

F.1.a Report from the June 10, 2021 COTW Meeting
F.1.a.a 425-475 Simcoe Street: Rezoning Application No.00773
(James Bay)

Moved By Councillor Potts
Seconded By Councillor Young

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00773 for 425-475 Simcoe Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

CARRIED UNANIMOUSLY

E. LAND USE MATTERS

E.1 425-475 Simcoe Street: Rezoning Application No. 00773 (James Bay)

Committee received a report dated May 27, 2021 from the Director of Sustainable Planning and Community Development regarding a proposal to rezone the property at 425-475 Simcoe Street by amending the existing C1-JB Zone, James Bay Extended Commercial District, to include the use of storefront cannabis retailer.

Councillor Isitt withdrew from the meeting at 9:03 a.m. due to a pecuniary conflict of interest with the following item as his father lives within 100 metres of this property.

Moved By Councillor Alto

Seconded By Councillor Loveday

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00773 for 425- 475 Simcoe Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

CARRIED UNANIMOUSLY



Committee of the Whole Report For the Meeting of June 10, 2021

To: Committee of the Whole **Date:** May 27, 2021

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

Subject: Rezoning Application No. 00773 for 425-475 Simcoe 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. 00773 for 425-475 Simcoe Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

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 425-475 Simcoe Street. The proposal is to rezone the property by amending the existing C1-JB Zone, James Bay Extended Commercial District, to include the use of storefront cannabis retailer.

The following points were considered in assessing this application:

- The proposal is consistent with the Large Urban Village designation in the *Official Community Plan* 2012, which envisions ground-level commercial uses.
- The proposal is consistent with the Commercial Centre designation in the *James Bay Neighbourhood Plan*, which encourages the growth and vitality of a commercial village centre in James Bay.
- The proposal is consistent with the *Storefront Cannabis Retailer Rezoning Policy*, as there are no schools within 200m or permitted storefront cannabis retailers within 400m.

BACKGROUND

Description of Proposal

This rezoning application is to rezone the property by amending the C1-JB Zone, James Bay Extended Commercial District, to include the use of storefront cannabis retailer. The following changes are being proposed and would be accommodated in the amended zone:

- 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 53m².

All other requirements within the C1-JB Zone, James Bay Extended Commercial District, remain the same.

Staff requested a Statutory Right-of-Way (SRW) of 2.69m off Simcoe Street and 1.78m off Menzies Street to help fulfill Council-approved Official Community Plan objectives such as wider sidewalks for pedestrians, enhanced facilities for cyclists and boulevards which support the long-term viability of large canopy trees. However, the property owners have indicated that they are not willing to provide the SRW at this time but would consider it in the future should a full redevelopment of the property occur.

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

No accessibility improvements are proposed beyond what is required through the *British Columbia Building Code*.

Land Use Context

The subject site is located within James Bay Village, which is characterized by commercial uses and multi-unit residential buildings.

Existing Site Development and Development Potential

The site is presently a seven-storey commercial shopping centre with residential units on the upper storeys. Under the current C1-JB Zone, James Bay Extended Commercial District, the property could be developed as a mixed-use building up to twelve storeys and 1.4 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) meeting is waived unless the application involves construction of a new building; however, the application was referred to the James Bay CALUC on March 31, 2021. As of writing this report, a letter from the CALUC had not been provided. Also consistent with the Policy, the application has been referred to School District No. 61 and the Victoria Police Department (VicPD).

