognizing that they were not required to contact us for a parking variance.

We appreciate the opportunity to comment.

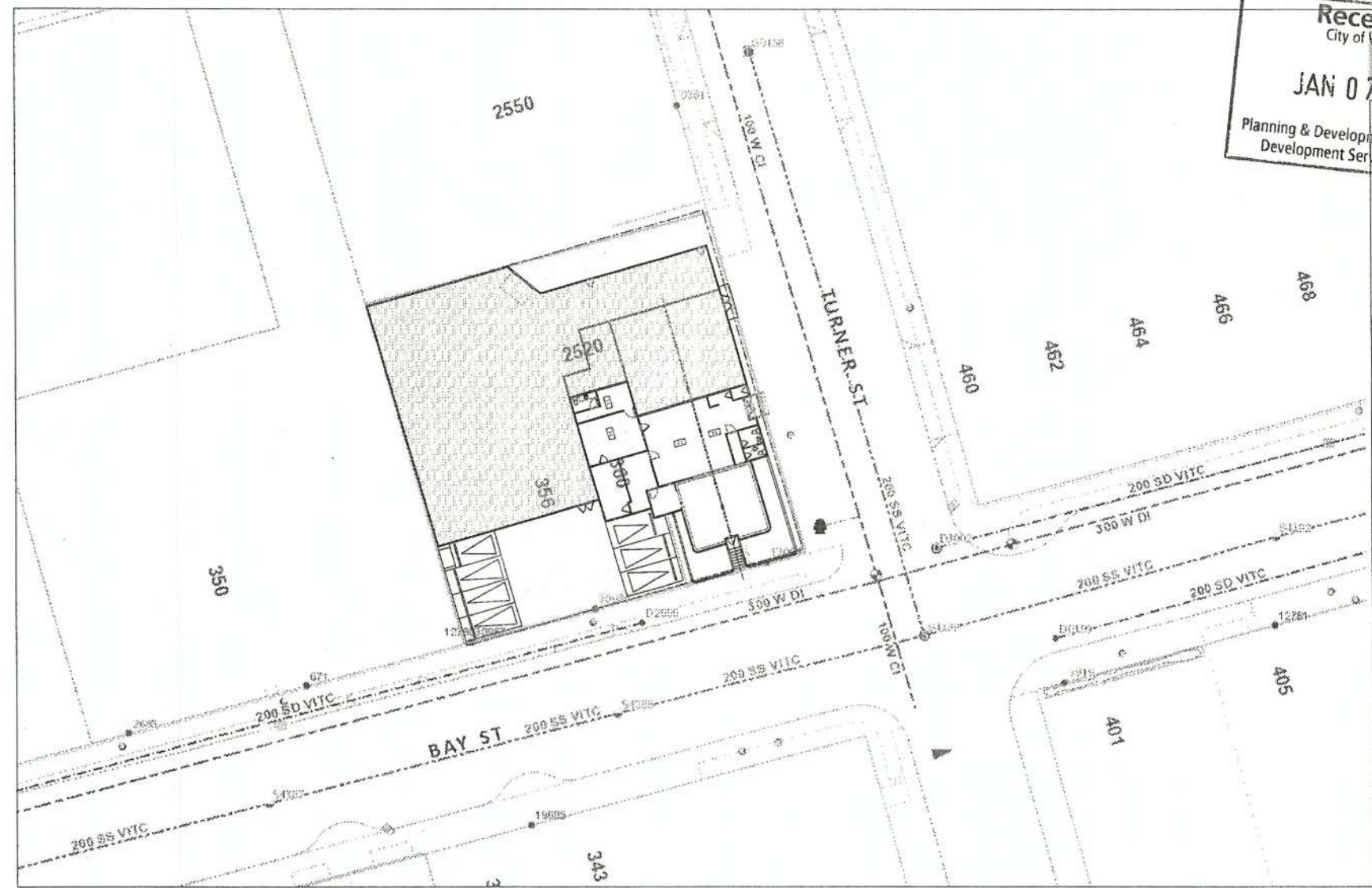
Respectfully,

Carolyn Gisborne
Chair, Burnside-Gorge Land Use Committee

cc: Sustainable Planning and Community Development Department
Nick Crooks and Jodi Mann, Saltchuck Pie Co

All of the information contained on this plan was prepared by Praxis Architects Ltd. for the City of Victoria. It is the property of Praxis Architects Ltd. and is not to be used for any other purpose without the written consent of Praxis Architects Ltd. The City of Victoria is not responsible for the accuracy or completeness of the information contained on this plan.

Received
 City of Victoria
JAN 07 2016
 Planning & Development Department
 Development Services Division



NO.	DATE	DESCRIPTION
01	2015-12-07	Final Design
02	2015-12-07	Final Design
03	2015-12-07	Final Design



SALTCHUCK PIE COMPANY
 500 BAY STREET
 VICTORIA, B.C.

