

REPORTS OF COMMITTEES

1. Committee of the Whole – April 20, 2017

5. Rezoning Application No. 00566 for 778 Fort Street (Downtown)

Motion:

It was moved by Councillor Alto, seconded by Councillor Madoff, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00566 for 778 Fort 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

5. LAND USE MATTERS

5.1 Rezoning Application No. 00566 for 778 Fort Street (Downtown)

Committee received a report dated April 13, 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 Coleman, seconded by Councillor Lucas, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00566 for 778 Fort Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Committee discussed:

- The process for considering an amendment to the policy for the 200m distance requirement.
- The applicant's consultation with the neighbouring properties.
- The process for non-compliant dispensaries and whether or not the federal government will give direction on this.

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 April 20, 2017

To: Committee of the Whole **Date:** April 13, 2017

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

Subject: Rezoning Application No. 00566 for 778 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. 00566 for 778 Fort 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 778 Fort Street. The proposal is to rezone from the current CA-4 Zone, Central Area Commercial Office 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 Core Business designation in the *Official Community Plan 2012*
- the proposal is consistent with the Central Business District designation in the *Downtown Core Area 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. 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
- the storefront cannabis retailer use would be restricted to a maximum floor area of 100m², which is in keeping with the size of the existing operation
- storefront cannabis retailer would be restricted to the ground floor.

All other requirements within the CA-4 Zone, Central Area Commercial Office District remain the same.

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.

Land Use Context

The area is characterized by small scale commercial retail and restaurant uses.

Existing Site Development and Development Potential

The site is presently developed as a single-storey commercial building. Under the current CA-4 Zone, Central Area Commercial Office District, the property could be developed to a maximum height of 43 metres with a maximum floor space ratio of 3:1, and used for numerous commercial and office purposes, as well as mixed-use residential.

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 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 Core Business urban place designation, within which commercial retail activities are an envisioned use.

Local Area Plans

The *Downtown Core Area Plan* identifies the property within the Central Business District, within which a strong concentration of commercial employment uses, including complementary retail uses, are encouraged.

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.

Regulatory Considerations

The application does not include any alterations to the existing building. Furthermore, it complies with the other regulations of the CA-4 Zone, and as such, there are no variances.

CONCLUSIONS

The proposal to permit the storefront cannabis retailer use at 778 Fort Street is consistent with both the *Official Community Plan* and the *Downtown Core Area Plan* in accommodating commercial retail uses. The proposal does not have any schools or permitted storefront cannabis retailers within 200m of the property. Staff recommend that Council consider supporting this application.

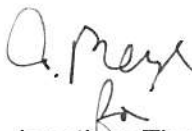
ALTERNATE MOTION

That Council decline Rezoning Application #00566 for the property located at 778 Fort Street.

Respectfully submitted,



Michael Angrove
Planner
Development Services



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

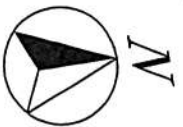
Report accepted and recommended by the City Manager:



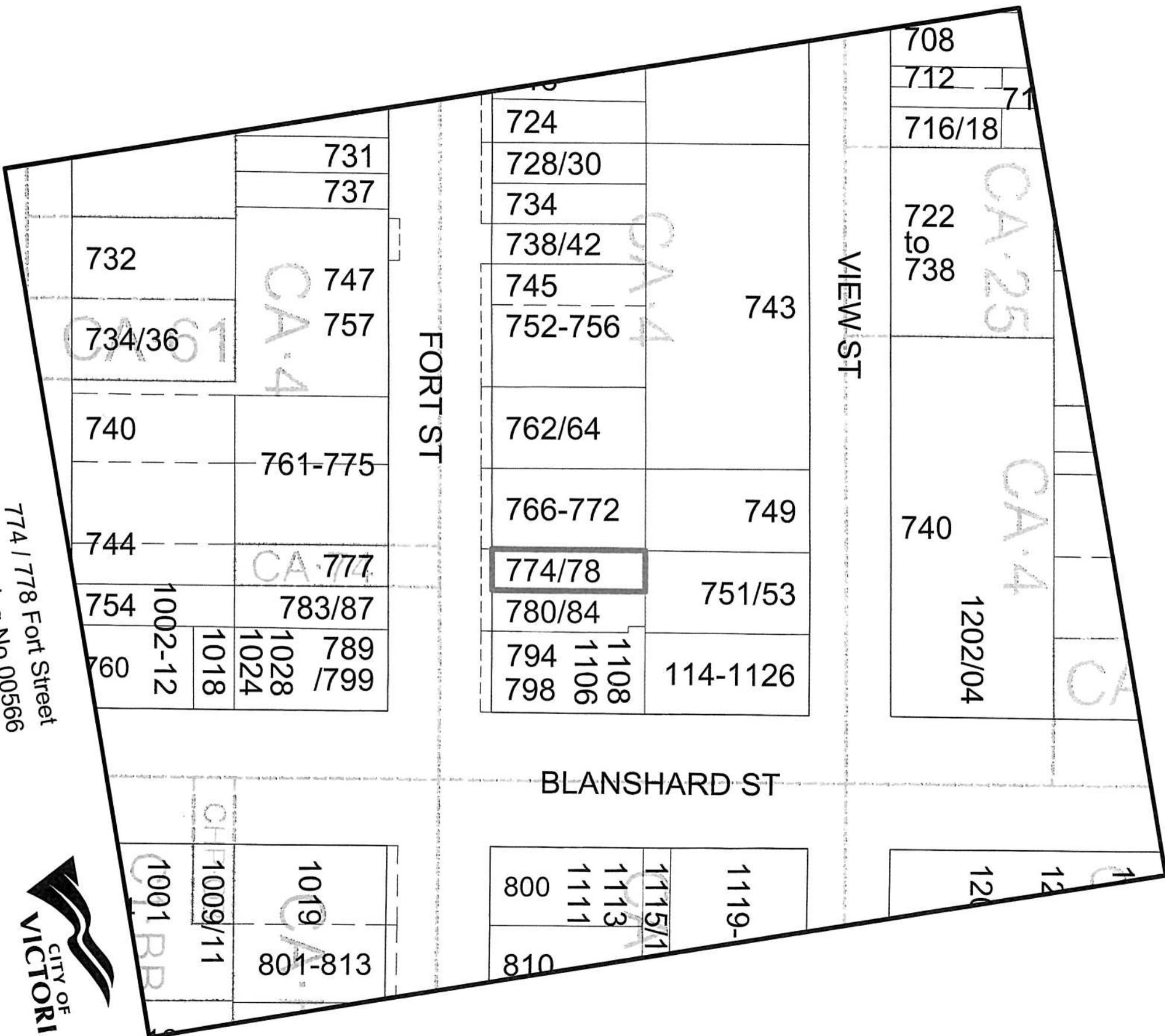
Date: April 10, 2017

List of Attachments:

- Subject Map
- Aerial Map
- Plans dated/date stamped March 28, 2017
- Letter from applicant to Mayor and Council dated January 10, 2017
- Correspondence (Letters received).



