



Committee of the Whole Report

For the Meeting of March 15, 2018

To: Committee of the Whole **Date:** February 22, 2018

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

Subject: Rezoning Application No. 00565 for 2612 Bridge Street

RECOMMENDATION

That Council decline Rezoning Application No. 00565 for the property located at 2612 Bridge 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 2612 Bridge Street. The proposal is to rezone from the current M-3 Zone, Heavy Industrial 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 Industrial Employment urban place designation in the *Official Community Plan, 2012*
- the proposal is consistent with the Industrial Employment designation within the *Burnside Gorge Neighbourhood Plan*
- the proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy*, as there is a permitted storefront cannabis retailer within 400m of the subject site.

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 current zone are being proposed:

- storefront cannabis retailer would be a permitted use
- only one storefront cannabis retailer be permitted to operate on the property at a time
- storefront cannabis retailer would be restricted to an accessory use to products manufactured, cleaned, stored, or otherwise handled in the primary use; the area for accessory use would not be to exceed 25% of the total area of the existing unit, which would equate to 58.75m².

All other requirements within the M-3 Zone, Heavy Industrial District remain the same.

Sustainability Features

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

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.

Land Use Context

The area is characterized mainly by existing industrial uses, some with ancillary retail.

Existing Site Development and Development Potential

The site is presently developed as a three-storey building with mainly industrial uses and accompanying retail. Under the current M-3 Zone, Heavy Industrial District, the property could be developed for a variety of heavy industrial uses. A new building could be constructed with a density of up to 3.0 to 1 floor space ratio and a height of 15m.

Community Consultation

Consistent with the *Storefront Cannabis Retailer Rezoning Policy*, the requirement to arrange and participate in a Community Association Land Use Committee (CALUC) Community Meeting is waived unless the application involves construction of a new building; however, the application was referred to the Burnside Gorge 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	2018 (to January 29)
Calls to the immediate area	0	2	3	0
Calls to the block	28	34	26	2

ANALYSIS

Official Community Plan

The *Official Community Plan* identifies the site within the Industrial Employment urban place designation, in which ground floor retail is envisioned as an accessory use to industrial uses. The submitted site plans identify warehousing and manufacturing as major components of the use on site, and the retail sale of cannabis would be an accessory use. The application is therefore consistent with the OCP.

Local Area Plans

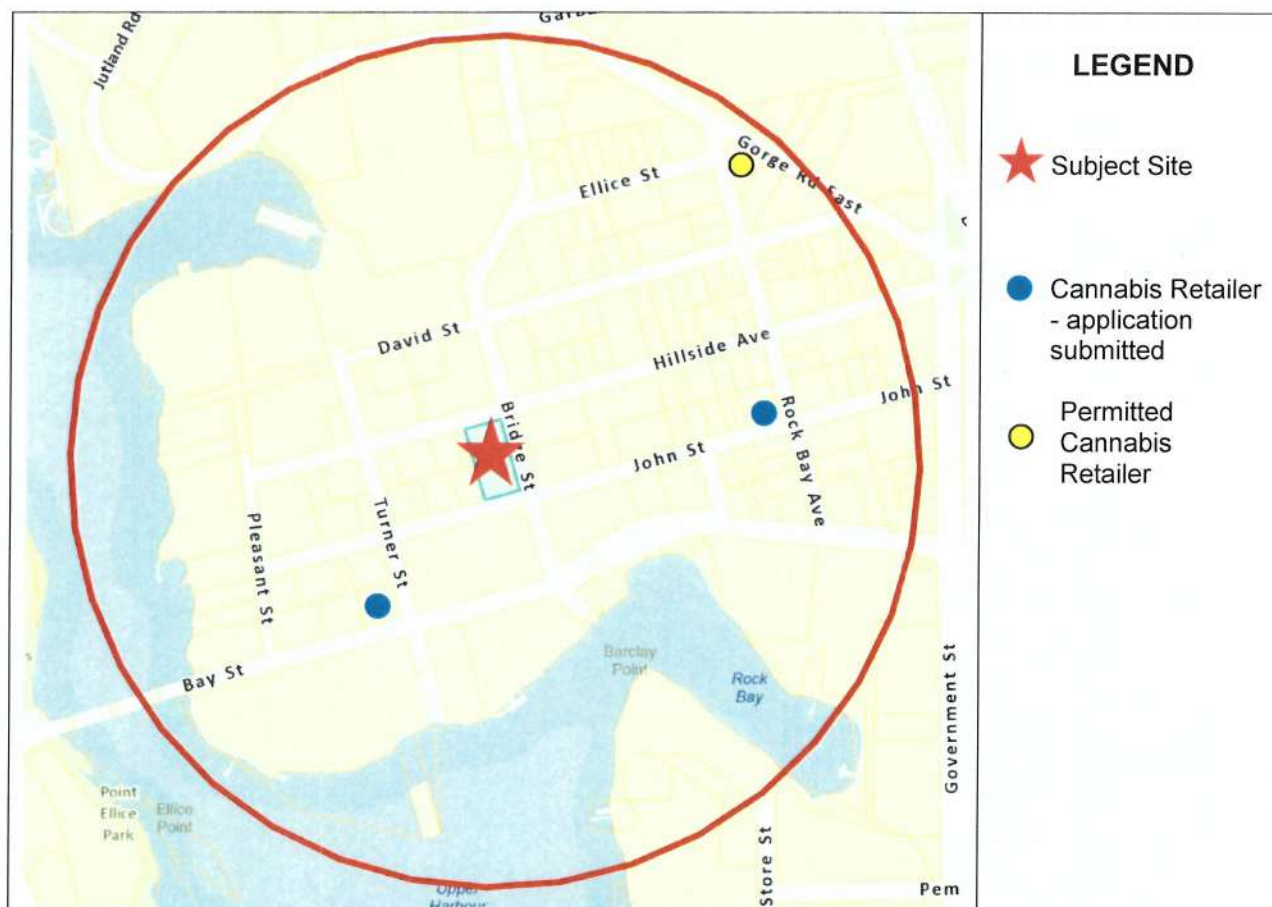
The *Burnside Gorge Neighbourhood Plan* identifies the property within the Industrial Employment designation, within which retail is envisioned as accessory to a primary use. Storefront cannabis retailer is proposed as an accessory use and is therefore consistent with the plan. To ensure retail is maintained as no more than an accessory use, staff recommend the site-specific zone limit the use to a maximum of 25% of the existing unit area if this application is forwarded to a Public Hearing. This would allow for a maximum 58.75m² dedicated to retail use. The current proposal is for approximately 83.6m².

