

3. **Rezoning Application No. 00557 for 2616-2626 Douglas Street**

Motion:

It was moved by Councillor Young, seconded by Councillor Lucas, that Council decline Application No. 00557 for the property located at 2616-2626 Douglas Street.

Defeated

For: Councillors Madoff, Lucas, and Young

Opposed: Mayor Helps, Councillors Coleman, Isitt, Loveday, and Thornton-Joe

Motion:

It was 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. 00557 for 2616-2626 Douglas Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set, with final approval only considered upon receipt of:

- (1) proof of registration of an executed Statutory Right-of-Way (SRW) of 4.91m on Gorge Road East at the Land Titles Survey Authority; and,
- (2) registration of a license of occupation for the encroachment of the existing building on the public right-of-way.

Carried

For: Mayor Helps, Councillors Coleman, Isitt, Loveday, Madoff, and Thornton-Joe

Opposed: Councillors Lucas and Young

4. LAND USE MATTERS

4.1 Rezoning Application No. 00557 for 2616-2626 Douglas Street (Burnside Gorge)

Committee received a report dated January 4, 2018, from the Director of Sustainable Planning and Community Development regarding recommendations for the proposal to rezone the property located at 2616-2626 Douglas Street from the current zone to a site specific zone in order to allow for the retail sale of cannabis.

Motion: It was moved by Councillor Lucas, seconded by Councillor Thornton-Joe, which Council decline Application No. 00557 for the property located at 2616-2626 Douglas Street.

Committee discussed:

- The applicant being considered under the policy that existed at the time of their application.

CARRIED 18/COTW

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



Committee of the Whole Report

For the Meeting of February 1, 2018

To: Committee of the Whole **Date:** January 4, 2018

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

Subject: Rezoning Application No. 00557 for 2616-2626 Douglas Street

RECOMMENDATION

That Council decline Application No. 00557 for the property located at 2616-2626 Douglas Street.

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 2616-2626 Douglas Street. The proposal is to rezone from the current C1-N Zone, Neighbourhood Shopping 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 General Employment designation in the *Official Community Plan, 2012*
- the proposal is consistent with the General Employment designation in the *Burnside Gorge Neighbourhood Plan*
- the proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy*, as it is within 400m of a permitted storefront cannabis retailer.

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 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 128m², which is in keeping with the size of the existing operation.

All other requirements within the C1-N Zone, Neighbourhood Shopping District remain the same.

This application was brought forward to the October 19, 2017, Committee of the Whole Meeting at which time Council voted to defer the application until after the Public Hearing for 603 Gorge Road East. The application at 603 Gorge Road East has now been approved following a Public Hearing, and as such, this application for 2616-2626 Douglas Street is being brought back to Committee of the Whole for Council's consideration.

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 mainly by office and commercial uses, with automotive services including vehicle sales to the north.

Existing Site Development and Development Potential

The site is presently a two-storey building with commercial uses on the ground floor and residential uses on the upper floor.

Under the current C1-N Zone, Neighbourhood Shopping District, the property could be developed for a variety of commercial uses including commercial-residential up to a height of 21.5m 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 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 service calls:

Calls for Service	2015	2016	2017 (July 24)
Calls to the immediate area	1	2	0
Calls to the block	281	266	133

ANALYSIS

Official Community Plan

The *Official Community Plan* (2012) identifies the property within the General Employment land use designation, within which commercial, including retail, is envisioned.

Local Area Plans

The property is designated as General Employment within the *Burnside Gorge Neighbourhood Plan*. Within this designation, retail uses are supported on the ground floor along arterial roads and areas with high pedestrian activity. This portion of Douglas Street is classified as an arterial road.

