

REPORTS OF COMMITTEES

1. Committee of the Whole – February 15, 2018

3. Temporary Use Permit Application No. 00010 for 1040 North Park Street (North Park)

Motion:

It was moved by Councillor Lucas, seconded by Councillor Young, that Council decline Temporary Use Permit Application No. 00010 for the property located at 1040 North Park Street.

Defeated

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

Motion:

It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council authorize the issuance of Temporary Use Permit Application No. 00010 for 1040 North Park Street in accordance with:

1. Revised plans, to the satisfaction of the Director of Planning, that show six parking stalls in the carport and move the loading stall to a new location that does not block the drive aisle.
2. Development meeting all *Zoning Regulation Bylaw* requirements.
3. The Temporary use Permit lapsing three years from the date of this resolution.
4. That the Temporary Use Permit be conditional upon notice being displayed indicating that the property is subject to a Temporary Use Permit expiring three years from the date of this resolution, to the satisfaction of Director of Planning.

Carried

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

5. LAND USE MATTERS

5.1 Temporary Use Permit Application No. 00010 for 1040 North Park Street (North Park)

Committee received a report dated February 1, 2018, from the Director of Sustainable Planning and Community Development regarding recommendations for the Temporary Use Permit for the property located at 1040 North Park Street to allow for the retail sale of cannabis.

Committee discussed:

- The timeline of the proposed VIHA facility being built in the area.

Motion: It was moved by Councillor Lucas, seconded by Councillor Young, that Council decline Temporary Use Permit Application No. 00010 for the property located at 1040 North Park Street.

Committee discussed:

- Village centres being appropriate locations for this retail.

CARRIED 18/COTW

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

Against: Councillors Alto, Isitt, and Loveday



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: Temporary Use Permit Application No. 00010 for 1040 North Park Street

RECOMMENDATION

That Council decline Temporary Use Permit Application No. 00010 for the property located at 1040 North Park Street.

LEGISLATIVE AUTHORITY

In accordance with section 493 of the Local Government Act, Council may issue a Temporary Use Permit. A Temporary Use Permit may allow a use not permitted by zoning, may specify conditions under which the temporary use may be carried on, and may allow and regulate construction of buildings and structures in respect of the use of which the permit is issued.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Temporary Use Permit application for the property located at 1040 North Park Street. The proposal would allow the use of storefront cannabis retailer within the CR-NP Zone, North Park Commercial Residential District, through a Temporary Use Permit.

The following points were considered in assessing this application:

- the proposal is inconsistent with the Urban Residential designation in the *Official Community Plan, 2012*
- the proposal is inconsistent with the *North Park Neighbourhood Plan*, which envisions artisan trades on this portion of North Park Street
- the proposal is consistent with the *Storefront Cannabis Retailer Rezoning Policy* as currently there are no permitted storefront cannabis retailers within 400m and no schools within 200m of the subject property.

BACKGROUND

Description of Proposal

This Temporary Use Permit application is to allow for the retail sale of cannabis in an existing

building. The following differences from the CR-NP Zone, North Park Commercial Residential District, are being proposed and would be accommodated in the permit:

- 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 138m², which is in keeping with the size of the existing operation.

All other requirements within the CR-NP Zone, North Park Commercial Residential 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 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 North Park neighbourhood to the west of North Park Village. The immediate area is characterized mostly by residential uses; however, the north side of North Park Street has a number of commercial buildings and businesses.

Existing Site Development and Development Potential

The site is presently a two-storey commercial building with an accessory building in the rear yard. Under the current CR-NP Zone, North Park Commercial-Residential District, the property could be developed at a density of 1.5 to 1 Floor Space Ratio (FSR) and a height of 12m for a variety of commercial uses including commercial-residential.

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 constructing a new building; however, the application was referred to the North Park CALUC. A letter from the CALUC is attached to this report. 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	5	2	7	0
Calls to the block	114	92	147	15

ANALYSIS

Official Community Plan

The *Official Community Plan, 2012* (OCP) identifies this property within the Urban Residential urban place designation, within which commercial is only envisioned as part of mixed-use developments on arterial and secondary arterial roads. The subject property is neither a mixed-use development, nor is it located along an arterial or secondary arterial road.

