

**E.1.a.c901 Gordon Street - Rezoning Application No.00743
(Downtown)**

Moved By Councillor Alto

Seconded By Councillor Potts

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00743 for 901 Gordon Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.
2. That Council authorize the street-level projecting canopies over the City right-of-way on Gordon Street, Courtney Street and Broughton Street, provided that the applicant enters into an Encroachment Agreement prior to a Public Hearing in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.

CARRIED UNANIMOUSLY

F.1 901 Gordon Street - Rezoning Application No. 00743 (Downtown)

Committee received a report dated October 6, 2020 from the Director of Sustainable Planning and Community Development regarding the proposed rezoning of the property located at 901 Gordon Street to allow for a storefront cannabis retailer.

Committee discussed:

- *Reasoning for the decline motion*
- *Whether correspondence has been received from the school.*

Councillor Isitt withdrew from the meeting at 10:21 a.m.

Moved By Councillor Alto

Seconded By Councillor Loveday

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CARRIED UNANIMOUSLY



Committee of the Whole Report For the Meeting of October 22, 2020

To: Committee of the Whole **Date:** October 8, 2020

From: Karen Hoese, Director, Sustainable Planning and Community Development

Subject: Rezoning Application No. 00743 for 901 Gordon Street

RECOMMENDATION

1. That Council decline Rezoning Application No. 00743 for the property located at 901 Gordon Street.
2. That Council authorize the street-level projecting canopies over the City right-of-way on Gordon Street, Courtney Street and Broughton Street, provided that the applicant enters into an Encroachment Agreement prior to a Public Hearing 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 901 Gordon Street. The proposal is to add the use of storefront cannabis retailer to the OTD-1 Zone, Old Town District-1 as a site-specific regulation for 901 Gordon Street.

The following points were considered in assessing this application:

- the proposal is consistent with the Core Historic designation in the *Official Community Plan* and the Historic Commercial District designation in the *Downtown Core Area Plan*, both of which envision active commercial uses on the ground floor
- the proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy*, as there are three properties within 400m with storefront cannabis retailer as a permitted use and there is a school within 200m.

BACKGROUND

Description of Proposal

This Rezoning Application is to permit the use of storefront cannabis retailer at 901 Gordon Street. The following differences from the current OTD-1 Zone are being proposed:

- storefront cannabis retailer would be a permitted use
- only one storefront cannabis retailer would be permitted to operate on the property at a time
- storefront cannabis retailer would be restricted to a maximum floor area of 160m².

Sustainability

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation

The applicant has not identified any active transportation impacts associated with this Application.

Public Realm

No public realm improvements beyond City standard requirements are proposed in association with this Rezoning Application.

Accessibility

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Land Use Context

The area is characterized by primarily retail and restaurant uses, located at street level, with office uses and some residential uses located on the upper storeys.

Existing Site Development and Development Potential

The site is presently occupied by ground floor commercial units with a parkade on the upper storeys. Under the current OTD-1 Zone, Old Town District-1, the property could be developed for commercial and mixed-use buildings up to a height of 15m and a density of up 3.0:1 floor space ratio.

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 Downtown Residents Association. 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) lists this property within the Core Historic urban place designation, within which retail is an envisioned use. The property is also included in Development Permit Area 1 (HC): Core Historic which among other things contains design guidelines that aim to create animated and welcoming streetscapes. Provincial regulations prohibit cannabis products from being visible from the street. While staff would encourage the applicant to maintain a positive street relationship, it should be noted that interior improvements that restrict visibility into the storefront, such as blinds or curtains, are not subject to staff approval. However, extensive use of non-transparent glass or screening films applied to glass would be considered contrary to the design guidelines and would require Council consideration and approval.

Downtown Core Area Plan

The *Downtown Core Area Plan* designates this property as Historic Commercial District. The application is consistent with the neighbourhood plan, in which zoning accommodates a diverse range of active commercial uses.

