



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: Temporary Use Permit Application No. 00004 for 1601 Douglas Street

RECOMMENDATION

That Council decline Temporary Use Permit Application No. 00004 for the property located at 1601 Douglas Street.

LEGISLATIVE AUTHORITY

In accordance with section 493 of the *Local Government Act*, Council may issue a Temporary Use Permit. A Temporary Use Permit may allow a use not permitted by zoning, may specify conditions under which the temporary use may be carried on, and may allow and regulate construction of buildings and structures in respect of the use of which the permit is issued.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Temporary Use Permit Application for the property located at 1601 Douglas Street. In this instance the applicant and property owner have requested that the application proceed as a Temporary Use Permit as the owner has not finalized long-term plans for the property. The proposal would allow the use of a storefront cannabis retailer within the CA-4 Zone, Central Area Commercial Office District, through a Temporary Use Permit.

The following points were considered in assessing this application:

- the proposal is consistent with the Core Business designation in the *Official Community Plan, 2012*
- the proposal is consistent with the Central Business District 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 retailers at 546 Yates Street and 851 Johnson Street.

BACKGROUND

Description of Proposal

This Temporary Use Permit Application is to allow for the retail sale of cannabis in an existing building. The following differences from the standard zone are being proposed and would be accommodated in the Temporary Use Permit:

- 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 185m², which is in keeping with the size of the existing operation.

All other requirements within the CA-4 Zone, Central Area Commercial Office 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 Temporary use Permit Application.

Existing Site Development and Development Potential

The site is presently a three-storey building with commercial uses on the ground floor and transient accommodation on the upper storeys. The building is known as the Fairfield Block and has heritage value contained in its representation of the type of large-scale commercial buildings constructed in Victoria during the prosperous years prior to the First World War. The building is neither heritage registered nor heritage designated. The applicant has declined to add the building to the Heritage Registry at this time; however, they have noted that as they consider long range plans for the property, this will be a consideration.

Under the current CA-4 Zone, Central Area Commercial Office District, the property could be developed at a Floor Space Ratio of 3:1 for a variety of commercial uses and residential on the upper storeys.

Relevant History

This Application was originally submitted as a Rezoning Application; however, the property changed ownership during review of the Application and the new owner rescinded authorization. An agreement was made between the applicant and property owner to submit a Temporary Use Permit Application for a period of up to two years.

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 Downtown Residents Association CALUC. Also consistent with the Policy, the Application has been referred to School District No. 61 and the Victoria Police Department (VicPD). VicPD noted that from 2015-2017 (up to July 24), there was a decrease in service calls from five in 2015, two in 2016, and one in 2017 for this property, and from 304 to 344 to 180 to the area in general.

For Temporary Use Permits the *Land Use Procedures Bylaw* only requires signage be erected on the property prior to a Public Hearing and does not require signage to be erected prior to Committee of the Whole. However, Staff requested the applicant erect signage in order to maintain consistency with other storefront cannabis retailer applications as well as Council's direction with regard to the Temporary Use Permit pertaining to 732 Tyee Road.

