

REPORTS OF COMMITTEES

2. **Committee of the Whole – August 10, 2017**

5. **Rezoning Application No. 00584 for 818-826 Johnson Street**

Motion:

It was moved by Councillor Madoff, seconded by Councillor Coleman, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00584 for 818- 826 Johnson Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Carried

For: Mayor Helps, Councillors Coleman, Madoff, Thornton-Joe
Opposed: Councillors Lucas and Young

6. LAND USE MATTERS

6.1 Rezoning Application No. 00584 for 818-826 Johnson Street

Committee received a report dated July 28, 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 Thornton-Joe, seconded by Mayor Helps, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00584 for 818- 826 Johnson 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:

- Commercial cannabis retailers vs. compassion clubs.
- Providing information at the public hearing on the average square footage of dispensaries that have been approved.
- Council's legal obligation to consider the land use rather than the service provider.
- The potential effects of federal legislation on the application.

CARRIED 17/COTW

For: Mayor Helps, Councillors Coleman, Madoff, and Thornton-Joe

Against: Councillors Lucas and Young



Committee of the Whole Report For the Meeting of August 10, 2017

To: Committee of the Whole **Date:** July 28, 2017
From: Jonathan Tinney, Director, Sustainable Planning and Community Development
Subject: Rezoning Application No. 00584 for 818-826 Johnson Street

RECOMMENDATION

That Council decline Rezoning Application No. 00584 for the property located at 818-826 Johnson 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 818-826 Johnson Street. The proposal is to rezone from the current CA-HG Zone, Harris Green 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 inconsistent with the *Storefront Cannabis Retailer Rezoning Policy*, as there is a permitted storefront cannabis retailer within 400m.

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 115m², which is in keeping with the size of the existing operation.

All other requirements within the CA-HG Zone, Harris Green 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.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Land Use Context

The area is characterized by buildings of differing architectural styles and wide-variety of uses that include office, storage, commercial, and residential.

Existing Site Development and Development Potential

The site is presently a four-storey building with commercial uses on the ground floor and self-storage on the upper storeys. Upon submission of the application, the building's heritage value was identified by the Senior Heritage Planner; however, the building is neither heritage designated nor heritage registered.

Under the current CA-HG Zone, Harris Green District, the property could be developed up to a height of 43m with a maximum floor space ratio of 3:1. A variety of commercial uses, with residential uses on the upper storeys, are permitted in this zone.

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.

CONCLUSIONS

This proposal to permit the storefront cannabis retailer use is consistent with the *Official Community Plan* and the *Downtown Core Area Plan* in accommodating commercial retail uses. However, the proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy* as there are two permitted storefront cannabis retailer within 400m of the property.

ALTERNATE MOTION


That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00584 for 818-826 Johnson Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Respectfully submitted,


