

I.1.b Report from the May 24, 2018 COTW Meeting

I.1.b.f 230 Cook Street – Rezoning Application No. 00645 (Fairfield)

Moved By Councillor Loveday

Seconded By Councillor Isitt

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00645 for 230 Cook Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing be set.

FOR (8): Mayor Helps, Councillor Alto, Councillor Coleman, Councillor Isitt, Councillor Loveday, Councillor Lucas, Councillor Madoff, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

CARRIED (8 to 1)

E.3 230 Cook Street - Rezoning Application No. 00645 (Fairfield)

Committee received a report dated May 10, 2018 from the Director of Sustainable Planning and Community Development regarding the proposal to rezone the property located at 230 Cook Street by amending the existing zone to include the use of storefront cannabis retailer.

Moved By Councillor Isitt

Seconded By Councillor Loveday

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00645 for 230 Cook Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing be set.

FOR (8): Mayor Helps, Councillor Alto, Councillor Coleman, Councillor Isitt, Councillor Loveday, Councillor Lucas, Councillor Madoff, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

CARRIED (8 to 1)

Committee recessed at 10:01 a.m. and returned at 10:04 a.m.



Committee of the Whole Report

For the Meeting of May 24, 2018

To: Committee of the Whole **Date:** May 10, 2018

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

Subject: Rezoning Application No. 00645 for 230 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. 00645 for 230 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 230 Cook Street. The proposal is to rezone the property by amending the existing CR-3M-1 Zone, Commercial Residential Apartment (Cook Street Village) District to include the use of 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 proposal is consistent with the District Centre designation in the *Suburban Neighbourhoods* policy
- the proposal is consistent with the Large Urban Village designation in the draft *Fairfield 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 rezone the property by amending the CR-3M-1 Zone, Commercial Residential Apartment (Cook Street Village) District to include the use of storefront cannabis retailer.

The following changes are being proposed and would be accommodated in the amended 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 limited to a total floor area of 77m², which is in keeping with the size of the proposal.

All other requirements within the CR-3M-1 Zone, Commercial Residential Apartment (Cook Street Village) 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 commercial and mixed-use buildings along Cook Street and multi-unit residential, attached dwellings and single-family dwellings in the surrounding neighbourhood.

Existing Site Development and Development Potential

The site is presently a one-storey commercial building with a restaurant, pharmacy, and medical office operating.

Under the current CR-3M-1 Zone, the property could be developed as a three-storey commercial-residential building with ground floor commercial uses and residential units above. The current zone also permits the use of a liquor retail store; however, provincial regulations would prevent a liquor store from opening on the subject site due to it being within one kilometre of the liquor retail store at 304 Cook Street.

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 Fairfield Gonzales CALUC. Also consistent with the Policy, the application has been referred to School District No. 61 and the Victoria Police Department (VicPD); as of writing this report, calls for service numbers from VicPD had not been provided.

ANALYSIS

Official Community Plan

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

Local Area Plans

The *Cook Street Village Guidelines* do not address the types of uses envisioned for this property beyond identifying Cook Street Village as having commercial character; however, the existing *Suburban Neighbourhoods* policy identifies the property within the District Centre designation, within which attractive shop fronts are encouraged along Cook Street. In addition, the draft *Fairfield Neighbourhood Plan* identifies the property within the Large Urban Village designation, within which commercial uses on the ground floor are envisioned.

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 with this application.

Storefront Cannabis Retailer Rezoning Policy

The application is for a proposed storefront cannabis retailer. The location is consistent with the *Storefront Cannabis Retailer Rezoning Policy* as there are no schools within 200m and no permitted storefront cannabis retailers within 400m of the property.



CONCLUSIONS

This proposal to permit the storefront cannabis retailer use is consistent with the Large Urban Village designation in the OCP and the draft *Fairfield Neighbourhood Plan*. The proposal does not have any schools within 200m or permitted storefront cannabis retailers within 400m of the property. Staff therefore recommend Council consider supporting this application.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00645 for the property located at 230 Cook Street.

