



Committee of the Whole Report For the Meeting of December 7, 2017

To: Committee of the Whole **Date:** November 23, 2017
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Rezoning Application No. 00603 for 3198 Quadra 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. 00603 for 3198 Quadra Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once Staff receive proof of registration at the Land Titles Survey Authority of an executed Statutory Right-of-Way (SRW) of 3.20m on Quadra Street and 0.86m on Tolmie Avenue.

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 3198 Quadra Street. The proposal is to rezone from the C1-S Zone, Limited Commercial Service Station District, to a site-specific zone in order to permit a storefront cannabis retailer.

The following points were considered in assessing this application:

- the proposal is consistent with the Small Urban Village designation in the *Official Community Plan, 2012*
- the proposal is inconsistent with the Maintain Current Zoning designation in the *Hillside-Quadra Neighbourhood Plan*
- 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 allow for the retail sale of cannabis in an existing building. The property is in the C1-S Zone, Limited Commercial Service Station District. The following differences from the standard zone are being proposed and would be accommodated in the new zone:

- 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 the ground floor
- storefront cannabis retailer would be restricted to a maximum floor area of 197m², which is in keeping with the size of the existing operation.

All other requirements within the C1-S Zone, Limited Commercial Service Station District, would remain the same.

Sustainability Features

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

Active Transportation Impacts

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

Public Realm Improvements

No public realm improvements are proposed in association with this Rezoning Application.

Accessibility Impact Statement

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

Land Use Context

There is a small commercial and mixed-use node surrounding the intersection of Quadra Street and Tolmie Avenue. Beyond this node, the area to the south, west and east is characterized by single-family dwellings. The area to the north within Saanich is characterized by apartment buildings.

Existing Site Development and Development Potential

The site is presently a three-storey building with commercial uses on the ground floor and residential uses on the upper storeys. Under the current C1-S Zone, Limited Commercial Service Station District, the property could be developed for a variety of commercial uses, including commercial-residential buildings, as well as service stations, up to a height of 12m and a density of 1.4 to 1.

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 Hillside-Quadra Neighbourhood Action Committee CALUC. Also consistent with the Policy, the Application has been referred to School District No. 61 and the Victoria Police Department (VicPD). The following table displays the number of VicPD service calls:

Calls for Service	2015	2016	2017 (August 10)
Calls to the immediate area	1	3	0
Calls to the block	58	27	29

