



Committee of the Whole Report For the Meeting of December 12, 2019

To: Committee of the Whole **Date:** November 28, 2019
From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development
Subject: Rezoning Application No. 00713 for 1881 Fort 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. 00713 for 1881 Fort Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Revised plans identifying the Statutory Right-of-Ways, to the satisfaction of the Director of Sustainable Planning and Community Development.
2. Preparation and execution of a Statutory Right-of-Way of 1.4m off Davie Street and 0.72m off Fort Street.
3. Council authorizing an Encroachment Agreement for the four parking stalls at the northern-most portion of the site that project into City property in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.

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 1881 Fort Street. The proposal is to rezone from the C-1 Zone, Limited Commercial 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 Large Urban Village urban place designation in the *Official Community Plan* (OCP, 2012), which envisions commercial uses
- the proposal is consistent with the "Maintain Current Zoning" designation within the *Jubilee Neighbourhood Plan*, as the storefront cannabis retail use maintains the general commercial use of the property

- the proposal is consistent with the *Storefront Cannabis Retailer Rezoning Policy* as there are no other storefront cannabis retailers within 400m of the subject property and no schools within 200m of the subject property.

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 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 a maximum floor area of 88m²
- the maximum storefront cannabis retailer store frontage facing Fort Street would be 6.0m.

All other requirements within the C-1 Zone, Limited Commercial District, remain the same.

Staff recommend that Council make a condition of rezoning a Statutory Right-of-Way (SRW) of 0.72m off Fort Street and 1.4m off Davie Street to meet future transportation-related needs. The property owner is amenable to providing this SRW.

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 a variety of land uses, including the Royal Jubilee Hospital across the street to the north, a large commercial plaza to the east and low-density residential to the south.

Existing Site Development and Development Potential

The site is presently a single-storey commercial building with surface parking in the front yard. Under the current C-1 Zone, the property could be developed for a wide variety of commercial uses, including commercial-residential, with a maximum building height of 12m and a maximum floor space ratio 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) Community Meeting is waived unless the application involves construction of a new building; however, the

application was referred to the South Jubilee CALUC. Also consistent with the Policy, the application has been referred to School District No. 61 and the Victoria Police Department (VicPD). No responses had been received at the time of writing this report.

ANALYSIS

Official Community Plan

The *Official Community Plan* (OCP, 2012) identifies this property within the Large Urban Village urban place designation, within which commercial uses are envisioned.

