

2. Committee of the Whole – April 27, 2017

5. Rezoning Application No. 00535 for 475 Gorge Road East (Burnside)

Motion:

It was moved by Councillor Alto, seconded by Councillor Coleman:

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00535 for 475 Gorge Road East, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set, with final approval only considered upon receipt of proof of registration of executed Statutory Right-of-Ways (SRW) of 4.03m of Gorge Road East, 0.85m on Bridge Street, and 1.38m on Garbally Road.
2. That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00535, if it is approved, consider the following motion:

“That Council authorize the issuance of a Development Variance Permit for 475 Gorge Road East, in accordance with:

1. Plans date stamped February 21, 2017.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variances:
 - i. Reduce the parking requirements to 1 parking stall per 294.5m² for commercial uses.
3. The Development Variance Permit lapsing two years from the date of this resolution.”

Carried

<u>For:</u>	Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, Lucas, Madoff, and Thornton-Joe
<u>Opposed:</u>	Councillor Young

5. LAND USE MATTERS

5.1 Rezoning Application No. 00535 for 475 Gorge Road East (Burnside)

Committee received a report dated April 13, 2017 from the Director of Sustainable Planning and Community Development providing information regarding the rezoning application for the property located at 475 Gorge Road East in order to rezone the property to allow for the retail sale of cannabis.

Motion:

It was moved by Councillor Alto, seconded by Councillor Loveday,

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00535 for 475 Gorge Road East, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set, with final approval only considered upon receipt of proof of registration of executed Statutory Right-of-Ways (SRW) of 4.03m of Gorge Road East, 0.85m on Bridge Street, and 1.38m on Garbally Road.
2. That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00535, if it is approved, consider the following motion:
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 - i. Reduce the parking requirements to 1 parking stall per 294.5m² for commercial uses.
 3. The Development Variance Permit lapsing two years from the date of this resolution.”

Committee discussed:

- The close proximity of the subject property to the Rock Bay Shelter.

For: Mayor Helps, Councillors Alto, Coleman, Loveday, Lucas, Madoff, and Thornton-Joe

Against: Councillor Young

CARRIED UNANIMOUSLY 17/COTW



Committee of the Whole Report

For the Meeting of April 27, 2017

To: Committee of the Whole **Date:** April 13, 2017

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

Subject: Rezoning Application No. 00535 for 475 Gorge Road East

RECOMMENDATION

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00535 for 475 Gorge Road East, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set, with final approval only considered upon receipt of proof of registration of executed Statutory Right-of-Ways (SRW) of 4.03m on Gorge Road East, 0.85m on Bridge Street, and 1.38m on Garbally Road.
2. That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00535, if it is approved, consider the following motion:

"That Council authorize the issuance of a Development Variance Permit for 475 Gorge Road East, in accordance with:

1. Plans date stamped February 21, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Reduce the parking requirements to 1 parking stall per 294.5m² for commercial uses.
3. The Development Variance Permit lapsing two years from the date of this resolution."

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.

In accordance with Section 498 of the *Local Government Act*, council may issue a Development Variance Permit that varies a *Zoning Regulation Bylaw* provided the permit does not vary the use or density of land from that specified in the *Zoning Regulation Bylaw*.

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 475 Gorge Road East. The proposal is to rezone from the current S-1 Zone, Limited Service District, to a site-specific zone in order to allow for the retail sale of cannabis. The applicant is providing a Statutory Right of Way that would reduce the number of parking stalls on-site; therefore a Development Variance Permit would also be required if Council chooses to approve the Rezoning Application. This report and the associated recommendation deals with both of these requirements.

The following points were considered in assessing this application:

- the proposal is consistent with the General Employment designation in the *Official Community Plan 2012*
- the proposal is consistent with the Neighbourhood Commercial designation in the *Burnside Neighbourhood 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. 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 a maximum floor area of 600m², which is in keeping with the size of the existing operation.

All other requirements within the S-1 Zone, Limited Service District, remain the same.

