



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: Rezoning Application No. 00561 for 1725 Cook 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. 00561 for 1725 Cook Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

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 1725 Cook Street. The proposal is to rezone from the CR-4 Zone, Upper Cook Commercial-Residential 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 Large Urban Village designation in the *Official Community Plan*, 2012
- the *Fernwood Neighbourhood Plan* recommended this portion of Cook Street be rezoned to the CR-3M Zone, Commercial Residential Apartment Modified District, which has similar uses to that of the current zone
- 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 CR-4 Zone, Upper Cook Commercial-Residential District. The following differences from the standard zone are being proposed and would be accommodated in a new site-specific 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 303m², which is in keeping with the size of the existing operation.

All other requirements within the CR-4 Zone, Upper Cook Commercial-Residential District, would remain the same.

Sustainability Features

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

Active Transportation Impacts

The applicant has installed a four stall bicycle rack adjacent the entrance to the storefront cannabis retailer.

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 property is located in the Fernwood neighbourhood within North Park Village. The immediate area is characterized mainly by various commercial uses on the ground floor including medical offices, retail, and food services. Some buildings along Cook Street have residential on the upper storeys, and residential in the form of apartments and single family dwellings is also found in the immediate vicinity.

Existing Site Development and Development Potential

The site is presently a single-storey commercial development with surface parking fronting Cook Street. Under the current CR-4 Zone, Upper Cook Commercial-Residential District, the property could be developed for a variety of commercial uses, including mixed-use commercial-residential up to a height of four storeys 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 Fernwood 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	2018 (to date)
Calls to the immediate area	8	2	12	0
Calls to the block	51	41	47	4

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

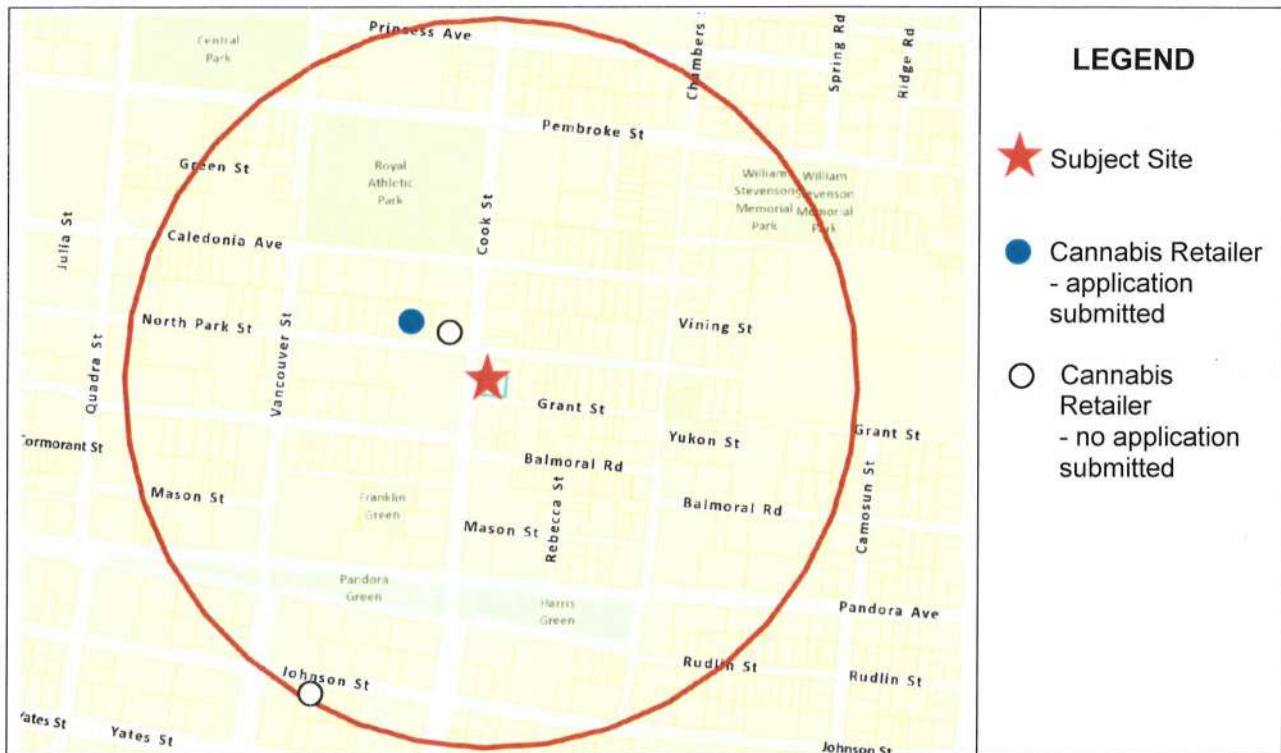
The *Fernwood Neighbourhood Plan* recommended this portion of Cook Street be rezoned to the CR-3M Zone, Commercial Residential Apartment Modified District, which has similar uses to that of the current zone. Although the subject property is not within the boundaries of the *North Park Neighbourhood Plan*, the plan does speak to small-scale commercial uses envisioned as part of the commercial village at Cook/Pandora.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts and 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. The property at 1040 North Park is approximately 80m and has applied for a Temporary Use Permit.



Regulatory Considerations

City policy for Cook Street contemplates a wider road right-of-way in order to meet future transportation-related needs such as cycling infrastructure. When the road right-of-way is insufficient it is common that a Statutory Right-of-Way (SRW) be provided for projects for redevelopment including rezoning applications. In this case, the proposal relates to use only and there are no plans for new development. Therefore, in this instance foregoing the SRW requirement may be warranted.


CONCLUSIONS

This proposal to permit the storefront cannabis retailer use is consistent with the Large Urban Village designations in the *Official Community 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.

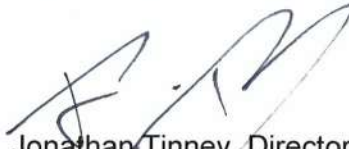
ALTERNATE MOTION

That Council decline Rezoning Application No. 00561 for the property located at 1725 Cook 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:

Feb 6, 2018

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped January 25, 2017
- Attachment D: Letter from applicant to Mayor and Council received November 4, 2016
- Attachment E: Letter from property owner regarding SRW
- Attachment F: Correspondence (letters from residents)