



Committee of the Whole Report

For the Meeting of February 16, 2017

To: Committee of the Whole **Date:** February 03, 2017

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

Subject: Rezoning Application No. 00546 for 510-512 Yates Street

RECOMMENDATION

That Council consider deferring the proposed development outlined in Rezoning Application No. 00546 for 510-512 Yates Street until after the Public Hearing for Rezoning Application No. 00530 for 546 Yates Street.

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 510-512 Yates Street. The proposal is to rezone from the current CA-3C Zone, Old Town 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 Historic place designation in the *Official Community Plan 2012*
- the proposal is consistent with the *Downtown Core Area Plan* in accommodating a diverse range of commercial uses
- the proposal is generally consistent with the *Storefront Cannabis Retailer Rezoning Policy*; however, it is within 200m of an existing cannabis retailer which is currently in the process of a Rezoning Application.

BACKGROUND

Description of Proposal

This Rezoning Application is to allow for the retail sale of cannabis in an existing heritage building. No alterations to the building or site plan are proposed with this rezoning application.

The following differences from the standard current zone are being proposed and would be accommodated in a new zone, in the event Council chooses to advance the alternate recommendation:

- storefront cannabis retailer will be a permitted use
- storefront cannabis retailer will be restricted to a maximum floor area of 200m², which is the approximate size of the proposed new use.

All other requirements within the CA-3C Zone 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 retail and restaurant uses located at street level with residential and office uses located on the upper storeys. The adjacent buildings to the east of the property are heritage designated.

Existing Site Development and Development Potential

The site is presently a restaurant use on the ground floor with office on the upper storey. The building was constructed in 1891 and is heritage designated. No alterations to the building are proposed in this rezoning application, and any future alterations to the building are subject to a Heritage Alteration Permit.

Community Consultation

Consistent with the *Storefront Cannabis Retailer Rezoning Policy*, the requirement to arrange and participate in a Community Meeting is waived unless the application involves construction of a new building. 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* (OCP) lists this property within the Core Historic urban place designation, within which retail is an envisioned use.

Local Area Plans

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.

Storefront Cannabis Retailer Rezoning Policy

The application complies with the *Storefront Cannabis Retailer Rezoning Policy*. No permitted storefront cannabis retailers are within 200m of the property at the time of writing this report; however, an application was submitted at an earlier date for an existing storefront cannabis retailer approximately 71.7 metres to the east. No public or independent elementary, secondary or high schools are within 200m of the property.

Regulatory Considerations

The application does not include any alterations to the existing building. Furthermore, it complies with the siting criteria of the relevant zone, and as such there are no variances.

CONCLUSIONS

This proposal to permit the use of a storefront cannabis retailer is consistent with both the *Official Community Plan* and the *Downtown Core Area Plan* in accommodating a variety of active retail uses. The proposal does not have any schools or permitted storefront cannabis retailers within 200m of the parcel; however, this application was received 1.5 months after the application for a storefront cannabis retailer at 546 Yates Street, and as per the *Storefront Cannabis Retailer Rezoning Policy*, retailers should be a distance of 200m from another retailer. Upon approval of one application the other would be in violation of the policy. While reduced distances may be warranted in the downtown area, it is the opinion of Staff that two retailers should not occupy the same block frontage.

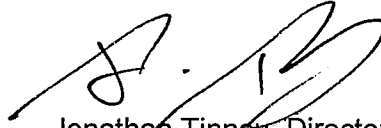
ALTERNATE MOTIONS

- (1) That Council decline Application No. 00546 for the property located at 510-512 Yates Street;
or,
- (2) That Council support Application No. 00546 for the property located at 510-512 Yates Street.