Respectfully submitted,

M. Angrove

Michael Angrove
Planner
Development Services

A. Noye

Jonathan Tinney

Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Barbara Jenkins

Date: May 17, 2018

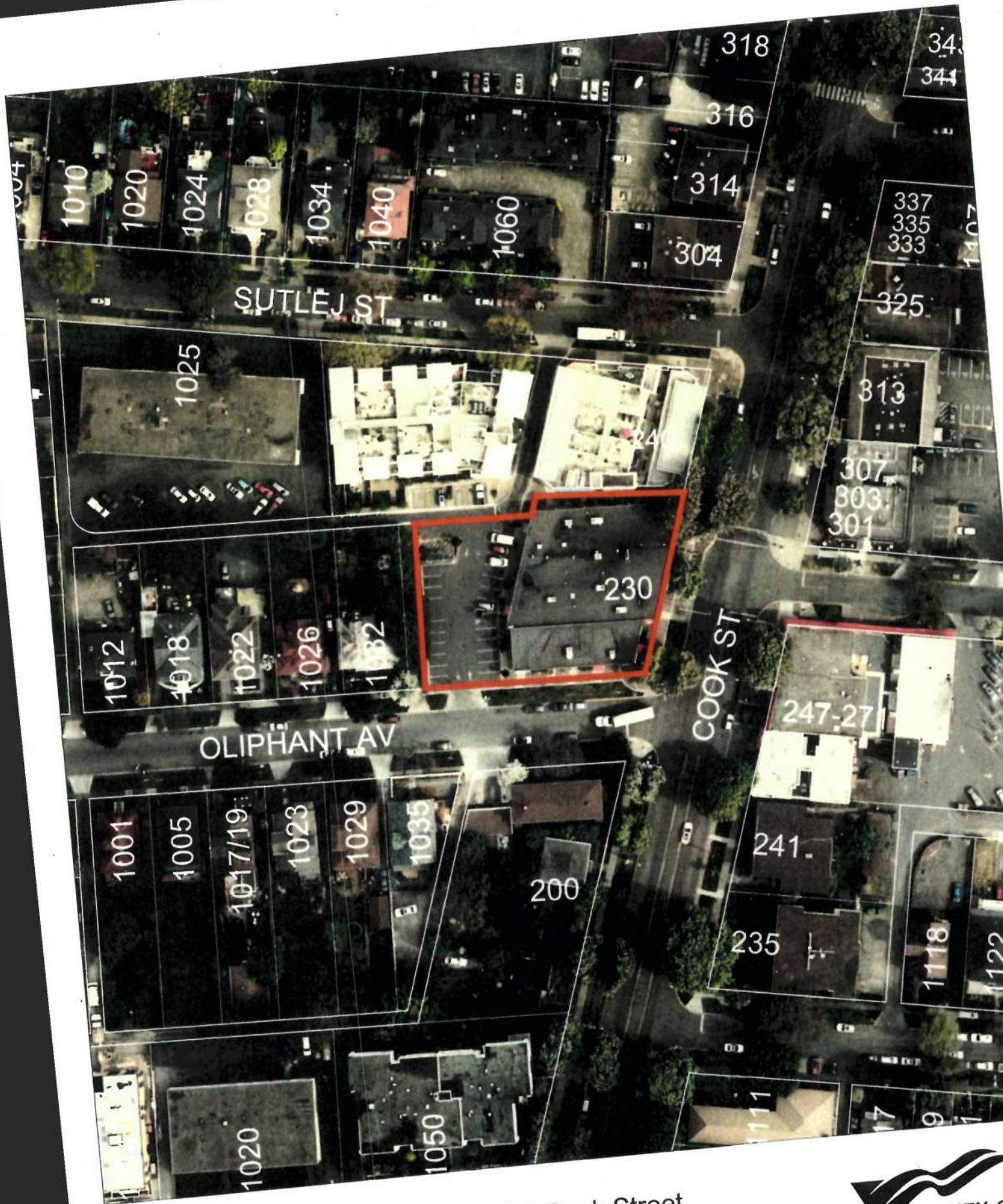
List of Attachments

- Attachment A – Subject Map
- Attachment B – Aerial Map
- Attachment C – Plans date stamped May 8, 2018
- Attachment D – Letter from applicant to Mayor and Council dated April 11, 2018



230 Cook Street
Rezoning No.00645





230 Cook Street
Rezoning No.00645



Rezoning to

TREES, 230 COOK STREET

Alex Robb
Trees Dispensary
alex@treesdispensary.com
Cell: (250) 891-5971
Office: (778) 265-8733

LEGEND

- Regulated Fire Hydrant
- Curb
- Residential Parking
- Property Lines
- Time Limited Parking
- No Stopping
- Tree
- Not In Contract

