

REPORTS OF COMMITTEES

3. **Committee of the Whole – November 9, 2017**

8. **Rezoning Application No. 00601 for 1541-1545 Fort Street (Rockland)**

Motion:

It was moved by Councillor Loveday, seconded by Councillor Lucas, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00601 for 1541-1545 Fort Street, 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 3.439m on Fort Street and 1.407m on Verrinder Avenue.

Carried

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

4.4 Rezoning Application No. 00601 for 1541-1545 Fort Street (Rockland)

Committee received a report dated October 19, 2017, from the Director of Sustainable Planning and Community Development regarding the application for rezoning of the property located at 1541-1545 Fort Street to a site specific zone in order to permit the use of storefront cannabis retailer.

Councillor Thornton-Joe withdrew from the meeting at 9:52 am and returned at 9:53 am

Committee discussed:

- Whether correspondence has been received for this application.
- Concerns with the CALUC letter not being included in the agenda package.

Motion: It was moved by Councillor Isitt, 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. 00601 for 1541-1545 Fort Street, 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 3.439m on Fort Street and 1.407m on Verrinder Avenue.

CARRIED UNANIMOUSLY 17/COTW

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

Motion: It was moved by Mayor Helps, seconded by Councillor Isitt, that the agenda be amended, so that Item No. 8 be heard before Item No. 7.

CARRIED UNANIMOUSLY 17/COTW



Committee of the Whole Report

For the Meeting of November 9, 2017

To: Committee of the Whole **Date:** October 19, 2017

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

Subject: Rezoning Application No. 00601 for 1541-1545 Fort 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. 00601 for 1541-1545 Fort Street, 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 3.439m on Fort Street and 1.407m on Verrinder Avenue.

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 1541-1545 Fort Street. The proposal is to rezone from the C1-NM Zone, Neighbourhood (Modified) Shopping District, to a site-specific zone in order to permit 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 *Rockland 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 zoned C1-NM Zone, Neighbourhood (Modified) Shopping 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 be restricted to a maximum floor area of 156m², which is in keeping with the size of the existing operation.

All other requirements within the C1-NM Zone, Neighbourhood (Modified) Shopping District, would remain the same.

Staff have requested a Statutory Right-of-Way (SRW) of 3.439m on Fort Street and 1.407m on Verrinder Avenue 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.

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 immediate area is characterized mainly by mixed-use buildings, with commercial on the ground floor with residential on the upper storeys. The broader area is characterized by single-family residential and multi-family residential in the form of apartments and house conversions.

Existing Site Development and Development Potential

The site is presently a two-storey commercial building occupied by three retail units. Under the current C1-NM Zone, Neighbourhood (Modified) Shopping District, the property could be developed for a variety of commercial and commercial-residential uses to a maximum height of 10.7m and a maximum density of 1.0 to 1 floor space ratio.

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 Rockland Neighbourhood 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	0	2	0
Calls to the block	424	432	191

