



Committee of the Whole Report For the Meeting of May 27, 2021

To: Committee of the Whole **Date:** May 13, 2021

From: Karen Hoes, Director, Sustainable Planning and Community Development

Subject: Rezoning Application No. 00770 for 546 Yates Street and 566-568 Yates 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. 00770 to add the use of Cannabis Storefront Retailer to 566-568 Yates Street and remove it from 546 Yates Street, that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council and a Public Hearing date be set subject to submission and evaluation by staff of a Heritage Alteration Permit for the changes to the front entrance.

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 546 Yates Street and 566-568 Yates Street. The proposal is to rezone 566-568 Yates Street to add the use of storefront cannabis retailer as a site-specific regulation to the OTD-1 Zone, Old Town District-1, and to rezone 546 Yates Street to remove the use of storefront cannabis retailer from the site-specific regulations of the OTD-1 Zone, Old Town District-1.

The following points were considered in assessing this application:

- The proposal is consistent with the Core Historic designation in the *Official Community Plan*, which envisions commercial uses including retail.
- The proposal is consistent with the Historic Commercial 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 relocate the previously approved storefront cannabis retailer from the same block into 566-568 Yates Street and to subsequently remove the cannabis retail use from the property located at 546 Yates Street.

- The new proposal is for a smaller space, so the application would result in a net decrease in storefront cannabis retail floor area and street frontage.

BACKGROUND

Description of Proposal

This application is to rezone 566-568 Yates Street to add the use of storefront cannabis retailer, and to rezone 546 Yates Street to remove the use of storefront cannabis retailer. The following differences from the current zone at 566-568 Yates 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 151m².

The change to the current zone at 546 Yates Street would remove the permission that allows up to 800m² of floor area to be dedicated to storefront cannabis retailer uses.

All other requirements within the OTD-1 Zone, Old Town District-1, remain the same for both properties.

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. In this case, the entrance to the building is located at street-level, which provides for unimpeded access to the commercial units.

Land Use Context

The area is characterized by retail and restaurant uses located at street level with residential and office uses located on the upper storeys. There are numerous heritage-designated buildings, including the subject property, located on the 500-block of Yates Street.

Existing Site Development and Development Potential

The site is presently occupied with commercial units on the ground floor, one residential unit on the ground floor at the rear of the property, and additional residential units on the upper storeys. The building is heritage-designated. The main entrance to the commercial units on the ground floor would be widened to satisfy the provincial requirement to have a separate entrance for the storefront cannabis retailer. This would require a Heritage Alteration Permit for a minor change, which can be handled through a delegated process if Council approves the rezoning. The applicant has been in contact with the City's Senior Heritage Planner to ensure the alterations meet the applicable guidelines and are completed in a manner sensitive to the heritage building.

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 on March 18, 2021. 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 Historic designation in the *Official Community Plan* (2012), which envisions commercial uses including retail.

Downtown Core Area Plan

The proposal is consistent with the Historic Commercial District designation in the *Downtown Core Area Plan* (2011), which encourages a diverse range of active commercial uses such as retail stores at street level.