774 / 778 Fort Street
Rezoning No.00566





VIEW ST

FORT ST

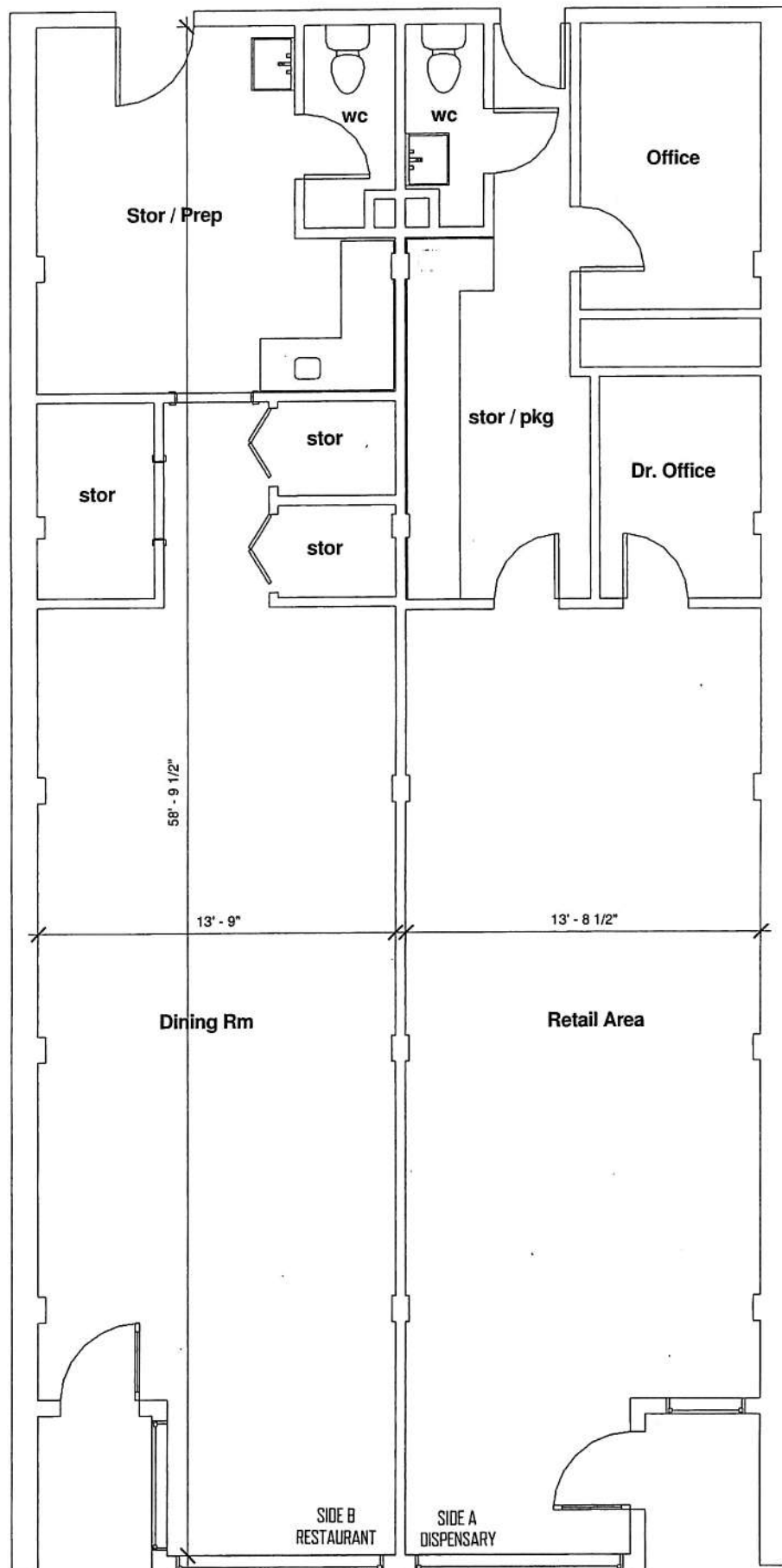
BLANSHARD ST

774 / 778 Fort Street
00566

Received
City of Victoria

MAR 28 2017

Planning & Development Department
Development Services Division



② Main Floor
1 : 50

FLOOR AREAS (SF / SM):

MAIN SIDE A: 870 sf (80.85 sm)

MAIN SIDE B: 870 sf (80.85 sm)

CLOUD NINE

2017-01-10

Dear Mayor & Council,

I am writing to you today with the hope that you will gain insight and knowledge about our store/industry and the understanding of why we are applying for rezoning and a business license for the sales of cannabis and cannabis related products.

