

I. **REPORTS OF COMMITTEES**

I.1 **Committee of the Whole**

I.1.a **Report from the January 10, 2019 COTW Meeting**

*Councillor Collins withdrew from the meeting at 11:50 p.m.*

I.1.a.a **Rezoning Application No. 00658 for 1402-1404 Douglas Street (Downtown)**

**Moved By** Councillor Alto  
**Seconded By** Councillor Collins

That Council receive the report for information.

**CARRIED UNANIMOUSLY**

E. **LAND USE MATTERS**

E.4 **Rezoning Application No. 00658 for 1402-1404 Douglas Street (Downtown)**

Committee received a report dated December 27, 2018 from the Acting Director of Sustainable Planning and Community Development regarding an update to Council on the outcomes of the Heritage Advisory Panel Meeting.

**Moved By** Councillor Collins  
**Seconded By** Councillor Alto

That Council receive the report for information.

**CARRIED UNANIMOUSLY**



## Committee of the Whole Report For the Meeting of January 10, 2019

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**To:** Committee of the Whole **Date:** December 27, 2018  
**From:** Andrea Hudson, Acting Director, Sustainable Planning and Community Development  
**Subject:** Rezoning Application No. 00658 for 1402-1404 Douglas Street

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### RECOMMENDATION

That Council receive this report for information.

### EXECUTIVE SUMMARY

The purpose of this report is to update Council on the outcomes of the Heritage Advisory Panel (HAPI) meeting for the Rezoning Application at 1402-1404 Douglas Street. On November 8, 2018, the following motion was passed by Committee of the Whole:

*"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.*

*That the application be referred to the heritage advisory committee for comment and report be made back to the Committee of the Whole on the proposed provincial policy that would see the windows of the heritage building be made opaque."*

The Application was presented to the HAPI on December 12, 2018. The draft minutes are attached to this report and the motion was as follows:

*"That the Heritage Advisory Panel recommend to Council that Rezoning Application No. 00658 for 1402-1404 Douglas Street be approved as presented, and that the Heritage Advisory Panel express its desire to see transparent windows in heritage-designated buildings and Heritage Conservation Areas in the City of Victoria." (draft to be confirmed on January 15, 2019)*

Staff are continuing conversations with the provincial government regarding the requirement for opaque windows. While this Rezoning Application will not result in opaque windows, a future Delegated Heritage Alteration Permit to alter the windows will be required should the applicant acquire a provincial license to sell cannabis. This application would likely be declined by staff,

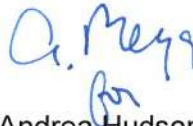
as it would not meet the relevant design guidelines. Council would then have the opportunity to consider the application.

There is no further action required by Council, as the first portion of Council's motion from November 8, 2018 directs staff to prepare the bylaw and schedule a Public Hearing. Therefore, staff recommend that Council receive this report for information.

Respectfully submitted,



Michael Angrove  
Planner  
Development Services



Andrea Hudson, Acting Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date: Dec 24, 2018

**List of Attachments:**

- Attachment A: Heritage Advisory Panel draft minutes from the December 12, 2018 meeting
- Attachment B: Committee of the Whole Report dated October 25, 2018.



**CITY OF VICTORIA  
HERITAGE ADVISORY PANEL  
MEETING MINUTES  
DECEMBER 12, 2018**

**Present:** Rick Goodacre, Acting Chair  
Kelly Black  
Keri Briggs  
Doug Campbell  
Ken Johnson  
Theo Riecken  
Shari Khadem  
Connie Quaedvlieg

**Absent:** Katie Cummer  
Hal Kalman

**Staff:** Merinda Conley, Senior Heritage Planner  
John O'Reilly, Heritage Planner  
Alison Meyer, Assistant Director, Development Services  
Katie Lauriston, Secretary

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The Chair called the meeting to order at noon.

**1. Adoption of the Minutes of the September 11, October 9 and November 13, 2018 Meetings**

**Moved**

**Seconded**

That the minutes be adopted as distributed.