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 400m Radius Map

PROJECT INFORMATION TABLE

PROJECT INFORMATION TABLE	
Zone (Existing)	CR-3M-1
Site Area (sq.m)	2,289.2 sq.m
Unit Floor Area (sq.m)	76.9 sq.m
Parking Stalls (Required)	2 Stalls
Parking Stalls (Provided)	26 Stalls
Bicycle Parking Number (Class 1 and 2)	Class 1: 0, Class 2: 0

Parking Requirements, Schedule C

Building Class - Commercial
(4) Retail stores, banks, personal services establishments or similar uses

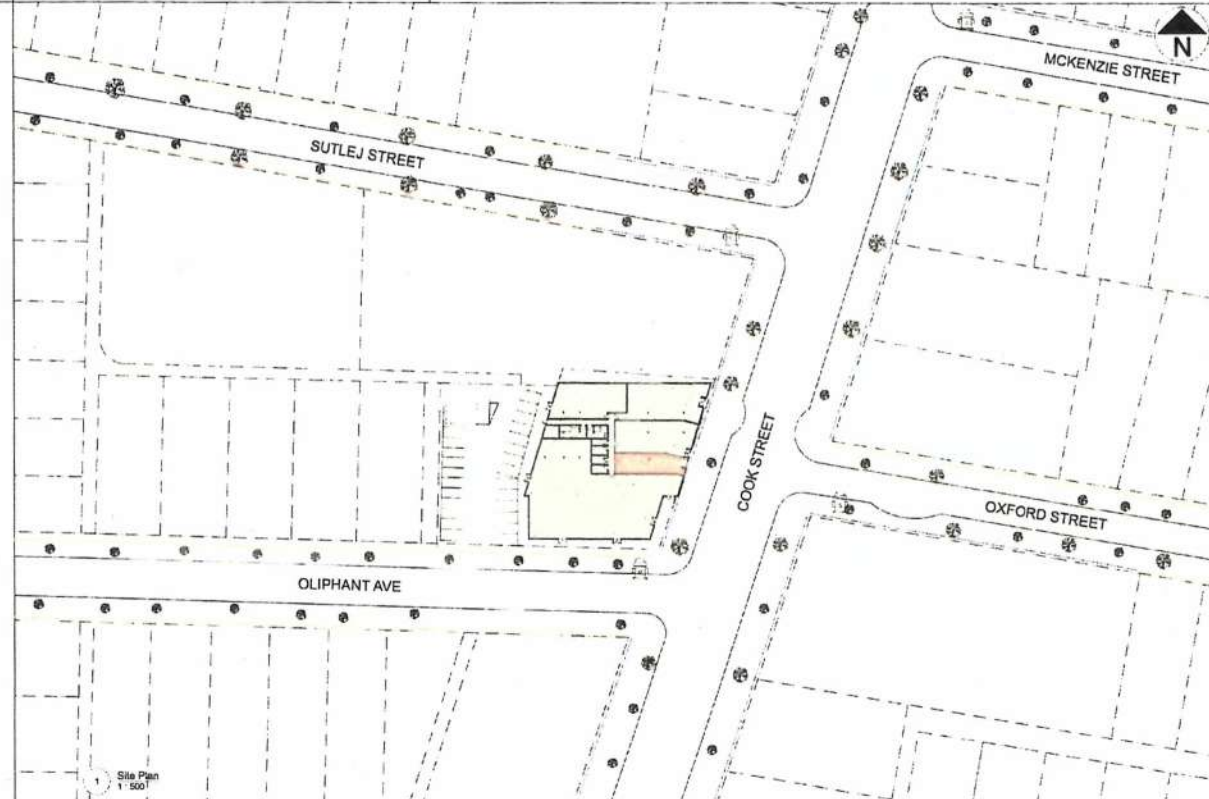
Number of Parking Spaces
1 space per 37.5m² of gross floor area

76.9m² floor area/37.5m² = 2.0

Required parking spaces = 2

CODE REVIEW

Item:	2012 British Columbia Building Code, Data Matrix	Page:	BCBC 2012 Reference
1	Address		
2	230 Cook Street, Victoria, BC		
3	Legal Description		
4	Legal Description		
5	Legal Description		
6	Legal Description		
7	Legal Description		
8	Legal Description		
9	Legal Description		
10	Legal Description		
11	Legal Description		
12	Legal Description		
13	Legal Description		
14	Legal Description		
15	Legal Description		



