



Committee of the Whole Report

For the Meeting of March 23, 2017

To: Committee of the Whole **Date:** March 8, 2017

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

Subject: Rezoning Application No. 00526 for 950 Yates Street

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Amendment Bylaw that would authorize the proposed development outlined in Rezoning Application No. 00526 for 950 Yates Street, that first and second reading of the Zoning Regulation Amendment Bylaw be considered by Council, and a Public Hearing date be set once the following condition is met:

1. Approval of a Building Permit for a new rear exit door and removal of the window on the west building façade.

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 950 Yates Street. The proposal is to rezone from the current R-48 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 Residential designation in the *Official Community Plan 2012*
- the proposal is consistent with the Residential Mixed-Use designation in the *Downtown Core Area Plan*
- the proposal is consistent with the *Storefront Cannabis Retailer Rezoning Policy* as there are no schools or permitted storefront cannabis retailers within 200m.

BACKGROUND

Description of Proposal

This Rezoning Application is to allow for the retail sale of cannabis in an existing building. In order to comply with the BC Building Code, the western window will be removed and the rear exit will be altered from a garage door to a swinging door. 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 be permitted to operate on the property at a time
- storefront cannabis retailer would be restricted to a maximum floor area of 110m², which is in keeping with the size of the existing operation
- storefront cannabis retailer would be restricted to the ground floor.

All other requirements within the R-48 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.

Land Use Context

The area is characterized by commercial and residential uses. New buildings are currently being constructed.

Existing Site Development and Development Potential

The site is presently developed as a single-storey commercial building. Under the current R-48 Zone, Harris Green District, the property could be developed to a maximum height of 30 metres and used for multiple-dwelling residential, numerous commercial purposes, and high-tech industries.

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 Residential urban place designation, within which commercial activities are an envisioned use.

Local Area Plans

The Downtown Core Area Plan identifies the property within the Residential Mixed-Use District, within which active commercial and retail uses at street level along Yates Street are encouraged.

Storefront Cannabis Retailer Rezoning Policy

The application complies with the *Storefront Cannabis Retailer Rezoning Policy* and 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. No schools or permitted storefront cannabis retailers are within 200m of the property at the time of writing this report.

Regulatory Considerations

The required alterations to the existing building to ensure compliance with the BC Building Code do not create any discrepancies with the proposed zoning. Furthermore, the property complies with the siting criteria of the R-48 Zone, Harris Green District, and as such, there are no variances.


CONCLUSIONS

The proposal to permit the storefront cannabis retailer use at 950 Yates Street is consistent with both the *Official Community Plan* and the *Downtown Core Area Plan* in accommodating commercial retail uses at street level. The proposal does not have any schools or permitted storefront cannabis retailers within 200m of the property. Staff recommend that Council consider supporting this application.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00526 for the property located at 950 Yates Street.


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:


March 14, 2017

List of Attachments

- Subject Map
- Aerial Map
- Plans, dated/date stamped February 9, 2017
- Letter from applicant to Mayor and Council, dated September 24, 2016.