On December 19 , 2014 My mother Sylvia J Arsens passed away from a long battle with cancer. Towards the beginning of her Chemotherapy she believed that western medicine would be able to cure her. Unfortunately for her this was not the case. As the Cancer got worse and spread throughout her body, it came to a point where Doctors said there was nothing more they could do other than a third round of Chemotherapy. It was at this time that she was willing to try a Medicinal Cannabis Tincture. The tincture did not cure the Cancer nor did it save her life. However, it significantly improved her appetite and overall comfort. Since she was able to eat again, she was able to regain strength and became mobile. She lived in comfort for 4 more months. I would not have been able to spend that time with her if she had not made the decision to try these products. Before the night of her passing I asked for her blessing in opening a Medical Dispensary and changing my career path. She fully supported my decision. She loved the Idea of helping others as she was a selfless person. This is the reason I am writing this introduction and why this is my career today and for the last 24 months.

Since the City of Victoria has come forward with its new proposed regulations, CLOUD NINE has been following very carefully and trying to abide with any changes as immediately as possible. When we opened our store we focused on creating a safe environment for people to shop in. We designed our business around the City of Vancouver's Regulations so that we would be at the top of our regulatory industry. Some of the items following are what we have taken pride in since the minute we opened listed below:

- Q- SEE 16 Channel Security system (4TB HD):
(Cameras throughout the entire store including our main office and Inside the Safe. Also exterior cameras front and rear.)
- Security Plan:
(We have emergency Security Plans laid out for all staff and management. These plans were drawn up with the help of Security Head (Director) Ted Hayward.)
- Silent alarm Police Call Buttons:
(Two buttons placed in the store in case of emergency, one at the front tills and one in the rear of the store.)
- Building Security:
(Bars on rear windows and door. Front windows are high grade Shatter Resistant glass, Gated front entrance. All counter displays were purchased from a jewelry store and are shatter proof/tamper resistant & Locking)

CLOUD NINE

- Safe/Lock Boxes:

(Custom Built Stainless Steel Clad wall safe. A Gibraltar Meilink Stand up Jewlery safe 66.5" in height and weighing 3721 LBS , and a Small Electronic Cash Drop Safe Located inside the wall safe.)

- Security System/Alarm:

(24/7 Monitoring from Prices Alarms , with Motion, Glass Shatter and Fire/Smoke Detectors.)

- Air Filtration:

(10" Vortex Fan High Performance Inline Duct Blower that moves over 1000 CFM with variable speeds. It is attached to a 36" Carbon Filtration Exhaust Filter)

Attached to this document is our Legal Possession Rights, Also previously Attached to our business license application are documents containing our Security Plan and Criminal Record Checks(Management and All Shareholders). CLOUD NINE keeps a strict eye on maintaining policies on patients who might abuse rules in our Code of Conduct. All patients upon registration must complete an Application and Code of Conduct. (See Attached). We do not allow any persons under the age of 19+ to enter the storefront, we also have a No Use of Product(Prohibits Consumption on or around CLOUD NINE)/ No Loitering Policy.

Over the last two years we have been trying to support the neighborhood and neighboring businesses to add to the Fort Street community and we have found that we are receiving nothing but support coming back in our direction. Through increase of foot traffic, the businesses in the surrounding receive a direct increase in customers. We have high recommendations of our surrounding businesses and try direct as many patients as possible to local storefronts in the downtown core. (See Attached Neighboring Support)

Bylaws Followed by CLOUD NINE:

- ✓ 19+
- ✓ Signage set to Bylaws.
- ✓ No Advertising.
- ✓ Retired V.P.D. / RCMP Designed Security plan.
- ✓ Police information checks.
- ✓ Proof of legal possession.
- ✓ Video surveillance cameras installed and monitored.
- ✓ Security and Fire alarm system installed and monitored 24/7.
- ✓ Locked valuables/All products at all times when the business is not in operation.
- ✓ Health and safety warning signs on the premises.
- ✓ Two Employees (1 Manager) at all times.
- ✓ Windows are frosted up to 3'6" , obstructing view of small children.
- ✓ 200+ Meters away from Any Schools / Other Dispensaries.
- ✓ No Nearby Residential.
- ✓ Street Parking in front +View Street Parkade in rear 350+ spots.(Corridor to fort street).
- ✓ Not located in a registered Heritage building.