ANALYSIS

Official Community Plan

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

Local Area Plans

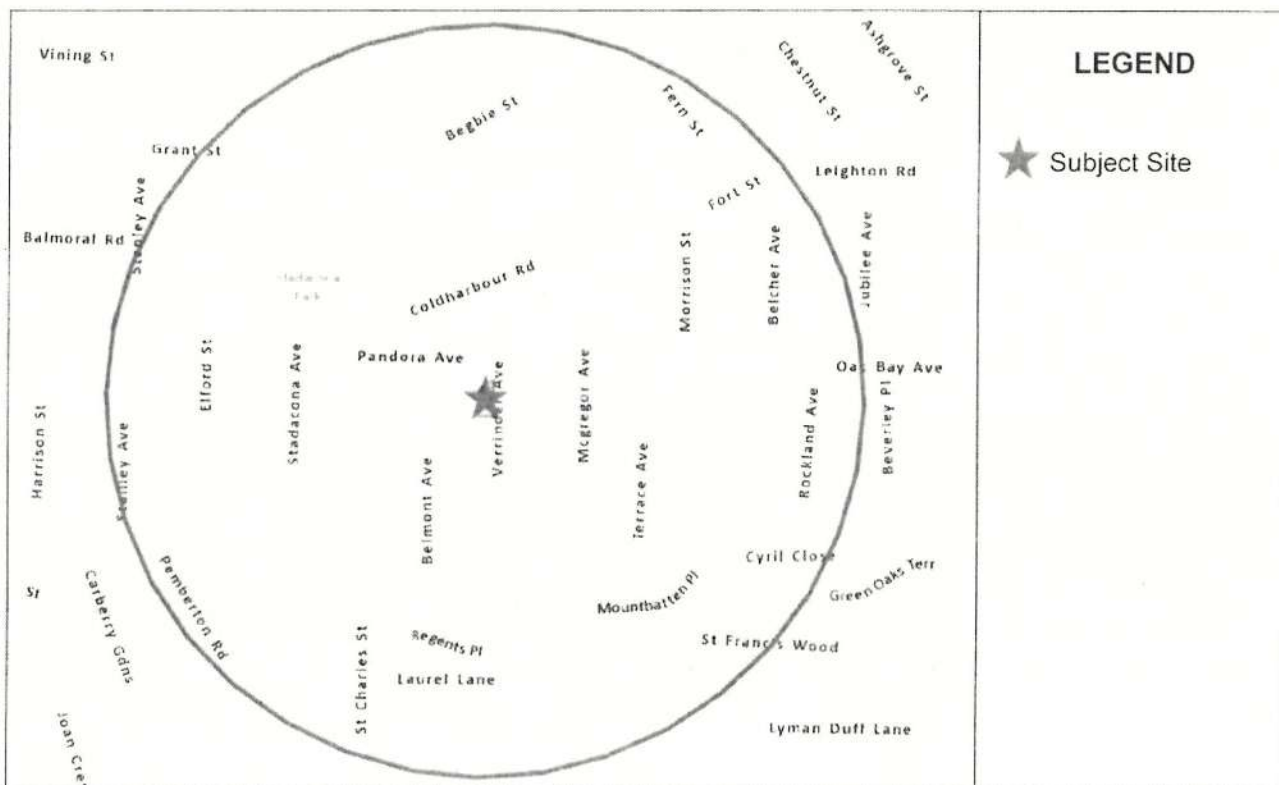
The *Rockland Neighbourhood Plan* envisions no expansion of commercial zoning and to reduce the permitted building height. This property is already zoned for commercial uses, so there is no expansion of commercial zoning occurring through this Rezoning Application.

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 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 plans show no parking stalls on-site. Previous approvals confirm that the site has non-conforming rights to zero parking stalls.

CONCLUSIONS

This proposal to permit the storefront cannabis retailer use is consistent with the *Official Community Plan* in accommodating commercial uses. The proposal is consistent with the *Rockland 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.

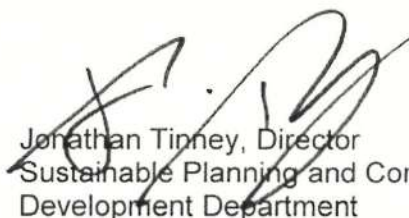
ALTERNATE MOTION

That Council decline Rezoning Application No. 00601 for the property located at 1541-1545 Fort 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:

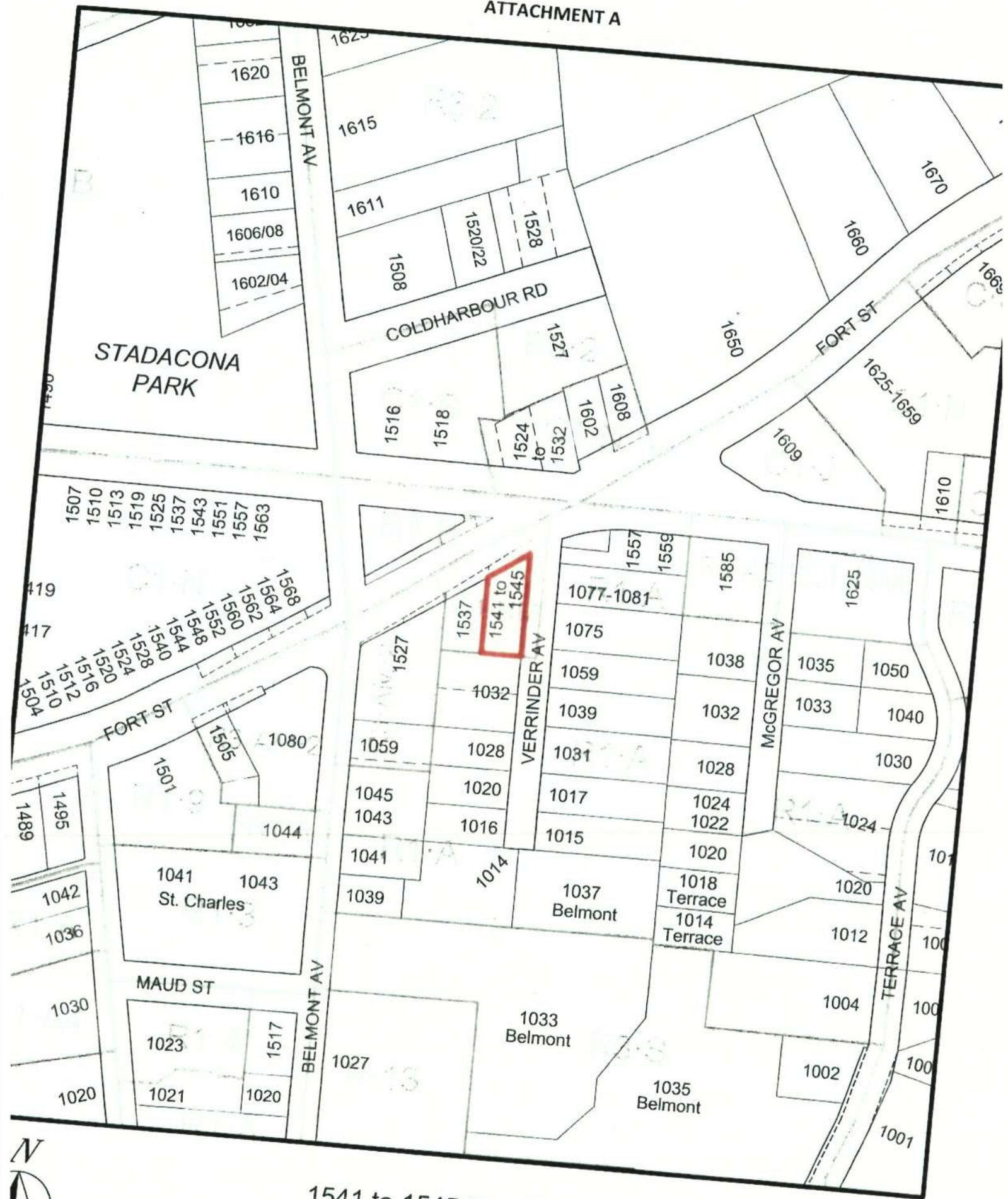


Date: Nov. 1, 2017

List of Attachments:

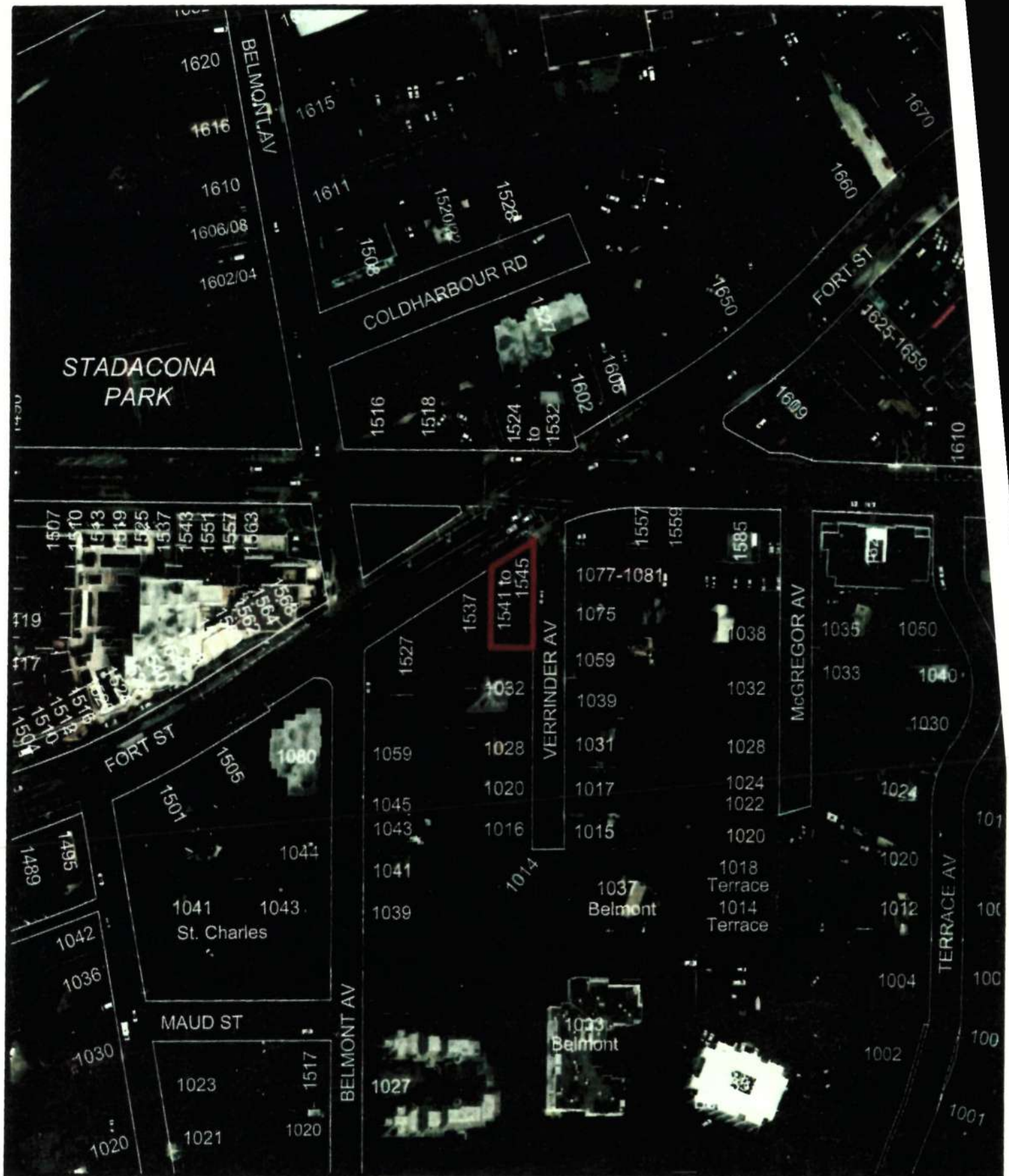
- Appendix A – Subject Map
- Appendix B – Aerial Map
- Appendix C – Plans date stamped September 21, 2017
- Appendix D – Letter from applicant to Mayor and Council dated July 7, 2017

ATTACHMENT A



1541 to 1545 Fort Street
Rezoning No.00601





1541 to 1545 Fort Street
Rezoning No. 00004



Rezoning to

VICTORIA'S NATURAL WAY DISPENSARY, 1545 FORT STREET

Alex Robb
Victoria's Natural Way Dispensary
(778) 265-5036

CODE REVIEW

Item	2012 British Columbia Building Code - Table 9.1.1	Page 5	Reference
1	Address	1545 Fort Street	
2	Legal Description	1545 Fort Street	
3	Project Name	Victoria's Natural Way Dispensary	
4	Classification of Building	Class 1 - Single Detached	1.1.2.1
5	Use Grouping	Group 1 - Retail	1.1.2.1
6	Site Area	561.2 sq.m	1.1.2.1
7	Unit Floor Area	155.5 sq.m	1.1.2.1
8	Parking Stalls	0	1.1.2.1
9	Bicycle Parking	1	1.1.2.1
10	Number of Units	1	1.1.2.1
11	Number of Units	1	1.1.2.1
12	Number of Units	1	1.1.2.1
13	Number of Units	1	1.1.2.1
14	Number of Units	1	1.1.2.1
15	Number of Units	1	1.1.2.1
16	Number of Units	1	1.1.2.1
17	Number of Units	1	1.1.2.1
18	Number of Units	1	1.1.2.1
19	Number of Units	1	1.1.2.1
20	Number of Units	1	1.1.2.1

LIST OF DRAWINGS

ARCHITECTURAL

- A-000 Drawing List, Legend, Code Review, Project Information Table & Site Plan
- A-001 Site Plan
- A-002 Overall Building Plan, First Floor Plan, Second Floor Plan
- A-003 Exterior Photos
- A-004 200m Radius Map

PROJECT INFORMATION TABLE

PROJECT INFORMATION TABLE	
Zone (Existing)	C1-NM
Site Area (sq.m)	561.2 sq.m
Unit Floor Area (sq.m)	155.5 sq.m
Parking Stalls (Number on Site)	0
Bicycle Parking Number	1

