

H. REPORTS OF COMMITTEES

H.1 Committee of the Whole

H.1.a Report from the June 21, 2018 COTW Meeting

H.1.a.f 356-360 Bay Street and 2520 Turner Street - Rezoning and Development Variance Permit Application No. 00604 (Burnside)

Moved By Councillor Coleman
Seconded By Councillor Isitt

Rezoning Application No. 00604

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00604 for 356-360 Bay Street and 2520 Turner Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once:

1. Staff receive revised plans illustrating the retail area as approximately 25% of the total floor area of the unit.
2. Staff receive proof of registration at the Land Titles Survey Authority of a registered Statutory Right-of-Way (SRW) of 4.91m on Bay Street.

Development Variance Permit Application No. 00604

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of a Development Variance Permit Application for 356-360 Bay Street and 2520 Turner Street, in accordance with:

1. Revised plans with a reduced retail floor area.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. reduce the vehicle parking requirement for a storefront cannabis retailer from 1 stall per 37.5m² to 1 stall per 93m².
3. The Development Permit lapsing two years from the date of this resolution."

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)

F. LAND USE MATTERS

F.1 356-360 Bay Street and 2520 Turner Street - Rezoning and Development Variance Permit Application No. 00604 (Burnside)

Committee received a report dated June 7, 2018 from the Director of Sustainable Planning and Community Development regarding the proposal to rezone the property located at 356-360 Bay Street and 2520 Turner Street to a site-specific zone in order to allow for the retail sale of cannabis.

Moved By Councillor Isitt

Seconded By Councillor Loveday

Rezoning Application No. 00604

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00604 for 356-360 Bay Street and 2520 Turner Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once:

1. Staff receive revised plans illustrating the retail area as approximately 25% of the total floor area of the unit.
2. Staff receive proof of registration at the Land Titles Survey Authority of a registered Statutory Right-of-Way (SRW) of 4.91m on Bay Street.

Development Variance Permit Application No. 00604

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of a Development Variance Permit Application for 356-360 Bay Street and 2520 Turner Street, in accordance with:

1. Revised plans with a reduced retail floor area.
2. Development meeting all Zoning Regulation Bylaw requirements, except for the following variance:
 - i. reduce the vehicle parking requirement for a storefront cannabis retailer from 1 stall per 37.5m² to 1 stall per 93m².
3. The Development Permit lapsing two years from the date of this resolution.

Committee discussed:

- *Concerns, given the location of the application, with legalized cannabis being used while operating heavy machinery.*

FOR (6): Councillor Coleman, Councillor Isitt, Councillor Loveday, Councillor Lucas, Councillor Madoff, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

CARRIED (6 to 1)



Committee of the Whole Report

For the Meeting of June 21, 2018

To: Committee of the Whole **Date:** June 7, 2018

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

Subject: **Rezoning and Development Variance Permit Application No. 00604 for 356-360 Bay Street & 2520 Turner Street**

RECOMMENDATION

Rezoning

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00604 for 356-360 Bay Street and 2520 Turner Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once:

1. Staff receive revised plans illustrating the retail area as approximately 25% of the total floor area of the unit
2. Staff receive proof of registration at the Land Titles Survey Authority of a registered Statutory Right-of-Way (SRW) of 4.91m on Bay Street.

Development Variance Permit

That Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:

"That Council authorize the issuance of a Development Variance Permit Application for 356-360 Bay Street and 2520 Turner Street, in accordance with:

1. Revised plans with a reduced retail floor area.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. reduce the vehicle parking requirement for a storefront cannabis retailer from 1 stall per 37.5m² to 1 stall per 93m².
3. The Development Permit lapsing two years from the date of this resolution."

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 356-360 Bay Street and 2520 Turner Street. The proposal is to rezone from the current M-3 Zone, Heavy Industrial District, to a site-specific zone in order to allow for the retail sale of cannabis.

The following points were considered in assessing this Application:

- the proposal is consistent with the Industrial Employment urban place designation in the *Official Community Plan, 2012* which envisions retail sales ancillary to an industrial use
- the proposal is consistent with the Industrial Employment designation within the *Burnside Gorge Neighbourhood Plan*, which envisions retail sales ancillary to an industrial use
- the proposal is consistent with the *Storefront Cannabis Retailer Rezoning Policy*, as there are no permitted storefront cannabis retailers within 400m or schools within 200m of the subject site.

BACKGROUND

Description of Proposal

This Rezoning Application is to allow for the retail sale of cannabis in an existing building. The following differences from the standard current zone are being proposed:

- storefront cannabis retailer would be a permitted use
- only one storefront cannabis retailer be permitted to operate on the property at a time
- storefront cannabis retailer would be restricted to an accessory use to products manufactured, cleaned, stored, or otherwise handled in the primary use; the area for accessory use would not be permitted to exceed 25% of the total area of the existing unit, which would equate to 22.75m².