**Carried**

**2. Announcements**

- Merinda Conley: January's meeting will be rescheduled to January 15<sup>th</sup>, 2019.
- Merinda Conley: Council will consider the appointment of new Panel members for the 2019-2020 term on December 13<sup>th</sup>. Letters will be sent confirming re-appointments, and thanking departing Panel members for their contributions to the City.
- Merinda Conley: Staff are looking to provide full, electronic copies of agenda packages, including full sets of plans. Panel members will be polled to determine who would like to continue receiving paper copies of the agenda package, and whether any member is interested in opting out of paper copies.

**3. 1402-1404 Douglas Street  
Rezoning Application No. 00658**

Attendees: Allen Spillette and Michael Supowitz, Owners.

Mike Angrove, Planner, provided a brief summary of the application.

### Panel Questions and Comments

- Was setting a motif inside the store considered, which would be visible from the street, to allow the quality of the glass to be appreciated? The applicants are still exploring whether this is an option within the provincial regulations.
- The tobacco shop on Government Street faced similar display requirements. A panel or display set back within the shop would be preferable if this were allowed by the province, as it was for the tobacco shop.
- The proposed solutions do not quite meet the heritage requirements. Is the Panel only addressing the Rezoning application? Michael Angrove: Yes, the Rezoning application triggers a larger discussion for windows in cannabis stores in general.
- Would a proposal be referred back to the Panel? Alison Meyer: Changes to the windows would require a Heritage Alteration Permit application, which would be referred to the HAPI prior to Council consideration. It is staff's understanding at the moment that the window must be opaque; however, the City is working in collaboration with the province to achieve urban design and safety objectives. Staff welcome the Panel's feedback on whether the Province might consider changing the regulations requiring opaque windows.
- The Panel is generally not in favour of opaque windows. For this application, the store is designed in a tasteful way and positively contributes to the pedestrian experience, without overtly advertising the sale of cannabis. The store is not out of place in the commercial context along Douglas Street. If the windows were made opaque, this may draw more attention than is currently drawn to the business. Opaque windows aren't supportable from an urban design, heritage or commercial standpoint. The windows should be transparent like those along the rest of the street.
- Is the City seeking a ministerial order for exemption? Alison Meyer: We are not sure if this is the specific process, but ideally the Province would reconsider the requirement for opaque windows in favour of alternative design solutions.
- Has the City been working with the heritage branch of the provincial government? Alison Meyer: No.
- It is strongly recommended that the City work with the provincial heritage branch, as this is a province-wide issue. It would be best if each cannabis business were not individually considered on this issue.
- A solution must be found which is in keeping with the heritage building and which accomplishes the province's goal of not promoting cannabis consumption.
- Owners: We have heritage-designated the building and have great respect for the City and the heritage program. The cannabis storefront regulations have changed over time, with window coverings required initially, then no longer required. Now the windows have to be covered again. The owners want to allow their employees to return to work, and hope for a reasonable solution that will allow cannabis retail at this location.
- The Panel hopes for clarity from the Province on this issue.
- There is a need to rejuvenate the Douglas Street corridor.
- Will the Panel's concerns be brought forward to Council? Michael Angrove: Yes, they will be brought to Council after the Public Hearing.
- It must be emphasized that whatever the solution, that it not be permanent and that it can easily and quickly be reversed without detrimental effects to the glazing.
- The City has authority over buildings' glazing and materials, but this is a federal and legal issue that the Province should coordinate.
- Commercial activities should be encouraged and should be transparent.

**Moved**

**Seconded**

That the Heritage Advisory Panel recommend to Council that Rezoning Application No. 00658 for 1402-1404 Douglas Street be approved as presented, and that the Heritage Advisory Panel express its desire to see transparent windows in heritage-designated buildings and Heritage Conservation Areas in the City of Victoria.

**Carried (unanimous)**

DRAFT





**Committee of the Whole Report**  
For the Meeting of November 8, 2018

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**To:** Committee of the Whole **Date:** October 25, 2018  
**From:** Andrea Hudson, Acting Director, Sustainable Planning and Community Development  
**Subject:** Rezoning Application No. 00658 for 1402 Douglas Street

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**RECOMMENDATION**

That Council decline Rezoning Application No. 00658 for the property located at 1402 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 1402 Douglas Street. The proposal is to rezone the property by amending the existing site specific regulations of the OTD-1 Zone, Old Town District-1 in order to increase the maximum allowable floor area of the existing storefront cannabis retailer from 200m<sup>2</sup> to 450m<sup>2</sup>.

