

REPORTS OF COMMITTEES

3. Committee of the Whole – January 11, 2018

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

Motion:

It was moved by Councillor Alto, seconded by Councillor Isitt, that Council:

1. 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.
2. Direct staff to send a letter to the Municipality of Saanich and the Gorge Tillicum Community Association to inform them of this application and of the public hearing date.

Carried

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

4. LAND USE MATTERS

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

Committee received a report dated December 28, 2017, from the Director of Sustainable Planning and Community Development regarding an application to permit the retail sale of cannabis.

Motion: It was moved by Councillor Alto, seconded by Councillor Coleman, 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.

Amendment: It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that the motion be amended to include the following:

2. **direct staff to send a letter to the Municipality of Saanich to inform them of this application and of the public hearing date.**

Amendment to the amendment:

It was moved by Councillor Isitt, seconded by Mayor Helps, that the amendment be amended as follows:

2. **direct staff to send a letter to the Municipality of Saanich and the Gorge Tillicum Community Association to inform them of this application and of the public hearing date.**

On the amendment to the amendment:

CARRIED 18/COTW

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

On the amendment:

CARRIED 18/COTW

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

Main motion as amended:

That Council:

1. 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.

2. Direct staff to send a letter to the Municipality of Saanich and the Gorge Tillicum Community Association to inform them of this application and of the public hearing date.

On the main motion as amended:

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 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

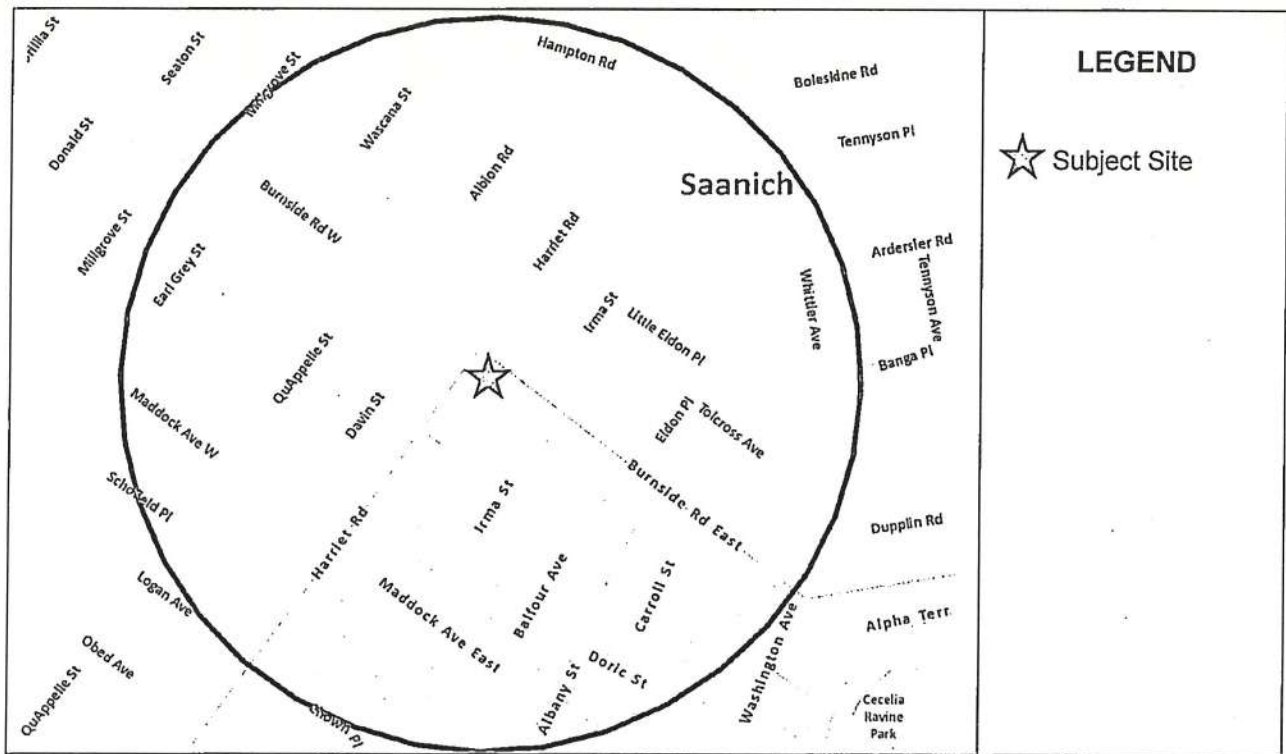
The *Burnside Gorge Neighbourhood Plan* identifies this property within the Small Urban Village urban place designation, within which village commercial uses, including retail stores, are envisioned.

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.

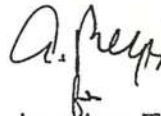
ALTERNATE MOTION

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:



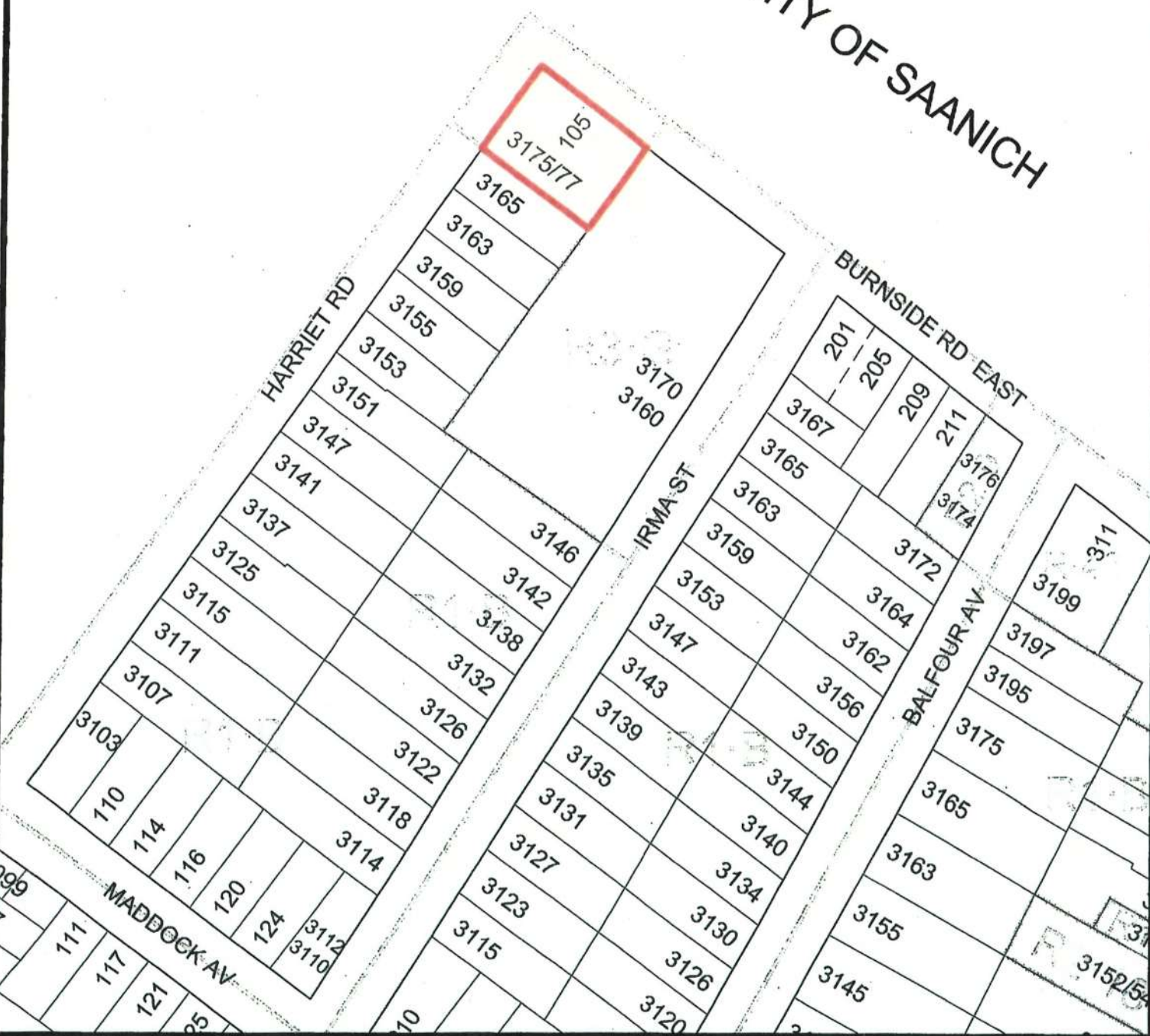
Date:

Jan 2, 2018

List of Attachments:

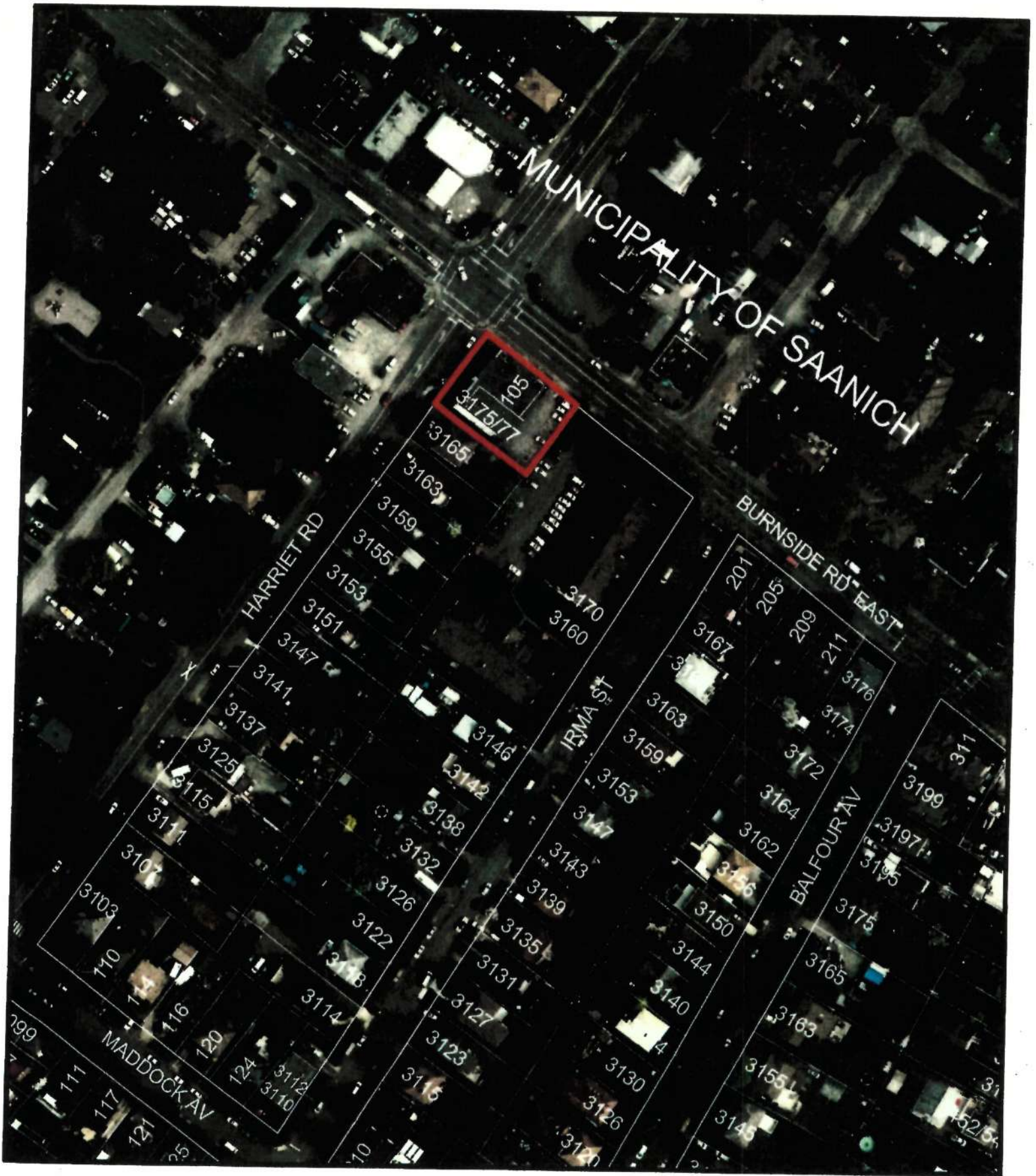
- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped December 7, 2017
- Attachment D: Letter from applicant to Mayor and Council received December 7, 2017.