Local Area Plans

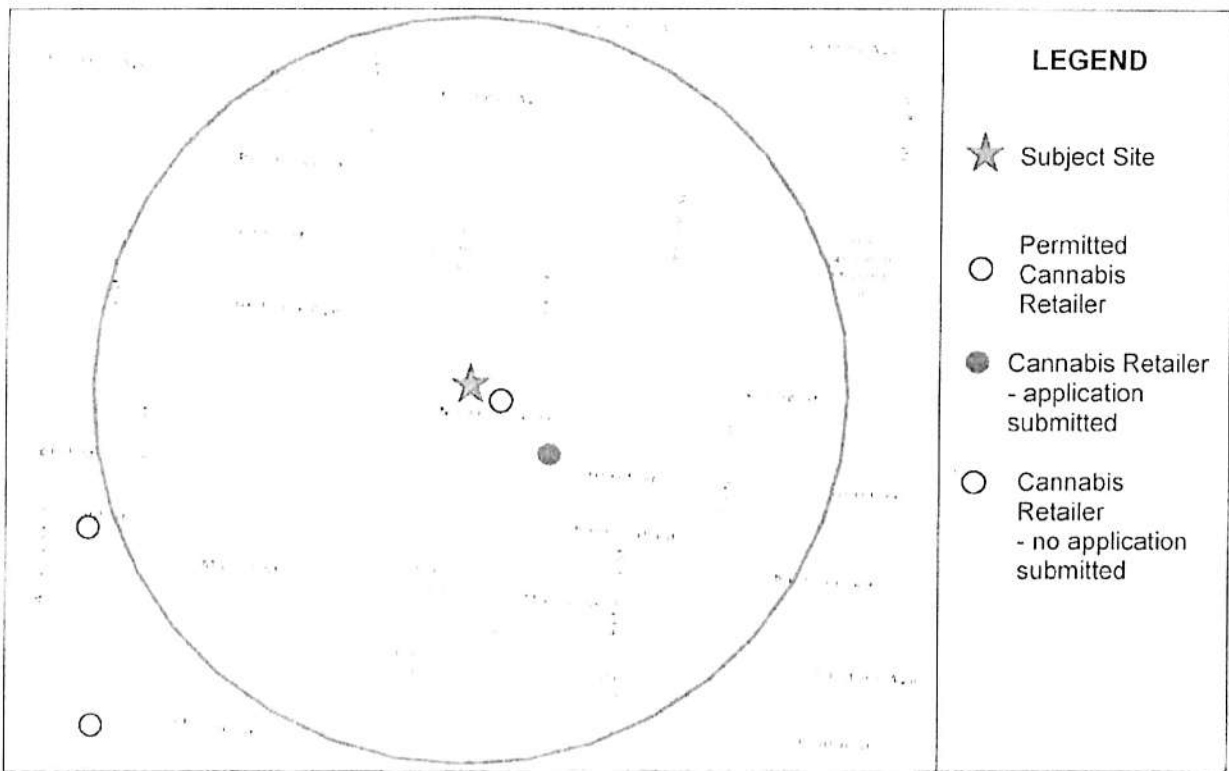
The *North Park Neighbourhood Plan* identifies the property within the "Artisan Trades with Mixed Uses and/or Residential" designation. A new zone, the CR-NP Zone, North Park Commercial Residential District, was created to encompass the uses envisioned in the plan, which includes retail sales.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this application.

Storefront Cannabis Retailer Rezoning Policy

The subject property 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. The application is currently consistent with the *Storefront Cannabis Retailer Rezoning Policy* as there are no permitted storefront cannabis retailers within 400m and there are no schools within 200m. The application at 1725 Cook Street is 80m away and was submitted three months after the application at 1040 North Park.



Regulatory Considerations

The plans as submitted require two minor revisions. The first is to show six parking stalls instead of the five stalls shown in order to match the Building Permit plans. The second is moving the loading stall so that it is not within the drive aisle that accesses the rear carport stalls. These revisions are minor and can be completed by the applicant prior to Public Hearing should this application move forward. The alternate motion addresses these revisions.

CONCLUSIONS

The proposal to permit the storefront cannabis retailer use is inconsistent with the Urban Residential designation in the *Official Community Plan*, which permits commercial only within mixed-used developments along arterial and secondary arterial roads. At this time there are no indications this designation will change; therefore, Staff recommend that Council consider declining this Temporary Use Permit application.

ALTERNATE MOTION

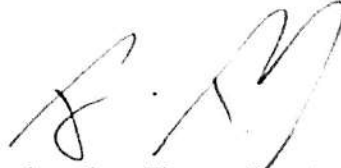
"That Council authorize the issuance of Temporary Use Permit Application No. 00010 for 1040 North Park Street in accordance with:

1. Revised plans, to the satisfaction of the Director of Planning, that show six parking stalls in the carport and move the loading stall to a new location that does not block the drive aisle.
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4. That the Temporary Use Permit be conditional upon notice being displayed indicating that the property is subject to a Temporary Use Permit expiring three years from the date of this resolution, to the satisfaction of Director of Planning."

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:

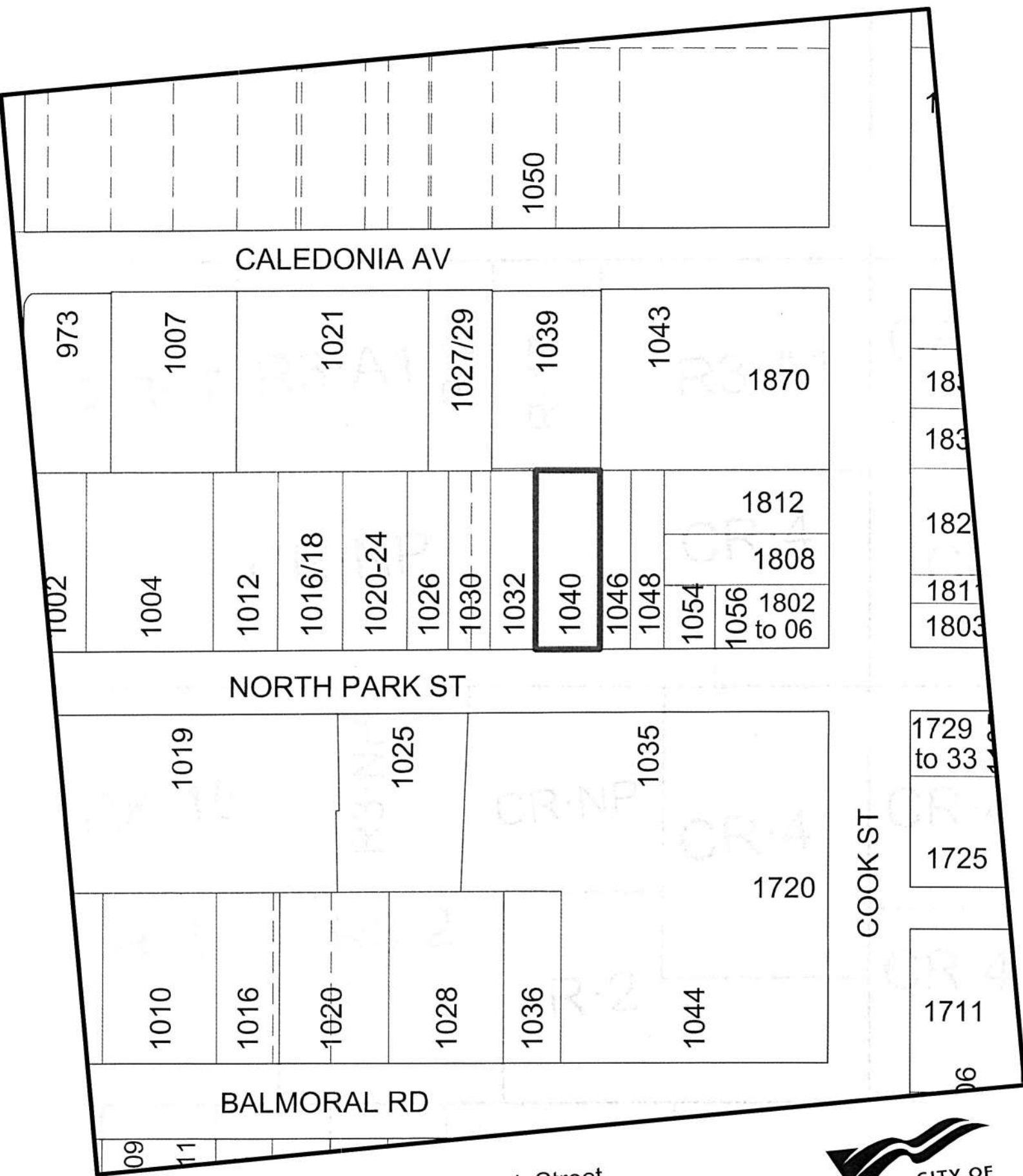
Feb 6, 2018

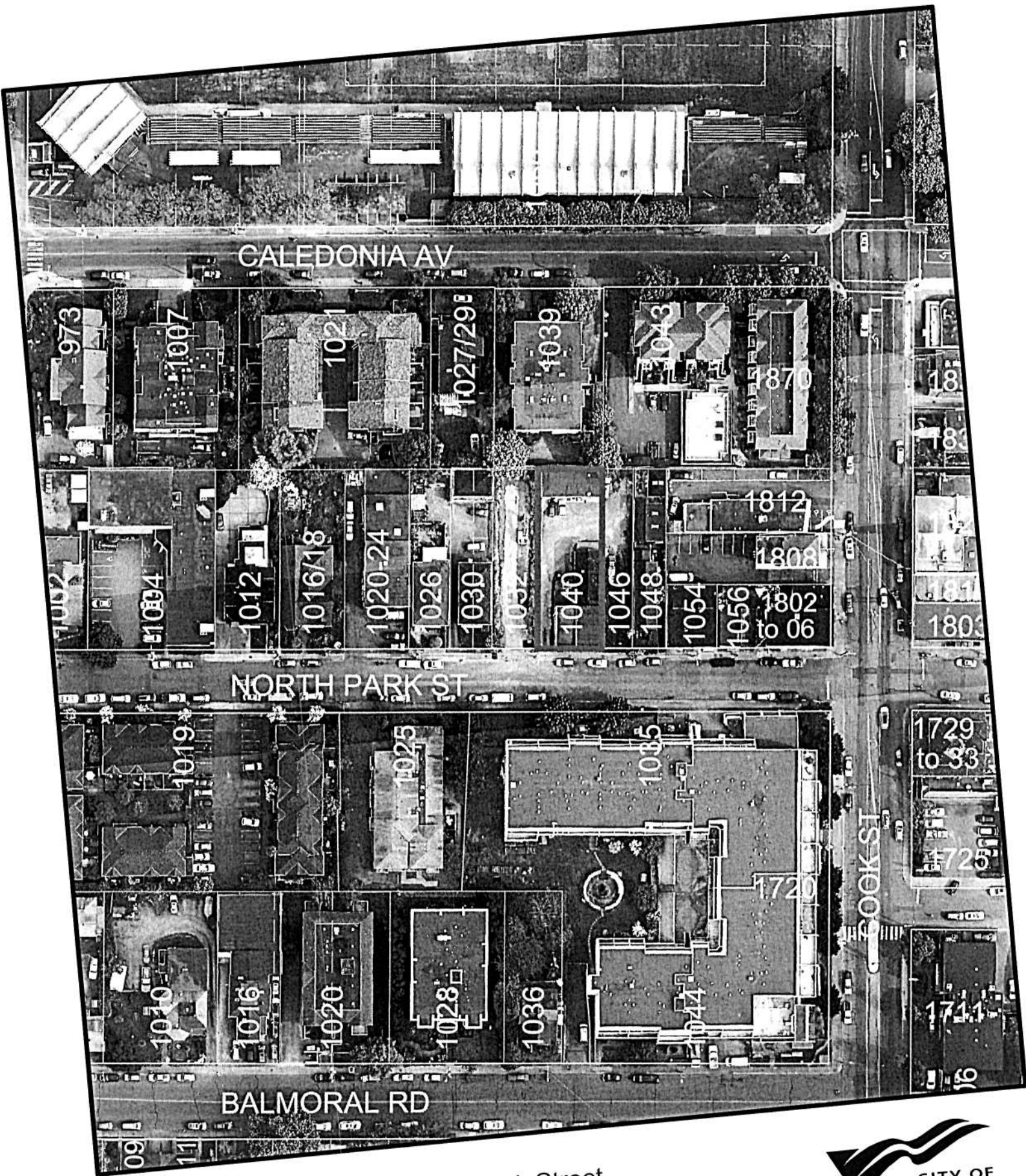
List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped November 23, 2017
- Attachment D: Letter from applicant to Mayor and Council dated September 21, 2017
- Attachment E: Letter from North Park Neighbourhood Association Land Use Committee dated December 10, 2017.



