

REPORTS OF COMMITTEES

2. Committee of the Whole – June 15, 2017

11. Rezoning Application No. 00571 for 2639-2641 Quadra Street

Motion:

It was moved by Councillor Coleman, seconded by Councillor Lucas:

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00571 for 2639-2641 Quadra Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set, with final approval only considered upon proof of registration of an executed Statutory Right-of-Way (SRW) of 3.2m on Quadra Street at the Land Titles Survey Authority.
2. That Council after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00571, if it is approved, consider the following motion:
"That Council authorize the issuance of a Development Variance Permit for 639-2641 Quadra Street, in accordance with:
 - a. plans date stamped May 15, 2017
 - b. development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the parking requirements to one parking stall per 132m² for commercial uses.
 - c. the Development Variance Permit lapsing two years from the date of this resolution."

Carried Unanimously

4. LAND USE MATTERS

4.1 Rezoning Application No. 00571 for 2639-2641 Quadra Street

Committee received a report dated June 1, 2017, from the Director of Sustainable Planning and Community Development regarding an application to allow for the retail sale of cannabis.

Motion:

It was moved by Councillor Loveday, seconded by Councillor Lucas:

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00571 for 2639-2641 Quadra Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set, with final approval only considered upon proof of registration of an executed Statutory Right-of-Way (SRW) of 3.2m on Quadra Street at the Land Titles Survey Authority.
2. That Council after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00571, if it is approved, consider the following motion: "That Council authorize the issuance of a Development Variance Permit for 639-2641 Quadra Street, in accordance with:
 - a. plans date stamped May 15, 2017
 - b. development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the parking requirements to one parking stall per 132m² for commercial uses.
 - c. the Development Variance Permit lapsing two years from the date of this resolution."

CARRIED 17/COTW

For: Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, Lucas, Madoff, and Thornton-Joe

Against: Councillor Young



Committee of the Whole Report

For the Meeting of June 15, 2017

To: Committee of the Whole **Date:** June 1, 2017

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Rezoning Application No. 00571 for 2639-2641 Quadra Street

RECOMMENDATION

1. That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00571 for 2639-2641 Quadra Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set, with final approval only considered upon proof of registration of an executed Statutory Right-of-Way (SRW) of 3.2m on Quadra Street at the Land Titles Survey Authority.
2. That Council after giving notice and allowing an opportunity for public comment at a meeting of Council and after the Public Hearing for Rezoning Application No. 00571, if it is approved, consider the following motion:

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- a. plans date stamped May 15, 2017
- b. development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the parking requirements to one parking stall per 132m² for commercial uses.
- c. the Development Variance Permit lapsing two years from the date of this resolution."

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.

In accordance with Section 498 of the *Local Government Act*, Council may issue a Development Variance Permit that varies a *Zoning Regulation Bylaw* provided the permit does not vary the use or density of land from that specified in the *Zoning Regulation Bylaw*.

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 2639-2641 Quadra Street. The proposal is to rezone from the current C1-QV Zone, Quadra Village District, to a site-specific zone in order to allow for the retail sale of cannabis. The Applicant is providing a Statutory Right-of-Way (SRW) that in the future would reduce the number of parking stalls on-site. Therefore a Development Variance Permit would be required if Council chooses to approve the Rezoning Application; however, the parking would in essence remain compliant until such a time that the City utilized the SRW. This report and the associated recommendation deals with both of these requirements.

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*
- the proposal is consistent with the retail designation in the *Hillside-Quadra Neighbourhood Plan*
- the proposal is consistent with the *Storefront Cannabis Retailer Rezoning Policy*, as there are no schools or permitted storefront cannabis retailers within 200m.

BACKGROUND

Description of Proposal

This Rezoning Application is to allow for the retail sale of cannabis in an existing building. No alterations to the building are proposed. The following differences from the standard zone are being proposed and would be accommodated in the new zone:

- 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 the ground floor
- storefront cannabis retailer would be restricted to a maximum floor area of 140m², which is in keeping with the size of the existing operation.

All other requirements within the C1-QV Zone, Quadra Village District remain the same.

