

REPORTS OF COMMITTEES

3. Committee of the Whole – October 19, 2017

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

Motion:

It was moved by Councillor Thornton-Joe, seconded by Councillor Coleman, that Council defer the proposed development outlined in Rezoning Application No. 00557 for 2616-2626 Douglas Street until after the Public Hearing for Rezoning Application No. 00533 for 603 Gorge Road East.

Carried Unanimously

3. CONSENT AGENDA

3.5 Rezoning Application No. 00557 for 2616-2626 Douglas Street

Committee received a report dated October 5, 2017, from the Director of Sustainable Planning and Community Development regarding an application to allow for the retail sale of cannabis.

Motion: It was moved by Councillor Alto, seconded by Councillor Loveday, that Council defer the proposed development outlined in Rezoning Application No. 00557 for 2616-2626 Douglas Street until after the Public Hearing for Rezoning Application.

CARRIED UNANIMOUSLY 17/COTW



Committee of the Whole Report

For the Meeting of October 19, 2017

To: Committee of the Whole **Date:** October 5, 2017

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

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

RECOMMENDATION

That Council defer the proposed development outlined in Rezoning Application No. 00557 for 2616-2626 Douglas Street until after the Public Hearing for Rezoning Application No. 00533 for 603 Gorge 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 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 currently consistent with the *Storefront Cannabis Retailer Rezoning Policy*; however, it is within 400m of an existing storefront cannabis retailer (603 Gorge Road East), which is scheduled for a Public Hearing on December 14, 2017.

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.

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.

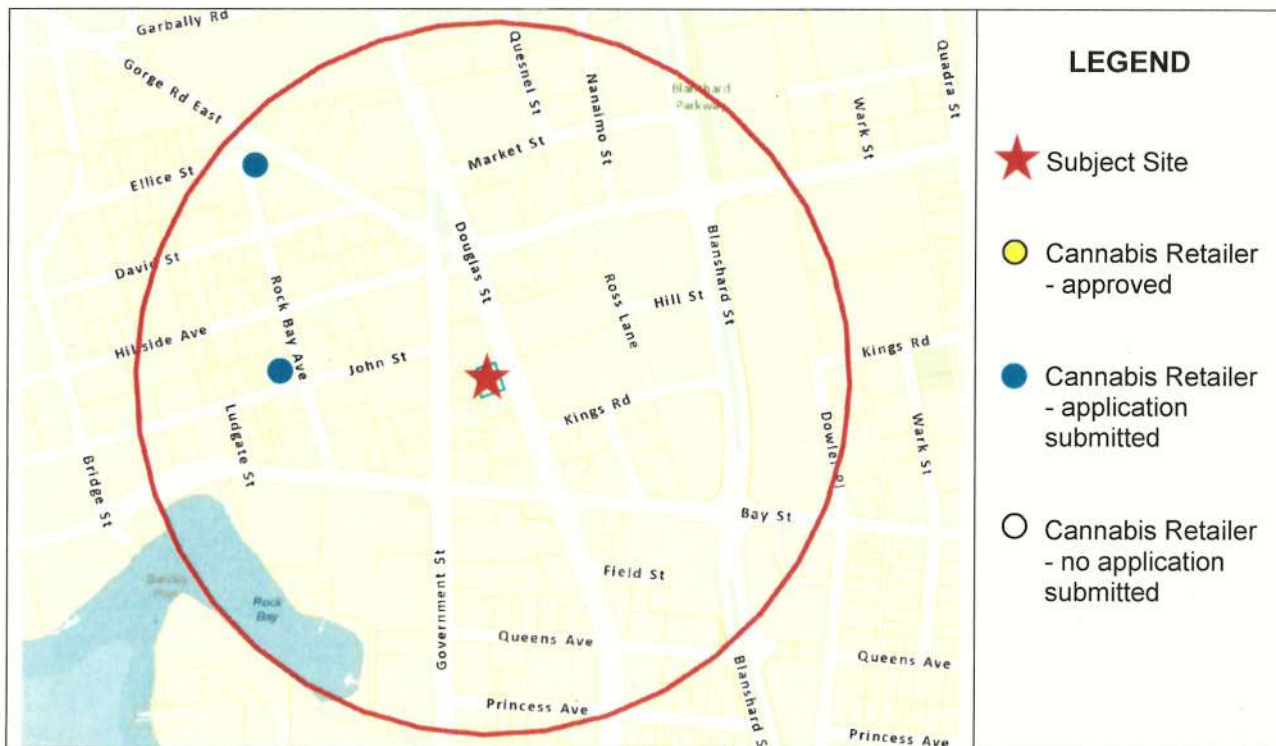
Tree Preservation Bylaw and Urban Forest Master Plan

