

## **REPORTS OF COMMITTEES**

### **4. Committee of the Whole – October 26, 2017**

#### **4. Rezoning Application No. 00540 for 608 Esquimalt Road (Victoria West)**

##### **Motion:**

It was moved by Councillor Lucas, 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. 00540 for 608 Esquimalt Road, 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 2.03m on Esquimalt Road.

**Carried**

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

#### **4.4 Rezoning Application No. 00540 for 608 Esquimalt Road (Victoria West)**

Committee received a report dated October 12, 2017, from the Director of Sustainable Planning and Community Development providing information and recommendations regarding the proposal to rezone the property located at 608 Esquimalt Road to a site-specific zone in order to permit the use of a storefront cannabis retailer.

**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. 00540 for 608 Esquimalt Road, 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 2.03m on Esquimalt Road.

Committee discussed:

- The proposal being supportable as it is outside the downtown core.

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

CARRIED 17/COTW



## Committee of the Whole Report

For the Meeting of October 26, 2017

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**To:** Committee of the Whole **Date:** October 12, 2017

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

**Subject:** Rezoning Application No. 00540 for 608 Esquimalt Road

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### RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00540 for 608 Esquimalt Road, 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 2.03m on Esquimalt Road.

### 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 608 Esquimalt Road. The proposal is to rezone from the M-2 Zone, Light Industrial District, to a site-specific zone in order to permit the use of a storefront cannabis retailer.

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 inconsistent with the William Street Industrial Estate designation in the *Victoria West Plan*; however, the proposal is consistent with the General Employment designation in the draft *Vic West 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
- there is a parking shortfall of one stall; however, the property is on an arterial road with frequent transit service, the E&N Rail Trail is approximately 25m away, and the applicant has installed a five-stall bicycle rack on the property.

## **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 M-2 Zone, Light Industrial District. 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 the ground floor
- storefront cannabis retailer would require one parking stall per 52m<sup>2</sup> of floor area
- storefront cannabis retailer would be restricted to a maximum floor area of 104m<sup>2</sup>, which is in keeping with the size of the existing operation

All other requirements within the M-2 Zone, Light Industrial District, would 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.

### **Accessibility Impact Statement**

The British Columbia Building Code regulates accessibility as it pertains to buildings.

### **Land Use Context**

The area is characterized by one to four-storey buildings with uses that include light industrial, commercial and residential.

### **Existing Site Development and Development Potential**

The site is presently a one-storey building that houses an automotive repair shop and the storefront cannabis retailer. Under the current M-2 Zone, Light Industrial District, the property could be developed for a variety of industrial and commercial uses, up to a maximum height of 15 metres and a density of 3.0 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 Victoria West Community Association 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 (July 24)
Calls to the immediate area	3	4	5
Calls to the block	92	69	44

## ANALYSIS

### Official Community Plan

The *Official Community Plan 2012* (OCP) identifies this property within the General Employment urban place designation, within which commercial uses, including retail, are envisioned.

### Local Area Plans

The *Victoria West Plan*, 1986, identifies the property within the William Street Industrial Estate area, within which the industrial uses are envisioned to remain to ensure a balanced economy.

