



Committee of the Whole Report

For the Meeting of February 1, 2018

To: Committee of the Whole **Date:** January 4, 2018

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

Subject: Rezoning Application No. 00557 for 2616-2626 Douglas Street

RECOMMENDATION

That Council decline Application No. 00557 for the property located at 2616-2626 Douglas Street.

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 2616-2626 Douglas Street. The proposal is to rezone from the current C1-N Zone, Neighbourhood Shopping District, to a site-specific Zone in order to allow for the retail sale of cannabis.

The following points were considered in assessing this application:

- the proposal is consistent with the General Employment designation in the *Official Community Plan, 2012*
- the proposal is consistent with the General Employment designation in the *Burnside Gorge Neighbourhood Plan*
- the proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy*, as it is within 400m of a permitted storefront cannabis retailer.

BACKGROUND

Description of Proposal

This Rezoning Application is to allow for the retail sale of cannabis in an existing building. 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 128m², which is in keeping with the size of the existing operation.

All other requirements within the C1-N Zone, Neighbourhood Shopping District remain the same.

This application was brought forward to the October 19, 2017, Committee of the Whole Meeting at which time Council voted to defer the application until after the Public Hearing for 603 Gorge Road East. The application at 603 Gorge Road East has now been approved following a Public Hearing, and as such, this application for 2616-2626 Douglas Street is being brought back to Committee of the Whole for Council's consideration.

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 area is characterized mainly by office and commercial uses, with automotive services including vehicle sales to the north.

Existing Site Development and Development Potential

The site is presently a two-storey building with commercial uses on the ground floor and residential uses on the upper floor.

Under the current C1-N Zone, Neighbourhood Shopping District, the property could be developed for a variety of commercial uses including commercial-residential up to a height of 21.5m 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 Burnside Gorge Community 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 service calls:

Calls for Service	2015	2016	2017 (July 24)
Calls to the immediate area	1	2	0
Calls to the block	281	266	133

ANALYSIS

Official Community Plan

The *Official Community Plan* (2012) identifies the property within the General Employment land use designation, within which commercial, including retail, is envisioned.

Local Area Plans

The property is designated as General Employment within the *Burnside Gorge Neighbourhood Plan*. Within this designation, retail uses are supported on the ground floor along arterial roads and areas with high pedestrian activity. This portion of Douglas Street is classified as an arterial road.

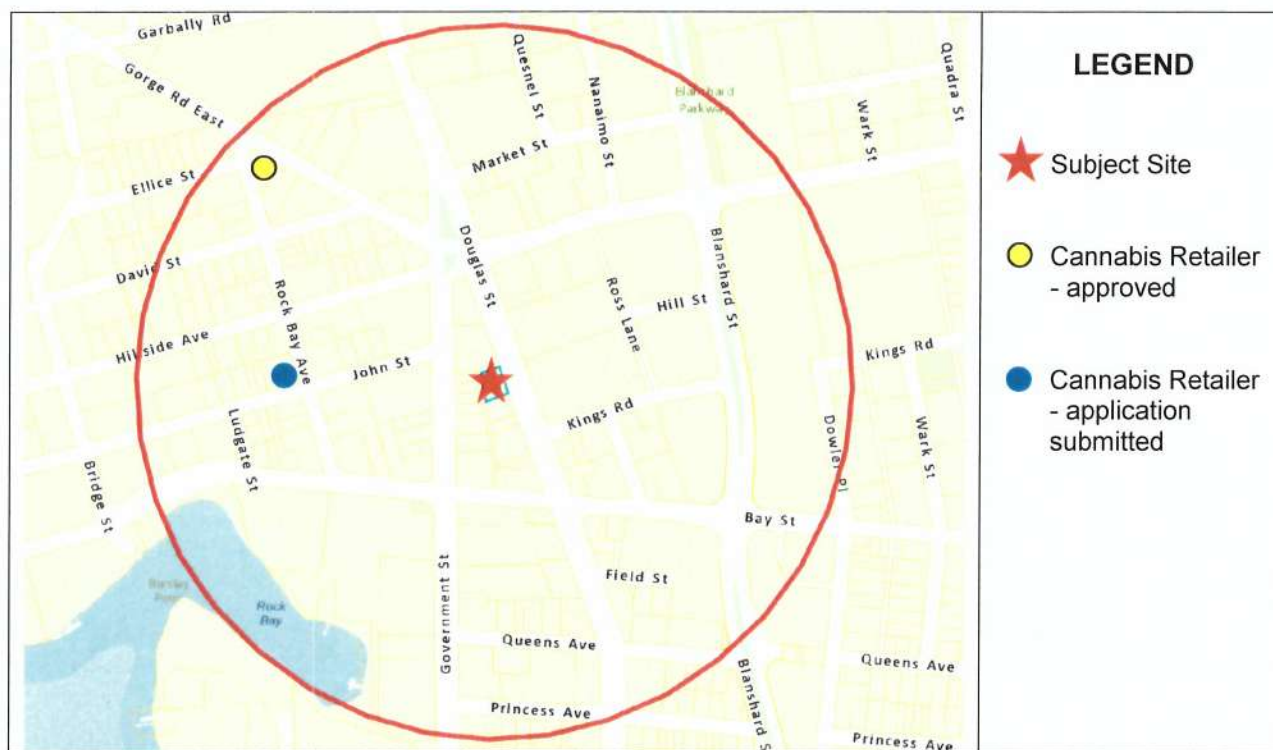
Tree Preservation Bylaw and Urban Forest Master Plan

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

At the time of submission, this application was consistent with the *Storefront Cannabis Retailer Rezoning Policy*, as there are no storefront cannabis retailers within 200 metres of the property. However, there is a permitted storefront cannabis retailer at 603 Gorge Road East that is approximately 329 metres to the northwest of the subject site. In addition, the application at 2610 Rock Bay Avenue was submitted at an earlier date and is 211m west of the subject site.

No public or independent elementary, secondary or high schools are within 200m of the property. SJ Willis School is approximately 339m away.



Regulatory Considerations

The laneway at the rear of the property is identified as part of the priority AAA bicycle network. The standard right-of-way for a lane is 6.0m. To help achieve this, Staff recommend Council make a Statutory Right-of-Way (SRW) of 1.17m a condition of the Rezoning. Furthermore, a License of Occupation would be required, as the existing building encroaches on the public right-of-way. The alternate motion contains language that would make these two items a requirement in the event that Council chooses to advance the application for further consideration at a Public Hearing.

CONCLUSIONS


This proposal to permit the use of a storefront cannabis retailer is consistent with both the *Official Community Plan* and the *Burnside Gorge Neighbourhood Plan* in accommodating retail uses on arterial roads. The proposal does not have any schools within 200m of the parcel; however, there is a permitted storefront cannabis retailer within 400m of the subject property and is therefore inconsistent with the *Storefront Cannabis Retailer Rezoning Policy*. Staff recommend Council consider declining this application.

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. 00557 for 2616-2626 Douglas Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set, with final approval only considered upon receipt of:


- (1) proof of registration of an executed Statutory Right-of-Way (SRW) of 4.91m on Gorge Road East at the Land Titles Survey Authority; and,
- (2) registration of a license of occupation for the encroachment of the existing building on the public right-of-way.

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: Jan 24, 2018

List of Attachments:

- Appendix A: Subject Map
- Appendix B: Aerial Map
- Appendix C: Plans date stamped September 12, 2017
- Appendix D: Letter from applicant to Mayor and Council