All other requirements within the M-3 Zone, Heavy Industrial District remain the same.

Staff have requested a Statutory Right-of-Way (SRW) of 4.91m off the Bay Street frontage to meet future transportation-related needs. If this Application is moved forward to Public Hearing, Staff recommend for Council's consideration that the SRW be made a condition of rezoning. The applicant has indicated a willingness of the property owner to provide this SRW.

Sustainability Features

The applicant has not identified any sustainability features associated with this Application.

Active Transportation Impacts

The applicant has installed a five-stall bicycle rack, which supports active transportation.

Public Realm Improvements

No public realm improvements are proposed in association with this Rezoning Application.

Land Use Context

The immediate area has a brewpub and a bakery, while the general area is characterized mainly by existing industrial uses, some with ancillary retail.

Existing Site Development and Development Potential

The site is presently developed as a one-storey building with a cabinet construction company and a pie bakery. Under the current M-3 Zone, Heavy Industrial District, the property could be developed for a variety of heavy industrial uses. A new building could be constructed with a density of up to 3.0 to 1 floor space ratio and a height of 15m.

Community Consultation

Consistent with the *Storefront Cannabis Retailer Rezoning Policy*, the requirement to arrange and participate in a Community Association Land Use Committee (CALUC) Community 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 service calls:

Calls for Service	2015	2016	2017	2018 (to June 7)
Calls to the immediate area	0	0	0	0
Calls to the block	19	23	22	4

ANALYSIS

Official Community Plan

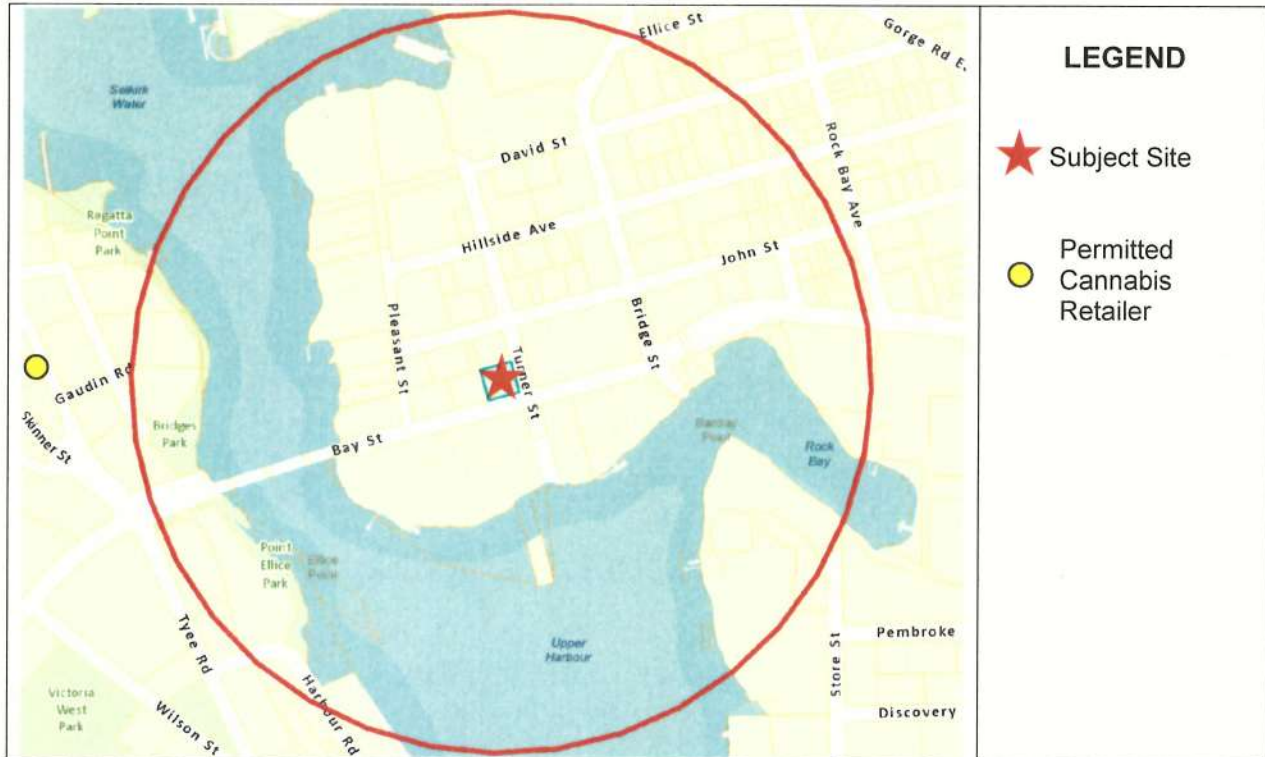
The *Official Community Plan* identifies the site within the Industrial Employment urban place designation, in which ground floor retail is envisioned as an accessory use to industrial uses. The submitted site plans identify warehousing and project preparation as major components of the use on site, and the retail sale of cannabis would be an accessory use. The Application is therefore consistent with the OCP.