Received
City of Victoria

MAY 08 2018

Planning & Development Department
Development Services Division

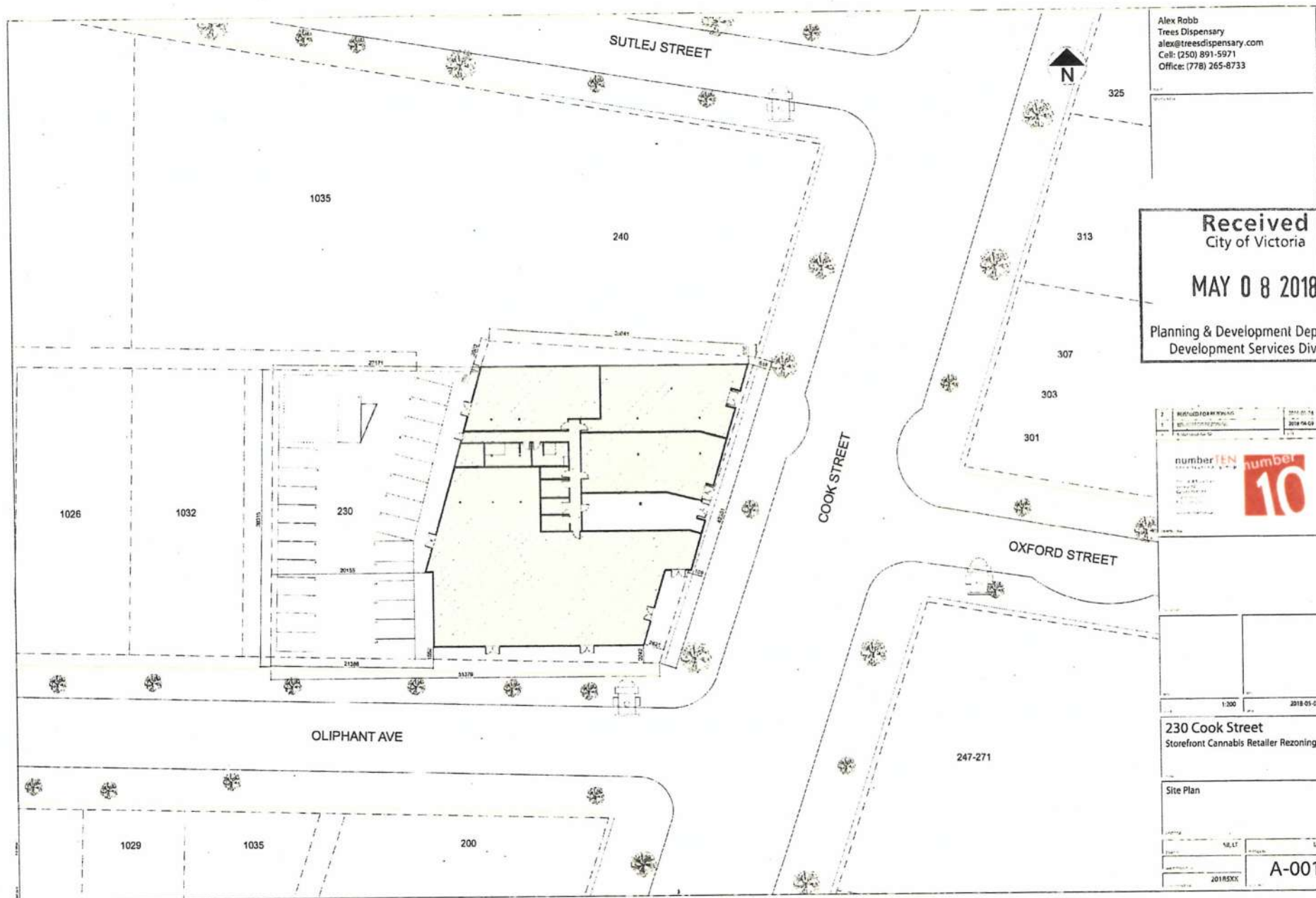


230 Cook Street
Storefront Cannabis Retailer Rezoning

Drawing List, Legend, Code Review
Project Information Table, Site Plan

20185XX
A-000

ATTACHMENT C



Alex Robb
 Trees Dispensary
 alex@treesdispensary.com
 Cell: (250) 891-5971
 Office: (778) 265-8733

