REPORTS OF COMMITTEES

1. Committee of the Whole – May 4, 2017

5. Rezoning Application No. 00572 for 853 Cormorant Street (North Park)

Motion:
It was moved by Councillor Thornton-Joe, 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. 00572 for 853 Cormorant 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 Alto, Coleman, Isitt, Loveday, Lucas, Madoff, and Thornton-Joe**
Opposed: **Councillor Young**

4. LAND USE MATTERS

4.2 Rezoning Application No. 00572 for 853 Cormorant Street (North Park)

Committee received a report dated April 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 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. 00572 for 853 Cormorant Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

CARRIED 17/COTW

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

Against: Councillor Young

CITY OF VICTORIA

Committee of the Whole Report
For the Meeting of May 4, 2017

To: Committee of the Whole **Date:** April 28, 2017

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

Subject: **Rezoning Application No. 00572 for 853 Cormorant 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. 00572 for 853 Cormorant 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 853 Cormorant Street. The proposal is to rezone from the current CA-3 Zone, Central Area General Commercial 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 Residential designation in the *Official Community Plan 2012*
- the proposal is consistent with the Residential Mixed-Use District, 11-15 Storeys designation in the *North Park Local Plan*
- the proposal is currently consistent with the *Storefront Cannabis Retailer Rezoning Policy* in that there are no schools or permitted storefront cannabis retailers within 200m; however, there is a separate application advancing to Public Hearing for a storefront cannabis retailer within 200m measured by a straight line from lot line to lot line
- in this instance, a reduced distance from another storefront cannabis retailer may be warranted as both retailers are on separate blocks, separated by two secondary arterial roads, and more than 200m apart if one were to travel between the two locations.

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 would be restricted to a maximum floor area of 155m^2, which is in keeping with the size of the existing operation.

All other requirements within the CA-3 Zone, Central Area General Commercial 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 residential apartment buildings and some small scale commercial uses.

Existing Site Development and Development Potential

The site is presently a two-storey commercial retail building. Under the current CA-3 Zone, Central Area General Commercial District, the property could be developed for various commercial purposes and mixed-used residential, to a maximum height of 15 metres.

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 North Park Neighbourhood 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 Residential urban place designation, within which commercial activities are an envisioned use.

Local Area Plans

The *North Park Local Plan* identifies the property within the "Residential Mixed-Use District, 11-15 Storeys", within which active commercial uses are envisioned.

Storefront Cannabis Retailer Rezoning Policy

At the time of writing this report, the application complies with the *Storefront Cannabis Retailer Rezoning Policy*, as no permitted storefront cannabis retailers are within 200m of the property. An application for a storefront cannabis retailer at 851 Johnson Street is approximately 192m from the subject property and has been advanced to a Public Hearing. If the application at 851 Johnson Street were to be approved, this application at 853 Cormorant Street would be inconsistent with the policy; however, the two applications are on different blocks, separated by two secondary arterial roads, and more than 200m apart if traveling between the locations.

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 *North Park Local 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. At the time of writing this report, an application at 851 Johnson Street for a storefront cannabis retailer that is within 200m of 853 Cormorant Street has been advanced by Council to Public Hearing; however, the policy does note that reduced separation distances may be warranted.

ALTERNATE MOTION

Option 1 - Defer

That Council defer Rezoning Application No. 00572 for the property located at 853 Cormorant Street until after the Public Hearing for Rezoning Application No. 00526 at 851 Johnson Street.

Option 2 - Decline

That Council decline Rezoning Application No. 00572 for the property located at 853 Cormorant Street.