ANALYSIS

Official Community Plan

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

James Bay Neighbourhood Plan

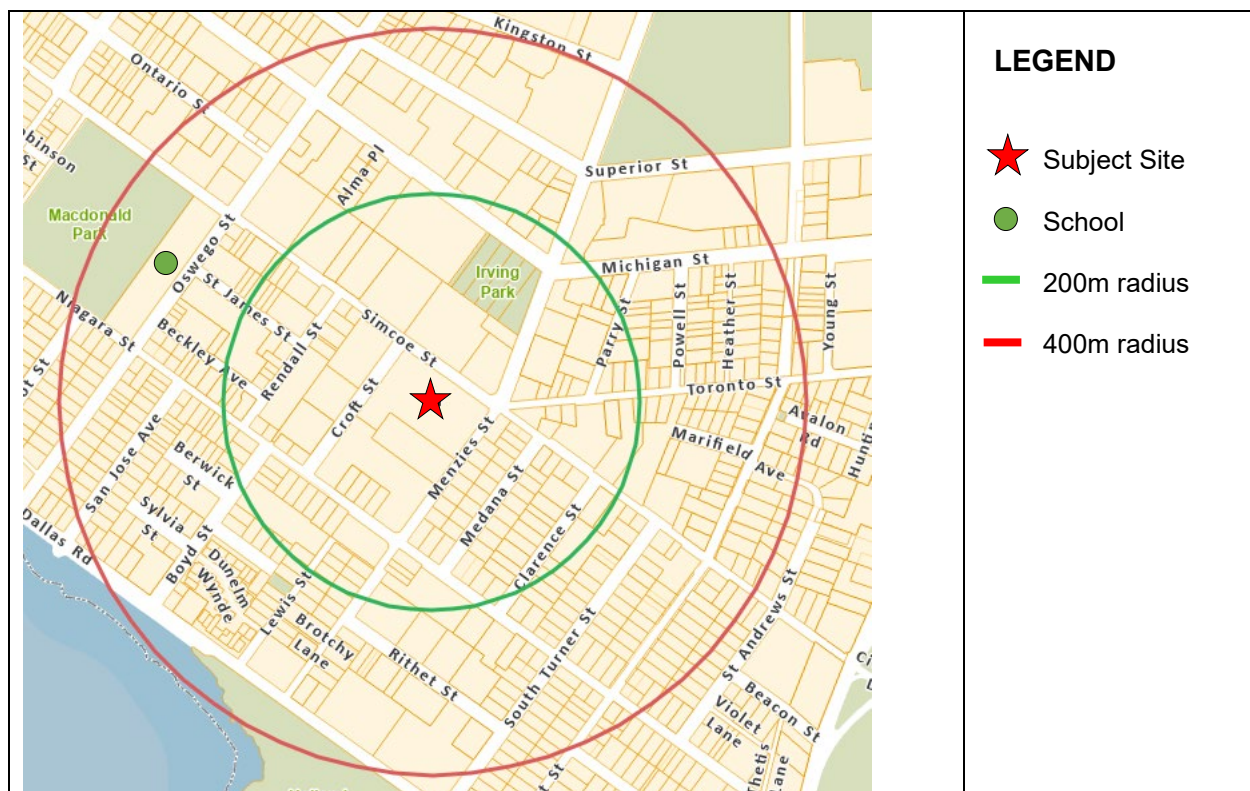
The subject site is designated Commercial Centre within the *James Bay Neighbourhood Plan*. The proposal is consistent with the Commercial Centre designation, which encourages the growth and vitality of a commercial village centre.

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 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 280m from the James Bay Community School.



CONCLUSIONS

This proposal to permit the storefront cannabis retailer use is consistent with the Large Urban Village designation in the OCP and the Commercial Centre designation in the *James Bay 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. 00773 for the property located at 425-475 Simcoe Street.

