



Committee of the Whole Report

For the Meeting of January 11, 2018

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

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

Subject: Rezoning Application No. 00579 for 3175-3177 Harriet Road & 105 Burnside Road East

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00579 for 3175-3177 Harriet Road & 105 Burnside Road East, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once Staff receive proof of registration at the Land Titles Survey Authority of an executed Statutory Right-of-Way (SRW) of 3.66m on Burnside Road East.

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 3175-3177 Harriet Road & 105 Burnside Road East. The proposal is to rezone from the C-1 Zone, Limited Commercial District, to the C1-C2 Zone, Limited Commercial (Small Cannabis) District, in order to permit a storefront cannabis retailer.

The following points were considered in assessing this application:

- the proposal is consistent with the Small Urban Village designation in the *Official Community Plan, 2012*
- the proposal is consistent with the Small Urban Village designation in the *Burnside Gorge Neighbourhood Plan*
- the proposal is consistent with the *Storefront Cannabis Retailer Rezoning Policy*, as there are no schools within 200m or permitted storefront cannabis retailers within 400m.

BACKGROUND

Description of Proposal

This Rezoning Application is to allow for the retail sale of cannabis in an existing building. The property is in the C-1 Zone, Limited Commercial District. The following differences from the standard zone are being proposed and would be accommodated in the C1-C2 Zone, Limited Commercial (Small Cannabis) District:

- 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 100m², which is in keeping with the size of the existing operation.

All other requirements within the C-1 Zone, Limited Commercial District, would remain the same.

Staff have requested a Statutory Right-of-Way (SRW) of 3.66m on Burnside Road East to meet future transportation-related needs. If this application is moved forward to a Public Hearing, Staff recommend for Council's consideration that the SRW be made a condition of rezoning.

Sustainability Features

The applicant has not identified any sustainability features associated with this application.

Active Transportation Impacts

The applicant has installed a four stall bicycle rack adjacent the entrance to the storefront cannabis retailer.

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 property is located on the border with the District of Saanich. The intersection of Burnside Road and Harriet Road, and the north side of Burnside Road, are characterized by mainly commercial uses. The south of Burnside Road is characterized by various residential typologies, with multifamily dwellings along Burnside Road and single-family dwellings further south.

Existing Site Development and Development Potential

The site presently houses a four-storey mixed-use building, with commercial units on the ground floor and residential on the upper storeys. There is surface parking in the rear yard.

Under the current C-1 Zone, Limited Commercial District, the property could be developed for a variety of commercial uses, including mixed-use commercial-residential up to a height of 12m and a density of 1.4 to 1.

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 Burnside-Gorge CALUC. Also consistent with the policy, the application has been referred to School District No. 61 and the Victoria Police Department (VicPD). The following table displays the number of VicPD service calls:

Calls for Service	2015	2016	2017 (November 22)
Calls to the immediate area	1	3	2
Calls to the block	112	101	70

ANALYSIS

Official Community Plan

The *Official Community Plan* 2012 (OCP) identifies this property within the Small Urban Village urban place designation, within which ground-oriented commercial uses are envisioned.

Local Area Plans

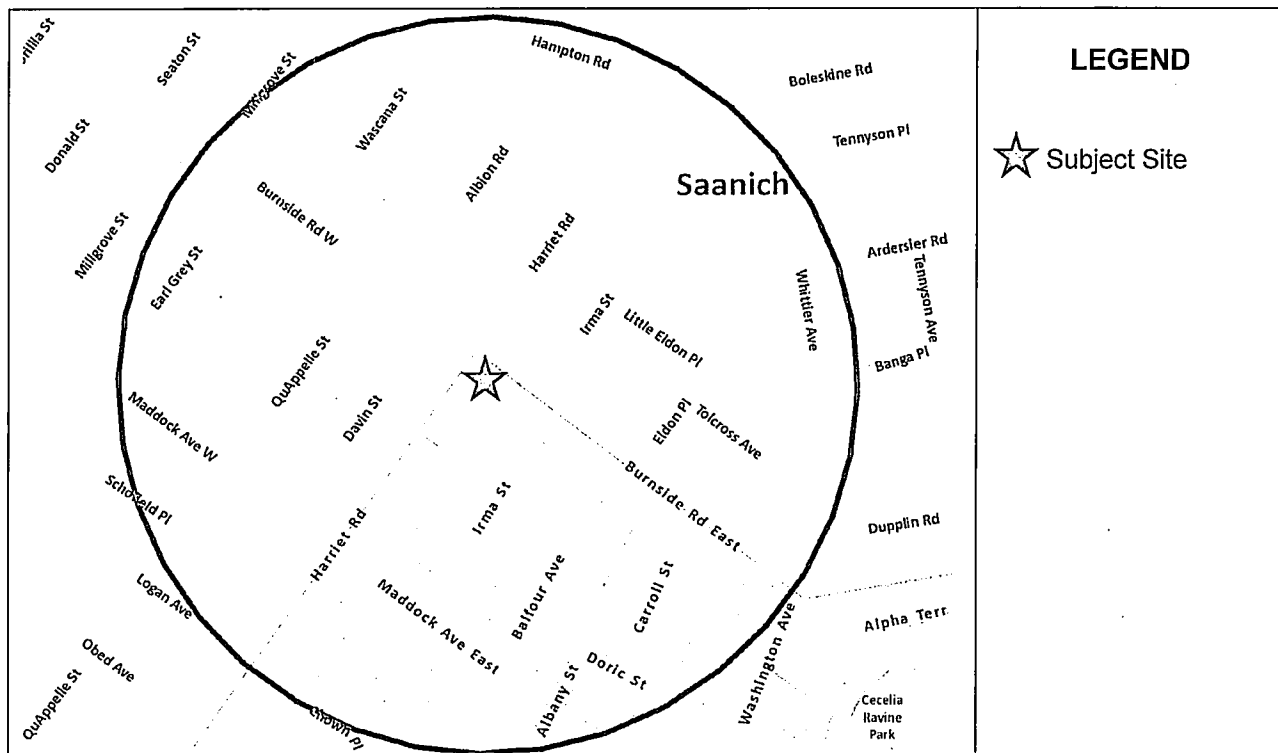
The *Burnside Gorge Neighbourhood Plan* identifies this property within the Small Urban Village urban place designation, within which village commercial uses, including retail stores, are envisioned.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts and no impacts to public trees with this application.

Storefront Cannabis Retailer Rezoning Policy

The application is consistent 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 are within 200m and no permitted storefront cannabis retailers are within 400m of the property.



Regulatory Considerations

The on-site parking layout does not match previously approved plans due to the location of the driveway crossing having been constructed in a different location. This makes the parking stalls in the front not viable. Removal of these stalls is supportable due to the property's location within a Small Urban Village and along major bus routes. In addition, the applicant has installed a four stall bicycle rack at the front of the property. Finally, the removal of the stalls in the front yard will improve the building's street relationship.

CONCLUSIONS

This proposal to permit the storefront cannabis retailer use is consistent with the Small Urban Village designations in the *Official Community Plan* and the *Burnside Gorge Neighbourhood Plan*. The proposal does not have any schools within 200m or permitted storefront cannabis retailers within 400m of the property. Staff recommend Council consider supporting this application.

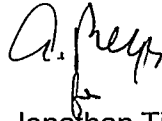
ALTERNATE MOTION

That Council decline Rezoning Application No. 00579 for the property located at 3175-3177 Harriet Road & 105 Burnside 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:

Jan 2, 2018

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped December 7, 2017
- Attachment D: Letter from applicant to Mayor and Council received December 7, 2017.