



## **Committee of the Whole Report**

### **For the Meeting of February 1, 2018**

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**To:** Committee of the Whole **Date:** January 18, 2018

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

**Subject:** **Temporary Use Permit with Variance Application No. 00005 for 2610 Rock Bay Avenue**

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### **RECOMMENDATION**

That Council decline Temporary Use Permit with Variance Application No. 00005 for the property located at 2610 Rock Bay Avenue.

### **LEGISLATIVE AUTHORITY**

In accordance with section 493 of the Local Government Act, Council may issue a Temporary Use Permit. A Temporary Use Permit may allow a use not permitted by zoning, may specify conditions under which the temporary use may be carried on, and may allow and regulate construction of buildings and structures in respect of the use of which the permit is issued.

### **EXECUTIVE SUMMARY**

The purpose of this report is to present Council with information, analysis and recommendations for a Temporary Use Permit with Variance Application for the property located at 2610 Rock Bay Avenue. The proposal is to permit a storefront cannabis retailer for a period of up to three years.

The following points were considered in assessing this application:

- the proposal is generally consistent with the Industrial Employment designation in the *Official Community Plan, 2012*
- the proposal is generally consistent with the Industrial 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 the permitted storefront cannabis retailer at 603 Gorge Road East.

### **BACKGROUND**

#### **Description of Proposal**

This Temporary Use Permit with Variance Application is to allow for the retail sale of cannabis in an existing warehouse building. The property is currently used for the manufacturing, processing and shipping of cannabis products, with an ancillary retail store. The following

differences from the standard zone are being proposed and would be accommodated in the permit:

- 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 an accessory use of products manufactured, cleaned, stored, or otherwise handled in the primary use; and the area for accessory use would not be permitted to exceed 25% of the total building area.

All other requirements within the M-2 Zone, Light Industrial District remain the same.

A Temporary Use Permit with Variance is being sought by the applicant due to the potential redevelopment of the subject site by the property owner.

This application was brought forward to the November 9, 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 was approved following a Public Hearing, and as such, this application for 2610 Rock Bay Avenue 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 application has proposed five Class 1 bicycle parking stalls and subsidized bus passes for employees which support active transportation.

### **Public Realm Improvements**

No public realm improvements are proposed in association with this Temporary Use Permit with Variance Application.

### **Accessibility Impact Statement**

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

### **Existing Site Development and Development Potential**

The site is presently a two-storey light industrial building. Under the current M-2 Zone, Light Industrial District, the property could be developed at a density of 3.0:1 floor space ratio up to a height of 15m for a variety of light industrial uses and accessory retail.



## 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	5	2	2
Calls to the block	41	48	20

## ANALYSIS

### Official Community Plan

The *Official Community Plan* (OCP) identifies this property within the Industrial Employment urban place designation. The submitted site plans identify warehousing and manufacturing as the major components of the use on site, and the introduction of retail sale of cannabis would be an accessory use. The application is therefore consistent with the OCP.