Tree Preservation Bylaw and Urban Forest Master Plan

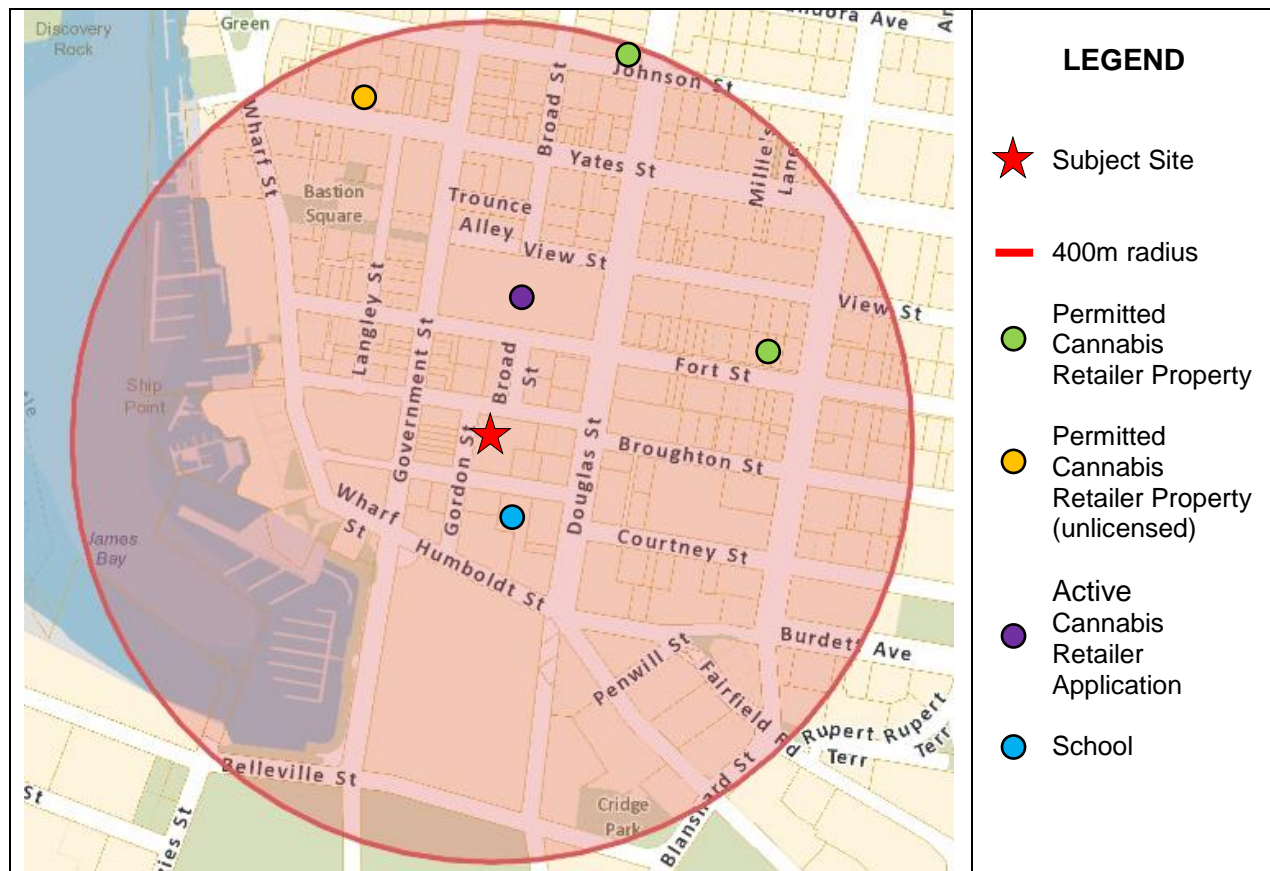
There are no Tree Preservation Bylaw impacts and no impacts to public trees with this Application.

Storefront Cannabis Retailer Rezoning Policy

The proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy* as there are three properties within 400m of the subject property that have storefront cannabis retailer as a permitted use:

- 778 Fort Street is 238m away and is provincially licensed]
- 1402 Douglas Street is 385m away and is provincially licensed
- 546 Yates Street is 333m away and non-operational and not provincially licensed.

Finally, there is one independent high school, the Pacific Institute for Innovation and Inquiry, 19m away from the subject property.