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 are two storefront cannabis retailers within 400 metres of the property, which is inconsistent with the updated policy. While neither of those applications are permitted (formally approved by Council through a rezoning process), the application for an existing storefront cannabis retailer at 603 Gorge Road East was submitted at an earlier date, is scheduled for a December 14, 2017 Public Hearing, and 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, but at the time of writing this report, Staff were still awaiting revised plans.

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 will be required, as the existing building encroaches on the public right-of-way.

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, this application was received after the application for a storefront cannabis retailer at 603 Gorge Road East, and as per the *Storefront Cannabis Retailer Rezoning Policy*, retailers should be a distance of 400m from another retailer. Upon approval of one application, the other would be in violation of the policy. Staff recommend Council consider deferring this application until after the Public Hearing for 603 Gorge Road East.

ALTERNATE MOTIONS

(1) Decline

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

(2) Advance to a Public Hearing

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:

- a. 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,
- b. registration of a license of occupation for the encroachment of the existing building on the public right-of-way.

Respectfully submitted,

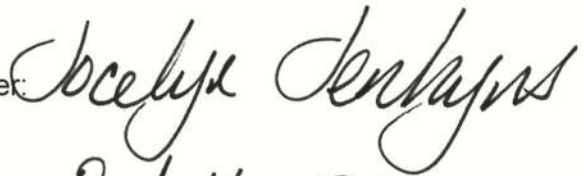


Michael Angrove
Planner
Development Services



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

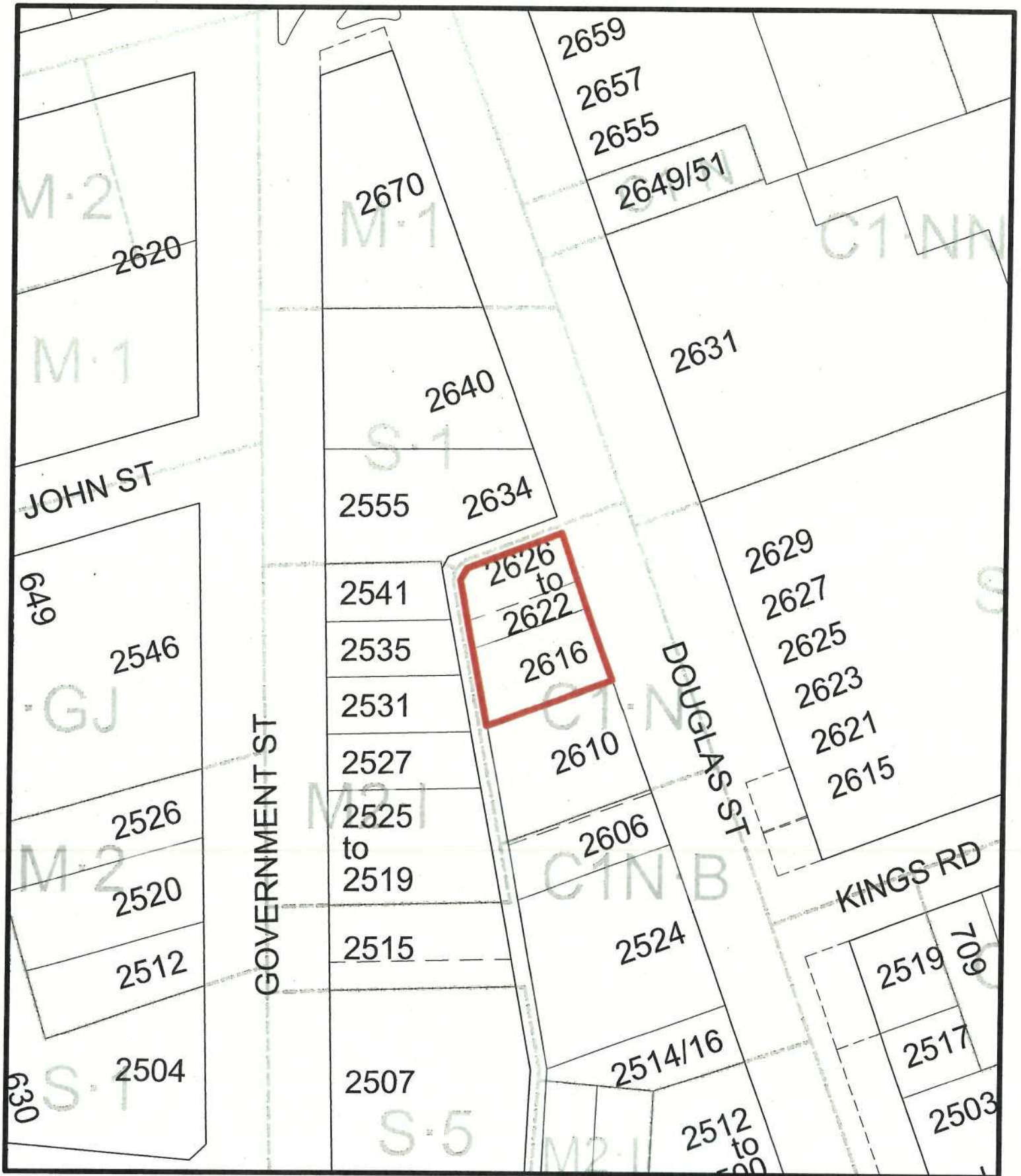


Date:

Oct 11, 2017

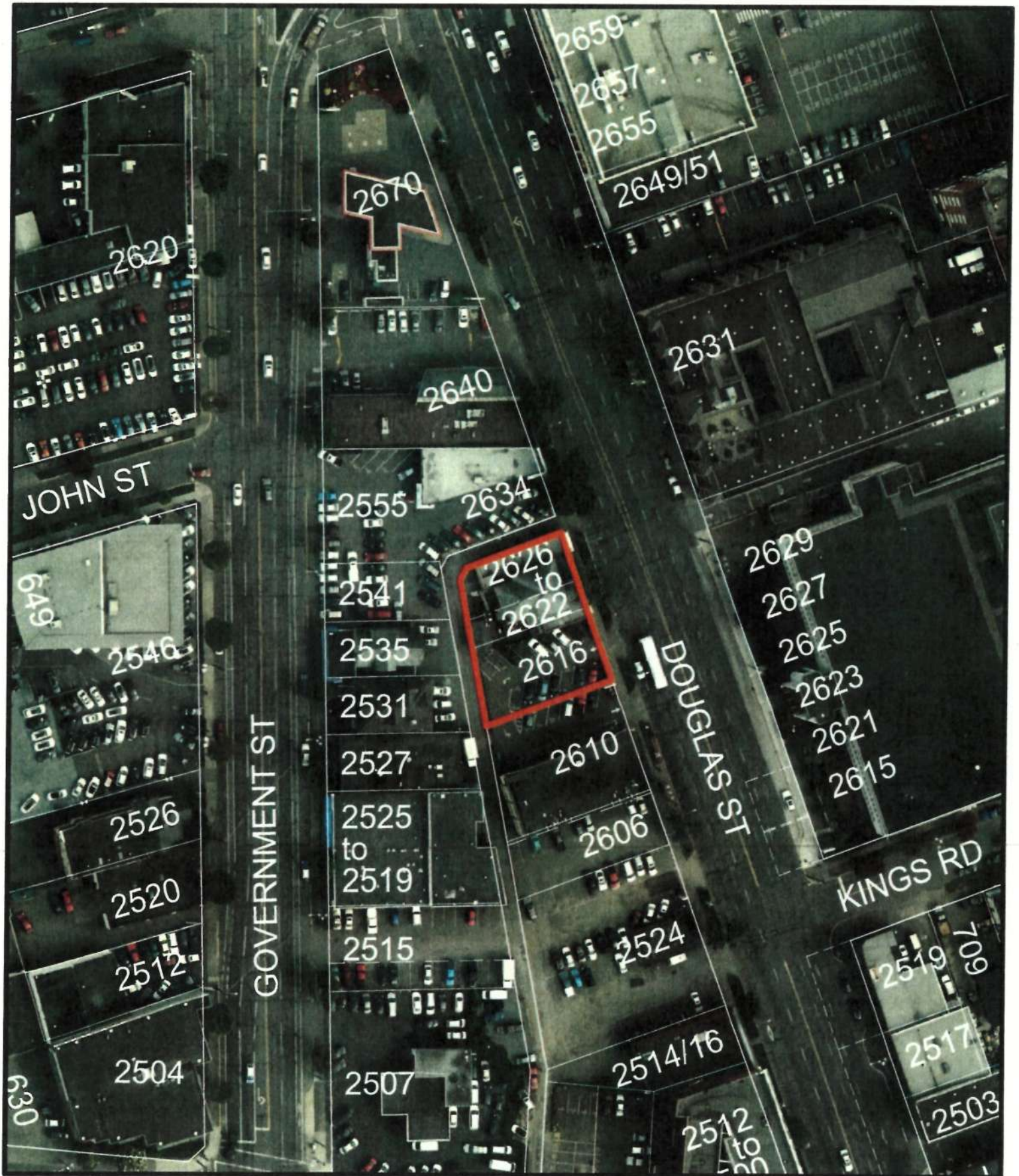
List of Attachments:

