



Committee of the Whole Report For the Meeting of June 23, 2022

To: Committee of the Whole **Date:** June 9, 2022
From: Karen Hoese, Director, Sustainable Planning and Community Development
Subject: Rezoning Application No. 00798 for 235 Russell Street and Rezoning Application No. 00799 for 247 Russell Street

RECOMMENDATION

Rezoning Applications

235 Russell Street

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00798 for 235 Russell Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

247 Russell Street

2. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00799 for 247 Russell 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

This report discusses two Rezoning Applications. Relevant rezoning considerations include the proposal to add light industrial uses to the range of uses permitted on the properties.

Enabling Legislation

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 the properties located at 235 Russell Street and 247 Russell Street. The proposal is to rezone both properties from the M-1 Zone, Limited Light Industrial District, to a site-specific zone in order to permit additional light industrial uses such as manufacturing, processing and assembly.

The following points were considered in assessing the Rezoning Application:

- The properties are located within the Employment-Residential urban place designation of the *Official Community Plan (OCP)*, within which light industrial is an envisioned use.
- The properties are located within the General Employment with Limited Residential designation, in the *Victoria West Neighbourhood Plan*, which again envisions light industrial as a permitted use.

BACKGROUND

Description of Proposal

This proposal is to rezone both 235 Russell Street and 247 Russell Street from the M-1 Zone, Limited Light Industrial District, to a site-specific zone to permit additional light industrial uses such as manufacturing, processing and assembly. The applicant has indicated the buildings would be used for cannabis cultivation, processing and supporting uses.

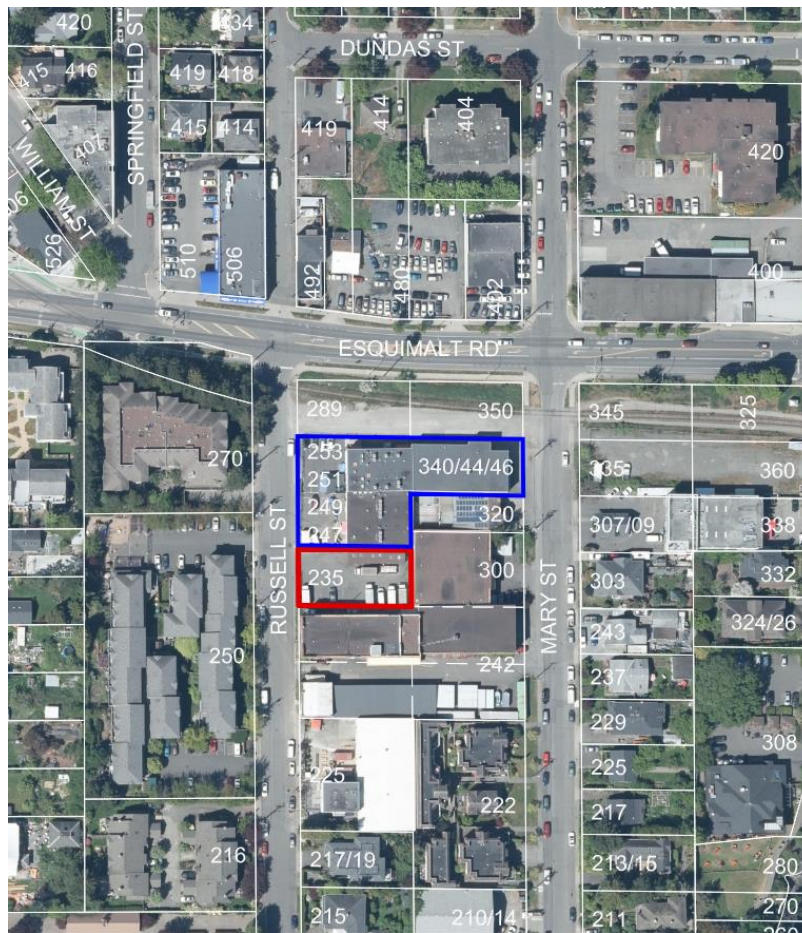
The following additional uses would be permitted should the Rezoning Applications be approved by Council:

- manufacturing
- processing
- assembly.

Similar to the M-1 Zone, the proposed zone would restrict uses to those that are not noxious or offensive to the immediate neighbourhood or the general public by reason of emitting odours, dust, smoke, gas, noise, effluent or hazard.

