



**To:** Mayor Lisa Helps and members of Victoria City Council

**From:** Alex Robb, Community Liaison for Trees Dispensary

**Date:** October 23, 2016

**Subject:** Temporary Use Permit for Cannabis Related Business for 2610 Rock Bay Avenue

Dear Mayor and City Council,

This is a resubmission of the letter for our application for rezoning from October 20, 2016 for cannabis-related business for the property at 2610 Rock Bay Avenue. This revision to our application seeks to alter it from a permanent rezoning to an application for a Temporary Use Permit (TUP). Other revisions to our application include an updated transportation management plan to address the shortfall of two parking spaces for this property. As part of the resubmission of this application, I am also submitting a temporary development variance permit application to reduce the number of required parking spaces by one.

#### **Description of Proposal Revisions**

The main reason we are now seeking to revise our application from a permanent rezoning to a Temporary Use Permit (TUP) is because over the course of this rezoning application process the ownership of the building has changed hands, and the new landlord has announced plans to retrofit the building in 2018. This development will likely take nine months to a year to complete during which time we will have to vacate the premises.

We are in negotiations with the landlord to sign a new lease in the newly retrofitted building when it is complete, or to take over another nearby space, but a condition of this new lease agreement will be that we must vacate the building throughout construction. The landlord is not able to commit to the details of the lease until the retrofit is complete, and so we cannot at this time be certain that we will have a long-term lease for this location. Thus, we wish to alter this application so that it is a three-year TUP rather than a permanent rezoning.

We do not want to permanently rezone a location in which we do not know we have secure long-term lease, especially if we intend to move our business to a nearby location. Given the insecurity of our position, we are also searching for a suitable alternative location in the same neighbourhood. We would not want to rezone one location only to have our lease expire and then have that property's zoning for cannabis retail prevent us from rezoning a nearby property in order to continue the same business. We would prefer to obtain a Temporary Use Permit now, in order to provide us with more time to decide whether we want to rezone this property, or another nearby property, within the next three years.



### **Description of Proposal**

The property at 2610 Rock Bay Avenue (located on the intersection with John Street) has functioned as a medical cannabis dispensary since October 2012, when Ashley Topfer and Shannon Topfer began Shiva Compassion Society in the retail office of the former Allied Glass warehouse and ancillary retail store. It was the first dispensary in the neighbourhood and has proudly served the local community by providing affordable cannabis products, and educating about the use of cannabis as a medicine, offering space for related harm reduction workshops and events, and contributing to community vitality by holding neighbourhood BBQs at the location itself. We also have also organized food drives, and held monthly charity drives that have raised over a thousand dollars for Mustard Seed Food Bank and others, and collected hundreds of cans of non-perishable food products.

This was the first cannabis storefront in the neighbourhood, and over time a number of other cannabis businesses have set up shop. There are several other cannabis storefronts within a 400-meter radius of the location, but they are just outside of a 200-meter radius of 2610 Rock Bay Avenue. These other storefronts include Medijuana on Gorge Road, Green Buddha on Bridge Street, Absolute Medicinal on Turner Street, and Five Star Medicinal on Douglas Street.

### **City Policy**

This rezoning application conforms to the City's Cannabis Storefront Rezoning Policy in every way. It is further than 200 meters from community centres and schools. It is appropriately zoned in a M2 industrial, which allows for accessory retail. No public nuisance is created by its operation. The location of the medical cannabis storefront in this area has made the streets safer by putting more "eyes on the street", increasing foot traffic, and contributed significantly to neighbourhood revitalization.

### **Project Benefits and Amenities**

The economic, environmental, and social benefits of this project are numerous. The regulation of this business sector in Victoria is likely to stimulate the local economy, making Victoria a hub of this emerging regulated and taxed business activity in the city and so help transition this industry, (that was previously taking place in an informal, unregulated and untaxed manner), toward a better regulated marketplace. The cannabis industry on Vancouver Island contributes significantly to the economy and offers quality, high paying employment for Victoria's young population many of whom are highly educated, especially in the field of alternative healthcare.

Trees Dispensary has sought to promote education about cannabis as a medicine, adjunct therapy for terminal illness, and harm reduction tool by offering educational workshops in our own facility and at other venues across town: including the Our Place Housing Society and the headquarters of Peers Victoria Resources Society (the formerly known as Prostitutes Empowerment and Education Resource Society) in Victoria West.

