

For the Meeting of November 8, 2018

October 25, 2018
Page 1 of 5

BACKGROUND

Description of Proposal

This Rezoning Application is to rezone the property by amending the site specific regulations of the OTD-1 Zone, Old Town District-1 to increase the maximum floor area from 200m² to 400m².

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 by mainly commercial and office uses. Some residential and transient accommodation uses are located in the nearby area. In addition, a number of heritage buildings are located in close proximity.

Existing Site Development and Development Potential

The site is presently a two-storey, heritage-designated building known as the Porter Block. It was constructed in 1900 using mainly brick and stone materials. Under the current OTD-1 Zone, Old Town District-1, the property could be used for commercial, residential, office and transient uses. The site specific regulations for this property permit one storefront cannabis retailer on the lot with a maximum floor area of 200m².

Data Table

The following data table compares the proposal with the site specific regulations of the OTD-1 Zone.

Zoning Criteria	Proposal	Existing Zone OTD-1
Total floor area of a storefront cannabis retailer (m ²) – maximum	450	200

Relevant History

On February 6, 2018, Council approved a rezoning application to permit the use of storefront cannabis retailer with a maximum total floor area of 200m².

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 Downtown 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	2016	2017	2018 (up to September 7)
Calls to the immediate area	0	0	0
Calls to the block	337	281	174

ANALYSIS

Official Community Plan

The *Official Community Plan* (OCP, 2012) identifies this property within the Core Historic urban place designation, within which commercial activities including retail are an envisioned use.

Local Area Plans

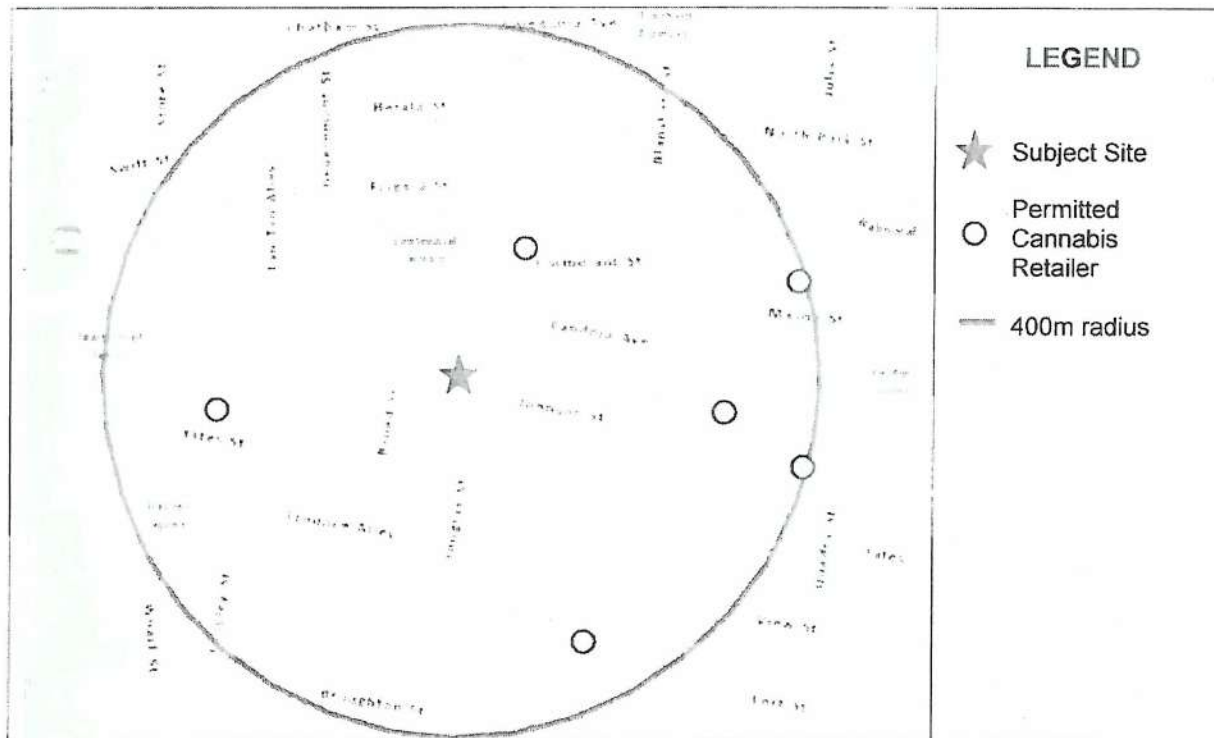
The *Downtown Core Area Plan* identifies the property within the Historic Commercial District, within which active retail uses are encouraged on the ground floor.