Parking Calculation - Schedule C

Site has nonconforming rights to zero parking stalls.
C1-NM - Neighborhood (Modified) Shopping District
1 stall per 200 sq.m gross floor area
Gross floor area = 148.1 sq.m
148.1 sq.m / 200 sq.m = 1
Required Base Rate - 1 Stall

CITY OF VICTORIA

RECEIVED

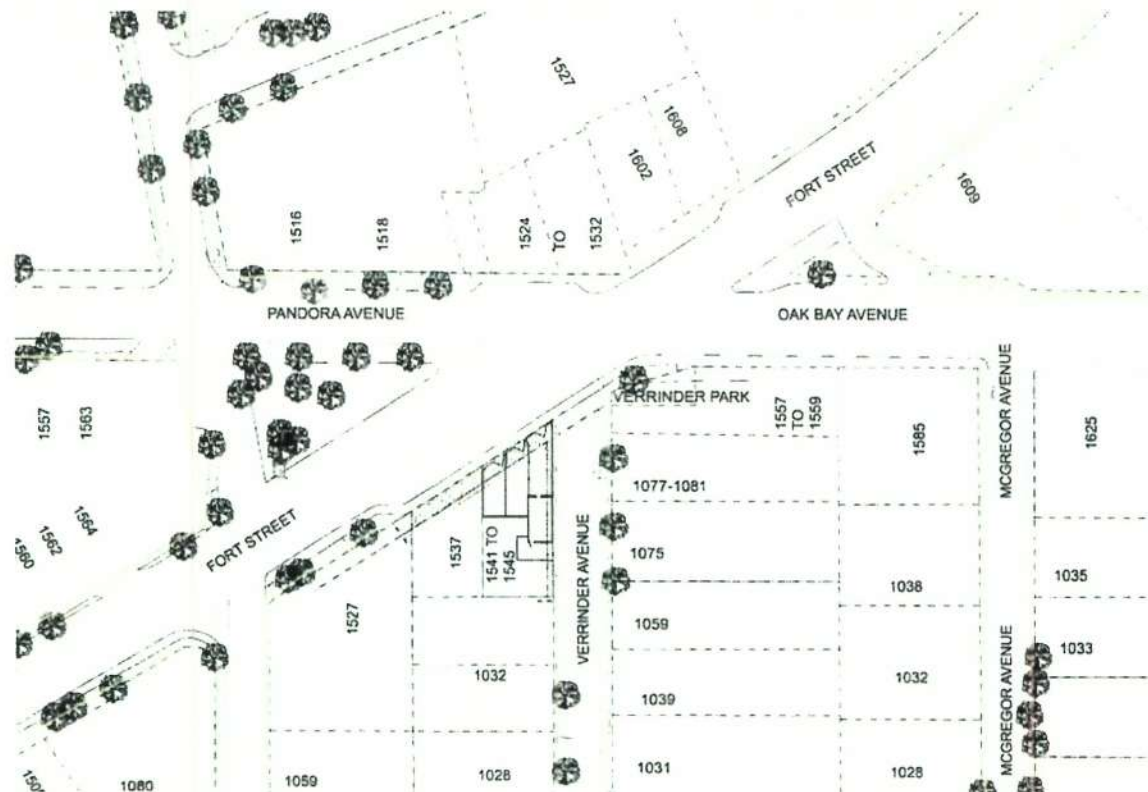
DEEMED

OCT 20 2017

SEP 21 2017

LEGEND

- Unregulated Fire Hydrant
- Curb
- Property Lines
- Time Limited Parking
- No Stopping
- Unrestricted Parking
- Residential Parking
- Surveyed Tree
- Bike Parking



Site Plan
1:200

number	10
As Noted	2017-09-29
1545 Fort Street Storefront Cannabis Retailer Rezoning	
Drawing List, Legend, Code Review, Project Information Table, Overall Site Plan	
CT	EM
2017524	A-000