Since May of 2015 Trees Dispensary has made our space available on a regular basis to PEERS so that they can offer workshops in the area Rock Bay area that many of their target population live and work. Two or three times a month PEERS offers workshops on such topics as: self-defense, reporting abuse to the police, aromatherapy, overdose prevention and other topics. They have also worked with nurses from Cool Aid and Aids Vancouver



Island – Victoria (AVI) to provide Hep C and HIV testing to the local population of sex workers in our unused space. Since we operate our business in an area with a high need for outreach to the street involved population, it has proven very beneficial to the local population and non-profits who are trying to serve groups that are difficult to access and organize for their collective interests.

The space that Trees provides has become an important part of PEERS programming and allowed Trees to connect with other harm reduction organizations in town to further contribute to the health of the community. We have invited AVI related nurses to give workshops to our staff in the administration of Naloxone, and we have Naloxone kits on site at each store and are able to intervene quickly to administer it in the event of someone overdosing on opioids in the vicinity. Additionally, Trees staff regularly cleanup the area around the Rock Bay neighbourhood of used needles and other refuse. And Trees staff have also organized a beach cleanup and sponsored other local environmental and cultural initiatives, and local art festivals.

### **Neighbourhood**

The proposed development contributes significantly to neighbourhood by providing low cost cannabis products in a customer service oriented atmosphere. This particular storefront also contributes vibrancy by sponsoring and promoting arts and culture events in the neighbourhood, providing rehearsal space to local artists, and providing space and funding for harm reduction and community health initiatives in the classroom type space we offer on the second floor. The increased employment in the area has also attracted employees who wish to live close to where they work.

### **Impacts**

This location has already seen improvement to the quality of life and amenities available to neighbourhood denizens. When Trees began operation at 2610 Rock Bay in October of 2012, doing business as “Shiva Compassion Society”, it was the only such cannabis business in the area, and commercial vacancy rates in the neighbourhood were high and the area seemed stagnant. Trees Dispensary has become an anchor business in the neighbourhood and attracted commuters who have discovered other neighbourhood businesses such as cafes, coffee roasters, art studios, furniture stores, and other emerging creative businesses in the area. We are proud to have good relations with all our neighbours and have regularly attended Burnside Gorge community events and contributed to discussion around community revitalization at Community Conversations workshops put on by the City of Victoria.

### **Design and development permit guidelines**

The current site of 2610 Rock Bay Avenue has a M-2 zoning which allows for the use of the premises as retail sales as an accessory use of products manufactured, stored, etc. in the primary use. As this is the company headquarters of Trees Dispensary, the majority of processing, handling and storage occurs in this location and is then shipped out to subsidiary stores. Less than 25% of the building area is dedicated to retail sales so this location meets the requirements of the zoning.

### **Safety and security**

Trees Dispensary's presence in the area has contributed to the safety and security of the neighbourhood and residents, and resulted in a decrease in petty crime in the immediate area. The increased foot traffic in the area as a result of Trees business has made the streets more populated and safer. Our staff have kept the area surrounding our business well maintained, clean, and free of litter and other refuse. Our 24-hour high definition camera system can be used to provide information on crimes that may happen in the neighbourhood after hours. The Victoria PD's major crimes division have used our security cameras to investigate an aggravated assault that occurred in the neighbourhood in early October 2016, and we are able to offer up to four weeks of film footage of everything that happens on the intersection outside our storefront and across the streets, which has decreased graffiti and crime in the area.

### **Transportation**

Under the zoning requirements of Schedule C, 1 parking space is to be provided per 37.5sq.m of gross floor area for retail stores, and 1 parking space is to be provided per 93sq.m of gross floor area for warehouse use, and 1 parking space is to be provided per 140sq.m of gross floor area for manufacturing use, therefore, six parking spots are required.

There are five available spots on-site, so there is a shortfall of one required parking spaces. For that reason we are submitting a development variance permit application, along with this rezoning application, in order to reduce the total number of required parking spots for this property to five.

Along with this request for one less parking space, Trees Dispensary has undertaken a transportation management plan for promoting cycling and public transportation for our employees. Already, the majority of the people who work in this building use a bicycle to commute, and they park their bicycle in the indoor bike parking we provide, pictured below, and noted in the revised drawings. There is not an existing need for more than five spaces, and there is no likelihood that we will require any more parking spots in the future.

In addition to the common use of bicycles among staff for commuting, Trees Dispensary also commits to subsidizing public transportation by staff by making free bus tickets available to staff at this store on request, and offering to pay half of a monthly bus pass for any staff person that commutes by bus. Together, these measures mitigate any undesirable consequences of reducing the required parking for the building by one space.



**Heritage**

This property does not have heritage status and no heritage buildings are effected by this application.

Thank you for your consideration and for your efforts to bring about regulation to this business sector in Victoria. I look forward to further developing the Trees Dispensary business in Victoria and finding other ways to contribute to this vibrant community.

All best wishes,

Alex Robb

General Manager, Trees Dispensary