Local Area Plans

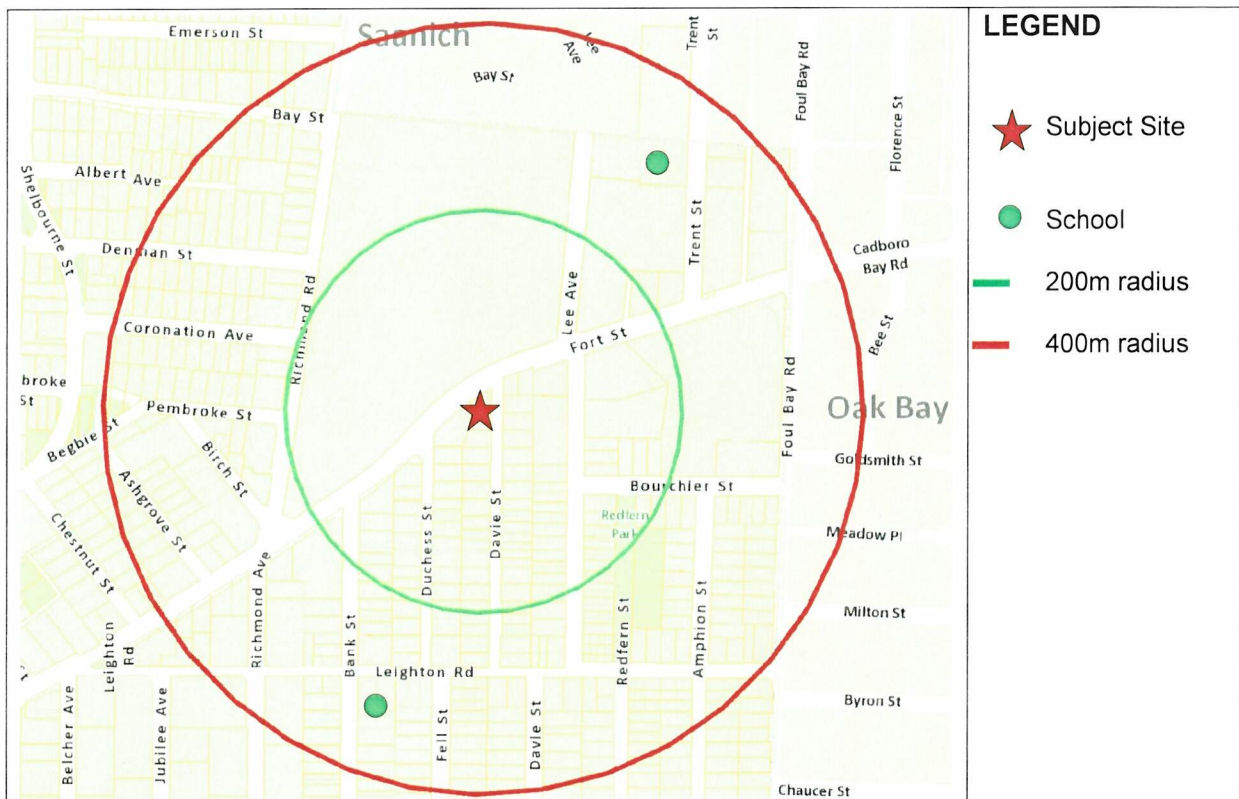
The property is located within the “Maintain Current Zoning” designation of the *Jubilee Neighbourhood Plan*. Additionally, the plan notes that commercial redevelopment should be limited to areas already zoned for commercial use. The subject property is already zoned for commercial use and is simply adding another commercial use.

Tree Preservation Bylaw and Urban Forest Master Plan

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

Storefront Cannabis Retailer Rezoning Policy

The application is for a new storefront cannabis retailer. The proposal is consistent with the *Storefront Cannabis Retailer Rezoning Policy* as there are no permitted storefront cannabis retailers within 400m of the property and no public or independent elementary, secondary or high schools are within 200m of the property. The property is approximately 253m from the St. Patrick's Elementary School and 268m from École Beausoleil.



Regulatory Considerations

Fort Street is classified as an arterial street, which has a standard road right-of-way width of 30m, and Davie Street is classified as a local street, which has a standard road right-of-way width of 18.0m. To help fulfill future transportation related needs on these corridors, a Statutory Right of Way (SRW) of 0.72m off Fort Street and 1.40m off Davie Street has been requested by staff. The property owner is amenable to this request.

In addition, the four vehicle parking stalls located at the northern-most portion of the site encroach onto City of Victoria property. An Encroachment Agreement is therefore required for the continued use of these stalls. The recommended motion for Council's consideration would authorize staff to enter into an Encroachment Agreement with the property owner.

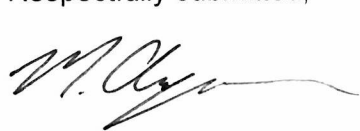
CONCLUSIONS

This proposal to permit the storefront cannabis retailer use is consistent with the Large Urban Village designation in the OCP and the Maintain Current Zoning designation in the *Jubilee Neighbourhood Plan*. The proposal does not have any schools within 200m or permitted storefront cannabis retailers within 400m of the property. Staff therefore recommend Council consider supporting this application.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00713 for the property located at 1881 Fort Street.

Respectfully submitted,



Michael Angrove
Senior Planner
Development Services



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:

Dec 4, 2019

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped November 12, 2019
- Attachment D: Letter from applicant to Mayor and Council dated September 11, 2019
- Attachment E: Correspondence (Letters received from residents).