

## **REPORTS OF COMMITTEES**

### **1. Committee of the Whole – May 4, 2017**

*Councillor Lucas withdrew from the meeting at 11:29 p.m. due to a pecuniary conflict of interest with the following item, as she is the general manager of a hotel in close proximity to the subject property.*

#### **4. Rezoning Application No. 00559 for 1402 Douglas Street (Downtown)**

**Motion:**

It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00559 for 1402 Douglas Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set concurrent with the Heritage Designation Application for this property.

**Carried**

**For:** Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, Madoff, and Thornton-Joe  
**Opposed:** Councillor Young

*Councillor Lucas returned to the meeting at 11:30 p.m.*

#### 4. LAND USE MATTERS

##### 4.1 Rezoning Application No. 00559 for 1402 Douglas Street (Downtown)

Committee received a report dated April 20, 2017, from the Director of Sustainable Planning and Community Development regarding an application to allow for the retail sale of cannabis.

Committee discussed:

- The owner's commitment to designating the building as a heritage site.

*Councillor Isitt returned to the meeting at 9:03 a.m.*

**Motion:** It was moved by Councillor Coleman, seconded by Councillor Alto, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00559 for 1402 Douglas Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set concurrent with the Heritage Designation Application for this property.

CARRIED 17/COTW

**For:** Mayor Helps, Councillors Alto, Coleman, Isitt, Madoff, and Thornton-Joe  
**Against:** Councillor Young

*Councillor Lucas returned to the meeting at 9:04 a.m.*



## **Committee of the Whole Report**

### **For the Meeting of May 04, 2017**

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**To:** Committee of the Whole **Date:** April 20, 2017

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

**Subject:** Rezoning Application No. 00559 for 1402 Douglas Street

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### **RECOMMENDATION**

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00559 for 1402 Douglas Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set concurrent with the Heritage Designation Application for this property.

### **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 1402 Douglas Street. The proposal is to rezone from the CA-3C Zone, Old Town District to a site-specific Zone in order to allow the retail sale of cannabis.

The following points were considered in assessing this application:

- the proposal is consistent with the Core Historic designation in the *Official Community Plan 2012*
- the proposal is consistent with the Historic Commercial 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
- the existing building is currently on the Heritage Register. In conjunction with this application, the applicant is pursuing Heritage Designation.

## **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
- storefront cannabis retailer would be restricted to the ground floor and basement
- storefront cannabis retailer would be restricted to a maximum floor area of 200m<sup>2</sup>, which is in keeping with the size of the proposed retailer
- a maximum of one storefront cannabis retailer would be permitted to operate on the property at a time.

### **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 mainly commercial and office uses. Some residential and transient accommodation uses are located in the nearby area. In addition, a number of heritage buildings are located in close proximity.

### **Existing Site Development and Development Potential**

The site is presently a two-storey building known as the Porter Block from its terra cotta name plaque. It was constructed in 1900 using mainly brick and stone materials. Currently, the site is heritage-registered and the applicant will be seeking heritage designation in conjunction with this application. Under the current CA-3C Zone, Old Town District the property could be developed mainly for commercial, residential, or transient uses up to a height of 15m.

### **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 Historic urban place designation, within which commercial activities including retail are an envisioned use.

### Local Area Plans

The *Downtown Core Area Plan* identifies the property within the Historic Commercial District, within which active retail uses are encouraged on the ground floor.

### Storefront Cannabis Retailer Rezoning Policy

The application complies with the *Storefront Cannabis Retailer Rezoning Policy*, as there are no schools or permitted storefront cannabis retailers within 200m of the property at the time of writing this report.

### Heritage Considerations

As noted, the existing building is currently on the Heritage Register and the applicant is willing to pursue Heritage Designation for the property. The process of Heritage Designation will involve a full review of the heritage features of the building, and will require a review and recommendation to Council from the Heritage Advisory Panel. The applicant has initiated this process and it is anticipated that the Heritage Designation Application will advance concurrently with the Rezoning Application to a Public Hearing, should Council choose to move the application forward for further consideration.

