



Committee of the Whole Report For the Meeting of July 2, 2020

To: Committee of the Whole **Date:** June 18, 2020
From: Karen Hoese, Director, Sustainable Planning and Community Development
Subject: Rezoning Application No 00738 for 1400 Quadra Street and 851 Johnson Street

RECOMMENDATION

That Council decline Rezoning Application No. 00738 for the property located at 1400 Quadra 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 properties located at 1400 Quadra Street and 851 Johnson Street. The proposal is to rezone 1400 Quadra Street to add the use of storefront cannabis retailer as a site-specific regulation to the CBD-2 Zone, Central Business District 2, and to rezone 851 Johnson Street to remove the use of storefront cannabis retailer from the site-specific regulations of the CBD-1 Zone, Central Business District 1.

The following points were considered in assessing this application:

- the proposal is consistent with the Core Residential designation in the *Official Community Plan*, which envisions commercial uses on the ground floor
- the proposal is consistent with the Residential Mixed-Use District designation in the *Downtown Core Area Plan*, which encourages active commercial uses at-grade
- the proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy*, as there are properties within 400m that are zoned to permit storefront cannabis retailer as a use. However, this application is to move a previously approved storefront cannabis retailer across the street and subsequently amend the zoning of the initial property so that there would not be a net increase in the number of properties zoned for this use.

Although this proposal is inconsistent with Council's approved *Storefront Cannabis Retailer Rezoning Policy*, an alternate motion has been prepared if Council wishes to advance the application for consideration at a Public Hearing.

BACKGROUND

Description of Proposal

This application is to rezone 1400 Quadra Street to add the use of storefront cannabis retailer, and to rezone 851 Johnson Street to remove the use of storefront cannabis retailer. The following differences from the current zone at 1400 Quadra Street are being proposed:

- 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 80m²
- the maximum storefront cannabis retailer store frontage facing a street would be 8.5m.

All other requirements within the CBD-2 Zone, Central Business District 2, including the site-specific regulations, remain the same.

Sustainability

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

Active Transportation

The applicant has not identified any active transportation impacts associated with this application.

Public Realm

No public realm improvements beyond City standard requirements are proposed in association with this Rezoning Application.

Accessibility

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Land Use Context

The area is characterized by a mix of uses including office, commercial and residential. Alix Goolden Performance Hall is located across the street to the east and the Portland Hotel Society Residential Outreach Building is located immediately to the west.

Existing Site Development and Development Potential

The site is presently under construction. When completed, the 14-storey building will feature commercial on the ground floor and approximately 113 residential rental units.

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. 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 proposal is consistent with the Core Residential designation in the *Official Community Plan* (2012), which envisions commercial uses.

Downtown Core Area Plan

The proposal is consistent with the Mixed-Use Residential designation in the *Downtown Core Area Plan* (2011), which encourages active retail uses at-grade.

