

I.1.b Report from the December 12, 2019 COTW Meeting

I.1.b.a 1881 Fort Street: Rezoning Application No. 00713 (South Jubilee)

Moved By Councillor Alto

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. 00713 for 1881 Fort Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Revised plans identifying the Statutory Right-of-Ways, to the satisfaction of the Director of Sustainable Planning and Community Development.
2. Preparation and execution of a Statutory Right-of-Way of 1.4m off Davie Street and 0.72m off Fort Street.
3. Council authorizing an Encroachment Agreement for the four parking stalls at the northern-most portion of the site that project into City property in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.

CARRIED UNANIMOUSLY

F.1 1881 Fort Street: Rezoning Application No. 00713 (South Jubilee)

Committee received a report dated November 28, 2019 from the Acting Director of Sustainable Planning and Community Development regarding the proposed Rezoning Application for 1881 Fort Street in order to allow for the retail sale of cannabis.

Moved By Councillor Alto

Seconded By Councillor Isitt

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00713 for 1881 Fort Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

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CARRIED UNANIMOUSLY



Committee of the Whole Report For the Meeting of December 12, 2019

To: Committee of the Whole **Date:** November 28, 2019
From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development
Subject: Rezoning Application No. 00713 for 1881 Fort Street

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00713 for 1881 Fort Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set once the following conditions are met:

1. Revised plans identifying the Statutory Right-of-Ways, to the satisfaction of the Director of Sustainable Planning and Community Development.
2. Preparation and execution of a Statutory Right-of-Way of 1.4m off Davie Street and 0.72m off Fort Street.
3. Council authorizing an Encroachment Agreement for the four parking stalls at the northern-most portion of the site that project into City property in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.

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 1881 Fort Street. The proposal is to rezone from the C-1 Zone, Limited Commercial 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 Large Urban Village urban place designation in the *Official Community Plan* (OCP, 2012), which envisions commercial uses
- the proposal is consistent with the "Maintain Current Zoning" designation within the *Jubilee Neighbourhood Plan*, as the storefront cannabis retail use maintains the general commercial use of the property

- the proposal is consistent with the *Storefront Cannabis Retailer Rezoning Policy* as there are no other storefront cannabis retailers within 400m of the subject property and no schools within 200m of the subject property.

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 current zone are being proposed:

- storefront cannabis retailer would be a permitted use
- only one storefront cannabis retailer be permitted to operate on the property at a time
- storefront cannabis retailer would be restricted to a maximum floor area of 88m²
- the maximum storefront cannabis retailer store frontage facing Fort Street would be 6.0m.

All other requirements within the C-1 Zone, Limited Commercial District, remain the same.

Staff recommend that Council make a condition of rezoning a Statutory Right-of-Way (SRW) of 0.72m off Fort Street and 1.4m off Davie Street to meet future transportation-related needs. The property owner is amenable to providing this SRW.

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 a variety of land uses, including the Royal Jubilee Hospital across the street to the north, a large commercial plaza to the east and low-density residential to the south.

Existing Site Development and Development Potential

The site is presently a single-storey commercial building with surface parking in the front yard. Under the current C-1 Zone, the property could be developed for a wide variety of commercial uses, including commercial-residential, with a maximum building height of 12m and a maximum floor space ratio 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) Community Meeting is waived unless the application involves construction of a new building; however, the

application was referred to the South Jubilee CALUC. Also consistent with the Policy, the application has been referred to School District No. 61 and the Victoria Police Department (VicPD). No responses had been received at the time of writing this report.

ANALYSIS

Official Community Plan

The *Official Community Plan* (OCP, 2012) identifies this property within the Large Urban Village urban place designation, within which commercial uses are envisioned.