1040 North Park Street
Rezoning No.000532



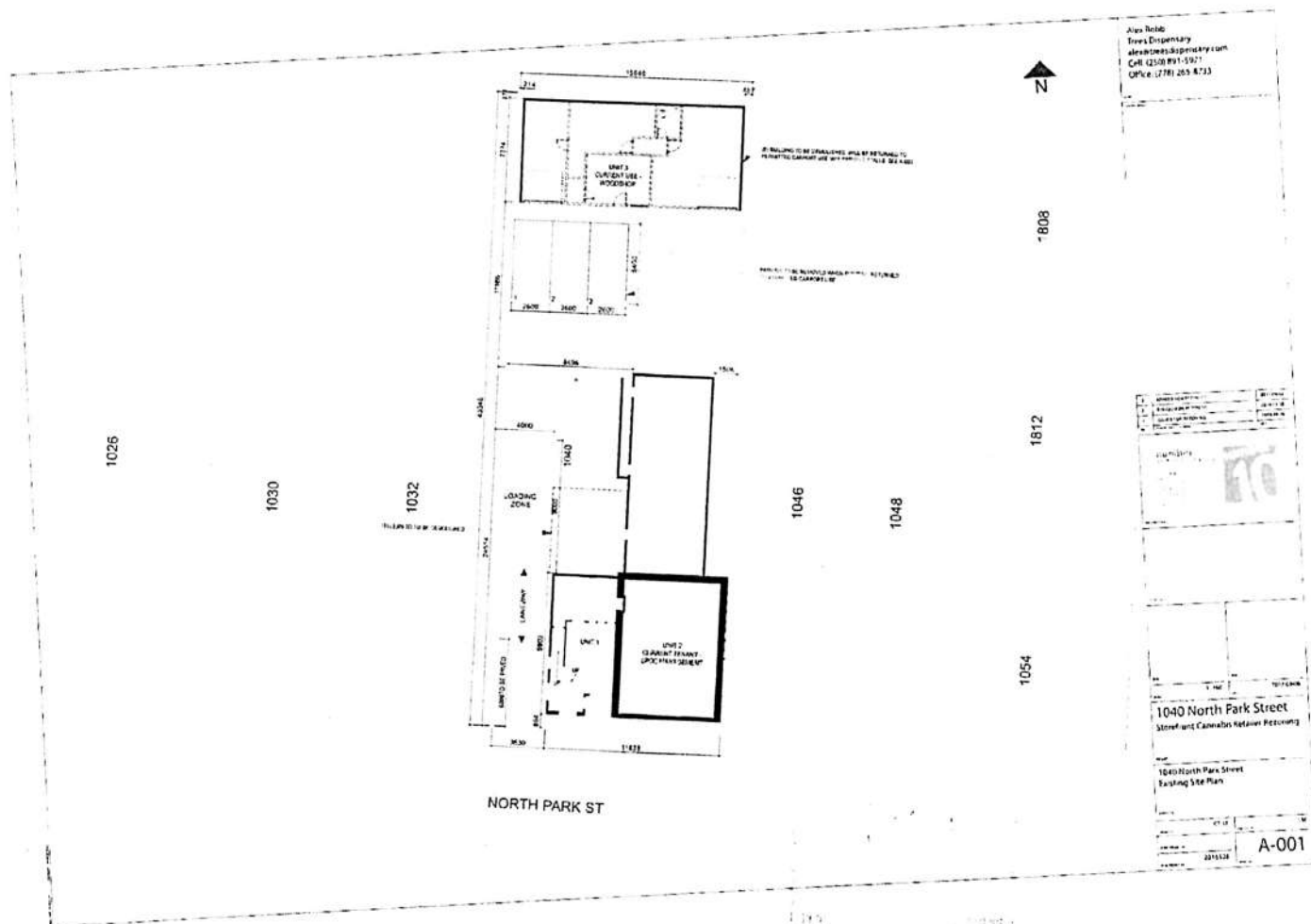


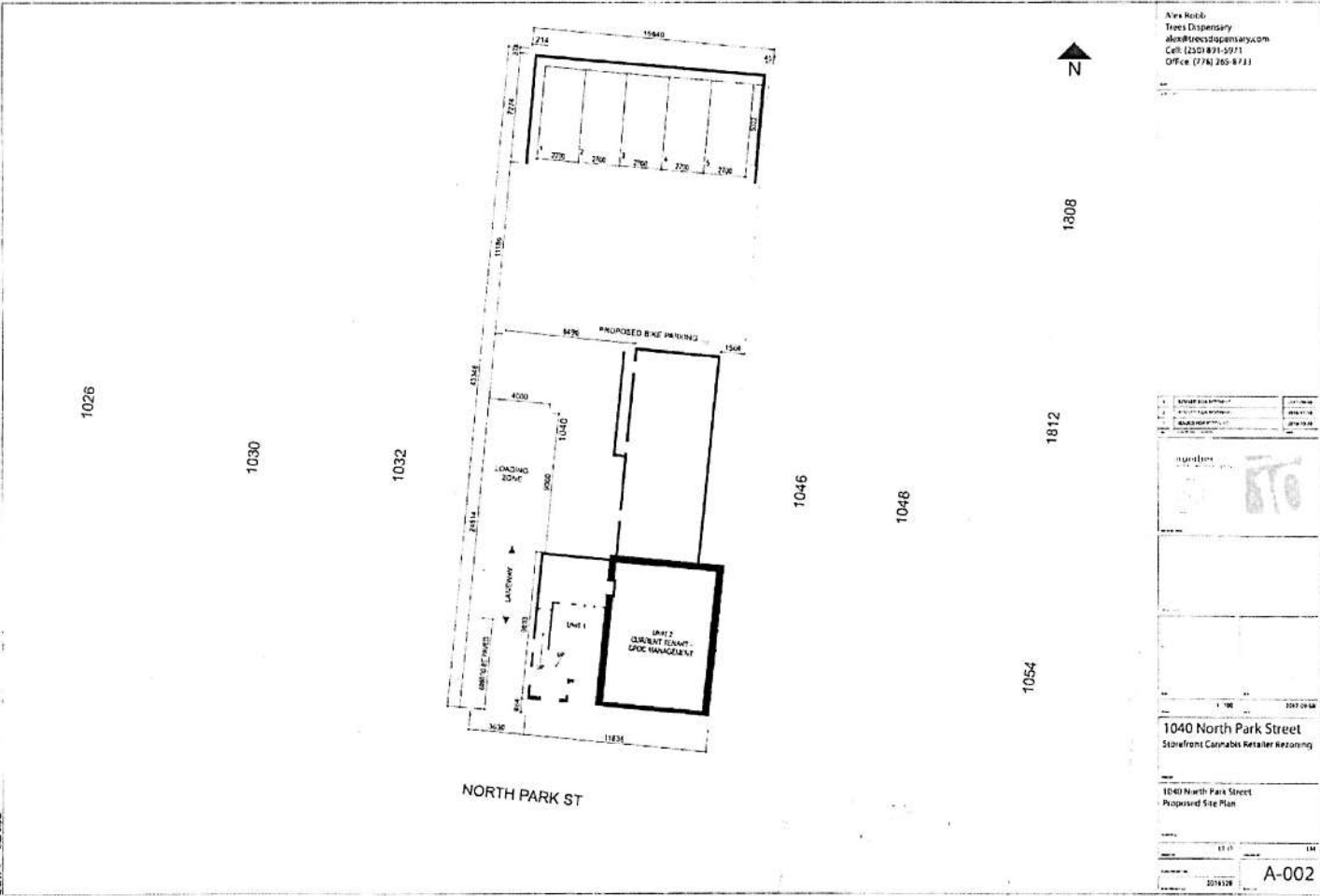
1040 North Park Street
Rezoning No.000532



TREES, 1040 NORTH PARK STREET

ATTACHMENT C





Area: 1040
Trees: 1040
Trees: 1040
Cell: (250) 891-5971
Office: (770) 265-8711

1	1040 North Park Street	1040 North Park Street
2	1040 North Park Street	1040 North Park Street
3	1040 North Park Street	1040 North Park Street
4	1040 North Park Street	1040 North Park Street
5	1040 North Park Street	1040 North Park Street
6	1040 North Park Street	1040 North Park Street
7	1040 North Park Street	1040 North Park Street
8	1040 North Park Street	1040 North Park Street