The Applicant is providing a Statutory Right-of-Way that in the future would reduce the number of parking stalls on-site. Therefore a Development Variance Permit would be required if Council chooses to approve the Rezoning Application; however, the parking would in essence remain compliant until such a time that the City utilized the SRW. This report and the associated recommendation deals with both of these requirements.

Sustainability Features

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

Active Transportation Impacts

The application proposes to add two Class 2 bicycle parking stalls on-site.

Public Realm Improvements

No public realm improvements are proposed in association with this Rezoning Application.

Land Use Context

The subject property is located within Quadra Village, which is characterized mainly by ground floor retail and restaurant uses and some mixed-use buildings. Residential uses are located on flanking streets.

Existing Site Development and Development Potential

The site is presently a commercial plaza with one single-storey building on-site. Under the current C1-QV Zone, Quadra Village District, the property could be developed up to four storeys and permits both commercial and commercial-residential uses.

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 Hillside-Quadra Neighbourhood Association CALUC. Also consistent with the Policy, the Application has been referred to School District No. 61 and the Victoria Police Department. At the time of writing this report no comments had been received.

ANALYSIS

Official Community Plan

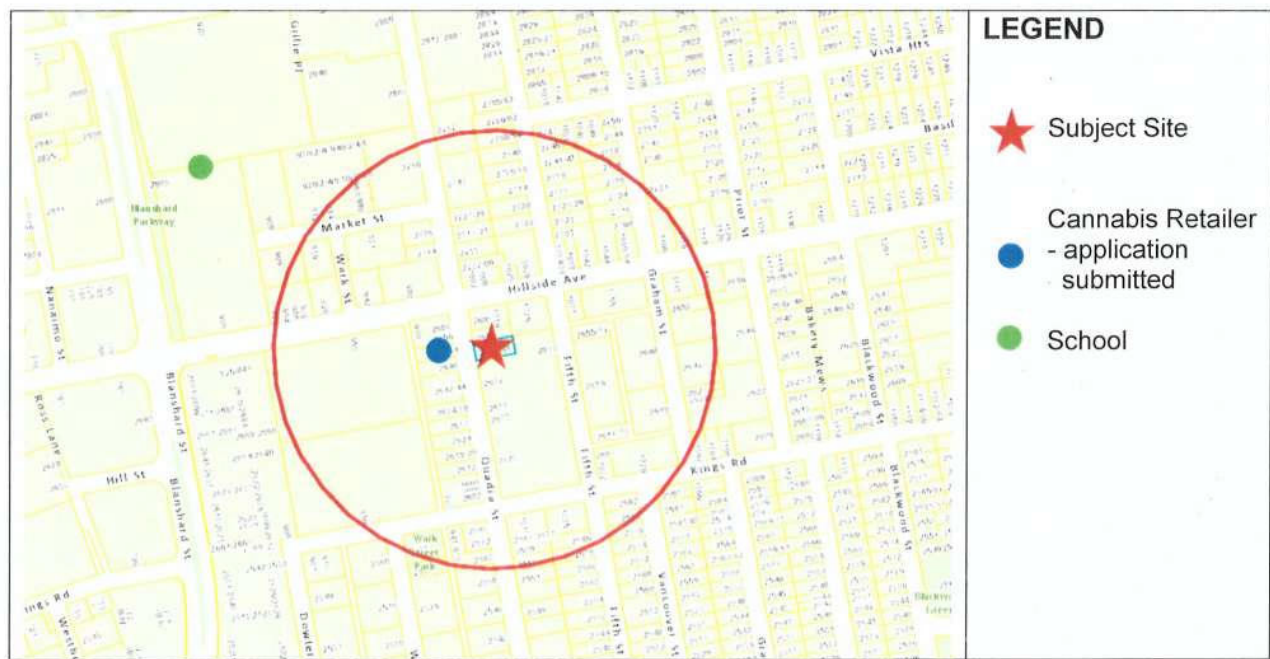
The *Official Community Plan 2012 (OCP)* identifies this property within the Large Urban Village urban place designation, within which ground oriented commercial uses are envisioned.

Local Area Plans

The *Hillside-Quadra Neighbourhood Plan* identifies the property within the "Consider Reduction of Allowable Height, More Street Retail" designation, within which continuous commercial uses fronting the street are envisioned.

