



The Corporation of the District of Saanich

Report

To: Mayor and Council
From: Lindsay Chase, Director
Date: November 19, 2024
Subject: Development Permit Amendment Application File • 4291 Glanford Avenue
File: DPA01065 • 4291 Glanford Avenue

RECOMMENDATIONS

1. That Development Permit Amendment DPA01065 be approved.

PURPOSE

The purpose of this report is to seek direction from Council on the subject application, which is for an amendment to the existing Development Permit (DPR90-0008) and a request for a parking variance to permit the retention of outdoor seating that was originally put in place during the COVID-19 pandemic as part of the Provincial temporary expanded service area (TESA) program.

The applicant is Doran Musgrove Architect Inc. (Doran Musgrove).

DISCUSSION

Land Use and Neighbourhood Context

The 1842 m² parcel is located in the Carey Local Area, is zoned C-14 (Neighbourhood Public House) Zone and is designated Neighbourhood in the Official Community Plan (2023). The Carey Local Area Plan (1999) identifies the parcel as "Commercial". The property has been the site of the Bird of Paradise Pub since the 1990s. The site is located immediately south of the Quadra Street turn off from the Patricia Bay Highway.

Surrounding land use is predominantly Industrial (M-3 Zone) to the south, and residential single- and two-family dwelling zoned parcels located across Glanford Avenue to the west (See Figure 1).

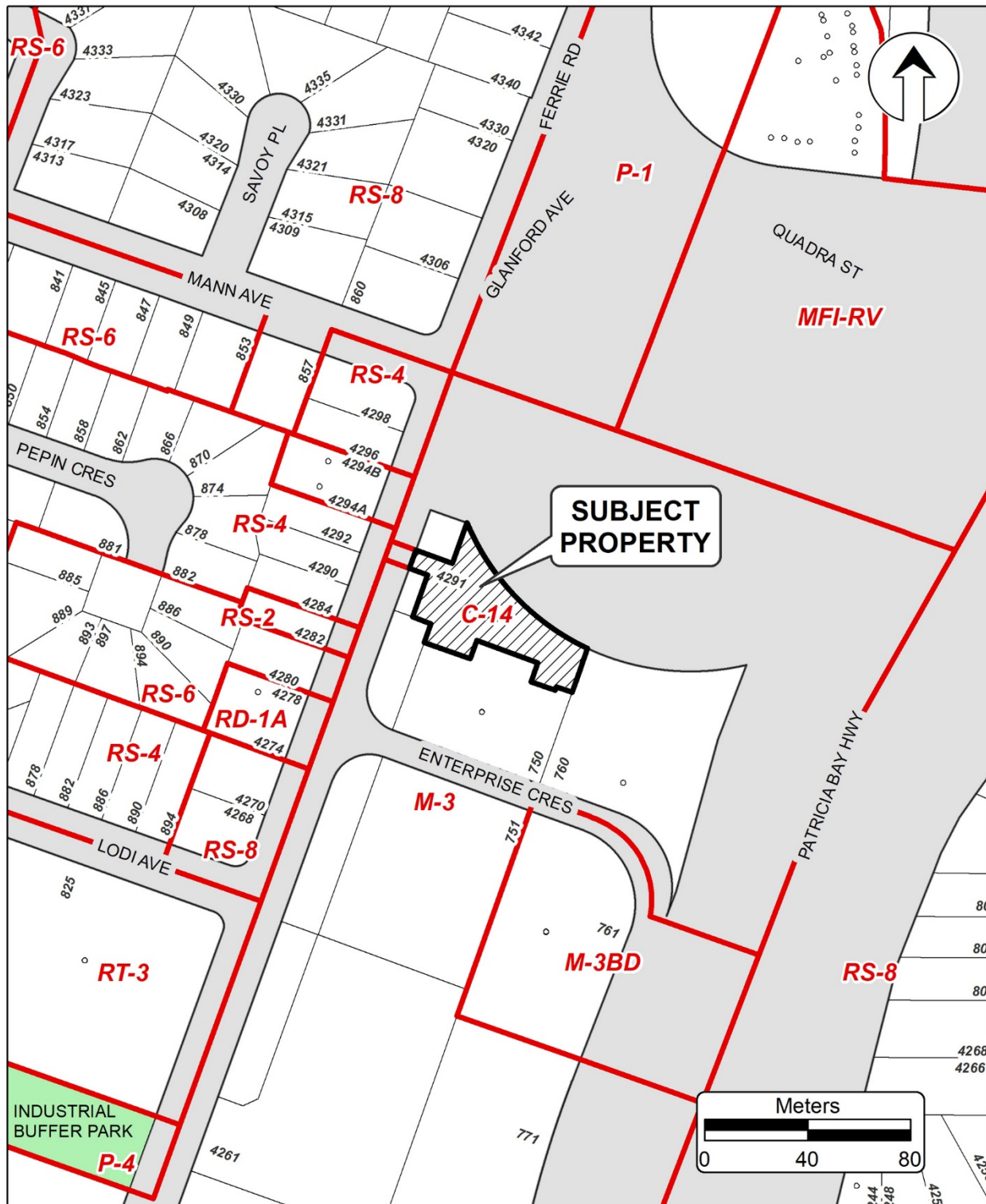


Figure 1. Neighbourhood Context

DISCUSSION

Proposed Development

The temporary expanded service area (TESA) program was implemented by the Province in May 2020 as a measure to help the food-and-beverage sector through difficult financial times

