



The Corporation of the District of Saanich

Report

To: Mayor and Council
From: Lindsay Chase, Director
Date: November 22, 2024
Subject: Development Permit Amendment: 761 Enterprise Crescent
File: DPA01068 • 761 Enterprise Crescent

RECOMMENDATIONS

That Development Permit Amendment DPA01068 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 (DPR89-0065) 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 Macaloney's Island Distillery & Twa Dogs Brewery (Tom Bush).

DISCUSSION

Land Use and Neighbourhood Context

The 4173.9 m² parcel is in the Carey Local Area, zoned M-3B/D (Industrial Park Brewery/Distillery Retail Sales) Zone and designated Industrial in the Official Community Plan (2024). The Carey Local Area Plan (1999) identifies the parcel as "Industrial".

The property was rezoned from the M-3 (Industrial Park) Zone to the current M-3B/D (Industrial Park Brewery/Distillery Retail Sales) Zone in 2016, to accommodate the operations of Macaloney Brewery and Distillery. The site is located on the inner side of the northeast bend of Enterprise Crescent and is located immediately west of the Patricia Bay Highway.

Surrounding land use is predominantly Industrial (M-3 Zone) to the north, south and west, and residential single-family dwelling zoned parcels located across the Patricia Bay Highway to the east (See Figure 1).