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

While the *Storefront Cannabis Retail Rezoning Policy* does not speak directly to maximum sizes of retailers, this Application could be considered an increase in the intensity of the use. This increase in intensity would be inconsistent with the policy, as there are six approved retailers within 400m of the subject site: 1601 Douglas Street, 826 Johnson Street, 851 Johnson Street, 853 Cormorant Street, 546 Yates Street and 778 Fort Street. However, the property has already been approved for this use and it is unlikely that an expansion would have a deleterious effect on the streetscape or present as a concentration of this type of use in the area. An Alternate Motion, which would advance the application for consideration at a Public Hearing, has also been provided below.



CONCLUSIONS

The proposal is consistent with both the OCP and the *Downtown Core Area Plan* in terms of encouraging retail uses at street level; however, the proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy* as there are now six permitted storefront cannabis retailers within 400m the subject property. Therefore, staff recommend that 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. 00658 for 1402 Douglas Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Respectfully submitted,

M. Angrove

Michael Angrove
Planner
Development Services

Andrea Hudson

Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Jocelyn Jenkinson

Date: Nov 2, 2018

List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped August 27, 2018
- Attachment D: Letter from applicant to Mayor and Council dated August 24, 2018
- Attachment E: Correspondence (letters received from residents).

PANDORA AV

BROAD ST

DOUGLAS ST

JOHNSON ST

625
to
633

647
653

1450

1415-19

1420
1416

1407/09

1410 to
1414

634
to
642

660 1404
69 1402

1327
to
1315

631-641

645-651

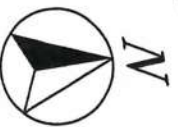
659 1328

1324

1322

124

1



1402 & 1404 Douglas Street
Rezoning No.00658



PANDORA AV

BROAD ST

DOUGLAS ST

625

633

647

653

1450

1415-19

1420

1416

1407/09

1414

1410 to

634

to

642

1404

1402

JOHNSON ST

1327

to

1315

634-641

645-651

659

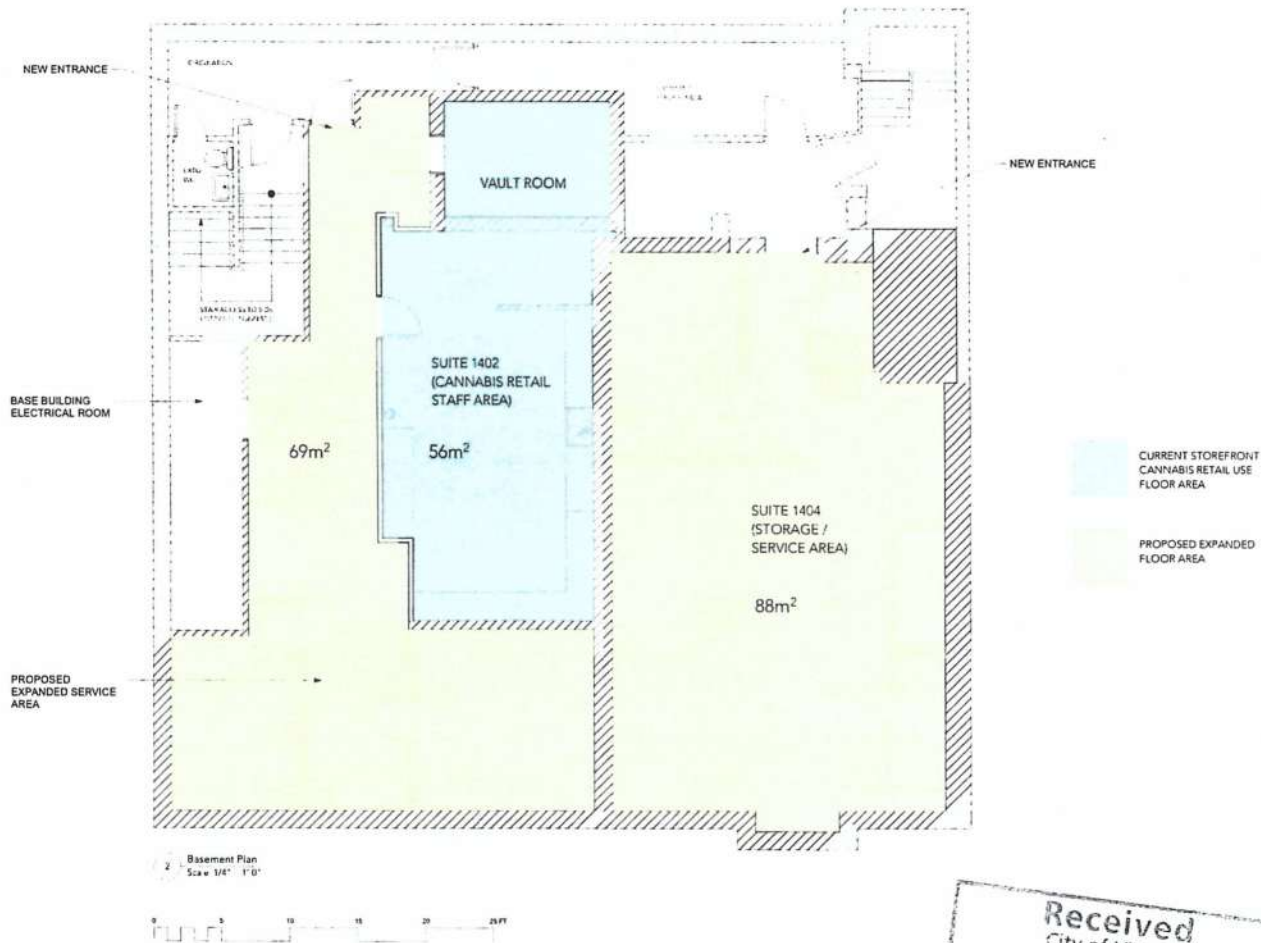
1328

1324

1322

1402 & 1404 Douglas Street
20658





Received
City of Victoria
AUG 27 2018
Planning & Development Department
Development Services Division

GASTON CASTANO
ARCHITECT ABC
P.O. BOX 38013
RPO JAMES BAY
VICTORIA, BC
250-858-6856

NO	DATE	FOR
1	2018 06 19	REVIEW AND COMMENT
2	2018 07 11	DVP APPLICATION
3		
4		
5		
6		

CONSULTANT

THIS DRAWING IS A COPYRIGHT DRAWING AND SHALL NOT BE REPRODUCED OR REVISED WITHOUT WRITTEN PERMISSION FROM EDGE ARCHITECTURE. THIS DRAWING MUST BE RETURNED TO EDGE ARCHITECTURE AT COMPLETION OF WORK OR UPON REQUEST THIS DRAWING SHALL NOT BE USED FOR ANY CONSTRUCTION WORK UNTIL MARKED "ISSUED FOR CONSTRUCTION". THE GENERAL CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ALL ERRORS AND OMISSIONS TO EDGE ARCHITECTURE. DO NOT SCALE THE DRAWINGS.