Encroachment Agreement

A number of street-level canopies are also existing along Gordon Street, Courtney Street and Broughton Street, which project above the City right-of-way. These are encouraged in the Guidelines to provide pedestrian weather protection and welcoming streetscapes. In order to continue to facilitate these canopies, the applicant is required to enter into an Encroachment Agreement with the City. As these are existing canopies, passage of motion #2 is recommended regardless of the decision on the main application.

CONCLUSIONS

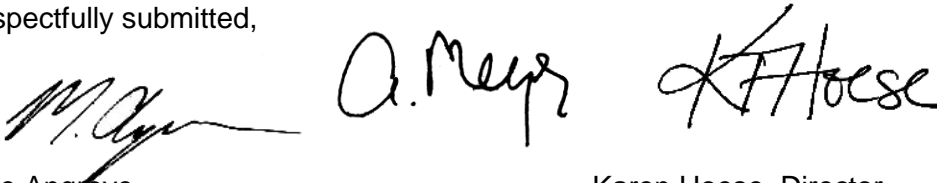
The proposal to permit the storefront cannabis retailer use is consistent with the *Official Community Plan* and the *Downtown Core Area Plan*. The proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy* as there are three other properties within 400m that permit the use of storefront cannabis retailer and there is a school within 200m of the subject property. Staff therefore recommend that Council consider declining the application. However, an alternate motion has been provided for Council's consideration.

ALTERNATE MOTION

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00743 for 901 Gordon Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

2. That Council authorize the street-level projecting canopies over the City right-of-way on Gordon Street, Courtney Street and Broughton Street, provided that the applicant enters into an Encroachment Agreement prior to a Public Hearing in a form satisfactory to the City Solicitor and the Director of Engineering and Public Works.

Respectfully submitted,



Mike Angrove
Senior Planner
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: October 15, 2020

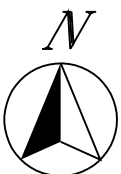
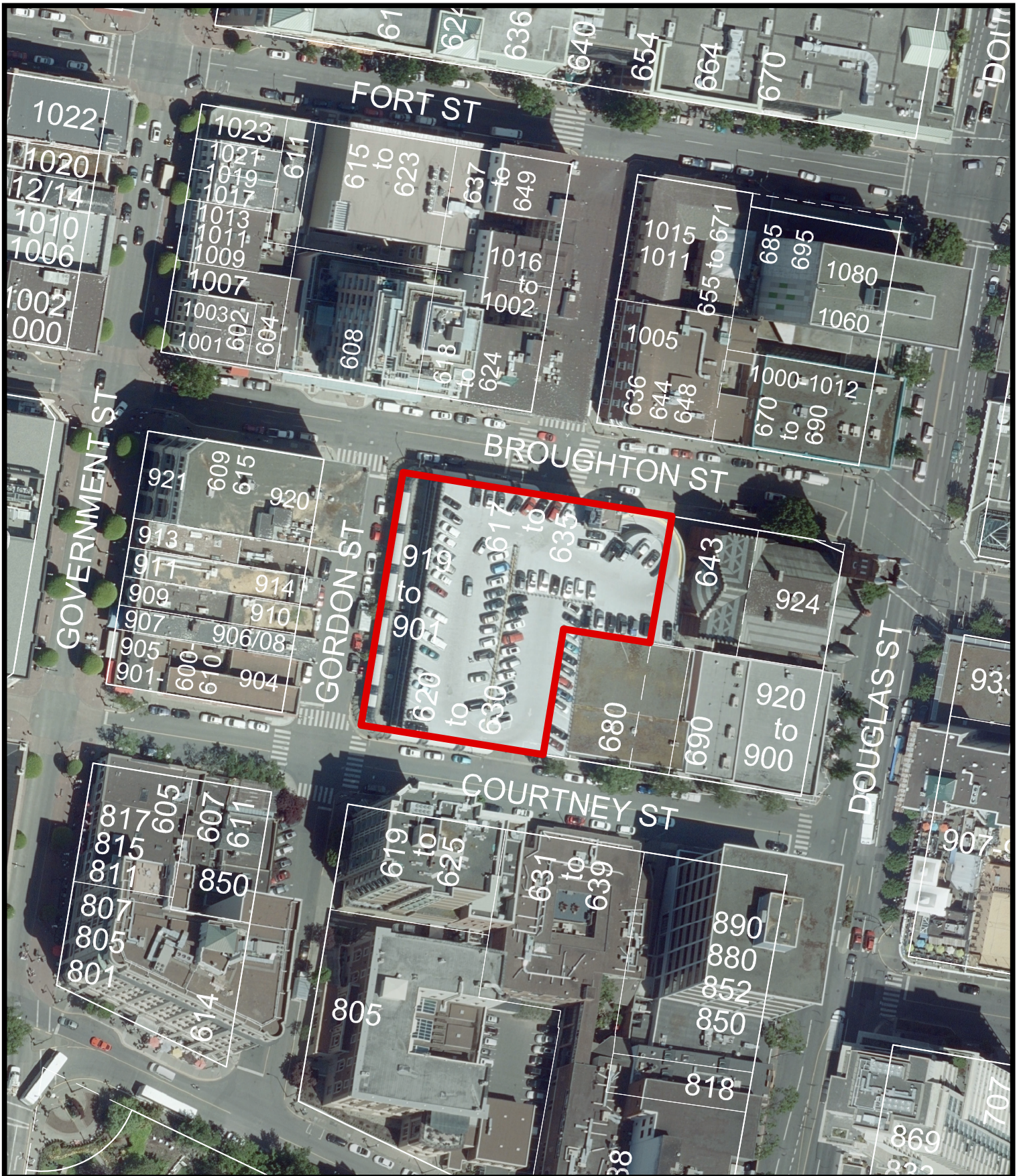
List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped September 10, 2020
- Attachment D: Letter from applicant to Mayor and Council dated July 15, 2020
- Attachment E: Correspondence