Respectfully submitted,

Michael Angrove
Planner
Development Services

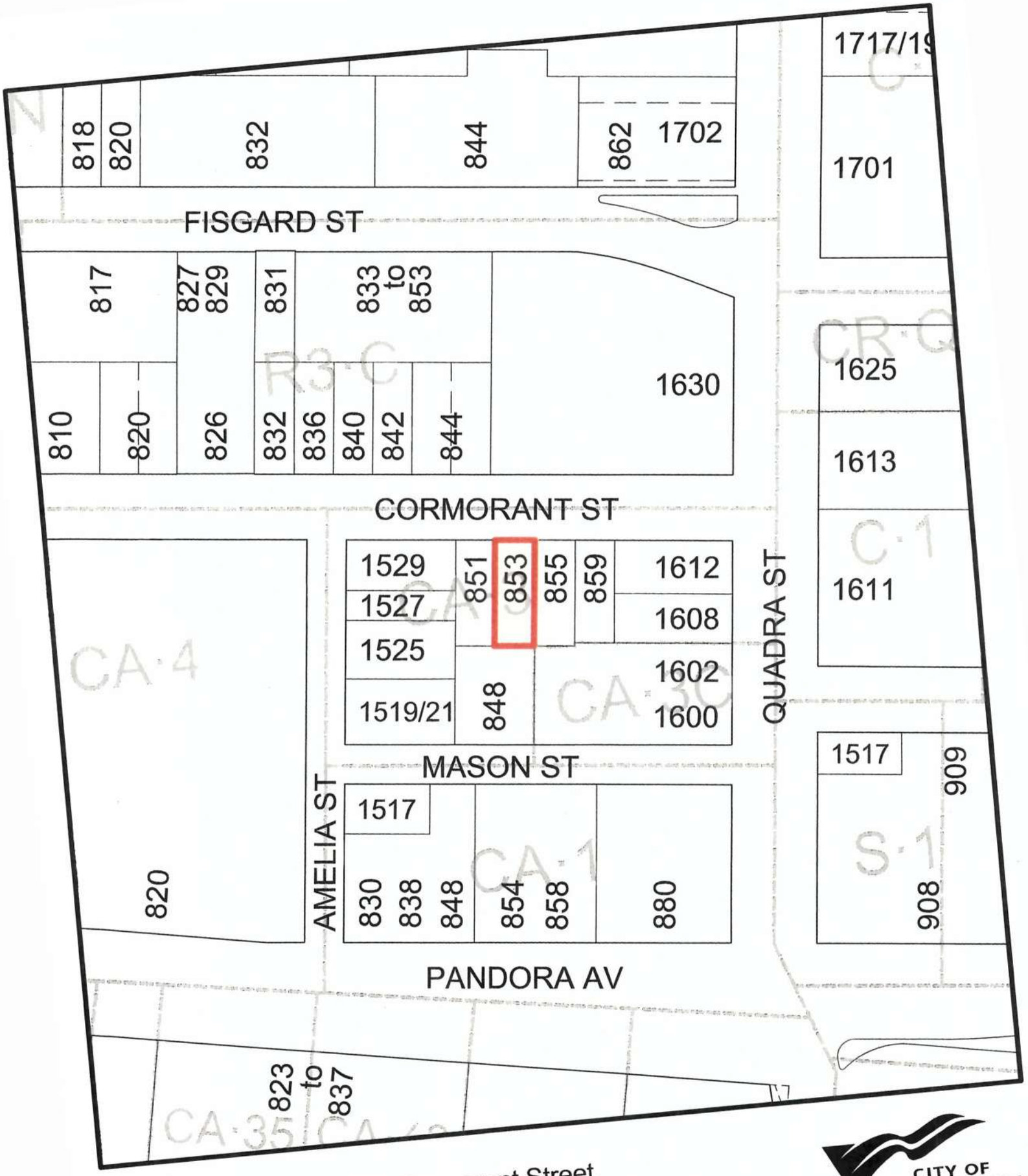
Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Date: April 28, 2017

List of Attachments

- Subject Map
- Aerial Map
- Plans dated/date stamped March 07, 2017
- Letter from applicant to Mayor and Council dated February 28, 2017