PROJECT NAME

FARMACY
DVP Application

PROJECT ADDRESS

1402 - 1404 Douglas
VICTORIA, BC

DRAWING TITLE

BASEMENT PLAN

DATE

JULY 11, 2018

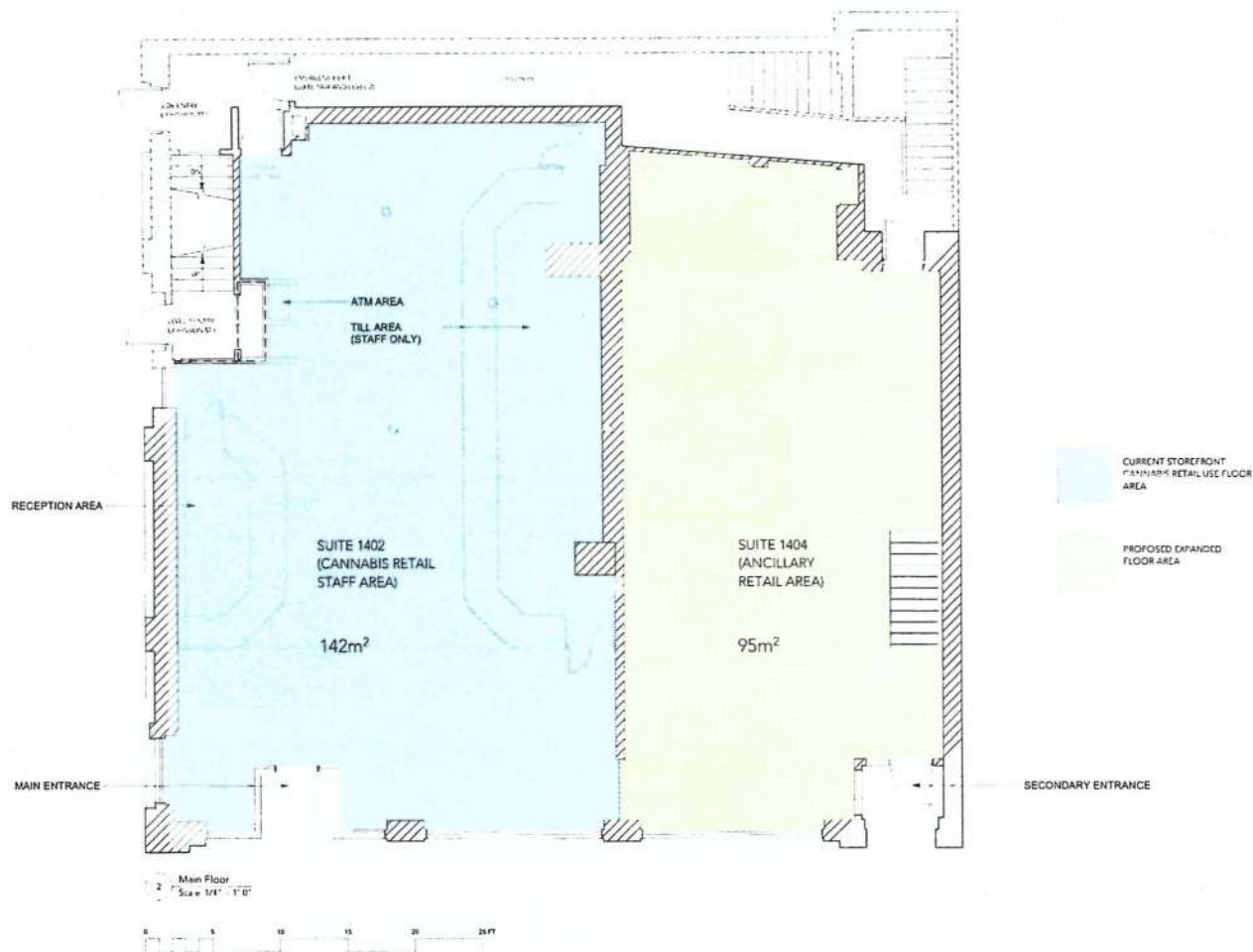
SCALE

1/4" = 1'-0"

DRAWING NO.

