



Committee of the Whole Report For the Meeting of June 29, 2023

To: Committee of the Whole **Date:** June 15, 2023

From: Karen Hoese, Director of Sustainable Planning and Community Development

Subject: Rezoning Application No. 00847 for 182 Wilson Street

RECOMMENDATION

That Council decline Rezoning Application No. 00847 for the property located at 182 Wilson Street.

LEGISLATIVE AUTHORITY

This report discusses a Rezoning Application. Relevant rezoning considerations include the proposal to add storefront cannabis retailer as new use.

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 a Rezoning Application for the property located at 182 Wilson Street in the Westside Village shopping centre. The proposal is to rezone to a site-specific zone in order to allow for the retail sale of cannabis at this location.

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*.
- The proposal is consistent with the Westside Large Urban Village designation in the *Victoria West Neighbourhood Plan*.
- The existing commercial zoning permits a range of uses but storefront cannabis retailer is a specific use in our zoning bylaw that is not found in this zone and therefore a rezoning is required.

- The proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy*, as there is one permitted storefront cannabis retailer located 206m away from the subject site while the policy stipulates there should be a minimum of 400m between cannabis dispensaries.

Despite the application being inconsistent with Council's policy regarding the distance between retailers, an alternate motion has been provided should Council choose to advance the application for consideration at a public hearing.

BACKGROUND

Description of Proposal

This proposal is to allow for the retail sale of cannabis in an existing building. The property is in the SNC-1 Zone, Songhees Wilson Park Commercial District. Storefront cannabis retailer would be a permitted use, and the following conditions of use would be accommodated in a new zone, should Council choose to advance the proposal:

- only one storefront cannabis retailer would be permitted to operate on the property at a time
- storefront cannabis retailer would be restricted to the ground floor.

All other requirements within the SNC-1 Zone, Songhees Wilson Park Commercial District, remain the same.

Land Use Context

As illustrated in the below map, the proposed use would be located in an existing building in the Westside Village shopping centre which includes a mix of commercial and office uses. The storefront faces to the south into the parking lot with the back of the building fronting on to Bay Street. To the north-west across Bay Street are commercial and light industrial uses, to the east across Tyee Road are office buildings and to the south-west across Wilson Street is a park. Much of the area surrounding Westside Village shopping centre is multi-family residential.



182 Wilson Street
Rezoning No.00847



Existing Site Development and Development Potential

The Westside Village shopping centre includes a mix of commercial and office uses that are permitted in the SNC-1 Zone. The buildings are mostly single storey with one two-storey building fronting on Tye Road. The proposed cannabis retail store would be located in a single storey building that would include three other commercial businesses. Under the current SNC-1 Zone, Songhees Wilson Park Commercial District, the property could be developed to a maximum height of 12 metres for commercial uses and to a maximum height of 32 metres for residential uses.

Sustainable Mobility

No sustainable mobility improvements are proposed in association with this application.

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 Victoria West CALUC on April 5, 2023. Also consistent with the

Policy, the application was referred to School District No. 61 and the Victoria Police Department. As of the date of this report, no correspondence has been received from the CALUC, School District No. 61, or Victoria Police Department.

ANALYSIS

Official Community Plan

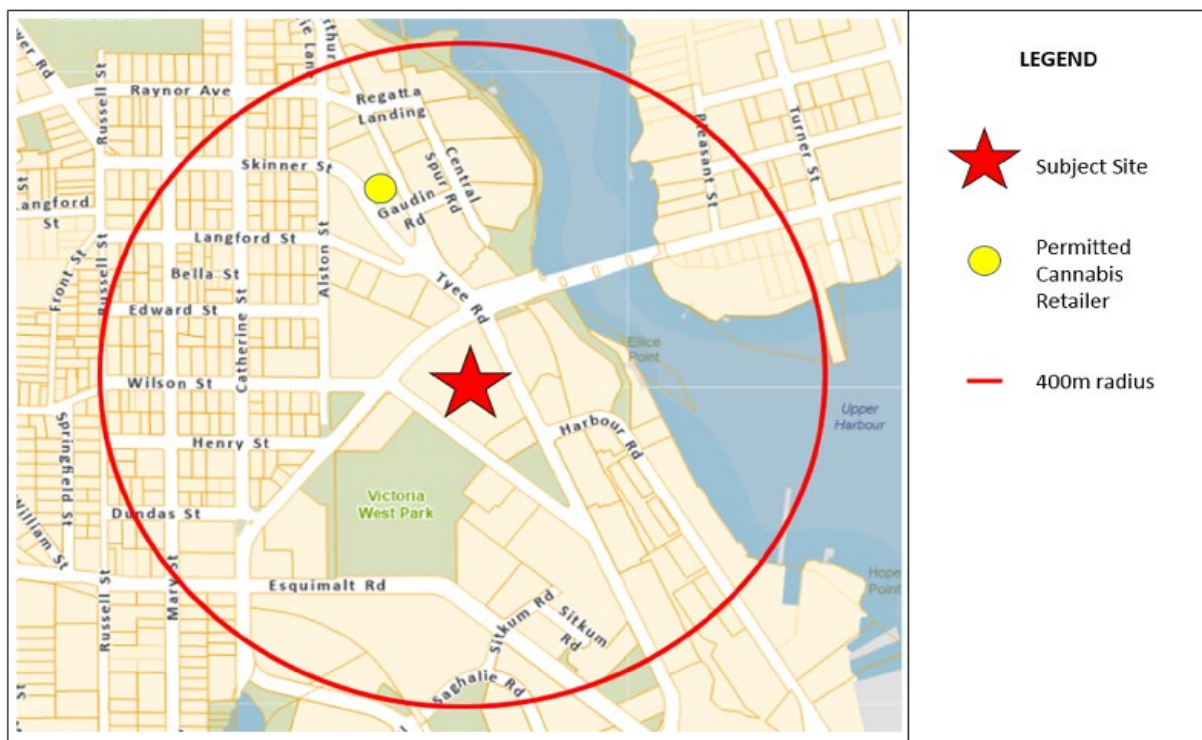
The *Official Community Plan* (OCP, 2012) identifies this property within the Large Urban Village designation, within which residential and commercial activities are an envisioned use.

Local Area Plans

The Victoria West Neighbourhood Plan identifies the property within the Westside Large Urban Village designation within which active commercial and residential uses are envisioned.

Storefront Cannabis Retailer Rezoning Policy

The application is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy* because there is an existing storefront cannabis retailer approximately 206m from the property, which is inconsistent with the Policy's envisioned minimum distance of 400m. No schools are within 200m of the property. The map below illustrates distance requirements as laid out in the policy.



Tree Preservation Bylaw and Urban Forest Master Plan

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

CONCLUSIONS

The proposal to permit the storefront cannabis retailer use is consistent with the *Official Community Plan, 2012 (OCP)* and the *Victoria West Neighbourhood Plan*. The proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy* as there is one other property within 400m that permits the use of storefront cannabis retailer. Staff therefore recommend that Council consider declining the application. However, an alternate motion has been provided for Council's consideration.

ALTERNATE MOTION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00847 for 182 Wilson Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and that a Public Hearing date be set.

Respectfully submitted,

Gerry Hamblin
Senior Planner
Development Services

Karen Hoesel, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

List of Attachments

- Attachment A: Plans date stamped March 23, 2023
- Attachment B: Letter from the applicant to Mayor and Council dated March 21, 2023
- Attachment C: Correspondence