



Council Report

For the Meeting of November 22, 2018

To: Council **Date:** November 8, 2018
From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development
Subject: Update Report for Rezoning Application No. 00557 for 2616 and 2622-2626 Douglas Street

RECOMMENDATIONS

That Council give first and second reading to Zoning Regulation Bylaw Amendment (Bylaw No. 18-037).

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information regarding Rezoning Application No. 00557 for the property located 2616-2626 Douglas Street. The Statutory Right-of-Way for 1.17m off the rear lane has been submitted for registration with the Land Title and Survey Authority, with a review date of November 23, 2018. A License of Occupation has been completed for the encroachment of the existing building, thus fulfilling the conditions from the Council motion on February 22, 2018 (attached).

Respectfully submitted,

Handwritten signature of Michael Angrove in blue ink.

Michael Angrove
Planner
Development Services

L.T

Handwritten signature of Andrea Hudson in blue ink.

Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Handwritten signature of Jocelyn Denby in blue ink.

Date:

Nov 16, 2018

List of Attachments

- Attachment A: Committee of the Whole Report dated January 4, 2018
- Attachment B: Minutes from the February 8, 2018 Council Meeting
- Attachment C: Council Report dated February 14, 2018
- Attachment D: Minutes from the February 22, 2018 Council Meeting.



Committee of the Whole Report For the Meeting of February 1, 2018

To: Committee of the Whole **Date:** January 4, 2018

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

Subject: Rezoning Application No. 00557 for 2616-2626 Douglas Street

RECOMMENDATION

That Council decline Application No. 00557 for the property located at 2616-2626 Douglas 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 2616-2626 Douglas Street. The proposal is to rezone from the current C1-N Zone, Neighbourhood Shopping 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 Gorge Neighbourhood Plan*
- the proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy*, as it is within 400m of a permitted storefront cannabis retailer.

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 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 the ground floor
- storefront cannabis retailer would be restricted to a maximum floor area of 128m², which is in keeping with the size of the existing operation.

All other requirements within the C1-N Zone, Neighbourhood Shopping District remain the same.

This application was brought forward to the October 19, 2017, Committee of the Whole Meeting at which time Council voted to defer the application until after the Public Hearing for 603 Gorge Road East. The application at 603 Gorge Road East has now been approved following a Public Hearing, and as such, this application for 2616-2626 Douglas Street is being brought back to Committee of the Whole for Council's consideration.

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 area is characterized mainly by office and commercial uses, with automotive services including vehicle sales to the north.

Existing Site Development and Development Potential

The site is presently a two-storey building with commercial uses on the ground floor and residential uses on the upper floor.

Under the current C1-N Zone, Neighbourhood Shopping District, the property could be developed for a variety of commercial uses including commercial-residential up to a height of 21.5m and a density of 1.4 to 1.

Community Consultation

Consistent with the *Storefront Cannabis Retailer Rezoning Policy*, the requirement to arrange and participate in a Community Association Land Use Committee (CALUC) meeting is waived unless the application involves construction of a new building; however, the application was referred to the Burnside Gorge Community 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	2015	2016	2017 (July 24)
Calls to the immediate area	1	2	0
Calls to the block	281	266	133

ANALYSIS

Official Community Plan

The *Official Community Plan* (2012) identifies the property within the General Employment land use designation, within which commercial, including retail, is envisioned.

Local Area Plans

The property is designated as General Employment within the *Burnside Gorge Neighbourhood Plan*. Within this designation, retail uses are supported on the ground floor along arterial roads and areas with high pedestrian activity. This portion of Douglas Street is classified as an arterial road.