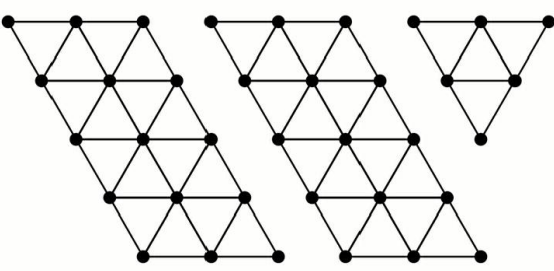
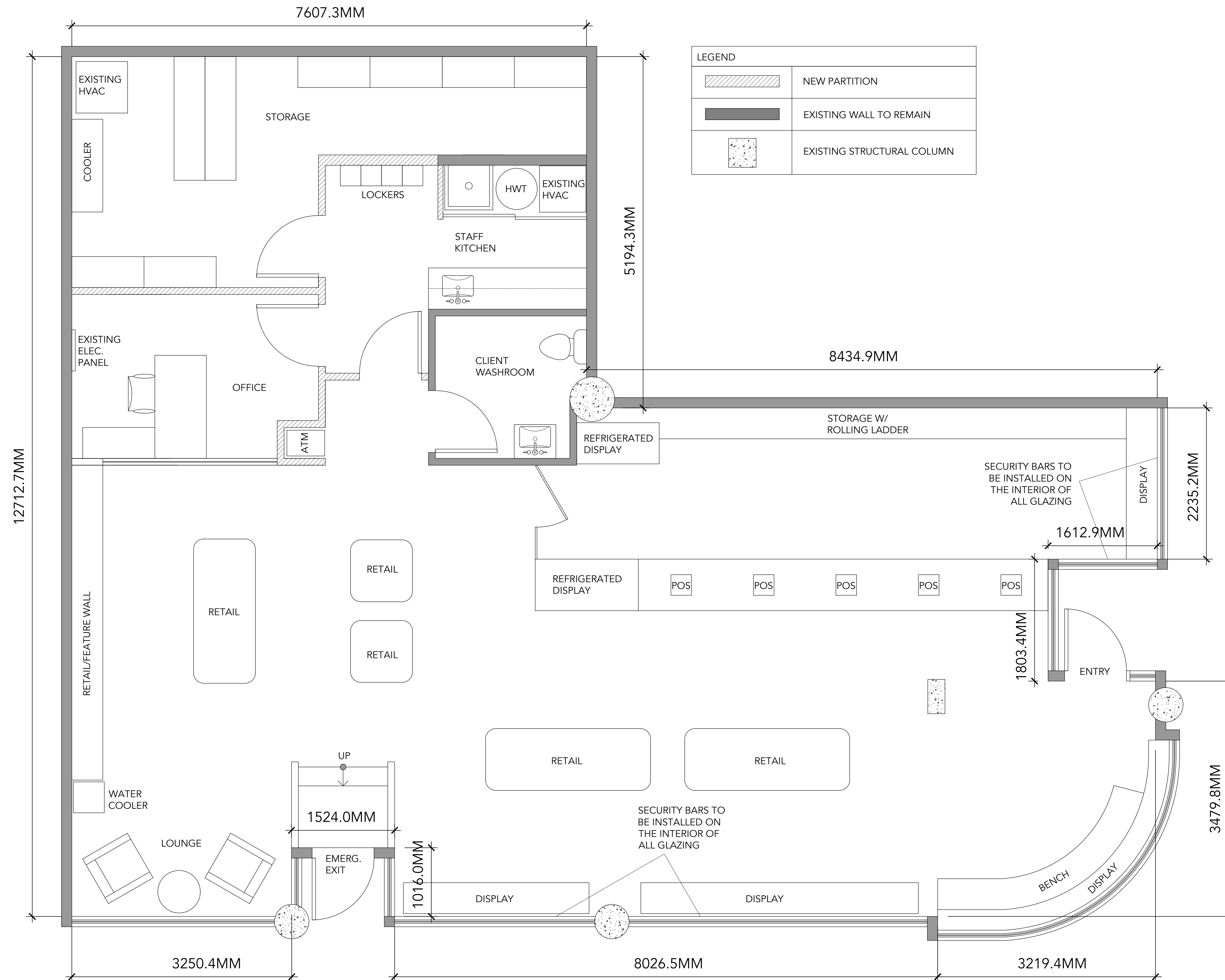
901 - 919 Gordon Street, 620 – 630 Courtney
Street and 617 – 635 Broughton Street
Rezoning No.00743