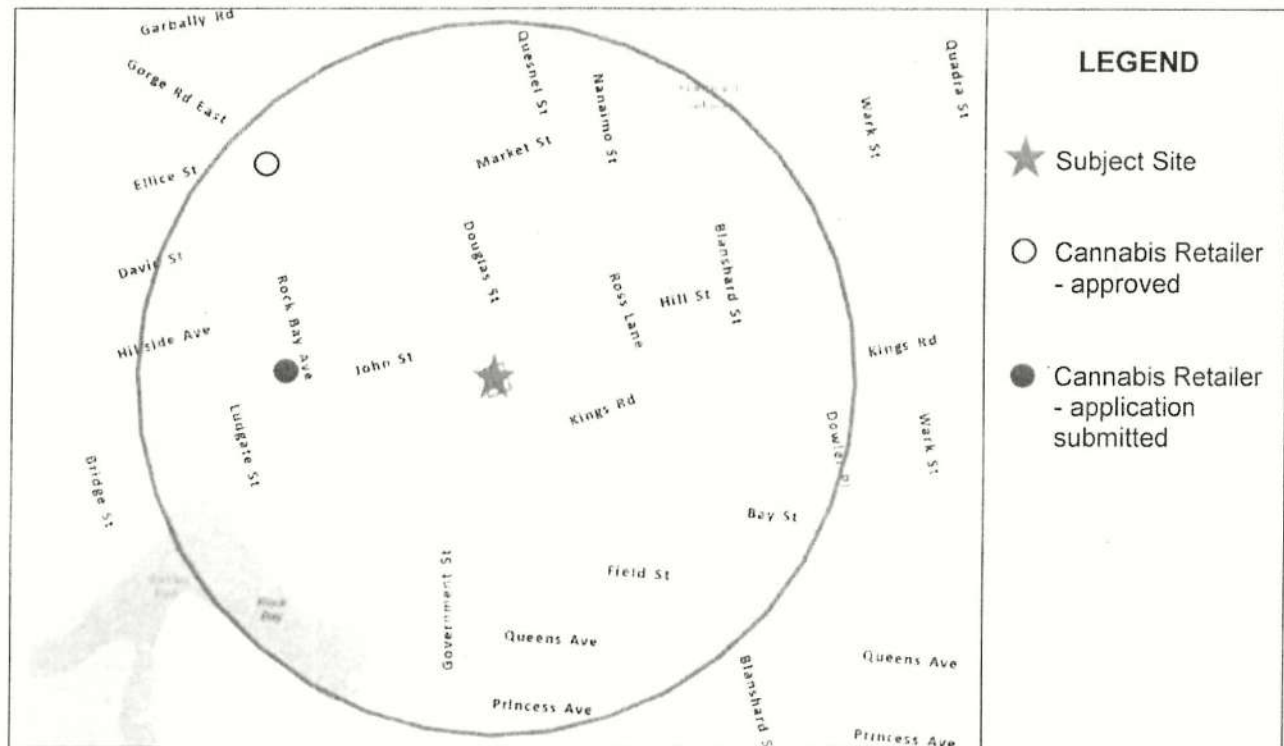
Tree Preservation Bylaw and Urban Forest Master Plan

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

Storefront Cannabis Retailer Rezoning Policy

At the time of submission, this application was consistent with the *Storefront Cannabis Retailer Rezoning Policy*, as there are no storefront cannabis retailers within 200 metres of the property. However, there is a permitted storefront cannabis retailer at 603 Gorge Road East that is approximately 329 metres to the northwest of the subject site. In addition, the application at 2610 Rock Bay Avenue was submitted at an earlier date and is 211m west of the subject site.

No public or independent elementary, secondary or high schools are within 200m of the property. SJ Willis School is approximately 339m away.



Regulatory Considerations

The laneway at the rear of the property is identified as part of the priority AAA bicycle network. The standard right-of-way for a lane is 6.0m. To help achieve this, Staff recommend Council make a Statutory Right-of-Way (SRW) of 1.17m a condition of the Rezoning. Furthermore, a License of Occupation would be required, as the existing building encroaches on the public right-of-way. The alternate motion contains language that would make these two items a requirement in the event that Council chooses to advance the application for further consideration at a Public Hearing.

CONCLUSIONS

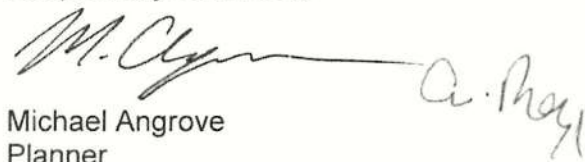
This proposal to permit the use of a storefront cannabis retailer is consistent with both the *Official Community Plan* and the *Burnside Gorge Neighbourhood Plan* in accommodating retail uses on arterial roads. The proposal does not have any schools within 200m of the parcel; however, there is a permitted storefront cannabis retailer within 400m of the subject property and is therefore inconsistent with the *Storefront Cannabis Retailer Rezoning Policy*. Staff recommend Council consider declining this application.

ALTERNATE MOTION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00557 for 2616-2626 Douglas Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set, with final approval only considered upon receipt of:

- (1) proof of registration of an executed Statutory Right-of-Way (SRW) of 4.91m on Gorge Road East at the Land Titles Survey Authority; and,
- (2) registration of a license of occupation for the encroachment of the existing building on the public right-of-way.

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 24, 2018

List of Attachments:

- Appendix A: Subject Map
- Appendix B: Aerial Map
- Appendix C: Plans date stamped September 12, 2017
- Appendix D: Letter from applicant to Mayor and Council

Mayor and Council
#1 Centennial SQ Victoria BC
V8W 1P6

To Mayor and Council

Letter to council Fivestar Medicinal Dispensary Ltd Licence Application

At Five Star Medicinal Dispensary we are located at 2622 Douglas Street Victoria B.C. Our goal is to provide affordable safe access to qualified individuals with a motto that is "patients over profits". Located in the Tangs Pagoda building we have kept all exterior facia the same and intend to going into the future. The proximity to other storefront cannabis retailers and schools exceeds over 500m so we comply with city regulations.

In addition to conforming to the storefront cannabis retailer policy we have made sure that we have complied with all the given guidelines. Five Star Medicinal Dispensary hours of operation are 11 am-7pm Monday-Sunday. All signs have been changed and product warnings are displayed prominently.