9	1040 North Park Street	1040 North Park Street
10	1040 North Park Street	1040 North Park Street

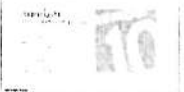
1040 North Park Street
Storefront Conables Retailer Resizing

1040 North Park Street
Proposed Site Plan

1040 North Park Street
Proposed Site Plan

Alex Arda
 Alex Dispensary
 alexdispensary.com
 Cell: (508) 831-5071
 Office: (770) 265-8733

1. PROJECT NO.	2019-003
2. PROJECT NAME	1040 North Park Street
3. CLIENT	Storefront Cannabis Retailer
4. DATE	08/11/18
5. SCALE	1/8" = 1'-0"



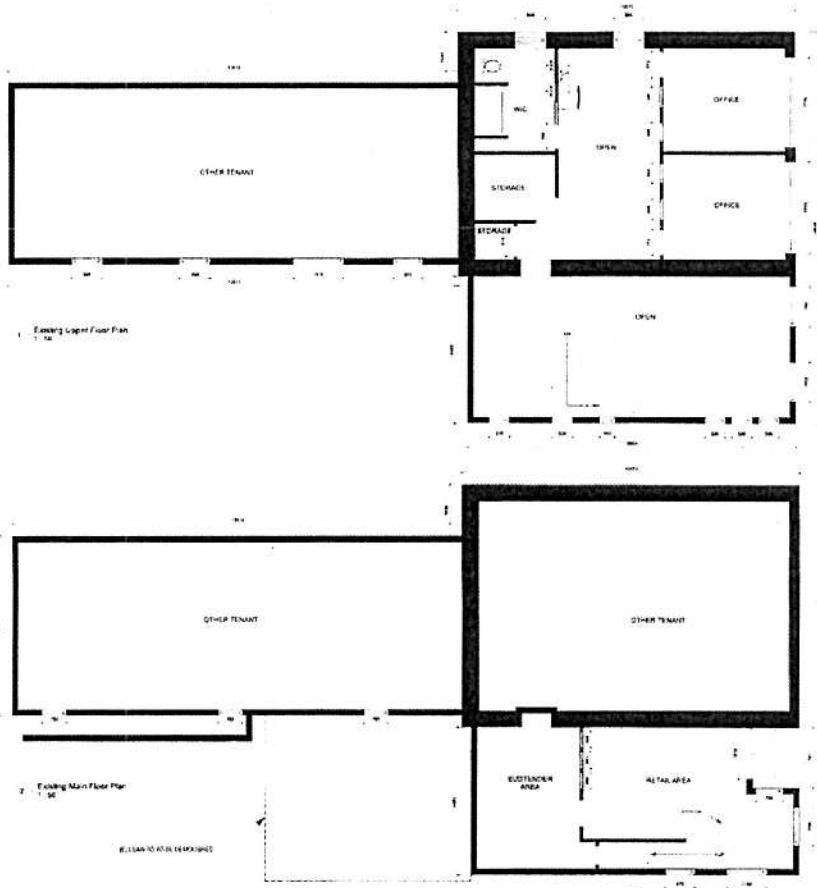
1. PROJECT NO.	2019-003
2. PROJECT NAME	1040 North Park Street
3. CLIENT	Storefront Cannabis Retailer
4. DATE	08/11/18
5. SCALE	1/8" = 1'-0"