Respectfully submitted,



Michael Angrove
Planner
Development Services



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

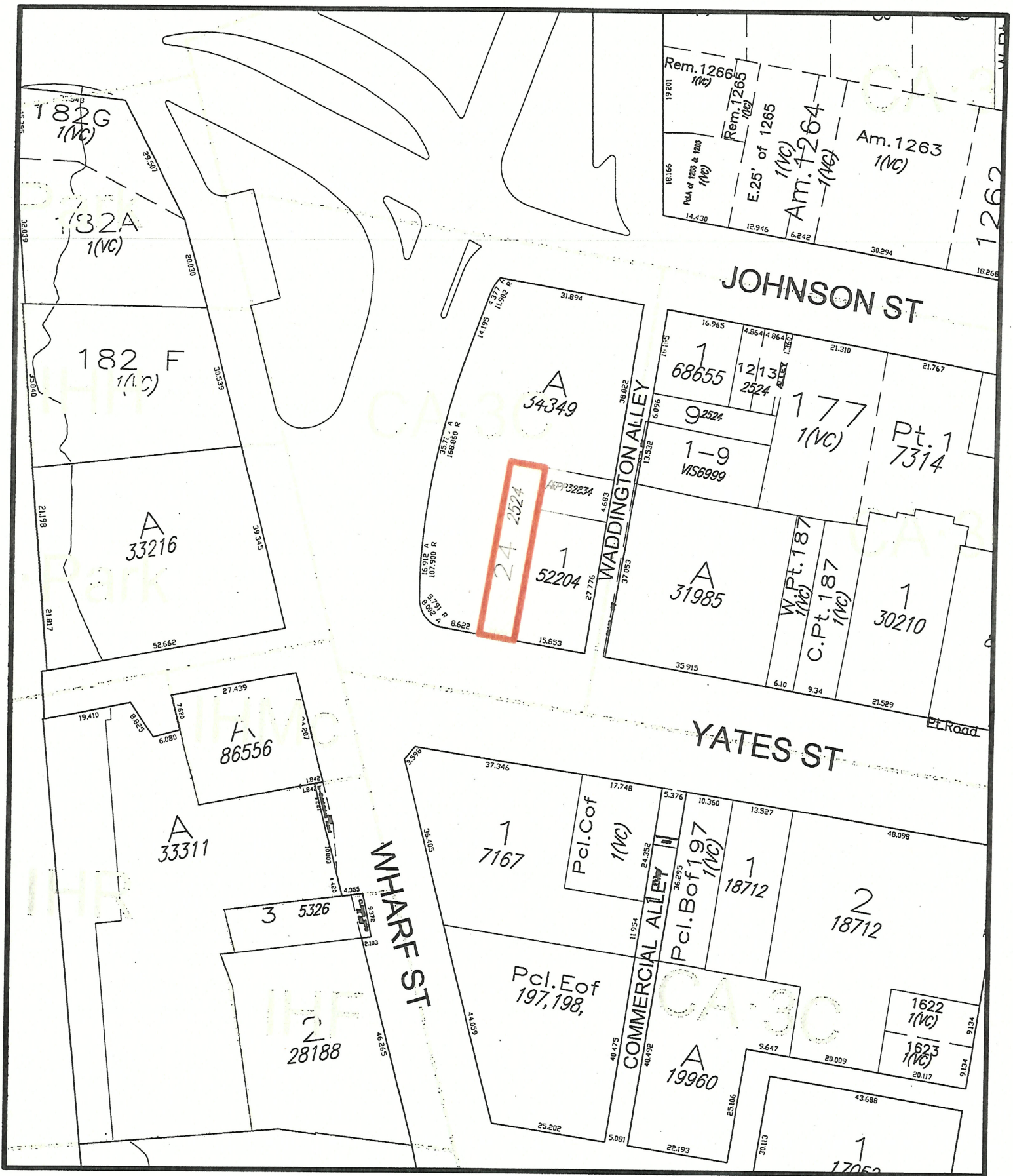
Report accepted and recommended by the City Manager:



Date: February 9, 2017

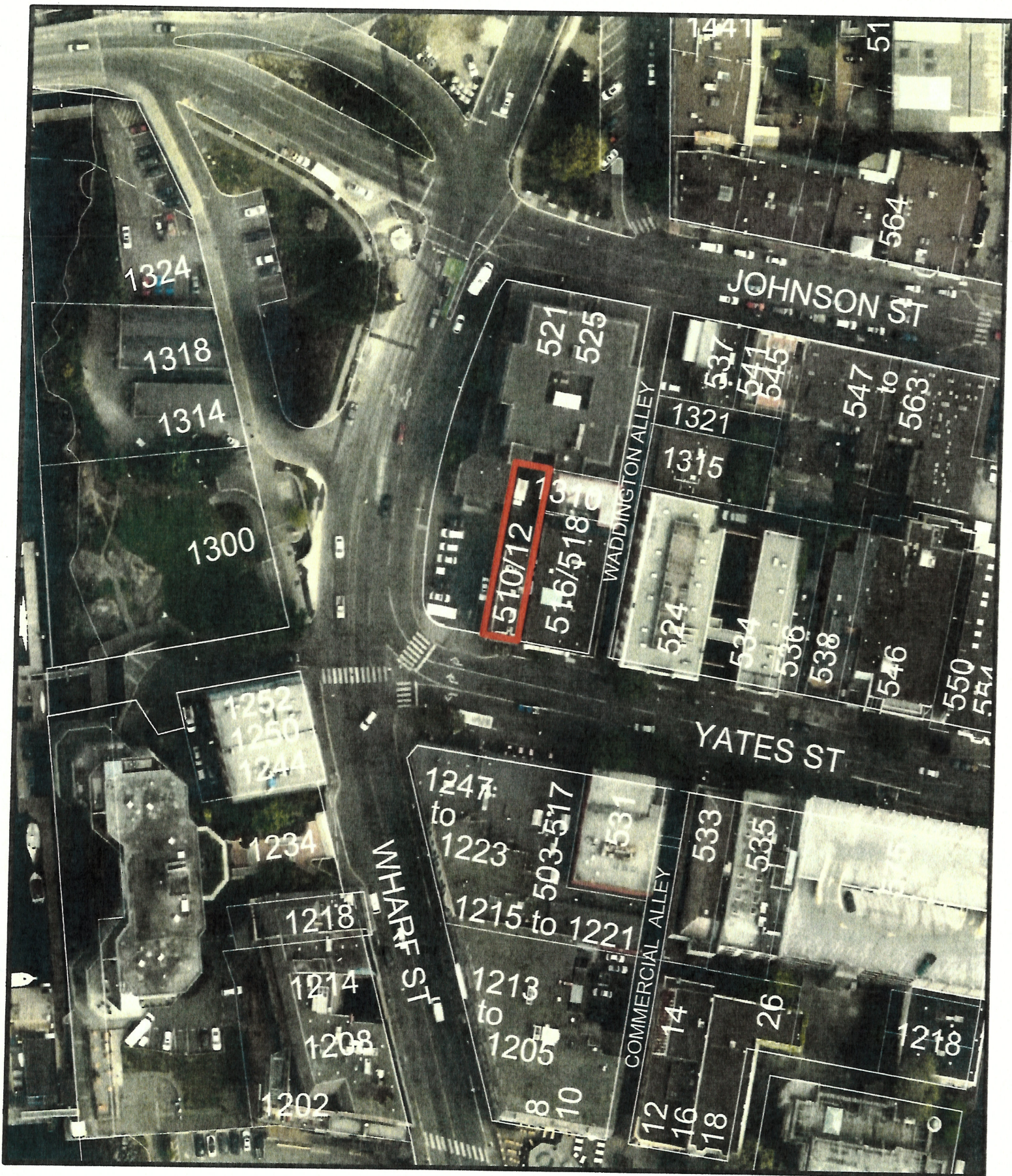
List of Attachments:

- Subject Map
- Aerial Map
- Plans dated/date stamped December 07, 2016
- Letter from applicant to Mayor and Council dated November 21, 2016