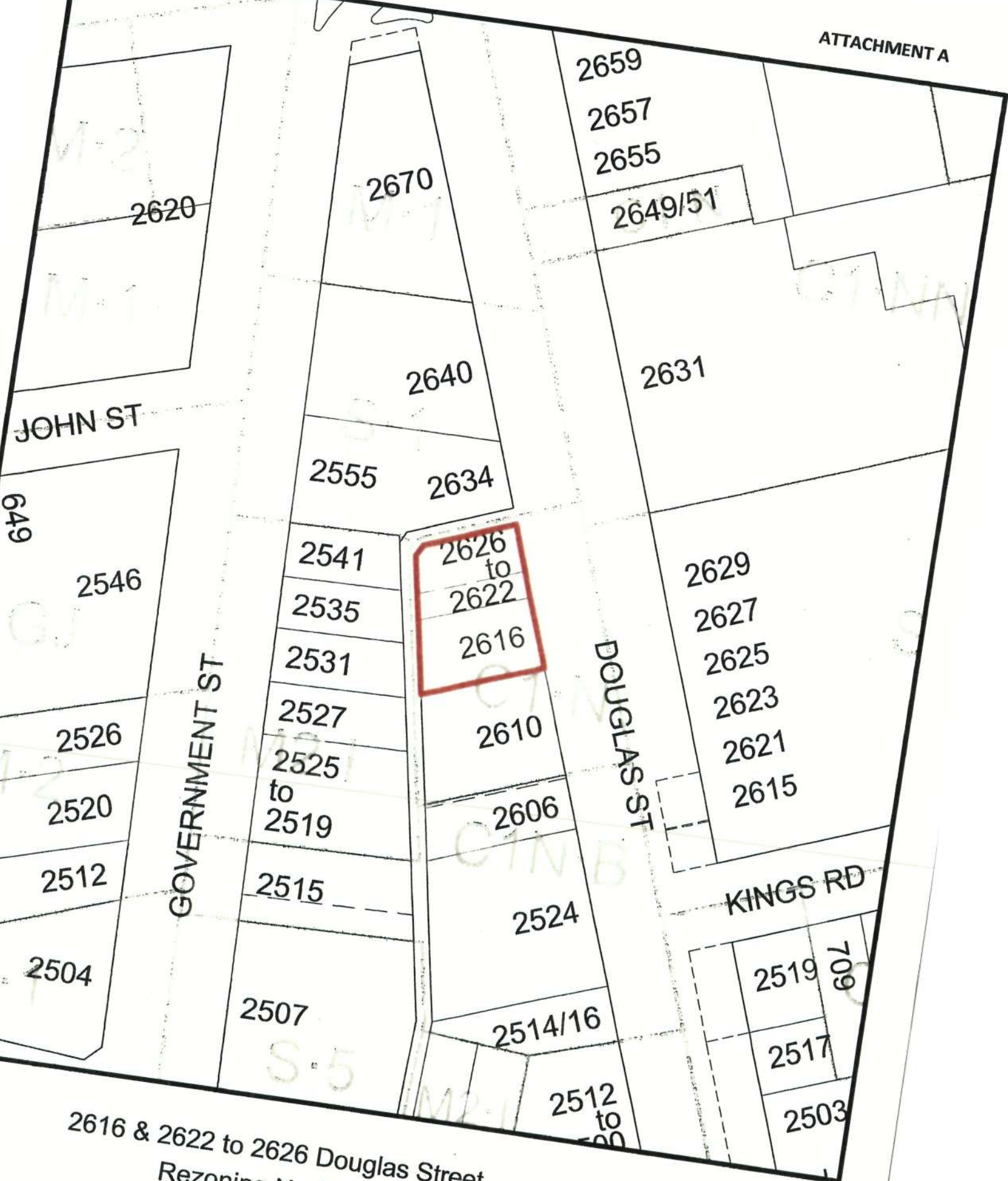
Five Star Medicinal donates a small portion of profits to charity and are working together with other clubs on donation initiatives such as a food drive for the Mustard Seed Food Bank. As we grow we will continue to give back to our community as it means alot to us. We have a low carbon footprint and we ensure that we keep an enviromently friendly atmosphere.

We always operate in a community friendly manner when it comes to our neighborhood, we have great relationships with all our neighbors. The upkeep of our building is one of our main priorites and will continue to be as we strive to improve this part of downtown. We have minimal foot traffic and again we are only open 11am-7pm which limits activity for residents of our neighborhood.