The applicant is providing a Statutory Right of Way that would reduce the number of parking stalls on-site; therefore a Development Variance Permit would also be required if Council chooses to approve the Rezoning Application. This report and the associated recommendation deals with both of these requirements.

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 mainly by office and commercial uses, with some light industrial and transient uses.

Existing Site Development and Development Potential

The site is presently developed as a single storey commercial building. Under the current S-1 Zone, Limited Service District, the property could be developed for various commercial uses, including automobile uses such as garages, carwashes, and parking.

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 Burnside Gorge Neighbourhood 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 General Employment urban place designation, within which employment-driven uses, including commercial, are envisioned.

Local Area Plans

The *Burnside Neighbourhood Plan* identifies the property within the Neighbourhood Commercial designation, which envisions retail and other commercial services.

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 current parking layout showing thirteen stalls meets the Schedule "C" parking requirements of the *Zoning Regulation Bylaw*; however, the applicant is willing to grant the City a Statutory Right-of-Way (SRW) of 4.03m on Gorge Road East, 0.85m on Bridge Street, and 1.38m on Garbally Road and since no parking stalls are permitted within a SRW, upon registering the SRW the property would be deficient by eleven stalls. Until the right-of-way improvements are made, the parking would remain available on site; however, if Council decides to approve this application it is recommended that a Development Variance Permit effectively reducing the parking requirement to two stalls be issued concurrently.

CONCLUSIONS

This proposal to permit the storefront cannabis retailer use is consistent with the *Official Community Plan* and *Burnside Neighbourhood Plan* in accommodating employment-driven uses including commercial. The proposal does not have any schools or permitted storefront cannabis retailers within 200m of the property.

ALTERNATE MOTION

That Council decline Rezoning Application #00535 for the property located at 475 Gorge Road East.

Respectfully submitted,



Michael Angrove
Planner
Development Services

Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

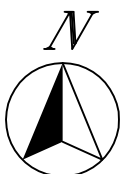
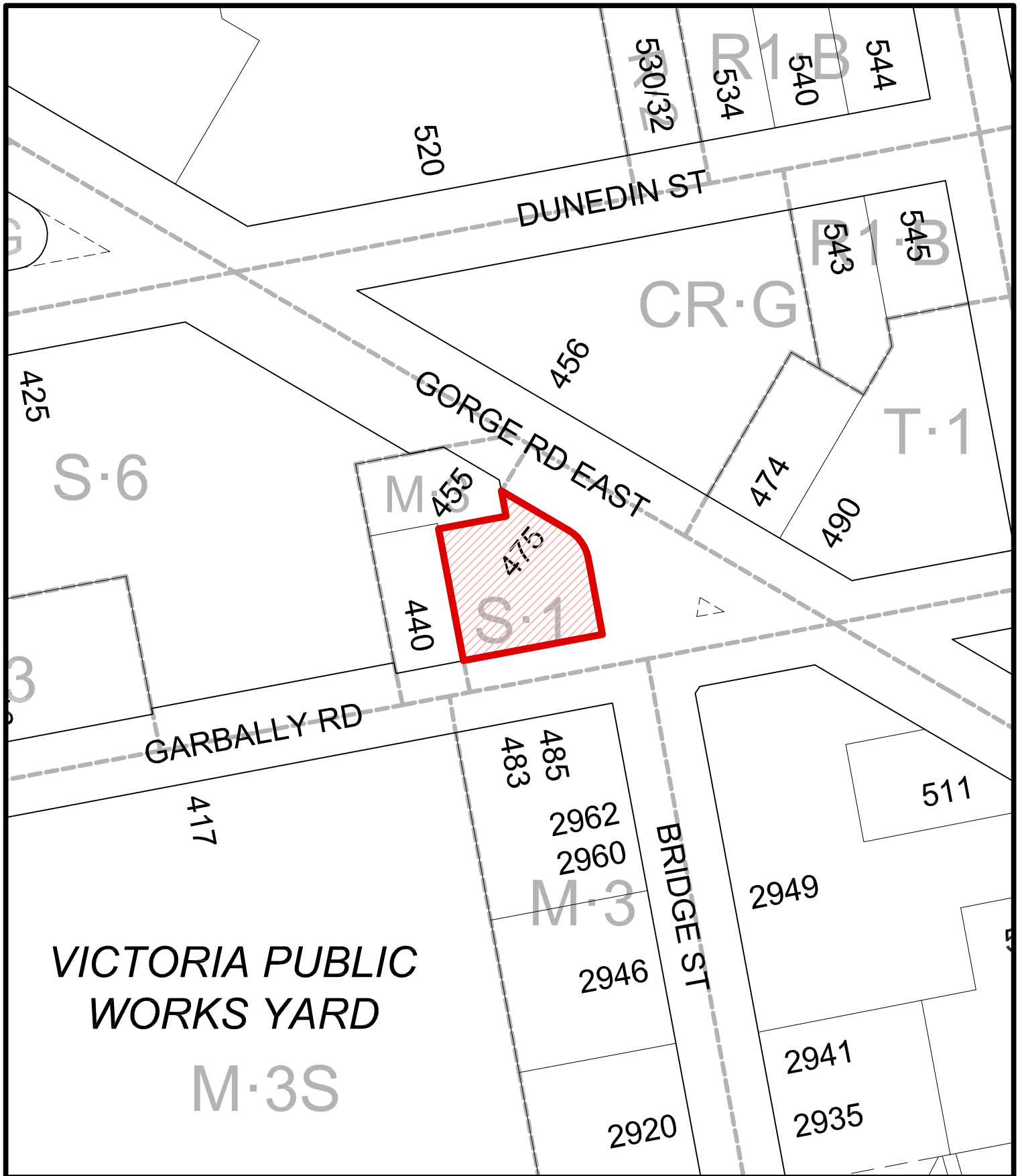