Received
 City of Victoria

MAY 08 2018

Planning & Development Department
 Development Services Division



1:300 2018-05-08

230 Cook Street
 Storefront Cannabis Retailer Rezoning

Site Plan

20180508 A-001



Alex Robb
Trees Dispensary
alex@treesdispensary.com
Cell: (250) 891-5971
Office: (778) 265-8733

Received
City of Victoria

MAY 08 2018

Planning & Development Department
Development Services Division

2	RECEIVED FOR RECORDING	2018-05-08
3	RECEIVED FOR RECORDING	2018-05-08



1,100 2018-05-08

230 Cook Street
Storefront Cannabis Retailer Rezoning

Floor Plan

35, 17	LM
20185XX	A-002

Alex Robb
Trees Dispensary
alex@treesdispensary.com
Cell: (250) 891-5971
Office: (778) 265-8733



1 East Face of Building



2 East Face of Building - Adjoining Retail Units



3 Main Entrance of Retail Unit



4 East and South Face of Building



5 East and South Face of Building

2	RECEIVED FOR REVIEW	2018-05-08
3	FOR REVIEW	2018-05-08



Not to Scale 2018-05-08

230 Cook Street
Storefront Cannabis Retailer Rezoning

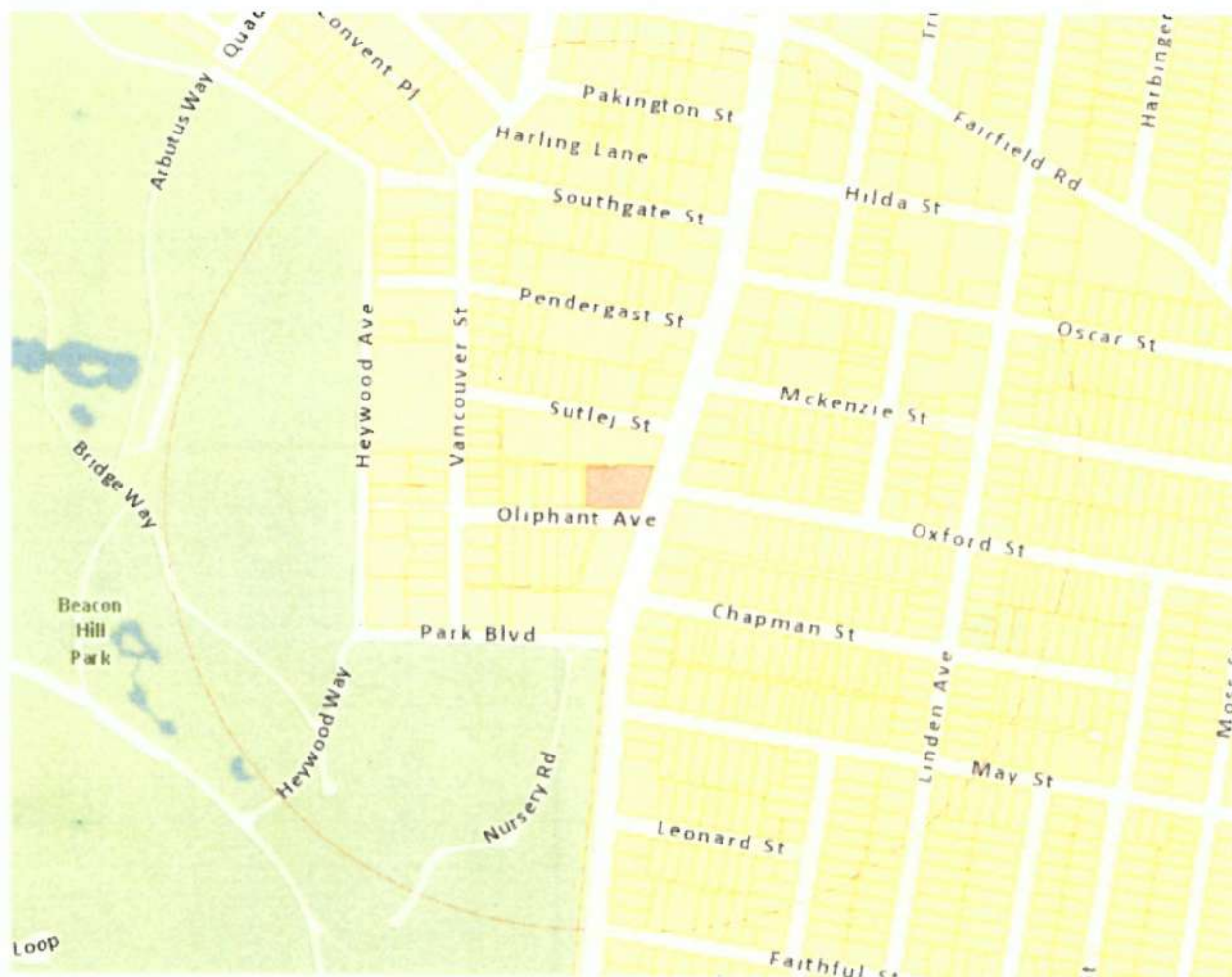
Exterior Building Images

38.17	LM
20185XX	A-003

Received
City of Victoria

MAY 08 2018

Planning & Development Department
Development Services Division



NO CANNABIS DISPENSARIES WITHIN A 400m RADIUS



Alex Robb
Trees Dispensary
alex@treesdispensary.com
Cell: (250) 891-5971
Office: (778) 265-8733

2	REQUEST FOR ZONING	2018-05-08
1	230 COOK STREET	2018-04-08
4	230 COOK STREET	2018-04-08

number **TEN** number **10**

230 Cook Street
Storefront Cannabis Retailer Rezoning

400m Radius Map

2018-05-08	2018-05-08
2018-05-08	2018-05-08
2018-05-08	2018-05-08

A-004

Received
City of Victoria

MAY 08 2018

Planning & Development Department
Development Services Division



To: Mayor Lisa Helps and members of Victoria City Council

From: Alex Robb, General Manager for Trees Dispensary

Date: April 11, 2018

Subject: Rezoning for Cannabis related business for 230 Cook Street

Dear Mayor and City Council,

It is an honour to be submitting this letter along with our completed application for rezoning for cannabis-related business for the property at 230 Cook Street.

Description of Proposal

The property at 230 Cook Street is located in the Cook Street Village neighbourhood, and this specific unit is a small 891 square foot suite in between Prima Strata Pizza, and the Cook Street Village Medical Clinic. The storefront will be a very small, unobtrusive, boutique cannabis retail store. As has been noted at previous public hearings on cannabis, a location next to a medical clinic or pharmacy is ideal. This would be the first licensed dispensary in the Cook Street Village neighbourhood.