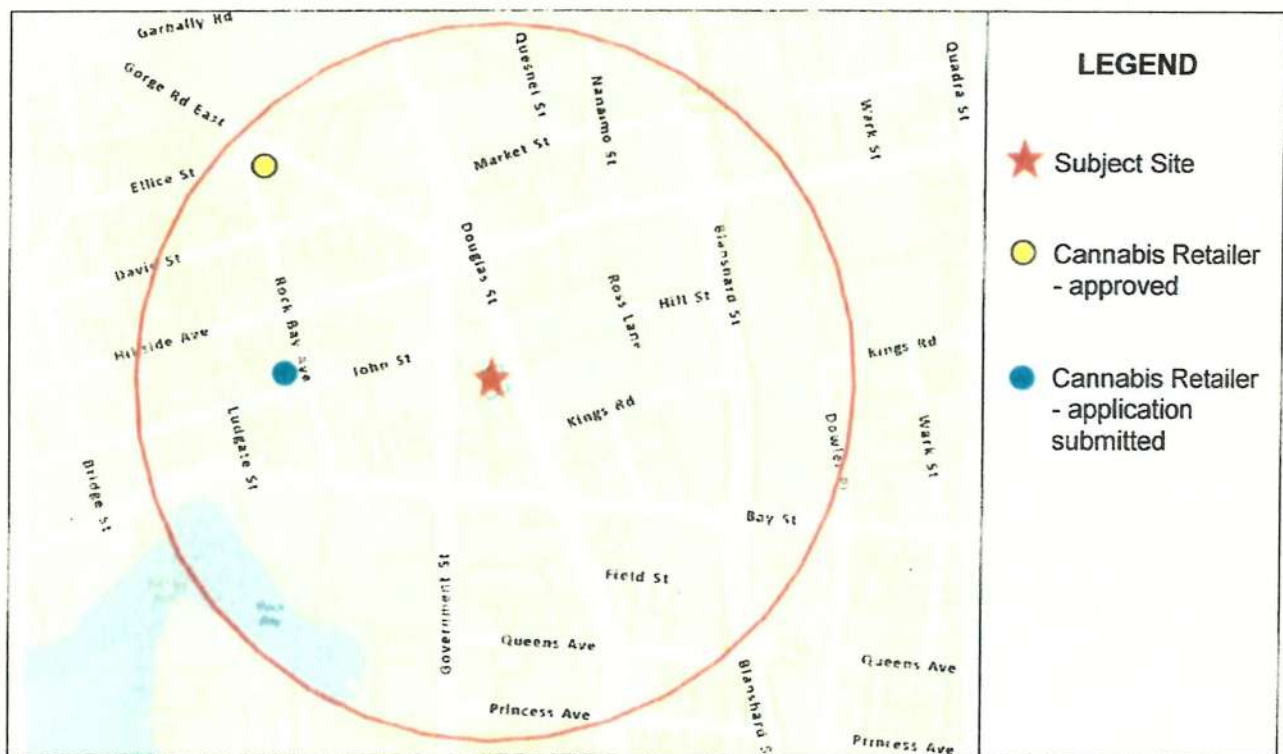
Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this application and there are no impacts to public trees with this application.

Storefront Cannabis Retailer Rezoning Policy

At the time of submission, this application was consistent with the *Storefront Cannabis Retailer Rezoning Policy*, as there are no storefront cannabis retailers within 200 metres of the property. However, there is a permitted storefront cannabis retailer at 603 Gorge Road East that is approximately 329 metres to the northwest of the subject site. In addition, the application at 2610 Rock Bay Avenue was submitted at an earlier date and is 211m west of the subject site.

No public or independent elementary, secondary or high schools are within 200m of the property. SJ Willis School is approximately 339m away.



Regulatory Considerations

The laneway at the rear of the property is identified as part of the priority AAA bicycle network. The standard right-of-way for a lane is 6.0m. To help achieve this, Staff recommend Council make a Statutory Right-of-Way (SRW) of 1.17m a condition of the Rezoning. Furthermore, a License of Occupation would be required, as the existing building encroaches on the public right-of-way. The alternate motion contains language that would make these two items a requirement in the event that Council chooses to advance the application for further consideration at a Public Hearing.

CONCLUSIONS


This proposal to permit the use of a storefront cannabis retailer is consistent with both the *Official Community Plan* and the *Burnside Gorge Neighbourhood Plan* in accommodating retail uses on arterial roads. The proposal does not have any schools within 200m of the parcel; however, there is a permitted storefront cannabis retailer within 400m of the subject property and is therefore inconsistent with the *Storefront Cannabis Retailer Rezoning Policy*. Staff recommend 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. 00557 for 2616-2626 Douglas Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set, with final approval only considered upon receipt of:

- (1) proof of registration of an executed Statutory Right-of-Way (SRW) of 4.91m on Gorge Road East at the Land Titles Survey Authority; and,
- (2) registration of a license of occupation for the encroachment of the existing building on the public right-of-way.

