



Committee of the Whole Report

For the Meeting of June 15, 2017

To: Committee of the Whole **Date:** June 1, 2017

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

Subject: Rezoning Application No. 00546 for 510-512 Yates Street

RECOMMENDATION

That Council decline Rezoning Application No. 00546 for the property located at 510-512 Yates 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 510-512 Yates Street. The proposal to rezone from the current CA-3C Zone, Old Town District, to a site-specific zone in order to allow for the retail sale of cannabis, was deferred by Council on February 23, 2017 until after the Public Hearing for 546 Yates Street.

The following points were considered in assessing this application:

- the proposal is consistent with the Core Historic place designation in the *Official Community Plan, 2012*
- the proposal is consistent with the *Downtown Core Area Plan* in accommodating a diverse range of commercial uses
- the proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy* as it is within 200m of a permitted storefront cannabis retailer.

BACKGROUND

Description of Proposal

This Rezoning Application is to allow for the retail sale of cannabis in an existing heritage building. No alterations to the building or site plan are proposed with this rezoning application.

The following differences from the standard current zone are being proposed and would be accommodated in a new zone, in the event Council chooses to advance this application to a Public Hearing:

- storefront cannabis retailer would be a permitted use
- storefront cannabis retailer would be restricted to the ground floor
- storefront cannabis retailer would be restricted to a maximum floor area of 200m², which is the approximate size of the proposed new use
- only one storefront cannabis retailer would be permitted to operate on the property at one time.

All other requirements within the CA-3C Zone would remain the same.

This application was brought forward to the February 23, 2017, Committee of the Whole Meeting at which time Council voted to defer the application until after the Public Hearing for 546 Yates Street. The Public Hearing for 546 Yates Street has occurred, and as such, this application for 510-512 Yates Street is being brought back to Committee of the Whole for Council's consideration.

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.

Land Use Context

The area is characterized by retail and restaurant uses located at street level with residential and office uses located on the upper storeys. The adjacent buildings to the east of the property are heritage designated.

Existing Site Development and Development Potential

The site previously contained a restaurant use on the ground floor with offices on the upper storey. The building was constructed in 1891 and is Heritage Designated. No alterations to the building are proposed in this rezoning application, and any future alterations to the building would be subject to a Heritage Alteration Permit.

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

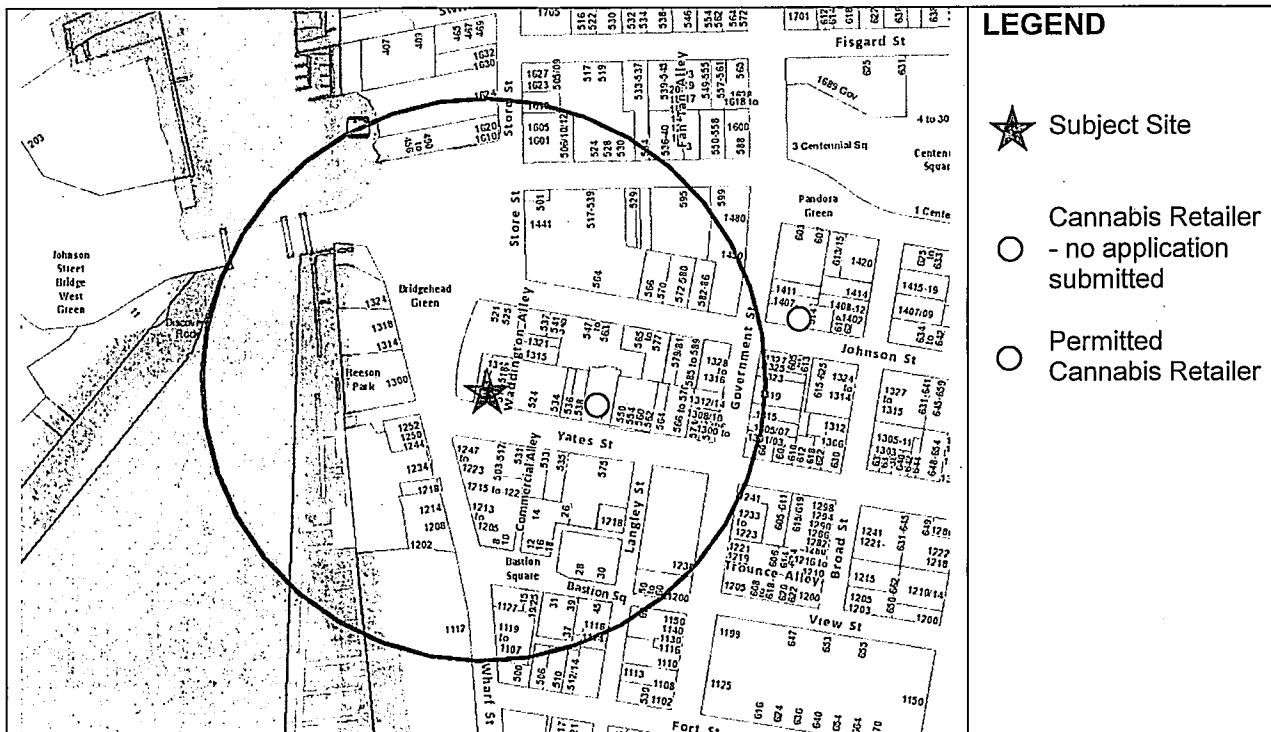
The *Official Community Plan* (OCP) lists this property within the Core Historic urban place designation, within which retail is an envisioned use.

Local Area Plans

The *Downtown Core Area Plan* designates this property as Historic Commercial District. The application is consistent with the neighbourhood plan, in which zoning accommodates a diverse range of active commercial uses.

Storefront Cannabis Retailer Rezoning Policy

The application is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy*. There are no public or independent elementary, secondary or high schools within 200m of the property; however, a permitted storefront cannabis retailer is located approximately 72 metres to the east on the same block frontage. While reduced distances may be warranted in the Downtown, it is recommended for Council's consideration that two retailers should not occupy the same block frontage.



Regulatory Considerations

The application does not include any alterations to the existing building. Furthermore, it complies with the siting criteria of the relevant zone, and as such, there are no variances.

CONCLUSIONS

This proposal to permit the use of a Storefront Cannabis Retailer is consistent with both the *Official Community Plan* and the *Downtown Core Area Plan* in accommodating a variety of active retail uses. The proposal does not have any schools or permitted storefront cannabis retailers within 200m of the parcel; however, this application is within 200m of the permitted storefront cannabis retailer at 546 Yates Street.

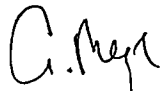
ALTERNATE MOTIONS

That Council instruct Staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00546 for 510-512 Yates 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:

June 6, 2017

List of Attachments:

- Committee of the Whole Report, dated February 16, 2017
- Minutes from the February 16, 2017 Committee of the Whole Meeting