ANALYSIS

Official Community Plan

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

Local Area Plans

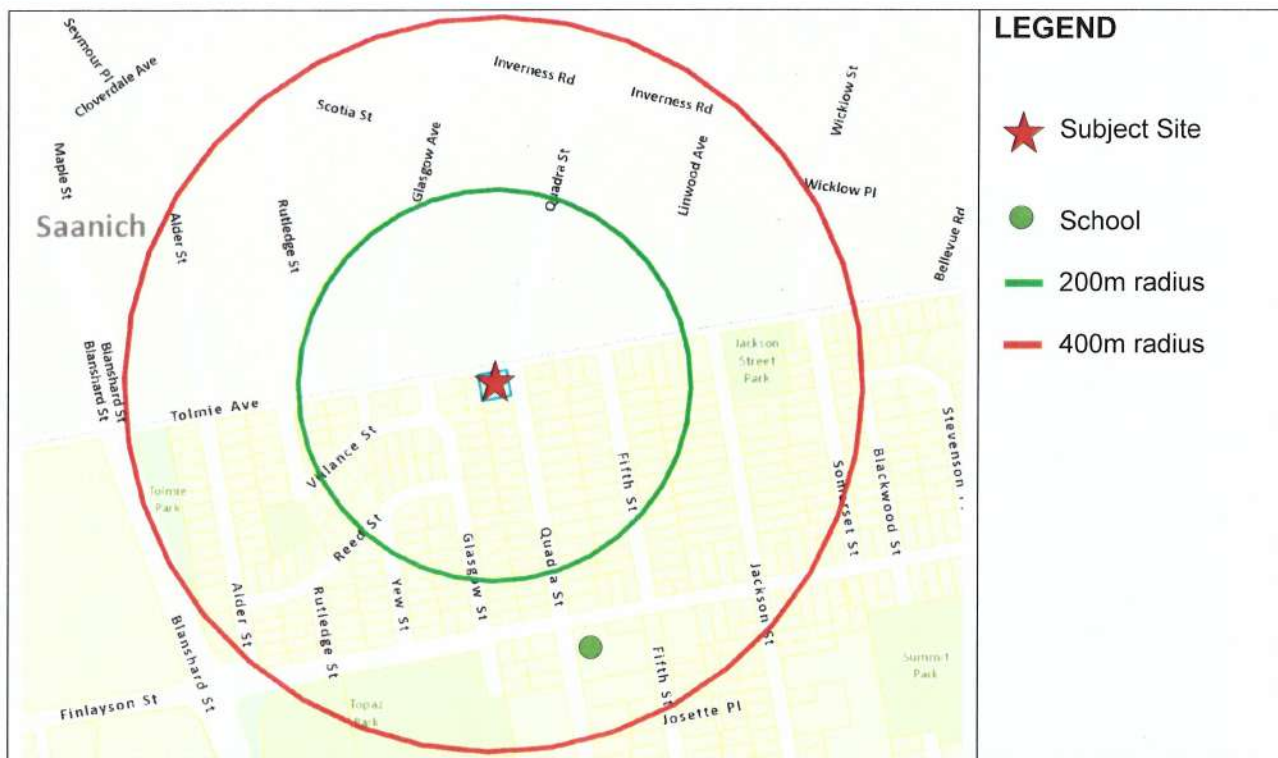
The *Hillside-Quadra Neighbourhood Plan*, 1996, identifies the property within the Maintain Current Zoning designation, within which rezonings for duplexes and small lot houses will be considered; however, this rezoning application is to permit the additional use of storefront cannabis retailer in an already commercial zone.

Tree Preservation Bylaw and Urban Forest Master Plan

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

Storefront Cannabis Retailer Rezoning Policy

The Application complies with the *Storefront Cannabis Retailer Rezoning Policy*. No schools are within 200m and no permitted storefront cannabis retailers are within 400m of the property. The property is 275m from Quadra Elementary School.



Regulatory Considerations

Staff recommend Council make a condition of approval the provision of a Statutory Right-of-Way (SRW) of 3.20m on Quadra Street and 0.86m on Tolmie Avenue. The SRW will be written so the parking will be compliant until such a time the City wishes to take advantage of the SRW. When this occurs, a variance would be required to bring the property into compliance.

CONCLUSIONS

This proposal to permit the storefront cannabis retailer use is consistent with the *Official Community Plan* in accommodating ground-oriented commercial. The proposal does not have any schools within 200m or permitted storefront cannabis retailers within 400m of the property. Although, the proposal is inconsistent with the current *Hillside-Quadra Neighbourhood Plan* in maintaining the current zoning, staff recommend Council consider supporting this application.

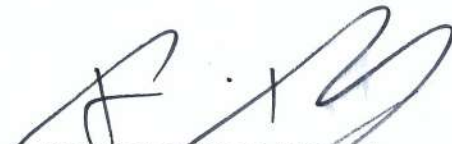
ALTERNATE MOTION

That Council decline Rezoning Application No. 00603 for the property located at 3198 Quadra Street.

Respectfully submitted,

Michael Angrove
Planner
Development Services



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

Jocelyn Denbyus

Date:

Nov 29, 2017

List of Attachments:

- Attachment A – Subject Map
- Attachment B – Aerial Map
- Attachment C – Plans date stamped November 8, 2017
- Attachment D – Letter from applicant to Mayor and Council dated August 1, 2017
- Attachment E – Correspondence (Letters received from residents)