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: Jan 24, 2018

List of Attachments:

- Appendix A: Subject Map
- Appendix B: Aerial Map
- Appendix C: Plans date stamped September 12, 2017
- Appendix D: Letter from applicant to Mayor and Council

"That Council authorize the issuance of Development Variance Permit Application No. 00201 for 821-827 Broughton Street, in accordance with:

1. Plans date stamped December 20, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. reduce the off-street parking requirement from an additional three stalls to nil for the change of use from general office to medical office.
3. The Development Permit lapsing two years from the date of this resolution."

Carried Unanimously

3. **Rezoning Application No. 00557 for 2616-2626 Douglas Street**

Motion:

It was moved by Councillor Young, seconded by Councillor Lucas, that Council decline Application No. 00557 for the property located at 2616-2626 Douglas Street.

Defeated

For: Councillors Madoff, Lucas, and Young
Opposed: Mayor Helps, Councillors Coleman, Isitt, Loveday, and Thornton-Joe

Motion:

It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00557 for 2616-2626 Douglas Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set, with final approval only considered upon receipt of:

- (1) proof of registration of an executed Statutory Right-of-Way (SRW) of 4.91m on Gorge Road East at the Land Titles Survey Authority; and,
- (2) registration of a license of occupation for the encroachment of the existing building on the public right-of-way.

Carried

For: Mayor Helps, Councillors Coleman, Isitt, Loveday, Madoff, and Thornton-Joe
Opposed: Councillors Lucas and Young

4. **Temporary Use Permit Application No. 00005 for 2610 Rock Bay Avenue**

Motion:

It was moved by Councillor Coleman, seconded by Councillor Isitt, that Council authorize the issuance of Temporary Use Permit with Variance Application No. 00005 for 2610 Rock Bay, in accordance with:

1. Plans date stamped September 22, 2017
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. reduce the parking requirements for retail from 1 stall per 37.5m² to 1 stall per 76m².
3. The Temporary Use Permit lapsing two years from the date of this resolution.
4. That the Temporary Use Permit be subject to the applicant agreeing to post publicly that this is a Temporary Use Permit that will lapse two years from the date of the public hearing, subject to the Director of Planning.

Carried

For: Mayor Helps, Councillors Coleman, Isitt, Loveday, and Madoff
Opposed: Councillors Lucas, Thornton-Joe, and Young



Council Report

For the Meeting of February 22, 2018

To: Council **Date:** February 14, 2018
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Rezoning Application No. 00557 for 2616-2626 Douglas Street

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00557 for 2616-2626 Douglas Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set, with final approval only considered upon receipt of:

- (1) proof of registration of an executed Statutory Right-of-Way (SRW) of **1.17m off the rear laneway** at the Land Titles Survey Authority; and,
- (2) registration of a license of occupation for the encroachment of the existing building on the public right-of-way.

EXECUTIVE SUMMARY

The purpose of this report is to provide an updated motion for Council's consideration related to the Rezoning Application for the property located at 2616-2626 Douglas Street. On February 8, 2018, Council considered this matter, and voted in favour of the following 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. 00557 for 2616-2626 Douglas Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set, with final approval only considered upon receipt of:

- (1) proof of registration of an executed Statutory Right-of-Way (SRW) of 4.91m on Gorge Road East at the Land Titles Survey Authority; and,
- (2) registration of a license of occupation for the encroachment of the existing building on the public right-of-way.


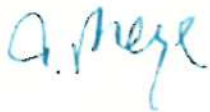
However, there was a mistake in the alternate motion regarding the location of the Statutory Right-of-Way (SRW). The SRW should be 1.17m off the lane, which was outlined in the body of the report, rather than 4.91m off Gorge Road East. This item is identified in bold text in the above Recommendation.

With this updated direction from Council, it is recommended that Council amend the motion from February 8, 2018. The Committee of the Whole Report dated January 4, 2018 is attached for Council's reference.

Respectfully submitted,

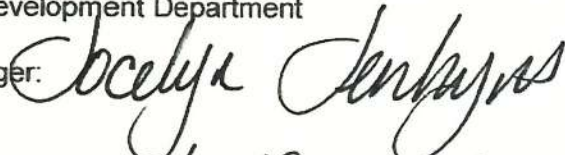


Michael Angrove
Planner
Development Services



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: Feb 19, 2018

List of Attachments

- Attachment A: Committee of the Whole Report dated January 4, 2018.