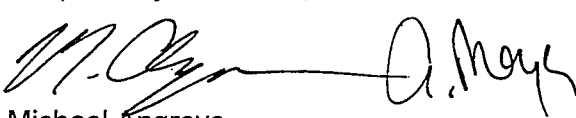
## CONCLUSIONS

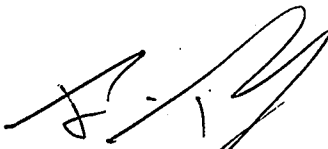
The proposal to permit the storefront cannabis retailer use at 1402 Douglas Street is consistent with both the *Official Community Plan* and the *Downtown Core Area Plan* in accommodating commercial retail uses at street level. The proposal does not have any schools or permitted storefront cannabis retailers within 200m of the property. Staff recommend that Council consider supporting this application.

## ALTERNATE MOTION

That Council decline Application #00559 for the property located at 1402 Douglas 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 26, 2017

## List of Attachments

- Subject Map
- Aerial Map
- Plans date stamped January 13, 2017
- Letter from applicant to Mayor and Council dated January 12, 2017

# CITY HALL

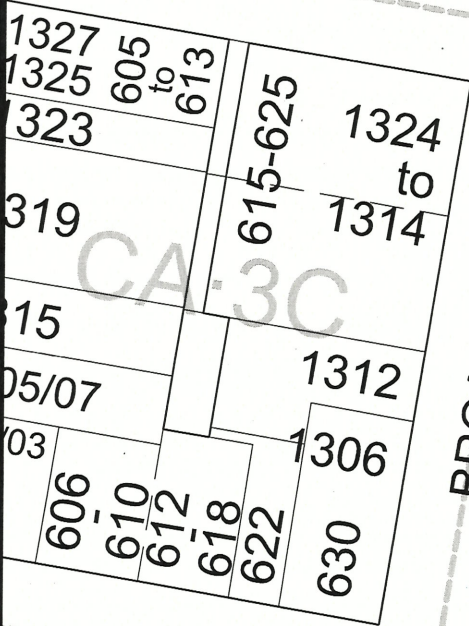
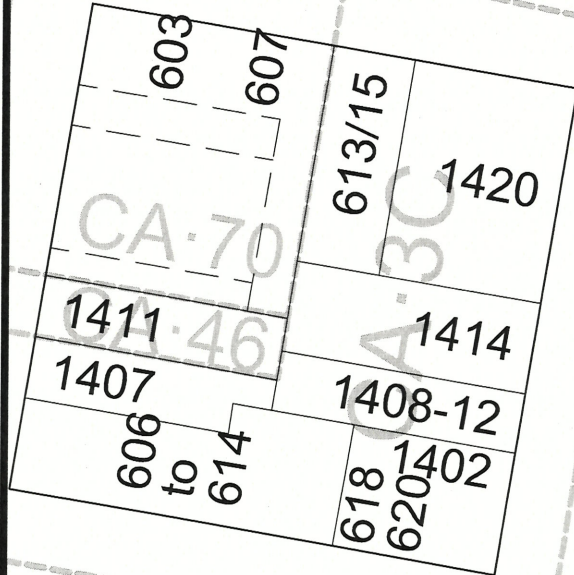
1 Centennial Sq.

PANDORA AV

BROAD ST

YATES ST

DOUGLAS ST



1402 Douglas Street  
Rezoning No.00559





# CITY HALL

1 Centennial Sq.

PANDORA AV

603  
607  
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1402

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1407/09  
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1410 to  
634 to 642  
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1402 Douglas Street  
Rezoning No.00559

