

**I. REPORTS OF COMMITTEES**

**I.1 Committee of the Whole**

**I.1.b Report from the November 22, 2018 COTW Meeting**

**I.1.b.c 1402 Douglas Street - Rezoning Application No. 00658  
(Downtown)**

**Moved By** Councillor Alto  
**Seconded By** Councillor Thornton-Joe

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.

FOR (8): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Dubow, Councillor Isitt, Councillor Loveday, Councillor Potts, and Councillor Thornton-Joe

OPPOSED (1): Councillor Young

**CARRIED (8 to 1)**

**E. LAND USE MATTERS**

**E.1 1402 Douglas Street - Rezoning Application No. 00658 (Downtown)**

Committee received a report dated October 25, 2018 from the Acting Director of Sustainable Planning and Community Development presenting Council with information, analysis and recommendations for an expansion of an existing cannabis retailer.

*Committee discussed:*

- the number of windows that would need to be opaque
- alterations that would occur to the heritage building

**Moved By** Councillor Young

That Council decline Rezoning Application No. 00658 for the property located at 1402 Douglas Street.

**Defeated due to no seconder**

**Moved By** Councillor Thornton-Joe

**Seconded By** Councillor Potts

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.

**Amendment:**

**Moved By** Councillor Thornton-Joe

**Seconded By** Councillor Loveday

That the application be referred to the heritage advisory committee for comment on the proposed provincial policy that would see the windows of the heritage building be made opaque.

**Amendment to the amendment:**

**Moved By** Mayor Helps

**Seconded By** Councillor Thornton-Joe

and a report be made back to the Committee of the Whole.

**CARRIED UNANIMOUSLY**

**On the amendment:**

**CARRIED UNANIMOUSLY**

**Main Motion as amended:**

**CARRIED UNANIMOUSLY**



## 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.

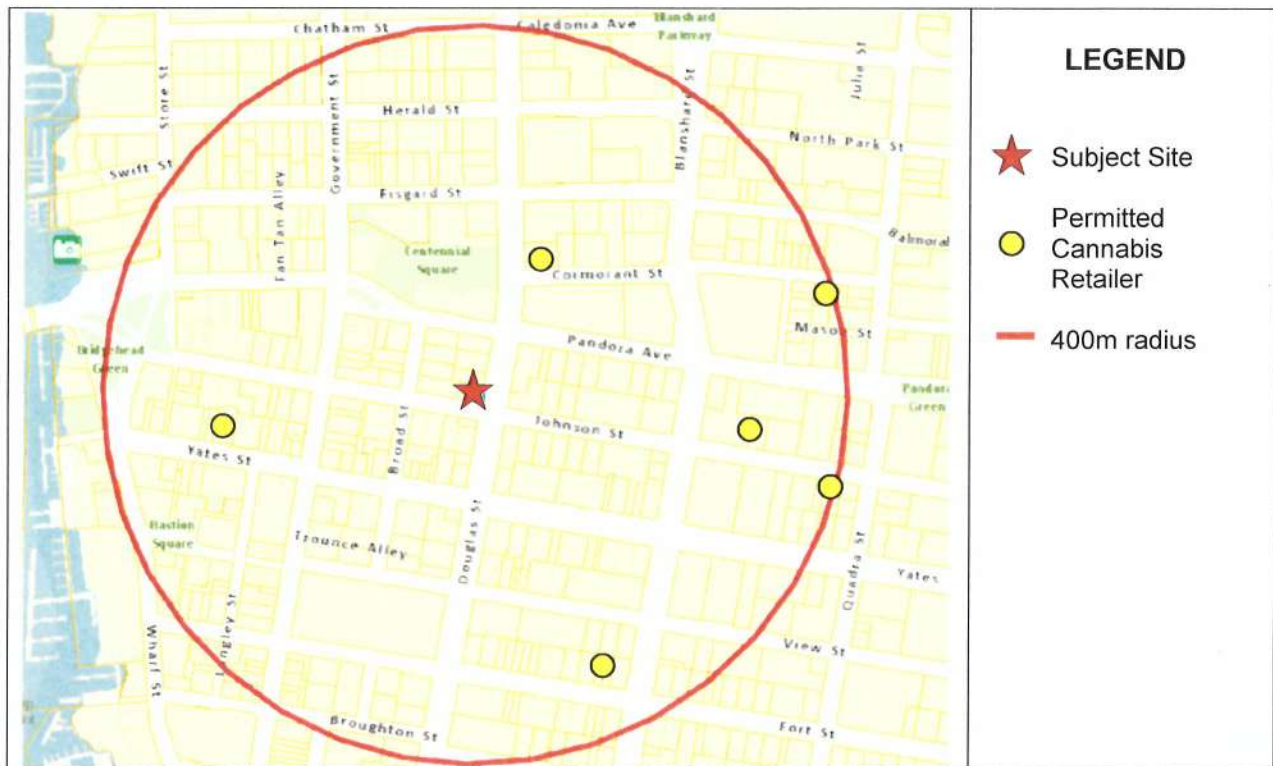
#### Tree Preservation Bylaw and Urban Forest Master Plan