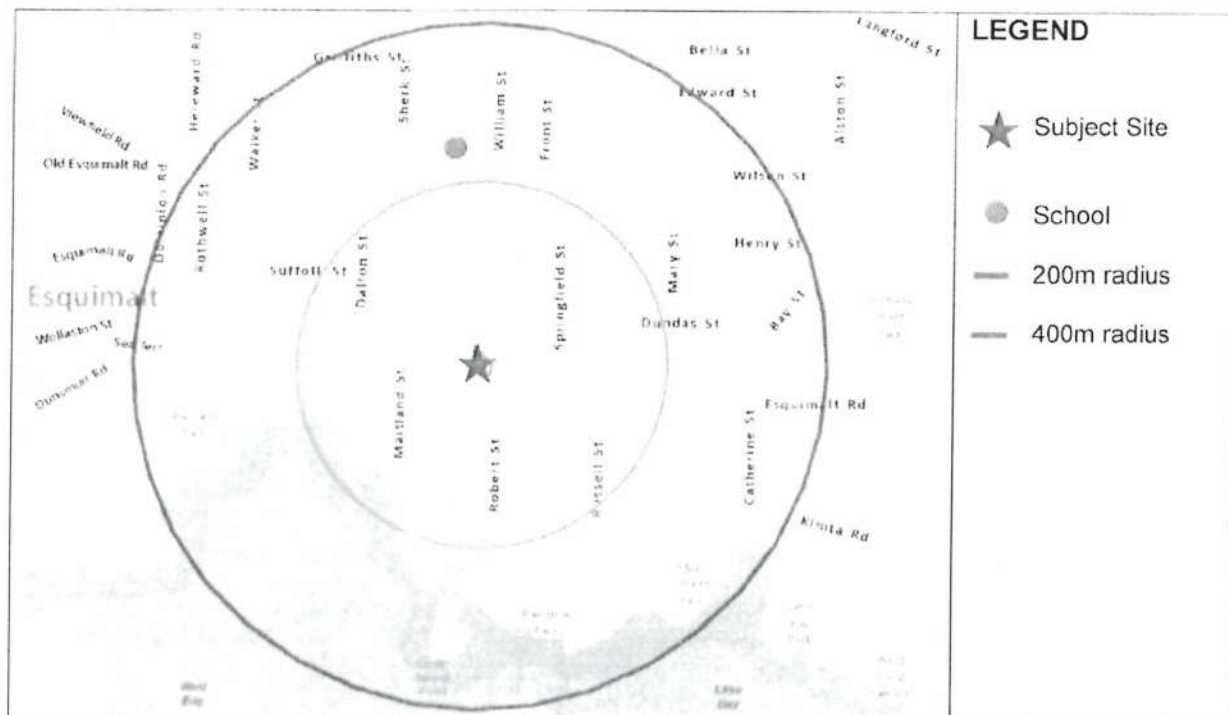
The draft *Victoria West Neighbourhood Plan* identifies the property in the General Employment designation, within which retail uses are supported on the ground floor along arterial roads. Esquimalt Road is classified as an arterial road.

### Tree Preservation Bylaw and Urban Forest Master Plan

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

### 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 are within 200m and no permitted storefront cannabis retailers are within 400m of the property. The property is 212m from the Victoria West Elementary School playing fields.



## Regulatory Considerations

Due to the change of use to retail there is a parking deficiency of one stall. Currently there are four stalls on-site and five stalls are required as per Schedule 'C'. Therefore, the site-specific zone will reduce the parking requirements for storefront cannabis retailer from one stall per 37.5m<sup>2</sup> of floor space to one stall per 52m<sup>2</sup> of floor space. To offset the deficiency, the applicant has installed a 5-stall bicycle rack on the property. The property is also located on an arterial road with frequent transit service and is approximately 25m from the E&N Rail Trail.

## CONCLUSIONS

This proposal to permit the storefront cannabis retailer use is consistent with the *Official Community Plan* in accommodating ground floor retail. While the proposal is inconsistent with the current *Victoria West Plan*, the proposal is consistent with the draft *Victoria West Neighbourhood Plan*. The proposal does not have any schools within 200m or permitted storefront cannabis retailers within 400m of the property. The parking shortfall is minimal and is offset by frequent bus service, the E&N Rail Trail, and a bicycle rack provided on-site. Staff recommend Council consider supporting this application.

## ALTERNATE MOTION

That Council decline Rezoning Application No. 00540 for the property located at 608 Esquimalt Road.

