

REPORTS OF COMMITTEES

1. Committee of the Whole – February 15, 2018

6. Rezoning Application No. 00561 for 1725 Cook Street (Fernwood)

Motion:

It was moved by Councillor Coleman, seconded by Councillor Alto, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00561 for 1725 Cook Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Carried

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

5.2 Rezoning Application No. 00561 for 1725 Cook Street (Fernwood)

Committee received a report dated February 1, 2018, from the Director of Sustainable Planning and Community Development regarding recommendations to rezone the property located at 1725 Cook Street to a site-specific zone in order to allow for the retail sale of cannabis.

Committee discussed:

- Implication of the land owner not agreeing to the SRW.

Motion: It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00561 for 1725 Cook Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

CARRIED 18/COTW

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

Against: Councillor Young



Committee of the Whole Report For the Meeting of February 15, 2018

To: Committee of the Whole **Date:** February 1, 2018
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Rezoning Application No. 00561 for 1725 Cook Street

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00561 for 1725 Cook Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

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 1725 Cook Street. The proposal is to rezone from the CR-4 Zone, Upper Cook Commercial-Residential District, to a site-specific zone in order to permit a storefront cannabis retailer.

The following points were considered in assessing this application:

- the proposal is consistent with the Large Urban Village designation in the *Official Community Plan*, 2012
- the *Fernwood Neighbourhood Plan* recommended this portion of Cook Street be rezoned to the CR-3M Zone, Commercial Residential Apartment Modified District, which has similar uses to that of the current zone
- 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 CR-4 Zone, Upper Cook Commercial-Residential District. The following differences from the standard zone are being proposed and would be accommodated in a new site-specific 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 303m², which is in keeping with the size of the existing operation.

All other requirements within the CR-4 Zone, Upper Cook Commercial-Residential District, would remain the same.

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 in the Fernwood neighbourhood within North Park Village. The immediate area is characterized mainly by various commercial uses on the ground floor including medical offices, retail, and food services. Some buildings along Cook Street have residential on the upper storeys, and residential in the form of apartments and single family dwellings is also found in the immediate vicinity.

Existing Site Development and Development Potential

The site is presently a single-storey commercial development with surface parking fronting Cook Street. Under the current CR-4 Zone, Upper Cook Commercial-Residential District, the property could be developed for a variety of commercial uses, including mixed-use commercial-residential up to a height of four storeys 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 Fernwood 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	2018 (to date)
Calls to the immediate area	8	2	12	0
Calls to the block	51	41	47	4