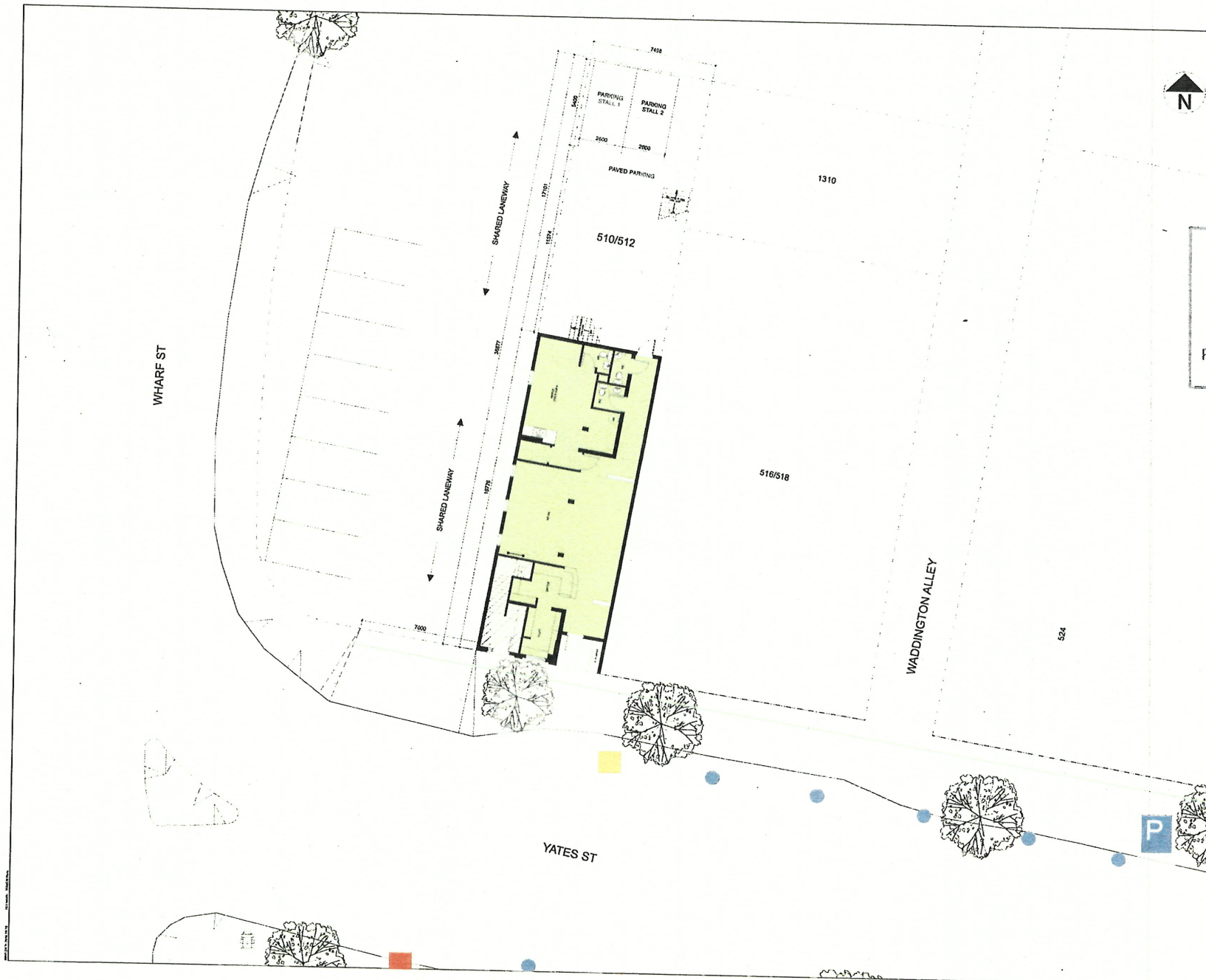
510/12 Yates Street
Rezoning No.00546





510/12 Yates Street
Rezoning No.00546





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seruna.cdcdevelopment@gmail.com
Office: (778) 939-8191

Received
City of Victoria

DEC 07 2016

Planning & Development Department
Development Services Division

4	ISSUED FOR REVIEWING	2016-12-05
3	ISSUED FOR REVIEWING	2016-11-21
2	ISSUED FOR REVIEW	2016-11-18
1	ISSUED FOR REVIEW	2016-10-27