SHEET TITLE		
SITE PLAN AND EXISTING UNDERGROUND SERVICES		
SCALE	DATE	SHEET NO.
1" = 100'	2015-12-07	A0.1
DATE	REVISION	DESCRIPTION
2015-12-07		

NOTES:
 1. ALL DEMOLITION WORK SHALL BE IN ACCORDANCE WITH THE CITY OF VICTORIA DEMOLITION REGULATIONS.
 2. ALL DEMOLITION WORK SHALL BE COMPLETED BY 15/04/2016.
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SYMBOL LEGEND

- 1. EXISTING WALL TO BE DEMOLISHED
- 2. EXISTING WALL TO BE REINFORCED
- 3. EXISTING WALL TO BE REINFORCED
- 4. EXISTING WALL TO BE REINFORCED
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2	15/04/2016	2	15/04/2016	2
3	15/04/2016	3	15/04/2016	3



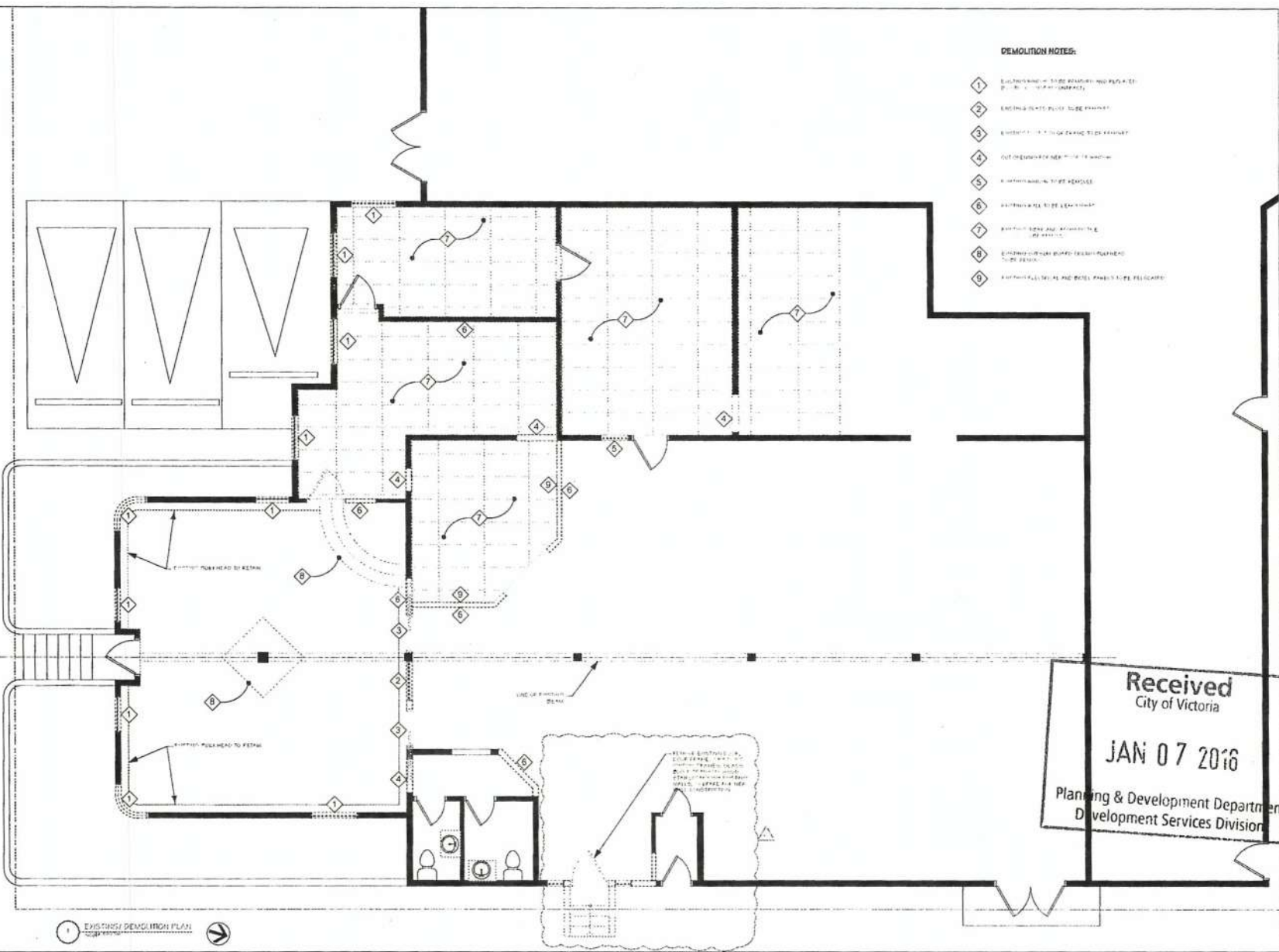
PRAXIS
 Engineering and Construction
 260 BAY STREET
 VICTORIA, B.C.

DATE	15/04/2016	BY	15/04/2016	15/04/2016
DATE	15/04/2016	BY	15/04/2016	15/04/2016

Received
 City of Victoria
JAN 07 2016
 Planning & Development Department
 Development Services Division

DEMOLITION NOTES:

1. EXISTING WALL TO BE DEMOLISHED
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1. EXISTING DEMOLITION PLAN
 15/04/2016