Date:

Apr 11 21, 2017

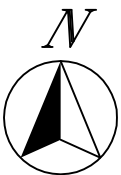
List of Attachments

- Subject Map
- Aerial Map
- Plans dated/date stamped February 21, 2017
- Letter from applicant to Mayor and Council dated October 30, 2016



475 Gorge Road East
Rezoning No.00535





475 Gorge Road East
Rezoning No.00535

Air Photo



Rezoning to

THE GREEN HART, 475 GORGE ROAD

LEGEND

- Regulated Fire Hydrant
- Curb
- Property Lines
- Residential Parking
- Time Limited Parking
- No Stopping
- Bike Rack
- Tree

LIST OF DRAWINGS

ARCHITECTURAL

- A-000 Drawing List, Legend, Code Review, Project Information Table & Site Plan
- A-001 Site Plan
- A-002 Existing Floor Plan
- A-003 Exterior Photos
- A-004 200m Radius Map

PROJECT INFORMATION TABLE

PROJECT INFORMATION TABLE	
Zone (Existing)	S-1
Site Area (sq.m)	886.2 sq.m
Unit Floor Area (sq.m)	588.9 sq.m
Parking Stalls (Number on Site)	1 Loading, 13 On Site
Bicycle Parking Number (Class 1 and 2)	Class 1:4, Class 2:0

Parking Calculation - Schedule C

C4 - Retail Stores - 1 space per 37.5 sq.m gross floor area
Gross Floor Area (Retail) - 336.1 sq.m
230.0 sq.m / 37.5 sq.m = 6.1

C5 - Other Offices - 1 space per 65 sq.m gross floor area
Gross Floor Area (Office) - 336.1 sq.m
287.2 sq.m / 65 sq.m = 4.4