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 the subject property. Therefore, staff recommend that Council consider declining this Application.

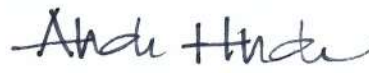
## ALTERNATE MOTION

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,

Michael Angrove  
Planner  
Development Services



Andrea Hudson, Acting Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date:



**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).



BROAD ST

PANDORA AV

DOUGLAS ST

625 to 633	647 653 1450
1415-19	1420 1416
1407/09	1414 1410 to
634 to 642	660 1404 1402

JOHNSON ST

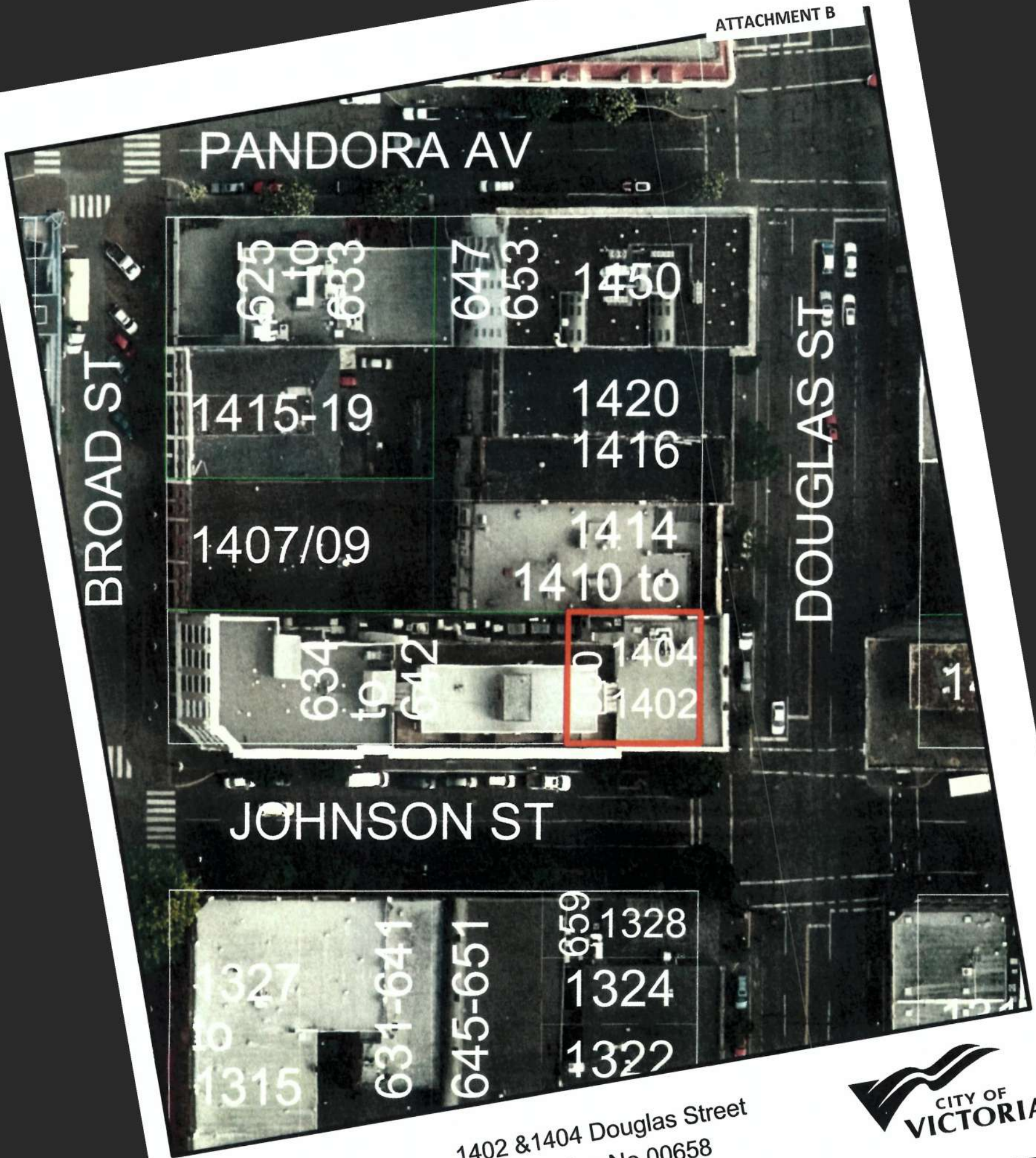
1327 to 1315	631-641	645-651	659 1328 1324 1322
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1402 & 1404 Douglas Street  
Rezoning No.00658