Local Area Plans

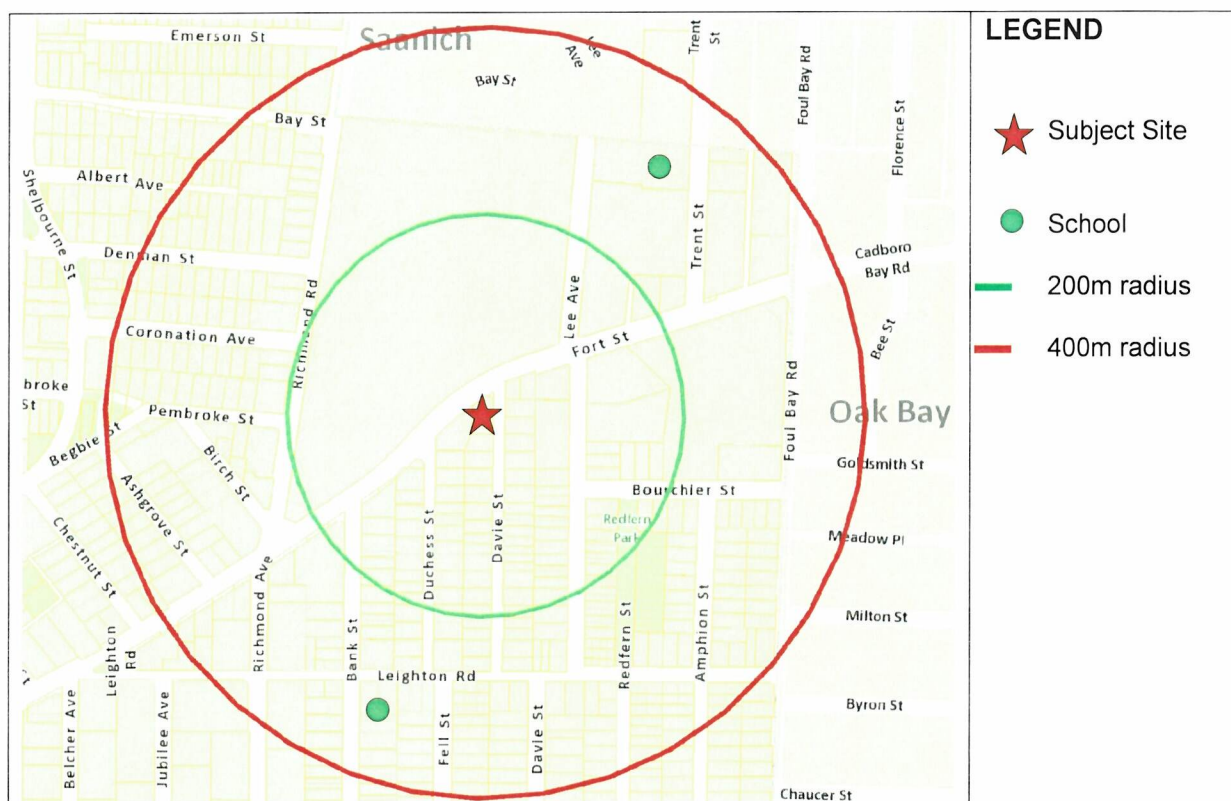
The property is located within the “Maintain Current Zoning” designation of the *Jubilee Neighbourhood Plan*. Additionally, the plan notes that commercial redevelopment should be limited to areas already zoned for commercial use. The subject property is already zoned for commercial use and is simply adding another commercial use.

Tree Preservation Bylaw and Urban Forest Master Plan

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

Storefront Cannabis Retailer Rezoning Policy

The application is for a new storefront cannabis retailer. The proposal is consistent with the *Storefront Cannabis Retailer Rezoning Policy* as there are no permitted storefront cannabis retailers within 400m of the property and no public or independent elementary, secondary or high schools are within 200m of the property. The property is approximately 253m from the St. Patrick's Elementary School and 268m from École Beausoleil.



Regulatory Considerations

Fort Street is classified as an arterial street, which has a standard road right-of-way width of 30m, and Davie Street is classified as a local street, which has a standard road right-of-way width of 18.0m. To help fulfill future transportation related needs on these corridors, a Statutory Right of Way (SRW) of 0.72m off Fort Street and 1.40m off Davie Street has been requested by staff. The property owner is amenable to this request.

In addition, the four vehicle parking stalls located at the northern-most portion of the site encroach onto City of Victoria property. An Encroachment Agreement is therefore required for the continued use of these stalls. The recommended motion for Council's consideration would authorize staff to enter into an Encroachment Agreement with the property owner.

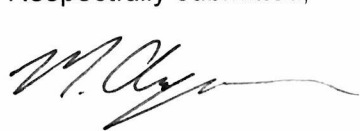
CONCLUSIONS

This proposal to permit the storefront cannabis retailer use is consistent with the Large Urban Village designation in the OCP and the Maintain Current Zoning designation in the *Jubilee Neighbourhood Plan*. The proposal does not have any schools within 200m or permitted storefront cannabis retailers within 400m of the property. Staff therefore recommend Council consider supporting this application.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00713 for the property located at 1881 Fort Street.