ANALYSIS

Official Community Plan

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

Local Area Plans

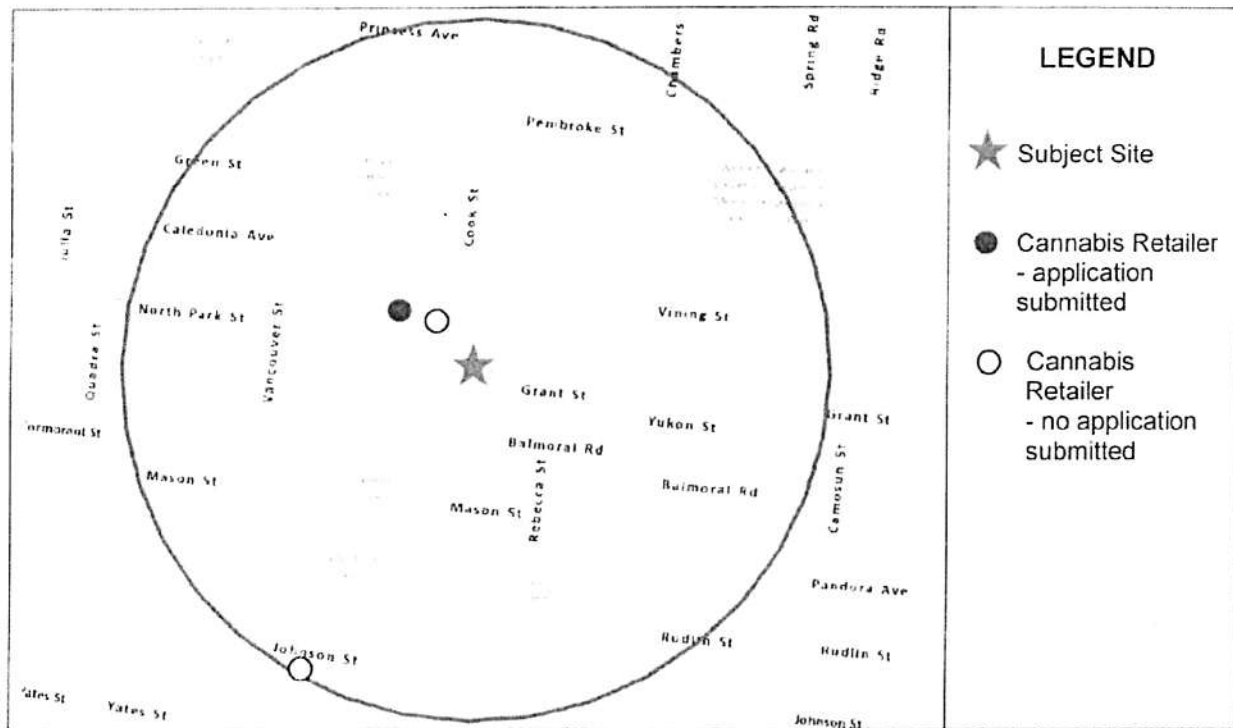
The *Fernwood Neighbourhood Plan* recommended this portion of Cook Street be rezoned to the CR-3M Zone, Commercial Residential Apartment Modified District, which has similar uses to that of the current zone. Although the subject property is not within the boundaries of the *North Park Neighbourhood Plan*, the plan does speak to small-scale commercial uses envisioned as part of the commercial village at Cook/Pandora.

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. The property at 1040 North Park is approximately 80m and has applied for a Temporary Use Permit.



Regulatory Considerations

City policy for Cook Street contemplates a wider road right-of-way in order to meet future transportation-related needs such as cycling infrastructure. When the road right-of-way is insufficient it is common that a Statutory Right-of-Way (SRW) be provided for projects for redevelopment including rezoning applications. In this case, the proposal relates to use only and there are no plans for new development. Therefore, in this instance foregoing the SRW requirement may be warranted.

CONCLUSIONS

This proposal to permit the storefront cannabis retailer use is consistent with the Large Urban Village designations in the *Official Community 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.

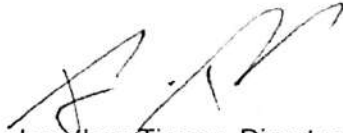
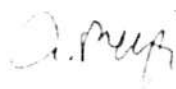
ALTERNATE MOTION

That Council decline Rezoning Application No. 00561 for the property located at 1725 Cook 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:

