



## **Committee of the Whole Report**

### **For the Meeting of October 26, 2017**

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**To:** Committee of the Whole **Date:** October 12, 2017

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

**Subject:** Rezoning Application No. 00540 for 608 Esquimalt Road

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### **RECOMMENDATION**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00540 for 608 Esquimalt Road, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council, and a Public Hearing date be set once staff receive proof of registration at the Land Titles Survey Authority of an executed Statutory Right-of-Way (SRW) of 2.03m on Esquimalt Road.

### **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 608 Esquimalt Road. The proposal is to rezone from the M-2 Zone, Light Industrial District, to a site-specific zone in order to permit the use of a storefront cannabis retailer.

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 inconsistent with the William Street Industrial Estate designation in the *Victoria West Plan*; however, the proposal is consistent with the General Employment designation in the draft *Vic West Neighbourhood Plan*
- 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
- there is a parking shortfall of one stall; however, the property is on an arterial road with frequent transit service, the E&N Rail Trail is approximately 25m away, and the applicant has installed a five-stall bicycle rack on the property.

## **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 M-2 Zone, Light Industrial District. 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 require one parking stall per 52m<sup>2</sup> of floor area
- storefront cannabis retailer would be restricted to a maximum floor area of 104m<sup>2</sup>, which is in keeping with the size of the existing operation

All other requirements within the M-2 Zone, Light Industrial District, would 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 Rezoning Application.

### **Accessibility Impact Statement**

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

### **Land Use Context**

The area is characterized by one to four-storey buildings with uses that include light industrial, commercial and residential.

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

The site is presently a one-storey building that houses an automotive repair shop and the storefront cannabis retailer. Under the current M-2 Zone, Light Industrial District, the property could be developed for a variety of industrial and commercial uses, up to a maximum height of 15 metres and a density of 3.0 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 Victoria West 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 VicPD service calls:

<b>Calls for Service</b>	<b>2015</b>	<b>2016</b>	<b>2017 (July 24)</b>
Calls to the immediate area	3	4	5
Calls to the block	92	69	44

## **ANALYSIS**

### **Official Community Plan**

The *Official Community Plan* 2012 (OCP) identifies this property within the General Employment urban place designation, within which commercial uses, including retail, are envisioned.

### **Local Area Plans**

The *Victoria West Plan*, 1986, identifies the property within the William Street Industrial Estate area, within which the industrial uses are envisioned to remain to ensure a balanced economy.

The draft *Victoria West Neighbourhood Plan* identifies the property in the General Employment designation, within which retail uses are supported on the ground floor along arterial roads. Esquimalt Road 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.

### **Storefront Cannabis Retailer Rezoning Policy**

The Application complies 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 is 212m from the Victoria West Elementary School playing fields.



## Regulatory Considerations

Due to the change of use to retail there is a parking deficiency of one stall. Currently there are four stalls on-site and five stalls are required as per Schedule 'C'. Therefore, the site-specific zone will reduce the parking requirements for storefront cannabis retailer from one stall per 37.5m<sup>2</sup> of floor space to one stall per 52m<sup>2</sup> of floor space. To offset the deficiency, the applicant has installed a 5-stall bicycle rack on the property. The property is also located on an arterial road with frequent transit service and is approximately 25m from the E&N Rail Trail.

## CONCLUSIONS

This proposal to permit the storefront cannabis retailer use is consistent with the *Official Community Plan* in accommodating ground floor retail. While the proposal is inconsistent with the current *Victoria West Plan*, the proposal is consistent with the draft *Victoria West Neighbourhood Plan*. The proposal does not have any schools within 200m or permitted storefront cannabis retailers within 400m of the property. The parking shortfall is minimal and is offset by frequent bus service, the E&N Rail Trail, and a bicycle rack provided on-site. Staff recommend Council consider supporting this application.

## ALTERNATE MOTION

That Council decline Rezoning Application No. 00540 for the property located at 608 Esquimalt Road.

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:

  
Oct. 17, 2017

### List of Attachments:

- Appendix A – Subject Map
- Appendix B – Aerial Map
- Appendix C – Plans date stamped September 18, 2017
- Appendix D – Letter from applicant to Mayor and Council dated September 27, 2017