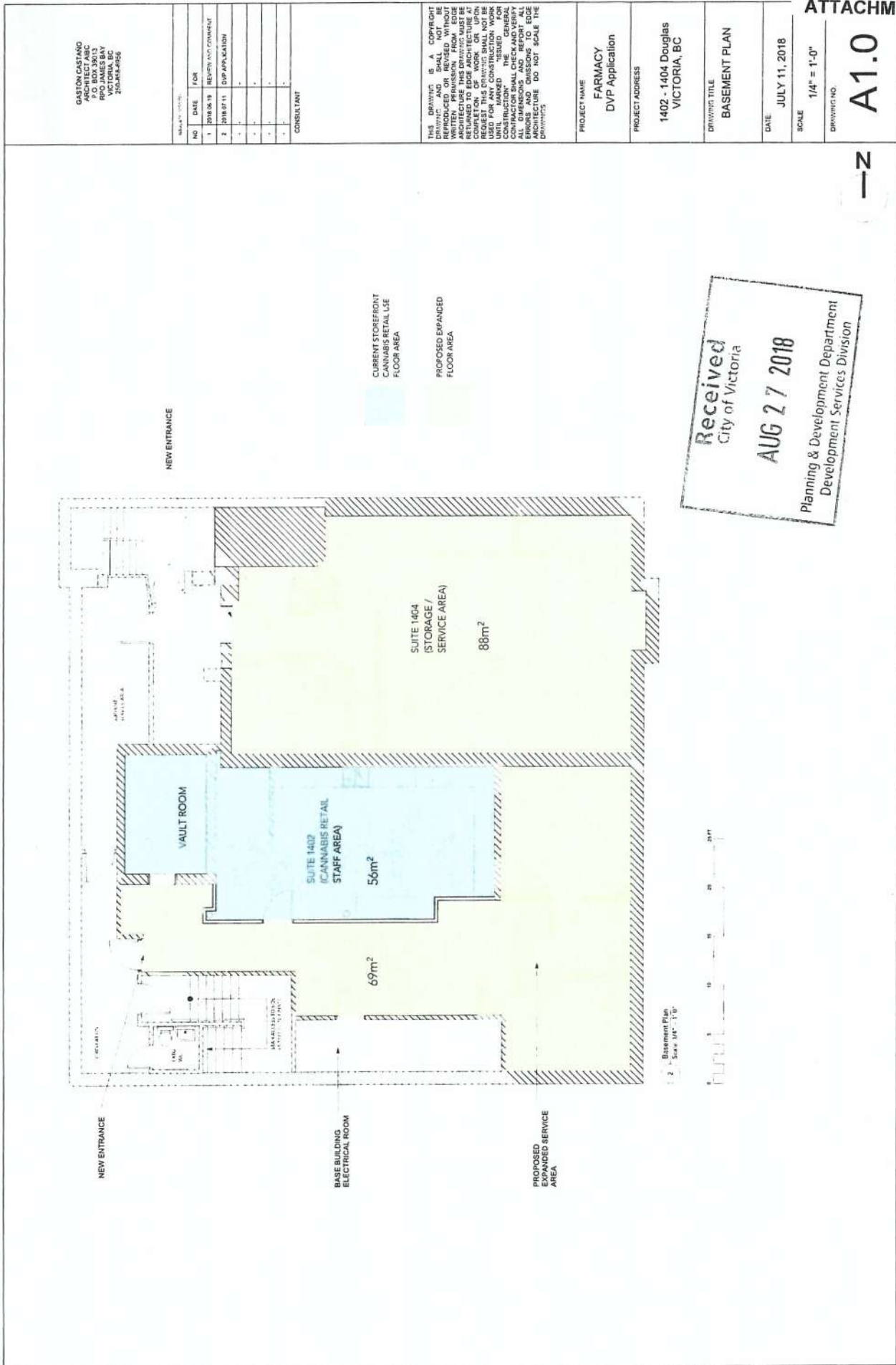




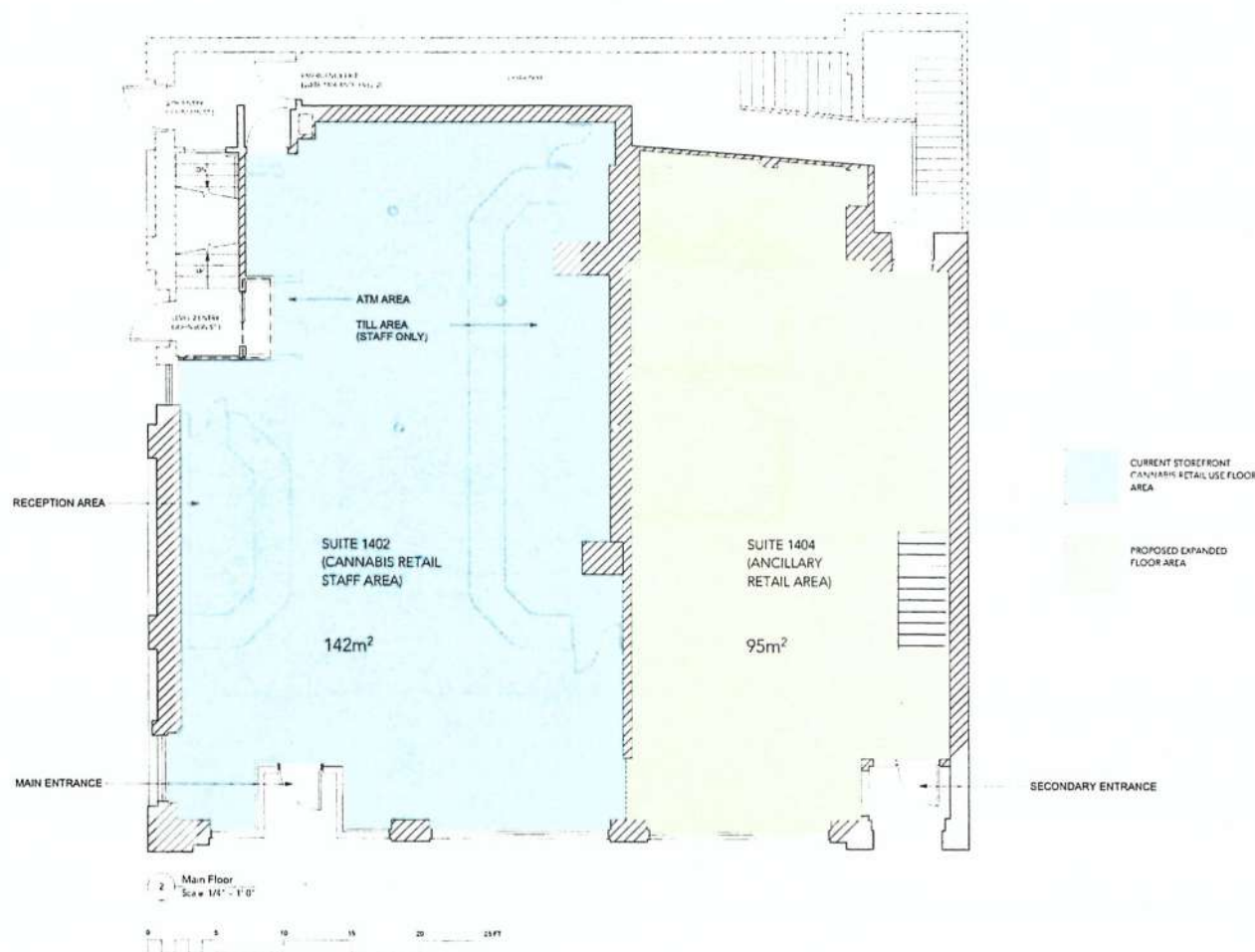


1402 & 1404 Douglas Street  
Rezoning No.00658









Received  
City of Victoria

AUG 27 2018

Planning & Development Department  
Development Services Division

GASTON CASTAÑO  
ARCHITECT ABC  
P.O. BOX 38013  
RPO JAMES BAY  
VICTORIA, BC  
250-458-8546

NO	DATE	FOR
1	2018.06.15	REVIEW 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

MAIN FLOOR PLAN

DATE

JULY 11, 2018

SCALE

1/4" = 1'-0"

DRAWING NO.

—z

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 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  
250.383.7273 Fax  
[www.cityspaces.ca](http://www.cityspaces.ca)

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 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 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 flourish extending to the right.