Storefront Cannabis Retailer Rezoning Policy

The application complies with the *Storefront Cannabis Retailer Rezoning Policy* and was one of the sites identified as operating as a storefront cannabis retailer at the time of Council adopting the regulations and policy framework related to cannabis. No schools or permitted storefront cannabis retailers are within 200m of the property at the time of writing this report; however, there is an application currently under review at 2650-54 Quadra Street approximately 20m away from the subject property. In addition, the shortest distance to the property line of SJ Willis School is approximately 209m.



Regulatory Considerations

The current parking layout showing eight stalls has legal non-conforming status; however, the Applicant is willing to grant the City a Statutory Right-of-Way (SRW) of 3.2m on Quadra Street. Since no parking stalls are permitted within a SRW, upon registering the SRW, the property would be deficient by four stalls. Until the Right-of-Way improvements are made, the parking would remain available on site; however, if Council decides to approve this application it is recommended that a Development Variance Permit effectively reducing the parking requirement to four stalls be issued concurrently.

CONCLUSIONS

This proposal to permit the storefront cannabis retailer use is consistent with the *Official Community Plan* and the *Hillside-Quadra Neighbourhood Plan* in accommodating commercial retail uses fronting the street. The proposal does not have any schools or permitted storefront cannabis retailers within 200m of the property.

ALTERNATE MOTION

That Council decline Application No. 00571 for the property located at 2639-2641 Quadra Street.

Respectfully submitted,



Michael Angrove
Planner
Development Services



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

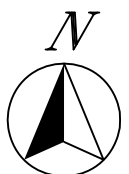
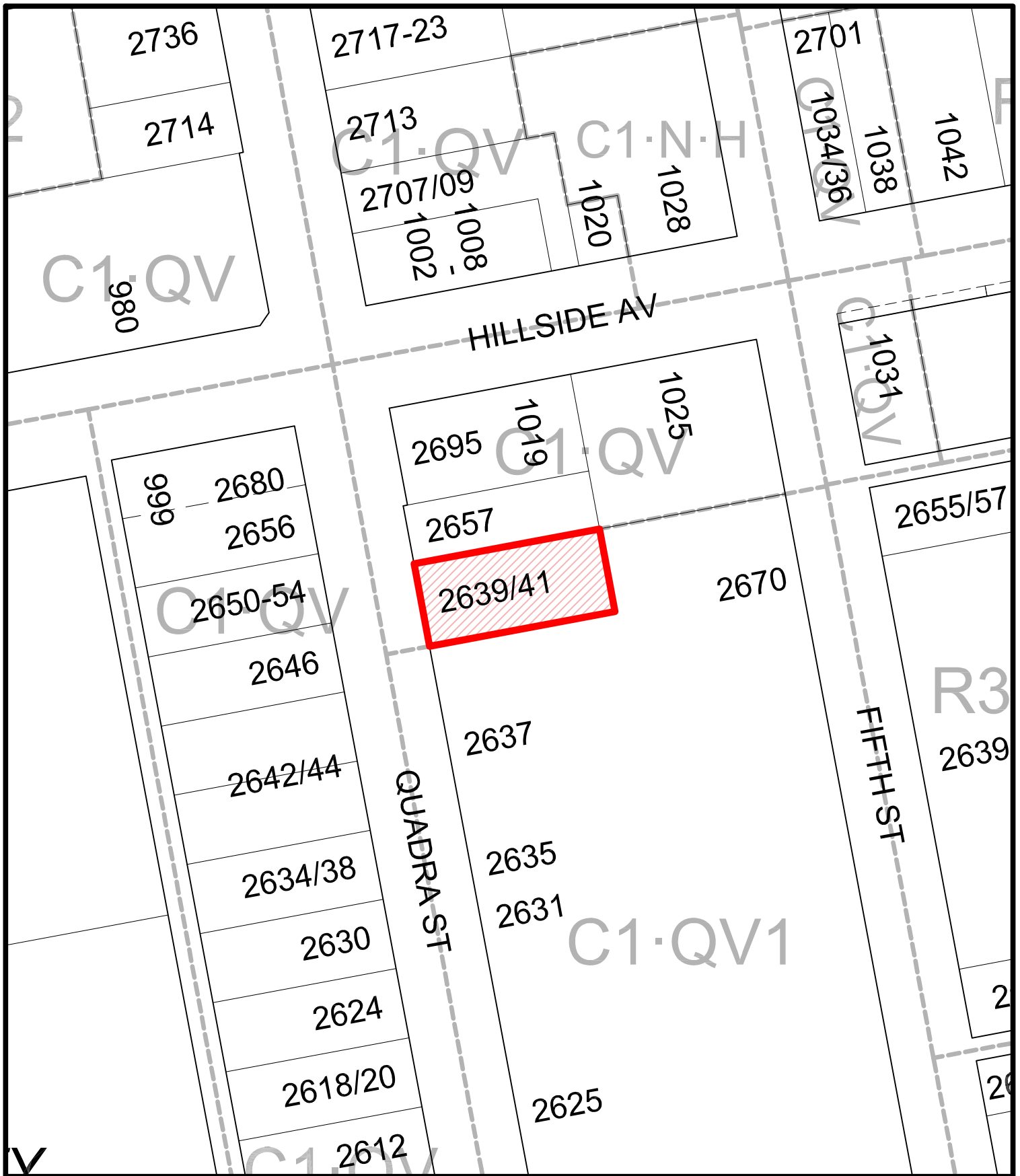
Report accepted and recommended by the City Manager:



Date: June 6, 2017

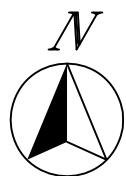
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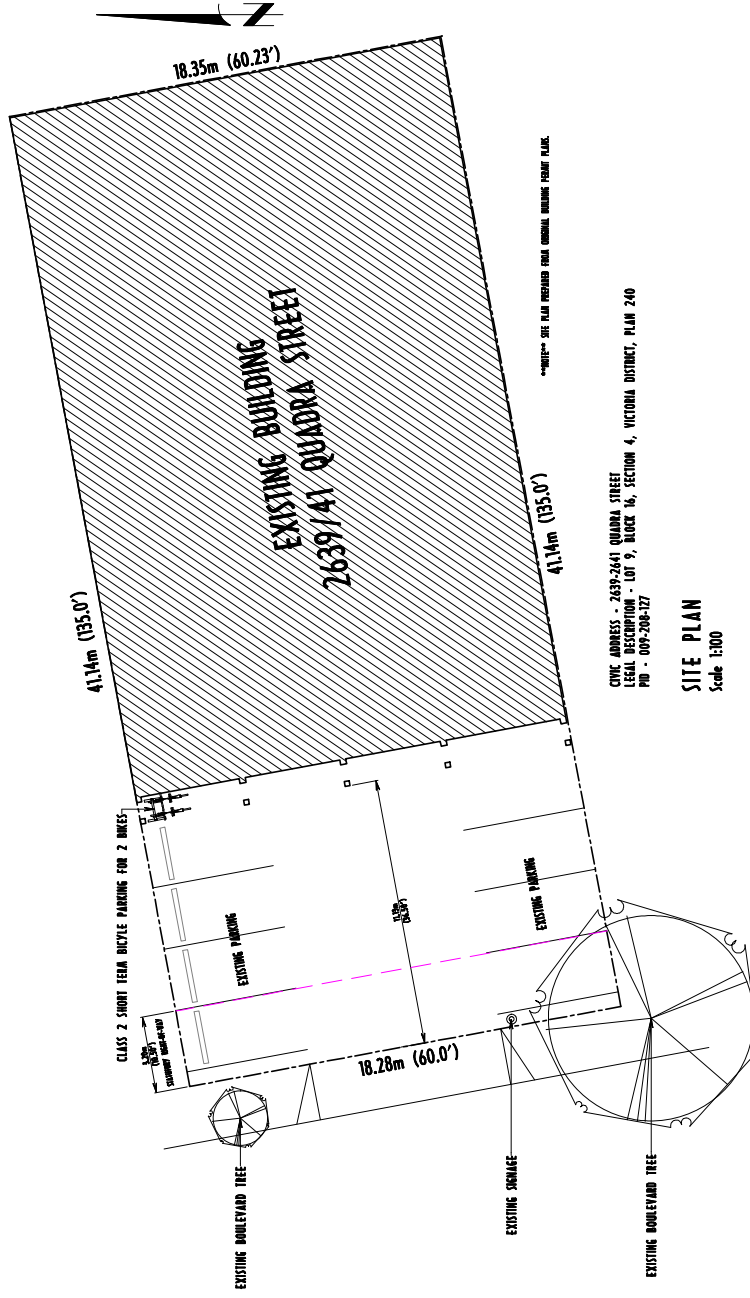
- Subject Map
- Aerial Map
- Plans date stamped May 15, 2017
- Letter from applicant to Mayor and Council dated February 27, 2017
- Correspondence (Letters received from residents)



