



Committee of the Whole Report For the Meeting of December 13, 2018

To: Committee of the Whole **Date:** November 29, 2018
From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development
Subject: Rezoning Application No. 00668 for 950 Yates Street

RECOMMENDATION

That Council decline Rezoning Application No. 00668 for the property located at 950 Yates 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 950 Yates Street. The proposal is to rezone from the current R-48 Zone, Harris Green 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 Residential designation in the *Official Community Plan, 2012*
- the proposal is consistent with the Residential Mixed-Use designation in the *Downtown Core Area Plan*
- the proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy*, as there are four permitted storefront cannabis retailers within 400m.

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 be permitted to operate on the property at a time
- the storefront cannabis retailer would be restricted to a maximum floor area of 110m², which is in keeping with the size of the existing operation
- storefront cannabis retailer would be restricted to the first storey.

All other requirements within the R-48 Zone, Harris Green District, remain the same.

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 commercial and residential uses.

Existing Site Development and Development Potential

There is presently a single-storey commercial building on the site. Under the current R-48 Zone, Harris Green District, the property could be developed to a maximum height of 30 metres and used for multi-unit residential, numerous commercial purposes, and high-tech industries.

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. 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 Core Residential urban place designation, within which commercial activities are an envisioned use.

Local Area Plans

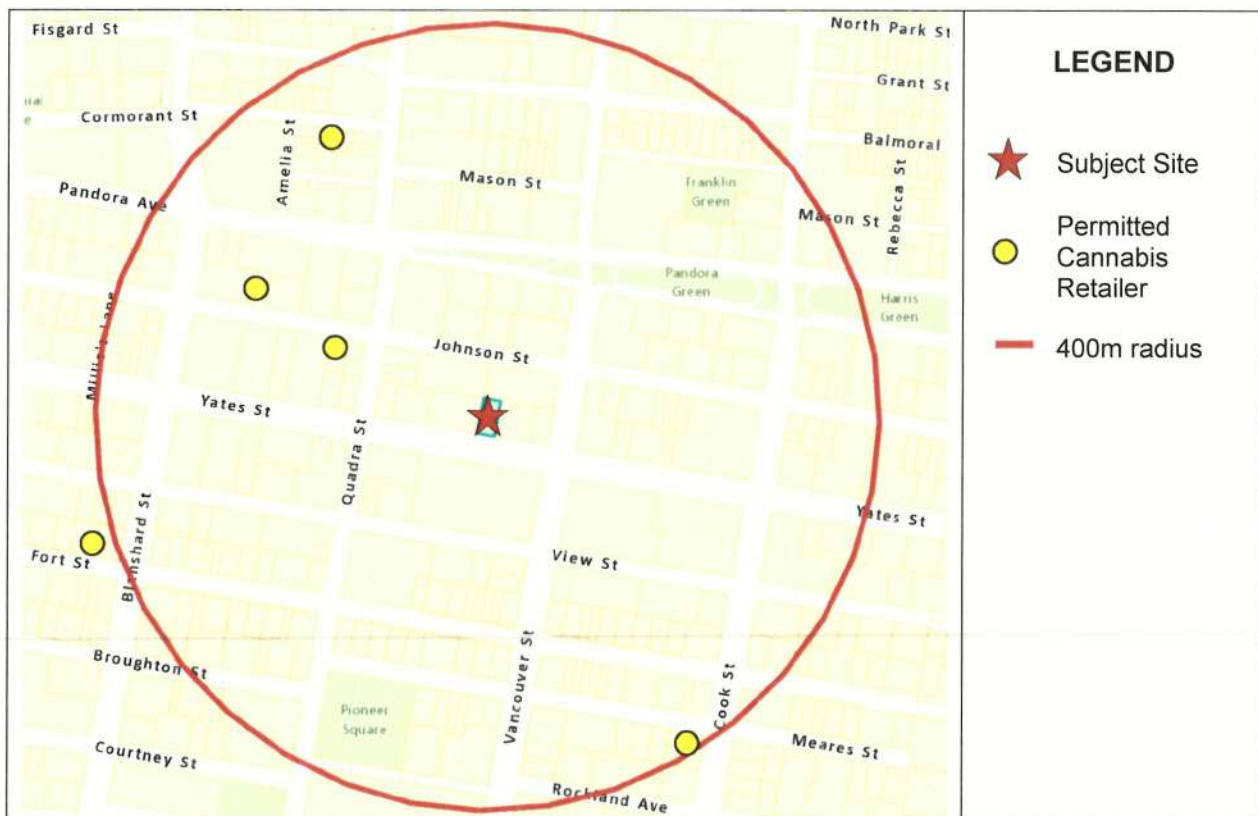
The Downtown Core Area Plan identifies the property within the Residential Mixed-Use District, within which active commercial and retail uses at street level along Yates Street are encouraged.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts and 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 are four permitted retailers within 400m of the subject property: 851 Johnson Street is 150m away, 826 Johnson Street is 248m away, 853 Cormorant Street is 301m away and 1010 Cook Street is 382m away. There are no schools within 200m of the subject property.



Design Considerations

The current provincial regulations for storefront cannabis retailers require the windows to be opaque. Although the current application is for a rezoning, the subject property is located within Development Permit and Heritage Conservation Area 3 (HC): Core Mixed-Use Residential, which would require a Development Permit to alter exterior materials. The applicable design guidelines may be at odds with the provincial regulations; however, a Development Permit Application would be assessed in the future based on fulfilling the applicable provincial regulations that apply at that time and with the relevant City Development Permit Guidelines.

Within this DPA, there are a number of design guidelines that encourage interaction between the public and private realms. Specifically, the *Downtown Core Area Plan* seeks to ensure buildings are designed to relate well to public streets and sidewalks and the *Advisory Design Guidelines for Buildings, Signs and Awnings* encourages surveillance points from buildings and display windows, as well as considering design features having an impact on the appearance from the street. The current provincial regulation for storefront cannabis retailers to have opaque windows would therefore make a future Development Permit application inconsistent with the City of Victoria's design guidelines.

CONCLUSIONS

The proposal is consistent with both the OCP and the *Downtown Core Area Plan* in terms of encouraging commercial uses; however, the proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy* as there are four 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. 00668 for 950 Yates Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and that a Public Hearing date be set.

Respectfully submitted,

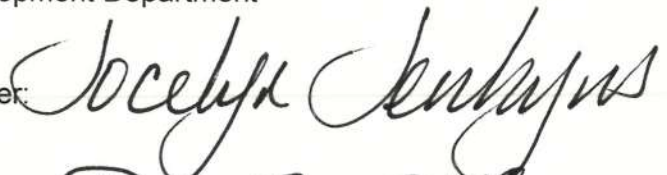


Michael Angrove
Planner
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Andrea Hudson, Acting Director
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Development Department

Report accepted and recommended by the City Manager:



Date:

Dec 7, 2018

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped October 26, 2018
- Attachment D: Letter from the applicant to Mayor and Council dated October 22, 2018.