Respectfully submitted,

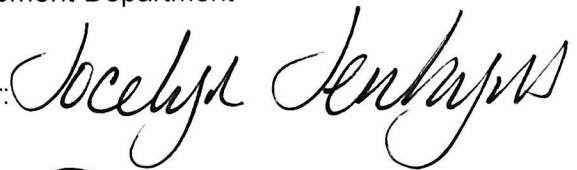


Michael Angrove
Senior Planner
Development Services



Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



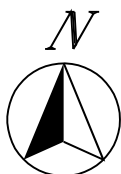
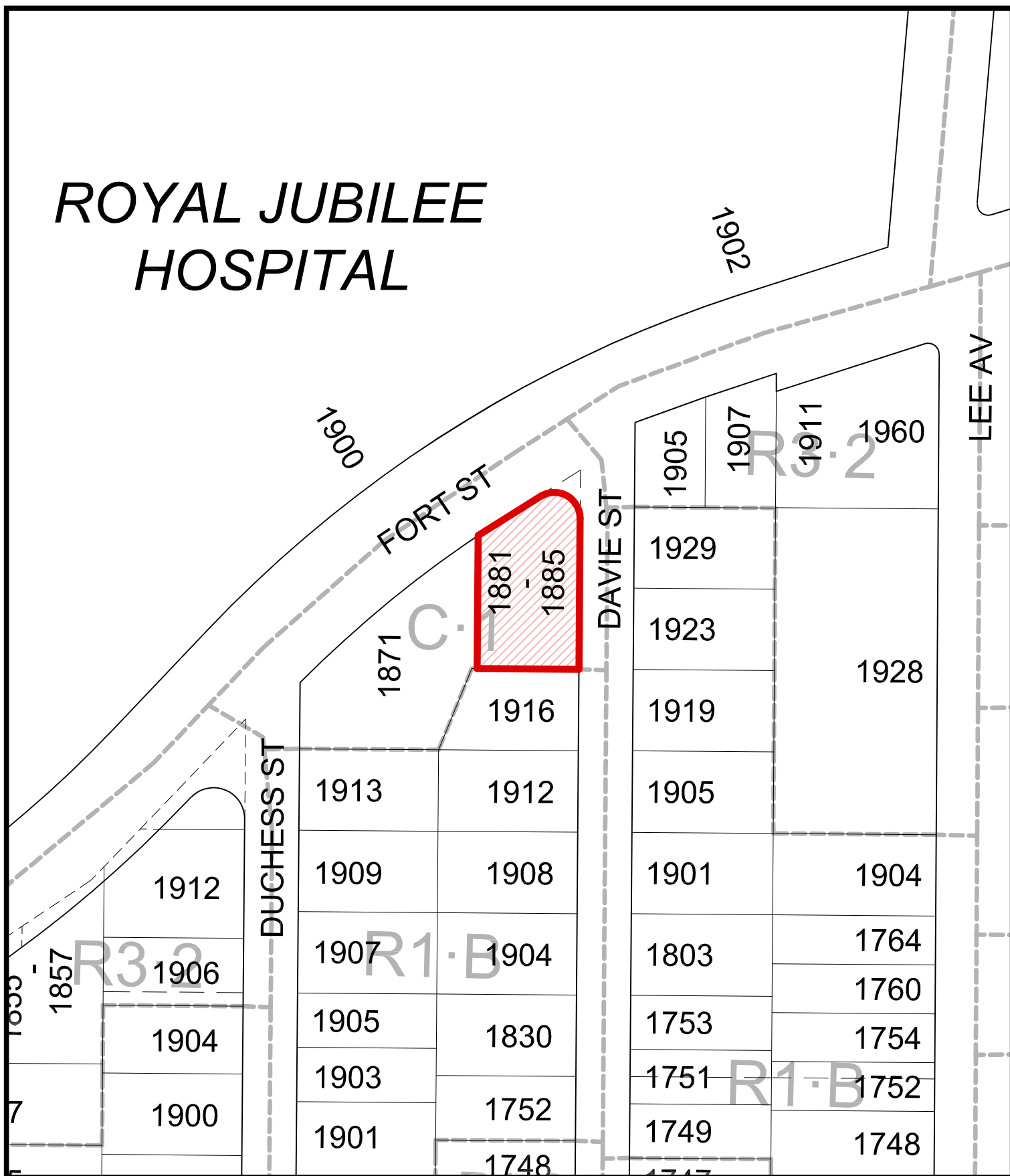
Date:

Dec 4, 2019

List of Attachments

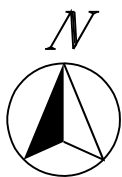
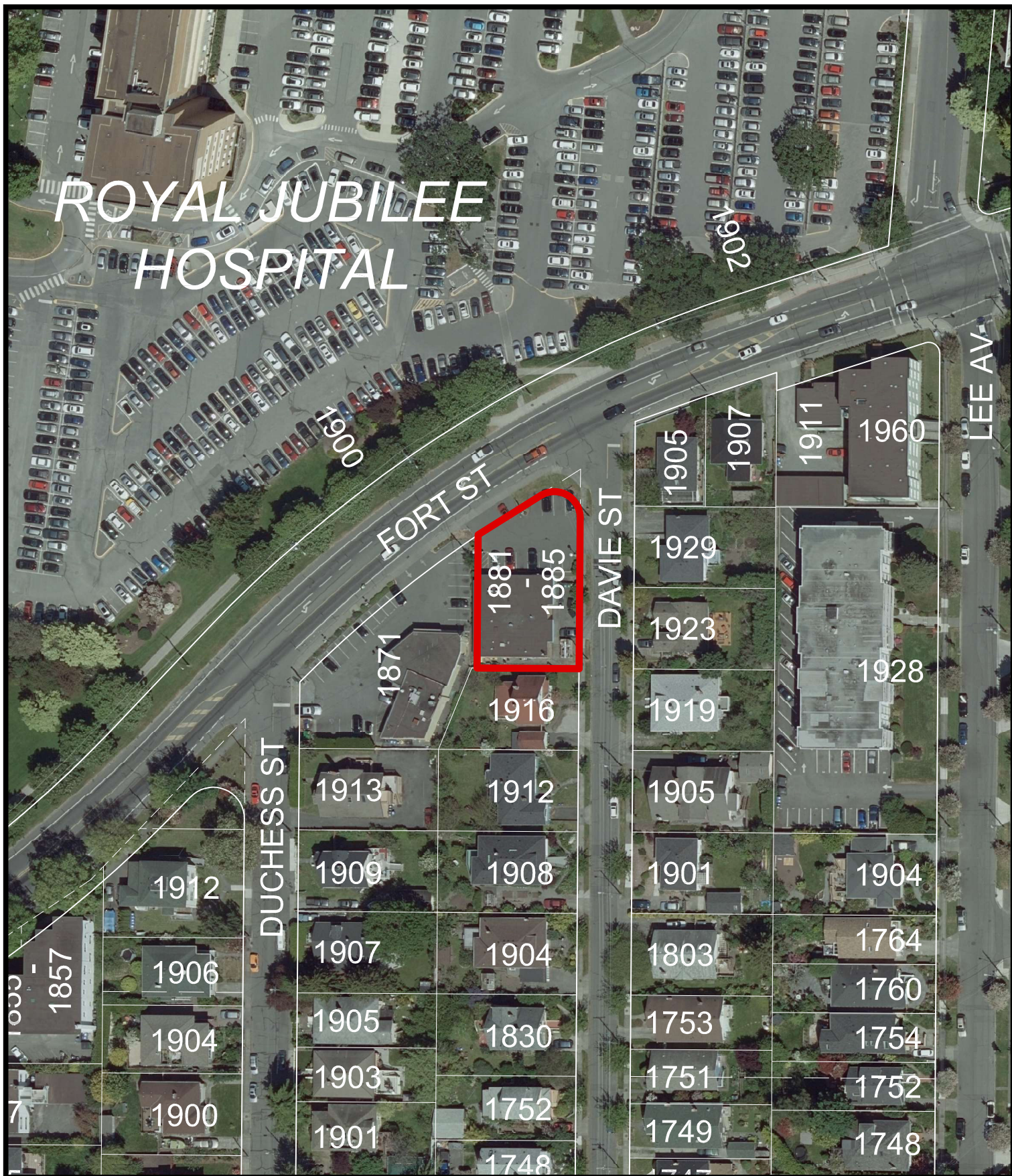
- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped November 12, 2019
- Attachment D: Letter from applicant to Mayor and Council dated September 11, 2019
- Attachment E: Correspondence (Letters received from residents).

ROYAL JUBILEE HOSPITAL



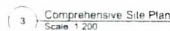
1881-1885 Fort Street
Rezoning No.00713





1881-1885 Fort Street
Rezoning No.00713





	Totals	21	11	18
Planted	7	1		2
Grown	13	1		

BICYCLE PARKING 1 long term space (1 per 200 m²)
provided in suite
1 short term space (1 per 200 m²)
provided (2 total on site)

Pacificanna Retail Outlet

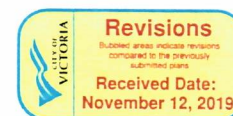
1881 - 1885 Fort Street
Victoria BC

Site Plan
Project Data

A0

4MKarcheeds
Victoria
977 Fort Street V8V 3K3 T 1-250-858-3367
Nanaimo
102-5190 Duxton Way V9T 2K8 T 1-250-885-5810