Michael Angrove
Planner
Development Services

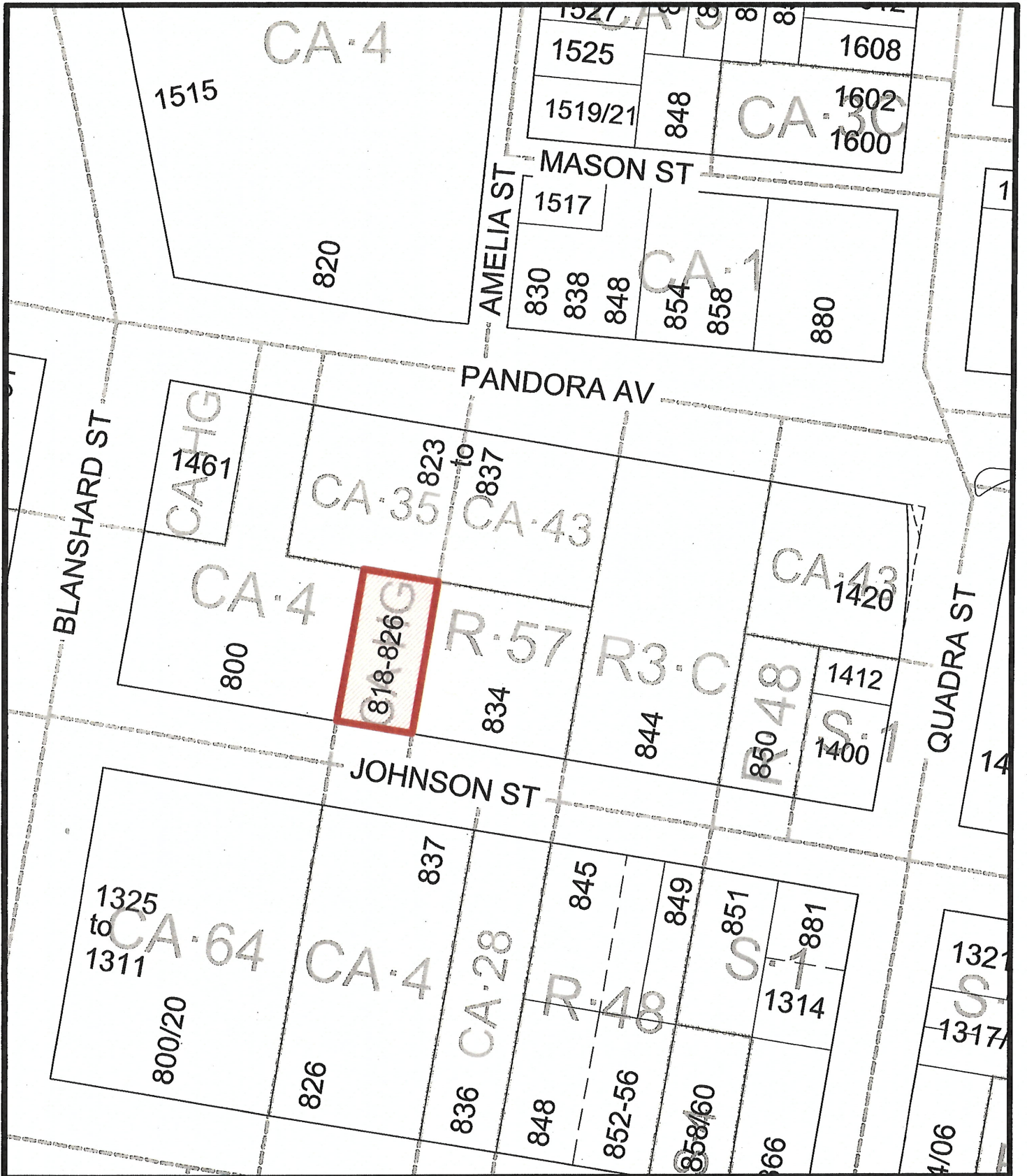

Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:


Date: August 3, 2017

List of Attachments

- Attachment A – Subject Map
- Attachment B – Aerial Map
- Attachment C – Plans date stamped May 12, 2017
- Attachment D – Letter from applicant to Mayor and Council dated April 22, 2017



