



Committee of the Whole Report

For the Meeting of February 15, 2018

To: Committee of the Whole **Date:** February 1, 2018

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

Subject: Temporary Use Permit Application No. 00010 for 1040 North Park Street

RECOMMENDATION

That Council decline Temporary Use Permit Application No. 00010 for the property located at 1040 North Park Street.

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 application for the property located at 1040 North Park Street. The proposal would allow the use of storefront cannabis retailer within the CR-NP Zone, North Park Commercial Residential District, through a Temporary Use Permit.

The following points were considered in assessing this application:

- the proposal is inconsistent with the Urban Residential designation in the *Official Community Plan, 2012*
- the proposal is inconsistent with the *North Park Neighbourhood Plan*, which envisions artisan trades on this portion of North Park Street
- the proposal is consistent with the *Storefront Cannabis Retailer Rezoning Policy* as currently there are no permitted storefront cannabis retailers within 400m and no schools within 200m of the subject property.

BACKGROUND

Description of Proposal

This Temporary Use Permit application is to allow for the retail sale of cannabis in an existing

building. The following differences from the CR-NP Zone, North Park Commercial Residential District, 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 a maximum floor area of 138m², which is in keeping with the size of the existing operation.

All other requirements within the CR-NP Zone, North Park Commercial Residential District, 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 application.

Accessibility Impact Statement

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

Land Use Context

The property is located in the North Park neighbourhood to the west of North Park Village. The immediate area is characterized mostly by residential uses; however, the north side of North Park Street has a number of commercial buildings and businesses.

Existing Site Development and Development Potential

The site is presently a two-storey commercial building with an accessory building in the rear yard. Under the current CR-NP Zone, North Park Commercial-Residential District, the property could be developed at a density of 1.5 to 1 Floor Space Ratio (FSR) and a height of 12m for a variety of commercial uses including commercial-residential.

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 constructing a new building; however, the application was referred to the North Park CALUC. A letter from the CALUC is attached to this report. 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 | 2018 (to date) |
|-----------------------------|-------------|-------------|-------------|-----------------------|
| Calls to the immediate area | 5 | 2 | 7 | 0 |
| Calls to the block | 114 | 92 | 147 | 15 |

ANALYSIS

Official Community Plan

The *Official Community Plan, 2012* (OCP) identifies this property within the Urban Residential urban place designation, within which commercial is only envisioned as part of mixed-use developments on arterial and secondary arterial roads. The subject property is neither a mixed-use development, nor is it located along an arterial or secondary arterial road.

Local Area Plans

The *North Park Neighbourhood Plan* identifies the property within the "Artisan Trades with Mixed Uses and/or Residential" designation. A new zone, the CR-NP Zone, North Park Commercial Residential District, was created to encompass the uses envisioned in the plan, which includes retail sales.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this application.

Storefront Cannabis Retailer Rezoning Policy

The subject property 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. The application is currently consistent with the *Storefront Cannabis Retailer Rezoning Policy* as there are no permitted storefront cannabis retailers within 400m and there are no schools within 200m. The application at 1725 Cook Street is 80m away and was submitted three months after the application at 1040 North Park.



Regulatory Considerations

The plans as submitted require two minor revisions. The first is to show six parking stalls instead of the five stalls shown in order to match the Building Permit plans. The second is moving the loading stall so that it is not within the drive aisle that accesses the rear carport stalls. These revisions are minor and can be completed by the applicant prior to Public Hearing should this application move forward. The alternate motion addresses these revisions.

CONCLUSIONS

The proposal to permit the storefront cannabis retailer use is inconsistent with the Urban Residential designation in the *Official Community Plan*, which permits commercial only within mixed-used developments along arterial and secondary arterial roads. At this time there are no indications this designation will change; therefore, Staff recommend that Council consider declining this Temporary Use Permit application.

ALTERNATE MOTION

"That Council authorize the issuance of Temporary Use Permit Application No. 00010 for 1040 North Park Street in accordance with:

1. Revised plans, to the satisfaction of the Director of Planning, that show six parking stalls in the carport and move the loading stall to a new location that does not block the drive aisle.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Temporary use Permit lapsing three years from the date of this resolution.
4. That the Temporary Use Permit be conditional upon notice being displayed indicating that the property is subject to a Temporary Use Permit expiring three years from the date of this resolution, to the satisfaction of Director of Planning."

Respectfully submitted,

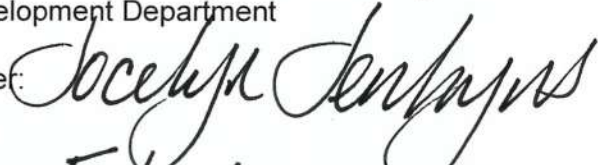


Michael Angrove
Planner
Development Services



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:

Feb 6, 2018

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped November 23, 2017
- Attachment D: Letter from applicant to Mayor and Council dated September 21, 2017
- Attachment E: Letter from North Park Neighbourhood Association Land Use Committee dated December 10, 2017.