Respectfully submitted,

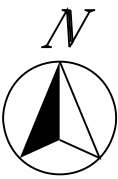
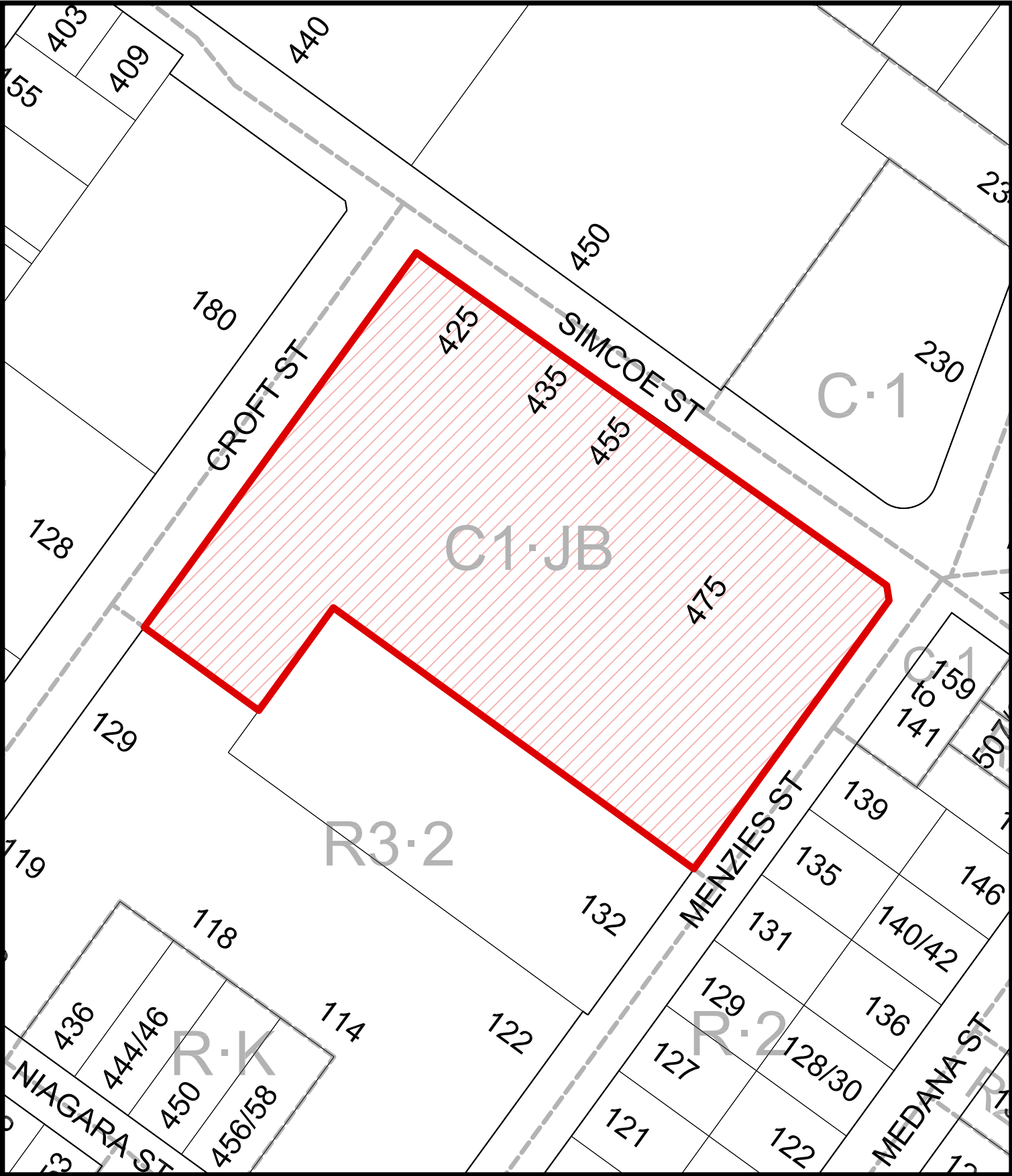
Mike Angrove
Senior Planner
Development Services Division