2. **Beverly Booth: Short-Term Rental Proposal**

Outlined why Council should exempt "accredited corporate housing providers" from the short-term rental proposal and recognize them as a different industry sector.

3. **Rachelle Keeley: Short-Term Rental Proposal**

Outlined why Council should exempt "accredited corporate housing providers" from the short-term rental proposal and recognize them as a different industry sector.

Mayor Helps returned to the meeting at 11:31 p.m. and assumed the Chair.

Councillor Lucas returned to the meeting at 11:31 p.m.

Councillor Madoff returned to the meeting at 11:31 p.m.

Motion to Refer:

It was moved by Councillor Alto, seconded by Councillor Isitt, that the following items be referred to a Council meeting to be held on March 1, 2018, following the Committee of the Whole meeting:

G - Unfinished Business

2. Letter from the Corporation of the Township of Spallumcheen
3. Letter from the Minister of Transportation and Infrastructure
4. Letter from the Minister of Transportation and Infrastructure
5. Letter from the District of Metchosin
6. Letter from the Minister of Social Development and Poverty Reduction
7. Rise and Reports from Closed Meeting for Information

H – Reports of Committees

- 1.a. Report from the February 15, 2018 COTW Meeting
 1. City Role in Childcare Solutions
 3. 2018 Operational Plan
 4. Fourth Quarter Operational Plan Progress report
 9. Governance – Amendments to the Council Procedures Bylaw and Request to Address Council Policy
 10. Right of Way Improvements on Greenways
- 1.b. Report from the February 22, 2018 COTW Meeting
 1. Advocacy and Local Action for Treatment and Recovery for People with Addictions
 2. Attendance at Association of Vancouver Island and Coastal Communities Conference
 3. Follow-Up on Council Motion Re: Human rights and Non-Discrimination
 10. Sheltering Prohibition in Reeson Park and Quadra Park

J – Bylaws

1. Bylaw for Business Licence Changes

Carried Unanimously

UNFINISHED BUSINESS

1. **Update Report for Rezoning Application No. 00557 for 2616-2626 Douglas Street**

Council received a report providing an updated recommendation for Council's consideration.

Motion:

It was moved by Councillor Coleman, seconded by Councillor Madoff, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development

outlined in Rezoning Application No. 00557 for 2616- 2626 Douglas Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set, with final approval only considered upon receipt of: (1) proof of registration of an executed Statutory Right-of-Way (SRW) of **1.17m off the rear laneway** at the Land Titles Survey Authority; and, (2) registration of a license of occupation for the encroachment of the existing building on the public right-of-way.

Carried Unanimously

REPORTS OF COMMITTEES

1. Committee of the Whole – February 15, 2018

2. Making Victoria City Hall a 'Stigma Free Zone'

Motion:

It was moved by Councillor Alto, seconded by Councillor Isitt, that Council endorse the idea of City Hall becoming a 'Stigma Free Zone' by taking the necessary steps and participating in an evening mental health awareness event tentatively scheduled for March 20th, 2018.

And That the City of Victoria include awareness of mental health and other perceived stigmas in support of a healthy workplace culture in the corporate learning needs assessment that the Human Resources Department is conducting in 2018 with guidance and contributions from the Stigma-Free Society.

Carried Unanimously

3. Temporary Use Permit Application No. 00010 for 1040 North Park Street (North Park)

Motion:

It was moved by Councillor Lucas, seconded by Councillor Young, that Council decline Temporary Use Permit Application No. 00010 for the property located at 1040 North Park Street.

Defeated

For: Councillors Lucas, Thornton-Joe, and Young
Opposed: Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, and Madoff

Motion:

It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council authorize the issuance of Temporary Use Permit Application No. 00010 for 1040 North Park Street in accordance with:

1. Revised plans, to the satisfaction of the Director of Planning, that show six parking stalls in the carport and move the loading stall to a new location that does not block the drive aisle.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Temporary use Permit lapsing three years from the date of this resolution.
4. That the Temporary Use Permit be conditional upon notice being displayed indicating that the property is subject to a Temporary Use Permit expiring three years from the date of this resolution, to the satisfaction of Director of Planning.

Carried

For: Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, and Madoff
Opposed: Councillors Lucas, Thornton-Joe, and Young