818-26 Johnson Street
Rezoning No. REZ00584



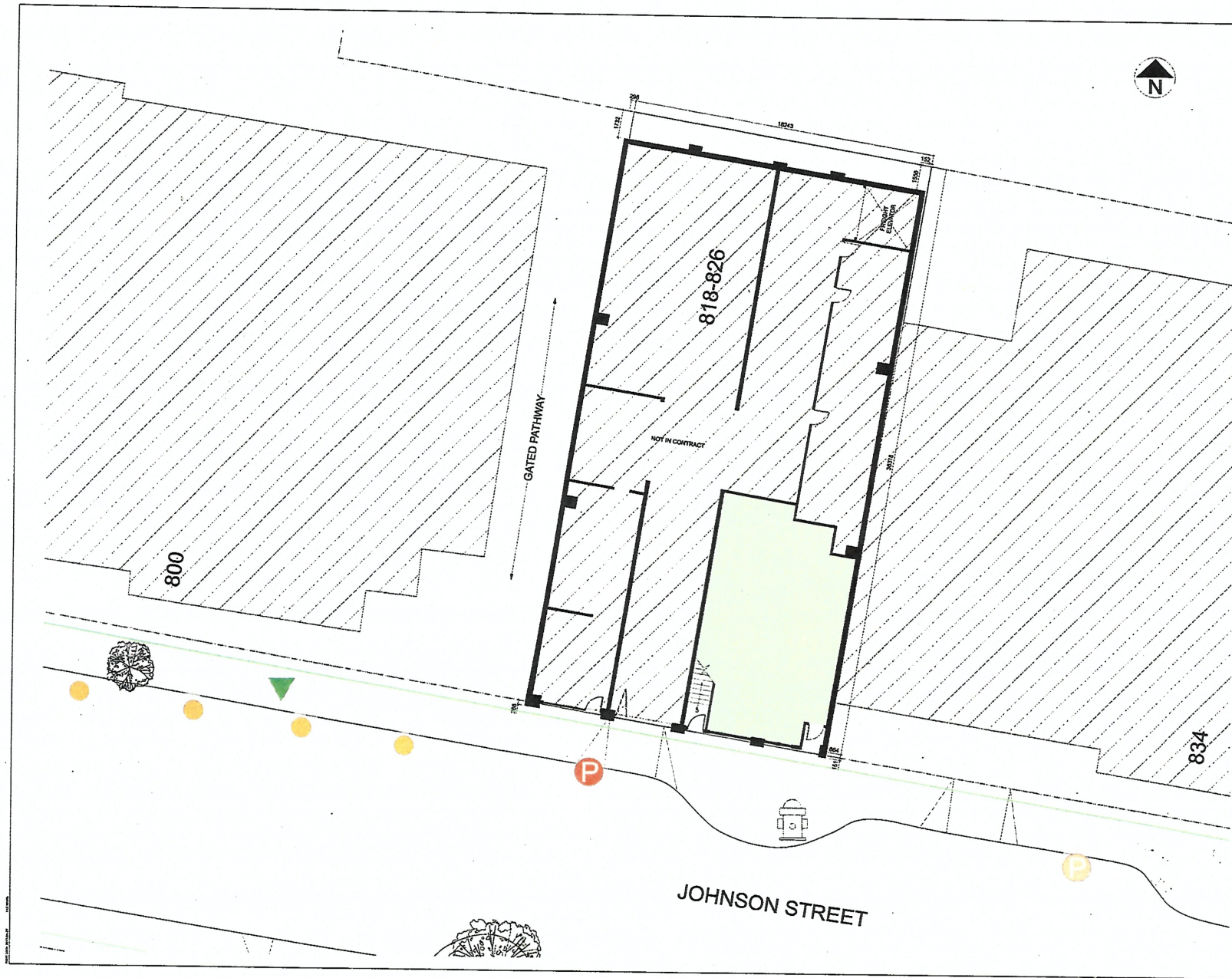
Fayaz Kara
 Victoria Cannabis Buyers Club
 hellovcbc@gmail.com
 (250) 381-4220



Received
 City of Victoria

MAY 12 2017

Planning & Development Department
 Development Services Division



2	ISSUED FOR REZONING	2017-06-16
1	ISSUED FOR REZONING	2017-06-27

number **TEN** number **10**

10th Street
 10th Street
 10th Street
 10th Street

Scale	1:100	Date	2017-06-27
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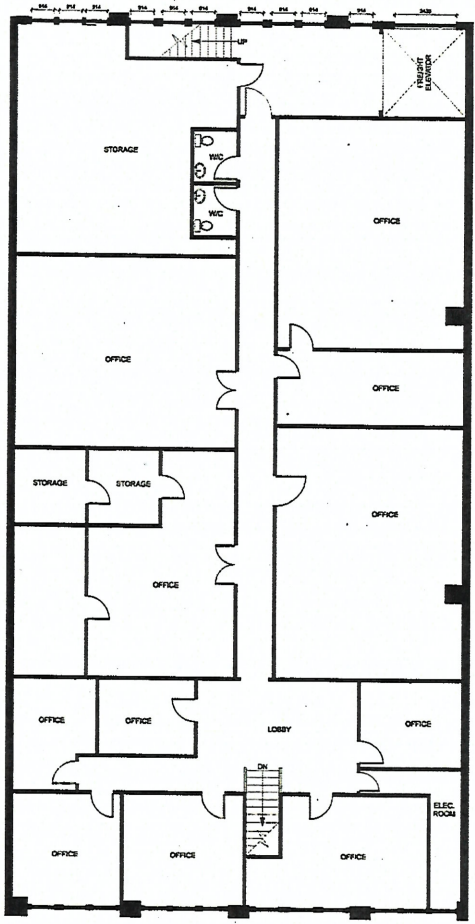
826 Johnson Street
 Storefront Cannabis Retailer Rezoning