Local Area Plans

The *Burnside Gorge Neighbourhood Plan* identifies the property within the Industrial Employment designation, within which retail is envisioned as accessory to a primary use. Storefront cannabis retailer is proposed as an accessory use and is therefore consistent with the Plan. To ensure retail is maintained as no more than an accessory use, staff recommend the site-specific zone limit the use to a maximum of 25% of the existing unit area. This percentage of floor area is consistent with the general retail use found in the standard M-3 Zone. In this instance, a maximum of 25.75m² would be permitted for to retail use in the unit. The current proposal is for approximately 43.2m²; however, the applicant has noted a willingness to reduce the floor area of the retail space.

Storefront Cannabis Retailer Rezoning Policy

The Application is for an existing retailer that was in operation prior to July 28, 2016. The proposal is consistent with the *Storefront Cannabis Retailer Rezoning Policy* as there are no permitted storefront cannabis retailers within 400 metres of the property and no public or independent elementary, secondary or high schools are within 200m of the property.



Regulatory Considerations

The change of use from warehousing to storefront cannabis retailer triggers an increase of one parking stall, which cannot be accommodated on-site. As such, the applicant has proposed a five-stall bicycle rack to offset the parking variance. In 2016, a three-stall variance for the bakery on the subject site was approved by Council.

CONCLUSIONS

The proposal is consistent with both the *Official Community Plan* and the *Burnside Neighbourhood Plan* in maintaining the industrial uses within the area while permitting accessory retail. Furthermore, the proposal is consistent with the *Storefront Cannabis Retailer Rezoning Policy* as there are no permitted storefront cannabis retailers within 400m and no schools within 200m of the subject property.

ALTERNATE MOTION

That Council decline Rezoning and Development Variance Permit Application No. 00604 for the property located at 356-360 Bay Street & 2520 Turner 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:



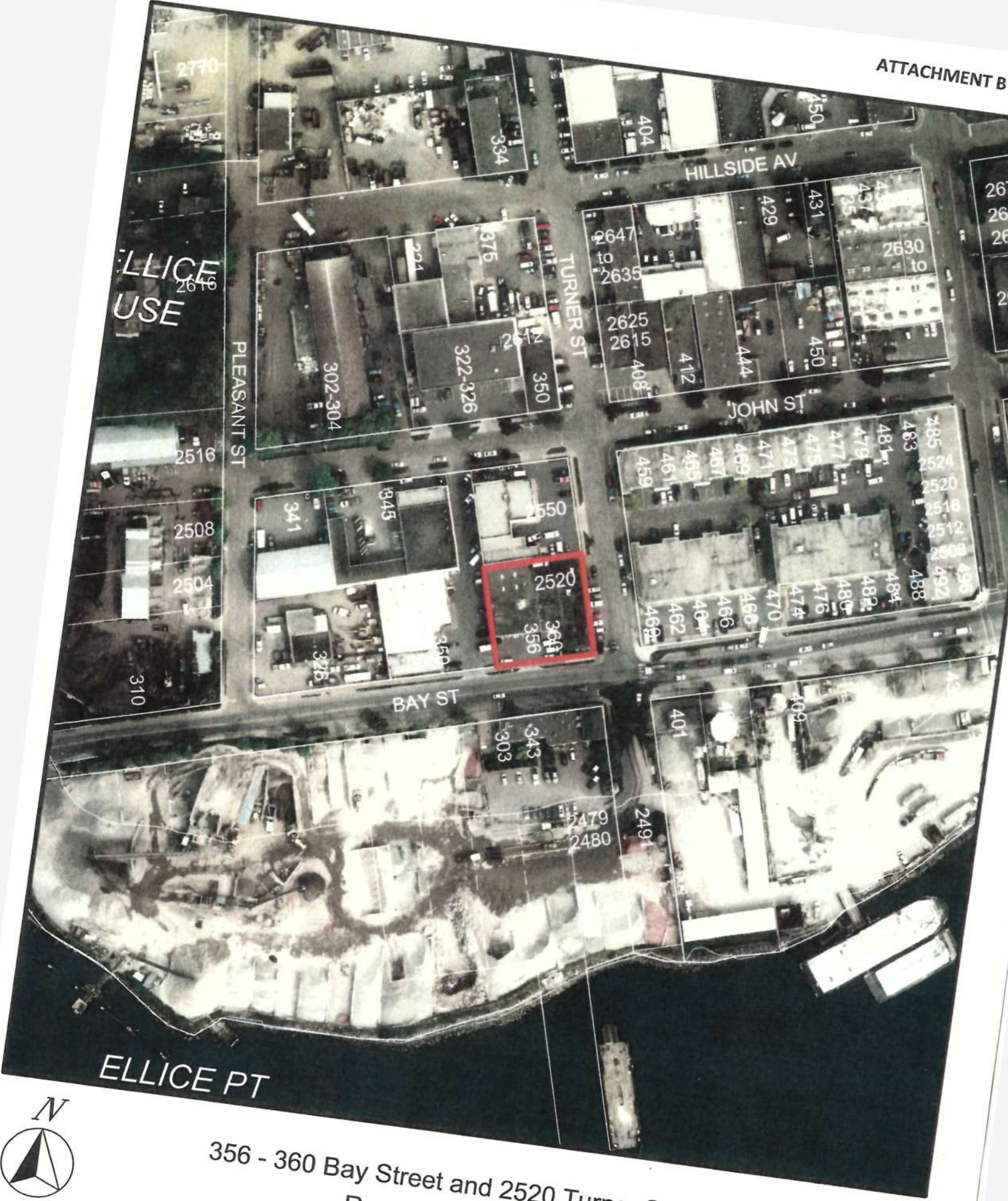
Date:

June 15, 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 July 10, 2017.





ELLICE
USE

PLEASANT ST

HILLSIDE AV

TURNER ST

JOHN ST

BAY ST

ELLICE PT

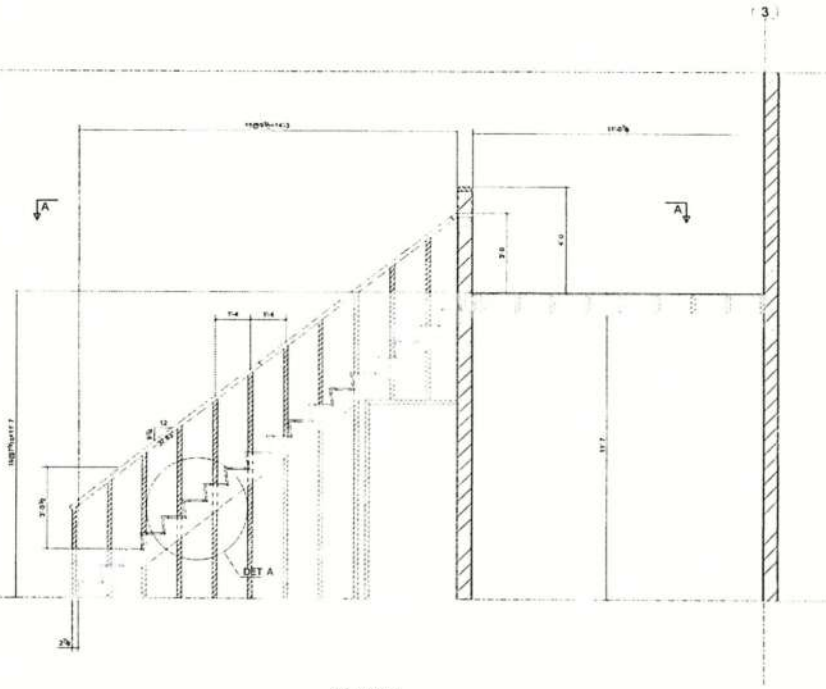


356 - 360 Bay Street and 2520 Turner Street
Rezoning No.00604

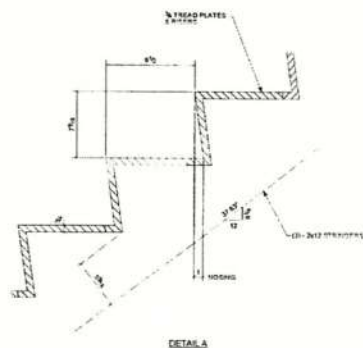


Planning & Development Department

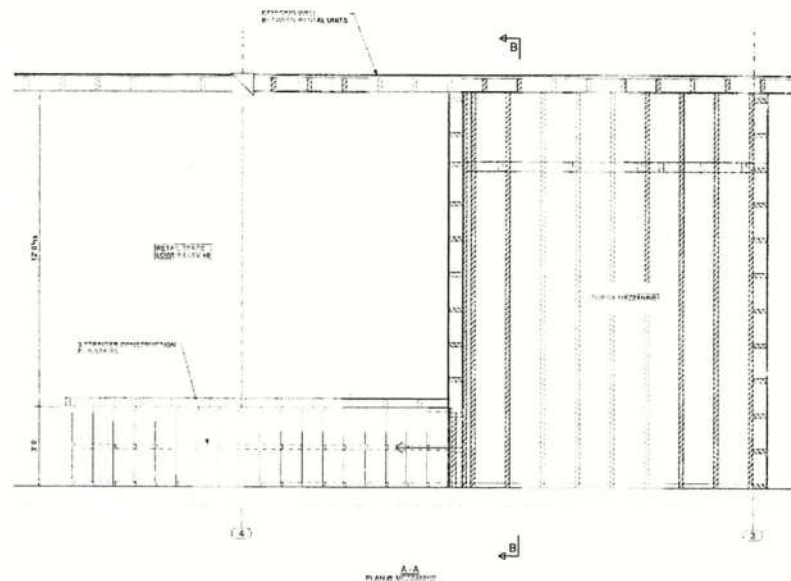
UIS ROOF ELEV
+20



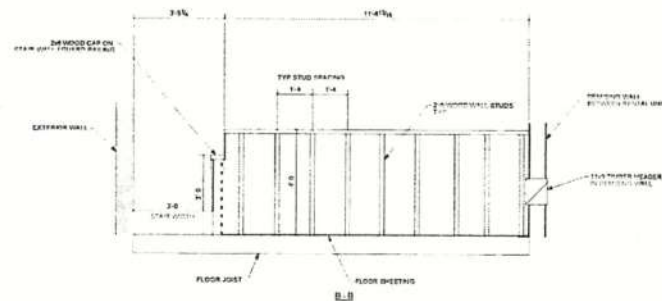