ATTACHMENT C

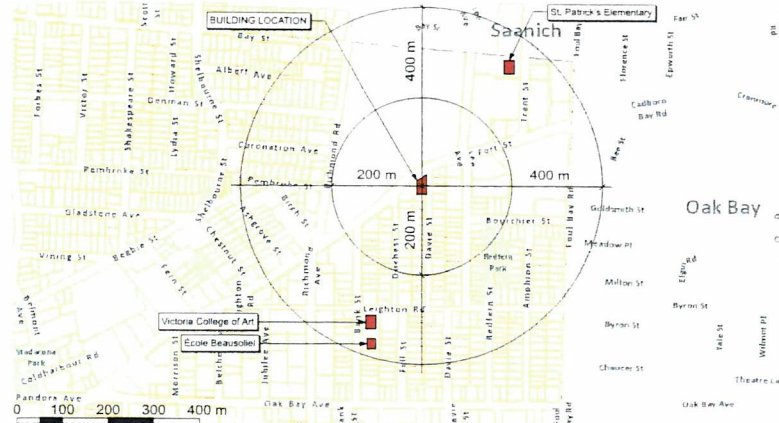


NOTES TO PLAN AND ELEVATIONS

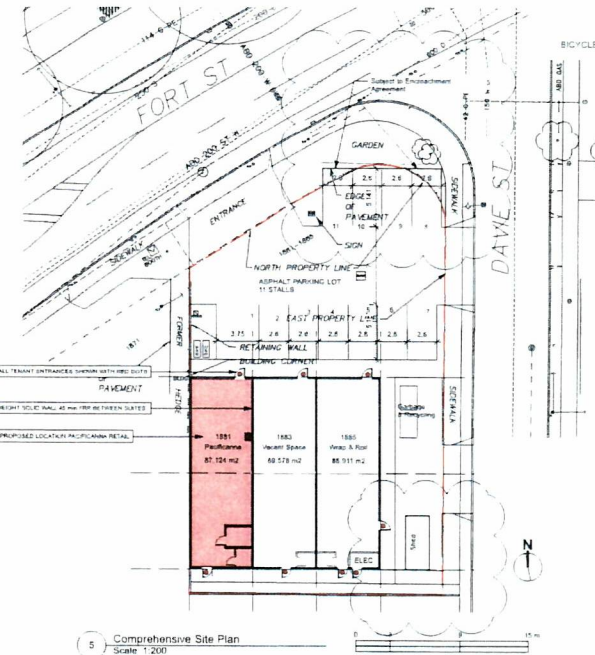
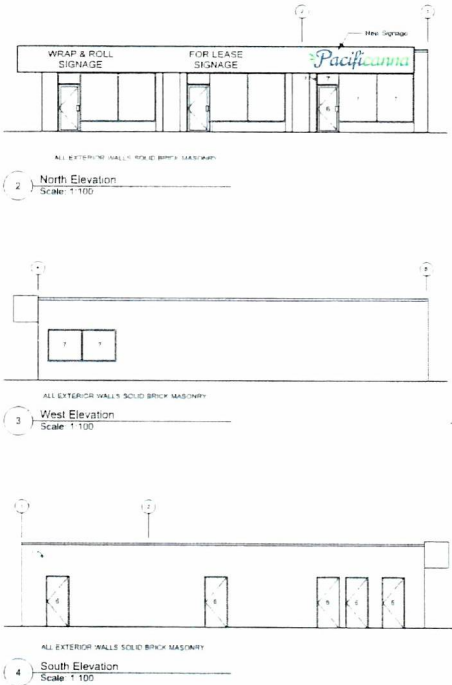
- COUNTER-HEIGHT SWING GATES
- SECURITY CAMERA
- ELECTRICAL PANEL
- PHONE / DATA SERVICE PANEL
- RATED WALL FULL HEIGHT SUITE SEPARATION
- EXISTING SECURE PERIMETER DOOR WITH LOCK
- EXISTING STOREFRONT CLEAR GLAZING TO REMAIN
- INTRUDER ALARM AND FIRE ALARM MONITORING SYSTEM

HVAC SYSTEM TO BE FITTED WITH AIR FILTRATION EQUIPMENT

FIRE ALARM / SMOKE DETECTORS TO BE MONITORED BY LICENSED THIRD PARTY MONITORING CO



LOCATION PLAN : SCALE 1:5000
SHOWING 400 m AND 200 m RADIUS CIRCLES FROM BUILDING LOCATION
NO OTHER CANNABIS RETAIL WITHIN 400 m OF PROPOSED LOCATION
NO SCHOOL LOCATED WITHIN 200 m OF PROPOSED LOCATION



PROJECT INFORMATION	1881-1885 FORT STREET VICTORIA BC
LEGAL DESCRIPTION	Lot 1 Section 76 Victoria District Plan 25670 PID 003-483-495
OWNER	Back Wing Yip 5464 Heathdale Court Burnaby BC
ARCHITECT	stetarchitects 977 Fort Street Victoria BC V8V 3K3
APPLICANT	Pacifcanna Holdings Ltd Damen Saunders info@Pacifcanna.ca
OCCUPANCY CLASSIFICATION	Group E - Mercantile 3.2.2.88 Group E up to 2 Storeys Max. Building Area 1,250 m ² 1 Storey facing 2 streets Combustible Construction permitted Floor Assemblies 45 minute FRR Supporting Structure 45 Minute FRR
SEPARATION OF SUITES	Suite Deming Walls - 45 Minute FRR (3.3.1.1 (2))
EXITING	2 exits provided - maximum travel distance 45m (3.4.2.5 (c)) Actual Travel distance = 11.65 m
OCCUPANT LOAD	95 / 3.70 m ² pp = 24 People (3.1.1.1)
WASHROOMS	One Unisex washroom provided per 3.2.2.156 and (4) and is also a Universal Toilet Room per 3.2.2.1 (3)

PROJECT INFORMATION	
ZONING	C1 Commercial (DPA 5)
SITE ZONING	C1 Commercial (DPA 5)
SITE AREA	786.65 m ²
BUILDING GFA	272.95 m ²
LEASEHOLD AREA	67.12 m ²
VEHICLE PARKING	Schedule C - Village Centre - Retail 28 / 50 = 1.7 = 2 spaces for leasehold area 11 spaces existing on site - no changes proposed - refer to Table for detailed parking calculations
BICYCLE PARKING	1 long term space (1 per 200 m ²) provided in suite 1 short term space (1 per 200 m ²) provided (2 total on site)