Site Plan

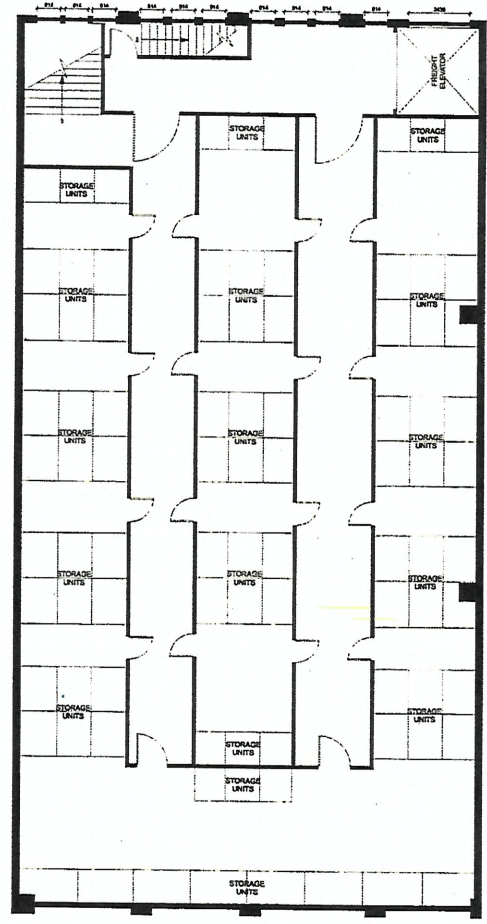
Project No.	LT	City	LM
2017519			

A-001

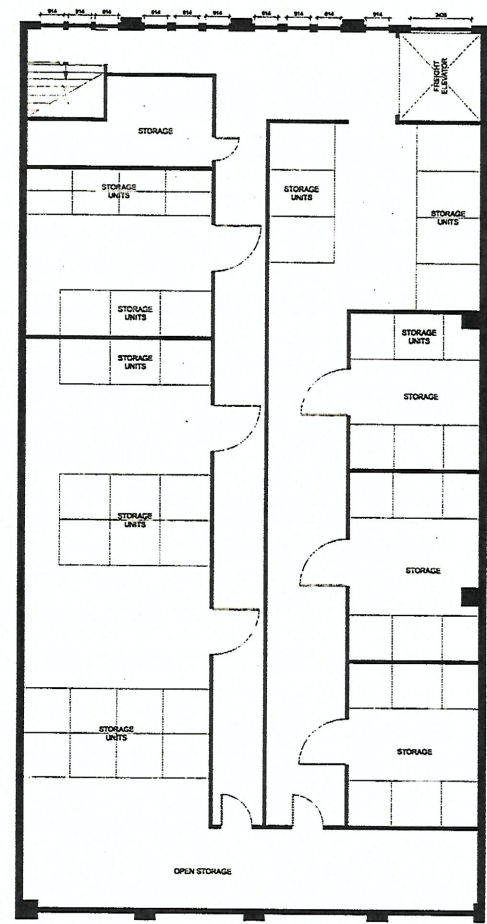
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1 Second Floor Plan - Office Space
 1:85



2 Third Floor Plan - Storage Lockers
 1:85



3 Fourth Floor Plan - Storage Lockers
 1:85

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 MAY 12 2017
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 Community Planning Division