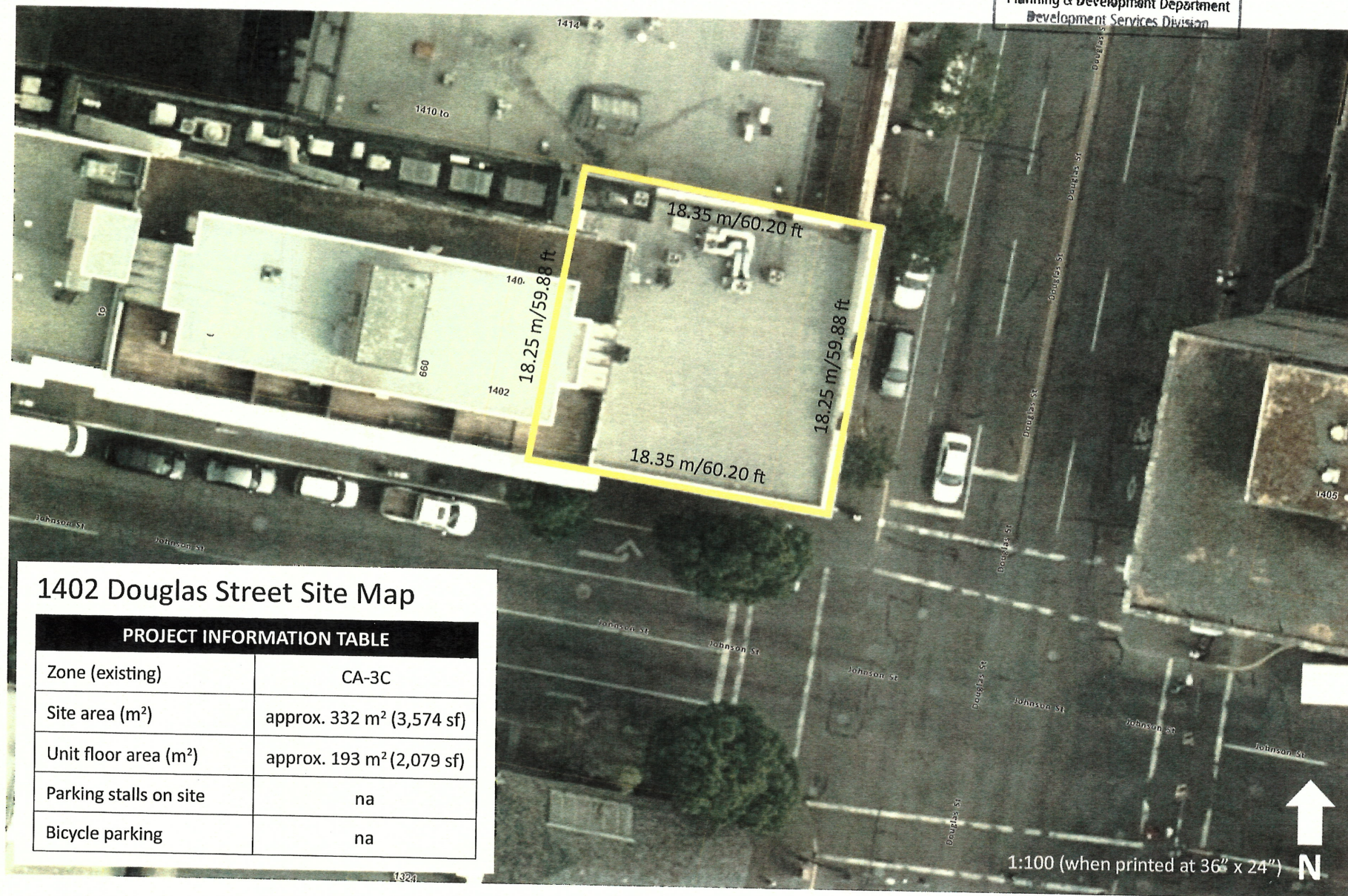




Received  
City of Victoria

JAN 13 2017

Planning & Development Department  
Development Services Division



### 1402 Douglas Street Site Map

#### PROJECT INFORMATION TABLE

Zone (existing)	CA-3C
Site area (m <sup>2</sup> )	approx. 332 m <sup>2</sup> (3,574 sf)
Unit floor area (m <sup>2</sup> )	approx. 193 m <sup>2</sup> (2,079 sf)
Parking stalls on site	na
Bicycle parking	na