ATTACHMENT C

FORT STREET

LEGEND

STATUTORY RIGHT OF WAY

1M BUFFER ZONE

1541
TO
1545

1537

VERRINDER AVENUE

VERRINDER P/

1557 TO 1551

CITY OF VICTORIA

RECEIVED

DEEMED

OCT 20 2017

SEP 21 2017

1077-1081

1075

Alex Robb
Victoria's Natural Way Dispensary
(778) 265-5036

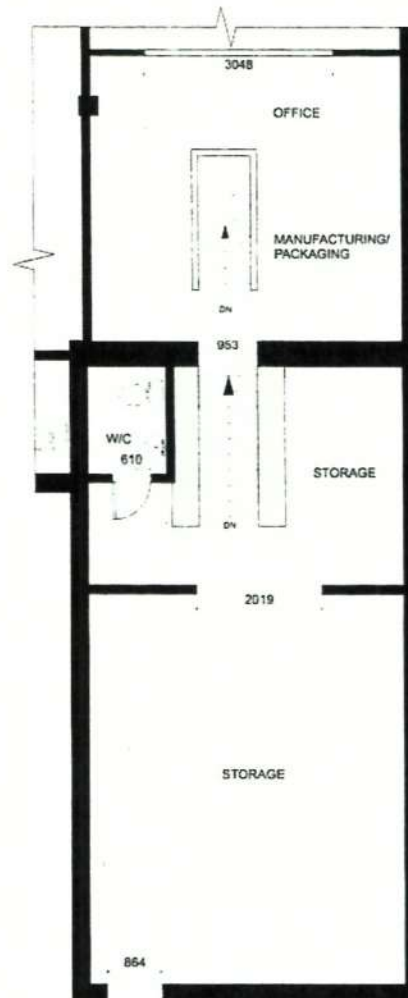
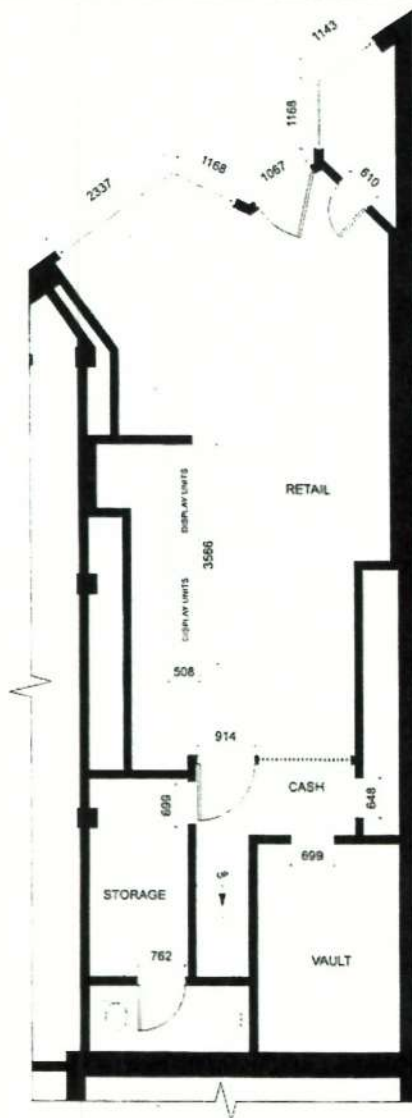
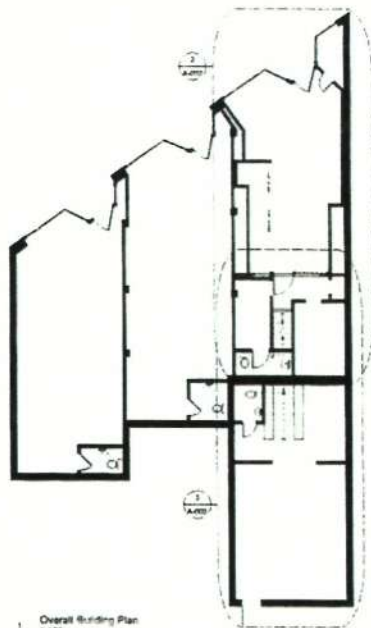
2	RESULTS FOR REVIEW	2017-08-24
3	ADDED FOR REZONING	2017-08-27



1545 Fort Street
Storefront Cannabis Retailer Rezoning

Site Plan

2017524	A-001
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Alex Robb
Victoria's Natural Way Dispensary
(778) 265-5036

Rec'd
City of Victoria
SEP 21 2017
Planning & Development Department
Development Services Division

1. RECEIVED FOR REVIEW
2. REVIEW FOR APPROVAL
3. REVIEW FOR APPROVAL
4. REVIEW FOR APPROVAL

number
10

As Noted 2017-08-29

1545 Fort Street
Storefront Cannabis Retailer Rezoning

Overall Building Plan
First Floor Plan
Second Floor Plan

2017024
A-002



1 Exterior Photo - North Face of Building



2 Exterior Photo - Front Entrance



3 Exterior Photo - East Face of Building



4 Exterior Photo - South Face of Building



5 Exterior Photo - South Face of Building



Alex Robb
Victoria's Natural Way Dispensary
(778) 265-5036

Received
City of Victoria

SEP 21 2017

Placed on 1545 Fort Street - Development
Development - 1545 Fort Street - Victoria

