



Committee of the Whole Report For the Meeting of April 26, 2018

To: Committee of the Whole **Date:** March 29, 2018
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Rezoning Application No. 00631 for 1007 Government Street & 604 Broughton Street

RECOMMENDATION

That Council decline Rezoning Application No. 00631 for the property located at 1007 Government Street and 604 Broughton Street.

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, building 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 1007 Government Street and 604 Broughton Street. The proposal is to rezone from the current CA-50 Zone, Government Street LRS District, to a site-specific zone in order to allow for the retail sale of cannabis.

The following points were considered in assessing this Application:

- the proposal is consistent with the Core Historic designation in the *Official Community Plan, 2012*
- the proposal is consistent with the Historic Commercial District designation in the *Downtown Core Area Plan*
- the proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy*, as there are permitted storefront cannabis retailers within 400m and schools within 200m.

BACKGROUND

Description of Proposal

This Rezoning Application is to allow for the retail sale of cannabis in an existing building. The following differences from the current zone are being proposed:

- storefront cannabis retailer would be a permitted use
- only one storefront cannabis retailer be permitted to operate on the property at a time
- storefront cannabis retailer would be restricted to 120m², which is in keeping with the proposed floor area
- storefront cannabis retailer would be restricted to the ground floor only.

All other requirements within the CA-50 Zone, Government Street LRS District would remain unchanged.

Sustainability Features

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

Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this Application.

Public Realm Improvements

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

Accessibility Impact Statement

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

Land Use Context

The subject property is located in Victoria's Old Town. The immediate area is characterized by heritage buildings with retail on the ground floor and offices on the upper storeys.

Existing Site Development and Development Potential

There are two adjoining buildings on the property, which create an L-shape that wraps around 1001-1003 Government Street, and as such, the property fronts onto both Government Street and Broughton Street. The building, also known as the Bridgman Building, is Heritage Designated.

Under the current CA-50 Zone, Government Street LRS District, the property could be developed for a variety of commercial uses, including a liquor retail store, with residences on the upper storeys. A new development could be built to a floor space ratio of 3:1 and a height of 15m.

Community Consultation

Consistent with the *Storefront Cannabis Retailer Rezoning Policy*, the requirement to arrange and participate in a Community Association Land Use Committee (CALUC) Community Meeting is waived unless the Application involves construction of a new building; however, the Application was referred to the Downtown Residents Association CALUC. Also consistent with the Policy, the Application has been referred to School District No. 61 and the Victoria Police Department (VicPD). The following table displays the number of service calls:

| Calls for Service | 2016 | 2017 | 2018 (to January 30) |
|-----------------------------|------|------|----------------------|
| Calls to the immediate area | 3 | 0 | 0 |
| Calls to the block | 72 | 77 | 1 |

ANALYSIS

Official Community Plan

The *Official Community Plan, 2012* (OCP) identifies the site within the Core Historic urban place designation, within which commercial uses, including retail, are envisioned.

Local Area Plans

The *Downtown Core Area Plan* identifies the property within the Historic Commercial District designation within which active commercial uses, such as retail stores, are envisioned.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts or impacts to public trees with this Application.

Storefront Cannabis Retailer Rezoning Policy

The proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy* as there are permitted retailers within 400m and schools within 200m of the subject property. There are three permitted retailers within 400m of the property: 546 Yates Street is 271m away, 778 Fort Street is 318m away, and 1401 Douglas Street is 366m away. In addition, both the Pacific School of Innovation and Inquiry and Elizabeth Buckley STEAM Middle School are 117m away from the subject property.



CONCLUSIONS

The proposal is consistent with both the OCP and the *Downtown Core Area Plan* in encouraging active commercial uses at street level; however, the proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy* as there are permitted storefront cannabis retailers within 400m and schools within 200m of the subject property. Therefore, staff recommend that Council consider declining this Application.

ALTERNATE MOTION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00631 for 1007 Government Street and 604 Broughton Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Respectfully submitted,

M. Angrove

Michael Angrove
Planner
Development Services

JH

Jonathan Tinney

Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Joseph Denby
Date: April 19, 2018

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped January 24, 2018
- Attachment D: Letter from the applicant to Mayor and Council dated January 22, 2018