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City of Victoria

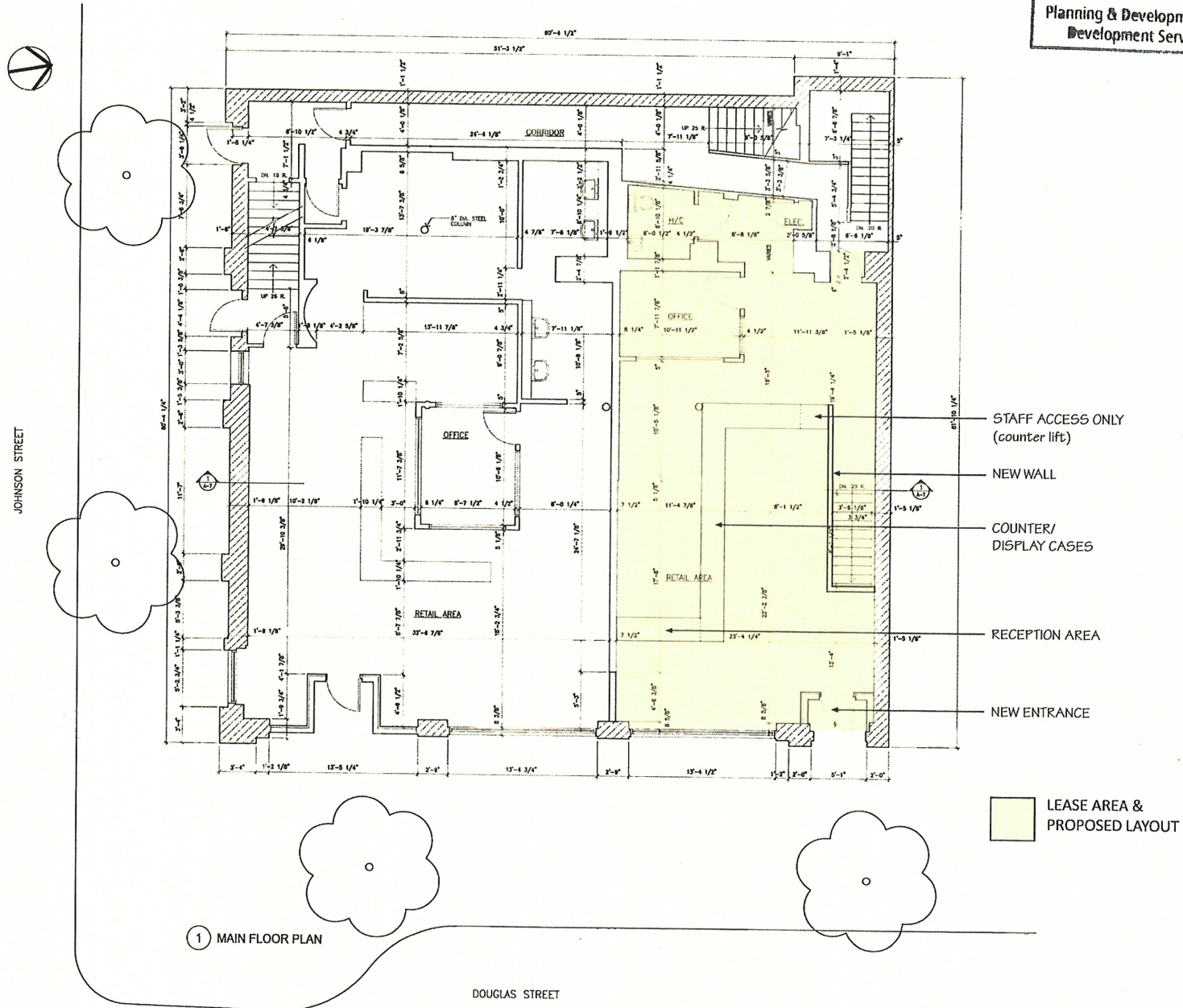
JAN 13 2017

Planning & Development Department  
Development Services Division

KPLJ *architects*  
and interior designers

519 PANDORA AVENUE, VICTORIA, B.C.  
TEL: 250-683-4881 FAX: 250-683-4881

45 MIL. F.A.R.



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AVEDA INSTITUTE  
NEW LEASE SPACE  
1402, 1404 DOUGLAS STREET  
VICTORIA, BC

SCALE

APPROVAL TITLE

MAIN FLOOR PLAN

PROJECT NUMBER	1402
DATE	1/13/17
DESIGNED BY	PK
CHECKED BY	PK
DATE	1/13/17

513 PANDORA AVENUE, VICTORIA, B.C.  
TEL. 250-360-4261 FAX 250-360-8779

45 MIN. F.R.

— VAULT

### LEASE AREA & PROPOSED LAYOUT

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**AVEDA INSTITUTE  
NEW LEASE SPACE**