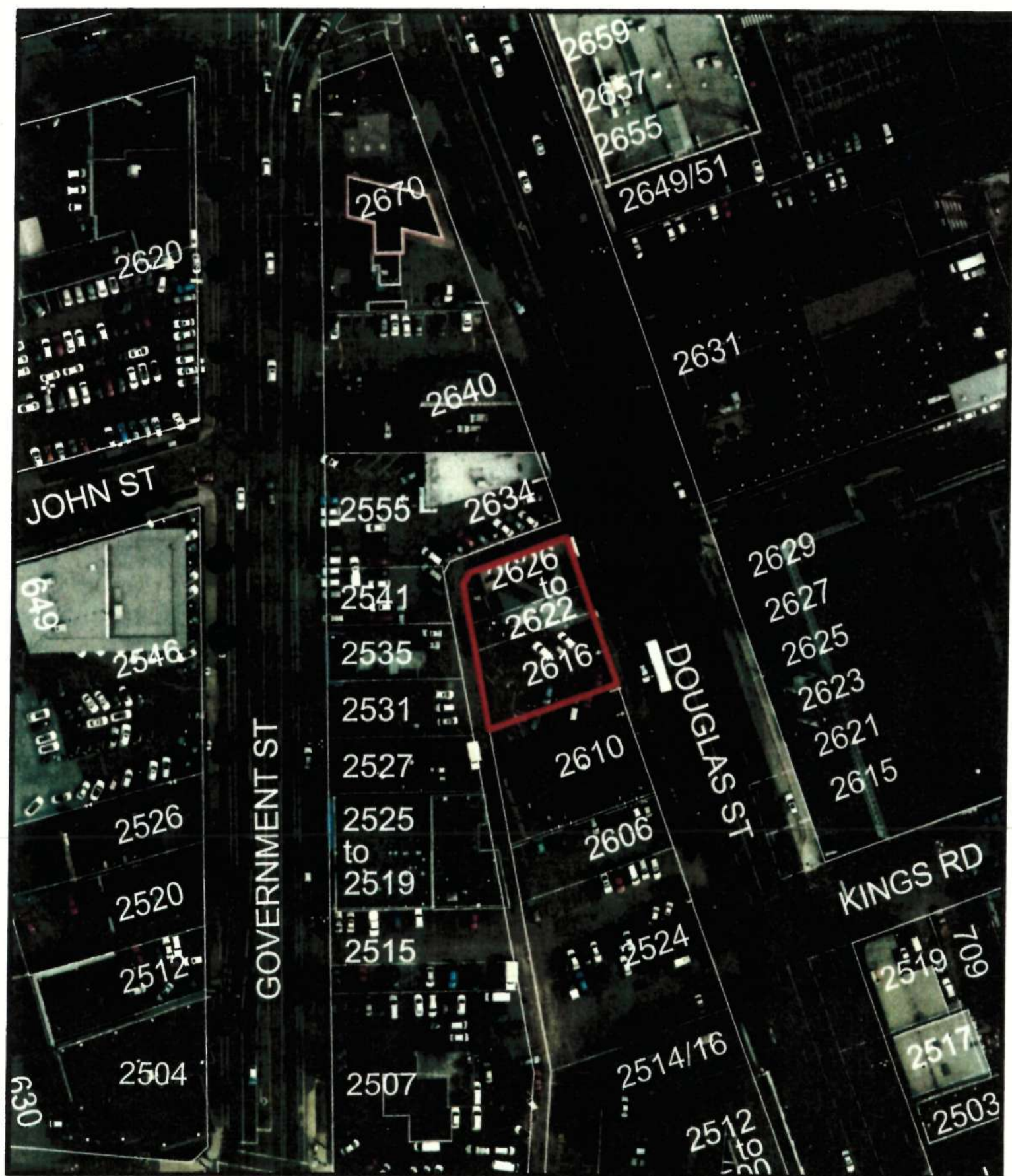
Five star medicinal is I believe exceeding all security and safety requirements as will be evident in our security plan done together with the Commisionaires. We have implemented many CPTED recomendated security features and have addressed all four of the CPTED principles some of which include window bars, alarms, pannic buttons as well as design of the location. Staff and community safety are one of our number one priorities and always will be. All products come with warnings and are kept secure at all times.

Five Star Medicinal Dispensary LTD would like to thank council for their time and consideration, we hope to build a great relationship with the City of Victoria.

Brandon Rounds/Erich Weiss owner Fivestar Medicinal Dispensary Ltd



2616 & 2622 to 2626 Douglas Street
Rezoning No.00557



2616 & 2622 to 2626 Douglas Street
Rezoning No.00557



Kien Giang
City of Vietnam

SEP 12 2011

Planning & Development Department

LIST OF DRAWINGS

- Regulated Fire Hydrant
- Curb
- Property Lines
- Time Limited Parking
- No Stopping
- Tree

ARCHITECTURAL

- | | |
|-------|---|
| A-000 | Drawing List, Legend, Code Review, Project Information
Table & Site Plan |
| A-001 | Site Plan |
| A-002 | Existing Main Floor Plans |
| A-003 | Existing Upper Floor Plans |
| A-004 | Exterior Photos |
| A-005 | 200m Radius Map |