MUNICIPALITY OF SAANICH



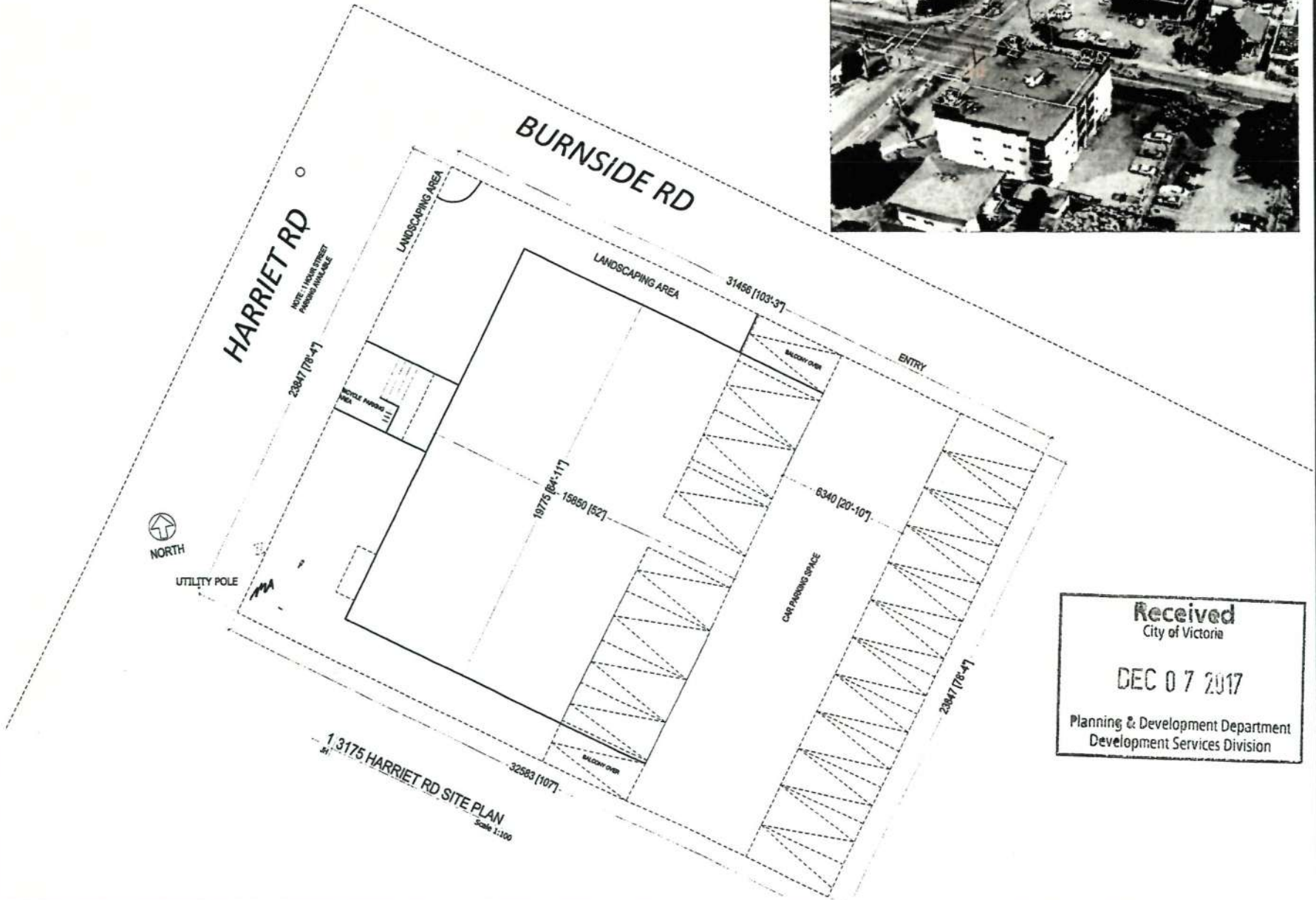
3175 Harriet Road
Rezoning No.00579





3175 Harriet Road
Rezoning No.00579





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 City of Victoria

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 Planning & Development Department
 Development Services Division