1	RECEIVED FOR REVIEW	2017-09-21
2	RECEIVED FOR REVIEW	2017-09-21
3	RECEIVED FOR REVIEW	2017-09-21

number
10

1545 Fort Street

1545 Fort Street

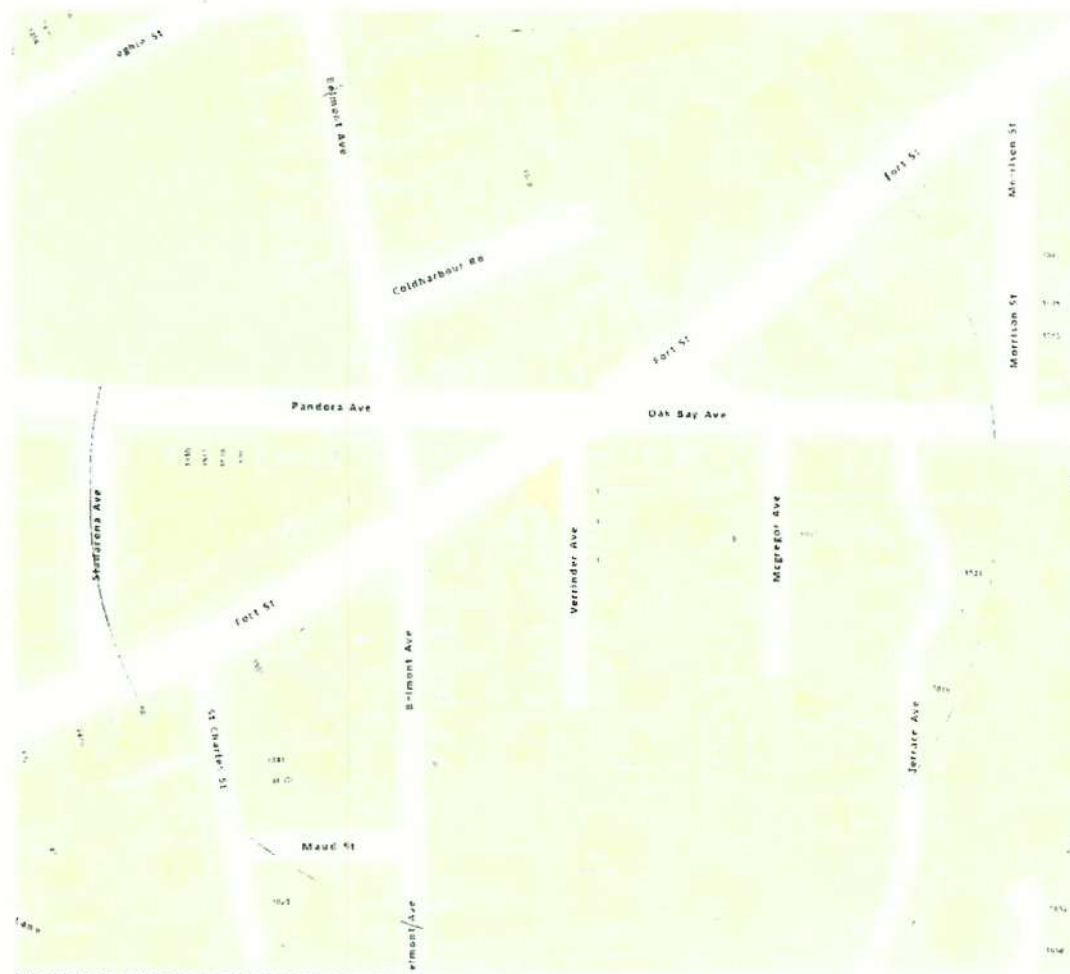
1545 Fort Street

Not To Scale 2017-09-29

1545 Fort Street
Storefront Cannabis Retailer Rezoning

Exterior Photos

1545 Fort Street
2017524
A-003



NO OTHER CANNABIS DISPENSARIES WITHIN A 200m RADIUS

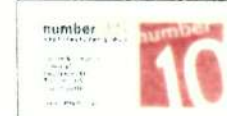


Alex Robb
Victoria's Natural Way Dispensary
(778) 265-5036

DATE: 2017-08-29



1. INDICATED FOR REVIEW
2. REVIEW FOR REVIEW
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DATE: 2017-08-29

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DATE: 2017-08-29

1524 Fort Street
Storefront Cannabis Retailer Rezoning

200m Radius Map

DATE: 2017-08-29

1. INDICATED FOR REVIEW
2. REVIEW FOR REVIEW
3. REVIEW FOR REVIEW

DATE: 2017-08-29

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DATE: 2017-08-29

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3. REVIEW FOR REVIEW

DATE: 2017-08-29

A-004



To: Mayor Lisa Helps and members of Victoria City Council

From: Alex Robb, Community Liaison for Victoria's Natural Way

Date: July 7, 2017

Subject: Rezoning for Cannabis related business for 1545 Fort Street

Dear Mayor and City Council,

It is my honour to be submitting this letter along with our completed application for rezoning for cannabis-related business for the property at 1545 Fort Street.

Description of Proposal

The property at 1545 Fort Street is located in the Large Urban Village designation of Stadacona Village, at the corner of the area known as the Oak Bay Junction. Victoria's Natural Way began operating this medical cannabis storefront in May of 2015. It was the first dispensary in the neighbourhood and has proudly served the neighbourhood by providing affordable cannabis products, educating clientele about the use of cannabis as a medicine, and providing advice to medical cannabis users in the area on safe and effective methods of consumption and appropriate dosing of cannabis.

The location does not fall within any 200m radius surrounding a school or community centres, and there are no cannabis retail stores within a 400m radius of the storefront.

City Policy

This rezoning application conforms to the City's Cannabis Storefront Rezoning Policy in every way. It is appropriately zoned and has adequate parking, and no public nuisance is created by its operation. The location of the medical cannabis storefront in this area has made the streets safer by putting more "eyes on the street" at this busy intersection, and increased foot traffic which has benefited neighbouring businesses.

Project Benefits and Amenities

The economic, environmental, and social benefits of this project are numerous. Cannabis is an emerging sustainable industry on Vancouver Island. 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 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 younger population, many of whom are highly educated (especially in the field of alternative healthcare), and dedicated to improving society, but unable to find secure employment in their field.

