



Committee of the Whole Report

For the Meeting of September 7, 2017

To: Committee of the Whole

Date: August 24, 2017

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

Subject: Rezoning Application No. 00570 for 2650-2654 Quadra Street

RECOMMENDATION

That Council decline Rezoning Application No. 00570 for the property located at 2650-2654 Quadra Street and refer the property to Bylaw Services to bring into compliance any unlawful construction and unlawful occupancy.

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 2650-2654 Quadra Street. The proposal is to rezone from the C1-QV Zone, Quadra Village District, to a site-specific zone in order to permit the use of 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 proposal is consistent with the retail designation in the *Hillside-Quadra Neighbourhood Plan*
- the proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy* as there is a secondary school within 200m of the subject property.

BACKGROUND

Description of Proposal

This Rezoning Application is to allow for the retail sale of cannabis in an existing building. There is evidence of unlawful construction and unlawful occupancy on-site as the plans submitted identify four residential units within the existing building, whereas previous approvals only permitted three residential units. 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 110m², which is in keeping with the size of the existing operation.

All other requirements within the C1-QV Zone, Quadra Village District remain the same.

Staff have requested a Statutory Right-of-Way (SRW) of 3.20m off Quadra Street to meet future transportation-related needs. If this Application is moved forward to Public Hearing, Staff recommend for Council's consideration that the SRW be made a condition of rezoning.

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 Quadra Village, which is characterized mainly by ground floor retail and restaurant uses and some mixed-use buildings. Residential uses are located on flanking streets.

Existing Site Development and Development Potential

The site is presently a two-storey building with commercial uses on the first storey and residential uses on the first and second storeys.

Under the current C1-QV Zone, Quadra Village District, the property could be developed up to four-storeys in height and the zone permits both commercial and commercial-residential uses.

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 Hillside-Quadra Community Association CALUC. Also consistent with the Policy, the Application has been referred to School District No. 61 and the Victoria Police Department (VicPD). Through 2015, 2016 and 2017 (up to July 24), VicPD noted a decrease of service calls from five to two to one to the property, and from 241 to 177 to 63 to the area in general.

ANALYSIS

Official Community Plan

The *Official Community Plan 2012* (OCP) identifies this property within the Large Urban Village urban place designation, within which ground-oriented commercial uses are envisioned.

Local Area Plans

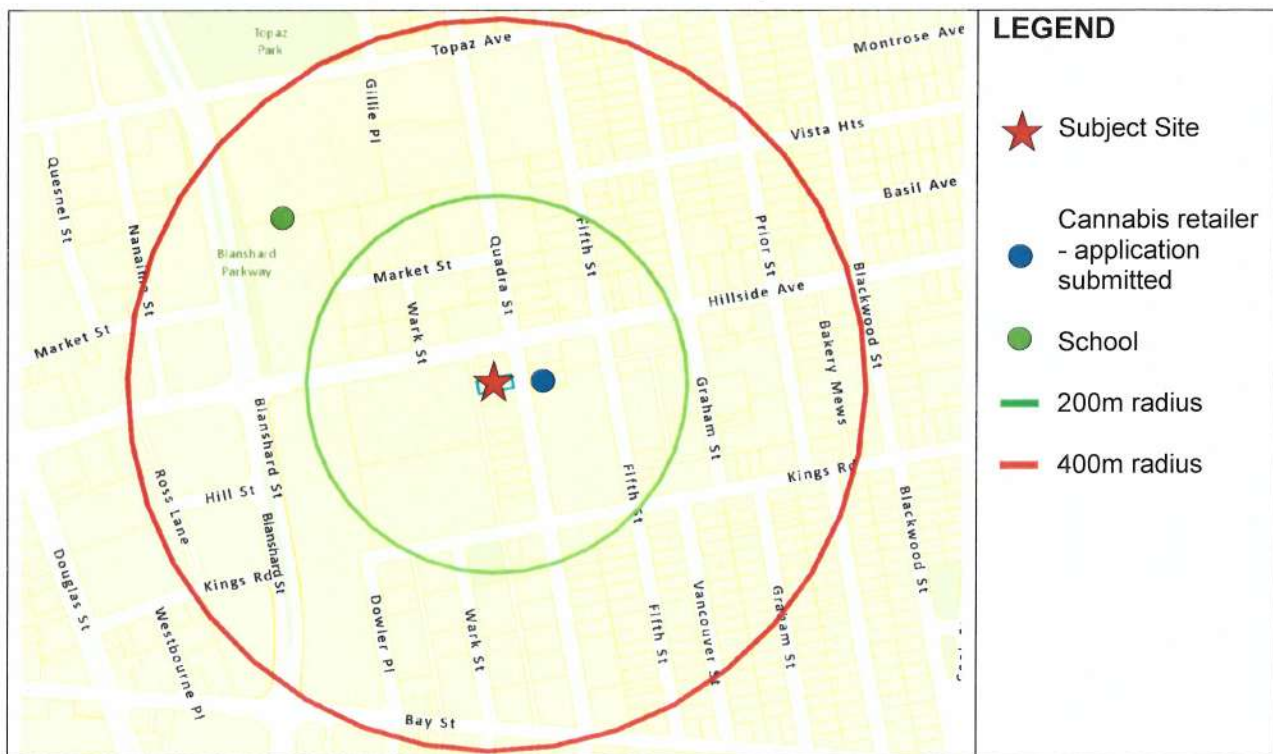
The *Hillside-Quadra Neighbourhood Plan* identifies the property within the "Consider Reduction of Allowable Height, More Street Retail" designation, within which continuous commercial uses fronting the street are envisioned.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this Application.