DATE	1:100	2016-12-05
SCALE	1:100	2016-12-05

510 Yates Street
Storefront Cannabis Retailer Rezoning

510 Yates Street
Site Plan

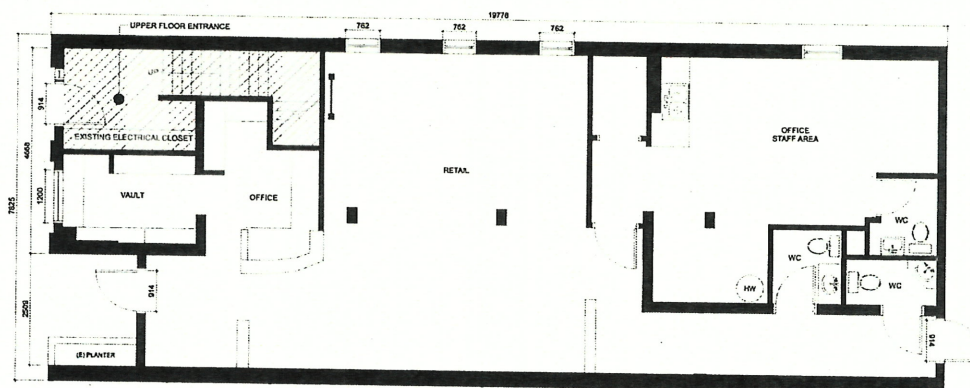
DATE	CT	LM
2016-12-05		

A-001



DEC 07 2016

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Development Services Division



1 Existing Main Floor Plan
1:50

Floor Area In Rezoning Application	= 121.4 sq.m
Floor Area Not In Rezoning Application	= 10.4 sq.m
Total Floor Area of Main Floor	= 131.8 sq.m

4	ISSUED FOR REWORKING	2016-12-01
3	ISSUED FOR REWORKING	2016-11-21
2	RECEIVED FOR REVIEW	2016-11-11
1	ISSUED FOR REVIEW	2016-10-21
No.	ISSUE DATE MONTH	Year

numberTEN
architectural group

2001 10149 Shaw Street
Stamming, NC
Charlotte, NC 28217
Tel: 704.253.2111
Fax: 704.253.2111
www.numbertennc.com

GA01170-2		
FA	FA	
1:50		2016-12-05

510 Yates Street
Storefront Cannabis Retailer Rezoning

510 Yates Street
Existing Main Floor Plan

CLASSIFICATION	CT	FILE NUMBER	LM
GROUP NUMBER			
2016552		A-002A	

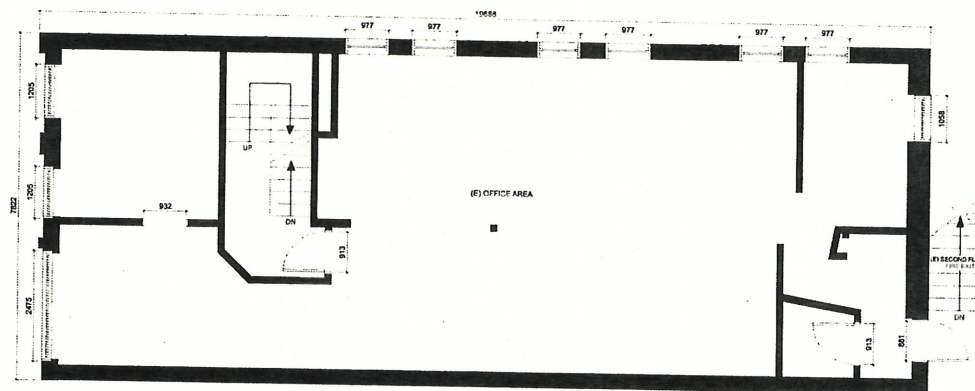
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City of Victoria