1 ISSUED FOR REZONING 2017-04-27

numberTEN architectural group
 10

As Noted 2017-04-27

826 Johnson Street
 Storefront Cannabis Retailer Rezoning

Second Floor Plan
 Third Floor Plan
 Fourth Floor Plan

2017519 A-003

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1 Exterior Photo - West Face of Exterior



2 Exterior Photo - South Face of Exterior



3 Exterior Photo - East Face of Exterior



4 Exterior Photo - Gated Pathway, West



5 Exterior Photo - Suite Entrance

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MAY 12 2017

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1	ISSUED FOR REZONING	2017-04-27
2	REVISIONS/REACTIO	DATE
<p>numberTEN architectural group</p> <p>230-1818 Selkirk Street Victoria BC V8P 2G5 T: 250-381-1188 www.number10.ca</p>		
<p>number 10</p>		
<p>PROFESSIONAL</p>		
<p>COMMENTS</p>		
DATE	BY	DATE
DATE	Not To Scale	2017-04-27
<p>826 Johnson Street Storefront Cannabis Retailer Rezoning</p>		
<p>PROJECT</p>		
<p>Exterior Photos</p>		
DATE TIME	ET	DATE TIME
PROJECT	ET	PROJECT
DATE TIME	ET	DATE TIME
DATE TIME	2017519	A-004



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MAY 12 2017

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Vancouver Island Compassion Society
 853 Cormorant Avenue

Medijuana Dispensary
 851 Johnson Street

1	ISSUED FOR RECORDING	2017-04-27
2	REGISTERED PLAN	2017-04-27
200 Westside Street Victoria BC V8M 1Y6 T 250-381-4220 F 250-381-4220 www.number10.ca		
826 Johnson Street Storefront Cannabis Retailer Rezoning		
200m Radius Map		
SCALE	1:1000	2017-04-27
DATE		
DESIGNED BY	ET	LM
CHECKED BY		
DATE	2017519	A-005

Mayor Lisa Helps and Council
City of Victoria
No. 1 Centennial Square
Victoria, BC
V8W 1P6



April 22, 2017

Dear Mayor Helps and Council,

Thank you for the opportunity to present information about the Victoria Cannabis Buyers Club for the purposes of rezoning.

We have provided medical cannabis to our members and have been an active part of the downtown Victoria community for over 20 years. We have both the historic perspective and positive reputation to continue to be a leader in the area of medical cannabis in Victoria.

Please see below for the details of how we operate and the benefits that we provide to our neighbourhood and the Victoria community.

1. Description of Proposal

The Victoria Cannabis Buyer's Club, (VCBC), has been an integral part of the medical cannabis dispensary infrastructure in Victoria for over 20 yrs. We have established policies and procedures for members to be able to access medical cannabis. We ensure a medical need and work individually with each member to help them find the products that meet their medical goals. We have an established storefront at 826 Johnston St. where we have been for the past 16 years.

During our 20 year history we have contributed to the medical cannabis legislation through Supreme Court challenges and decisions that have shaped the industry today. We continue to advocate for our members and others who rely on medical cannabis.

Our location is a considerable distance from all schools, (more than 1.4 kilometers), and more than 100 metres from a new dispensary, Medijuana.

2. City Policy

The VCBC has worked collaboratively with the City of Victoria and we strive to comply with all cannabis policy and bylaws. We have been active in providing feedback to the city on the effects of new bylaws on our members and community. We take pride in working with the City of Victoria in providing safe and accessible medical cannabis to the many patients that are members of our VCBC community.

3. Project Benefits and Amenities

Economic Benefits:

The VCBC is a non-profit, service driven society, with over 3,500 active members. The economic benefits include providing our members with a variety of affordable, medical grade, cannabis products for medicinal purposes. Affordability is a very big issues for our members on disability and those surviving on low income, many who continue to work with a medical condition. In the past, VCBC has provided those struggling with extreme poverty access to medical cannabis through donations and emergency funds, (approximately \$10,000 per year in donations).