1040 North Park Street
 Storefront Cannabis Retailer Rezoning

1040 North Park Street
 Existing Floor Plans

1. PROJECT NO.	2019-003
2. PROJECT NAME	1040 North Park Street
3. CLIENT	Storefront Cannabis Retailer
4. DATE	08/11/18
5. SCALE	1/8" = 1'-0"

A-003



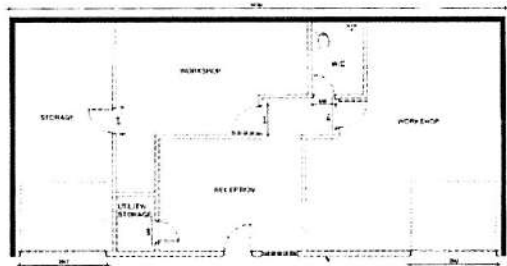
Existing Upper Floor Plan
 1/8" = 1'-0"

Existing Main Floor Plan
 1/8" = 1'-0"

ALL SPACES TO BE REMOVED



Alex Robb
Tree Dispensary
alex@treeand-spensary.com
Cell: (503) 891-5973
Office: (770) 265-8733



1 Existing Building
1:50



2 Proposed Carport
1:50

1	EXISTING BUILDING	1:50
2	PROPOSED CARPORT	1:50
3	PROPOSED CARPORT	1:50
4	PROPOSED CARPORT	1:50



1	EXISTING BUILDING	1:50
2	PROPOSED CARPORT	1:50
3	PROPOSED CARPORT	1:50
4	PROPOSED CARPORT	1:50

1040 North Park Street
Storefront Canopies Retainer Reconfig

1040 North Park Street
Existing Building Plan &
Proposed Carport Plan

DATE	07/17/2018
BY	ALR
CHECKED BY	ALR
DATE	07/17/2018

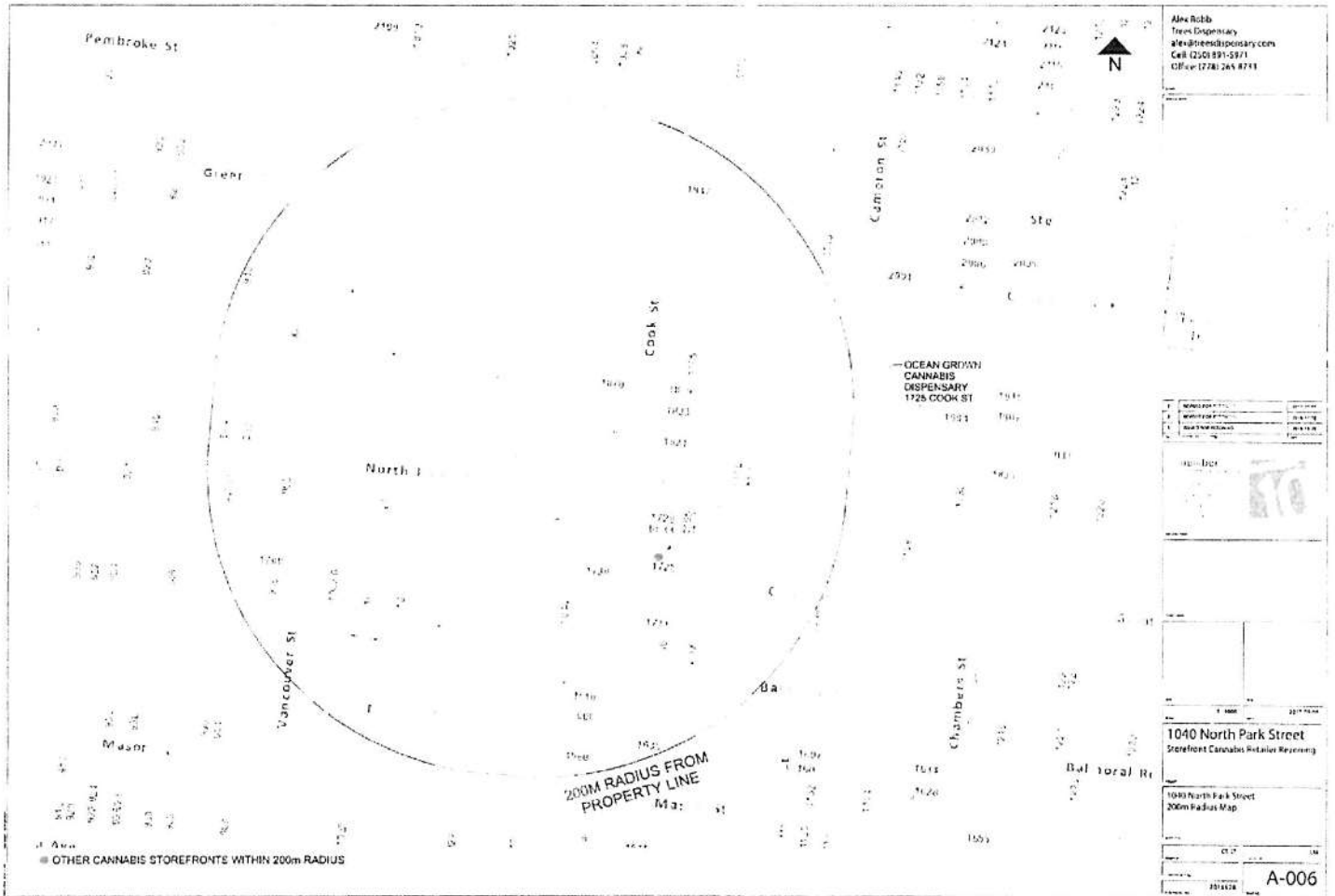
A-004

Year	Population (millions)	Population (millions)
1990	1.1	1.1
2000	1.2	1.2
2010	1.3	1.3



1040 North Park Street
Exterior Photos

A-005





To: Mayor Lisa Helps and Members of the Victoria City Council

From: Alex Robb, General Manager, Trees Dispensary

Date: September 21, 2017

Subject: Application for a Temporary Use Permit for 1040 North Park St. for Cannabis Retail

Dear Mayor and Councillors,

This letter seeks to revise our application to rezone 1040 North Park Street so it is instead an application for a temporary use permit (TUP) to continue our cannabis retail business at this address for another three years.

Description of Revisions to Proposal

This first section will explain the rationale for changing the application from a rezoning application to a temporary use permit (TUP), and address the issues of the illegal construction, undertaken by a previous landlord, that were raised following the first application review for rezoning for cannabis for this address.

The main objection the city staff raised regarding this application is that the Official Community Plan seeks to zone this lot for urban residential use. However, this categorization is different from the historical use of the lot. The existing building has served as commercial premises for many decades, and the building is clearly designed for commercial retail use and office space.



As you can see from the picture of the building, the ground floor of the building is not suited for residential use. There has been a small retail shop located at this address for a very long time, and this will continue to be the most suitable use for the building until it is torn down and redeveloped. The current landlord is interested in development in the future, but they do not have the resources or time to undertake that project now.

Instead of applying for an amendment to the Official Community Plan to address this issue, the most sensible for us is to apply for a Temporary Use Permit rather than a permanent rezoning for cannabis which would trigger compliance with the OCP. This way we can continue to operate our business while we look for another location in the area to serve our existing member base, and the landlord can maintain a reliable commercial tenant until such time as they re-develops the property for residential use.