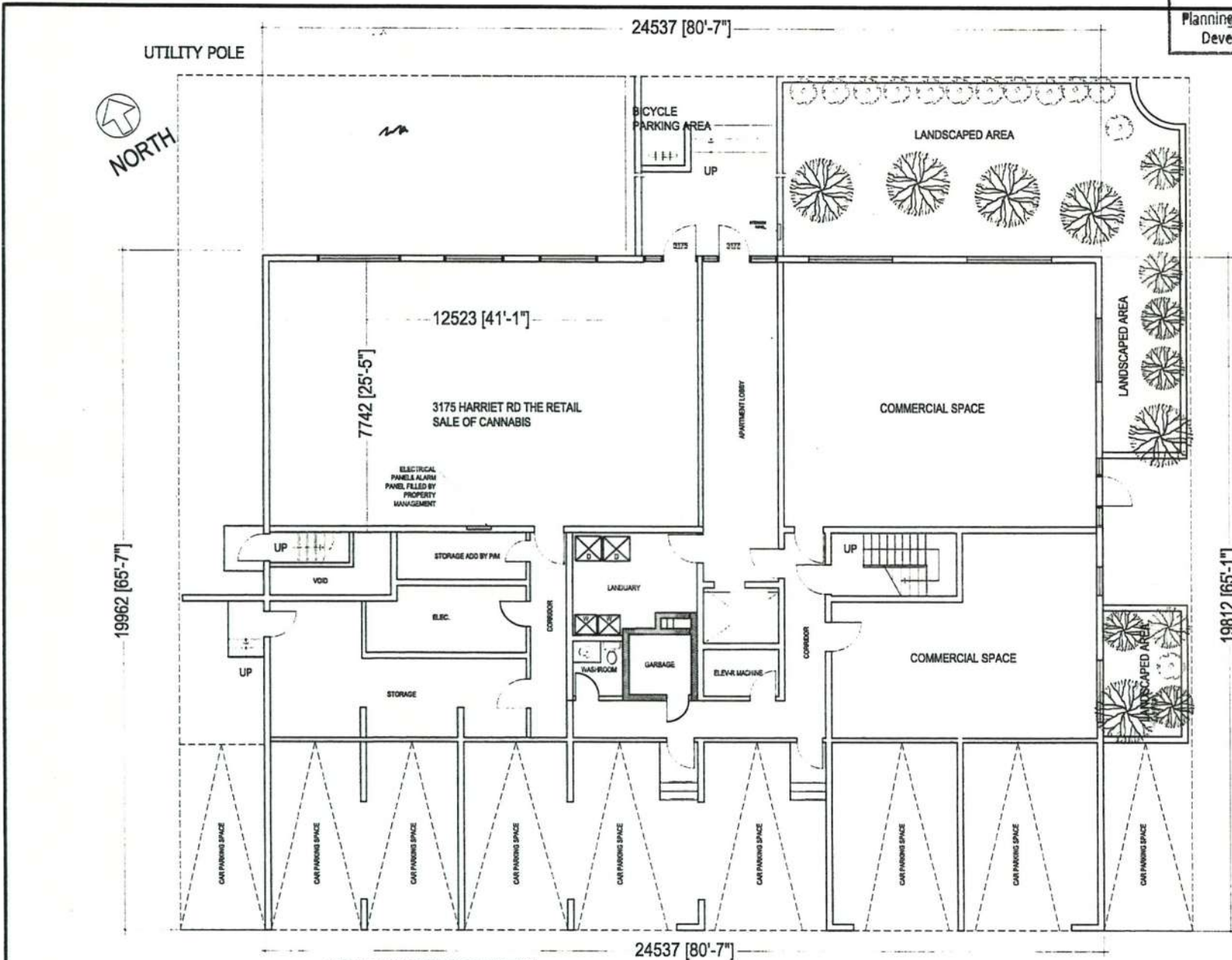
JUN'S Home Improvements

DATE	JULY 11, 2017
REGION 1	
PROJECT NAME	BURNSIDE DISPENSARY
ADDRESS	3175 Harriet Rd. Victoria, BC
JOB NUMBER	
DRAWN BY	HJ
SCALE	AS SHOWN
SHEET NAME	SITE PLAN
SHEET NUMBER	JH-01

DEC 07 2017

Planning & Development Department
Development Services Division

JUN'S Home Improvements



1 GROUND FLOOR PLAN
Scale 1:50
JH

DATE	JUL 11, 2017
REVISION	
PROJECT NAME	BURNSIDE DISPENSARY
ADDRESS	3175 Harriet Rd Victoria, BC
DESIGNER	
DRAWN BY	HJ
SCALE	AS SHOWN
DATE OF ISSUE	
DRAWING NAME	FLOOR PLAN
SHEET NUMBER	

JH-02

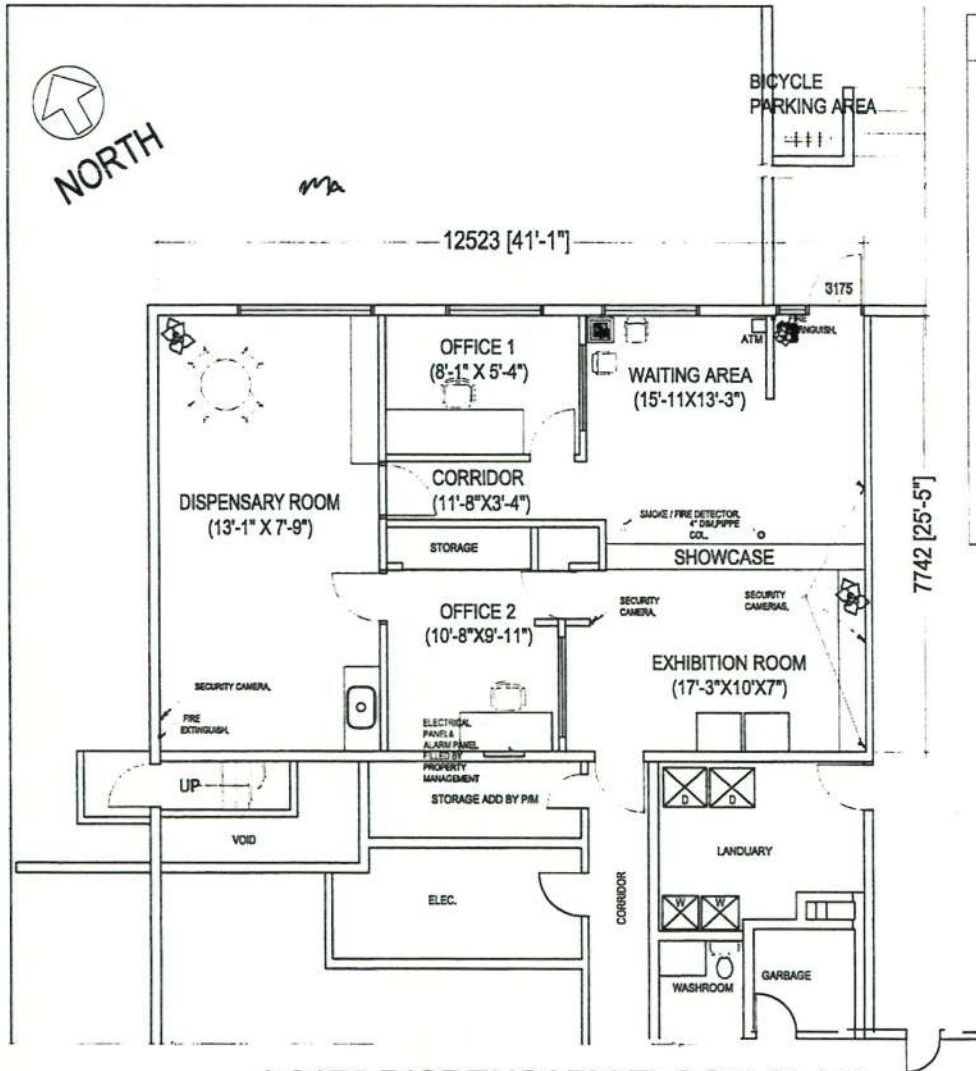
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JUN'S Home Improvements