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,

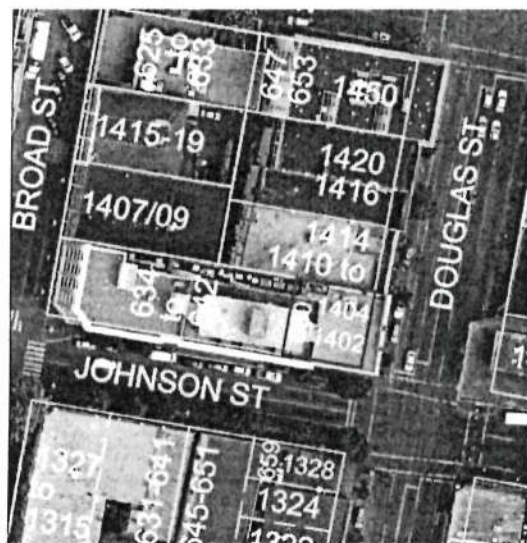


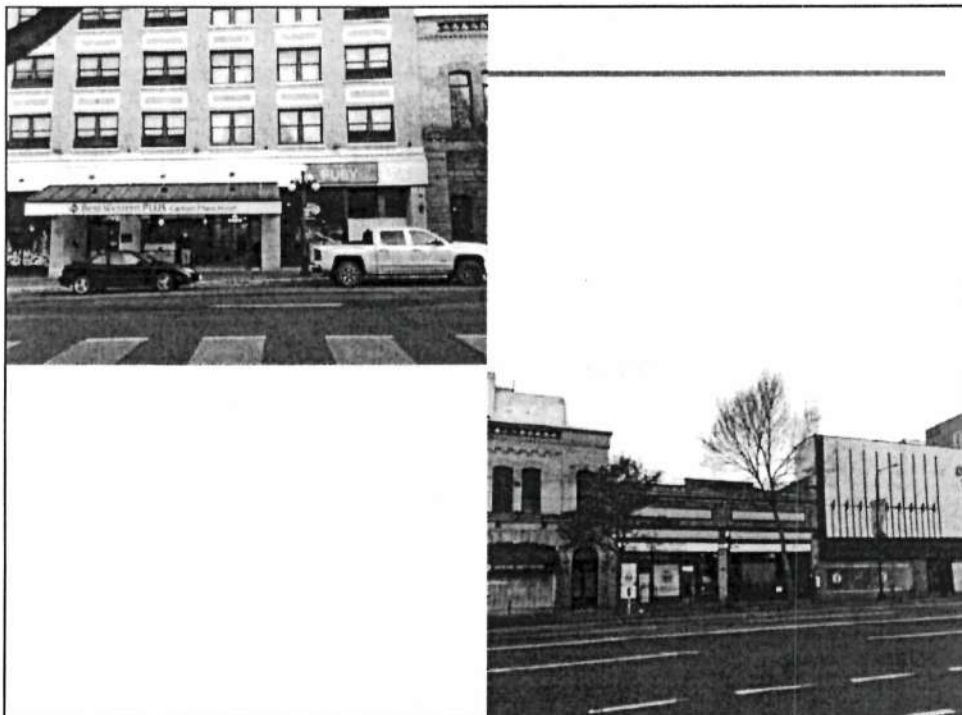
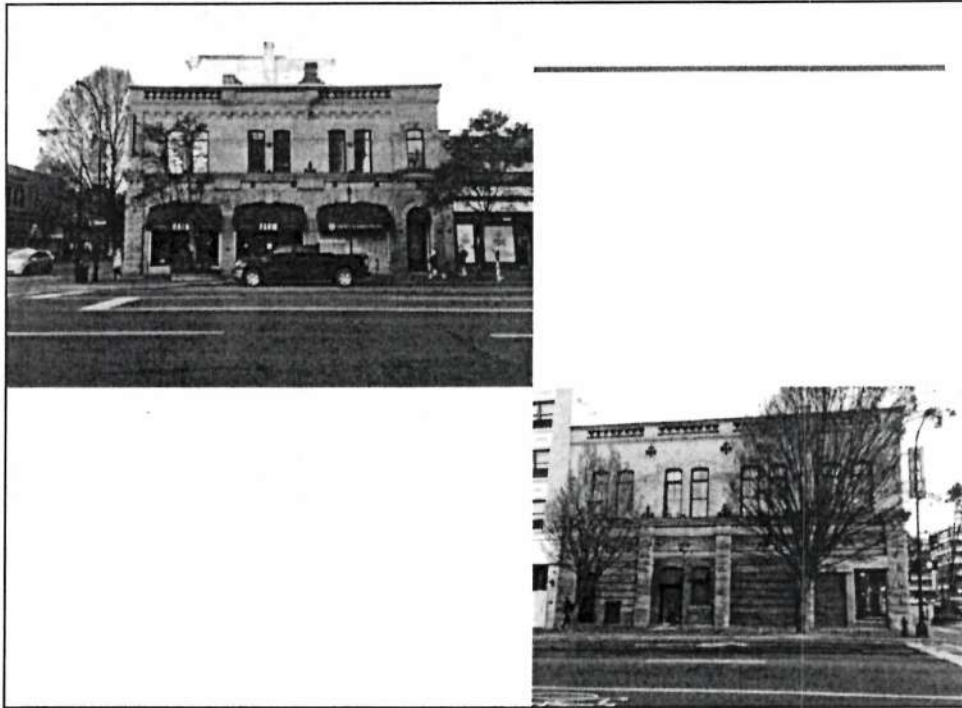
David Rodenhuis