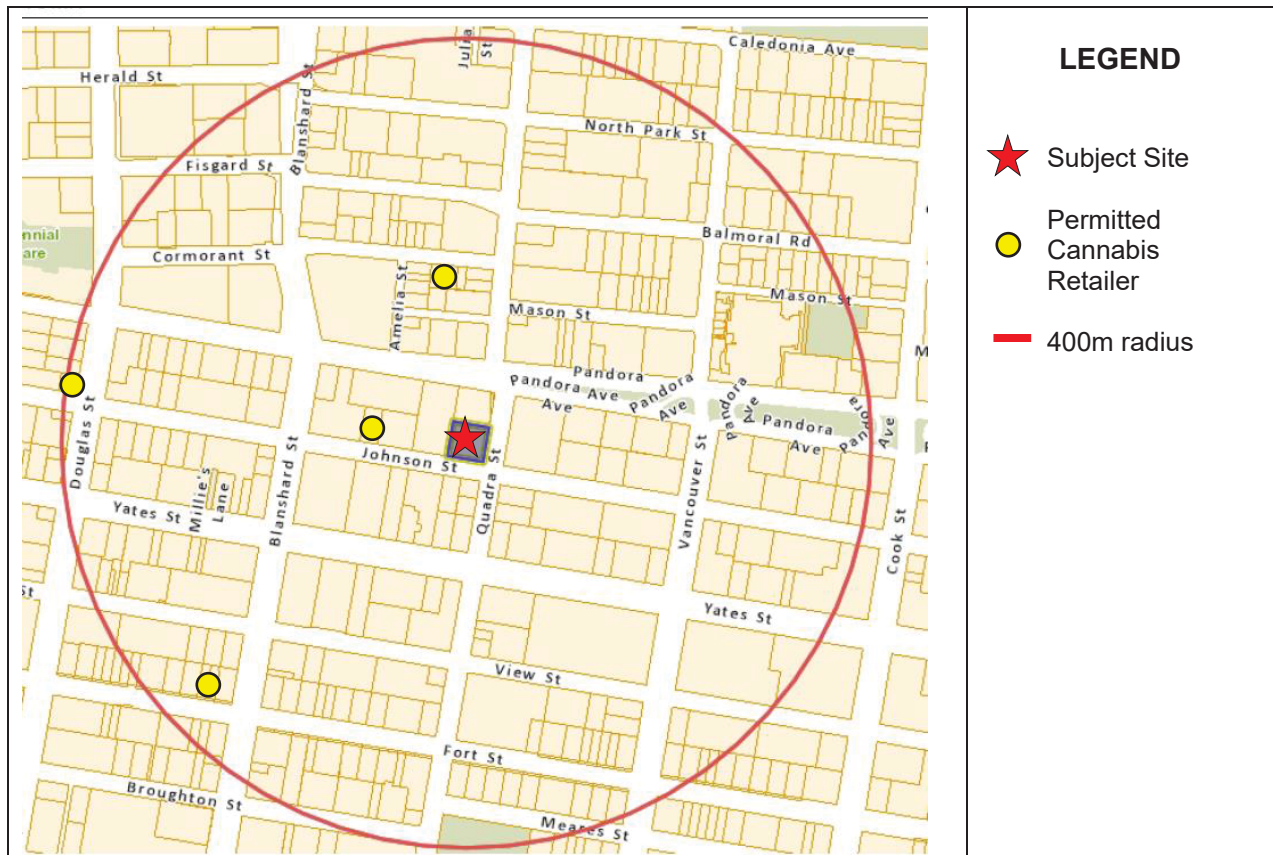
Tree Preservation Bylaw and Urban Forest Master Plan

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 to relocate a storefront cannabis retailer use from 851 Johnson Street to 1400 Quadra Street. If Council were to approve the rezoning at 1400 Quadra Street, staff recommend subsequently amending the zoning of 851 Johnson Street. The proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy* as there are four properties within 400m of the subject property that have storefront cannabis retailer as a permitted use: 826 Johnson Street is 72m away, 853 Cormorant Street is 136m away, 778 Fort Street is 325m away, and 1402 Douglas Street is 388m. There are no public or independent elementary, secondary or high schools within 200m of the property.

As noted, the proposal is to relocate a previously approved storefront cannabis retailer from 851 Johnson Street across the street to 1400 Quadra Street. The *Storefront Cannabis Retailer Rezoning Policy* notes that Council can vary from the 400m separation distance between retailers based on circumstances of a specific application. As such, staff have provided an alternate motion for Council's consideration.



CONCLUSIONS

The proposal to permit the storefront cannabis retailer use is consistent with the *Official Community Plan* and the *Downtown Core Area Plan*. The proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy* as there are four other properties within 400m that permit the use of storefront cannabis retailer. However, the proposal is to move a previously approved retailer across the street at 1400 Quadra Street and amend the zoning of the initial property at 851 Johnson Street. As such, an alternate motion has been provided for Council’s consideration.

ALTERNATE MOTION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendments that would authorize the proposed development outlined in Rezoning Application No. 00738 to add storefront cannabis retailer as a permitted use at 1400 Quadra Street and remove storefront cannabis retailer as a permitted use at 851 Johnson 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,

Mike Angrove
Senior Planner
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: June 25, 2020

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped June 2, 2020
- Attachment D: Letter from applicant to Mayor and Council dated April 24, 2020.