Karen Hoesel, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

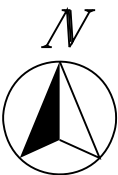
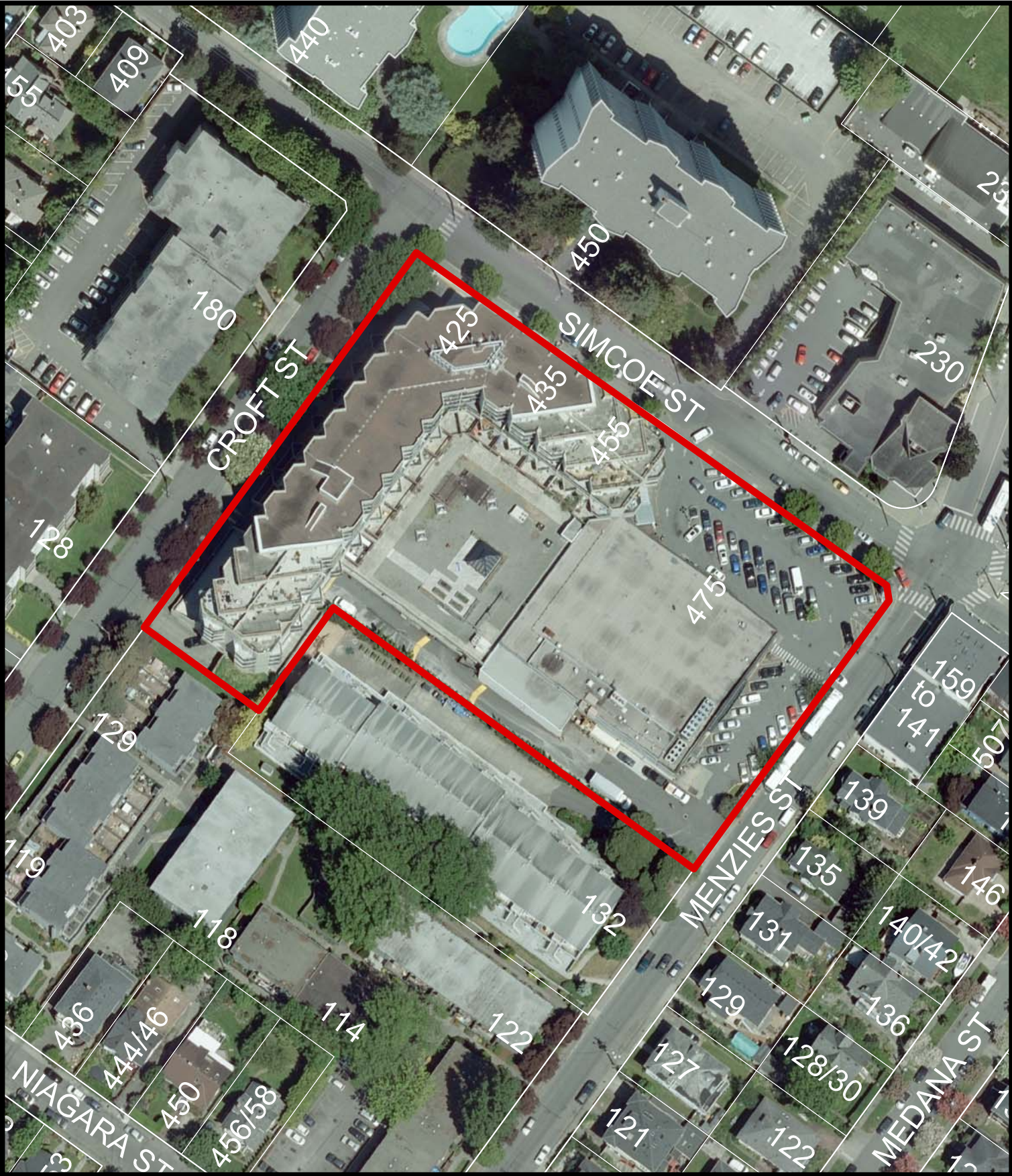
List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped March 26, 2021
- Attachment D: Letter from applicant to Mayor and Council dated March 25, 2021.