CLOUD NINE

Since opening CLOUD NINE has been rigorously training staff with constant knowledge testing and training (New employees start from a Confidential CLOUD NINE Thirty-Six page Training manual) . We are currently working on getting the staff into a new online Training course provided by LIFT* that includes History of Cannabis , Public Concerns, Harm Reduction Strategies and professionalizing customer Service Skills. This would be as an extra addition to the training the staff receives. We have three main points that we base our business upon.

- Safe Environment for employees and customers.
- Staff Trained with extensive Product knowledge.
- Safe High Quality Products.

All our edibles are packages with Ingredients/Nutritional facts , Child protection labeling and warning. We really take pride in everything we have worked towards and accomplished in helping the community and helping the terminally sick and mentally traumatized. We hope you take our application into deep consideration and we welcome you to come visit our store and would be more than happy to give you a tour.

Sincerely,

Brandon Arsens
COO

Shane Arsens
Director

Ted Hayward
Director
26 yrs RTD V.P.D. / RCMP

CLOUD NINE

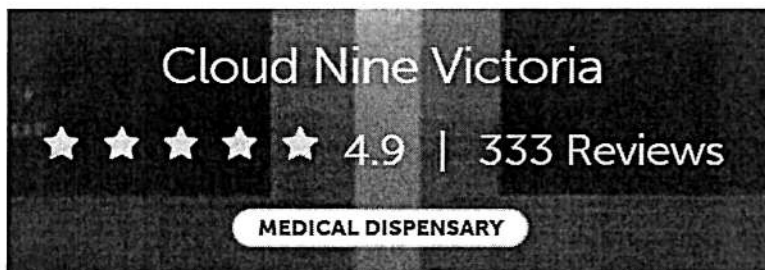
Some of the patients conditions we help include:

- Osteoporosis
- Cancer
- Epilepsy
- PTSD
- MS
- Uncontrolled Muscle Spams
- Insomnia
- Nausea
- Anorexia
- Endometriosis
- Bipolar Disorder
- Sleep Apnea
- Arthritis
- Parkinsons Disease
- Tourettes
- PMS
- High Anxiety Disorder
- HIV / AIDS
- Severe Depression
- Alzheimers
- Chrons Disease
- Spinal Cord Injuries
- Fibromyalgia
- Glaucoma
- Cerebral Palsy

Due to the medical conditions of our Patients, our Staff wear Health Center approved gloves during every patient order/transaction(Changed for each patient and never in contact with money. We sanitize of the store a minimum of two times per day. CLOUD NINE puts a very high importance on cleanliness.

Our reviews are mainly based on , Cleanliness , Product Quality and Staff Knowledge.

www.Leafly.com



www.Weedmaps.com

Cloud 9 Medicinal Society

★★★★★ 4.9 BY 377 REVIEWS 11,283 HITS

778 Fort St Victoria, BC V8W 1H2 - Dispensary

CLOUD NINE

To whom it may concern,

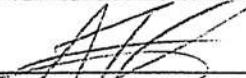
Date: 2017-02-04

Cloud Nine Dispensary has been operating at the location of 778 Fort Street since June, 19, 2015. To the best of my knowledge there have been no problems, no loitering and no use of product inside or outside the storefront. We fully support having Cloud Nine Dispensaries as a member of the Fort Street Community. I / We believe that Cloud Nine Dispensaries is run in a Professional manner providing a safe and clean environment to help medical patients.