901 - 919 Gordon Street, 620 – 630 Courtney
Street and 617 – 635 Broughton Street
Rezoning No.00743

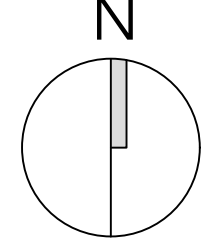




WESTERN INTERIOR
DESIGN GROUP

#100 - 2105 DOWLER PLACE
VICTORIA, BC V8T 5B6
(250) 475-3666

CONSTRUCTION NORTH



NOTES/REVISIONS:

| | |
|-------------|-------------|
| ISSUED FOR: | DATE: |
| REZONING | JULY 9-20 |
| REVISIONS | AUG. 17-20 |
| REVISIONS | SEPT. 16-20 |

PROJECT:
SEED & STONE
901 GORDON ST.
VICTORIA, BC

DRAWING:
FLOOR PLAN

| | |
|-------------------------|--------|
| SCALE: 1:30 | ID1.01 |
| DATE: SEPT. 16, 2020 | |



Songhees Nation

July 15, 2020

Mayor and Council, City of Victoria
#1 Centennial Square

Dear Mayor and Council,
Regarding: Seed & Stone: Cannabis Retail at 901 Gordon Street

I am happy to inform Mayor and Council that Songhees Nation's cannabis retail enterprise is moving forward! Our On-Reserve location is under construction and our licensing approval is in the final stages. We are pleased to submit this cannabis rezoning application for our first location in Victoria.

Songhees has selected Vikram Sachdeva of Seed & Stone as a business partner. We met Vikram through an existing relationship and found alignment in our values and business goals. Vikram has a licensed store open in Chilliwack and several locations under development in the lower mainland. He is an entrepreneur with twenty years experience as a multi-store Subway franchisee and a strong record of good corporate citizenship and regulatory compliance. Together we will operate premier cannabis retail stores under a trusted brand.