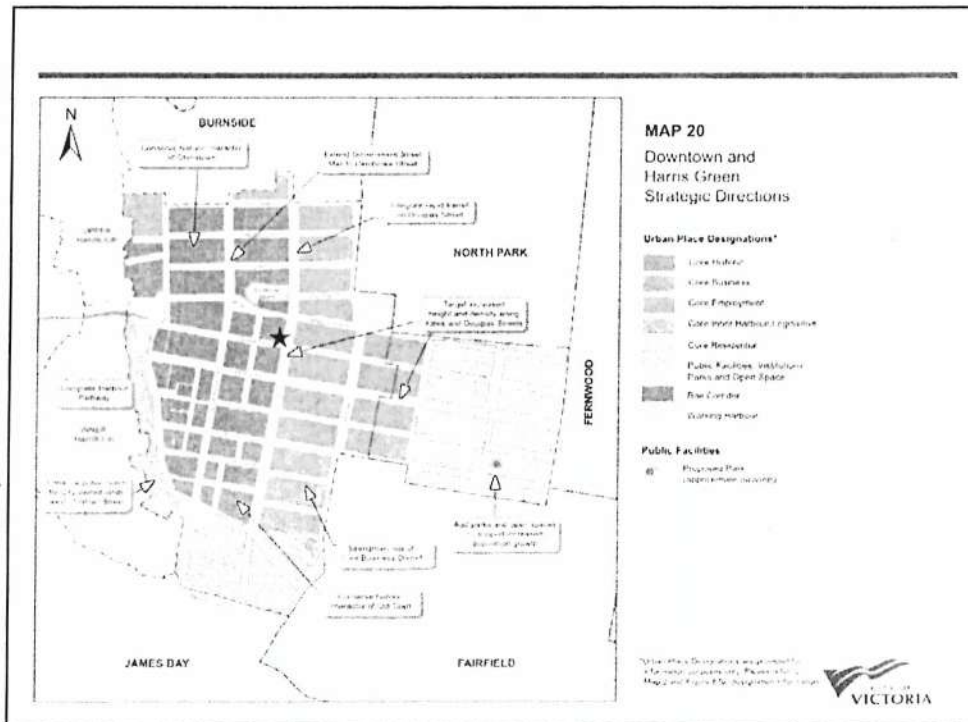
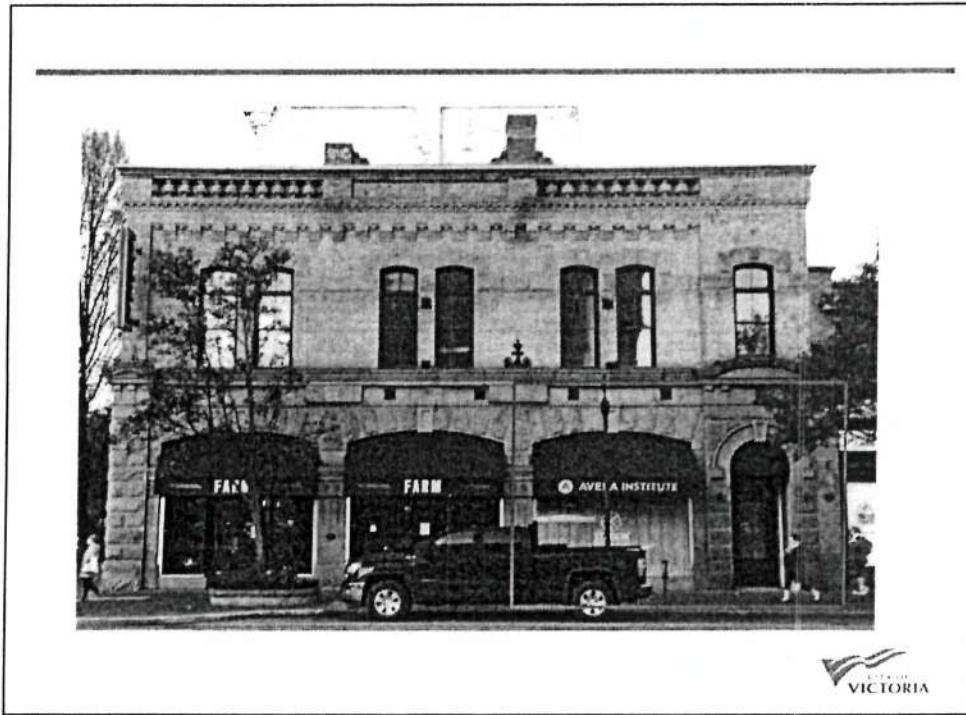