Project Data Table,

- 3175 HARRIET RD,
- Site Data : C-1 Limited commercial district
- Lot area (M2)- 1.172 M2
- Existing footprint (M2) - 486 M2
- Unit floor area(M2)- 96.5M2
- Parking stalls(#) - number on site & 1 hour street parking available.
- Bicycle parking available class 1, 2



1 3175 DISPENSARY FLOOR PLAN

JH

Scale 1:40

DATE	JAN 11 5 2017
PLAN 1	
FILE NAME	DISPENSARY
ADDRESS	3175 Harriet Rd. Victoria, BC
JOB NUMBER	
DRAWN BY	HJ
SCALE	AS SHOWN
PRINT SCALE	AS SHOWN
DRAWING NAME	FLOOR PLAN
DATE	

JH-03

DEC 07 2017

Planning & Development Department
Development Services Division

JUN'S Home Improvements



1, 3175 HARRIET RD - NORTH ELEVATION

JH

Scale 1:40

DATE: JUL 13, 2017

REVISION 1

PROJECT NAME: BURNSIDE DISPENSARY

ADDRESS: 3175 Harriet Rd. Victoria, BC

DATE PLANNED:

DRAWN BY: HJ

SCALE: AS SHOWN

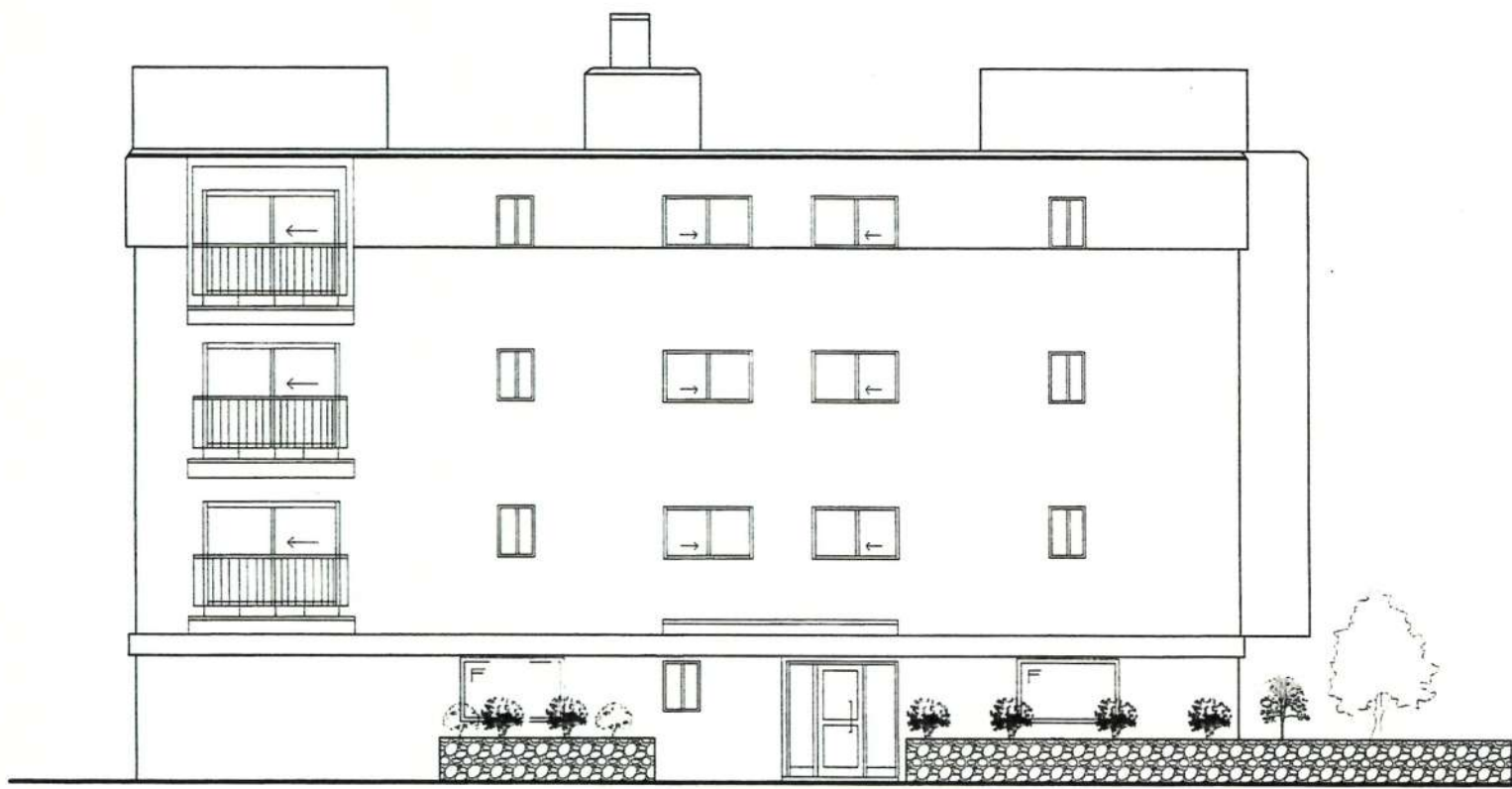
APPROVED BY:

VIEW NAME: NORTH ELEVATION

SHEET NUMBER:

JH-04

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 Development Services Division



1/3175 HARRIET RD - EAST ELEVATION
 JH Scale 1:40

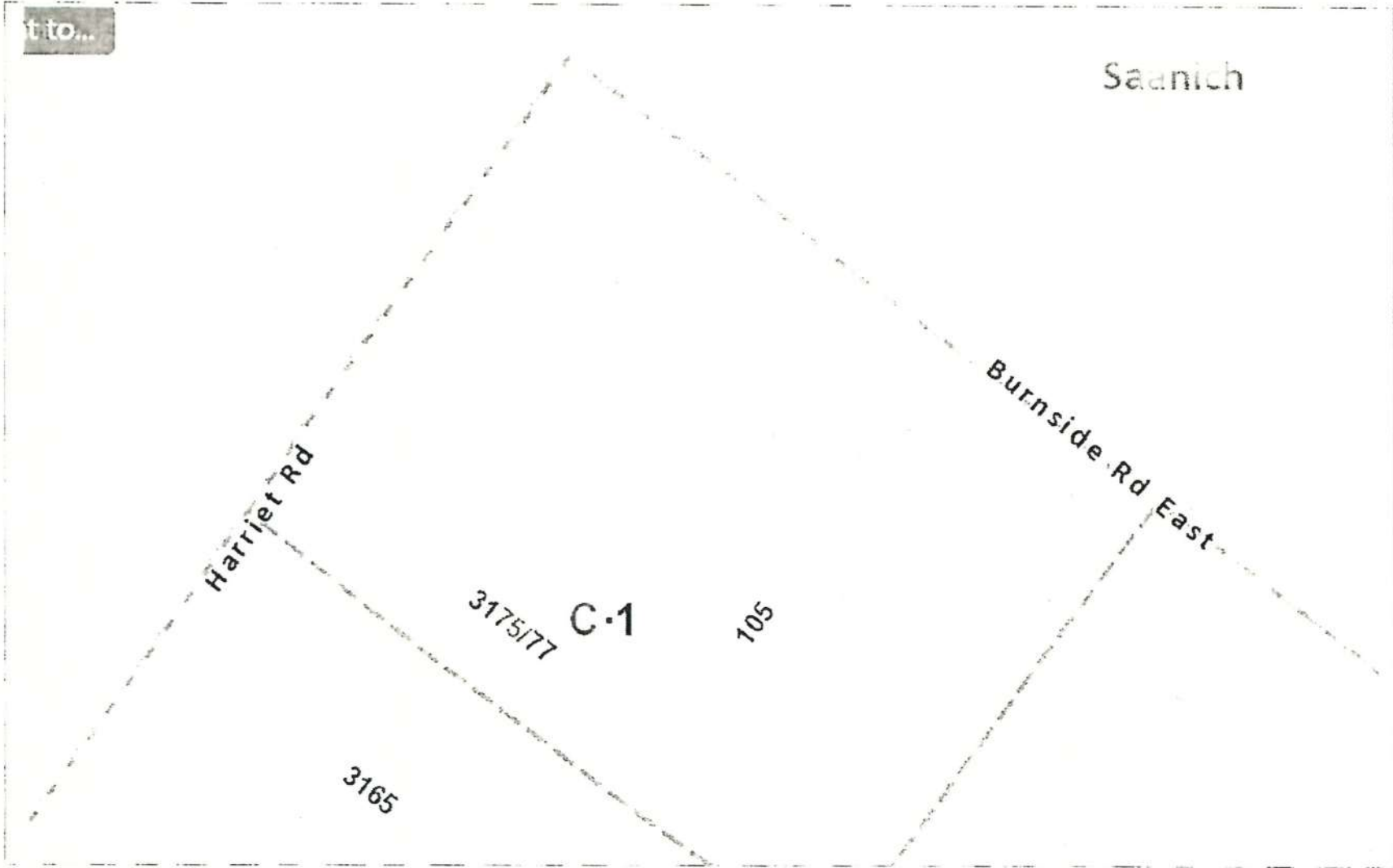
**JUN'S
 Home Improvements**

DATE: JANUARY 2, 2017
 DESIGN: 1
 PROJECT NAME: BURNSIDE DISPENSARY
 ADDRESS: 3175 Harriet Rd. Victoria, BC
 JOB NUMBER:
 DRAWN BY: HJ
 SCALE: AS SHOWN
 SHEET: 14/15
 SHEET NAME: NORTH ELEVATION
 SHEET NUMBER:

JH-05

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Development Services Division