Storefront Cannabis Retailer Rezoning Policy

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 inconsistent with the *Storefront Cannabis Retailer Rezoning Policy* as the property line for the playing fields at SJ Willis Education Centre is approximately 150m from the subject property. SJ Willis offers alternative education for students in grades 9-12 and has been considered in the past to be used as a temporary school while other School District buildings receive seismic upgrades. In addition, the Rezoning Application for the storefront cannabis use at 2639-2641 Quadra Street, which is approximately 20m away from the subject property, is scheduled for Public Hearing on October 26, 2017.



Regulatory Considerations

The plans as submitted identify four residential units within the existing building, whereas previous approvals only permitted three residential units. Therefore, there is evidence of unlawful construction and unlawful occupancy on-site. In addition, the parking layout as submitted does not comply with Schedule C of the *Zoning Regulation Bylaw* for the following reasons:

- gravel is not a permitted surface for parking areas
- parking is not permitted within 1.0m of the property line
- the maximum permitted driveway crossing width is 7.0m
- the minimum permitted distance between a driveway crossing and a vertical obstruction is 1.2m.

The *British Columbia Building Code* also requires a second exit door at the rear of the building.

If Council moves this Application forward to a Public Hearing, Staff recommend for Council's consideration requiring plan revisions prior to a Public Hearing to rectify the aforementioned non-compliances. If Council declines the Application, the property will be referred to Bylaw Services to bring the property into compliance.

CONCLUSIONS

This proposal to permit the storefront cannabis retailer use is consistent with the *Official Community Plan* and the *Hillside-Quadra Neighbourhood Plan* in accommodating commercial retail uses fronting the street; however, the proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy* as it is within 200m of a school. 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. 00570 for 2650-2654 Quadra Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council, and a Public Hearing date be set once the following conditions are met:

1. A 3.20m Statutory Right-of-Way off Quadra Street is registered with the Land Titles Office
2. The property is brought into compliance with the *Zoning Regulation Bylaw* or a Development Permit with Variances Application is submitted for Staff's review to address the parking variances and the creation of a rear exit that conforms to the requirements of the *BC Building Code*.

Respectfully submitted,



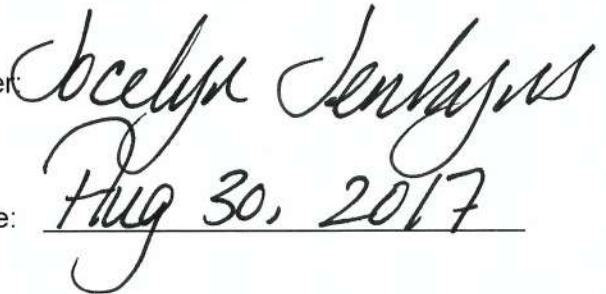
Michael Angrove
Planner
Development Services

JH.



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager



Date:

Aug 30, 2017

List of Attachments:

- Attachment A – Subject Map
- Attachment B – Aerial Map
- Attachment C – Plans dated/date stamped March 3, 2017
- Attachment D – Letter from applicant to Mayor and Council dated March 1, 2017
- Attachment E – Correspondence (Letters received from residents)