03-62	15-11-12	REVISIONS FOR H2 APP
03-67	18-05-17	REVISIONS APPLICATION
REV	DATE	REVISION
03-62	15-11-12	REVISIONS
03-67	18-05-17	REVISIONS
03-62	15-11-12	REVISIONS
03-67	18-05-17	REVISIONS

Pacifcanna Retail Outlet
1881 - 1885 Fort Street
Victoria BC
Leasehold Improvements

A1

stetarchitects
977 Fort Street
Victoria BC V8V 3K3
T: 250.585.5810
F: 250.585.5810
info@stetarchitects.ca
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1 Floor Plan - LEASEHOLD
A1 Scale 1:50
TOTAL FLOOR
AREA 67.184 m²



September 11th, 2019

City of Victoria
1 Centennial Square
Victoria, BC. V8W 1P6
Canada

Re: Storefront Cannabis Retailer Rezoning Application, 1881 Fort Street, Victoria, BC. V8R 1K1

Attention: Mayor Lisa Helps and Members of Council

On behalf of Pacificanna Holdings Ltd. I want to thank you for the opportunity to present information about our proposed retail cannabis store. As part of our Storefront Cannabis Retailer Rezoning application package, we are submitting this letter detailing the aspects of our proposed store for your consideration.

Description of Proposal/City Policy

Our proposed location is 1881 Fort Street within the Jubilee neighborhood. Our submission complies with all provisions of the Storefront Cannabis Retailer Rezoning policy, and is located:

- Within a large urban village as identified in the Official Community Plan
- On an established, commercially zoned property with other retail uses
- At least 200m from a public or independent elementary, middle or secondary school
- At least 400m from another lot where a storefront cannabis retailer is permitted
- With proper vehicle and bicycle parking which is applicable to retail stores as outlined in Schedule C of the Zoning Regulation Bylaw

Project Benefits/Neighborhood/Impacts

The next closest retail cannabis store currently sits almost 1km away at the Oak Bay junction, with our store filling the gap in an underserved neighborhood. We expect to employ 6-8 staff and would be operating along the busy Fort Street corridor of the Jubilee neighborhood, providing a new service in a commercial building that contains other retail tenants. Being located within the busy centre we expect to compliment/improve conditions on surrounding businesses, and with limited hours of operation do not expect to have any negative impacts on our immediate neighbors.

The principles involved in the proposed cannabis store have extensive experience in many sectors including retail and hospitality. In particular they have successfully retailed a controlled substance for 25+ years (liquor) across British Columbia, including here in the City of Victoria.

Design/Safety and Security

We are not proposing to make any modifications to the external façade of the building and will stay within the design guidelines of the Jubilee neighborhood. The safety and security of our staff, customers, and neighborhood is paramount. Our proposed floor plan was designed with clear sight-lines in mind, and we will also be installing the following security features:

- Video surveillance to monitor all entrances/exits and the interior of the store at all times
- Security and fire alarm system monitored by a third party
- Safe to securely store all inventory and cash

Transportation

Our proposed unit meets the vehicle and bicycle parking standards of Schedule C – Off Street Parking Regulations. Our store can also be accessed via the bus route that runs along Fort Street.

Heritage

1881 Fort Street does not have a heritage designation.

Thank you again for this opportunity and we look forward to working with you.

Sincerely,



Pacifcanna Holdings Ltd.

Heather McIntyre

From: D-S Andersson [REDACTED]
Sent: October 17, 2019 3:10 PM
To: Victoria Mayor and Council
Cc: Michael Angrove
Subject: 1881 Fort St Rezoning for Cannabis Store - Opposed

Dear Mayor and Council,

Re: This proposal for rezoning at 1881 Fort St for Cannabis Store: A loud NO to this proposal.

Our neighbourhood **does not need or want this**.

There are many pharmacies in the area if people are seeking medical dispensaries.

D-S Andersson
Victoria, BC

Heather McIntyre

From: matthew watson [REDACTED]
Sent: October 27, 2019 9:01 PM
To: Victoria Mayor and Council
Subject: regarding cannabis shop 1881 Fort St.

Just resending my comments from my personal email account as I just realized I had sent from my work email...

*** Also further to my comments below, I do not believe having a cannabis shop practically on the grounds of RJH (at least only a quick dart across a busy street) is going to be productive for anyone as I can almost guarantee there will be patients running across to purchase, perhaps even in their hospital PJs. This will create a safety issue on a few levels.

There are many patients at RJH who are active drug users or struggle with addictions and/or urges to use and having a cannabis shop that close to a hospital is in my mind, inappropriate.

Thanks again,

(Original email resent below)

Greetings City staff,

I understand from our neighbourhood association that you have received a rezoning request for 1881 Fort St. to open a cannabis shop. As a resident of the South Jubilee area I would ask that you do not allow this to go through. I am a healthcare professional and very aware of the research as well as the outcomes and effects of drug use in general in our population. I work in mental health and addictions and have first hand observations and experience in the field at ground level, which can be a more informative context than many research papers provide. I do not think it wise for these shops to proliferate in our society.

My two cents, Thank you for your time.

Matthew Watson.