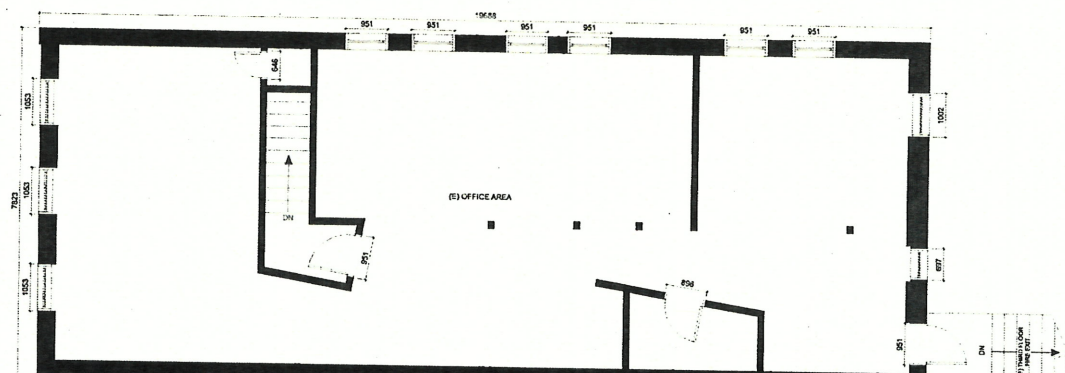
DEC 07 2016

Planning & Development Department
Development Services Division



Total Floor Area of Second Floor = 133.5 sq.m

1 Existing Second Floor Plan
1:50



Total Floor Area of Third Floor = 133.5 sq.m

2 Existing Third Floor Plan
1:50

4	ISSUED FOR REVIEW	2016-12-05
3	ISSUED FOR REVIEW	2016-11-21
2	ISSUED FOR REVIEW	2016-11-18
1	ISSUED FOR REVIEW	2016-10-27

number **TEN** number **10**
architectural group
240-2547-1000
240-2547-1001
240-2547-1002
240-2547-1003
240-2547-1004

Project No. 1
Scale 1:50
Date 2016-12-05

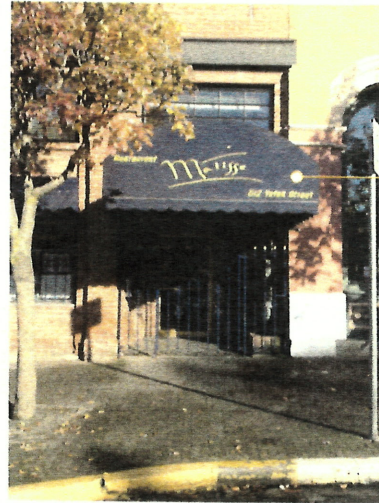
510 Yates Street
Storefront Cannabis Retailer Rezoning

510 Yates Street
Existing Floor Plan

CT
LM
2016552
A-002B



6 North Elevation



2 North Elevation - Entrance



3 East Elevation

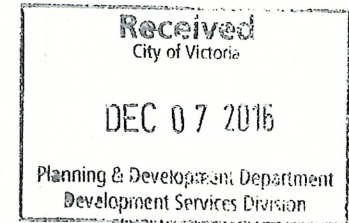


4 South Elevation

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DATE
2016-11-21

ENTRANCE CANOPY TO BE REMOVED
NEW SIGNAGE TO BE SUBMITTED UNDER SEPARATE PERMIT



1	ISSUED FOR REVIEW	2016-11-21
2	RECEIVED FOR REVIEW	2016-11-18
3	ISSUED FOR REVIEW	2016-10-27
4	ISSUED FOR REVIEW	2016-10-27

number **TEN** number **10**
Architectural Group
100-1000-1000
100-1000-1000
100-1000-1000
100-1000-1000