Respectfully submitted,




Michael Angrove  
Planner  
Development Services



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

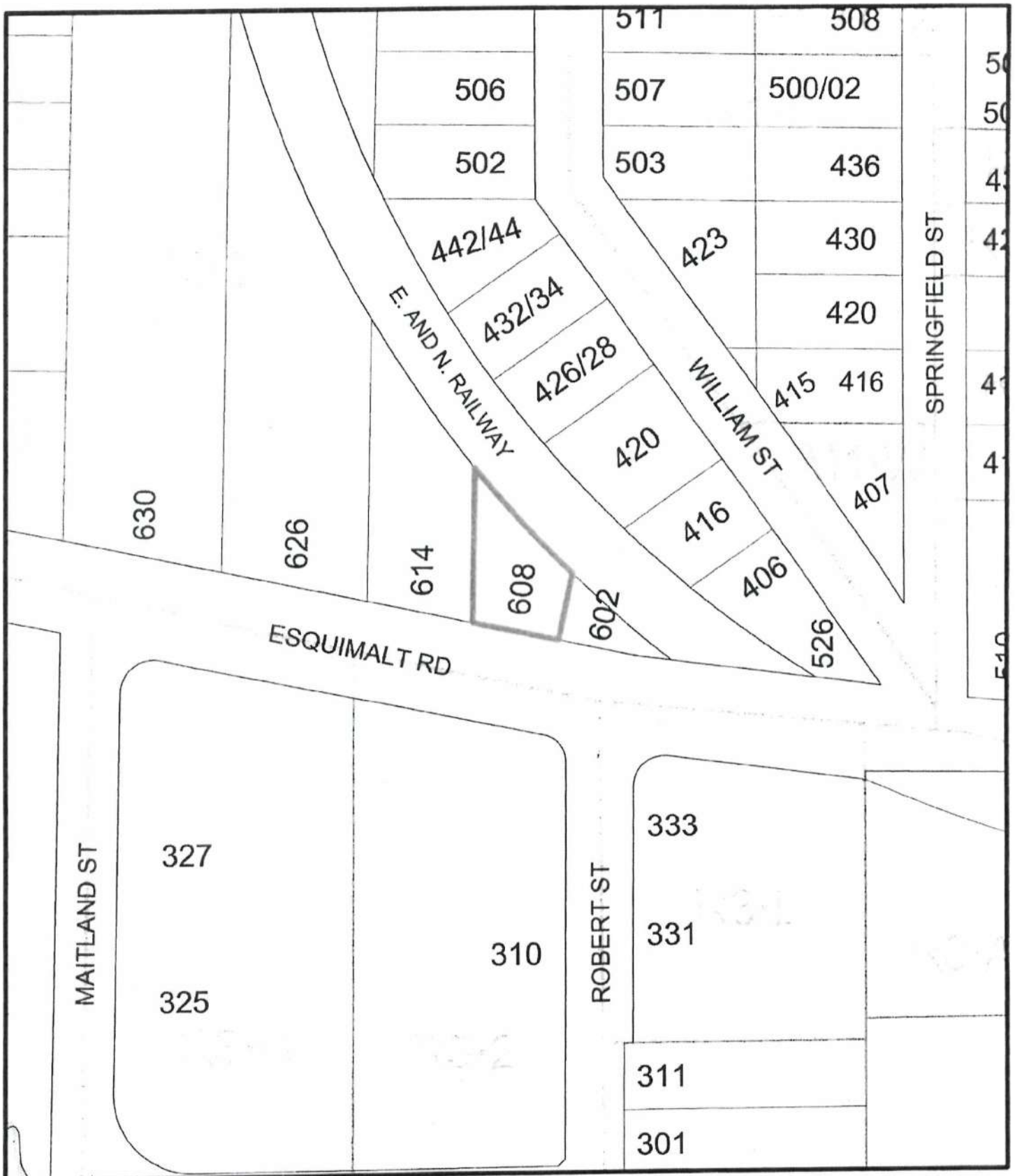
Report accepted and recommended by the City Manager:

Date:

  
Oct. 17, 2017

### List of Attachments:

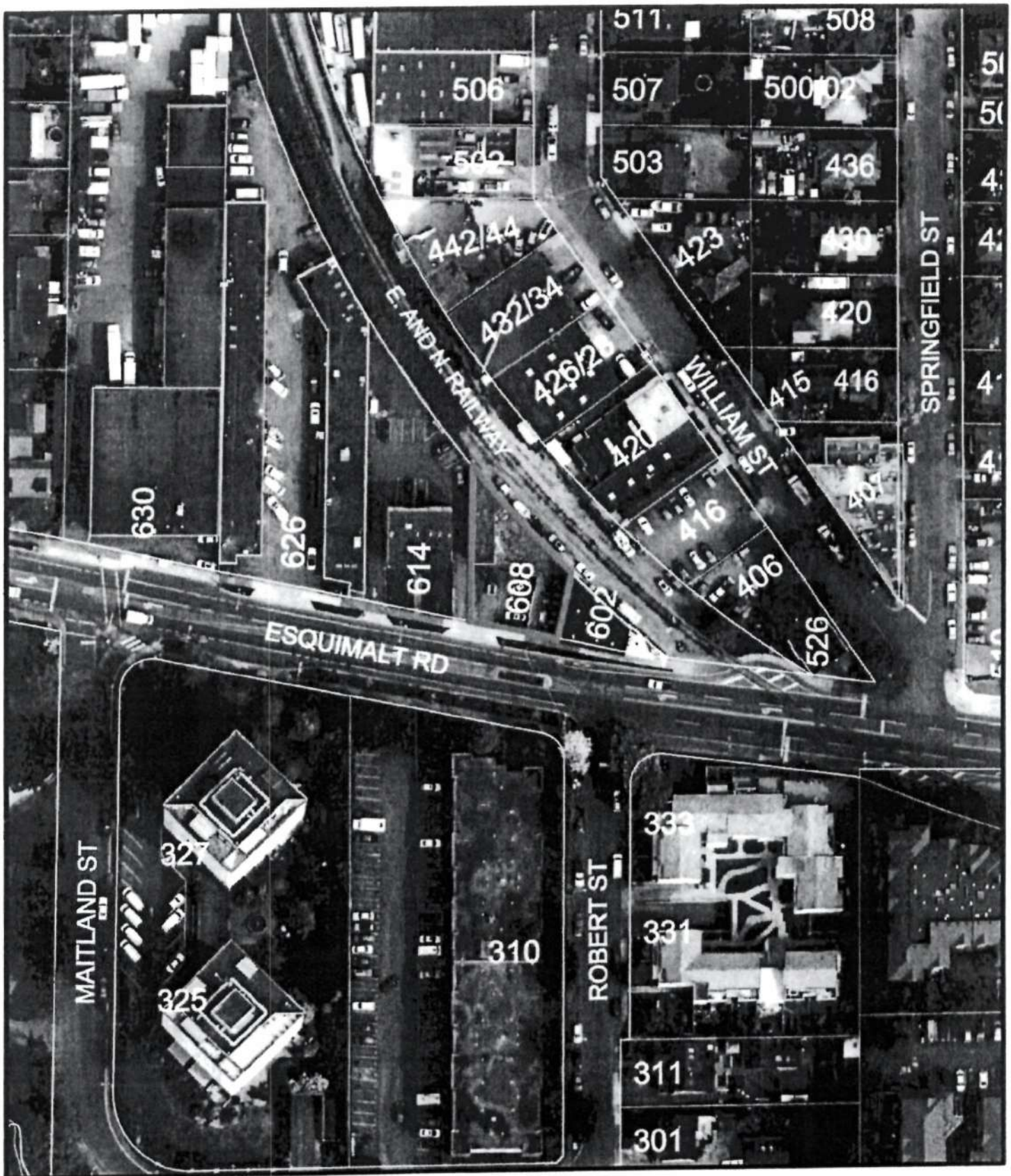
- Appendix A – Subject Map
- Appendix B – Aerial Map
- Appendix C – Plans date stamped September 18, 2017
- Appendix D – Letter from applicant to Mayor and Council dated September 27, 2017



608 Esquimalt Road  
Rezoning No.00540







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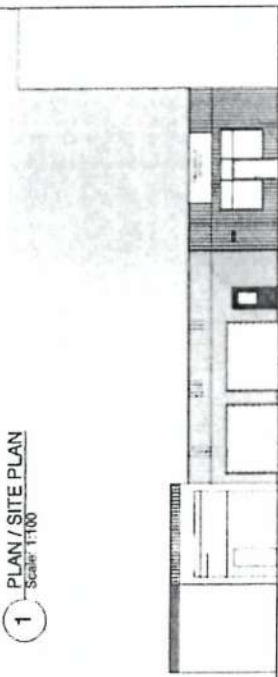
3 LOCATION PLAN  
Scale: 1:500