Required Parking Stalls - 13 Stalls

CITY OF VICTORIA

RECEIVED

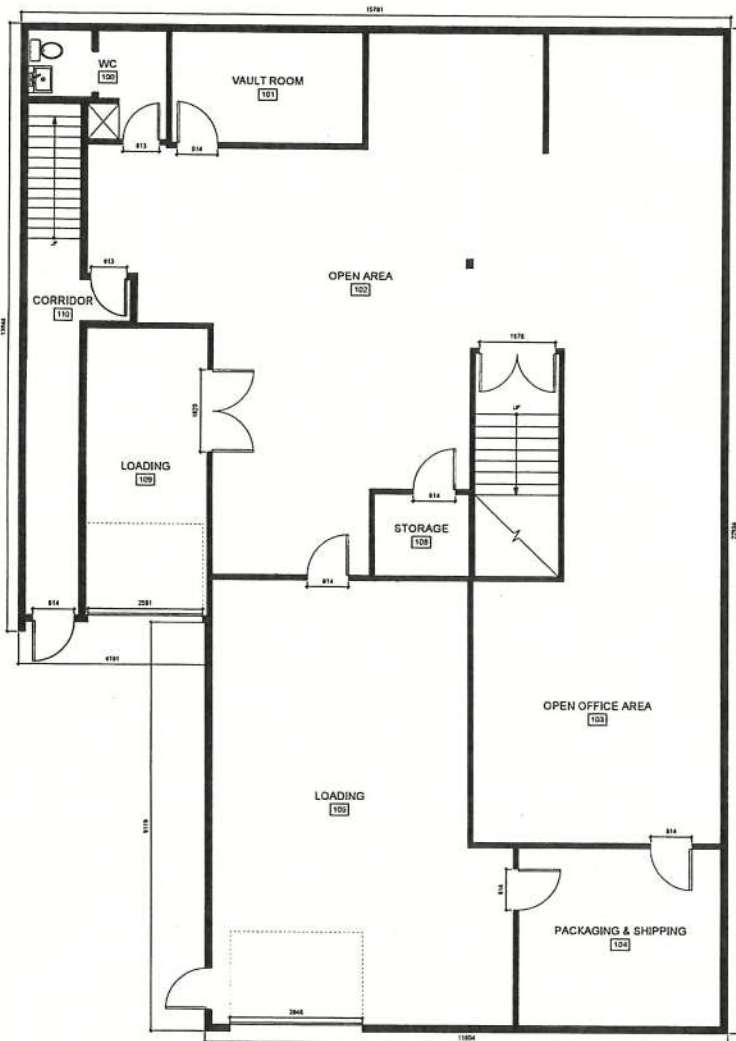
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FEB 21 2017