Name: Adam Kenno

Position: GM Cactus Club Cafe

Business: Cactus club

Signature: 

Address: 1125 Douglas St

CLOUD NINE

To whom it may concern,

Date: 2017 / 2 / 15

Cloud Nine Dispensary has been operating at the location of 778 Fort Street since June, 19, 2015. To the best of my knowledge there have been no problems, no loitering and no use of product inside or outside the storefront. We fully support having Cloud Nine Dispensaries as a member of the Fort Street Community. I / We believe that Cloud Nine Dispensaries is run in a Professional mannor providing a safe and clean environment to help medical patients.

Name: Juan Vergara
Position: General Manager
Business: La Taqueria
Signature: [Signature]
Address: 766 Fort St.

CLOUD NINE

To whom it may concern,

Date: 2017 / 2 / 15

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Name: Ly Nguyen
Position: Manager
Business: Phu Vy
Signature: [Signature]
Address: 778 Fort Street

CLOUD NINE

To whom it may concern,

Date: 2017 / 2 / 15

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Name: Sunny Zhao

Position: Owner

Business: La Tea Ah

Signature: Sunny Zhao

Address: 774 Fort St

CLOUD NINE

To whom it may concern,

Date: 2017 / 2 / 15

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Name: GARRETT RANCIER

Position: owner

Business: B.C. Shaver & Hobbies

Signature: [Signature]

Address: 742 Fort St

CLOUD NINE

To whom it may concern,

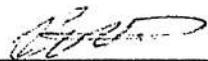
Date: 2017/2/15

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Name: VISAR GASHI

Position: OWNER

Business: BARBER SHOP

Signature: 

Address: 770 FORT ST.

CLOUD NINE

To whom it may concern,

Date: Feb 2/17

Cloud Nine Dispensary has been operating at the location of 778 Fort Street since June, 19, 2015.

To the best of my knowledge there have been no problems, no loitering and no use of product inside or outside the storefront. We fully support having Cloud Nine Dispensaries as a member of the Fort Street Community. I / We believe that Cloud Nine Dispensaries is run in a Professional manner providing a safe and clean environment to help medical patients.

Name: Mark Murr

Position: President

Business: Ali Baba Pizza Ltd

Signature: [Signature]

Address: 39604 Cedar Hill Rd

CLOUD NINE

To whom it may concern,

Date: Feb 2, 2017

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Name: Darlene Archibald

Position: Owner

Business: Street Level Espresso

Signature: [Handwritten Signature]

Address: 714 Fort St.

CLOUD NINE

To whom it may concern,

Date: 2017/2/15

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Name: Carly McDonald

Position: Owner

Business: OZ's 'N' Gold

Signature: Carly McDonald

Address: 706 Fort St

CLOUD NINE

To whom it may concern,

Date: 2017 / 2 / 15

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Name: John Phillion

Position: OWNER

Business: STEVENSON'S Shoe CLINIC

Signature: 

Address: 714 FORT ST.

CLOUD NINE

To whom it may concern,

Date: 2017 / 2 / 15

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Name: RON ZAHOR

Position: Owner

Business: FORN SOUND PRODUCTIONS

Signature: [Signature]

Address: 778 FORT STREET

CLOUD NINE

To whom it may concern,

Date: 2/14/17

Cloud Nine Dispensary has been operating at the location of 778 Fort Street since June, 19, 2015. To the best of my knowledge there have been no problems, no loitering and no use of product inside or outside the storefront. We fully support having Cloud Nine Dispensaries as a member of the Fort Street Community. I / We believe that Cloud Nine Dispensaries is run in a Professional mannor providing a safe and clean environment to help medical patients.

Name: Geoff Lapante

Position: Store Manager

Business: Work Office

Signature: [Signature]

Address: 794 Fort St.

CLOUD NINE

To whom it may concern,

Date: June 19, 2015

Cloud Nine Dispensary has been operating at the location of 778 Fort Street since June, 19, 2015.