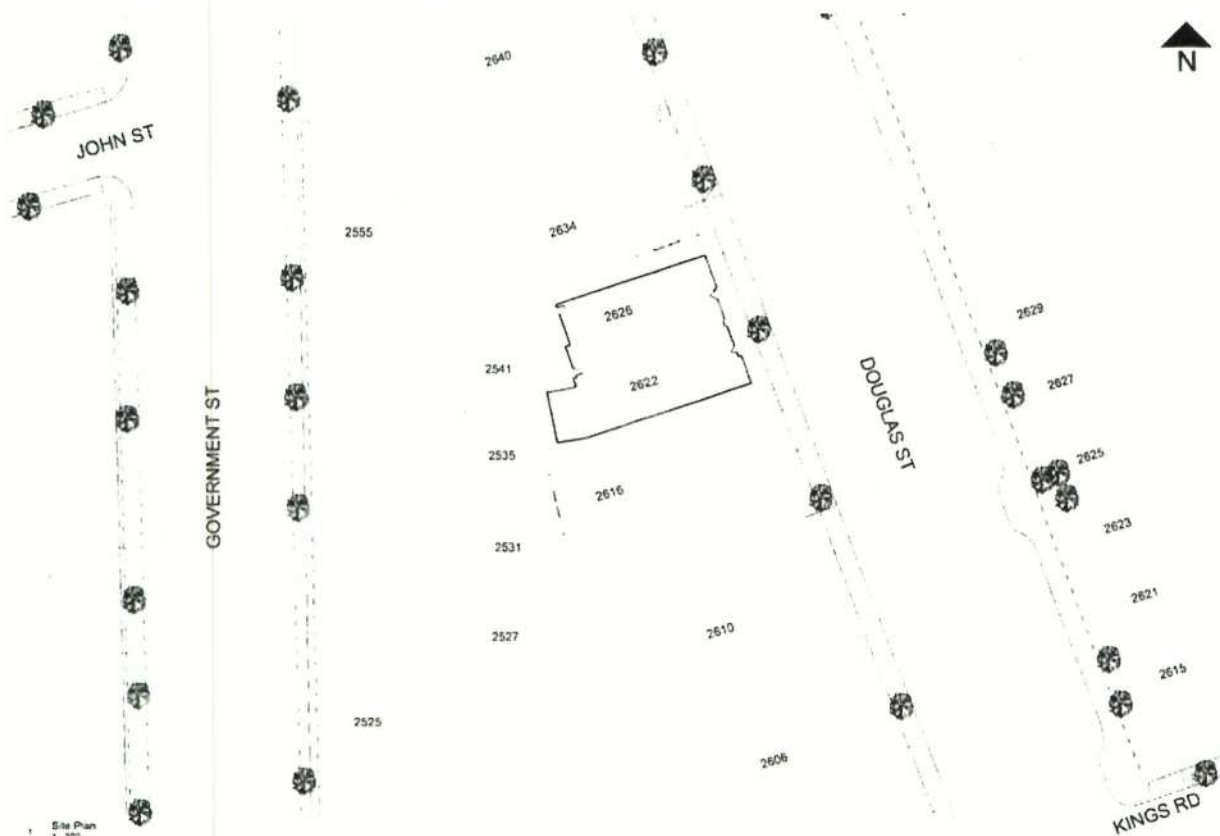
PROJECT INFORMATION TABLE

PROJECT INFORMATION TABLE

Zone (Existing)	C1-N
Site Area (sq.m)	412.4 sq.m
Unit Floor Area (sq.m)	127.6 sq.m
Parking Stalls (Number on Site)	Street Parking Only
Bicycle Parking Number (Class 1 and 2)	Class 1: 0, Class 2: 0

CODE REVIEW

Item	2012 Reach Column	Rating	Cost	Value	ROI
1	Address	1000000	1000000	1000000	1000000
2	Legal Services	1000000	1000000	1000000	1000000
3	Project Resources	1000000	1000000	1000000	1000000
4	Classification of Funding	1000000	1000000	1000000	1000000
5	Top-Rating Item	1000000	1000000	1000000	1000000
6	Flag Item	1000000	1000000	1000000	1000000
7	Occupied Land	1000000	1000000	1000000	1000000
8	Number of Times	1000000	1000000	1000000	1000000
9	Number of Times Facing	1000000	1000000	1000000	1000000
10	Environment	1000000	1000000	1000000	1000000
11	Group of 10 to 15 Items	1000000	1000000	1000000	1000000
12	Group of 10 to 15 Items	1000000	1000000	1000000	1000000
13	Group of 10 to 15 Items	1000000	1000000	1000000	1000000
14	Group of 10 to 15 Items	1000000	1000000	1000000	1000000
15	Group of 10 to 15 Items	1000000	1000000	1000000	1000000
16	Group of 10 to 15 Items	1000000	1000000	1000000	1000000
17	Group of 10 to 15 Items	1000000	1000000	1000000	1000000
18	Group of 10 to 15 Items	1000000	1000000	1000000	1000000
19	Group of 10 to 15 Items	1000000	1000000	1000000	1000000
20	Group of 10 to 15 Items	1000000	1000000	1000000	1000000



1	ISSUED FOR RETURN	2013-01
4	ISSUED FOR RETURN	2017-01
1	ISSUED FOR RETURN	2016-12
2	ISSUED FOR RETURN	2016-11
1	ISSUED FOR RETURN	2016-10



10. 2017-2018

Sex	Age
As fasted	2017.00

2622 Douglas St
Storefront Cannabis Retailer Rezoning

2622 Douglas St
Drawing List, Legend,
Code Review, Project Information Table.
Overall Site Plan

A-00

A-000

2634

2626

2622

2616

2541

2535

2531

SHARED LANEWAY

SHARED LANEWAY



Eric Weiss
Five Star Medicinal Dispensary
fivestarmedical@hotmail.com
(778) 265-8420

Recovery
City of Victoria

SEP 12 2017

Planning & Development
Engineering Services Division

1	RECEIVED FOR REZONING	2017-05-01
2	ISSUED FOR RETINING	2017-07-01
3	ISSUED FOR RETINING	2016-11-01
4	ISSUED FOR RETINING	2016-11-01
5	ISSUED FOR RETINING	2016-11-01