ANALYSIS

Official Community Plan

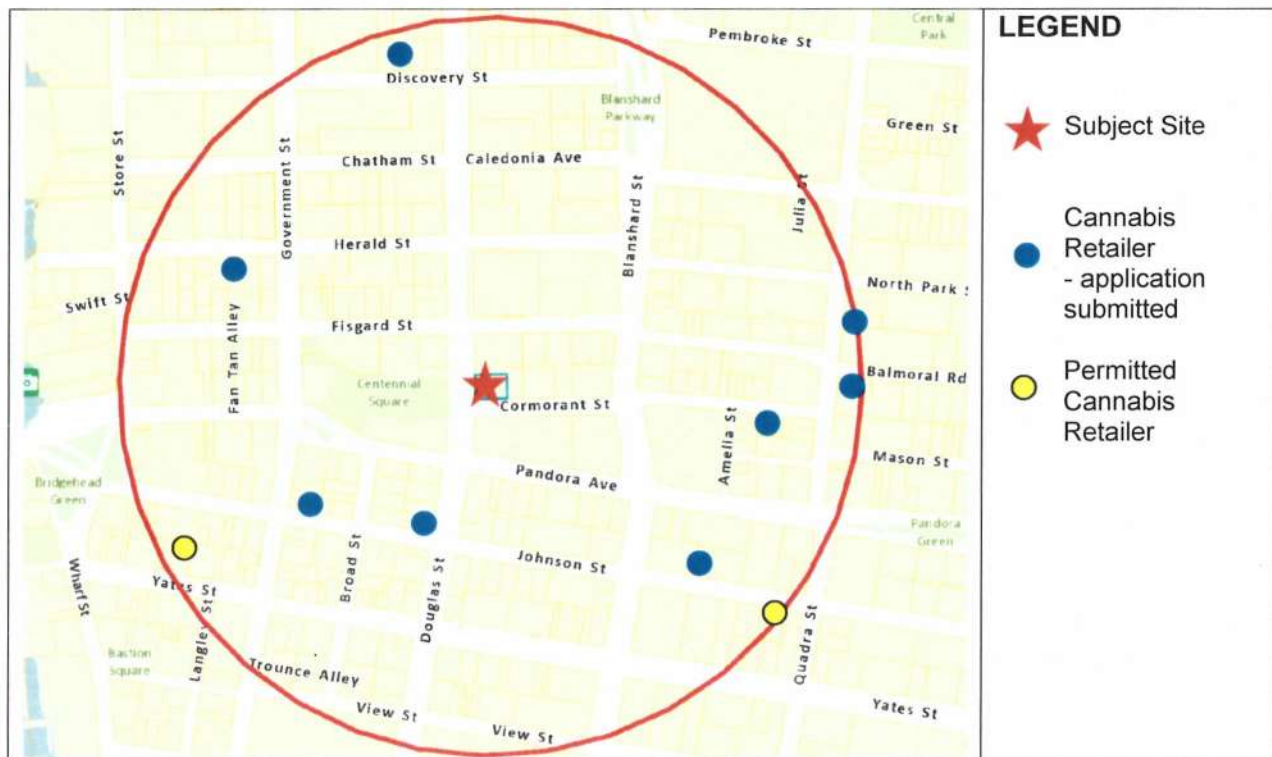
The *Official Community Plan, 2012* (OCP) identifies this property within the Core Business urban place designation, within which commercial retail uses are envisioned.

Local Area Plans

The *Downtown Core Area Plan* identifies the property within the Central Business District designation, within which complementary commercial uses such as retail stores are envisioned.

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. The Application is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy*, as the storefront cannabis retailer is 354m away from the permitted retailer at 546 Yates Street and 377m away from the permitted retailer at 851 Johnson Street. In addition, the subject site is within 400m of 8 other storefront cannabis retailers with applications submitted to the City, three of which are moving forward to Public Hearings. The policy does note that Council may consider variances to the separation distances; for instance, in locations such as the downtown or a Large Urban Village. 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 124m 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 are permitted storefront cannabis retailers within 400m of the property. Staff recommend Council consider declining the Temporary Use Permit Application.

ALTERNATE MOTION

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

“That Council authorize the issuance of a Temporary Use Permit Application for 1601 Douglas Street in accordance with:

1. Plans date stamped January 17, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Temporary Use Permit lapsing two years from the date of this resolution.”

Respectfully submitted,



Michael Angrove
Planner
Development Services

JtT



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:

Aug 28, 2017

List of Attachments

- Attachment A – Subject Map
- Attachment B – Aerial Map
- Attachment C – Plans date stamped January 17, 2017
- Attachment D – Letter from applicant to Mayor and Council dated October 25, 2016