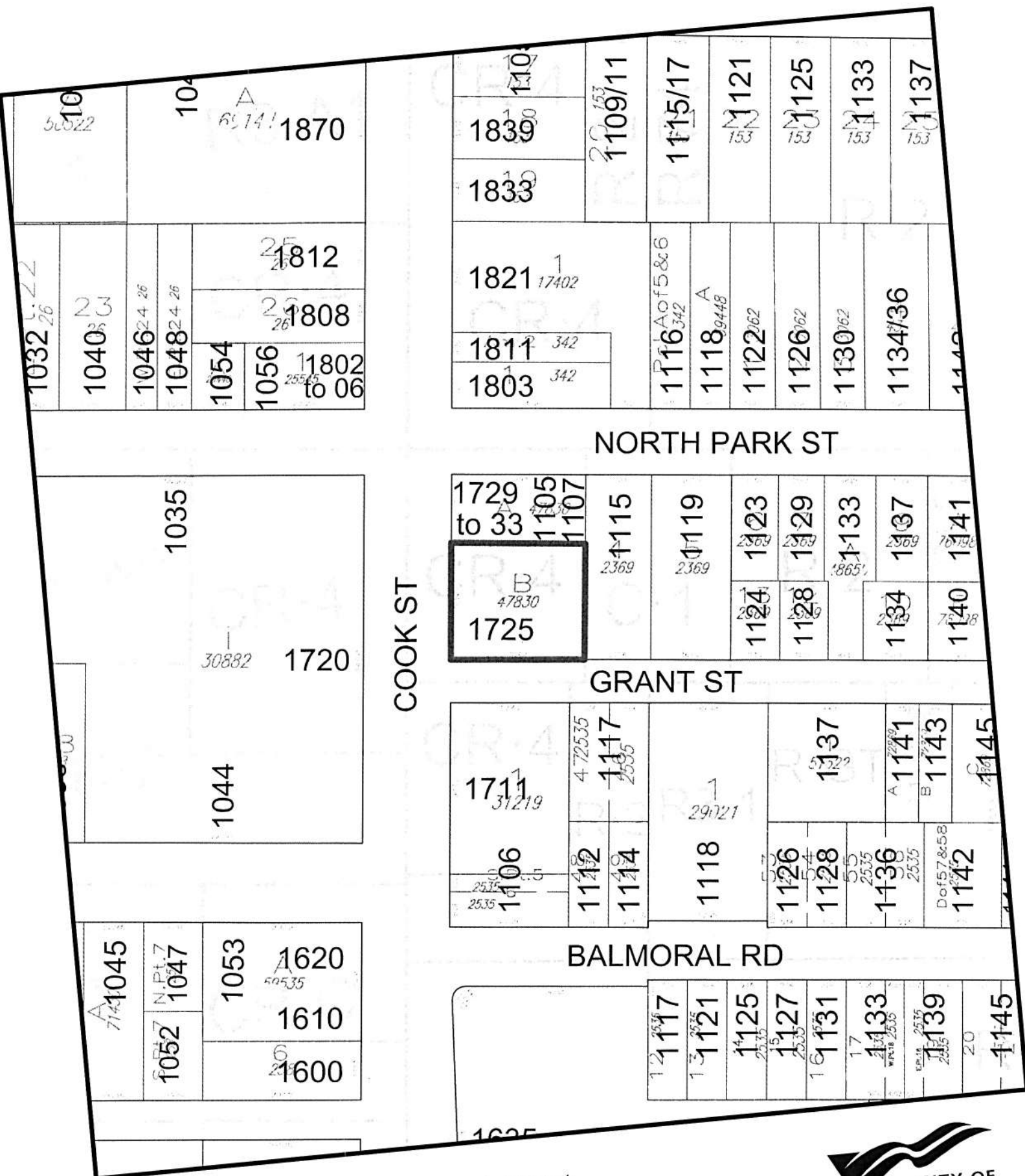
Feb 6, 2018

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped January 25, 2017
- Attachment D: Letter from applicant to Mayor and Council received November 4, 2016
- Attachment E: Letter from property owner regarding SRW
- Attachment F: Correspondence (letters from residents)