ELEV @ STAIR



DETAILS



PLAN @ MEZZ ELEV +11.7



FLOOR JOIST

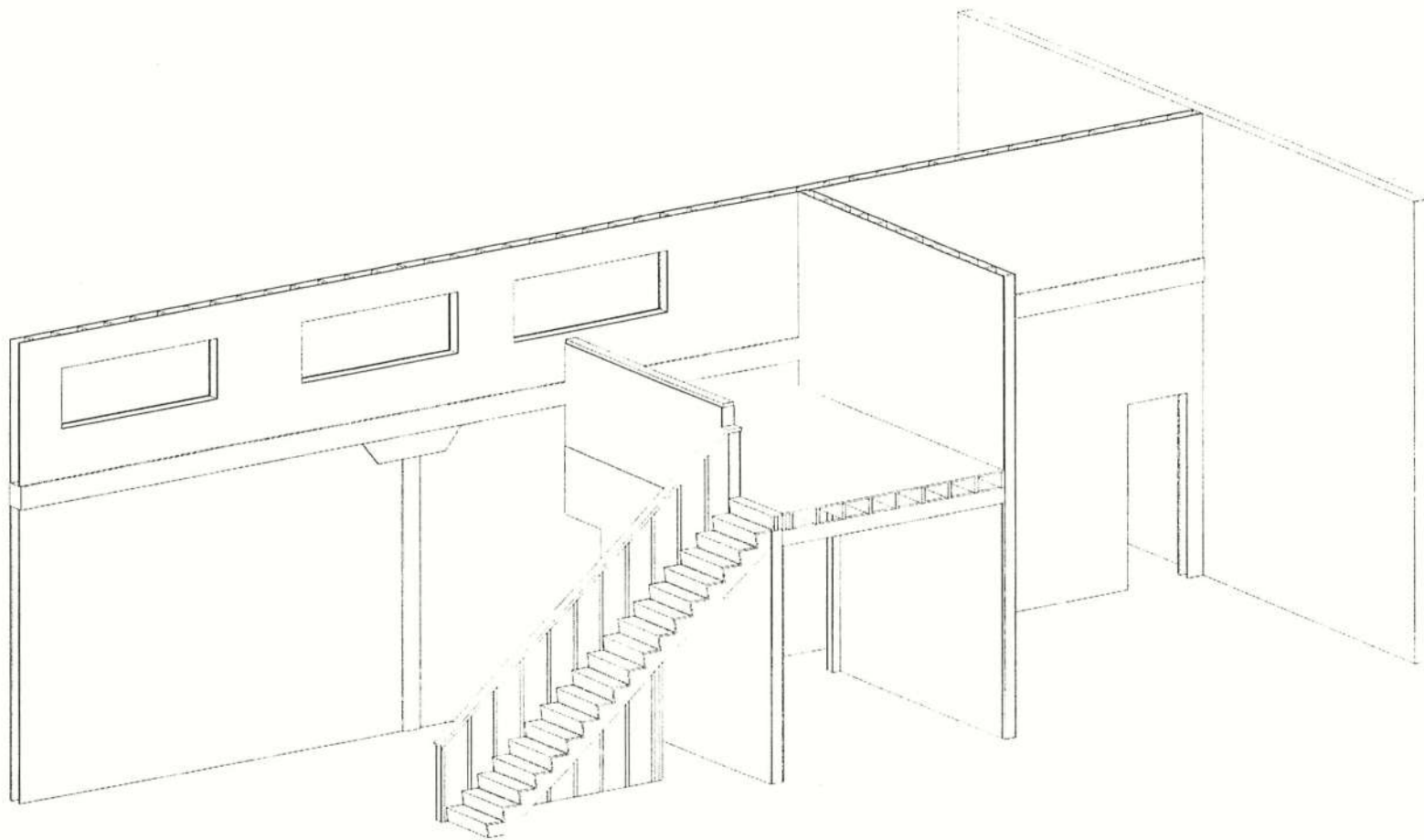
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C	RE-USE FOR APPROVAL	10/20/18
B	RE-USE FOR APPROVAL	10/20/18
A	RE-USE FOR APPROVAL	10/20/18
REV	DESCRIPTION	DATE
ABSOLUTE MEDICAL		
300 BAY ST		
VICTORIA BC		
DESIGNER	PLAN @ MEZZ ELEV +11.7	
APPROVED	RE ZONING APPLICATION (AREA C)	
DRAWN BY	ADD	
DATE OF WORK	01/28/2018	
	10112	E-1001