- 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



2616 & 2622 to 2626 Douglas Street
Rezoning No.00557





2616 & 2622 to 2626 Douglas Street
Rezoning No.00557



FIVE STAR MEDICINAL DISPENSARY, 2622 DOUGLAS STREET

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

LEGEND

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

LIST OF DRAWINGS

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

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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

Received
City of Victoria

SEP 12 2017

Planning & Development Department
Development Services Division

CODE REVIEW

Item	2012 British Columbia Building Code, Data Matrix	Part	Reference
1	Address 2622 Douglas Street, Victoria, BC		
2	Legal Description Lot 2622, 2624, 2626, 2628, 2630, 2632, 2634, 2636, 2638, 2640, 2642, 2644, 2646, 2648, 2650, 2652, 2654, 2656, 2658, 2660, 2662, 2664, 2666, 2668, 2670, 2672, 2674, 2676, 2678, 2680, 2682, 2684, 2686, 2688, 2690, 2692, 2694, 2696, 2698, 2700, 2702, 2704, 2706, 2708, 2710, 2712, 2714, 2716, 2718, 2720, 2722, 2724, 2726, 2728, 2730, 2732, 2734, 2736, 2738, 2740, 2742, 2744, 2746, 2748, 2750, 2752, 2754, 2756, 2758, 2760, 2762, 2764, 2766, 2768, 2770, 2772, 2774, 2776, 2778, 2780, 2782, 2784, 2786, 2788, 2790, 2792, 2794, 2796, 2798, 2800, 2802, 2804, 2806, 2808, 2810, 2812, 2814, 2816, 2818, 2820, 2822, 2824, 2826, 2828, 2830, 2832, 2834, 2836, 2838, 2840, 2842, 2844, 2846, 2848, 2850, 2852, 2854, 2856, 2858, 2860, 2862, 2864, 2866, 2868, 2870, 2872, 2874, 2876, 2878, 2880, 2882, 2884, 2886, 2888, 2890, 2892, 2894, 2896, 2898, 2900, 2902, 2904, 2906, 2908, 2910, 2912, 2914, 2916, 2918, 2920, 2922, 2924, 2926, 2928, 2930, 2932, 2934, 2936, 2938, 2940, 2942, 2944, 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Received
City of Victoria