2639 and 2641 Quadra Street
Rezoning No.00571







LOCATION MAP



PROJECT INFORMATION TABLE

ZONING		C1-OV
SITE AREA		752.51 sq.metres
UNIT FLOOR AREA		135.6 sq.metres
PARKING		8 STALLS
BICYCLE PARKING		NONE EXISTING
BUILDING AREA		526.47 sq.metres < 600
PART 9 BC BUILDING CODE		PART 9 BC BUILDING CODE

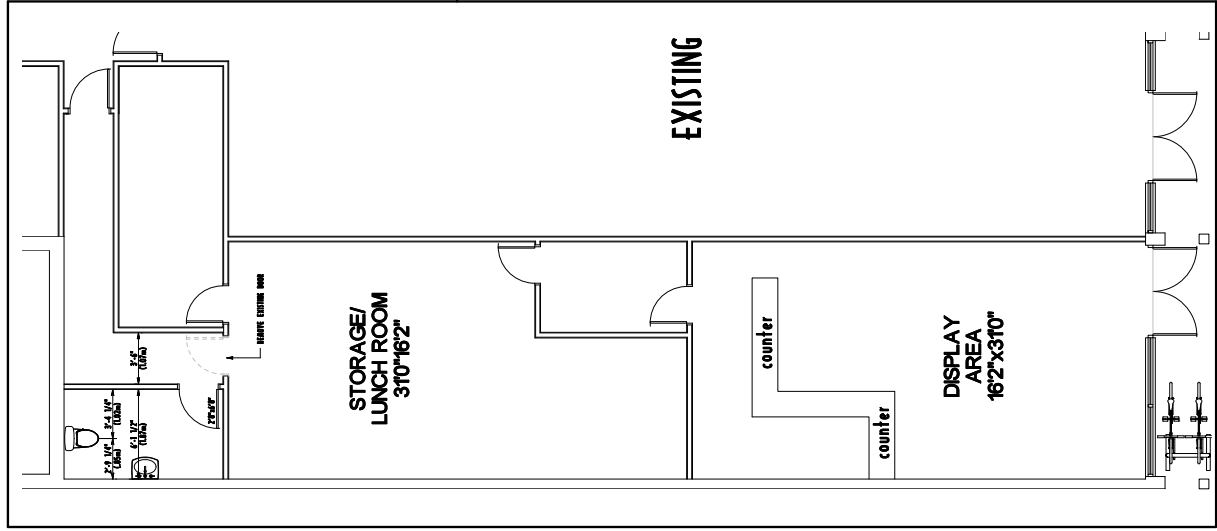
SITE PLAN

Scale 1:100

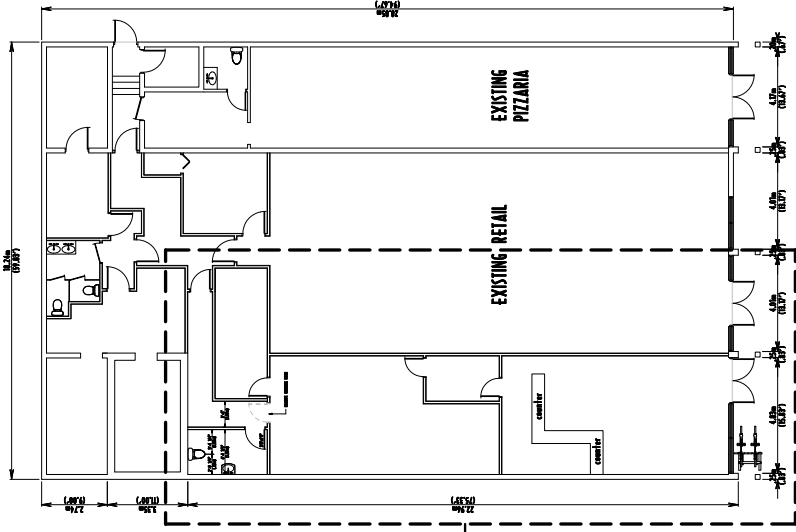
REVISÉ - MAY 15, 2017

Gerry Troesch
Residential Design

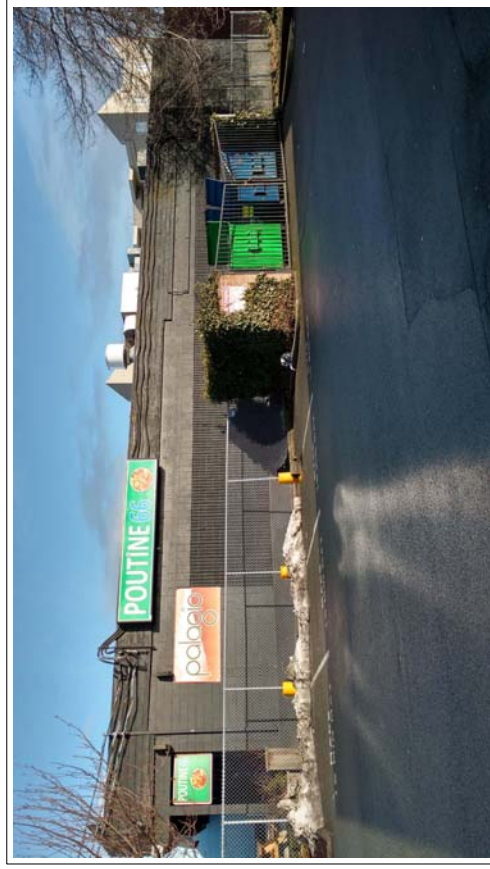
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UNIT FLOOR PLAN - 135.6 sq.metres
Scale 1:50



BUILDING FLOOR PLAN - 526.47 sq.metres
Scale 1:100



AAA Dispensary
2641 Quadra St
Victoria BC V8T 4E3
(250) 384-6686
alternativearomaticapothecary@gmail.com

February 27, 2017

Dear Madam Mayor Helps and Victoria Councillors,

As an independent local business owner, I welcome this opportunity to describe AAA Dispensary's operation for the Mayor and Council in support of my application for rezoning.

Description of Proposal

I opened AAA Dispensary at 2641 Quadra Street on October 27, 2015, after applying for a business licence from the City of Victoria. The premises had been leased from the landlord with the express purpose of housing a Storefront Cannabis Retail operation, as specified in the lease contract. Today, after a year and a half, I have ten employees who enjoy wages well above local retail rates and employee insurance benefits. AAA Dispensary reports all sales, remits GST and source deductions for all employees, and has done so since opening.