DATE	N/A	2016-11-21
DATE	N/A	2016-11-21

510 Yates Street
Storefront Cannabis Retailer Rezoning

510 Yates St.
Exterior Photos

OWNER	CT	LM
DATE	2016-11-21	2016-11-21
PROJECT NO.	2016552	A-003

Received
City of Victoria

DEC 07 2016

Planning & Development Department
Development Services Division

LOTUSLAND CANNABIS CLUB
OPENED POST JULY 28TH, 2016

TREES DISPENSARIES
OPENED PRIOR TO JULY 28TH, 2016

JUPITER CANNABIS SHOP
OPENED PRIOR TO JULY 28TH, 2016

1	ISSUED FOR REPLY	2016-11-21
2	RECEIVED FOR REVIEW	2016-11-18
3	ISSUED FOR REVIEW	2016-10-27

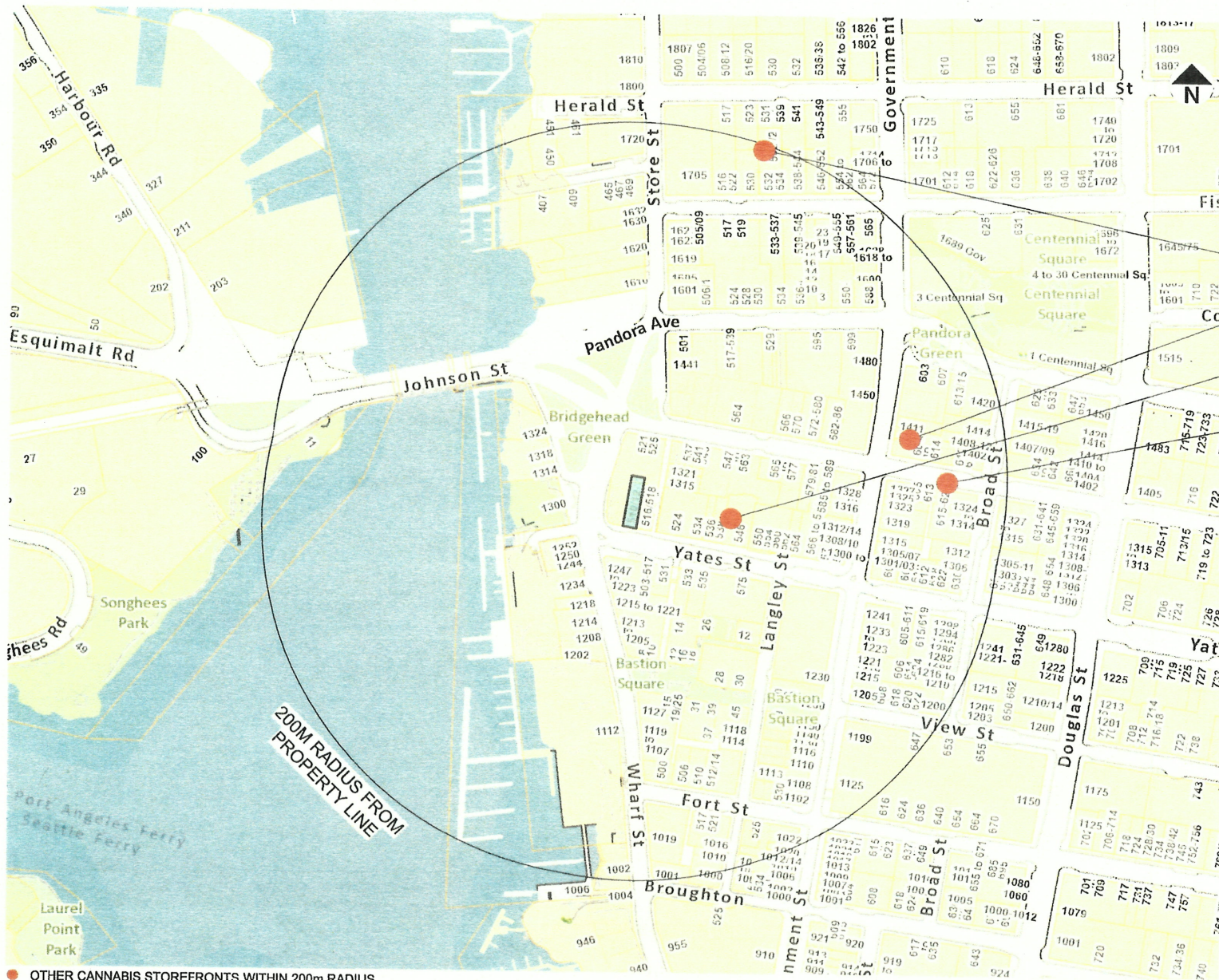


1:1000
2016-11-21

510 Yates Street
Storefront Cannabis Retailer Rezoning

510 Yates Street
200m Radius Map

CT
2016552
A-004



● OTHER CANNABIS STOREFRONTS WITHIN 200m RADIUS

Pure Releaf



Date: November 21, 2016

Mayor Lisa Helps and Council
Mayor and Council of Victoria
City Hall of Victoria
1 Centennial Square
Victoria, B.C. V8W 1P6

Dear : Mayor Lisa Helps and Council of Victoria

Pure Releaf is writing to you today in regards to proposing the opening of a retail cannabis store in Victoria at 512 Yates Street. We want to provide the public, who has proper medical prescription, access to medicinal cannabis that is natural, reliable and grown from a government-licensed supplier. There will be no development done to the exterior of the building but only to the interior of the building that will help us provide medicinal cannabis to the public in a safe way that adheres to government regulations.

Cannabis retailers and schools within proximity are listed below:

- VicNature's and Medical
- Lotusland Cannabis Club
- Trees Dispensaries
- Jupiter Cannabis Shop

As listed above, our retail store will be quite close to these other stores. However, we are asking for a reduced distance exception since we will be located in Downtown Victoria. Other than the exception, our proposal conforms to the storefront cannabis retailer policy.

With the opening of our retail business, there is a range of project benefits to the community of downtown Victoria ranging from economic, environmental and social.

- Economically, we will be providing a number of jobs to the community of Victoria.
- Environmentally, we will be taking initiatives to lower our carbon footprint by decreasing the use of paper and energy. For example, instead of pamphlets or a TV to post a list of products, we will be using a chalkboard. Emails will also be recorded to email receipts and promotions to prescription holders rather than handing out brochures that can easily fall into the hands of the public who is under 19. In addition, our product will be purchased from government, sustainable and organic suppliers.