425-475 Simcoe Street
Rezoning No.00773





425-475 Simcoe Street
Rezoning No.00773



PROJECT INFORMATION
BC BUILDING CODE 2012
PART 3

CIVIC ADDRESS

425 SIMCOE STREET,
VICTORIA BC

LEGAL DESCRIPTION

Lot 1, Buckley Farm, Victoria City
Plan 26705, PID 002-486-101

OWNER

MH James Bay Properties Ltd.
Suite 401 - 11 Church Street
Victoria BC V8W 2K3

ARCHITECT

Pacificanna
877-888-8888
info@pacificanna.ca

APPLICANT

Pacificanna Holdings Ltd.
Doreen Saunders
info@pacificanna.ca

OCCUPANCY
CLASSIFICATION

Group E - Mercantile
1 Storey Building
1 Storey Building
Combustible Construction permitted
Supporting Structure 45 Minute FRR

SEPARATION OF SUITES

Suite Demising Walls - 60 Minute
FRR (3.3.1.1.2)

EXITING

1 exit provided - maximum travel
distance 25 m (3.2.2.1.2)

OCCUPANT LOAD

52 / 370 m² = 14 People
(6.1.1.1)

WASHROOMS

1 Washroom provided per
370 m² (3.2.2.1.3) provided in
building common area

PROJECT INFORMATION
ZONING

C1-UB James Bay Extended
Commercial District (CDA 5)

SITE ZONING

11139.81 m²

BUILDING GFA

5075.42 m²

LEASEHOLD AREA

52.29 m²

VEHICLE PARKING

52 / 50 = 1.0 = 1 space for
each vehicle
53 spaces existing on site / no
changes proposed

BICYCLE PARKING

Bicycle parking provided in building
common area

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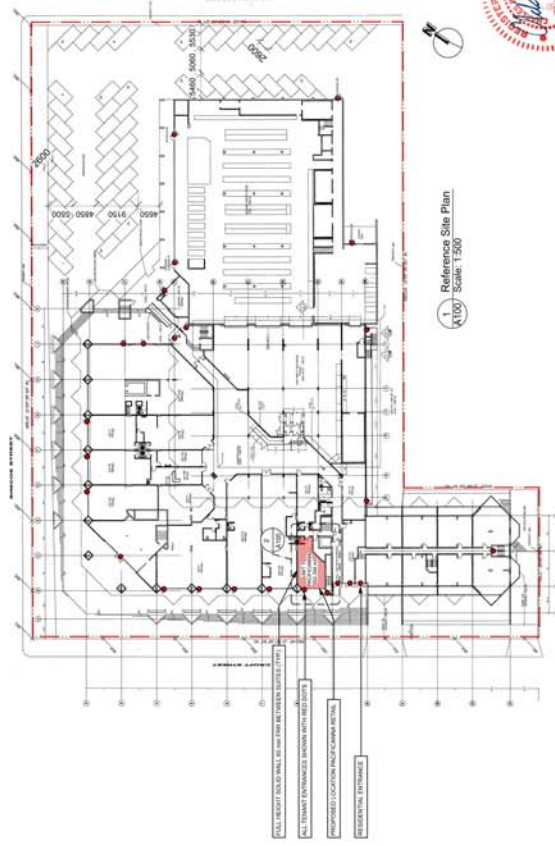
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BICYCLE PARKING