A1.0

ATTACHMENT C



Received
City of Victoria

AUG 27 2018

Planning & Development Department
Development Services Division

GASTON CASTAÑO
ARCHITECT ABC
P.O. BOX 39013
RPO JAMES BAY
VICTORIA, BC
250-484-4956

NO	DATE	FOR
1	2018.07.19	REVIEW AND COMMENT
2	2018.07.11	DVP APPLICATION
3		
4		
5		
6		

CONSULTANT

THIS DRAWING IS A COPYRIGHT DRAWING AND SHALL NOT BE REPRODUCED OR REVISED WITHOUT WRITTEN PERMISSION FROM EDGE ARCHITECTURE. THIS DRAWING MUST BE RETURNED TO EDGE ARCHITECTURE AT COMPLETION OF WORK OR UPON REQUEST THIS DRAWING SHALL NOT BE USED FOR ANY CONSTRUCTION WORK UNTIL MARKED "ISSUED FOR CONSTRUCTION". THE GENERAL CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ALL ERRORS AND OMISSIONS TO EDGE ARCHITECTURE. DO NOT SCALE THE DRAWING.

PROJECT NAME

FARMACY
DVP Application

PROJECT ADDRESS

1402 - 1404 Douglas
VICTORIA, BC

DRAWING TITLE

MAIN FLOOR PLAN

DATE

JULY 11, 2018

SCALE

1/4" = 1'-0"

DRAWING NO.

→ A1.1

August 24, 2018

Mayor Lisa Helps & Council
City of Victoria
One Centennial Square
Victoria BC V8W 1P6

**RE: STOREFRONT CANNABIS RETAILER REZONING APPLICATION
FOR 1402 DOUGLAS STREET**

Dear Mayor Helps & Council:

INTRODUCTION

Please accept this letter, along with the accompanying forms and fees, as our client's (business name, "Farm") rezoning application for the property at 1402 Douglas Street. This site, recently rezoned CA-82 (Old Town Cannabis District), and issued with a Cannabis Business Licence, is currently operating as a storefront cannabis retailer. Based on operational needs, we wish to apply for a rezoning to expand existing operations into the newly available adjacent retail space in the same building, thus requiring an amendment to the maximum floorspace permitted for storefront cannabis retail.

THE SITE

The ongoing retail function is consistent the City's land use policies, since the property (located at the corner of Douglas and Johnson Streets) is part of the *Official Community Plan* designated area of *Core Historic*. The applicant has a long term lease with the owner of the property, who supports this application. Built in 1900, the building (known as *The Porter Block*) has housed many diverse businesses over the last century, but still retains its architectural integrity and remains a Downtown Victoria landmark. This building is also "Designated" on the City's Heritage Registry.

Legally described as *the easterly 60 feet of Lot 671, Victoria City*, the site is 18.43 m by 18.35 m, for a total area of about 338 m². The site contains a two-storey commercial building (approximately 930 m²). The owner resides in the upper storey of the same building envelope.

The building's main entrance fronts onto Douglas Street, and abuts other commercial uses on the north and west sides.

**CitySpaces
Consulting Ltd.**

Suite 101
848 Courtney St.
Victoria BC
V8W 1C4

250.383.0304 Tel
866.383.0304 Toll-free
250.383.7273 Fax
www.cityspaces.ca

Victoria

Vancouver



C
I
T
Y
S
P
A
C
E
S

THE PREMISES

The premises consist of a storefront with a monitored entrance that faces Douglas Street. The existing ground level interior floor plan provides an exterior entrance leading into a 142 m² cannabis "retail" area, in which product is displayed in secure glass cases that can only be accessed by staff. The basement level consists of preparation, packaging, and storage space. The total floor area for the business is 198 m².

During the renovations after the initial rezoning, Farm made extensive and high quality capital improvements to the premises and property, including restoration of an original heritage entrance on Douglas Street. These renovations have enhanced the urban streetscape at this prominent Downtown intersection.