Heather McIntyre

From: Jill Munn <[REDACTED]>
Sent: November 3, 2019 11:21 AM
To: Victoria Mayor and Council
Subject: Rezoning at 1881 Fort Street

I support the request for rezoning for a cannabis shop at 1881 Fort St. This is a commercial space in an area of the city where there are currently no cannabis shops.

Thank you.

--

Jill Munn, E.A.
[REDACTED]

NEW ADDRESS
206-1501 Richmond Ave.
Victoria, BC V8R 4P7
Canada

Heather McIntyre

From: Brian Munn <[REDACTED]>
Sent: November 3, 2019 4:23 PM
To: Victoria Mayor and Council; Michael Angrove
Subject: 1881 Fort St.

All,

As a homeowner in the neighborhood of South Jubilee, I am totally in favor of the application for the property @ 1818 Fort St.
to be used as a legal Cannabis retail location.

Brian Munn
206-1501 Richmond Ave.
Victoria B.C. V8R 4P7

[REDACTED]

Madison Heiser

From: Madison Heiser
Sent: Tuesday, December 10, 2019 8:13 AM
To: Madison Heiser
Subject: Support for Rezoning No. 00713 at 1881 Fort Street

From: Matt Dell [REDACTED]
Sent: December 9, 2019 9:01 PM
To: Public Hearings [REDACTED] Marianne Alto (Councillor) [REDACTED] Councillors
Subject: Support for Rezoning No. 00713 at 1881 Fort Street

Hello Mayor Helps and Victoria City Councillors,

My name is Matt Dell, I am the current president of South Jubilee Neighbourhood. I am writing in support of the Rezoning Application No. 00713 for 1881 Fort Street.

Myself, and many others in our community, are excited that a vacant commercial space will become utilized by a new local business. We have a small commercial base in the Jubilees, so it's important all spaces are used to help build a vibrant community. 1881 Fort has been vacant for a long time, so it's fantastic Pacificanna wants to come to South Jubilee.

Cannabis was legalized in Canada in 2018 and has since become a very important medical and recreational substance for many Canadians, including those in our community. It is vital that local people have a safe, legal dispensary, especially for those who use THC/CBD for medical conditions. Many folks with mobility issues need a local source. We used to have an illegal Trees location on Fort/Oak Bay corner that was extremely popular with folks of all ages.

I've spent some time researching this application and I believe it conforms with all local requirements:

- The property complies with every single aspect of the Storefront Cannabis Retailer Rezoning Policy.
- The property is located within a 'large urban village' as identified in the Official Community Plan (where the rezoning policy suggests cannabis stores should be located)
- Next closest store is almost 1km away (former illegal "Trees" location that has been shut down at the Oak Bay junction, and whether or not it re-opens is questionable). If not then next closest stores would be Farm on Hillside or downtown.
- Supports business growth along the Fort corridor which is part of the strategic plan of the city's OCP.
- The province completes an extensive background check on all individuals related to the business. Pacificanna has two retail cannabis stores operating successfully in the north Island.

The South Jubilee Neighbourhood Association has been soliciting feedback on this application for a few months and has not received much community input. Most folks I talk to are supportive, considering cannabis is now legal. SJNA CALUC has not received any comments on this application. We have solicited feedback on our website, but not received anything.

City staff have also recommended that council support this proposal.

If you have any questions, don't hesitate to get in touch.

-Matt Dell
1525 Fell Street



South Jubilee Neighbourhood President

Madison Heiser

From: Madison Heiser
Sent: Monday, December 9, 2019 8:41 AM
To: Madison Heiser
Subject: Re-Zoning Application for 1181 Fort St.

From: Oomen, Michael EDUC:EX [REDACTED]
Sent: December 5, 2019 4:20 PM
To: Michael Angrove <mangrove@victoria.ca>
Subject: RE: Re-Zoning Application for 1181 Fort St.

Dear City Council,

I'm writing to you out of concern for the possible re-zoning at 1881 Fort St. to allow a store front Cannabis Retailer. My main concerns for this proposal are the proximity to vulnerable populations, the adverse effect on the local community and the consequence this type of business will have on local traffic. In addition, I feel placing a Cannabis store so close to at-risk and vulnerable members of the population is at best negligent and at worst, predatory.

I strongly urge the city council to reject the proposal to open a Cannabis Retailer at this location and look for a more suitable tenant that contributes to the neighborhood and surrounding community.