The Seed & Stone brand speaks to the natural world and the life cycle of plants. Our stores will have a serene mood, with a backlight forest scene on one wall. Connie Watts, of Tseshaht First Nation, our interior designer for the Songhees Wellness Centre, will enhance the indigenous branding in our stores, featuring pieces by Songhees artists. We will carry ancillary products from indigenous suppliers.

Finding a location in the heart of Lekwungen territory has been difficult. We are hopeful you will agree that 901 Gordon Street is a good fit for cannabis retail. We have leased this location subject to zoning approval. City staff will report that 901 Gordon Street is within 150 meters from a school and 350 meters from another Cannabis store. However, looking at this little neighbourhood in our small and densely developed City, we feel this location is appropriate and should be given consideration.

We met with Jeff Hopkins, founder of the Pacific School of Innovation and Inquiry located at 808 Douglas Street in the Nootka Court Mall. While Jeff is concerned about youth using cannabis in public spaces downtown, he agreed that regulated and licensed stores are part of the solution and wished us well with our endeavor.

901 Gordon Street has parking on the roof and an eclectic group of shops and services. Songhees' Seed & Stone stores will be a shopping experience attracting residents and tourists alike. Thank you for your consideration. We are available to answer questions, please contact Vikram Sachdeva vikrams@seedandstone.com or Christina Clarke Christina.clarke@songheesdevco.com.

Sincerely



Chief Ron Sam

cc Songhees Nation Chief and Council



September 25, 2020

Dear Matthew Angrove,
Area Planner, City of Victoria

I am writing today on behalf of the management and ownership of The Magnolia Hotel & Spa in regards to the rezoning application at 901-919 Gordon Street and 620-630 Courtney Street. The rezoning as posted is looking to permit the use of the storefront as a Cannabis Retailer.

The Magnolia Hotel & Spa has been operating at 623 Courtney Street since 1998 welcoming travelers in our luxury boutique hotel for over two decades. We are currently rated as the #1 Top Hotel in Canada by Trip Advisor, and currently employ approximately 75 people within the hotel and restaurant, The Courtney Room.

On behalf of management and ownership, we would like to express that we do not support this application to share the block with a Cannabis Retailer. We do not believe that having a Cannabis Retailer among upscale tourist and entertainment areas is beneficial for the neighborhood, and being a block from our iconic harbour we do not feel it is the image we are looking to convey to tourists of our beautiful city. Additionally, there are 4 retailers within several blocks of the hotel and as such we believe the market already has supply readily available.

Operationally we are concerned with the comings and goings of patrons of a Cannabis Retailer. Many businesses on our block have patios, and we have windows that open in to our establishments. We believe that there is a high risk that patrons would be smoking Cannabis nearby the store which would negatively impact the comfort of those patronizing hospitality businesses such as ours. We also know that there are no resources to actively police this. Hospitality businesses have been dramatically impacted by COVID-19 and we are utilizing any outdoor spaces available to both operate safely and make the best of a very poor business situation. We strongly believe that having a Cannabis retailer will be detrimental to these efforts.

Lastly, while possibly speculative but nonetheless concerning to our staff, since the rezoning application sign has gone up there have been concerns expressed from staff about what impact this retailer would have on the safety and security of the neighborhood. The safety and security of downtown has deteriorated during the past 6 months, during COVID-19. How much of this is perception, and how much reality could be debated, however it is a real concern for employees who come to work downtown.

Thank you for considering the views of neighboring businesses in reviewing this application. It is our hope as a business that this re-zoning is denied.

Please feel free to reach out to me at 250-412-8480 if you have questions about our letter and our concerns on this issue.