AAA Dispensary displays a clean, comfortable, well-lit and secure storefront. Our range of products include smokable marijuana, concentrates, edibles and targeted medicinal products, which are displayed in secure glass cases. All our products are individually labelled with both content and concentration, as well as the effects. Staff members give further advice and expand on appropriate uses. Staff members are very proficient at managing chronic pain safely and our customers trust them to match our products with their specific needs.

Security is a top priority of AAA Dispensary. We have experienced no break-ins or unwanted activity on the premises at any point. The store has monitored security and fire alarm systems, 24-hour video surveillance in all rooms, and a reinforced locked storage room for product. AAA Dispensary has dedicated off-street parking shared with the other two shops in our small building here in Quadra Village.

Proximity to Schools and Dispensaries

AAA Dispensary is located 750 metres from Quadra Elementary (at Quadra and Fisgard), and 600 metres from SJ Willis Educational Centre (at Topaz and Blanshard). The only other dispensary in Quadra Village is Meltown, which opened across the street from us on August 3rd, 2016.

City Policy

AAA Dispensary's opening hours and signage comply with bylaw regulations. Windows are unblocked and several employees are in attendance at all times.

No one under 19 years of age is permitted in the shop and a sign to that effect is displayed on the front door. No consumption is permitted on the premises. No other business or activities are conducted on the premises.