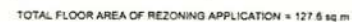


2622 Douglas St
Storefront Cannabis Retailer Rezoning

2622 Douglas St
Site Plan

number	ET	LM
2016550		A-001

5 (N) AIR FILTRATION UNIT

Firsting Main Floor Plan
 2 60

2. Existing Area of Rezoning Application

1	SAVED FOR BIRTHDAY	2017 40
4	SAVED FOR BIRTHDAY	2017 41
1	SAVED FOR BIRTHDAY	2018 12
3	SAVED FOR BIRTHDAY	2018 13
1	SAVED FOR BIRTHDAY	2018 15



As Signed	2017-05-01
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2622 Douglas St
Storefront Cannabis Retailer Rezoning

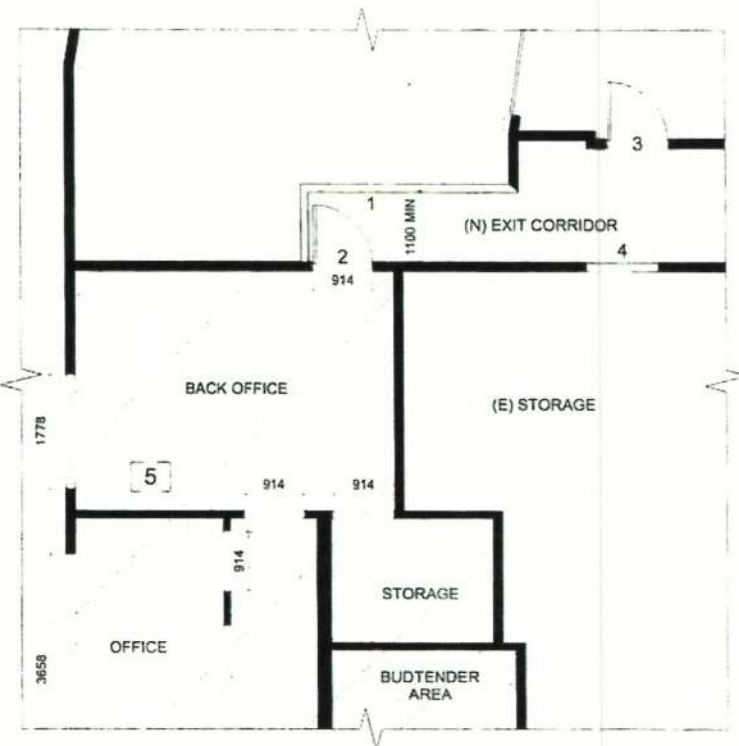
2622 Douglas St
Existing Main Floor Plans