This portion of Bridge Street is also designated as an Industrial Arts Frontage, within which standalone retail is permitted in addition to retail as accessory use, as a way to link customers to artisans. However, this retail should be limited to art galleries and convenience grocery.

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 permitted storefront cannabis retailers within 200 metres of the property. However, there is now one permitted storefront cannabis retailer within 400 metres of the property; 603 Gorge Road East is 323m away, which is inconsistent with the updated policy. In addition, the application at 2610 Rock Bay Avenue is 233m away and has been forwarded by Council to an opportunity for public comment. The application at 2520 Turner Street is 108m west of the subject site, and at the time this report was written staff were awaiting revised materials from the applicant.

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



Regulatory Considerations

There are two outstanding items that require revised plans: labelling of City-owned boulevard trees adjacent to the property and removal of all other uses other than the storefront cannabis retailer. If this application moves forward, staff recommend the submission of revised plans prior to the Public Hearing.

Other Considerations

There is a request for a Statutory Right-of-Way (SRW) of 0.86 metres from the property line along Bridge Street for future transportation-related needs such as sidewalk widening, planting of trees, and installation of other features typical of a collector street. If this application were to move forward, staff recommend for Council's consideration that this SRW be a condition of rezoning.

CONCLUSIONS

The proposal is consistent with both the *Official Community Plan* and the *Burnside Neighbourhood Plan* in maintaining the industrial uses within the area while permitting accessory retail; however, the proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy* as there is a permitted storefront cannabis retailer within 400m of the subject property. Therefore, staff recommend that Council consider declining the application.

ALTERNATE MOTION

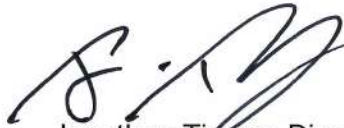
That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00565 for 2612-2630 Bridge Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set upon receipt of:

- (1) Proof of registration at the Land Titles Survey Authority of a Statutory Right-of-Way of 0.86m on Bridge Street;
- (2) Revised plans, to the satisfaction of staff, that include:
 - a. All City-owned boulevard trees adjacent to the subject property
 - b. Only the proposed storefront cannabis retailer use.

Respectfully submitted,

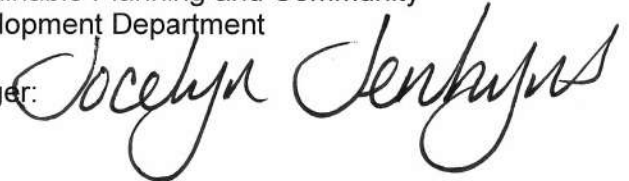


Michael Angrove
Planner
Development Services



Jonathan Timney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: Feb 26, 2018

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped January 11, 2018
- Attachment D: Letter from the applicant to Mayor and Council dated December 27, 2017.