VCBC directly employ 11 individuals. Of these personnel, more than half have conditions that are obstacles for regular employment. The VCBC also provides income for 21 highly specialized boutique producers of medical cannabis. Through these relationships we are able to offer up to 19 varieties of medical cannabis and 55 different kinds of cannabis infused products such as topical oils, ointments, cannabis infused caplets, and edible products. These infused products offer different kinds of relief from pain, nausea, and assist our many clients who are looking for alternatives to smoking cannabis. Medical studies have consistently shown that these alternatives help to keep levels of medicinal cannabinoids at consistent levels for pain and other symptom relief.

Environmental/ Social Benefits:

VCBC has been an integral part of the medical cannabis community for over 20 years. As a non-profit, we believe in a community model in all aspects of our operation. Our membership is active in shaping our policies and procedures through an elected Board of Directors. We have relationships with many disabled individuals in the downtown area and have created a safe place for such individuals to access affordable, medical cannabis to help them cope with many illnesses including; cancer, multiple sclerosis, chronic pain, tremors, nerve damage, fibromyalgia, etc. Doctors refer to us and we are an essential part of many individual medical treatment plans.

Every new member is provided with an individualized, in depth orientation to help them find the medical products that will best meet their needs. The club itself is a safe space for community networking with information on resources and events of interest to our members. We have provided a Safe Consumption Lounge where our members can consume medical cannabis and get support from each other and our knowledgeable staff. This was also beneficial because many of our members do not have a safe place to consume cannabis due to restrictions in their living or other situations. The lounge was monitored by staff who possess first aid training and has a hospital grade HEPA filtration system to protect our neighbours.

VCBC operates a green facility. We reduce, re-use and recycle wherever possible. We encourage responsible consumption of cannabis products with our members. Many of our members are social and environmental activists who hold us to a high standard of environmental consciousness as part of the Victoria community.

4. Neighbourhood

The VCBC has been an accepted member of the Victoria community for over 20 years. We have established relationships with; our clients, our members, medical professionals, city of Victoria personnel, and other stakeholders. As a non-profit, we have established ourselves as experts in the area of medical cannabis with a reputation to put people before profits.

We have resided in our current location and neighbourhood for over 16 years. Any concerns have been addressed through informal, collaborative processes resulting in no formal complaints. Our block neighbours appreciate us and the foot traffic we generate. We have a collaborative relationship with our local law enforcement.

5. Impacts:

The VCBC has existed in the neighbourhood for over 16 years. Our discreet storefront provides a feeling of safety for our members and blends in smoothly with the other neighbouring businesses. Our Safe Consumption Lounge provided a safe environment for members and the opportunity to connect with others struggling with a variety of medical conditions. We have been active in shaping the policies and procedures around medical cannabis dispensaries and have been a leader in advocating for patients.

We are driven by a desire to help those in need. Our non-profit governance along with an active membership is consistent with our commitment to put people before profit in what is rapidly becoming a profit driven industry. We will continue to provide client centred information and feedback to our community as the city moves towards licensing with new policies and procedures.

6. Design and Development Permit Guidelines:

826 Johnston St has CA-3C zoning which allows for the use of the premises for retail purposes without requiring assigned off street parking stalls. We are easily accessible by bus and have ample city street parking along Johnston St.

7. Safety and Security:

VCBC continuously engages in risk assessments and have been pro-active in maintaining a safe and secure environment.

Some of our security components include:

- Designing a discreet store front to provide privacy and safety for our members
- Installing CCTV in the facility and street front to ensure surveillance of the the building and operations
- Installing an alarm system
- Purchasing a 4ft by 3ft 1,000+ lbs. safe where our product and on hand cash is stored

- Installing glazed windows that cannot be broken easily to ensure security and privacy for our members while inside the store.
- Installing gates and shutters on doors and windows
- Installing a 2-way window in the office to monitor street activity

8. Transportation:

The facility is on the 800 block of Johnston St. and meets the vehicle parking standards for the zoning of the block. There is ample city street parking in front of and adjacent to the facility. In addition, we are less than a city block away from the Johnston St. Parkade. The parkade and our facility are both wheel chair accessible.

9. Heritage:

Heritage status – Not a heritage site.

Thank you again for this opportunity to continue to serve the Victoria Community. We look forward to hearing from you.

Rezoning Application for 826 Johnson Street



