



Committee of the Whole Report For the Meeting of November 8, 2018

To: Committee of the Whole **Date:** October 25, 2018
From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development
Subject: Rezoning Application No. 00658 for 1402 Douglas Street

RECOMMENDATION

That Council decline Rezoning Application No. 00658 for the property located at 1402 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 1402 Douglas Street. The proposal is to rezone the property by amending the existing site specific regulations of the OTD-1 Zone, Old Town District-1 in order to increase the maximum allowable floor area of the existing storefront cannabis retailer from 200m² to 450m².

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 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.

An alternate motion has also been provided for Council's consideration, given that the proposal is for an expansion of an existing cannabis retailer rather than introducing a new use in this location.

BACKGROUND

Description of Proposal

This Rezoning Application is to rezone the property by amending the site specific regulations of the OTD-1 Zone, Old Town District-1 to increase the maximum floor area from 200m² to 400m².

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 by mainly commercial and office uses. Some residential and transient accommodation uses are located in the nearby area. In addition, a number of heritage buildings are located in close proximity.

Existing Site Development and Development Potential

The site is presently a two-storey, heritage-designated building known as the Porter Block. It was constructed in 1900 using mainly brick and stone materials. Under the current OTD-1 Zone, Old Town District-1, the property could be used for commercial, residential, office and transient uses. The site specific regulations for this property permit one storefront cannabis retailer on the lot with a maximum floor area of 200m².

Data Table

The following data table compares the proposal with the site specific regulations of the OTD-1 Zone.

Zoning Criteria	Proposal	Existing Zone OTD-1
Total floor area of a storefront cannabis retailer (m ²) – maximum	450	200

Relevant History

On February 6, 2018, Council approved a rezoning application to permit the use of storefront cannabis retailer with a maximum total floor area of 200m².

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 Downtown 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 VicPD service calls:

Calls for Service	2016	2017	2018 (up to September 7)
Calls to the immediate area	0	0	0
Calls to the block	337	281	174

ANALYSIS

Official Community Plan

The *Official Community Plan* (OCP, 2012) identifies this property within the Core Historic urban place designation, within which commercial activities including retail are an envisioned use.

Local Area Plans

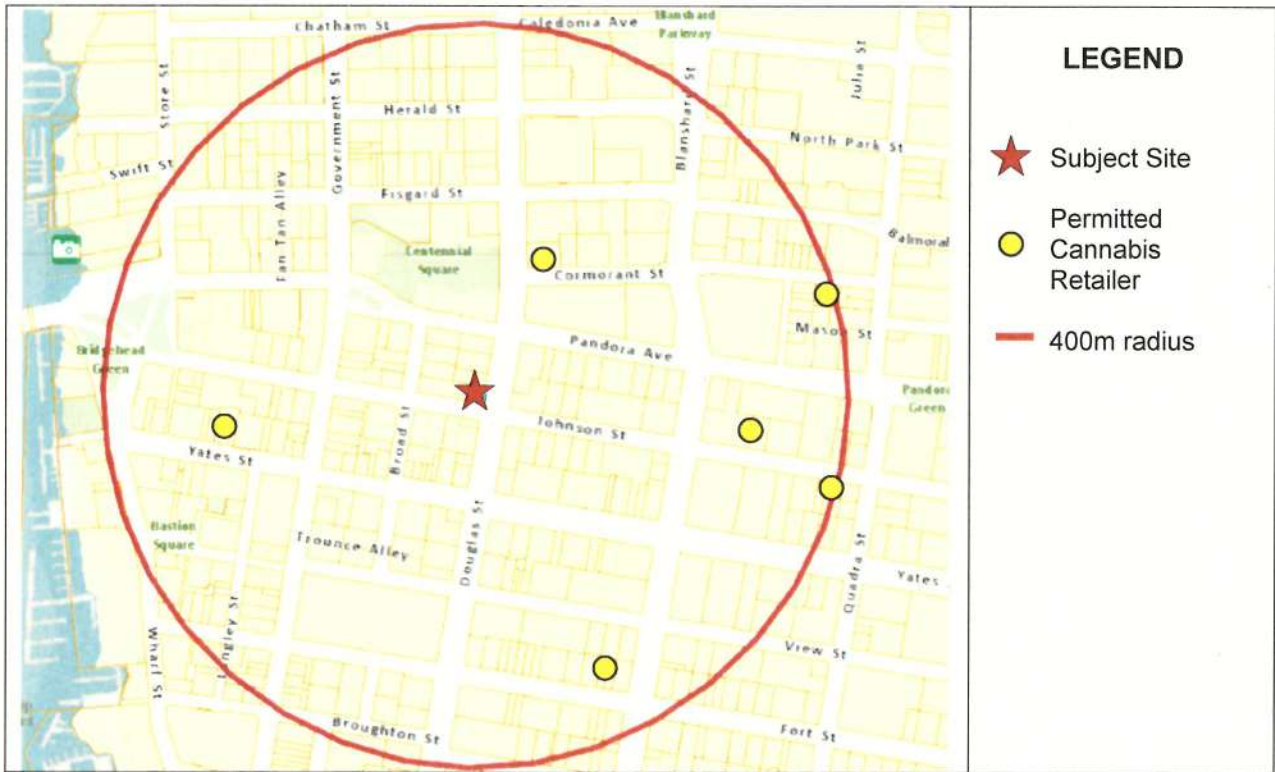
The *Downtown Core Area Plan* identifies the property within the Historic Commercial District, within which active retail uses are encouraged on the ground floor.

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

While the *Storefront Cannabis Retail Rezoning Policy* does not speak directly to maximum sizes of retailers, this Application could be considered an increase in the intensity of the use. This increase in intensity would be inconsistent with the policy, as there are six approved retailers within 400m of the subject site: 1601 Douglas Street, 826 Johnson Street, 851 Johnson Street, 853 Cormorant Street, 546 Yates Street and 778 Fort Street. However, the property has already been approved for this use and it is unlikely that an expansion would have a deleterious effect on the streetscape or present as a concentration of this type of use in the area. An Alternate Motion, which would advance the application for consideration at a Public Hearing, has also been provided below.



CONCLUSIONS

The proposal is consistent with both the OCP and the *Downtown Core Area Plan* in terms of encouraging retail uses at street level; however, the proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy* as there are now six permitted storefront cannabis retailers 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. 00658 for 1402 Douglas 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
A. Meigs

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 Planner
 Development Services

Andrea Hudson

Andrea Hudson, Acting Director
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 Development Department

Report accepted and recommended by the City Manager:

Jocelyn Jenkinson

Date: Nov 2, 2018

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped August 27, 2018
- Attachment D: Letter from applicant to Mayor and Council dated August 24, 2018
- Attachment E: Correspondence (letters received from residents).