Issues/Concerns:

- South Jubilee is already struggling with increased pressures from development and traffic on Fort, Richmond, Oak Bay Ave and Foul Bay. Adding a potentially high traffic stop and go destination will only make matters worse for residents that are already stressed by insufficient parking, speeding and traffic noise. Unlike a restaurant or retail location, customers spend less than 10 minutes on average at retail cannabis locations (Google Maps Statistics)
- There are 3 major developments (multi-unit buildings) proposed within 2-3 blocks of this location that have the possibility of drastically altering the traffic and congestion issues that already exist – adding a destination that promotes quick turn-around shopping does nothing for the local community. Until these issues are addressed the problem will only intensify.
- South Jubilee is a complex area that currently supports a number of vulnerable or at-risk populations. This includes outflow from the Eric Martin and residents of the Caribbean Apt less than 200 metres from the proposed location. This is (to my understanding) a Licensed Residential Care Home for individuals that require support and supervision while recovering from substance abuse disorders
- There is a youth group home at the corner of Davie St. and Leighton with at risk youth dealing with a number of issues including addiction – again this is one block and less than 200 metres from the proposed location
- Threshold Housing for youth is located 2 blocks away on the corner of Davie St. and Oak Bay Ave – while not focussed specifically on mental health or addiction issues, their tenants represent a vulnerable and at-risk segment of society

Madison Heiser

From: Public Hearings
Sent: Tuesday, December 10, 2019 2:27 PM
To: Madison Heiser
Subject: FW: Proposed changes to 1881 Fort Street

From: Kelvan [REDACTED]
Sent: December 10, 2019 2:04 PM
To: Public Hearings [REDACTED]
Subject: RE: Proposed changes to 1881 Fort Street

To City Council,

I was pleasantly surprised to see the rezoning notice board when walking along Fort Street this past week. I am writing to support the idea of our area getting a cannabis retailer. It just makes sense to put a cannabis retailer in this area to serve this community and so we don't have to travel all the way downtown to get access to cannabis. In my mind, whether the cannabis user uses it for medicinal use or recreational use, having the retailer here eases access and makes South Jubilee Neighbourhood more complete.

Regards,

Kelvan Iverson

20-39 Ontario St, Victoria BC,
V8V 1M7

Rezoning Application for 1881 – 1885 Fort Street



1



2

Photo of subject site 'as is'



3

Photos of neighbouring properties



West:
Fort Street



South:
Davie Street



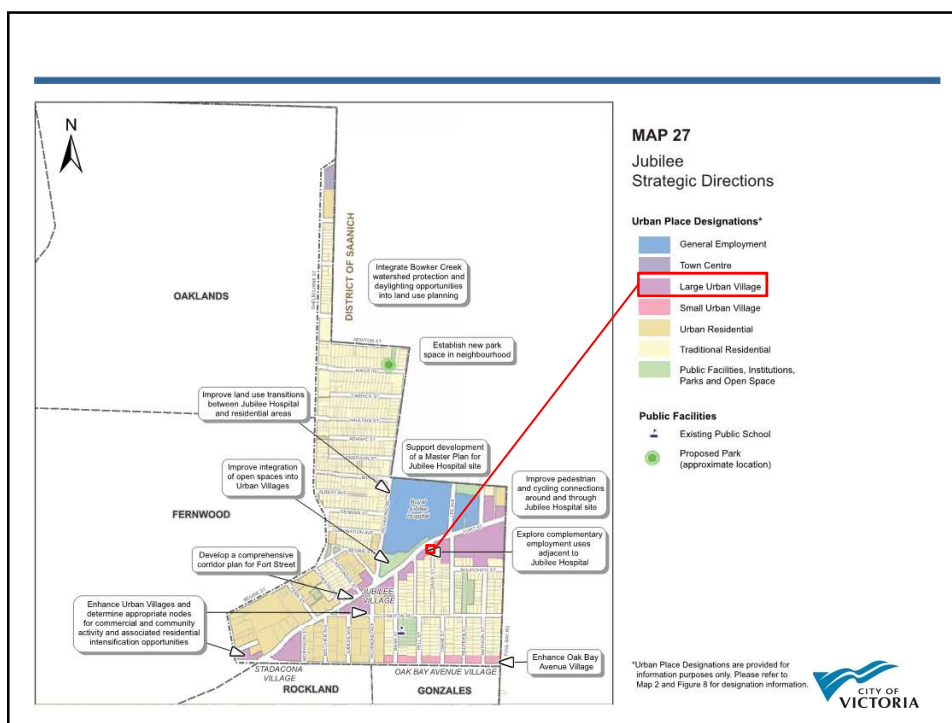
North:
Fort Street



East:
Davie Street

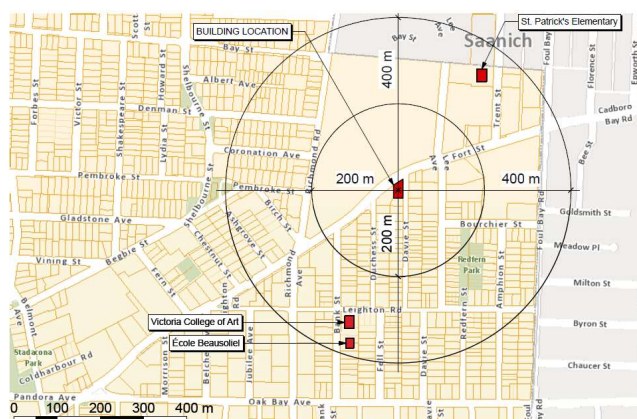


4



5

200m/400m radius map – no schools or permitted storefront cannabis retailers



6