To the best of my knowledge there have been no problems, no loitering and no use of product inside or outside the storefront. We fully support having Cloud Nine Dispensaries as a member of the Fort Street Community. I / We believe that Cloud Nine Dispensaries is run in a Professional mannor providing a safe and clean environment to help medical patients.

Name: Tom Hock

Position: Owner

Business: Cloud Nine Dispensary

Signature: [Signature]

Address: 778 Fort Street

CLOUD NINE

To whom it may concern,

Date: Feb 15 2017

Cloud Nine Dispensary has been operating at the location of 778 Fort Street since June, 19, 2015.

To the best of my knowledge there have been no problems, no loitering and no use of product inside or outside the storefront. We fully support having Cloud Nine Dispensaries as a member of the Fort Street Community. I / We believe that Cloud Nine Dispensaries is run in a Professional mannor providing a safe and clean environment to help medical patients.

Name: Evangelique Pappas

Position: owner

Business: Chocolat Choclatiere de Victoria

Signature: 

Address: 703 Fort Street

CLOUD NINE

To whom it may concern,

Date: 2017 / 2 / 15

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Name: Madi Kim

Position: Manager

Business: Photo Studio

Signature: [Signature]

Address: 778 Fort St

CLOUD NINE

To whom it may concern,

Date: Feb. 15/17

Cloud Nine Dispensary has been operating at the location of 778 Fort Street since June, 19, 2015. To the best of my knowledge there have been no problems, no loitering and no use of product inside or outside the storefront. We fully support having Cloud Nine Dispensaries as a member of the Fort Street Community. I / We believe that Cloud Nine Dispensaries is run in a Professional manner providing a safe and clean environment to help medical patients.

Name: Sam Ennis

Position: Owner / Manager

Business: Goo Goo Goggles

Signature: 

Address: 761 Fort St - Victoria, B.C.

CLOUD NINE

To whom it may concern,

Date: 2017/2/15

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Name: DAVID TRUCNE

Position: DIRECTOR

Business: PHO DCI

Signature: [Signature]

Address: 765 FORT ST

CLOUD NINE

To whom it may concern,

Date: Feb 15/17

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Name: Edd Macdonald

Position: Manager

Business: Ground Control Cafe

Signature: [Signature]

Address: 777 Fort Street

CLOUD NINE

To whom it may concern,

Date: 2017/2/15

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Name: Huyth Van Kher

Position: OWNER / MGR.

Business: KH Silvernails

Signature: [Signature]

Address: 783 Fort St

CLOUD NINE

To whom it may concern,

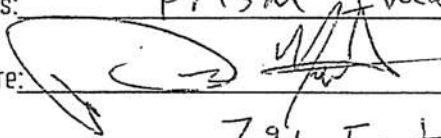
Date: 2017/2/15

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Name: DAVE MANTER

Position: MANAGER

Business: Prism Imaging

Signature: 

Address: 791 Fort St.

CLOUD NINE

To whom it may concern,

Date: 2017 / 2 / 15

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Name: Levi Hustins

Position: Councel

Business: OS22, Lobby's

Signature: Thompson

Address: -195 4th

CLOUD NINE

To whom it may concern,

Date: Feb 15th, 2017

Cloud Nine Dispensary has been operating at the location of 778 Fort Street since June, 19, 2015. To the best of my knowledge there have been no problems, no loitering and no use of product inside or outside the storefront. We fully support having Cloud Nine Dispensaries as a member of the Fort Street Community. I / We believe that Cloud Nine Dispensaries is run in a Professional manner providing a safe and clean environment to help medical patients.

Name: Massimo Segato

Position: STORE OWNER

Business: ITALIAN DELI

Signature: 

Address: 1114 Blanshard ST

CLOUD NINE

To whom it may concern,

Date: 2017/2/15

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Name: Curtis

Position: Owner

Business: Beijing B&B

Signature: Lorian

Address: 769 Fort St