



Committee of the Whole Report

For the Meeting of November 9, 2017

To: Committee of the Whole **Date:** October 19, 2017

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Rezoning Application No. 00601 for 1541-1545 Fort 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. 00601 for 1541-1545 Fort 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 3.439m on Fort Street and 1.407m on Verrinder 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 1541-1545 Fort Street. The proposal is to rezone from the C1-NM Zone, Neighbourhood (Modified) Shopping District, to a site-specific zone in order to permit 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*
- the proposal is consistent with the *Rockland 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 zoned C1-NM Zone, Neighbourhood (Modified) Shopping 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 156m², which is in keeping with the size of the existing operation.

All other requirements within the C1-NM Zone, Neighbourhood (Modified) Shopping District, would remain the same.

Staff have requested a Statutory Right-of-Way (SRW) of 3.439m on Fort Street and 1.407m on Verrinder Avenue to meet future transportation-related needs. If this Application is moved forward to Public Hearing, Staff recommend for Council's consideration that the SRW be made a condition of rezoning.

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

The immediate area is characterized mainly by mixed-use buildings, with commercial on the ground floor with residential on the upper storeys. The broader area is characterized by single-family residential and multi-family residential in the form of apartments and house conversions.

Existing Site Development and Development Potential

The site is presently a two-storey commercial building occupied by three retail units. Under the current C1-NM Zone, Neighbourhood (Modified) Shopping District, the property could be developed for a variety of commercial and commercial-residential uses to a maximum height of 10.7m and a maximum density of 1.0 to 1 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 Rockland Neighbourhood Association 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 (July 24)
Calls to the immediate area	0	2	0
Calls to the block	424	432	191

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.

Local Area Plans

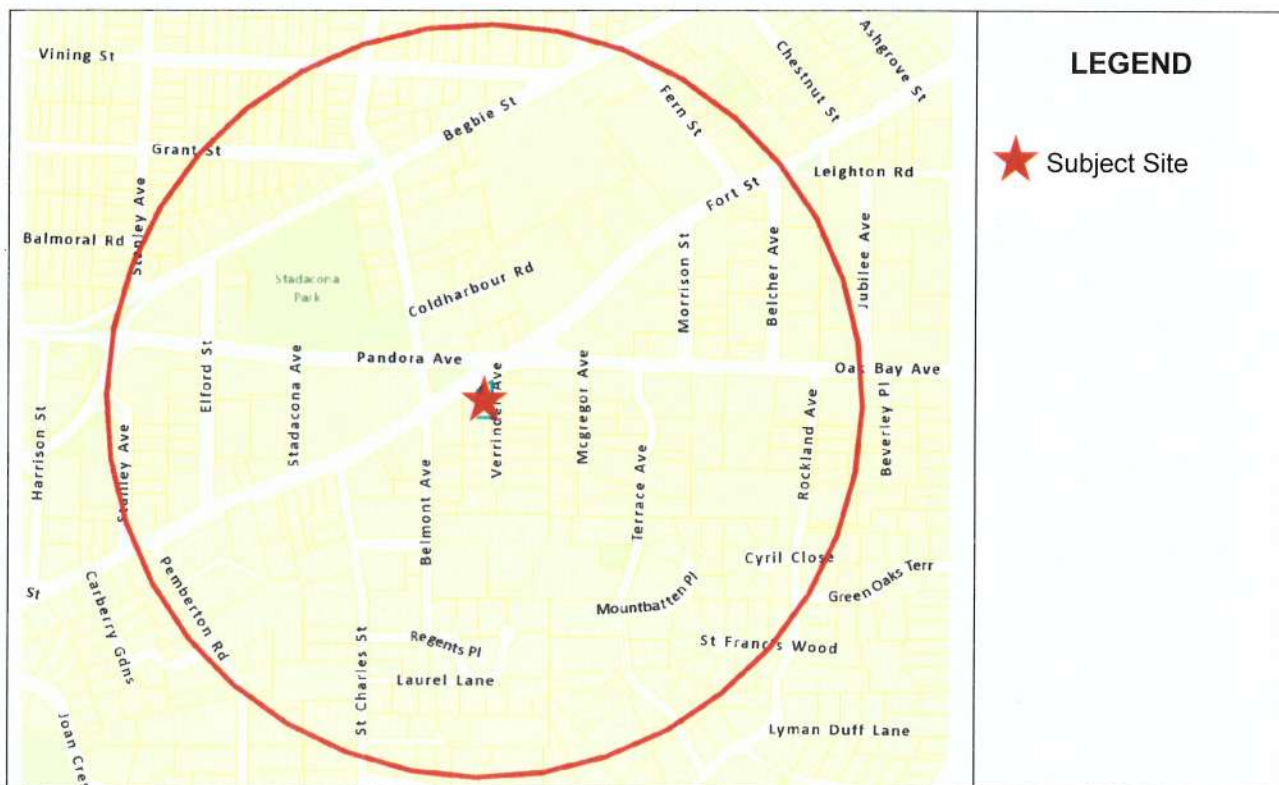
The *Rockland Neighbourhood Plan* envisions no expansion of commercial zoning and to reduce the permitted building height. This property is already zoned for commercial uses, so there is no expansion of commercial zoning occurring through this Rezoning Application.

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 with this application.

Storefront Cannabis Retailer Rezoning Policy

The Application is consistent with the *Storefront Cannabis Retailer Rezoning Policy* and was one of the sites identified as operating as a storefront cannabis retailer at the time of Council adopting the regulations and policy framework related to cannabis. No schools are within 200m and no permitted storefront cannabis retailers are within 400m of the property.



LEGEND

★ Subject Site

Regulatory Considerations

The plans show no parking stalls on-site. Previous approvals confirm that the site has non-conforming rights to zero parking stalls.

CONCLUSIONS

This proposal to permit the storefront cannabis retailer use is consistent with the *Official Community Plan* in accommodating commercial uses. The proposal is consistent with the *Rockland Neighbourhood Plan*. The proposal does not have any schools within 200m or permitted storefront cannabis retailers within 400m of the property. Staff recommend Council consider supporting this application.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00601 for the property located at 1541-1545 Fort 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:



Date:

Nov. 1, 2017

List of Attachments:

- Appendix A – Subject Map
- Appendix B – Aerial Map
- Appendix C – Plans date stamped September 21, 2017
- Appendix D – Letter from applicant to Mayor and Council dated July 7, 2017