A full air filtration/exhaust system with carbon filter has been professionally installed.

A copy of our monitored security and fire alarm contract has been submitted to the City of Victoria as part of our business license application, along with our security plan, copies of police security checks for myself and all managers, and a copy of my lease specifying use of the premises as a Storefront Cannabis Retailer.

We have an extensive 24-hour video monitoring set-up which records activity for 14 days.

All product is stored in a strong-room secured with two digital deadbolt locking systems, one of which is engaged at all times. During hours of operation, the strong-room can be accessed by staff members with individual codes to the first lock. Upon closing, all product is removed to the strong-room and managers engage the second lock as well, which only they are able to disengage, further securing stock. A safe in the strong-room is bolted to the concrete floor.

Project Benefits and Amenities

AAA Dispensary employs a staff of ten, most of whom have health issues that have negatively impacted their ability to work in other industries. Here, they are valued for their product knowledge and proficiency at managing pain. As an independent retailer, I can accommodate employees who have health-related requirements involving physical restrictions, hours of work, duties, time off for medical treatments, etc,

Our clientele skews towards adults who deal with chronic pain. Many customers deal with work-related injuries but choose not to use opioids, the only medical treatment offered to them by physicians. Our employees are well informed and our customers trust them to match our products to customers' specific needs.

My staff are paid well above the going rate and enjoy employee insurance benefits. I report all income and remit all taxes and source deductions, and have done so since opening.

We have developed relationships with our clientele here in Quadra Village. We also enjoy a cordial and supportive relationship with police. On several occasions we have

been visited by members of the Victoria Police Department and the Saanich Police Department who were doing "welfare checks" - searching for people known to frequent the area who had fallen out of contact with friends and family and were the object of concern. We always co-operate fully with such requests, to the extent of reviewing weeks of surveillance footage in an attempt to help.

Police have never attended my business regarding a complaint of any kind.

Environmentally, we encourage all customers to return product packaging to us for recycling and proper disposal.

Neighbourhood and Impacts

We are a part of Quadra Village and it matters to us that our neighbourhood is a safe and inviting place. Our hours of operation, our well-lit premises and our volume of foot traffic complement this pedestrian-friendly neighbourhood. The other two stores in our small building, a T-shirt screen printer and a pizza restaurant, have enjoyed a significant uptick in business since our arrival according to the owners.

We give generously to the annual Quadra Village Day, an all-ages, volunteer-organized event. We lend our parking lot to an annual cycle rally and encourage promotion of local events through posters and literature displayed at AAA Dispensary.

On our block alone, Quadra Village is home to five restaurants, a theatre, a large grocery store, a convenience store, a bookstore, an ethnic butcher and numerous other small businesses.

The Village is a hub for health and wellness management and our block has a pharmacy, a walk-in clinic, a therapeutic massage spa, and a Chinese herbal store. We offer a congruent product and service to people seeking such wellness management.

Design and Development Permit Guidelines

We needed no changes to the exterior of the building, nor to the site. All changes to the property were to the interior only and generally involved the installation of security measures.

Safety and Security

All areas of concern identified in CPTED (Crime Prevention Through Environmental Design) have been reviewed and addressed and numerous strategies adopted to lessen the likelihood of criminal activity.

Our windows allow unobstructed views of the interior of the store. Bars are bolted to the interior of the large front windows and the double entry door, a legacy of the store's previous life as a computer store. There are no blind spots or entrapment areas on the store's exterior.

The front door has a professionally installed deadbolt system and the same smash-proof security film used on the RCMP building. There is a security plate on the outside of the door to prevent jimmying of the lock.

The store is well lit.

The public retail area of the store is separated from the private work area at the back of the store by a wall and anteroom with doors that can be closed.

There is a 24 hour monitored security system and extensive recorded video surveillance of all interior areas. A large split screen monitor sits prominently in front of the staff work table in the private back half of the store. Every area of the store can be seen at a glance from any point.

All product other than that displayed in the retail cases is secured in a fortified strong-room at the back of the store. The strong-room has a metal security door and frame and sports two digital deadbolt locks, one of which is locked at all times. The second deadbolt is deployed during the hours the store is closed.