The other reason why we would prefer to apply for a TUP at this time is because this is in line with the North Park neighbourhood's expressed desire. Myself and other staff and members of Trees Dispensary attended the June 7 Special Meeting of the North Park Neighbourhood Association on "Cannabis Storefronts – Where? How many?" and heard the residents at that meeting express a desire for temporary use permits rather than rezoning for cannabis storefronts in this neighbourhood at this time. They proposed the alternative of the TUP for two main reasons: 1) to give market forces time to thin the concentration of cannabis retailers in the area if they no longer become viable businesses because neighbouring municipalities outside Victoria begin allowing cannabis storefronts and so decrease the demand in the area; and 2) to wait for the development of a more comprehensive North Park Neighbourhood Plan prior to permanently zoning any location for cannabis retail.

As the temporary use permit is the stated preference of the neighbourhood association, we would like to comply with this plan, and revisit the issue of rezoning at the end of our three-year TUP for cannabis retail.

Finally, I will address the issues of unlawful construction and occupancy at the rear of the building that has been brought to light by this rezoning application. A previous landlord constructed the unlawful structures at the rear of the building. They walled in the carport at the back to create a secondary commercial unit, and they built the lean-to at the rear of the building to provide shelter for an area used for deliveries. This was all work done prior to our tenancy, and I believe our current landlord bought the property without knowing of the violations.

When our rezoning application for cannabis brought the property to the attention of the city planning staff, the current landlord worked with the city and signed a Clean Hands Covenant to commit to address these issues when the lease for the tenant in the secondary building expires. The rear building is currently occupied by the business "Chantecler Artisans", a handcraft woodworker, and another man who builds guitars. Their work does not use machines or cause any disturbance to the neighbourhood, and they use the building mainly for storage as they conduct their work off-site.

The landlord has agreed that once their lease expires and the building is vacated, the building will not be rented again, and will be converted to a carport. This conversion will provide for adequate parking for the entire front building. At that time, the lean-to at the rear of the building will also be demolished, and the driveway to the new carport and parking spots will be paved, as requested in the application review summary.

This should address all issues raised by city staff. These are issues that relate to the landlord and another tenant, and the landlord and the city, respectively, and their occurrence is not dependent on our application for rezoning for cannabis. These issues are covered by the Clean Hands Covenant between the landlord and the City, and so even if our application is refused, these plans will move forward based on the commitments laid out in that document.

Description of Proposal

Ashley and Shannon Topfer, the founders of what became Trees Dispensary, operated a medical cannabis storefront on North Park Street since February 2013. The storefront began as BC Botanicals and underwent several changes of business name and personnel over 2013-14, while the core business remained the same. In December of 2014 the storefront was re-branded as "Trees Dispensary" and its operation found stability under the Trees Dispensary management team.

This was the first dispensary in the neighbourhood, the fifth in the City of Victoria, and has proudly served the local community by providing affordable cannabis products, and educating about the use of cannabis as a medicine. From that location we have organized food drives, and held monthly charity drives that have raised thousands of dollars for charities like the Mustard Seed Food Bank, the SPCA, the United Way, and the Single Parent Resource Centre.