**1402. 1404 DOUGLAS STREET  
VICTORIA, BC**

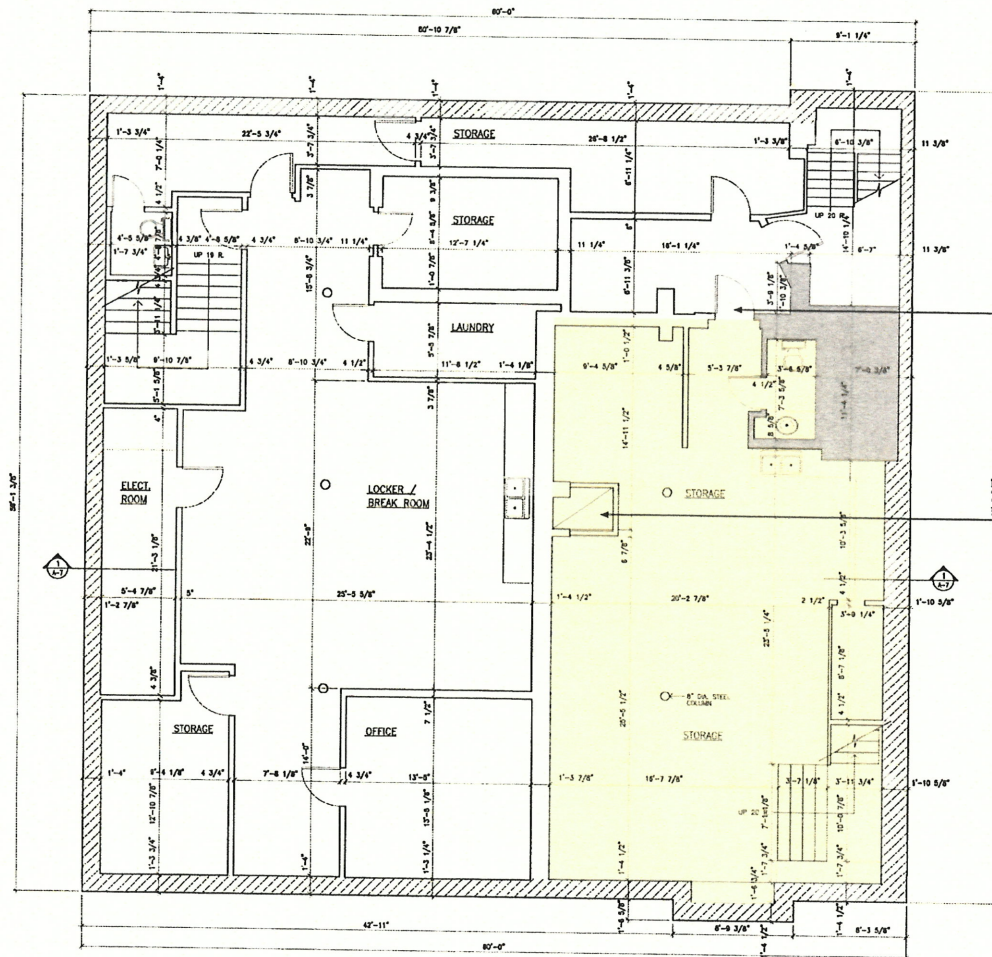
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CRANFIELD FIELD

**BASEMENT FLOOR PLAN**

PROJECT NUMBER 41175  
DRAWN BY FM  
CHECKED BY BK  
SCALE 1/4" = 1'-0"  
DATE DECEMBER 22, 2018

A-2



① BASEMENT FLOOR PLAN



Received  
City of Victoria

JAN 13 2017

Planning & Development Department  
Development Services Division

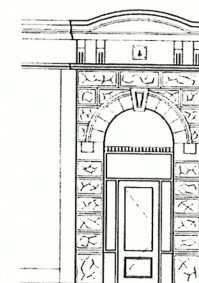
KPLJames  
architecture

519 PANDORA AVENUE, VICTORIA, B.C.  
TEL: 250.363.4111 FAX: 250.363.4112

45 MM PBR



① EXISTING EAST ELEVATION



NEW ENTRANCE DETAIL

NEW ENTRANCE

NO.	REVISIONS	DATE
1	ISSUED FOR PERMIT	01/11/17

AVEDA INSTITUTE  
NEW LEASE SPACE  
1402, 1404 DOUGLAS STREET  
VICTORIA, BC

FILE

CONTRACT NO.