Land Use Context

The area is characterized by industrial uses to the north and east and multi-unit residential uses across the street to the west. A rezoning application across the street at 480 Esquimalt Road would add multi-unit residential to the property, and another rezoning application at 225 Russell Street to the south would remove the industrial uses for a supportive housing building. The aerial photo below identifies 235 Russell Street in red and 247 Russell Street in blue.



Existing Site Development and Development Potential

The property at 235 Russell Street is presently vacant and used as storage for adjacent properties; however, in November 2021, Council approved a Development Permit with Variances to construct a four-storey warehouse. The property at 247 Russell Street is presently used for a cannabis nursery and cultivation. The tenants obtained Health Canada approval for the cannabis use but were unaware the zoning did not permit for processing, manufacturing and assembly. Operations were suspended following a fire and at this time the building is undergoing repairs pending the outcome of the rezoning application.

Under the current M-1 Zone, Limited Light Industrial District the properties could be developed for a variety of light industrial uses with a density of 3.0 Floor Space Ratio and heights up to 15m.

Data Table

The following data table compares the proposal with the existing M-1 Zone. Two asterisks are used to identify a legal non-conforming condition, or a condition approved through a variance.

Zoning Criteria	235 Russell Street	247 Russell Street	Existing M-1 Zone
Density (Floor Space Ratio) – maximum	2.9	0.7	3.0
Height (m) – maximum	14.48	Existing	15
Setbacks (m) – minimum			
Front	0	15.33	0
Rear	0	5.91	3.0 or 0
Side (north)	0	3.0	3.0 or 0
Side (south)	0	0	3.0 or 0
Parking – minimum	14**	15	20 (235 Russell) 13 (247 Russell)
Loading stall – minimum	0**	1	1
Short term bicycle parking stalls – minimum	6	6	6
Long term bicycle parking stalls – minimum	2	1 rack	2 (235 Russell) 1 (247 Russell)

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 application.

Relevant History

On November 4, 2021, Council approved a Development Permit with Variances to construct a new four-storey warehouse building at 235 Russell Street. The applicant is now requesting additional uses to make that future building more viable.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the Victoria West CALUC waived the CALUC process. A letter from the CALUC dated December 14, 2021, is attached to this report.

ANALYSIS

Rezoning Application

Official Community Plan

The properties are located within the Employment-Residential urban place designation of the *Official Community Plan (OCP)*, within which light industrial is an envisioned use. The additional uses can be considered light industrial and are not permitted to be noxious or offensive to the immediate neighbourhood or the general public.

Victoria West Neighbourhood Plan

The *Victoria West Neighbourhood Plan* designates the subject property General Employment with Limited Residential. The Plan supports employment uses including light industrial.

Statutory Right-of-Way and Sidewalk Alignment

Staff requested a Statutory Right-of-Way (SRW) of 1.7m off Russell Street to help fulfill Council-approved Official Community Plan objectives such as accessible sidewalks and boulevards which support the long-term viability of street 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.

A similar SRW request was made as part of a Development Permit with Variances application to construct a new four-storey warehouse building at 235 Russell Street which was approved by Council on November 4, 2021. At that time, the property owners were not willing to provide the SRW.

Russell Street does not meet the City's standard right-of-way width for local roads and an alternate cross section was developed to ensure an accessible sidewalk can be installed on Russell Street. This approach will narrow the roadway to accommodate a wider curb-side sidewalk consistently along 225, 235 and 247 Russell Street. The City will complete the remaining section of sidewalk in front of the Ormond's Biscuit Factory building as development takes place and City priorities allow. The accommodation of street trees on Russell Street without the SRW would result in the loss of street parking adjacent these industrial properties, which would further increase parking pressures in this mixed zoned area and is not recommended.

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.

CONCLUSIONS

The proposed expanded uses would maintain light industrial activities within an area that both the OCP and the *Victoria West Neighbourhood Plan* envision for light industry. In addition, the additional uses will still not be permitted to be noxious or offensive to the immediate neighbourhood or the general public. Therefore, staff recommend that Council consider supporting the two applications.

ALTERNATE MOTION

1. That Council decline Rezoning Application No. 00798 for the property located at 235 Russell Street.
2. That Council decline Rezoning Application No. 00799 for the property located at 247 Russell Street.

Respectfully submitted,

Mike Angrove
Senior Planner – Development Agreements
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 Maps
- Attachment B: Plans for 235 Russell Street date stamped April 27, 2022
- Attachment C: Plans for 247 Russell Street date stamped April 14, 2022
- Attachment D: Letter from applicant to Mayor and Council dated November 30, 2021
- Attachment E: Community Association Land Use Committee Letter dated December 14, 2021.