Victoria's Natural Way has sought to promote education about cannabis as a medicine, adjunct therapy for terminal illness, alternative to opioid pain management, and harm reduction tool, by offering educational workshops in our own storefront and at other venues across town

Neighbourhood

The proposed development contributes significantly to neighbourhood vibrancy by sponsoring and promoting arts and culture events in the neighbourhood, and providing space and funding for harm reduction and community health initiatives. The proximity of the dispensary to the region of Oak Bay has made our services accessible to residents of that region seeking medicinal cannabis products and so who may work downtown and park at the parkade.

Impacts

This storefront on Fort Street aspires to offer a "boutique" medical cannabis retail experience, it is bright and spacious, and well-appointed with plants and artwork that harkens to BC's outdoor spaces. After rezoning and licensing we intend to invest further in the design and aesthetic of this store in order to change the public mind about the image of the cannabis industry. The space will be plant-filled, wood laden, and present an 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.

Design and Development Permit Guidelines

The current site of 1545 Fort Street has a C1-NM zoning which allows for the use of the premises for retail sales. This proposal does not require any development or building additions as the building already meets guidelines.

Safety and security

Victoria's Natural Way 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 operation of the business has attracted customers to other nearby businesses, and our staff have maintained the area surrounding the business clean, and free of litter, and other refuse, and have safely removed used syringes from the area near the storefront. Our 24-hour high definition camera system can be used to provide information on crimes that may happen in the neighbourhood after hours.

The large windows make clear what is happening inside the storefront, and the location on a busy intersection makes the location less likely to be targeted by criminals seeking to break-in or rob the location. The entrance area is visible, well-lit, and monitored by security cameras and motion sensors. Third party alarm and fire monitoring is provided by Price's Alarm, and security camera footage is maintained for 30 days on a secure server.

Transportation

This rezoning applications meets the parking standards set out in schedule C. The site of 1545 Fort Street has a zoning of C1-NM, and sufficient parking for the use is afforded at the rear of the property. Additionally, bicycle parking for employees is afforded inside the store.

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.

All best wishes,

Alex Robb

Community Liaison, Victoria's Natural Way