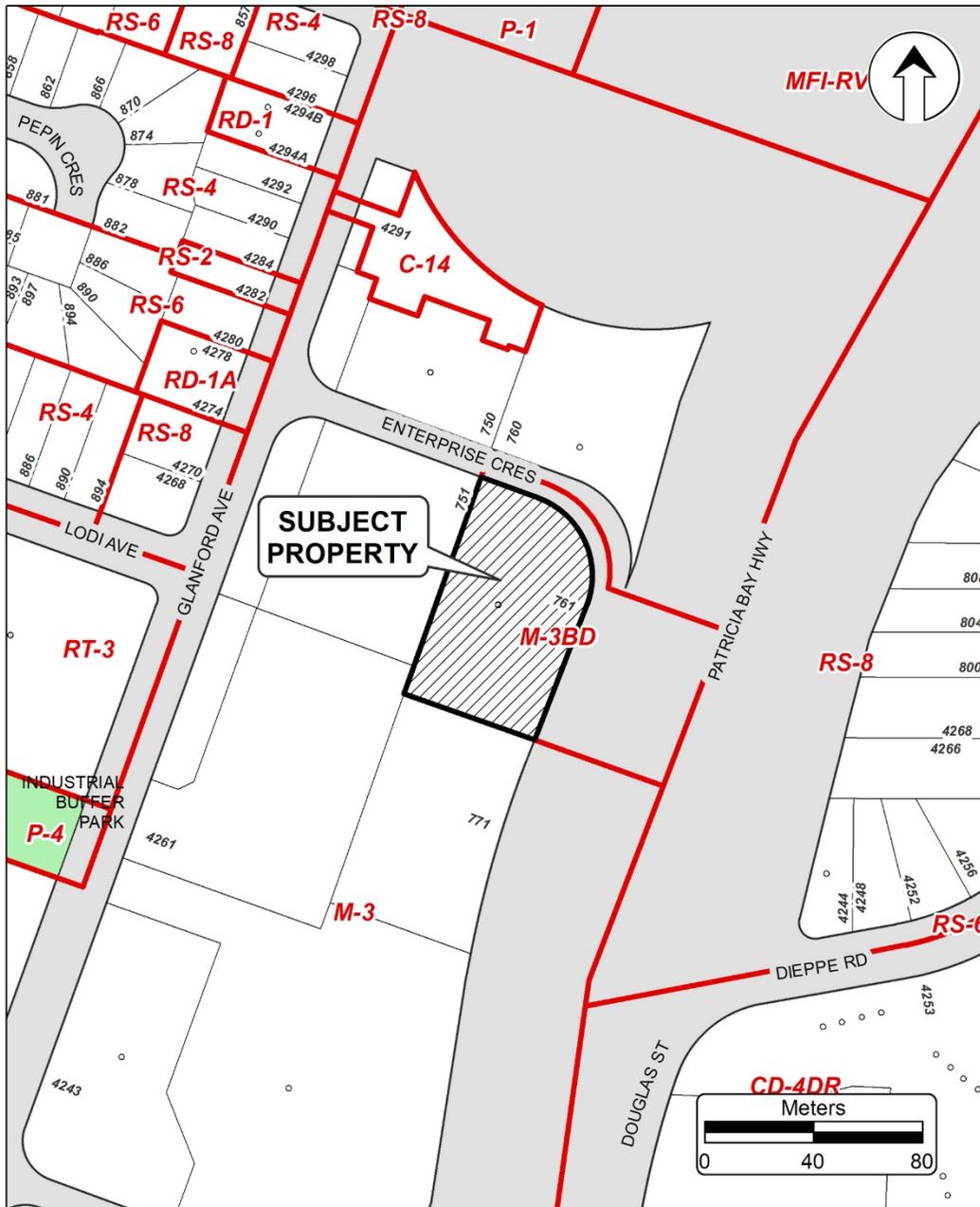


Figure 1. Neighbourhood Context

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. 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 DPR89-0065 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 "Industrial" in both the Official Community Plan (OCP), and Carey Local Area Plan, and has been operating as Macaloney's Island Distillery and Twa Dogs Brewery since 2016.

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

Official Community Plan (2024)

7.6.1 Preserve the integrity of our industrial land base (Map 6) by:

- a) Improving efficiencies of industrial lands through supporting greater density and intensity of redevelopment;
- b) Supporting limited retail uses in industrial areas to meet the needs of the employment population (i.e., café, corner store);
- c) Permitting a mix of ancillary employment uses to industrial including office, commercial, and community uses; and,
- d) Limiting housing development.

7.6.2 Apply the following criteria when assessing applications for industrial uses: access/egress, traffic volume, transit routes, lot size and orientation, density, form and massing, surrounding land use context, accessibility, environmental impacts, and economic considerations including employment loss or generation.

7.6.3 Promote a regulatory framework that encourages retention of industrial uses and supports their economic vitality.

7.6.4 Identify priorities and provide direction for new and existing industrial lands, with an emphasis on future employment opportunities and goods and services delivery, as part of the implementation of the Saanich Economic Development Strategy.

Carey Local Area Plan (1999)

13.1 Restrict new industrial uses to the Royal Oak Industrial Park.

13.5 Review the parking standards for the industrial park and if necessary, consider ways to address the operational needs of the occupants.

Variances

Based on the Parking Requirements of the Zoning Bylaw, 2003, this application would require a parking variance for 26 spaces.

A previous Development Permit Amendment in 2016 granted a 14-space parking variance which allowed 25 spaces where 39 were required. Due to the location of the outdoor seating area, the number of parking spaces provided on site has been reduced from 25 to 21 spaces.

The permanent addition of the outdoor seating area would generate a requirement for 8 additional parking spaces. This, coupled with the attendant loss of four spaces taken up by this area, would result in the need for a total variance of 26 spaces (47 required, 21 provided).

When the temporary seating was initially put in, the applicant indicated that these four spaces were not used for parking but rather by buses dropping off and picking up visitors. In addition, 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.

COUNCIL OPTIONS

1. That Council support the Development Permit Amendment application.
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 (DPR89-0065) and a request for a parking variance to permit the retention of an outdoor seating area for an existing distillery & brewery that was introduced (and permitted under temporary Provincial Legislation) during the Covid-19 pandemic. The Province has now indicated that, to remain permanently, this additional seating must be recognized by the municipality by the end of 2024.

This application is a request for maintaining the status quo. The distillery and brewery have 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

ADMINISTRATOR'S COMMENTS:

I endorse the recommendation from the Director.

Brent Reems, Chief Administrative Officer