Bill Lewis,
General Manager
The Magnolia Hotel & Spa

**623 Courtney Street
Victoria, BC, V8W 1B8**



**623 Courtney Street
Victoria, BC, V8W 1B8**

Richard Elliott

From: Bruce Williams [REDACTED]
Sent: October 19, 2020 4:40 PM
To: Victoria Mayor and Council
Cc: Jocelyn Jenkyns; Kerri Moore
Subject: Letter-Support-Songhees-cannabis-Oct19-2020
Attachments: Letter-Support-Songhees-cannabis-Oct19-2020.docx; Letter-Support-Songhees-cannabis-Oct19-2020.pdf

Please see the attachment here

Many thanks

Bruce Williams, Chief Executive Officer
Greater Victoria Chamber of Commerce

Email: [REDACTED] Web: www.victoriachamber.ca

Direct: [REDACTED] [REDACTED] [REDACTED]

Address: #100-852 Fort Street, Victoria, BC V8W 1H8

**THE
CHAMBER.**

GREATER VICTORIA
CHAMBER OF COMMERCE



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October 19, 2020

Mayor Lisa Helps and Council
City of Victoria Municipal Hall
1 Centennial Square, Victoria BC,
V8W 1P6

Re. Build Back Victoria: Re-opening and Recovery

Dear Victoria Mayor and Council,

The Chamber supports the Songhees Nation's application to operate a retail cannabis outlet at 901 Gordon St. Regulated and licensed stores such as the one in this proposal help create a safe and regulated supply of cannabis.

The Seed and Stone partnership with Songhees Nation will offer a premium retail outlet with a trusted organization operating within regulatory compliance. The Seed and Stone brand creates awareness about the importance of the natural world and the lifecycle of plants. The design of the store will reflect genuine indigenous branding that will appeal to shoppers, whether they are locals or visitors to our destination.

We feel the creation of a new business enterprise such as this is an important step in retaining commercial vibrancy in the downtown core in this period of business uncertainty.

Thank you for your consideration.

Sincerely,



Bruce Williams
CEO,
Greater Victoria
Chamber of Commerce



John Wilson
Board Chair
Greater Victoria
Chamber of Commerce

Richard Elliott

From: Ian Sutherland [REDACTED]
Sent: October 19, 2020 6:18 PM
To: Victoria Mayor and Council; Lisa Helps (Mayor); Charlayne Thornton-Joe (Councillor); Geoff Young (Councillor); Marianne Alto (Councillor); Ben Isitt (Councillor); Jeremy Loveday (Councillor); Sarah Potts (Councillor); Sharmarke Dubow (Councillor)
Cc: Michael Angrove
Subject: Rezoning Application No. 00743 for 901 Gordon Street
Attachments: 901 Gordon St - Cannabis Retail.pdf

To Mayor and Council,

Please find attached the DRA LUC letter in response to the rezoning application to permit the use of a Storefront Cannabis Retailer at 901 Gordon Street.

Regards,

Ian Sutherland



Mayor Helps and Council
City of Victoria
No.1 Centennial Square
Victoria, BC, V8W 1P6

October 19th, 2020

Re: Rezoning Application No. 00743 for 901 Gordon Street

Dear Mayor Helps and Council,

The DRA LUC would like to offer support for the Staff recommendation to decline the application to permit the use of a Storefront Cannabis Retailer. As observed by Staff, “the proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy*”.

There are three properties within 400m of the subject property that have storefront cannabis retailer as a permitted use:

- 778 Fort Street is 238m away, is provincially licensed and has been operating at the location since 2014;
- 1402 Douglas Street is 385m away, is provincially licensed and has been operating at that location since 2015; and,
- 546 Yates Street is 333m away, non-operational and not provincially licensed.

Additionally, Staff point out that there is one independent high school, the Pacific Institute for Innovation and Inquiry that, at 19m away from the subject property, is well within the 200m proximity.

Proximity rules were established by Council to limit the number of Cannabis retailers to the point that the public is adequately served and operators do not need to sell to minors to make ends meet. There is a strong case that indicates a direct correlation between the viability of these businesses and compliance regarding sale to minors.

There is no shortage of ground floor retail properties for lease within the Downtown and therefore no apparent impediment for the applicant to seek a location that complies with the current proximity rules. It is important that precedence is not set in relaxing these proximity rules without a compelling rationale. We strongly encourage Council to uphold its wise decision to adopt the 400m proximity rule for Cannabis retailers and the 200m proximity rule for schools.

Sincerely,

A handwritten signature in black ink, appearing to be 'Ian Sutherland', with a large loop at the start and a trailing flourish.