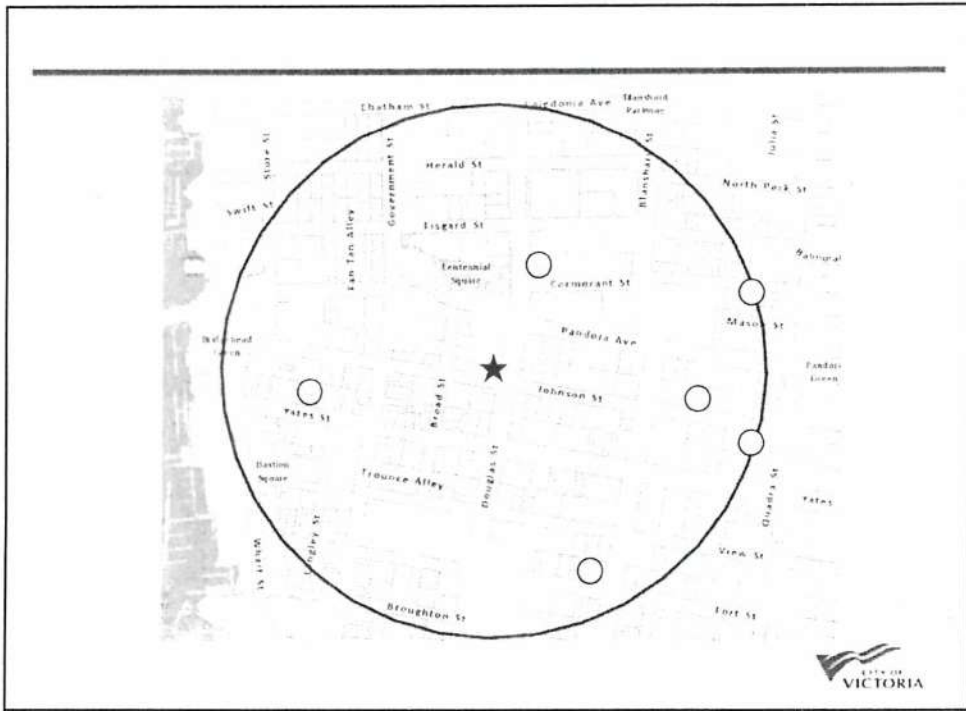
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# Rezoning Application for 1402 Douglas Street











# MEMORANDUM

**TO:** Mayor Helps & Members of Council  
**FROM:** Deane Strongitharm  
**DATE:** November 19, 2018  
**RE:** Retail Cannabis Rezoning Application for 1402 Douglas Street

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**An application to expand the area of cannabis retail within the existing zoned lot at 1402 Douglas Street is to be considered by Council at the November 22, 2018 Committee of the Whole Meeting.**

## BACKGROUND

- Cannabis retail zoning was approved for the property in September 2017. The applicant (The Original FARM) was the first to actually apply for and receive rezoning and business licence approval of the site prior to the store's opening in Spring 2018. During the rezoning application process, the applicant communicated with its surrounding neighbours, and received their support.
- The original application included agreement by the owner to designate the building as "heritage" as part of the new zoning designation. The applicant also invested about \$1 million in tenant improvements to complement the building's heritage designation status.
- The Original FARM has more than 100 staff, and operates an education centre in a separate commercial space adjacent to its other retail location at 3055A Scott Street. Both stores are currently closed to comply with the Province's new licensing requirements (unlike many other stores), and is currently awaiting confirmation on the City of Victoria's approval requirements with respect to feedback on Provincial licence applications.

## CURRENT APPLICATION

- The adjacent storefront in the 1402 Douglas Street building has become available, and would greatly assist the owner with additional space for product presentation, customer convenience and queuing, and educational displays.
- The entire lot at 1402 Douglas Street is zoned for cannabis retail, but the zone restricts the size of the retail area to 200 m<sup>2</sup>, which is what the owner requested at the time of rezoning. In hindsight, more basement storage space should have been included.
- The new application before Council approximately doubles the gross floor area. However, this is because, with the exception of the electrical room, the entire basement will be included in the allowable floor space for the purpose of storage, product packaging, basement hallways, and other

common areas. It simply makes sense to zone the entire basement to ensure compliance in every way in terms of activities accessory to the upstairs storefront retail space. The actual "additional retail space" on the main floor is only 95 m<sup>2</sup>.

- The City staff report recommends the application be declined because there are other stores within 400 m. The 1402 Douglas Street property is zoned for cannabis retail, and the store already exists. It is only the size of the area within the building that is the subject of the rezoning. The application is NOT setting a precedent with respect to proximity of other retail stores.
- Council's updated policy regarding the distance between cannabis retail locations (October 27, 2017) states that:  
  
*"This policy is intended to guide applicants and City staff as part of the application process, but it is not intended to fetter Council's discretion when dealing with individual applications, each of which will be evaluated on its own merits."*
- The applicant has demonstrated the highest level of responsibility, integrity, and professionalism in working with the City and the Province on the zoning and licensing of its retail stores. We believe the 400 m separation from other cannabis retailers is inappropriate in this instance, and that this application merits consideration at a Public Hearing.

**We respectfully request that Council forward the rezoning application for 1402 Douglas Street to Public Hearing.**