The following points were considered in assessing this Application:

- the proposal is consistent with the Core Historic designation in the *Official Community Plan, 2012*
- the proposal is consistent with the Historic Commercial designation in the *Downtown Core Area Plan*
- the proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy* as there are permitted storefront cannabis retailers within 400m.

An alternate motion has also been provided for Council's consideration, given that the proposal is for an expansion of an existing cannabis retailer rather than introducing a new use in this location.



## 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 200m<sup>2</sup> to 400m<sup>2</sup>.

### 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 200m<sup>2</sup>.

### 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 <sup>2</sup> ) – 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 200m<sup>2</sup>.

### 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

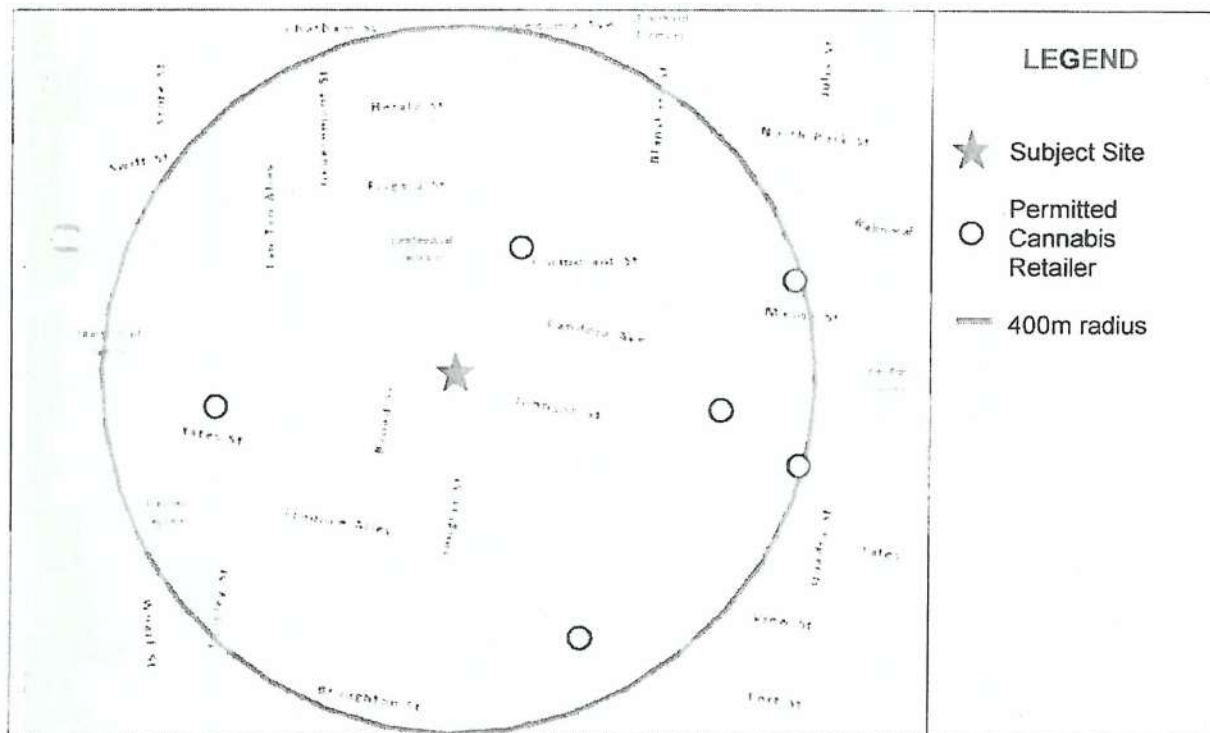
The *Downtown Core Area Plan* identifies the property within the Historic Commercial District, within which active retail uses are encouraged on the ground floor.