#### EXTERIOR ELEVATIONS

PROJECT NO.	4527
DATE	01/11/17
DESIGNED BY	BY
CHECKED BY	DATE
DATE	01/11/17



**PREPARED FOR:**

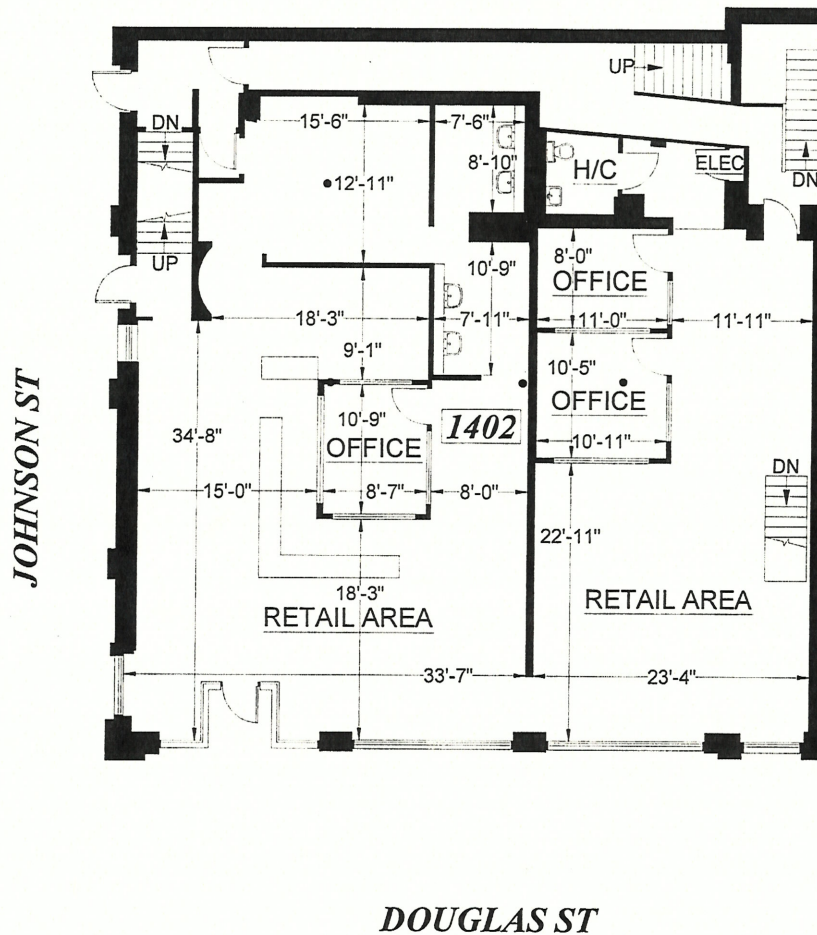
Paul DaCosta  
c/o Aveda Institute  
1402 Douglas St.  
Victoria, BC V8W 2G1  
Tel (250) 386-7993  
Fax (250) 386-7945

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1402 DOUGLAS ST.  
VICTORIA, BC**

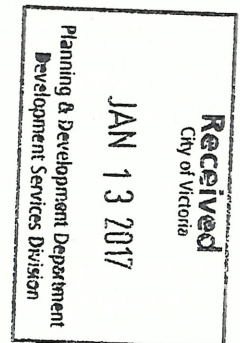
**EXISTING  
FIRST FLOOR**

**FLOOR PLAN**

(As Measured: May 2008)



SCALE: 1/16" = 1' - 0"



Survey Accuracy: +/- 0.10 %

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FILE: 8-142

**PREPARED FOR:**

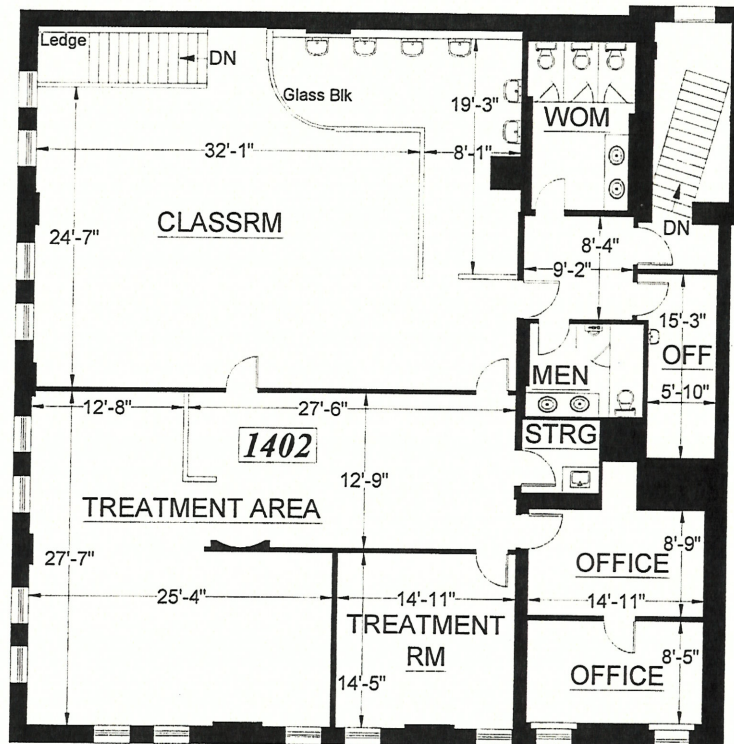
Paul DaCosta  
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Tel (250) 386-7993  
Fax (250) 386-7945