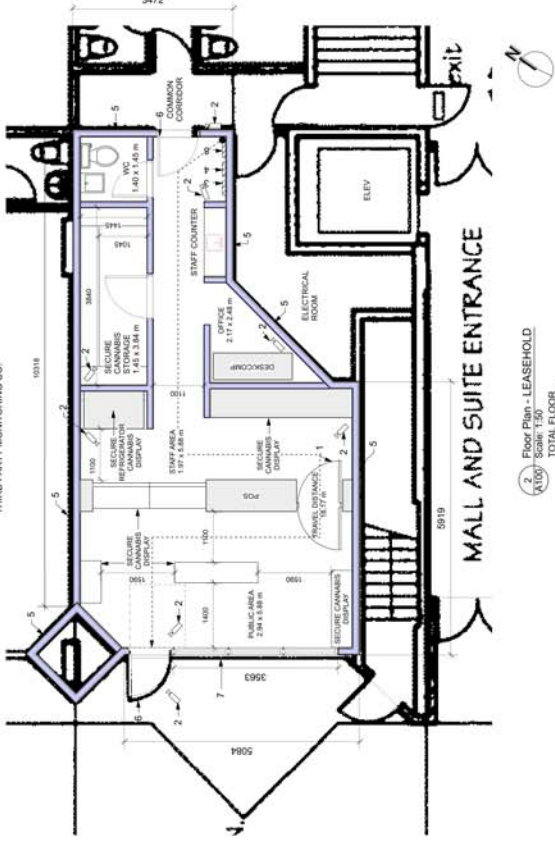
Bicycle parking provided in building
common area



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.



- NOTES TO PLAN AND STOREFRONTS:
- COUNTER-HEIGHT SWING GATE
 - SECURITY CAMERA
 - SECURITY CAMERA
 - PHONE / DATA SERVICE PANEL
 - RATED WALL FULL HEIGHT SUITE SEPARATION
 - EXISTING SECURE PERIMETER DOOR WITH LOCK
 - 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.



2 Floor Plan - LEASEHOLD
SCALE 1:500
TOTAL FLOOR AREA 52.294 m²

Original Submission
Received Date: March 26, 2021

REG. NO.	DATE	RECEIVED BY	RECEIVED AT
21-03-26	2021-03-26	21-03-26	21-03-26
21-03-26	2021-03-26	21-03-26	21-03-26
21-03-26	2021-03-26	21-03-26	21-03-26

PACIFICANNA
JAMES BAY SQUARE
VICTORIA BC
Rezoning Plan
EXISTING &
PROPOSED



A100

1777 Street V8V 3K3
102-096 Dufferin Way V8T 2N6
T 1-250-668-3387
T 1-250-668-3310



March 25th, 2021

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

Re: Storefront Cannabis Retailer Rezoning Application, 425 Simcoe Street, Victoria, BC. V8V 4T3

Attention: Mayor Lisa Helps and Members of Council

On behalf of Pacifcanna 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 425 Simcoe Street within unit #7 of the James Bay Square. 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
- Within the 'Commercial Centre' as identified in the James Bay Neighborhood 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 well over 1km away in Cook Street Village (or approximately the same distance to downtown), with our store filling the gap in an underserved neighborhood. We expect to employ 6-8 staff and would be operating in the "Commercial Centre" of the James Bay neighborhood (James Bay Village), providing a new service in a busy plaza that contains a wide mix of 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 are lifetime local Victorians and have extensive experience in many sectors including retail and hospitality. In particular their family business has successfully retailed a controlled substance for 25+ years (liquor) across British Columbia, including here in the City of Victoria. They have also been successful retail cannabis operators with three stores operating in British Columbia since 2019, including one in Victoria at the Fairfield Plaza.

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 James Bay 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 from the portion of the property that fronts onto Menzies Street.

Heritage

425 Simcoe Street does not have a heritage designation.

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

Sincerely,



PacifiCanna Holdings Ltd.