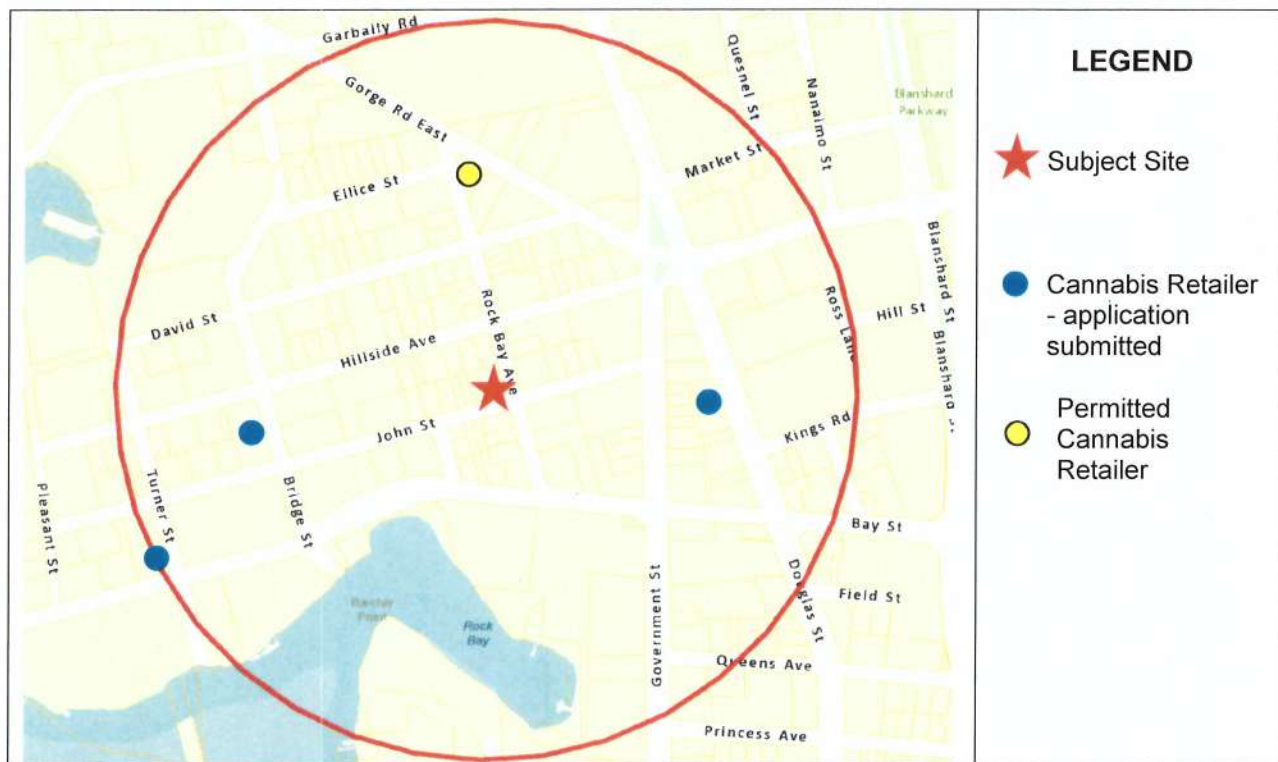
### Local Area Plans

The *Burnside Gorge Neighbourhood Plan* identifies this property within the Industrial Employment designation. Storefront cannabis retailer is proposed as an accessory use and is therefore consistent with the plan. To ensure retail is maintained as no more than an accessory use, Staff recommend limiting the building floor area, permitted to be used for retail, to 25 percent, in the event Council chooses to approve the Temporary Use Permit with Variance.

### Storefront Cannabis Retailer Rezoning Policy

At the time of submission, this application was consistent with the *Storefront Cannabis Retailer Rezoning Policy*, as there were 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 204 metres from the property, which is inconsistent with the updated policy. In addition, the application at 2616-2626 Douglas Street is 211m east of the subject site and the application at 2612 Bridge Street is approximately 233m to the west. Staff are awaiting revised materials for the application at 2520 Turner Road (383m away).

No public or independent elementary, secondary or high schools are within 200m of the property.



### Regulatory Considerations

Due to the change of use to retail there is a parking deficiency of one stall. The parking requirements are for six stalls on-site, and the proposal is to provide for five stalls on-site. The applicant has proposed subsidized bus passes and five Class 1 bicycle stalls. Therefore, if the Temporary Use Permit with Variance is approved by Council, the permit would reduce the parking requirements for storefront cannabis retailer from one stall per 37.5m<sup>2</sup> of floor space to one stall per 76m<sup>2</sup> of floor space, with the condition that the aforementioned Transportation Demand Management measures are undertaken.

### CONCLUSIONS

The 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 permitting retail as an ancillary use to an industrial use. 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 MOTIONS

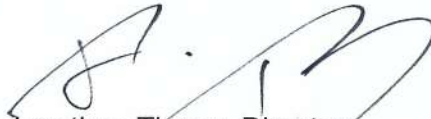
"That Council authorize the issuance of Temporary Use Permit with Variance Application No. 00005 for 2610 Rock Bay, in accordance with:

1. Plans date stamped September 22, 2017
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. reduce the parking requirements for retail from 1 stall per 37.5m<sup>2</sup> to 1 stall per 76m<sup>2</sup>.
3. The Development Permit lapsing three years from the date of this resolution."

Respectfully submitted,



Michael Angrove  
Planner  
Development Services

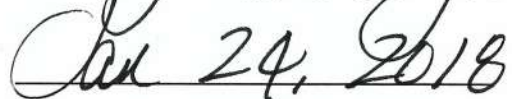


Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager



Date:



### List of Attachments:

- Appendix A: Subject Map
- Appendix B: Aerial Map
- Appendix C: Plans date stamped September 22, 2017
- Appendix D: Letter from applicant to Mayor and Council dated October 23, 2017
- Appendix E: Committee of the Whole Report, dated October 26, 2017