



Committee of the Whole Report For the Meeting of June 10, 2021

To: Committee of the Whole **Date:** May 27, 2021
From: Karen Hoese, Director, Sustainable Planning and Community Development
Subject: Rezoning Application No. 00773 for 425-475 Simcoe 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. 00773 for 425-475 Simcoe Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

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 425-475 Simcoe Street. The proposal is to rezone the property by amending the existing C1-JB Zone, James Bay Extended Commercial District, to include the use of storefront cannabis retailer.

The following points were considered in assessing this application:

- The proposal is consistent with the Large Urban Village designation in the *Official Community Plan 2012*, which envisions ground-level commercial uses.
- The proposal is consistent with the Commercial Centre designation in the *James Bay Neighbourhood Plan*, which encourages the growth and vitality of a commercial village centre in James Bay.
- The proposal is consistent with the *Storefront Cannabis Retailer Rezoning Policy*, as there are no schools within 200m or permitted storefront cannabis retailers within 400m.

BACKGROUND

Description of Proposal

This rezoning application is to rezone the property by amending the C1-JB Zone, James Bay Extended Commercial District, to include the use of storefront cannabis retailer. The following changes are being proposed and would be accommodated in the amended zone:

- 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 53m².

All other requirements within the C1-JB Zone, James Bay Extended Commercial District, remain the same.

Staff requested a Statutory Right-of-Way (SRW) of 2.69m off Simcoe Street and 1.78m off Menzies Street to help fulfill Council-approved Official Community Plan objectives such as wider sidewalks for pedestrians, enhanced facilities for cyclists and boulevards which support the long-term viability of large canopy trees. However, the property owners have indicated that they are not willing to provide the SRW at this time but would consider it in the future should a full redevelopment of the property occur.

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

No accessibility improvements are proposed beyond what is required through the *British Columbia Building Code*.

Land Use Context

The subject site is located within James Bay Village, which is characterized by commercial uses and multi-unit residential buildings.

Existing Site Development and Development Potential

The site is presently a seven-storey commercial shopping centre with residential units on the upper storeys. Under the current C1-JB Zone, James Bay Extended Commercial District, the property could be developed as a mixed-use building up to twelve storeys and 1.4 floor space ratio.

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 James Bay CALUC on March 31, 2021. As of writing this report, a letter from the CALUC had not been provided. Also consistent with the Policy, the application has been referred to School District No. 61 and the Victoria Police Department (VicPD).

ANALYSIS

Official Community Plan

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

James Bay Neighbourhood Plan

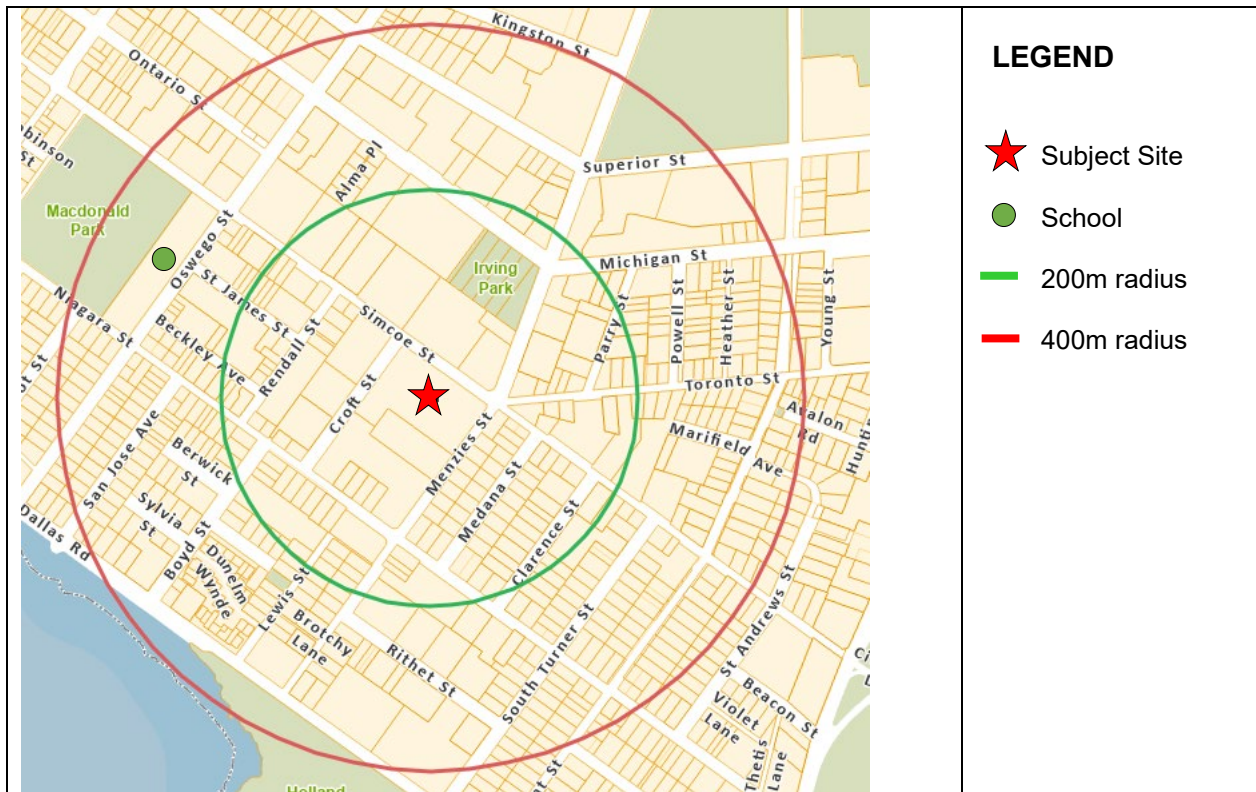
The subject site is designated Commercial Centre within the *James Bay Neighbourhood Plan*. The proposal is consistent with the Commercial Centre designation, which encourages the growth and vitality of a commercial village centre.

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 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 280m from the James Bay Community School.



CONCLUSIONS

This proposal to permit the storefront cannabis retailer use is consistent with the Large Urban Village designation in the OCP and the Commercial Centre designation in the *James Bay 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. 00773 for the property located at 425-475 Simcoe Street.

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.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped March 26, 2021
- Attachment D: Letter from applicant to Mayor and Council dated March 25, 2021.