Transportation

The premises comply with Schedule C – Off Street parking as it pertains to C-1 Zone QV. We do not have dedicated bicycle parking.

Heritage

Our building was built in 1971 and has not been designated as a heritage site.

AAA Dispensary provides a useful and desired service in our neighbourhood in a careful and responsible manner. I comply with all regulations and strive to be good citizen, both corporately and individually. I look forward to continued operation in this location.

Regards,



Mary Anne Emmott
Owner, AAA Dispensary
2641 Quadra St
Victoria BC V8T 4E3
(250) 384-6686
alternativearomaticapothecary@gmail.com

Laura Wilson

From: Derek <[REDACTED]>
Sent: Saturday, Mar 25, 2017 7:18 PM
To: Michael Angrove
Subject: AAA Apothecary - 2639 Quadra

Hi Michael,

I do not support the application of this dispensary. Quadra has enough dope businesses on the commercial stretch already and surely this improving shopping street can aim higher? I also have a young son at Quadra School and I can't see how having this place in his neighbourhood is in any way a benefit.

regards,
Derek Breen
2816 Graham

Laura Wilson

From: Don McCarron [REDACTED] >
Sent: Saturday, Apr 1, 2017 1:32 PM
To: Councillors
Cc: Community Planning email inquiries; nag@quadravillagecc.com
Subject: Rezoning No. 00571 & No. 00570

Re: The City of Victoria has received, in Hillside-Quadra, two additional requests for rezoning to allow Cannabis Storefront Retail for two existing businesses, AAA Dispensary and MeltTown.

I am opposed to a cannabis store front business operation in Quadra Village. I do not think there is any reason to expose our children repeatedly to a store front experience in their own neighbourhood. The names "AAA Dispensary and MeltTown" are ridiculous, to me one infers a legitimate medical pharmacy and the other extreme party time.

Why are Victoria City planners so pro active to re-zone for cannabis store fronts before legal federal legislation and guide lines are established? If your regulations do not line up with federal law will you may need to re-zone or de-zone.

My hope is federal regulations will restrict the number of licences and greatly limit the number of cannabis outlets allowed in a community.

Currently neither of these existing store front shops promote healthy family values and are kind of scary to me.

Sincerely

Don McCarron
2627 Graham St
V8T 3Y8

From: Gail Stanford [REDACTED]

Sent: Monday, May 15, 2017 5:34 PM

To: Councillors <Councillors@victoria.ca>

Cc: Community Planning email inquiries <CommunityPlanning@victoria.ca>; nag@quadravillagecc.com

Subject: Cannabis Retailer Rezoning Applications - Quadra Village

I own a condo on Topaz Ave (very near Quadra Village). I routinely walk to the Village and frequent the drug store/post office, grocery store and other businesses. I purchased my condo in 1994. During the time I've lived in the neighborhood, I've hoped that Quadra Village would continue to improve and one day it would become more like the Oak Bay Village. Unfortunately, it still has a long way to go. I keep hoping.

My local neighbor action committee (NAG) has recently been sending out updates regarding the fact that three applications have been sent to the City applying for rezoning to allow cannabis storefront retail in Quadra Village. Two of the applications are from existing businesses in Quadra Village: AAA Dispensary and Melt Town. Both are located within a block of one another I believe. (It appears the third has withdrawn their application at the moment.)

I wanted to send this e-mail to Victoria City Councillors and the Community Planning Department to express my views on this situation.

As a long time resident in the neighborhood, I must confess I'm very distraught about this news! I know the cannabis issue is now before us and the City will have to deal with these types of applications but I had to let my view be known. I don't believe having a cannabis business in Quadra Village will add any pleasant ambience to our village. In fact, I believe it will greatly detract from the neighborhood village feeling!!! Having even one of these applications approved is very troubling to me!! Having two of them approved would be unthinkable! Our little village would become the cannabis village for Victoria!! And if the City does approve even one application, I hope they will take a long look at the business and ensure the business doesn't have a tacky appearance at store front and is a very respectable business!!

My hope is that **none** of the applications will be approved and failing that, that only one would be approved. Even one is too many!!

Thanking you for your attention.

Gail Stanford.

Rezoning Application for 2639-2641 Quadra Street