CRITICAL
DESIGN & CONSULTING

Received
City of Victoria

MAY 08 2018

Planning & Development Department
Development Services Division



3d

Received
City of Victoria

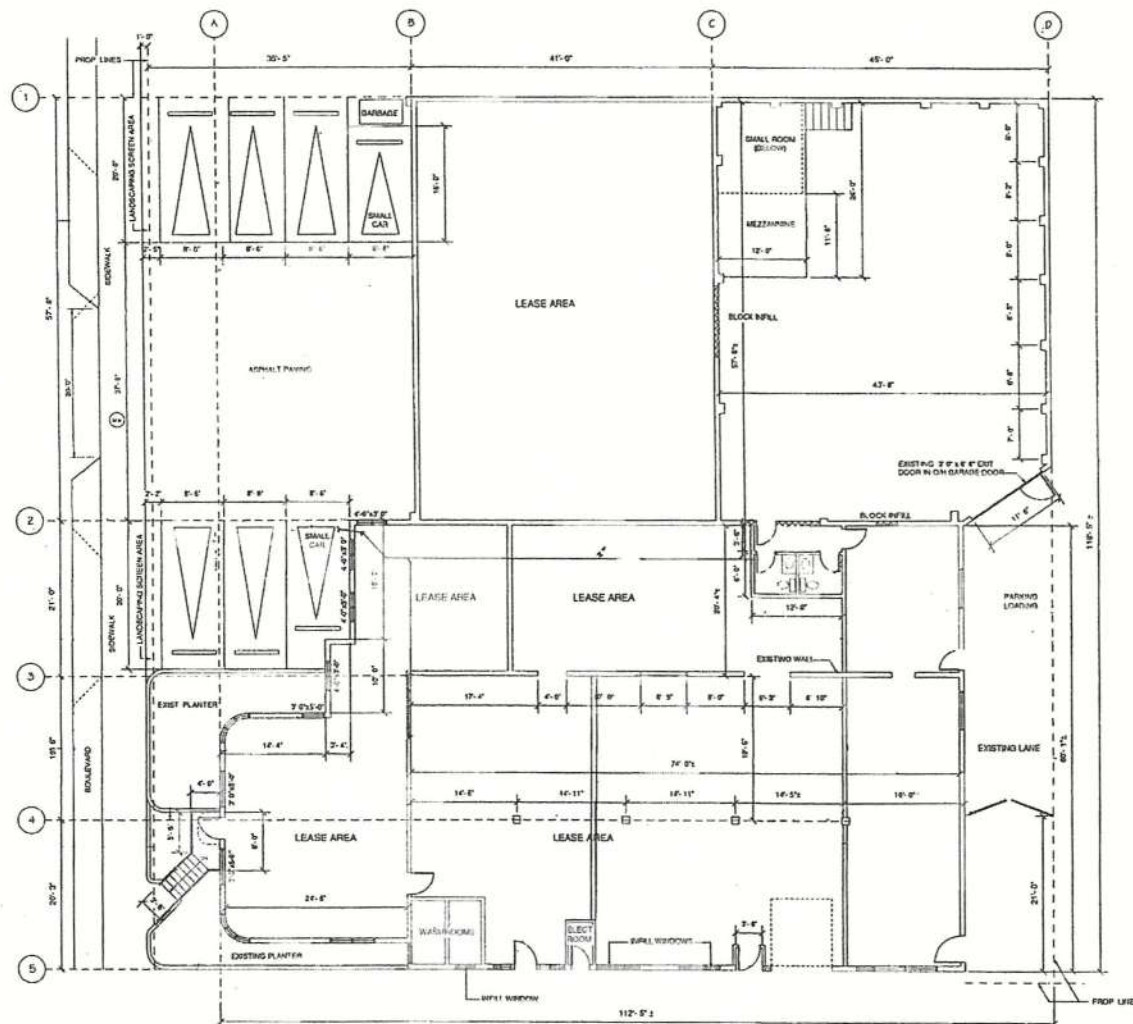
MAY 08 2018

Planning & Development Department
Development Services Division

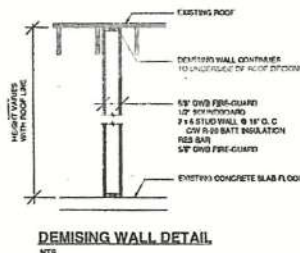
D	RE ISSUE FOR APPROVAL	10/01/2018
C	RE ISSUE FOR APPROVAL	04/12/2018
B	RE ISSUE FOR APPROVAL	10/01/2018
A	RE ISSUE FOR APPROVAL	10/01/2018
REV	DESCRIPTION	DATE
ABSOLUTE MEDICINAL 300 BAY ST VICTORIA BC		
DESCRIPTION	3D	
PROJECT NAME	RE ZONING APPLICATION (AREA C)	
CREATED BY	ADD	
DATE CANCELLED	01/28/2018	
VERSION	10112	0001
DATE	01/28/2018	E-1002

CRITICAL
DESIGN & CONSULTING

BAY STREET



TURNER AVENUE



DEMISING WALL DETAIL
NTS

NOTES

- STRAP ALL BLOCK WALLS WITH 2x8 STUDS AND INSULATE WITH R-20 BATTS AND 6-mil VAP BARRIER
- SHEET WALLS WITH 1/2" GYPSUM BOARD (TAPE JOINTS ONLY)
- SHEET CEILING WITH 5/8" GYPSUM BOARD (TAPE JOINTS ONLY)
- BLOW IN R-40 INSULATION TO CEILING AND INSTALL VAP BARRIER PRIOR TO DRYWALL
- INSTALL ROOF VENTS AS REQUIRED BY CODE
- INSTALL REQUIRED ELECTRICAL FOR SHOP EQUIPMENT AND MOVE LIGHTING TO BEST LAYOUT
- INSTALL CONCRETE BLOCK INFILL AS SHOWN ON PLAN
- PAINT ALL EXISTING EXTERIOR WALLS WITH R-20 BATTS AND 6-mil VAP BARRIER (NO INSULATION TO CEILING)
- NEW DRYWALL AND PAINT TO ALL WALLS AND CEILING
- TREATED 2x3 SLEEPERS @ 24" O.C. OVER CONCRETE FLOOR SLAB