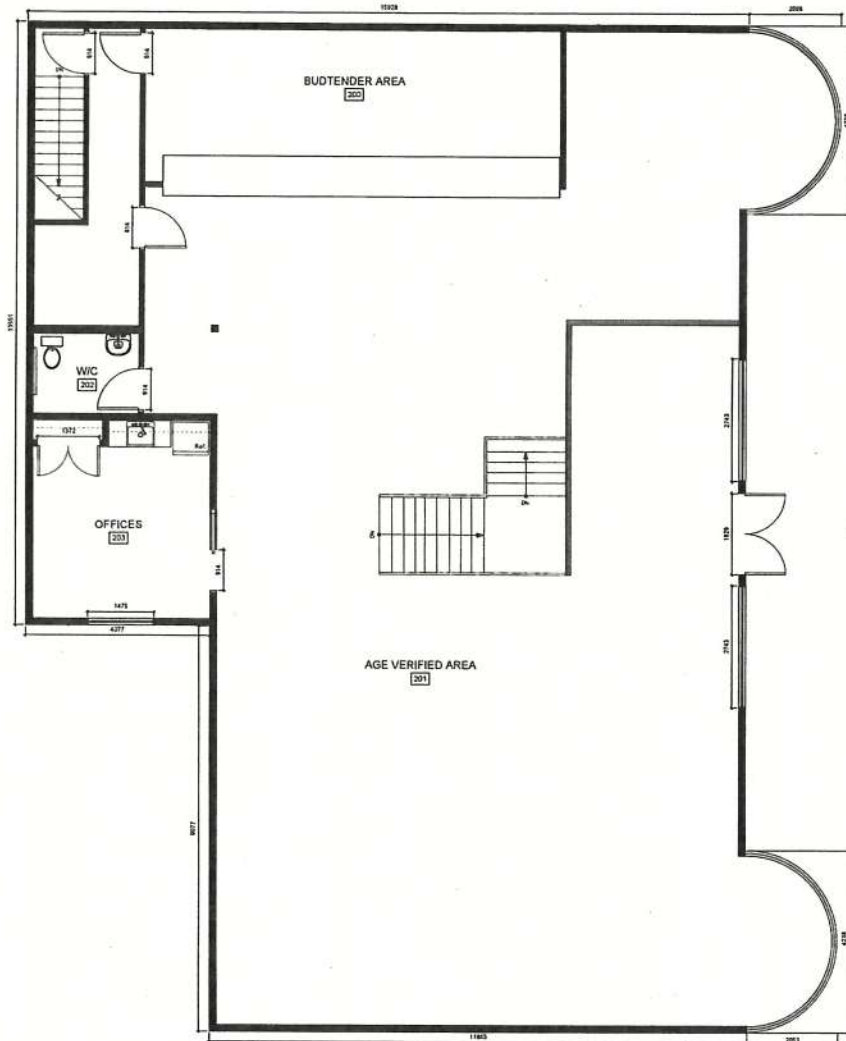
NOV 03 2016

CODE REVIEW

Item	2015 British Columbia Building Code, Page Master	BCBC 2015 Reference
1	Access	
2	Legal Description	
3	Project Description	
4	Construction of Building	
5	Use Building Area	
6	Use Area	
7	Use Group	
8	Number of Floors	
9	Number of Access Points	
10	Grade 1	
11	Grade 2	
12	Grade 3	
13	Grade 4	
14	Grade 5	
15	Grade 6	
16	Grade 7	
17	Grade 8	
18	Grade 9	
19	Grade 10	
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1 Lower Level Plan



2 Ground Level Plan

Received
City of Victoria

NOV - 3 2016

Planning & Development Department
Development Services Division



1. REVIEWED FOR REVIEW 2016-10-07
2. REVIEWED FOR REVIEW 2016-10-07



1:50 2016-10-07

The Green Hart
Storefront Cannabis Retailer Rezoning
475 Gorge Road
Victoria, BC V8T 2L1

Floor Plans

LT LM
2016544 A-002



1 Exterior Photo - East Face



2 Exterior Photo - East Face



3 Exterior Photo - South Face



4 Exterior Photo - South/East Face



5 Exterior Photo - North Face



6 Exterior Photo - North Face

Received
City of Victoria

NOV - 3 2016

Planning & Development Department
Development Services Division

DATE

DATE

1 STUD FOR REVIEW

2 STUD FOR REVIEW

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The Green Hart
Storefront Cannabis Retailer Rezoning
475 Gorge Road
Victoria, BC V8T 2L1

Exterior Photos

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A-003

October 30th , 2016

City of Victoria
Sustainable Planning and Community Development
1 Centennial Square
Victoria, BC V8W 1P6
Attention: Mayor Helps and Council

RE: REZONING APPLICATION FOR 475 GORGE ROAD EAST

Dear Mayor Helps and Council,

Please find following the rezoning application and supporting documentation for the property located at 475 Gorge Rd E for your review and consideration. The property is currently zoned as Limited Service District (S-1) and we are requesting it be rezoned the purpose of a Storefront Cannabis Retailer.

The existing 588.9 m² two story structure will remain intact, as is, and will not alter the current density and or add any additional dwelling spaces once rezoned.

Our re-zoning request complies with the current Official Community Plan and Neighbourhood Plan so no changes are requested to either policy.

We are committed to ensuring that our business benefits and enhances our neighbourhood socially, environmentally and economically. We have been proactively revitalizing our property as well as cleaning the adjacent public areas. Showing pride in our property has helped to reduce the overall amount of refuse and paraphernalia that had collected from when the property was previously vacant. We have employed nine staff members to date and anticipate the need to increase our staffing levels as we continue to develop our business, allowing us to help support more local families with employment as well as provide residual benefits to our neighbouring businesses.