SEP 12 2017

Planning & Development Department
Development Services Division

3	ISSUED FOR REVIEW	2017-05-01
4	ISSUED FOR REVIEW	2017-01-01
3	ISSUED FOR REVIEW	2016-12-01
2	ISSUED FOR REVIEW	2016-11-01
1	ISSUED FOR REVIEW	2016-10-01

number **TEN** number **10**
2622 Douglas St
2017-05-01

2622 Douglas St
Storefront Cannabis Retailer Rezoning

2622 Douglas St
Site Plan

2016550
A-001

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Planning & Development Department
Development Services Division

5	ISSUED FOR REVIEW	2017-05-01
4	ISSUED FOR REVIEW	2017-01-03
3	ISSUED FOR REVIEW	2016-12-08
2	ISSUED FOR REVIEW	2016-11-01
1	ISSUED FOR REVIEW	2016-10-25

numberTEN
ART & DESIGN GROUP

10

2622 Douglas St
Storefront Cannabis Retailer Rezoning

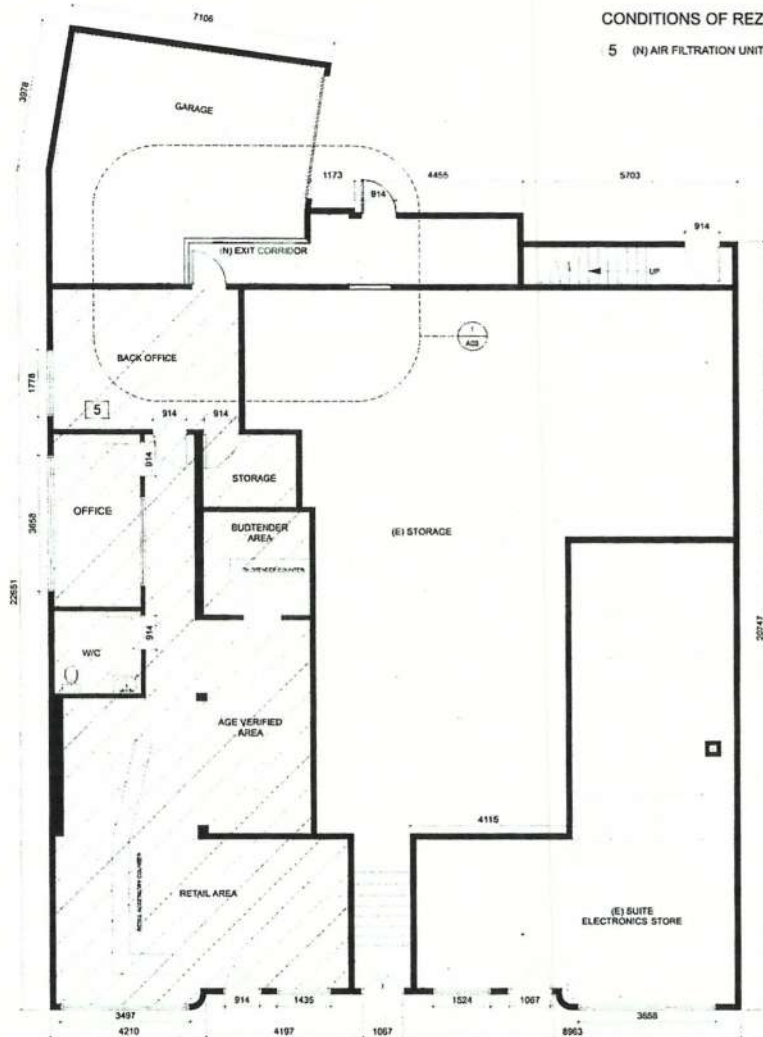
2622 Douglas St
Existing Main Floor Plans