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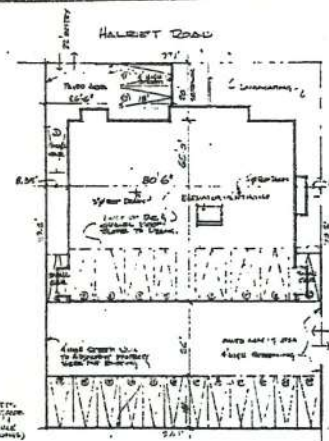
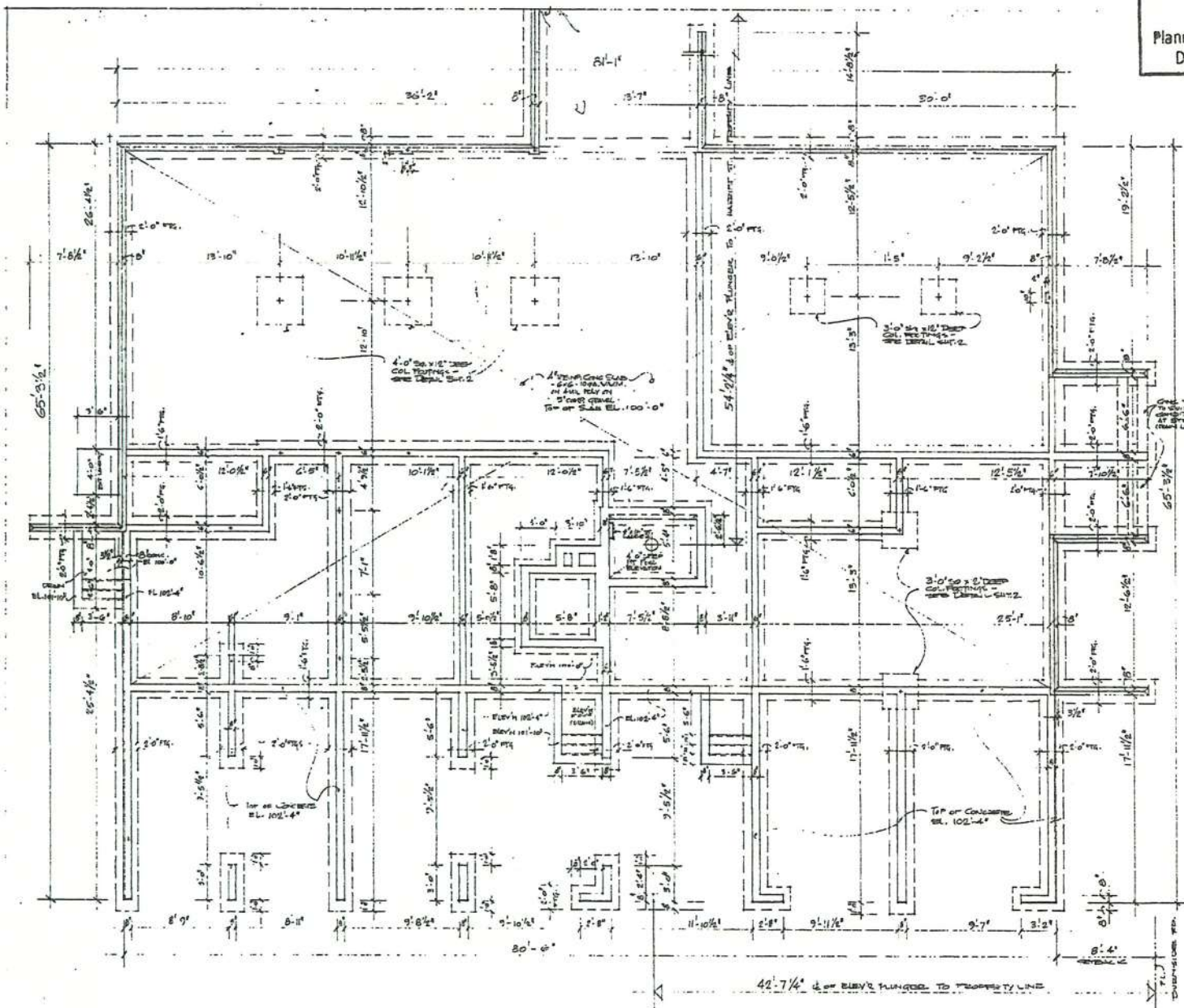
JUN'S Home Improvements

DATE: JANUARY 1, 2017
FIGURE 1
PROJECT NAME: BURNSIDE DISPENSARY
ADDRESS: 3175 Harriet Rd. Victoria, BC
AS SHOWN
DRAWN BY: HJ
SCALE: AS SHOWN
DRAWING NAME: SITE PLAN
SHEET NUMBER:

JH-06

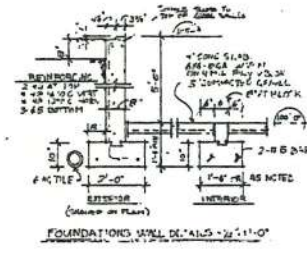
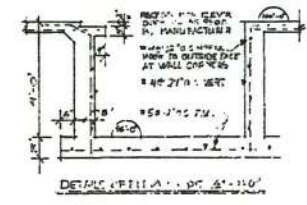
DEC 07 2017

Planning & Development Department
Development Services Division



LEGAL DIMENSIONS:
 180' PART LOTS 1 & 2,
 C.O. 15711, PLAN 1200,
 180' PART LOTS 1 & 2,
 C.O. 9711, PLAN 1210,
 VICTORIA DISTRICT.

SITE PLAN & DETAILS
 1\"/>



GENERAL NOTES - SPECIAL NOTATIONS:
 CONCRETE: 5000 PSI @ 28 DAYS, SLUMP 2\"/>

21 STE. -APT./COMM. BUILD.
 FOUNDATIONS AND SITE-PLA

PETER T. ORME ARCHITECT
 544/1912

Rosetta Duncan
3175 Harriet Rd
Victoria, BC V9A 1T7

Sustainable Planning and Community Development
1 Centennial Square
Victoria, BC V8W 1P6

Ref: Storefront Cannabis Retailer Rezoning Application:

Good day Mayor and Council,

I am hereby submitting for your consideration Burnside Dispensary's application for rezoning. I will like to start off this letter by first thanking the City for adopting a progressive stance in allowing medical cannabis storefront to operate.