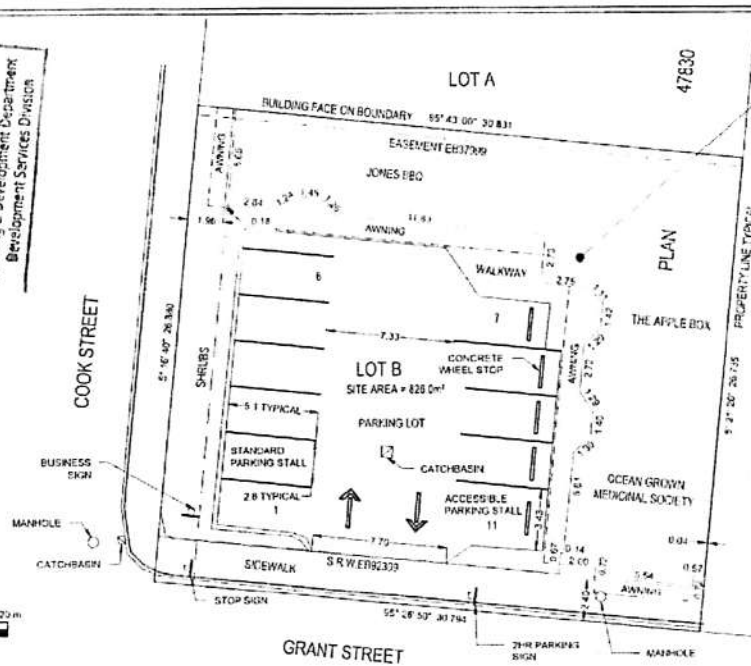


1725 Cook Street
Rezoning No.00561





Received
City of Victoria
JAN 25 2017
Planning & Development Department
Development Services Division



3 CLASS 2 BIKE PARKING
SPOTS UNDER COVERED
AREA
APPROXIMATE DIMENSIONS
2.5 X 2.5 METRES

LOT 4
PLAN 2369

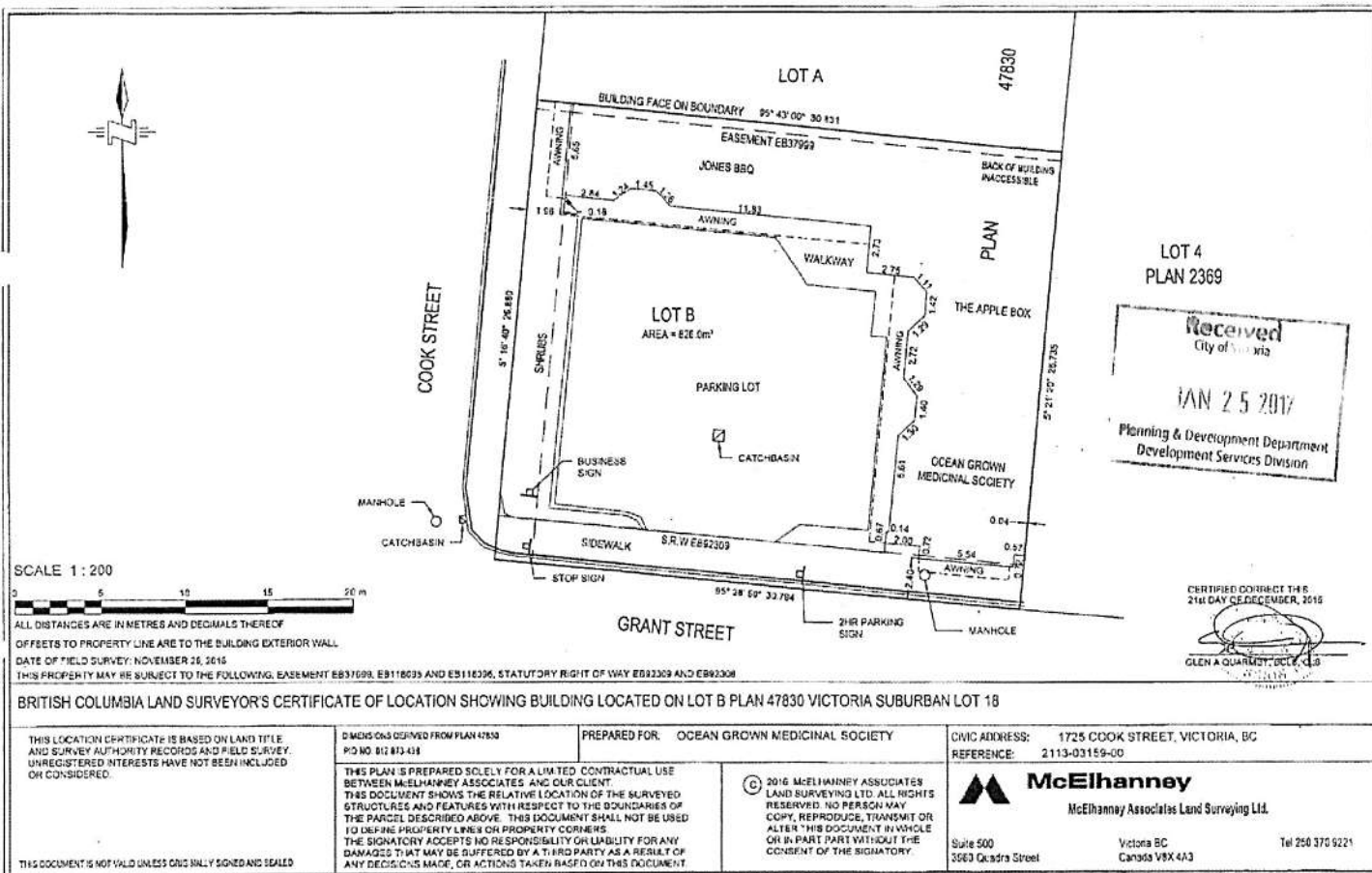
Received
City of Victoria
JAN 25 2017
Planning & Development Department
Development Services Division