DESIGNER	ET	DATE	LM
PROJECT NO.	2016550	DATE	

A-002

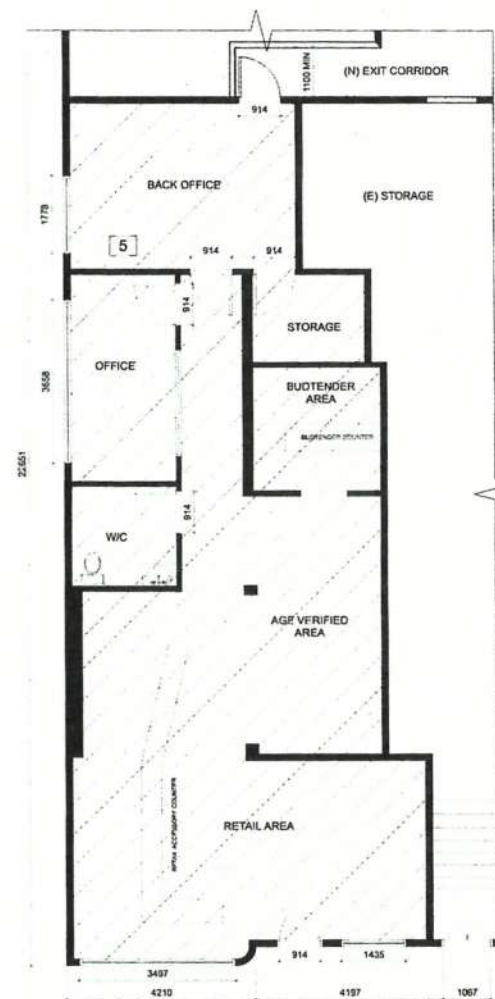
CONDITIONS OF REZONING

5 (N) AIR FILTRATION UNIT



TOTAL FLOOR AREA OF MAIN FLOOR = 363.12 sq.m

1 Existing Main Floor Plan
1:60

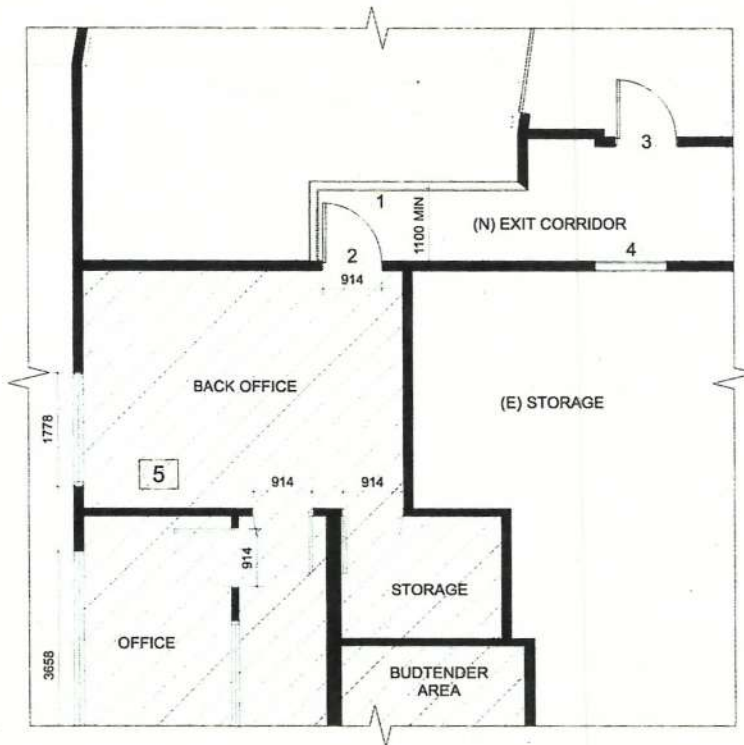


TOTAL FLOOR AREA OF REZONING APPLICATION = 127.6 sq.m

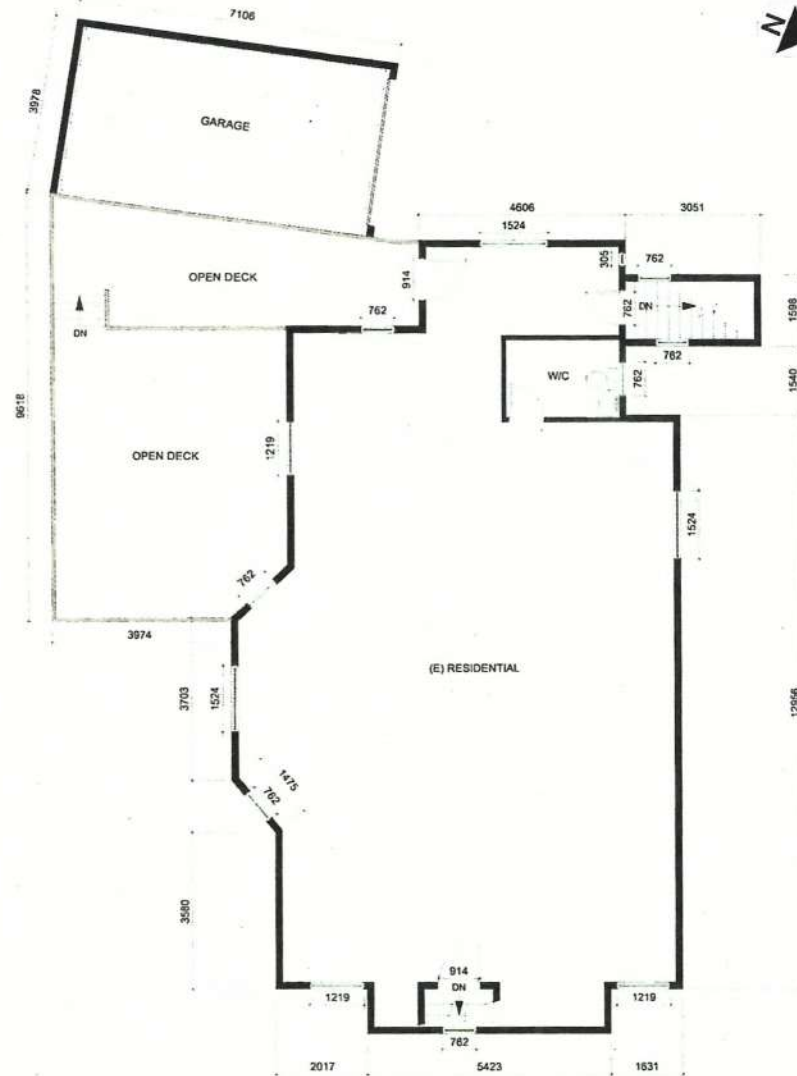
2 Existing Area of Rezoning Application
1:50

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
1:35



2 Existing Upper Floor Plan
1:50

TOTAL FLOOR AREA OF UPPER FLOOR = 142.1 sq.m

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Planning & Development Department
Development Services Division

3	ISSUED FOR REZONING	2017-09-01
4	ISSUED FOR REZONING	2017-09-01
3	ISSUED FOR REZONING	2016-11-01
2	ISSUED FOR REZONING	2016-11-01
1	ISSUED FOR REVIEW	2016-10-25

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

2017-09-01
2017-09-01
2017-09-01
2017-09-01
2017-09-01

NO. 10

NO. 10

NO. 10

NO. 10

NO. 10

As Permitted 2017-05-01

2622 Douglas St
Storefront Cannabis Retailer Rezoning

2622 Douglas St
Existing Upper Floor Plans

PROJECT: 2016550

DATE: 2016550

REVISION: A-003

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Planning & Development Department
Development Services Division



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

1	ISSUED FOR REVIEW	2017-05-01
4	ISSUED FOR REVIEW	2017-01-01
1	ISSUED FOR REVIEW	2016-12-05
2	ISSUED FOR REVIEW	2016-11-01
1	ISSUED FOR REVIEW	2016-10-25

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

2017-05-01

2017-01-01

2016-12-05

2016-11-01

2016-10-25

Not To Scale

2017-05-01

2622 Douglas St
Storefront Cannabis Retailer Rezoning

2622 Douglas St
Exterior Photos

LT LM

2016550

A-004



NO OTHER CANNABIS STOREFRONTS WITHIN 200m RADIUS

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City of Victoria

SEP 12 2017

Planning & Development Department
Development Services Bureau

5	RECEIVED FOR REZONING	2017-05-01
4	ISSUED FOR REZONING	2017-01-03
3	ISSUED FOR REZONING	2016-12-05
2	ISSUED FOR REZONING	2016-11-01
1	ISSUED FOR REVIEW	2016-10-25
0	RECEIVED FOR REVIEW	2016-10-25



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

2622 Douglas St
200m Radius Map

Project No.	2016550	Sheet No.	A-005
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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 priorities 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 recomend 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

Rezoning Application for 2616-2626 Douglas Street