City Policy

This rezoning application conforms to the City's Cannabis Storefront Rezoning Policy in every way. It is further than 200 meters from community centres and schools, and there are no other cannabis storefronts within a 400 meter radius. It is appropriately zoned for the use, and has adequate parking at the rear of the building. No public nuisance is created by its operation, and we will be installing a new rooftop ventilation system to mitigate smell nuisance.

Project Benefits and Amenities

The Cook Street neighbourhood is in need of one cannabis storefront to facilitate access to cannabis in the community. 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. 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. We seek to be an upstanding business in town and this application will support our reputation as the most professional actors in the cannabis retail market.

Neighbourhood

The proposed development will contribute significantly to neighbourhood vibrancy by sponsoring and promoting arts and culture events in the neighbourhood. The proximity of the dispensary to the Fairfield and Cook Street Village neighbourhood will make cannabis more accessible to residents of these neighbourhoods, especially those who have mobility issues or do not drive.

Impacts

This storefront on Cook Street will be beautifully presented in wood trim and a pleasant and welcoming aesthetic. We intend to maintain a plant-filled, wood laden, earthy aesthetic that is pleasing to walk-by traffic, and complements the visual appeal of the neighbourhood. We mitigate negative neighbourhood impact by maintaining air filtration systems and strictly prohibiting consumption of cannabis on site or in the vicinity of the storefront. We will also maintain 24 hour security camera supervision.

Design and development permit guidelines

The current site of 230 Cook Street is zoned for commercial, which allows for the use of the premises as retail sales.

Safety and security

Trees Dispensary's presence in the area has contributed to the safety and security of the neighbourhood and may contribute to a decrease in overnight petty crime in the immediate area. The increased foot traffic in the area as a result of Trees business has attracted customers to other nearby businesses, and 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.

Transportation

This rezoning applications meets the parking standards set out in schedule C. There is adequate parking at the rear of the building.

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.

All best wishes,

Alex Robb

General Manager, Trees Dispensary

Rezoning Application for 230 Cook Street