- INSULATE WITH 1" R-15 BATT INSULATION BETWEEN SLEEPERS
- INSTALL 3/4" WOOD FLOORING OVER SLEEPERS
- INTERIOR DOORS TO BE 2' 0" x 6' 0" x 1 3/4" SOLID WOOD, PAINTED
- 2 NEW EXTERIOR DOORS TO BE CUSTOM WOOD DOORS
- INSTALL ELECTRICAL AS REQUIRED (PLUGS, LIGHTS, SWITCHES, ETC.)
- MOVE EXISTING TELEPHONE JACKS
- RE-INSTALL EXISTING GATES (LOCATION TO BE SPECIFIED)
- REGRADE TO SUIT NEW DOORWAYS
- INSTALL NEW COLOURED CONCRETE DRIVEWAY (PATTERN TO BE SHOWN LATER)

PROJECT Re Zoning New Occupant Area C Absolute Medical	
PROJECT NO.	SCALE: 1/4" = 1'-0"
SHEET TITLE MAIN FLOOR PLAN	
SHEET NO. A1	

Received
City of Victoria
MAY 08 2018
Planning & Development Department
Development Services Division

ABSOLUTE MEDICINAL

2520 Turner St
Victoria, BC V8T 5J2
(778) 265-9006

July 10th, 2017

Mayor Lisa Helps and Council of Victoria
City Hall
1 Centennial Square
Victoria B.C.
V8W 1P6

Dear Mayor Helps and City Councillors,

Absolute Medicinal is submitting this letter for your consideration of our rezoning application under the requirements for Storefront Cannabis Retailers. We have been open since April 8th 2016, are diligent with our sign up process and only accept new members with proper medical documentation. Our main objective is to provide our 500+ members with continual safe and discreet access to medical cannabis and cannabinoids to help with chronic pain, stress and other various medical conditions.