#### 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 of 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

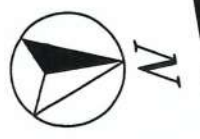
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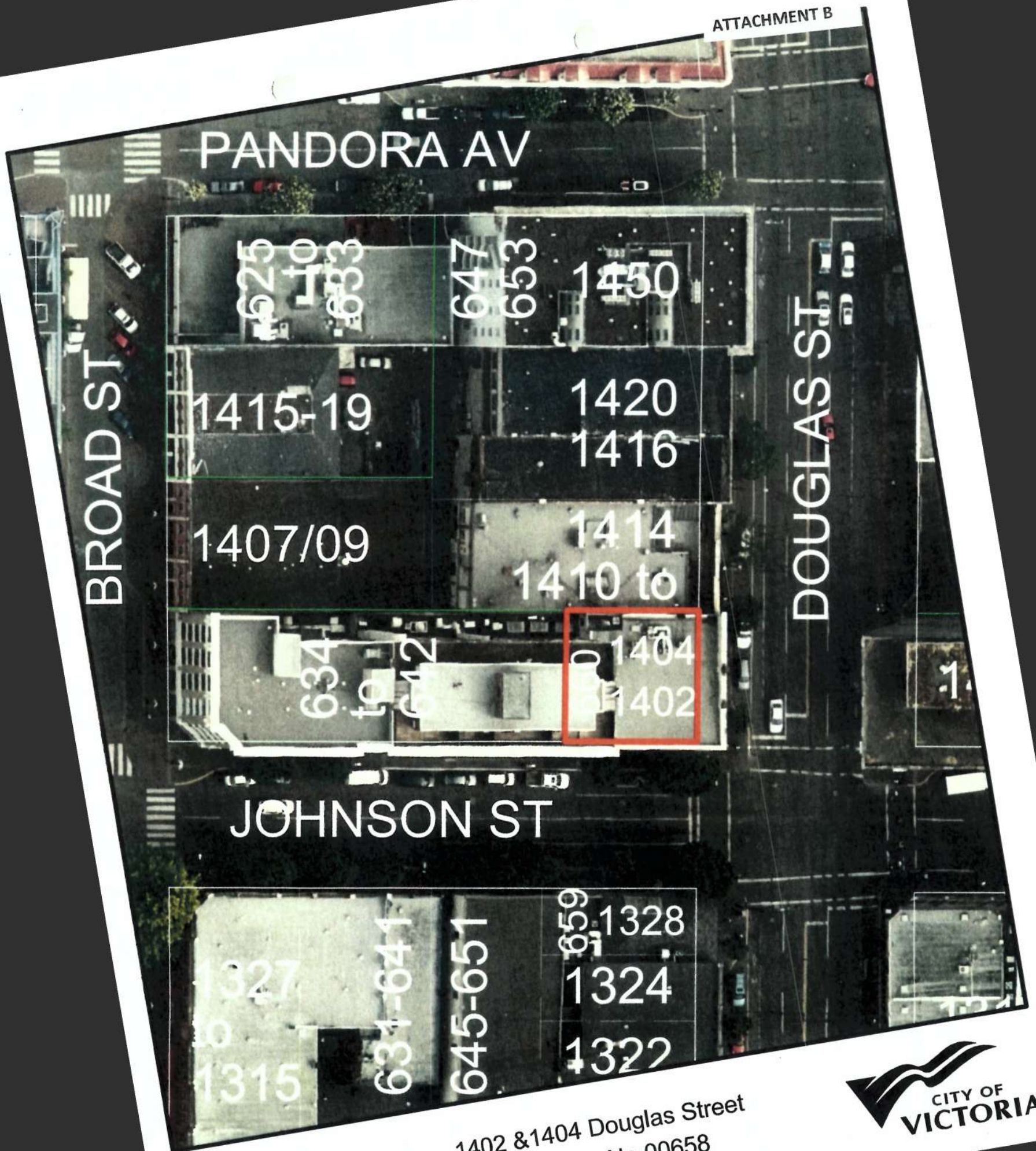
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1402 & 1404 Douglas Street  
Rezoning No.00658