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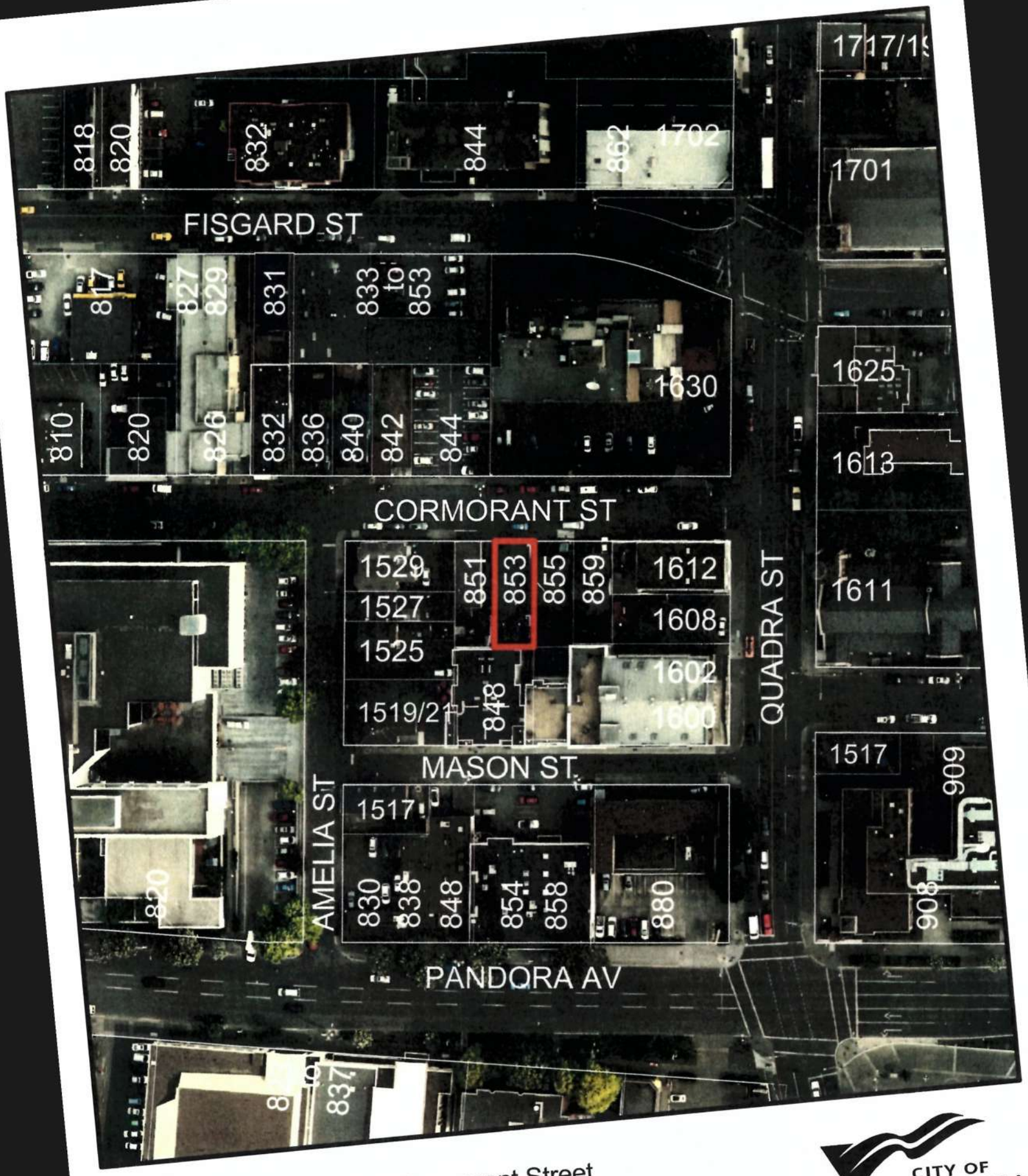
853 Cormorant Street
Rezoning No.00572

CITY OF VICTORIA



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853 Cormorant Street
Rezoning No.00572