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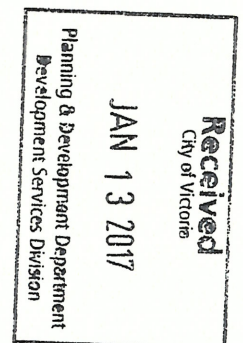
**EXISTING  
SECOND FLOOR**

**FLOOR PLAN**

(As Measured: May 2008)



SCALE: 1/16" = 1' - 0"



Survey Accuracy: +/- 0.09 %

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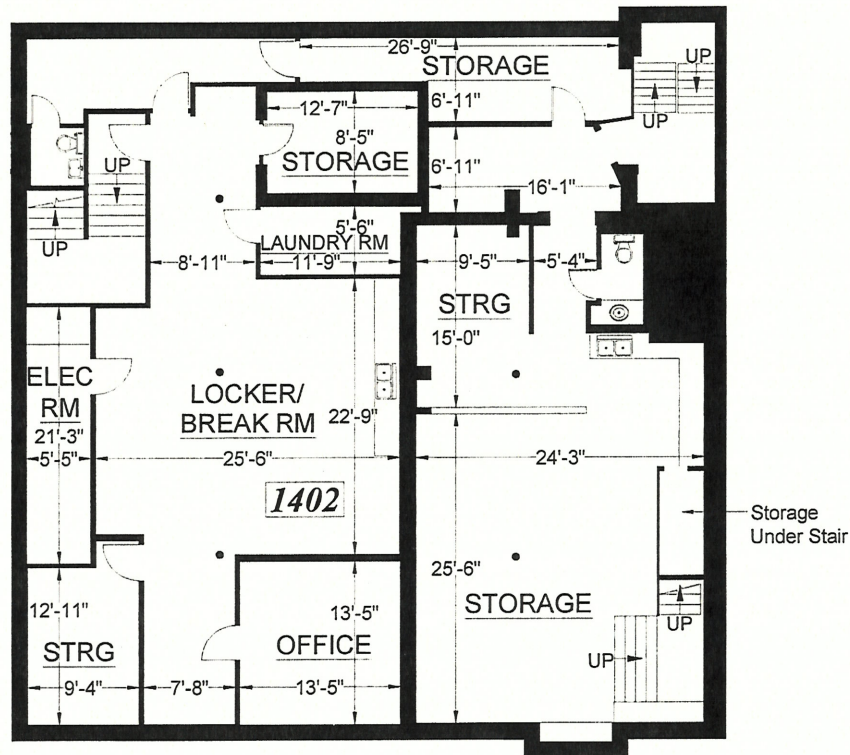
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Victoria, BC V8W 2G1  
Tel (250) 386-7993  
Fax (250) 386-7945

**AVEDA INSTITUTE.  
1402 DOUGLAS ST.  
VICTORIA, BC**

**EXISTING  
BASEMENT**

**FLOOR PLAN**

(As Measured: May 2008)



SCALE: 1/16" = 1' - 0"



Survey Accuracy: +/- 0.09 %

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FILE: 8-142

January 12, 2017

Mayor Lisa Helps & Council  
City of Victoria  
One Centennial Square  
Victoria BC V8W 1P6

**RE: Rezoning Application for Storefront Cannabis Dispensary at 1401 Douglas Street**

Dear Mayor Helps & Council:

**INTRODUCTION**

Please accept this letter, along with the accompanying forms and fees, as our client's (business name, "Farmacy Dispensary") application to rezone the property at 1402 Douglas Street for use as a cannabis dispensary. Concurrent with this application is the submission of a *Cannabis Business Licence Application*. The applicant currently operates "Farmacy", a storefront cannabis dispensary at 3055 Scott Street.