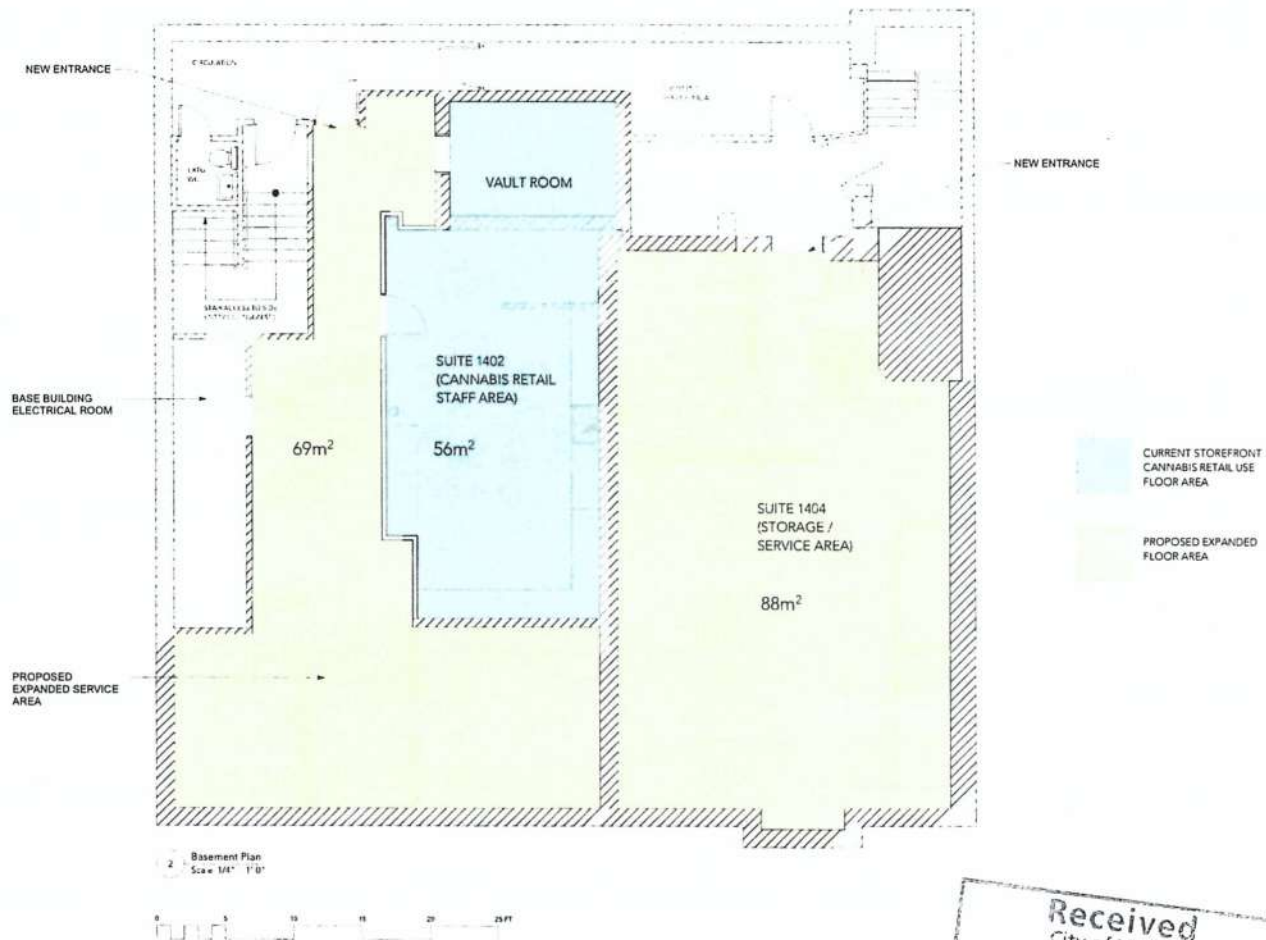




1402 & 1404 Douglas Street  
Rezoning No.00658







**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  
 250-858-6956

NO.	DATE	FOR
1	2018.06.19	REVISED AND COMMENT
2	2018.07.11	DVP APPLICATION

CONSULTANT

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PROJECT NAME

FARMACY  
 DVP Application

PROJECT ADDRESS

1402 - 1404 Douglas  
 VICTORIA, BC

DRAWING TITLE

BASEMENT PLAN

DATE

JULY 11, 2018

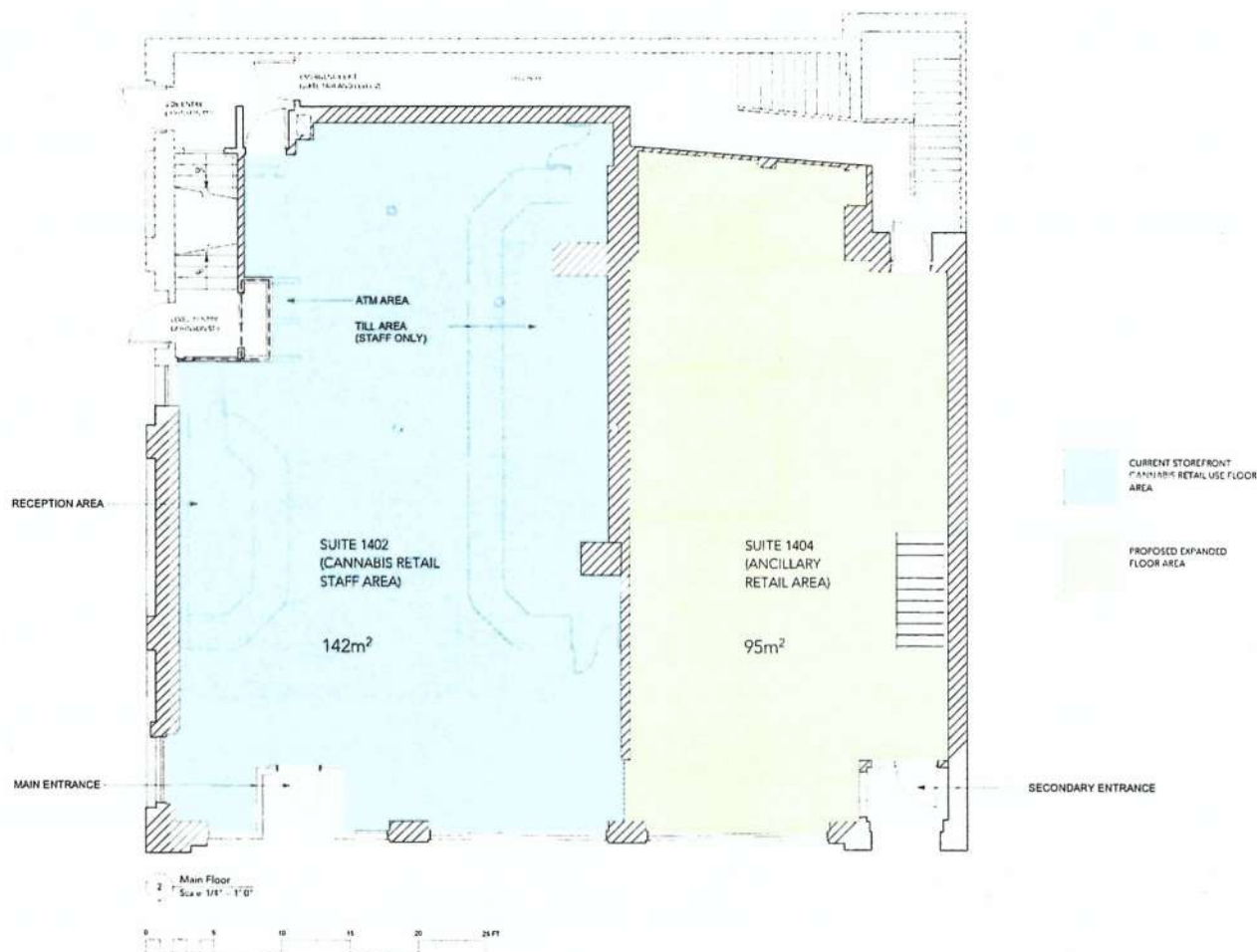
SCALE

1/4" = 1'-0"

DRAWING NO.

—Z **A1.0**

ATTACHMENT C



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  
250.688.4956

NO.	DATE	FOR
1	2018.05.19	REVIEW AND COMMENT
2	2018.07.11	DVP APPLICATION
3		
4		
5		

CONSULTANT

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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

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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 m<sup>2</sup>. The site contains a two-storey commercial building (approximately 930 m<sup>2</sup>). 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  
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Victoria

Vancouver



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## 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 m<sup>2</sup> 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 m<sup>2</sup>.

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 FLOORSPEACE

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 m<sup>2</sup> to the main floor cannabis retail area. Given that the AVEDA location also contains 88 m<sup>2</sup> 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 m<sup>2</sup>, although only 237 m<sup>2</sup> 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 long horizontal line extending from the end of the signature.

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



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# Rezoning Application for 1402 Douglas Street