during the COVID-19 pandemic. TESAs have enabled thousands of liquor-licensed businesses to create new or expanded outdoor seating spaces, such as patios and sampling areas, and give customers more space to gather.

In June 2021, the Province extended existing TESA authorizations to provide time for local authorities to update their patio policies and for licensees to apply to make those areas permanent. In order to give owners of restaurants, bars, breweries and wineries more time to make outdoor seating areas permanent and allow them to serve more people without disruption during the patio season, the Province extended existing TESA authorizations one final time until December 31, 2024.

The applicant is proposing to amend Development Permit DPR90-0008 in order to retain the outdoor seating that was originally put in place over existing parking spaces under the TESA program. A parking variance is requested as part of the application.

Policy Analysis

The subject site is identified as "Neighbourhood" in the Official Community Plan (OCP), and 'Commercial' in the Carey Local Area Plan and has been operating as a Commercial site (Neighbourhood Pub, Liquor Store and Cigar Store) since the 1990s.

The following District of Saanich Planning Policies are most applicable to the subject proposal:

Official Community Plan (2023)

- 14.2.4 Support a balanced economy by encouraging a broad range of commercial, service, research, high tech and industrial uses.
- 14.3.3 Continue to support the work of the South Island Prosperity Partnership to retain and enhance existing businesses and attract new environmentally friendly businesses to the region.

Carey Local Area Plan (1999)

- 12.1 Do not extend commercial zoning beyond existing commercially zoned sites and the proposed mixed-use site identified on Map 12.
- 12.3 Use development permits to ensure that new commercial development respects the scale of adjacent uses.

Variances

Based on the Parking Requirements of the Zoning Bylaw, this application would require a parking variance for 25 spaces.

A previous Development Permit Amendment in 2001 granted a 8-space parking variance which allowed 33 spaces where 41 were required. Due to the location of the outdoor seating area, the number of parking spaces provided on site has been reduced from 33 to 31 spaces.

The applicant has also provided an updated parking calculation that indicates a total of 56 parking spaces would now be required, this increase likely being caused by having relocated the liquor store area to the former pub area and increasing the liquor store area by converting the former pub kitchen area to a walk-in cooler.

These changes, and the loss of the two spaces for the outdoor seating area, would result in a required variance of 25 spaces (56 required, 31 provided).

Mitigating this somewhat is the fact that the property has enjoyed a reciprocal agreement with a neighbouring property (750 Enterprise Crescent) which makes available an additional 14 parking spaces for use by the pub patrons. As these are not provided on site they cannot be counted towards the total parking provided as per Zoning Bylaw requirements.

Bylaw Enforcement has indicated that the reduction in parking due to the outdoor seating area has generated no significant parking complaints in this area. The requested variance can be supported as it has been in effect for some time with no notable detriment to the neighbourhood.

ALTERNATIVES

1. That Council support the Development Permit Amendment application. Staff recommend this option.
2. That Council reject the application.
3. That Council provide alternate direction to staff.

FINANCIAL IMPLICATIONS

The proposal has no implications related to the District of Saanich 2024-2028 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The subject proposal aligns with the Economic Development theme in the District of Saanich's 2023-2027 Strategic Plan which supports sustainable economic development along with the diversification and expansion of the economic base.

CONCLUSION

The applicant is seeking an amendment to the existing Development Permit (DPR90-0008) and a request for a parking variance to permit the retention of an outdoor seating area for an existing pub was introduced (and permitted under temporary Provincial Legislation) during the Covid Pandemic. The Province has now indicated that, to remain permanently, this additional seating must be recognized by the municipality by the end of 2024.

In essence, this application is a request for maintaining the status quo. The pub has operated with the outdoor seating area (and reduced parking) since the pandemic with no negative impacts.

For the above noted reasons, staff support the proposed Development Permit Amendment application.

Prepared by: Chuck Bell, Planner

Reviewed by: Amber Walker, Acting Manager of Current Planning

Approved by: Lindsay Chase, Director

Attachments: 

ADMINISTRATOR'S COMMENTS:

I endorse the recommendation from the Director.

Brent Reems, Chief Administrative Officer