RATIONALE FOR ADDITIONAL FLOORSPACE

Since operations began at Farm (Douglas Street) in April 2018, there has been a steady increase in clientele to the point where there are customer line-ups within the premises. This location has become a "destination" site for retail cannabis in Downtown Victoria for tourists and locals alike. With the upcoming legalization of recreational cannabis, Farm anticipates the demand for cannabis will only continue to grow.

This early success has meant an increase in storage space is already necessary, and having more actual retail space would increase safety and security by giving staff better sightlines of the entrance, the display cabinets, and the client mix in general.

The owner of the building (Paul DaCosta, Flower Power Enterprises) is in the process of retiring and closing his adjacent storefront AVEDA business within 1402 Douglas Street. Expansion into this street level space would add 95 m² to the main floor cannabis retail area. Given that the AVEDA location also contains 88 m² of available basement space, it makes practical sense to include that floorspace as part of the designation, and add it to the existing Farm administration/packaging area. The new total floor area would be 450 m², although only 237 m² would actually be storefront "retail" space. No exterior changes to the building are proposed.

SITE PROFILE

Because renovations to the building to expand the retail and storage spaces will not disturb the soil or involve soil excavation, and none of the uses indicated in Schedule 2 (as indicated in the Ministry of Environment Administrative Guidance on Contaminated Sites) has occurred on the site, a site profile has not been submitted with this application.



ONGOING OPERATIONAL REQUIREMENTS

The following operational requirements are in place, and will continue into the proposed expanded space:

- Admittance is restricted to adults 19+ years of age;
- Exterior signage meets the City's bylaw requirements;
- No consumption of product is permitted on the premises;
- The business operates within designated hours of operation, and does not operate between 8 pm and 7 am;
- Health and safety warnings are posted within the premises;
- Adequate ventilation is provided;
- All security provisions have been met, including a security plan, surveillance cameras, security personnel, training, and a minimum of two employees on-site during business hours, one of whom is a manager; and
- Security and fire alarms are installed, and professionally monitored.

CLOSING

In addition to the Douglas Street location, for the past three years, the applicant has been operating the original "Farm" cannabis dispensary (3055A Scott Street) in a safe and professional manner. Operated to rigorous standards, and respectful of its neighbours, "Farm" intends to continue this level of professionalism within the proposed expanded premises at 1402 Douglas Street.

Thank you for your favourable consideration of this application.

Sincerely,

A handwritten signature in black ink, appearing to read "Deane Strongitharm", with a stylized flourish extending from the end.

Deane Strongitharm, MCIP, RPP

cc: Paul DaCosta
Allen Spillette
Michael Supowitz

Attachs.

MAYOR'S OFFICE

OCT 06 2017

VICTORIA, B.C.

2 October 2017

The Honorable Mayor Lisa Helps
Honorable Members of the Council
City of Victoria
1 Centennial Square
V8W 1P6

Dear Mayor Helps,

First, I want to commend you for your leadership in developing bicycle lanes in Victoria. As the population density and traffic congestion increase, bicycle and public transportation will become even more important for living in the city. Although bicycle lanes seem to have become a contentious topic for automobile drivers, I hope that will pass with more experience. I believe that the city leaders who support this effort are on the right side of history. I thank you.

I am writing today because of a growing concern for cannabis retailing in the city. I'm sure you would agree that these retailers are an additional threat to the stability of the downtown retailing area that is already burdened by homelessness and the effects of drugs and mental illness. Cannabis retailing makes this worse, not better; it is going in the wrong direction.

In this regard, I am writing to call your attention to the situation on the 1400 block of Douglas Street. It is my understanding that cannabis retailing and the lust for those illusionary profits are displacing some established business; eg, the *Taste of Europe Deli* at 1412 Douglas.

Although leasing arrangements is a matter of business decision, the municipality has a responsibility to monitor and guide the development of commerce, especially in the city center. Moreover, the choices that you make will affect all of us who live in the metropolitan area. We all have some skin in this game, and I have strong objections to the development of cannabis retailing in the city centre.

I would be grateful if you would investigate this situation on Douglas Street and send me a report of your judgment in this matter.

With best regards,



David Rodenhuis