



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

To: Committee of the Whole **Date:** July 28, 2017

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

Subject: Rezoning Application No. 00584 for 818-826 Johnson Street

RECOMMENDATION

That Council decline Rezoning Application No. 00584 for the property located at 818-826 Johnson 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 818-826 Johnson Street. The proposal is to rezone from the current CA-HG Zone, Harris Green 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 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 there is a permitted storefront cannabis retailer within 400m.

BACKGROUND

Description of Proposal

This Rezoning Application is to allow for the retail sale of cannabis in an existing building. No alterations to the building are proposed. 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 115m², which is in keeping with the size of the existing operation.

All other requirements within the CA-HG Zone, Harris Green 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 area is characterized by buildings of differing architectural styles and wide-variety of uses that include office, storage, commercial, and residential.

Existing Site Development and Development Potential

The site is presently a four-storey building with commercial uses on the ground floor and self-storage on the upper storeys. Upon submission of the application, the building's heritage value was identified by the Senior Heritage Planner; however, the building is neither heritage designated nor heritage registered.

Under the current CA-HG Zone, Harris Green District, the property could be developed up to a height of 43m 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 Business urban place designation, within which commercial uses, including retail, are envisioned.

Downtown Core Area Plan

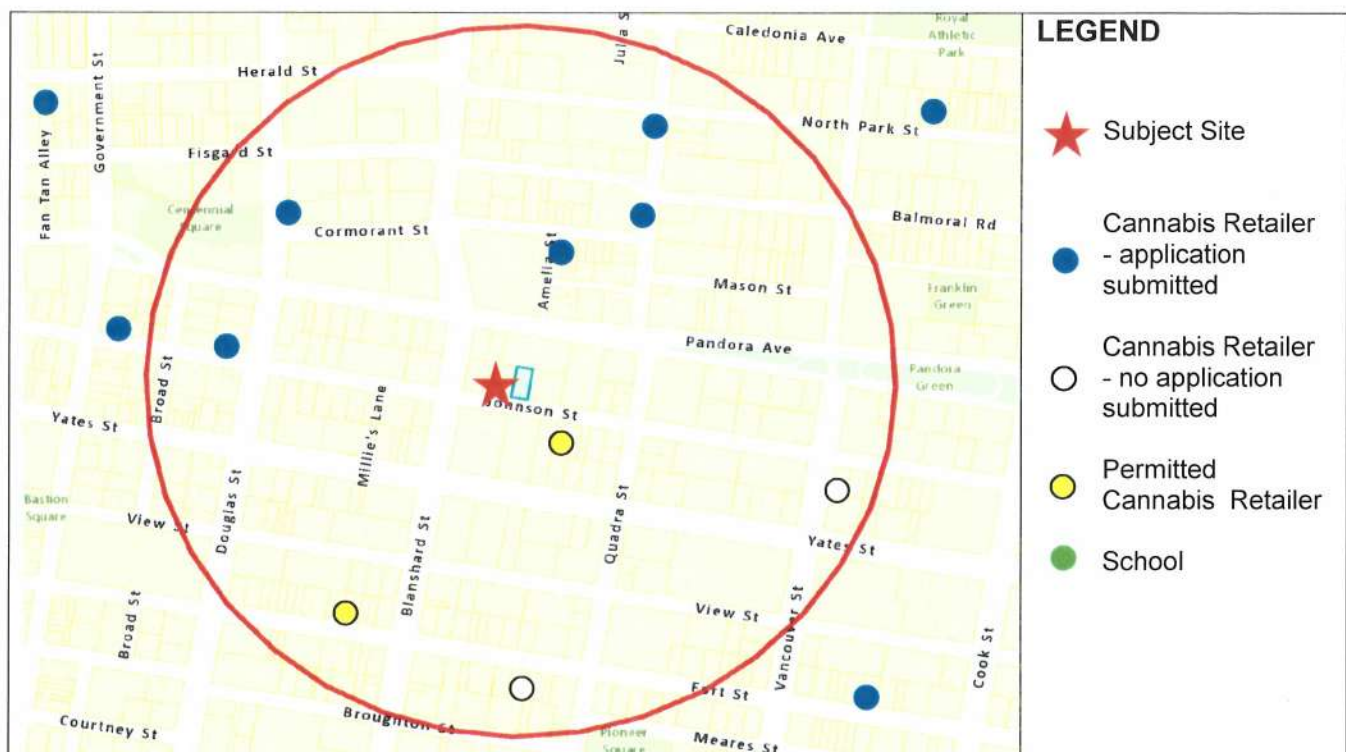
The *Downtown Core Area Plan* identifies the property within the Central Business District designation, within which commercial development and complementary retail uses are envisioned.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts nor any impacts to public trees associated 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. This application is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy*, as there are two approved storefront cannabis retailers within 400m of the subject site: 778 Fort Street is 277m away and 851 Johnson Street is 76m away. 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. Furthermore, the subject property is within 400m of the following storefront cannabis retailers with applications submitted to the City: 1402 Douglas Street (297m away), 1601 Douglas Street (272m away), 853 Cormorant Street (138m away), 1625 Quadra Street (220m away), and 1719 Quadra Street (289m away). 1011 Johnson Street (385m away) and 849 Fort Street (321m away) are storefront cannabis retailers with no applications submitted to the City. There are no elementary, middle, or secondary schools within 200m of the property.




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. However, the proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy* as there are two permitted storefront cannabis retailer within 400m of the property.


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. 00584 for 818-826 Johnson Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

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:

August 3, 2017

List of Attachments

- Attachment A – Subject Map
- Attachment B – Aerial Map
- Attachment C – Plans date stamped May 12, 2017
- Attachment D – Letter from applicant to Mayor and Council dated April 22, 2017