SCALE 1:200
0 5 10 15 20 M
ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF

OCEAN GROWN MEDICINAL SOCIETY
#1-1725 COOK STREET
CONTACT
DIANA BRIDGE
EMAIL: oceangrownms@gmail.com
PHONE: 778-265-1009
JANUARY 06, 2017
REVISION 0

PROJECT INFORMATION TABLE	
ZONE (EXISTING)	CR-4
SITE AREA (m ²)	826
UNIT FLOOR AREA (m ²)	303
PARKING STALLS	
REQUIRED (303m ² /37.5m ²)	9
AVAILABLE	11
BICYCLE PARKING	
REQUIRED (303m ² /205m ²)	2
AVAILABLE (CLASS 2)	3

ATTACHMENT C





November 4, 2016

City of Victoria
Mayor and Council
1 Centennial Square
Victoria, BC V8W 1P6

**STOREFRONT CANNABIS RETAILER REZONING APPLICATION
LOT B, PLAN 47830, VICTORIA SUBURBAN LOT 18
1 - 1725 COOK STREET**

Please accept this letter as an application for the rezoning of the cannabis retail storefront Ocean Grown Medicinal Society (OGMS) located at 1-1725 Cook Street in Fernwood.

Description of Proposal:

OGMS is a proven addition to the neighbourhood and is currently operating within the guidelines outlined under the Sustainable Planning and Community Development department. OGMS conforms to the storefront cannabis retailer policy. The business is over 500 m from any schools and there are no known licenced retailers within 200 m of the storefront.

City Policy:

OGMS is the only cannabis retailer on the property. There are 11 off street parking stalls available, as well as a bike rack available. A large proportion of the member base, bike and use public transit to access OGMS, reducing the environmental impact to the entire community and improving individual wellness.

Project Benefit and Amenities:

There are currently over 3800 members of OGMS bringing economic benefits to the surrounding businesses. The members enjoy a sense of community through many of the sponsored events including: An annual Customer Appreciation BBQ, annual Christmas Dinner, and regular Food and Clothing Drives. Ocean Grown Medicinal Society participates in charitable drives for neighbourhood associations, and proceeds from the in house ATM are donated to the Dandelion Society of Victoria.

This fostering of community results in overall improved mental and physical health to the individual member, the Fernwood neighbourhood and the City as a whole.



Impacts:

Neighbouring businesses are consulted and included in member community events. The traffic to OGMS is regular within the hours of operation and complements the existing surrounding businesses.

Design and Development and Heritage:

The building is existing and does not have heritage status. No exterior improvements are proposed; therefore, design guidelines do not apply. The design and décor of OGMS, however, is modern, tasteful and has been praised by members online and in person.

Safety and Security:

OGMS has one main accessible public entry, and the facility is well lit with clean lines and a bright welcoming feel. The security devices and barriers within OGMS are best case and proven, including surveillance cameras, an alarm system and panic buttons. The neighbouring businesses have clear sightlines and a good rapport in order to work as a community to prevent inappropriate activities and enhance public safety.

