



Committee of the Whole Report

For the Meeting of September 27, 2018

To: Committee of the Whole **Date:** September 13, 2018
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Rezoning Application No. 00657 for 475 Gorge Road East

RECOMMENDATION

That Council decline Rezoning Application No. 00657 for the property located at 475 Gorge Road East.

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 475 Gorge Road East. The proposal is to rezone from the current S-1 Zone, Limited Service 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 General Employment designation in the *Official Community Plan (2012)*
- the proposal is consistent with the General Employment designation in the *Burnside Neighbourhood Plan*
- the proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy*, as there is a permitted storefront cannabis retailer within 400m.

BACKGROUND

Description of Proposal

This Rezoning Application is to allow for the retail sale of cannabis in an existing building. No alterations to the exterior of the building are proposed. The following differences from the

standard zone are being proposed and would be accommodated in the new zone:

- storefront cannabis retailer would be a permitted use
- only one storefront cannabis retailer would be permitted to operate on the property at a time
- storefront cannabis retailer would be restricted to a maximum floor area of 189m².

All other requirements within the S-1 Zone, Limited Service District, remain the same.

Sustainability Features

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

Active Transportation Impacts

The Application proposes a four-stall bicycle rack in front of the main entrance, which supports active transportation.

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 area is characterized mainly by office and commercial uses, with some light industrial and transient uses.

Existing Site Development and Development Potential

The site is presently developed as a single-storey commercial building. Under the current S-1 Zone, Limited Service District, the property could be developed for various commercial uses, including automobile uses such as garages, carwashes, and parking.

Relevant History

Council declined a previous application to rezone the property to permit a storefront cannabis retailer with a floor area of 600m² following the December 14, 2017 Public Hearing. As a condition of rezoning for this previous application, a Statutory Right-of-Way was registered on the property for 4.03m on Gorge Road East, 0.85m on Bridge Street, and 1.38m on Garbally Road. This SRW continues to be registered on the property.

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 Burnside Gorge Neighbourhood Association CALUC. Also consistent with the Policy, the Application has been referred to School District No. 61 and the Victoria Police Department. At the time of writing this report no comments had been received.

ANALYSIS

Official Community Plan

The *Official Community Plan* (OCP, 2012) identifies this property within the General Employment urban place designation, within which employment-driven uses, including commercial, are envisioned.

Local Area Plans

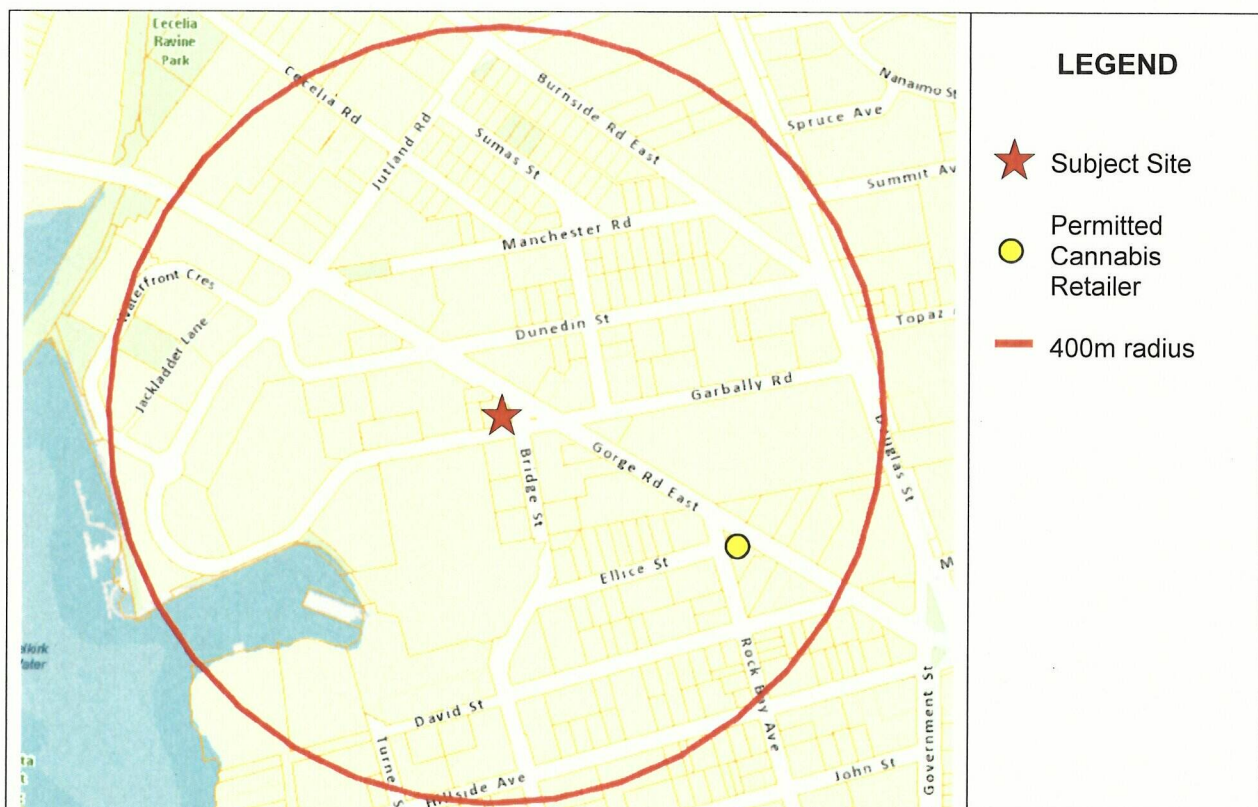
The *Burnside Gorge Neighbourhood Plan* identifies the property within the General Employment designation, which envisions retail uses on the ground floor along arterial roads.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this Application. There are no 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 is a permitted retailer at 603 Gorge Road East that is approximately 265m away from the subject property. There are no schools within 200m of the subject property.



CONCLUSIONS

The proposal is consistent with both the OCP and the *Burnside Gorge Neighbourhood Plan* in terms of encouraging retail uses at street level; however, the proposal is inconsistent with the

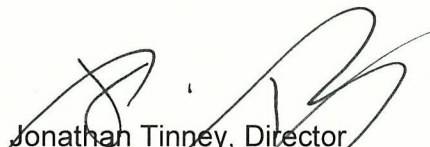
Storefront Cannabis Retailer Rezoning Policy as there is a permitted storefront cannabis retailer within 400m the subject property. Therefore, staff recommend that Council consider declining this Application.

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. 00657 for 475 Gorge Road East, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Respectfully submitted,


Michael Angrove
Planner
Development Services


Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:


Date: Sept. 20, 2018

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped July 31, 2018
- Attachment D: Letter from applicant to Mayor and Council dated July 25, 2018
- Attachment E: Minutes from the December 14, 2017 Council Meeting
- Attachment F: Correspondence.