Our business has provided a community clothing drop-box location, organized a successful food drive to benefit the Mustard Seed Food Bank, as well as we are taking the project management role in planning and executing the construction of a Sculpture Walk for the enjoyment of the residents and patrons in the area. For the month of November we are organizing and spear heading a clothing drive for the benefit of the patrons of Rock Bay Landing. We are also seeking community input and involvement in the implementation of a permanent mural on the south side of the building.

Our storefront has been operational for seven months in which time the need for our product and resources has exceeded our expectation. Our client base has increased to over 1000

patients since our opening and increases daily. Rezoning for a Storefront Cannabis Retailer is a new classification that has not previously existed in the City of Victoria, therefore rezoning for a change of permitted use is mandatory in our situation.

Allowing the zoning and storefront in the Selkirk and Cecelia Village area of the Burnside Gorge neighbourhood will help revitalize the area socially, environmentally and economically as identified previously. The Burnside Gorge Neighbourhood Plan identifies the need to encourage and enhance current businesses and industry in the area that alternatively could otherwise continue to be left vacant and vulnerable to socioeconomic stagnation or regression.

Our expectation is that our property and business will benefit the local area in a positive way. Our presence in the neighbourhood has already aided in the clean-up of refuse and loitering in the area. We anticipate that the additional visitors to the community will also be economically beneficial to the other local business owners. The subject property is currently zoned S-1 and the impact on traffic flow, parking, infrastructure and noise concerns would have been identified and approved at the time of original development. We do not anticipate that traffic and noise levels will increase significantly from the current levels and could potentially decrease when zoned from Industrial to Retail.

The existing building and building envelope will not be altered. The current design complies with the design guidelines for the existing and proposed zoning and no Development Permit is required.

Safety and security is a priority for our patients, employees and the general public. Significant consideration was taken when planning, designing and implementing the use of natural, formal, lighting and territorial crime prevention at our location.

We have incorporated MMPR regulations in the storage and packaging of our products. The wide open space provides limited opportunity for patrons to go unseen once inside the building. The low lying flora around the parking lot of the building provide a wide open space for natural surveillance and the hedging allows the natural flow of traffic while decreasing the opportunities for crime as outlined by CPTED. Adequate lighting has been installed to properly illuminate points of entry and is constructed of vandal resistant products. Consideration for glare and reduction of shadows and hiding spots were also incorporated into our lighting plan. A formal surveillance system has been installed and incorporated ten security cameras on-site as well as four panic buttons strategically positioned for employees use if an eminent threat occurs. The panic buttons alert the RCMP as well as our security provider immediately. In order to provide symbolic barriers and define private and public areas we have TC Landscaping maintain the hedges around our parking area and the staff are required to do basic daily maintenance of the property.

The vehicle and bicycle parking requirements as defined by Schedule C have been met and exceeded. The property has thirteen marked, surface vehicle stalls (one marked for handicapped parking) which exceeds the ratio of 1 per 205 m² as well as one loading parking lot

stall. We offer adequate secure, interior and exterior bicycle storage for our patrons. Our location is located on a shared greenway.

The Selkirk and Cecelia Village area of the Burnside Gorge neighbourhood area is serviced by public transit and the closest bus stop is located less than a block from the property allowing for alternative and eco-friendly access for patients to visit from other areas serviced by transit.

The subject property does not have Heritage Status therefore no Conservation Plan is required.

Currently The Green Hart has applied and to build out three office spaces within the building. The long-term plan for this space is to provide medical services to the growing Burnside Gorge neighbourhood as part of their Neighbourhood plan. We understand and value the benefits of Green Built and LEED properties and will be applying the theories to increase energy efficiencies, utilize renewable resources and reduce water consumption if and when renovations begin in the future.

The property is currently and adequately serviced by the City of Victoria infrastructure and no additional requirements and or upgrades would be mandatory for the purpose of rezoning from Light Commercial to a Storefront Cannabis Retailer.

Thank you in advance for your consideration of this rezoning application. Please do not hesitate to contact Erin Drew at thegreenhart@outlook.com.

Regards,

A handwritten signature in black ink, appearing to read 'Sean Pettifer', written over a horizontal line.

Sean Pettifer

Enclosures

Rezoning Application for 475 Gorge Road East