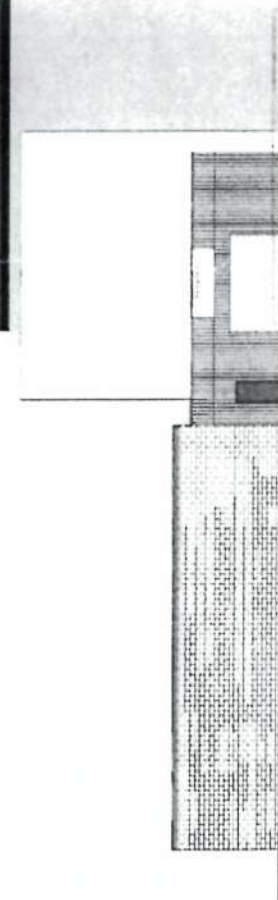
4 EXISTING STREET FRONT



1 PLAN / SITE PLAN  
Scale: 1:100



2 FRONT ELEVATION  
Scale: 1:100



5 WEST ELEVATION  
Scale: 1:100

SITE PLAN / PLAN ELEVATIONS	
A-1	

**PINEAPPLE EXPRESS**  
608 ESQUIMALT ROAD  
VICTORIA, BC

City of Victoria

SEP 18 2017

Planning & Development Department  
Development Services Branch

A Letter to Mayor and Council

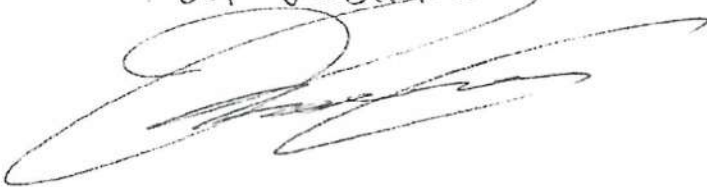
September 27th, 2017

The Pineapple Express Cannabis Dispensary opened its doors on November 27th, 2015. Right from the very beginning, our focus has been to provide clean, safe, local medicinal cannabis products to our patients, at very affordable prices. Pineapple Express is located at 608 Esquimalt Road, in Victoria West. Setting up shop in Vic West has been a very positive experience for everyone involved, and we have gained tremendous support from the community in which we are established. Victoria West, bordering Esquimalt is a very different environment from the downtown Victoria area, where most of the other cannabis retailers are located. Many of our patients are of a lower income bracket, and that is why one of our main focuses has been to make sure to provide a wide variety of products from which everyone can receive a benefit, especially those less fortunate. We have brought specific attention to the CBD products and medicinal oils, keeping the cost very low to provide relief from inflammation, seizures and mood disorders, and THC products to provide relief from Pain and sleeping disorders. The team of Pineapple Express has grown, along with our customer base, and we now have 12 employees. We believe strongly in equal opportunity for employment and hiring locally and so have an equal team of 6 men and 6 women ranging from the ages of 24 to nearly 40, all of whom live in the Victoria area. Supporting the local community is just as important to us as well, and so we have developed positive relationships with many of the businesses in our neighbourhood, and help them advertise with business cards and our "Community Bulletin Board". We are a progressive employer with a starting wage of \$15 per hour after an initial 90 day probationary period. Health is also very important to our family, and so we provide medical and dental benefits for all of our employees. We have also been fortunate enough to add a few employees who have studied Cannabis at the post-secondary level to our team. Pineapple Express has worked with local testing companies to ensure the products we sell are safe, and of a high quality, and we are in the process of establishing a system where all of our products are tested for community safety, educational information and to increase awareness. In addition to rezoning, we are also seeking a parking variance for Pineapple Express. The dispensary shares a parking lot with the automotive shop, and though it has taken time to learn the flow of traffic, we both believe the available space is suitable for the area. We have 4 of the 5 required parking spaces for both businesses, however that does not include all of the parking inside the auto shop. Our store faces a main arterial road and we are very near multiple bus routes from every direction. A large percentage of our customer base is walking traffic, and we also have a bike rack for all of the customers that cycle to the shop via Esquimalt road and the many bike paths in the area, principally the Galloping Goose. The automotive shop now has access to off site lot parking for its salable cars, rendering their spots vacant throughout most of the day and making all of our spaces available for temporary customer parking. I have dealt with the city directly on this matter, and as there seems to be no safety concerns, or logistical issues, we hope that you will approve our Variance. My Partner Aaron and I, wanted to establish this company as a couple young entrepreneurs seeking to represent dispensaries in a positive light, knowing that we could build a business that helps the community, provides quality products, and can be affordable in



an area of lower means. From the moment that the city council started enforcing regulations, we have been proactive with full compliance. We have done everything that has been requested of us immediately i.e. the changing of our operating hours, removal of our sandwich board, removal of our logo from the signage and much more. We are an incorporated and tax paying company that is up to date on all GST and corporate taxes. We also have absolutely no criminal connections and no history of criminal activity and wanted to establish everything so as to move in a direction of legalization because we believe dispensaries are the way of the future for Canada, and we also believe that they should be represented in a beautiful manner. We love the community, the employees, the patients and this country and are proud to be here at the beginning of a beautiful change for Canada.

Pat Warren

A handwritten signature in black ink, appearing to read 'Pat Warren', with a large, stylized flourish extending from the bottom of the name.



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# Rezoning Application for 608 Esquimalt Road