Transportation:

As outlined above the vehicle and bicycle parking of OGMS meet the standards of Schedule C. The off-street parking surrounding the corner lot is also ample.

Thank you for accepting this application. We trust the information provided herein is sufficient to process the rezoning application. Should you have any questions or require further information, please contact us at the City's convenience.

Yours truly,

Ocean Grown Medicinal Society

Dianna Bridge
Director

Enclosures



January 22, 2018

City of Victoria
1 Centennial Square
Victoria, BC V8W 1P6

Re: Ocean Grown Rezoning Application and Statutory Right of Way request

Further to your request for the extension of the Statutory Right of Way on our property located at 1725 Cook Street, Victoria, BC V8T 3P4 to support the application for rezoning by Ocean Grown, we regret to inform you that we are not able to grant your request. As you know, we are developers, so when we apply for the rezoning for this property to a higher use and FSR, we will discuss this request with the City or the Ministry of Transportation at that time.

We look forward to the rezoning application going smoothly, moving forward.

Yours truly,

Travis Lee
President
Tri-Eagle Development Corporation
330 - 4392 West Saanich Road
Victoria, BC V8Z 3E9

September 22, 2016

Neighbour:
Ocean Grown Medicinal Society
1-1725 Cook Street
Victoria, BC V8T 3P4

To whom it may concern:

I, Chris Jones, owner and operator of Jones BBQ, hereby give consent to my neighbour, Ocean Grown Medicinal Society, to keep operating as they have no negative impact on my business.

Regards,

A handwritten signature in black ink, appearing to read 'Chris Jones', written over a faint dotted line.

Chris Jones
Jones BBQ
3-1725 Cook Street
Victoria BC V8T 3P4

September 26, 2016

Neighbour:
Ocean Grown Medicinal Society
1-1725 Cook Street
Victoria, BC V8T 3P4

To whom it may concern:

I, Alonzo Ross-Machado, manager of Mount Royal Bagel Factory, hereby give consent to my neighbour, Ocean Grown Medicinal Society, to keep operating as they have no negative impact on my business.

Regards,

A handwritten signature in dark ink, appearing to read 'Alonzo', followed by a long, sweeping horizontal line that extends to the right.

Alonzo Ross-Machado
Mount Royal Bagel Factory
#6 -1115 North Park Street
Victoria BC V8T 1C7

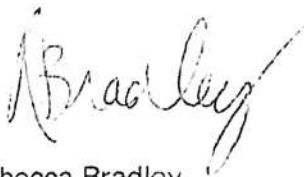
September 22, 2016

Neighbour:
Ocean Grown Medicinal Society
1-1725 Cook Street
Victoria, BC V8T 3P4

To whom it may concern:

I, Rebecca Bradley, manager of The Apple Box, hereby give consent to my neighbour, Ocean Grown Medicinal Society, to keep operating as they have no negative impact on my business.

Regards,

A handwritten signature in black ink, appearing to read 'R Bradley', with a stylized flourish at the end.

Rebecca Bradley
The Apple Box
2-1725 Cook Street
Victoria BC V8T 3P4

September 22, 2016

Neighbour:
Ocean Grown Medicinal Society
1-1725 Cook Street
Victoria, BC V8T 3P4

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Regards,

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Chris Jones
Jones BBQ
3-1725 Cook Street
Victoria BC V8T 3P4

September 26, 2016

Neighbour:
Ocean Grown Medicinal Society
1-1725 Cook Street
Victoria, BC V8T 3P4

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Alonzo Ross-Machado
Mount Royal Bagel Factory
#6 -1115 North Park Street
Victoria BC V8T 1C7

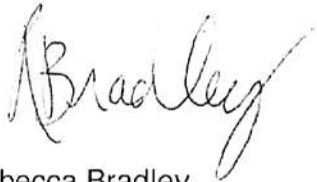
September 22, 2016

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1-1725 Cook Street
Victoria, BC V8T 3P4

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Rebecca Bradley
The Apple Box
2-1725 Cook Street
Victoria BC V8T 3P4

Rezoning Application for 1725 Cook Street