**THE SITE**

The proposed retail function is consistent the City's land use policies, since the property (located at the corner of Douglas and Johnson Streets) is part of the *Official Community Plan* designated area of *Core Historic*. The applicant has a long term lease with the owner of the property, who supports this application. Built in 1900, the building (known as *The Porter Block*) has housed many diverse businesses over the last century, but still retains its architectural integrity and remains a Downtown Victoria landmark.

Legally described as *the easterly 60 feet of Lot 671, Victoria City*, the site is approximately 60 feet (18.3 m) by 60 feet (18.3 m), for an approximate total area of 3,768 sf/350 m<sup>2</sup>. The site contains a two-storey commercial building (approximately 10,000 sf/930 m<sup>2</sup>). The owner occupies the remainder of the space within the same building envelope as a tenant.

The building and main entrance front onto Douglas Street, and abuts other commercial uses on the north and west sides. Because of the Downtown location, parking requirements have not been considered as part of this application.

**ALIGNMENT WITH CITY POLICY FOR CANNABIS DISPENSARIES**

The proposed location is consistent with City policy in that the premises:

- are in an established retail location;
- have no other dispensaries immediately adjacent to the site;
- are zoned CA-3C Old Town District, which does not require off-street parking; and
- are the only retail cannabis operations on the site.

CitySpaces  
Consulting Ltd.

5th Floor  
844 Courtney St.  
Victoria BC  
V8W 1C4  
250.383.0304 Tel  
866.383.0304 Toll-free  
250.383.7273 Fax  
www.cityspaces.ca



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Vancouver

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The nearest existing dispensary is located at 1601 Douglas Street, approximately 150 m away. City policy states that a storefront marijuana retailer should be at least 200 m from another dispensary. However, City policy also states that a reduced distance may be considered in "locations, such as a large urban village, town centre, or Downtown".

## THE PREMISES

The premises will consist of a storefront with a monitored entrance that faces Douglas Street. The main floor interior floor plan provides for a new exterior entrance leading into a 100 m<sup>2</sup>/1,077 sf "retail" area, in which product is displayed in secure glass cases that can only be accessed by staff. The basement level consists of preparation, packaging, and storage space. The total floor area is approximately 193 m<sup>2</sup>/2,079 sf (see attached floor plans).

## SITE PROFILE

Because the renovations to the building will not disturb the soil or involve soil excavation, and none of the uses indicated in Schedule 2 (as indicated in the Ministry of Environment *Administrative Guidance on Contaminated Sites*) have occurred on the site, a site profile has not been submitted with this application.

## DELEGATED HERITAGE ALTERATION PERMIT

Because the premises are being subdivided from an existing larger space, a separate front door is being installed. The building's owner has applied for a Delegated Heritage Alteration Permit to restore an original entrance fronting Douglas Street. An elevation of the proposed alteration, as well as a photograph of the existing facade, are included with this submission package.



## OTHER OPERATIONAL REQUIREMENTS

The following operational requirements are being put in place:

- Admittance will be restricted to adults 19+ years of age;
- Exterior signage will meet the City's bylaw requirements;
- An application for a Cannabis Business Licence is underway;
- No consumption of product will be permitted on the premises;
- The business will operate within designated hours of operation, and will not operate between 8 pm and 7 am;
- Health and safety warnings will be posted within the premises;
- Adequate ventilation will be provided;
- All security provisions will be met, including a security plan, surveillance cameras, security personnel, training, and a minimum of two employees will be on-site during business hours, one of whom will be a manager; and
- Security and fire alarms will be installed, and professionally monitored.

## CLOSING

For the past 1.5 years, the applicant has been operating the existing "Farmacy" cannabis dispensary (3055 Scott Street) in a safe and professional manner. Operated to rigorous standards, and respectful of its neighbours, "Farmacy" has not encountered any issues with the neighbourhood, or experienced any undesirable activity in the area. The same "Farmacy" management team will operate this new location to the same high standards.

The proposed Downtown "Farmacy" dispensary is ideally located in terms of use, access, and impacts, notwithstanding the policy inconsistency with the distance from another dispensary. This inconsistency is not, in our view, a meaningful discrepancy given the Downtown commercial location.

Thank you for your favourable consideration of this application.

Sincerely,



Deane Strongitharm, MCIP  
CitySpaces Consulting Ltd.

cc: Allen Spillette  
Michael Supowitz

attach.