The location's clientele are primarily local residents of the surrounding neighbourhood who come to the storefront on foot. More than any of the other storefronts we manage, the North Park storefront is frequented by low-income people, often seniors on a fixed income. Many of the people who qualify for Trees Dispensary's subsidy program make North Park their regular storefront. We allocate a budget of over \$3000 per month to provide up to \$200 of free cannabis products per month to people in the neighbourhood who suffer from terminal illness but are unable to afford all the cannabis they need for their self-treatment.

City Policy

This rezoning application conforms to the City's Cannabis Storefront Rezoning Policy in every way. It is not within 200 meters of any community centres or schools. No public nuisance is created by its operation. The location of the medical cannabis storefront in this area has contributed to neighbourhood revitalization and made the streets safer by putting more "eyes on the street" and increasing foot traffic.

There are two other dispensaries within 200 meters. Oceans Grown is located on the other side of Cook Street. Like our storefront, their members live in the immediate community on the other side of Cook and have come to rely upon that dispensary in that location. We believe this particular community is well-served by two dispensaries within the same 200 meter radius, on either side of Cook Street. One reason for this is that the traffic on Cook Street often makes crossing at the intersection of North Park difficult, and this is especially

the case for the residents of the senior's residence across the street from our location on North Park on the East side of Cook Street.

The other dispensary located within 200m is the CleanLeaf, located at 1056 North Park. This storefront is located in the building that had historically been a Trees Dispensary. It only began operations after our landlord evicted us in order to set up his own cannabis retail storefront. To my knowledge, this storefront has not submitted a rezoning application, and has not been in compliance with the City's business bylaw for cannabis retail.

Project Benefits and Amenities

The economic, environmental, and social benefits of this project are numerous. The regulation of this business sector in Victoria is likely to stimulate the local economy, making Victoria a hub of this emerging regulated and taxed business activity in the city and so help transition this industry, (that was previously taking place in an informal, unregulated and untaxed manner), toward a better regulated marketplace. The cannabis industry on Vancouver Island contributes significantly to the economy and offers quality, high paying employment for Victoria's young population many of whom are highly educated, especially in the field of alternative healthcare.

Trees Dispensary has sought to promote education about cannabis as a medicine, adjunct therapy for terminal illness, and harm reduction tool by offering educational workshops in our own facility and at other venues across town: including the Our Place Housing Society and the headquarters of PEERS (the Prostitutes Empowerment and Education Resource Society) in Victoria West. We have invited AIDS Vancouver Island connected nurses to give workshops to our staff on the administration of Naloxone, and we have Naloxone kits on site at each store and are able to intervene quickly to administer it in the event of someone overdosing on opioids in the vicinity.

Neighbourhood

The proposed development contributes significantly to neighbourhood vibrancy by the business sponsoring and promoting arts and culture events in the neighbourhood, and providing space and funding for harm reduction and community health initiatives. The increased employment in the area has also attracted employees who wish to live close to where they work, and so has assisted with rising tenancy rates in the area. We have excellent relations with neighbouring business in the area, and we intend on supporting local business by using the artisans working out of another building on the same lot at 1040 North Park for the design and construction of the dispensary at that location (New Vintage Renovations).

Impacts

This location being rezoned has already seen improvement to the quality of life and amenities available to neighbourhood denizens. We are proud to have good relations with all our neighbours and have regularly attended North Park community events and contributed to discussion around community revitalization at the North Park community walking tour workshop put on by the City of Victoria in summer of 2015.

Design and development permit guidelines

The current site of 1040 North Park Street has a CR-NP zoning ,which allows for the use of the premises as retail sales and under the zoning requirements requires 1 Loading stall which is provided. There is an additional 4 parking stalls on site for off-street parking.

Safety and security

Trees Dispensary's presence in the area has contributed to the safety and security of the neighbourhood, and a decrease in petty crime in the immediate area. The increased foot traffic in the area as a result of Trees Dispensary has made the streets more populated and safer, our staff have kept the area surrounding our business well maintained, clean, and free of litter and other refuse. Our 24-hour high definition camera system can be used to provide information on crimes that may happen in the neighbourhood after hours. We are able to offer up to four weeks of film footage of everything that happens on the streets outside our storefronts, decreasing graffiti and crime in the area. In June 2016 a neighbour who had their car vandalized one night was able to use Trees Dispensary's video footage to provide video evidence to the police.

Transportation

Street parking is provided in the rear by four parking spots in the carport, we will also be installing a new bicycle rack at the back of the site as most of our staff bicycle to work.

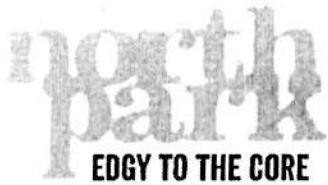
Heritage

This property does not have heritage status and no heritage buildings are effected by this application.

Thank you for your consideration and for your efforts to bring about regulation to this business sector in Victoria. I look forward to further developing the Trees business in Victoria and finding other ways to contribute to this vibrant community.

Sincerely,

Alex Robb
General Manager, Trees Dispensary
250 891 5971 - alex@treesdispensary.com



December 10, 2017

Dear Mayor and Council,

RE: Cannabis Temporary Use Permit Application for 1040 North Park

We understand that there is a temporary use permit application for cannabis retail at 1040 North Park.

We would urge Council to reject this application out of consideration for a VIHA residential project which is planned for 1046 North Park. The VIHA project will serve a vulnerable mental health population and a buffer from this type of use would be wise.

Regards,

Pam Hartling
Chair, NPNA Land Use Committee

Temporary Use Permit
Application
for
1040 North Park Street





 CITY OF
VICTORIA