Tree Preservation Bylaw and Urban Forest Master Plan

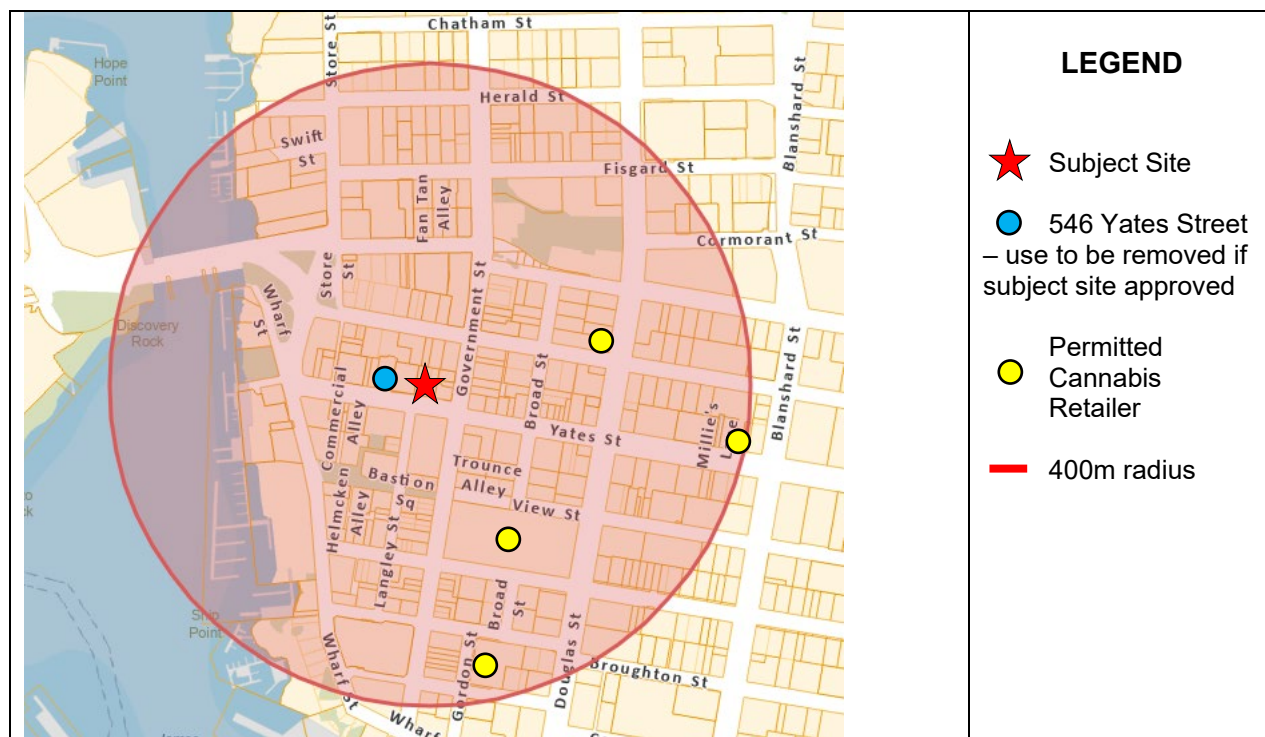
There are no *Tree Preservation Bylaw* impacts and there are no impacts to public trees with this application.

Storefront Cannabis Retailer Rezoning Policy

The application is to relocate a storefront cannabis retailer use from 546 Yates Street to 566-568 Yates Street. If Council were to approve the rezoning at 566-568 Yates Street, staff recommend subsequently amending the zoning of 546 Yates 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: 1150 Douglas Street is 132m away, 1402 Douglas Street is 198m away, 901 Gordon Street is 310m away, and 778 Fort Street is 394m away. There are no public or independent elementary, secondary or high schools within 200m of the property.

In this instance, the new location at 566-568 Yates Street is only 151m² in floor area compared to the existing location at 546 Yates Street that is 800m² in floor area, which is a significant

difference. In addition, the new location would have less of an impact on the public realm due to a reduced street frontage. Staff therefore recommend that Council consider supporting this application since it results in a net decrease of storefront cannabis retailer floor area. However, staff have provided an alternate motion in the event Council wishes to strictly adhere to the *Storefront Cannabis Retailer Rezoning Policy*.



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 use from 546 Yates Street to another property at 566-568 Yates Street, which results in a net decrease in storefront cannabis retailer floor area in the neighbourhood and decreases the impact on the public realm through a reduced street frontage. Therefore, it is recommended that Council consider supporting the application.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00770 for the properties located at 546 Yates Street and 566-568 Yates Street.

Respectfully submitted,

Mike Angrove
Senior Planner
Development Services Division

Karen Hoeser, Director
Sustainable Planning and Community
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Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped May 4, 2021
- Attachment D: Letter from applicant to Mayor and Council dated March 5, 2021.