Operational Requirements

We have demonstrated our commitment to working with the city bylaw to remain in compliance with all operational requirements. All of our employees have had criminal record checks and we have a minimum of two on at all times. We have installed the required ventilation, removed some signage that did not meet the criteria and removed edibles. Our hours of operation are from 9am to 8pm and the consumption of cannabis is strictly prohibited in the vicinity of our storefront.

Project/Economic/Community Benefits

Absolute Medicinal currently employs 6 people. We are proud to stock a variety of local products such as topicals, tinctures and various bath and body

products. We also provide discounts to residents of Rock Bay landing as well as to Veterans.

Location and Neighbourhood

Our building is currently zoned for production and retail and is wheelchair accessible. We are discreetly located in a mostly industrial neighbourhood, away from the concentration of cannabis shops downtown. It is important to us to keep a clean and tidy exterior, inviting to both the public and our customers. We are not located within 200 meters of any other storefront cannabis retailer, schools or community centers and we are not a designated heritage status building.

Safety and Security

We are highly committed to the safety and security of our staff, customers and neighbourhood. There is a clear and unobstructed view of our storefront as well as ample street lighting. We have installed a Price Alarms System, and have 8 cameras positioned throughout our building. The storage area has a steel door and we have had bars installed on the windows. All of our products are locked in a safe after closing.

Transportation and Parking

There is existing street parking along Turner St. and the property owner Citta has future plans for the construction of a sidewalk and curb along the west side of Turner. We are on a major bus route and have observed that most of our clients bike or walk. We have discussed the potential of installing a bike rack.

We believe strongly that Absolute Medicinal is providing an essential service and bringing vitality to an area of Victoria that is gradually emerging as a diverse and exciting neighbourhood. It is important we are to continue to provide our members with the safe and discreet access to the medication they depend on.

We look forward to continually engaging with our community and neighbours throughout this period of change and growth and thank the council for their time and attention to our application.

Sincerely,

William Martin-Wood

Absolute Medicinal

To Mayor Lisa Helps and Victoria city council.

I am writing this letter to request a Variance for parking regarding the rezoning application for 2520 Turner st. According to the calculations shown on the city of Victoria web site it has been determined that we will need 3 parking stalls. Currently we have Two. As well we have a drive way that our members could use. We have Installed a bike rack on the south side of our building that can accomodate 5 bikes and are encouraging our members to use the galloping goose trail or public transit both of which are located meters away. Thank you for your consideration.

William Martinwood
Absolute Medicinal
2520 Turner
250 208-4407

March 1 2018

To whom it may concern,

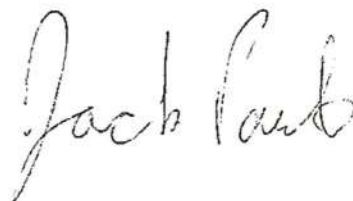
I am Jack Paulo owner of the Pro Shop on Bay st.
we have enjoyed having Absolute Medicinal as neighbour's for the last
2years.

They have become a valued member of the local business community helping
bring

commerce to the the shops in the neighbourhood.

They have always been clean & quiet and their clientele have always been
friendly and respectful.

We wish them continued success in the foreseeable future.

A handwritten signature in cursive script that reads "Jack Paulo". The signature is written in dark ink and is positioned in the lower right area of the document.

June 7 2018

Hello, To whom it may concern:

I am writing to recommend the approval of the rezoning application that Absolute Medicinal has applied for. We have been doing good business for two years with shared parking with no problems.

I believe they do a good service and are a highlight to the neighbourhood. I and the neighbourhood, would be disappointed to lose them.

Sincerely,

Jodi Mann

Saltchuck Pie Company



Hello my name is Kieth Wallace,
Owner and operator of Wallace Welding and
Fabrication, I am writing this letter in support of
Absolute Medicinal's rezoning application.
We have been nieghbour's since 2016. I am also
a member of their shop and have found them to
be friendly, professional and diligent with their
membership policy. I feel they are an asset to
the neighborhood as they provide pain relief to a
lot of tradesmen who work in the area.
As a neighbour they have done their part to keep
the area looking good and free from litter.
We are looking forward to having them in the
niebourhood for years to come.

A handwritten signature in black ink, appearing to be 'Kieth Wallace', located at the bottom center of the page.

March 2, 2018

To whom it may concern:

I write to recommend the approval of the rezoning application put forward by Absolute Medicinal @ 2520 Turner St.

As neighbours they are consistently polite and conscientious, and their presence in the community brings diversity as well as potential new customers for the businesses around them.

Joel Tyler

Tyler Electric

A handwritten signature in black ink, appearing to read 'Joel Tyler', with a long horizontal stroke extending to the right.