1

Rezoning Application for 425-475 Simcoe Street



1

Aerial View

2



2

Subject Property

3



3

Neighbouring Properties

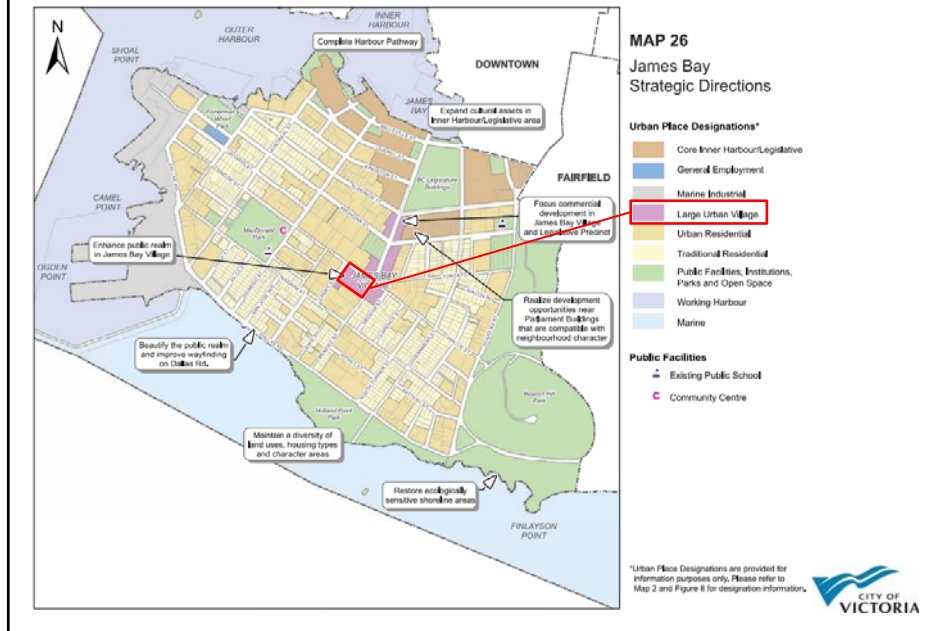
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4

Official Community Plan

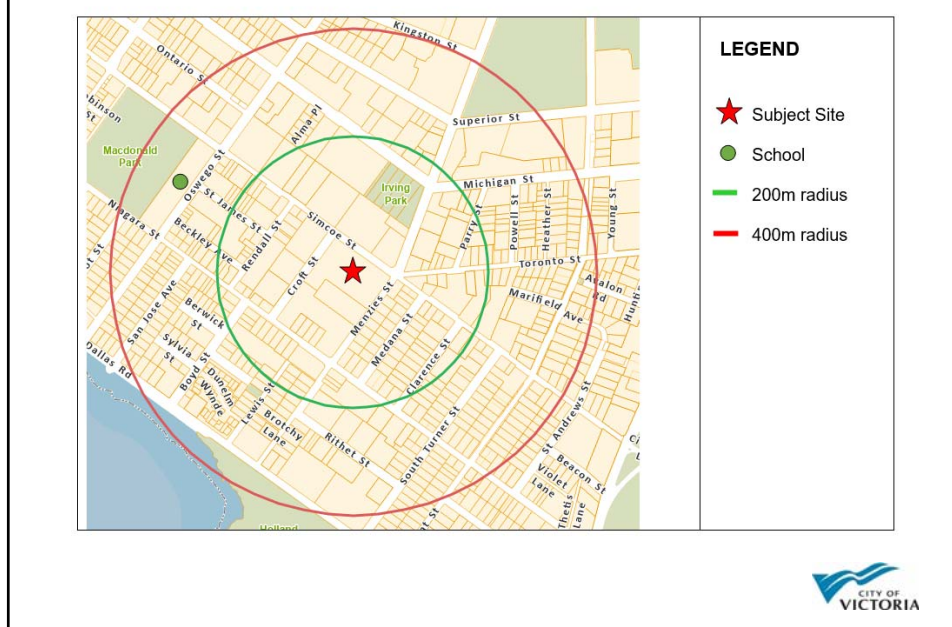
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5

Distance from Other Retailers

6



6

Good afternoon Michael - as a longtime James Bay resident (my family and I live on Montreal Street), I would like to voice my opposition to this rezoning. I don't believe a cannabis retailer is warranted (despite the applicant's claims that those wanting cannabis also need it to be convenient). There are many choices for purchasing cannabis nearby - easily withing walking distance. I believe this area of James Bay is in need of development and City support, but a cannabis retailer would move this growth in an undesirable direction. Thank you for your consideration of my concerns.

Nicholas Read