2016550 A-002

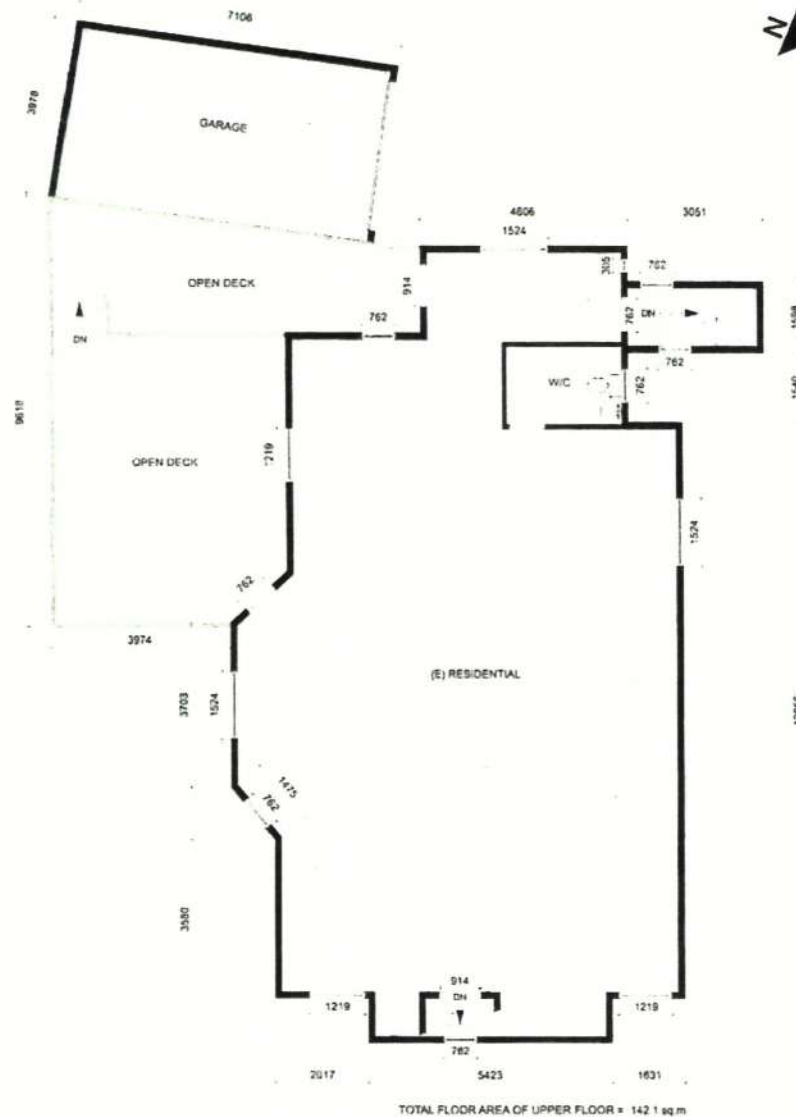
A-002

CONDITIONS OF REZONING

- 1 ADD (N) SECOND EXIT FROM (E) SUITE
CONSTRUCT 45MIN FIRE SEPARATION TO SEPARATE (N)
EXIT CORRIDOR FROM (E) GARAGE
- 2 ADD (N) 914MM 20MIN FIRE RATED DOOR BETWEEN (E)
BACK OFFICE & (N) EXIT CORRIDOR
- 3 MODIFY SWING OF (E) GARAGE TO ALLOW (E) EXIT
DOOR TO SWING IN THE PATH OF TRAVEL
- 4 INFILL (E) OPENING INTO (E) STORAGE WITH 45MIN FIRE
SEPARATION TO SEPARATE (E) EXIT CORRIDOR FROM
(E) STORAGE
- 5 (N) AIR FILTRATION UNIT



1 Existing Area of Rezoning Application
1:30



TOTAL FLOOR AREA OF UPPER FLOOR = 142.1 sq m

2 Existing Upper Floor Plan
1:30

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Fire Star Medicinal Dispensary
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(778) 265-8420

WOODBURY
City of Victoria

SEP 17 2017

Planning & Development Department
4-4000-1000-0000

3	DESIGNED FOR 1000	2017-01-01
4	DESIGNED FOR 1000	2017-01-01
5	DESIGNED FOR 1000	2017-01-01
6	DESIGNED FOR 1000	2017-01-01
7	DESIGNED FOR 1000	2017-01-01
8	DESIGNED FOR 1000	2017-01-01



2622 Douglas St
Storefront Cannabis Retailer Rezoning

2622 Douglas St
Existing Upper Floor Plans

17
2016/150
A-003

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1 Entrance on Douglas - East East of Building



2 Entrance on Douglas - East Face of Building



3 South Face of Building



4 West Face of Building

Rockwell
City of Village
SEP 12 2017
Planning & Development Department
2622 Douglas St
Storefront Cannabis Retailer Rezoning

1	REQUIRED FOR REZONING	2017-01-01
2	REQUIRED FOR REZONING	2017-01-01
3	REQUIRED FOR REZONING	2018-12-01
4	REQUIRED FOR REZONING	2018-11-01
5	REQUIRED FOR REZONING	2018-12-01

number 10
2622 Douglas St
Storefront Cannabis Retailer Rezoning

2622 Douglas St
Storefront Cannabis Retailer Rezoning

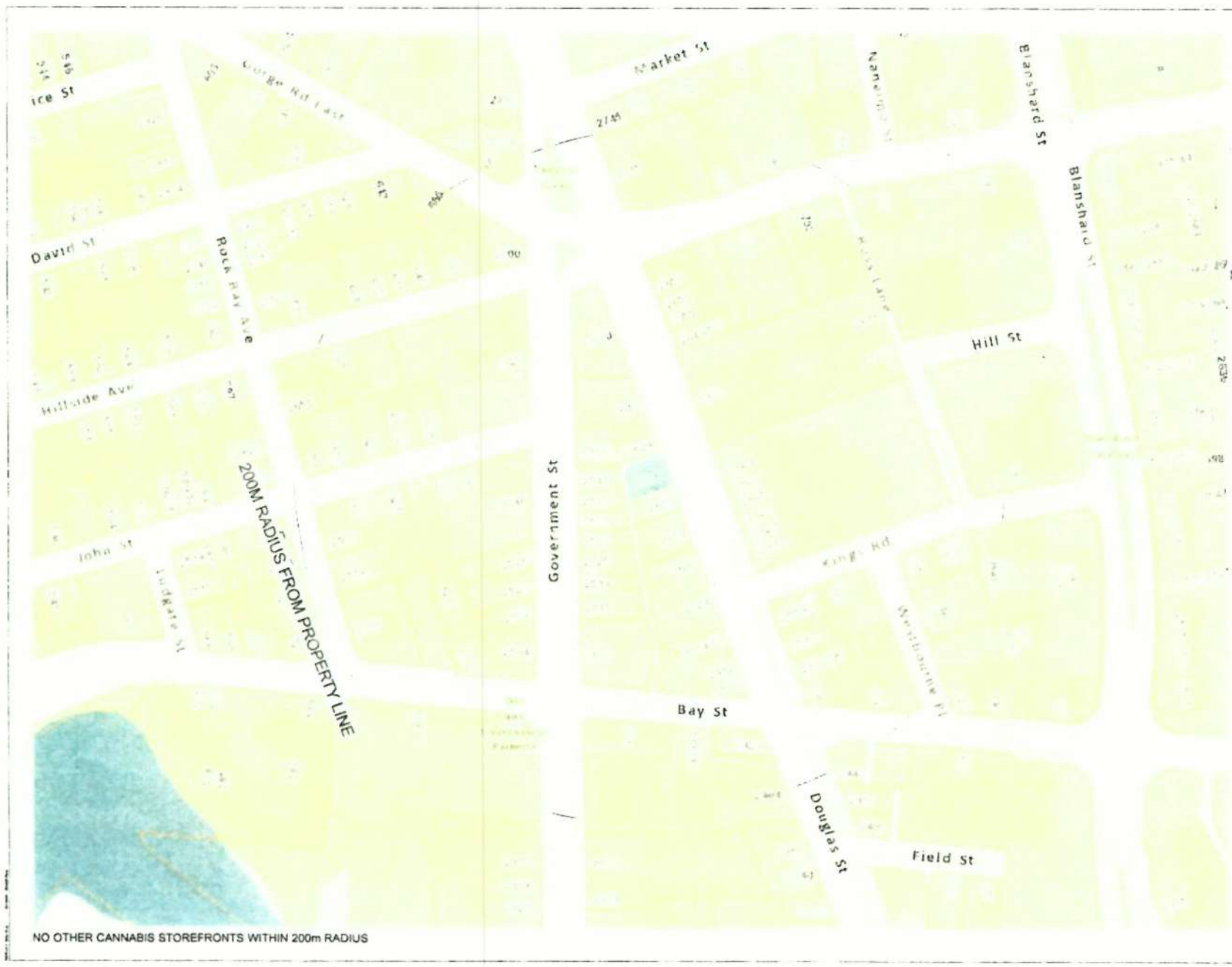
2622 Douglas St
Storefront Cannabis Retailer Rezoning

