



## Committee of the Whole Report For the Meeting of August 10, 2017

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**To:** Committee of the Whole **Date:** July 27, 2017  
**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development  
**Subject:** Rezoning Application No. 00574 for 543 Herald Street

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### RECOMMENDATION

That Council decline Rezoning Application No. 00574 for the property located at 543 Herald 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 543 Herald Street. The proposal is to rezone from the CA-3C Zone, Old Town 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 Core Historic designation in the *Official Community Plan, 2012*
- the proposal is consistent with the Historic Commercial designation in the *Downtown Core Area Plan*
- the proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy*, as the application is within 400m of the storefront cannabis retailer at 546 Yates Street.

## **BACKGROUND**

### **Description of Proposal**

This Rezoning Application is to allow for the retail sale of cannabis in an existing building. A new door for fire exit purposes is being proposed near the south west corner of the building and if this rezoning is approved a development permit would be required for this alteration. 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 be restricted to a maximum floor area of 100m<sup>2</sup>, which is in keeping with the size of the existing operation.

All other requirements within the CA-3C Zone, Old Town 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 Rezoning Application.

### **Accessibility Impact Statement**

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

### **Land Use Context**

The subject property is located within Chinatown. The area is characterized by low-rise brick buildings, many of which are heritage designated, with retail and restaurant uses on the ground floor and residential uses on the upper floors.

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

The site is presently a two-storey building with commercial uses on the ground floor and residential units on the second floor. The building has heritage value through its representation of early 1900's industrial architecture in Victoria's Chinatown; however, the building is not heritage designated or registered.

Under the current CA-3C Zone, Old Town District, the property could be developed up to a height of 15m with a maximum floor space ratio of 3:1. A variety of commercial uses, with residential uses on the upper storeys, are permitted in this zone.

## **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 Downtown Residents Association CALUC. Also consistent with the Policy, the Application has been referred to School District No. 61 and the Victoria Police Department. At the time of writing this report no comments had been received.

## **ANALYSIS**

### **Official Community Plan**

The *Official Community Plan, 2012* (OCP) identifies this property within the Core Historic urban place designation, within which at-grade commercial uses, including retail, are envisioned.

### **Local Area Plans**

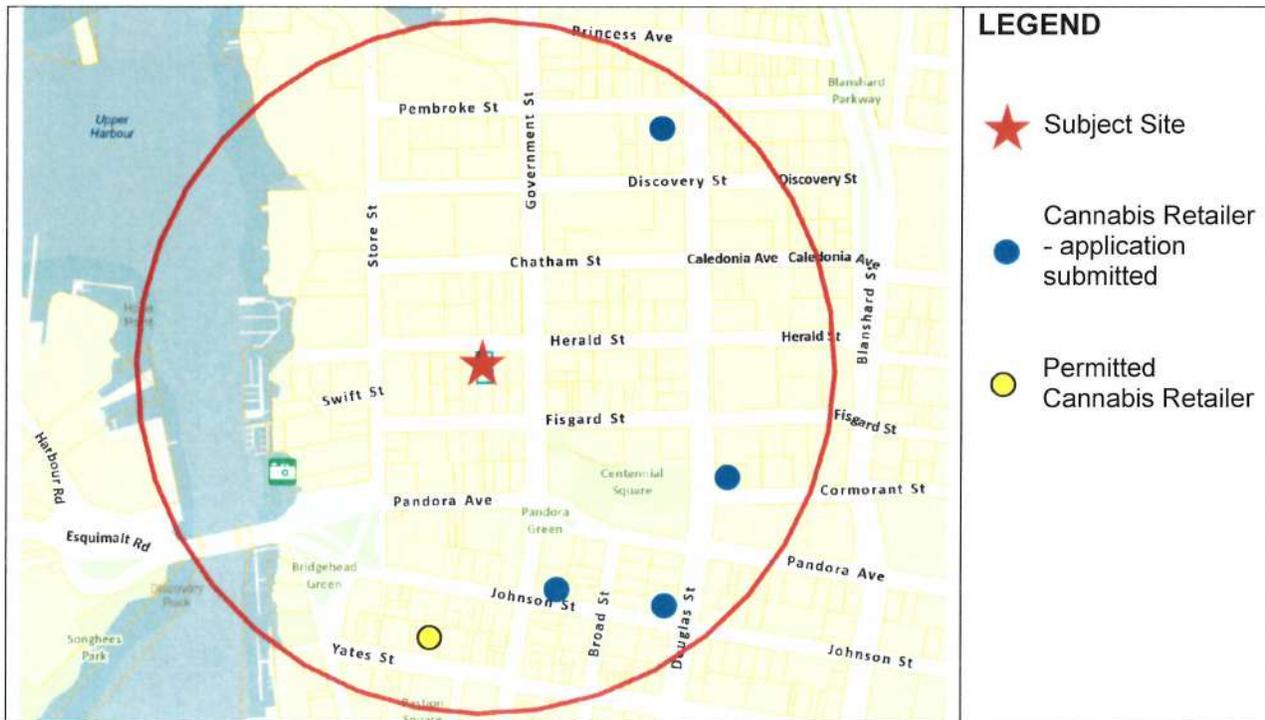
The *Downtown Core Area Plan* identifies the property within the Historic Commercial designation, within which a range of active commercial uses such as retail stores are envisioned.

### **Tree Preservation Bylaw and Urban Forest Master Plan**

There are no Tree Preservation Bylaw impacts with this application.

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

This application 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. At the time of submission, this application was consistent with the *Storefront Cannabis Retailer Rezoning Policy*; however, as a result of updates to the policy, the application is now inconsistent with the new 400m buffer between permitted storefront cannabis retailers, as the storefront cannabis retailer at 546 Yates Street is 284m from the subject site. Although there are no elementary, middle, or secondary schools within 200m of the property, the Chinese Public School, which teaches Chinese culture and language, is 137m from the subject site.



## CONCLUSIONS

This proposal to permit the storefront cannabis retailer use is consistent with the *Official Community Plan* and the *Downtown Core Area Plan* in accommodating commercial retail uses fronting the street. However, the proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy* as there is a permitted storefront cannabis retailer within 400m of the property.

## ALTERNATE MOTION

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00574 for 543 Herald Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.
2. That Council after the Public Hearing for Rezoning Application No. 00574, if it is approved, consider the following motion:

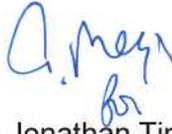
“That Council authorize the issuance of a Development Permit for 543 Herald Street, in accordance with:

- i. Plans date stamped June 6, 2017;
- ii. Development meeting all *Zoning Regulation Bylaw* requirements;
- iii. The Development Permit lapsing two years from the date of this resolution.”

Respectfully submitted,



Michael Angrove  
Planner  
Development Services

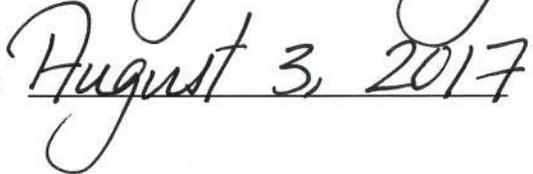


Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date:



**List of Attachments**

- Attachment A – Subject Map
- Attachment B – Aerial Map
- Attachment C – Plans date stamped June 6, 2017
- Attachment D – Letter from applicant to Mayor and Council dated June 29, 2017
- Attachment E – Correspondence