Ian Sutherland
Chair Land Use Committee, Downtown Residents Association

cc COV Planning



September 25, 2020

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Thank you for considering the views of neighboring businesses in reviewing this application. It is our hope as a business that this re-zoning is denied.

Please feel free to reach out to me at [REDACTED] if you have questions about our letter and our concerns on this issue.

Bill Lewis,
General Manager
The Magnolia Hotel & Spa

**623 Courtney Street
Victoria, BC, V8W 1B8**

1

Rezoning Application for 901 Gordon Street



1

Aerial View

2



2

Subject Site

3



3 WEST ELEVATION
SCALE: NTS



4 SOUTH ELEVATION
SCALE: NTS



4 SIGNAGE ELEVATION
SCALE: NTS



3

Neighbouring Properties

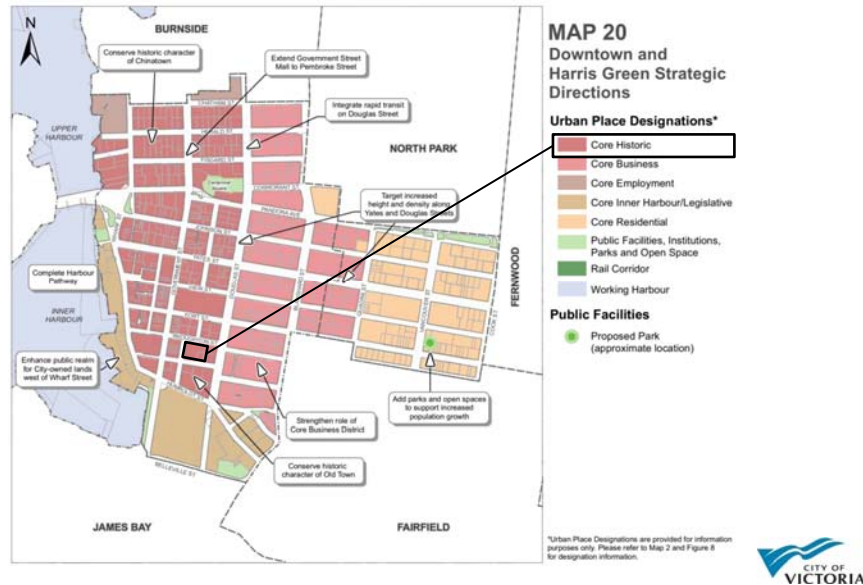
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4

Official Community Plan

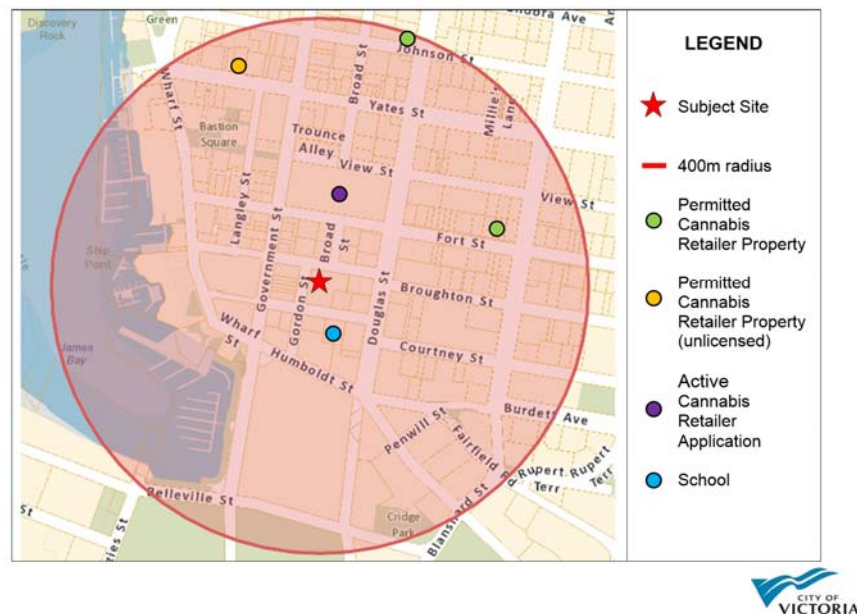
5



5

Distances from Other Retailers

6



6