2622 Douglas St
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2622 Douglas St
Storefront Cannabis Retailer Rezoning

2622 Douglas St
Storefront Cannabis Retailer Rezoning

A-004



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City of Victoria

SEP 12 2017

Planning & Development Department
 2622 Douglas St
 200m Radius Map

1	ISSUED FOR REVIEW	2017-05-01
2	ISSUED FOR REVIEW	2017-05-01
3	ISSUED FOR REVIEW	2017-05-01
4	ISSUED FOR REVIEW	2017-05-01
5	ISSUED FOR REVIEW	2017-05-01
6	ISSUED FOR REVIEW	2017-05-01
7	ISSUED FOR REVIEW	2017-05-01
8	ISSUED FOR REVIEW	2017-05-01
9	ISSUED FOR REVIEW	2017-05-01
10	ISSUED FOR REVIEW	2017-05-01

number 10

1:1000	2017-05-01
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2622 Douglas St
 Storefront Cannabis Retailer Rezoning

2622 Douglas St
 200m Radius Map

2016550	A-005
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Handout to Council – February 8, 2018
Request for Reconsideration of Committee of the Whole Recommendation to Council
Re Application No 00557 for 2616-2626 Douglas Street

I am asking that Council look again at Five Star Medical Dispensary's application for rezoning because I believe it has not yet had the chance to consider this application fairly.

A bit about us:

- There are no schools within 200 m of the property.
- The area is zoned and designated for commercial, retail uses.
- And most uses in the area are office, commercial and car sales.
- The dispensary began operating in April of 2016, before the City's zoning bylaw was passed.
- Service calls to law enforcement to our block have actually dropped while we have been operating [see staff report page 3 of 5].
- We have been having a positive impact in our neighbourhood.
- From a land use viewpoint, we are in an appropriate place.

What happened to us:

- We submitted our application January 6, 2017, and were consistent with the *Storefront Cannabis Retailer Rezoning Policy* at the time.
- Our application didn't come forward until October 19, 2017 and it was deferred in favour of 603 Gorge Road East.
- There was no reason for that. At the time there was no conflict between the applications. It was arbitrary, but because of what happened next, it became very unfair.
- October 27, 2017 the City's policy was amended to change 200 m from another dispensary to 400m.
- So now that our application has finally come forward, the Staff report's only reason for refusing our application to go to a public hearing is that 603 Gorge Road East was approved and is within 400 m of our location.
- According to Google maps, 603 Gorge Road East is 400 m away from 2622 Douglas (our storefront).

Handout to Council – February 8, 2018
Request for Reconsideration of Committee of the Whole Recommendation to Council
Re Application No 00557 for 2616-2626 Douglas Street

- This means that Council can vary the distance on a site-specific basis.
- The reason it should do so in this case is that the store fronts that are actually in use at both 603 Gorge Road and 2262 Douglas are actually 400m apart.
- This means the intent of the policy is met.
- Policies are not the same as zoning. You have the express ability to vary this one for application specific factors. This has to include preventing unfairness.

Summary of factors that support this project going forward:

- The only negative in the staff report is the 400 m;
- We are 400m from store front to store front, meaning this will not open the flood gates for other dispensaries who are not that close to meeting the standard;
- The 400 m requirement was not in force when our application came on for hearing, or when it was deferred;
- We would have spoken against the deferral if we had known it would be used against us later. This is another compelling reason why this will not apply to every dispensary but is unique to us.
- It is a hardship to the business and us as individuals to try to find a new location in an increasingly competitive market.
- We have worked with the City to meet its requirements and the application is a strong one from a land use perspective. We have passed every inspection for compliance.

Rezoning Application for 2616-2626 Douglas Street