A bit about myself- My name is Rosetta Duncan, I am a mother of two super boys. Fire who is age eight and King who is three years old. I have B.A in Sociology from the University of Concordia, and I recently retired from the Canadian Arm Forces, after serving for sixteen years so I can spend more time with my boys.

After retiring, I started Burnside Dispensary. I was motivated to start the business because I saw a business opportunity to be self-employed, and the flexibility for which it will allow me to spend more time with my children. For the record, I have never used marijuana in any of its forms, nor have I ever smoked or drank.

OUR MISSION

Our mission for the business is to make medical marijuana affordable for those who need it most, to provide safe, and quality products in a friendly, and professional atmosphere. Burnside Dispensary operates on three core values: improving the lives of our clients, community, and team. We strive to do this every day.

GENERAL INFO

Burnside Dispensary is located at 3175 Harriet RD. We are approximately 900 meters from the nearest school: Tillicum Elementary school. The three closest dispensaries in the vicinity are Tress Dispensary locating at 695 Alpha ST (1.1 km), Green Hart, locating at 475 Gorge Rd(1.6 km), and Gorge's dispensary locating at 603 Gorge Rd(1.9km)

CITY POLICY

With regards to the City's policy governing storefront cannabis, we concur with the City progressive policies and have implemented all safety, and security measures set out in the Cannabis Storefront bylaw. We have also incorporated additional safety and security measures:

- . Increased the number staff on shifts to three.
- . Invested in time delay safes for products and cash drop,
(This step was very conducive to minimizing our lost, and keeping our staff safe during the robbery at our store that occurred last June)
- . Changed all interior doors to solid doors, and have installed peek holes on all main interior doors.
- . Reduce hours of operation on days of concerned, such as Halloween
- . Installed CCTV monitors in nonpublic and public areas.

Also as an added consideration, we have installed an advanced ventilation system intended for a grow operation. As a result, the store is in a constant state of vacuuming and thus ensuring that there is as little as possible odor.

PROJECT BENEFITS AND AMENITIES

We hire locally and welcome diversity. We currently have twelve employees on the payroll, five males and six females, eight of the staff members, live within four blocks of the store, and three of them live in income assisting housing. We also provide a community notice board for locals to post needs and wants requests. Additionally, we offer a space for local businesses to advertise their services. We also put out freshly washed apples for our customers.

We have also planted shrubberies and added seasonal placement hanging baskets and planters. We routinely clean up the building storefront and sidewalk. Couple with this, we have taken on the responsibility of shoveling and salting the sidewalk when it snows.

We support several charities: CFax Santa Anonymous, the SPCA, The Royal Canadian Legion, and BC Shriners. We also provide cannabis through our discount programs to clients who are unable to afford it. The program discount ranges from 20- 50 % off.

Our primary charity organization is Burnside Gorge Community Association. We make a monthly donation to the organization in support of its family program. On top of that, Chairman Avery knows where to, and how to find us when he needs our support.

DESIGN AND DEVELOPMENT PERMIT GUIDELINE

The rezoning proposal for 3175 Harriet RD complies with the design and development permit guideline. As the address is zone commercially, and except, for adding a display cabinet, we have not made any changes to neither the exterior nor interior of the building.

"SECURITY AND SAFETY AS THEY RELATE CPTED

THE NATURAL SURVEILLANCE

Burnside Dispensary is located at a busy intersection which has mixed-used development. As a result, there is always a constant flow of activities, and foot traffic, which makes it challenging for potential criminals to escape unnoticed, and conversely, increases the probability that offenders will be identified, apprehended, and held accountable for their actions.

The dispensary's parking area and all exterior doors and windows are visible from the street. The hedges and plants are low lying and well maintained. Those two factors, along with the exterior of the store being well lit, offer the public and the staff a clear line of sight through the store.

A strong police presence in the area also serves as a natural surveillance. Because we are situated on the border of Saanich and Victoria, we benefit from both police department patrolling the area.

NATURAL CONTROL ACCESS AND TERRITORIAL

We have established a clear distinction between public and private spaces at the store. All security signage is visible. The checkout counter and cash register are visible from outside the building. We routinely clean up the exterior of the store and the sidewalk.

There are five surveillance cameras installed in the customer's area of the store. These cameras record and monitor all activities in that area. Also, as you walk into the store, there is a CCTV display on a monitor overhead, that shows visitors themselves. This monitor is in operation 24/7, it can be seen from outside the store, and it is set up for push email notification.

We also have a second CCTV set up inside the processing rooming. This system is for the staff safety and security. It shows who is entering/exiting the store, and the door chime alert the staff whenever someone comes in or leaves the store.

PARKING

With regards to parking, there is a parking bay in front of the building that can accommodate up to three cars for a free 1-hour limit parking, 24/7. As well as, there is other free nonresidential parking in the area. Beside these parking options, there are two onsite parking stalls for which a variance is submitted for. The variance is required because there is a discrepancy regarding accessibility to the parking stalls off Harriet RD.

The project meets the bicycle parking standards of schedule, and a bicycle rack is installed on site that can accommodate four bicycles.

HERITAGE

The property currently does not qualify for heritage status.

CONCLUSION

Thank you for your bold pioneering efforts in allowing marijuana to become more acceptable and helping to remove the criminal stigma that was associated with it. Your work has created business opportunities, helps to support the community, and enhances the livelihood of others. We look forward to working with the City and providing the best service possible.

Best Regards

Rosetta Duncan

Rezoning Application
for
3175 Harriet Road & 105
Burnside Road East