- Socially, we hope it will promote the public with the proper medical prescription to purchase their medicine legally. In other words, we want to provide the public a safe place to acquire their medicine. Also, we want to educate the public who have negative stigmas of medicinal cannabis the benefits it can bring to people who are eligible and in need of it.

Impacts to the community may include odour, which we will minimize by installing air filtration systems. Other impacts may include concerned parents of children under the age of majority who may come across our store and worry about their kids being exposed to cannabis. We will aim to ensure parents that we have strict rules of who will be able to enter the store.



After reviewing the design and development permit guidelines, we will be making changes only to the logo design of the canopy. Upon approval of our application, we will be using a logo that complies with the Yates Street 700 Block Guideline For Buildings, Canopies, Awning and Signs.

The current site of 510 Yates Street has a CA-3C zoning which allows for the use of the premises for retail sales. Under the zoning requirements no off-street parking is required for the retail space; 2 off-street parking stalls are provided onsite for the office space on the 2nd and 3rd floors. No on site bike parking is provided, however, multiple city provided bike parking spots are situated along the street.

We will also be referring to CPTED to help reduce the fear of crime and opportunities of crime. We plan to install bright LED lights and clear windows so that the public will have full view of the retail store. In addition, installation of security cameras and alarm systems is important to Pure Releaf to ensure the safety and security of our retail store. As for our products, it will be stored away in a safe, secured place and out of view to prevent opportunities of crime.

The building we are proposing to open our retail is of heritage status but should not impact the building itself, as there will no changes to the exterior of the building.

Although there are grey areas in regards to the medicinal cannabis industry, our main focus is to provide medicinal cannabis to eligible prescription holders while complying with the regulations in place.

Sincerely,
Pure Releaf