CITY OF VICTORIA

Rezoning to

VANCOUVER ISLAND COMPASSION SOCIETY

Robin Krause
Vancouver Island Compassion Society
robin@thevics.com
(250) 381-8427

LEGEND

- Regulated Fire Hydrant
- Curb
- Property Lines
- Metered Parking
- Time Limited Parking
- No Stopping
- No Stopping 7-9am or 4-6pm
- Tree
- Pay Station
- Metered Parking $2/Hr - 3Hr Max

LIST OF DRAWINGS

ARCHITECTURAL

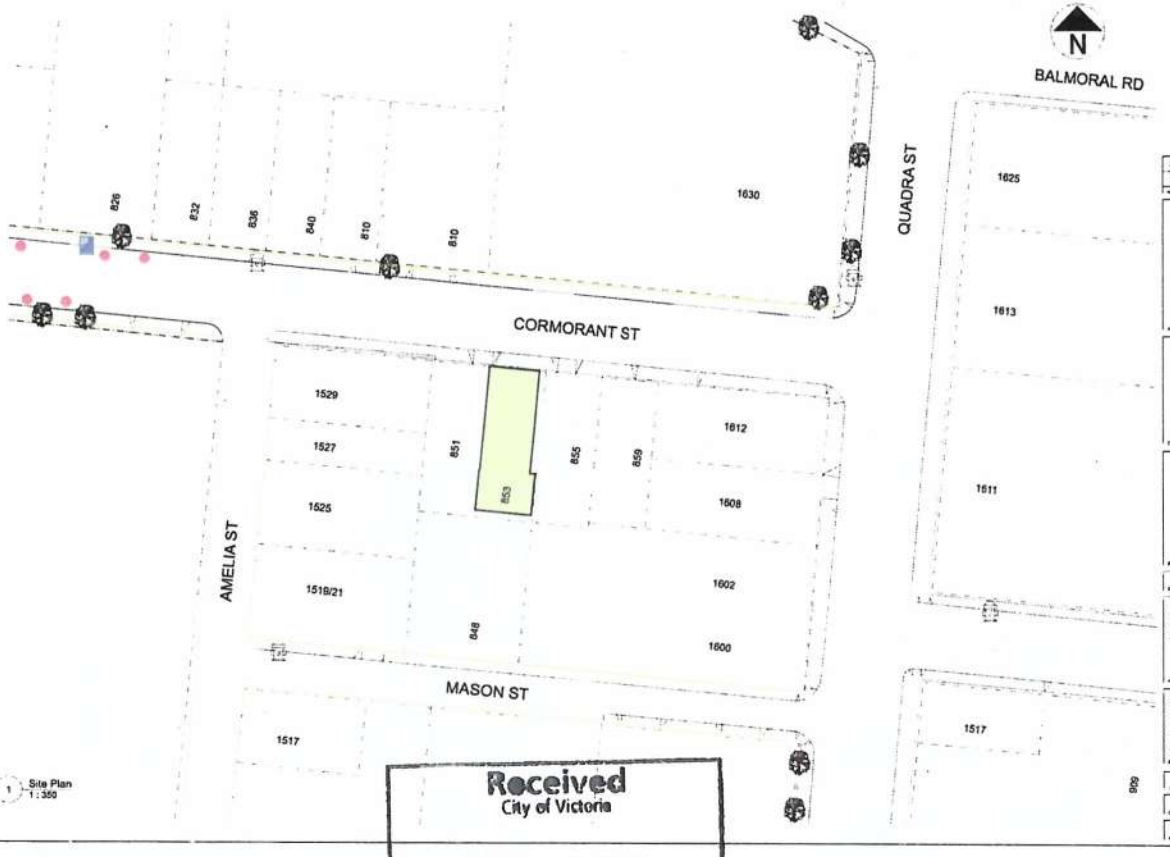
A-000 Drawing List, Legend, Code Review, Project Information Table & Site Plan
A-001 Site Plan
A-002 (E) Main Floor Plan, (E) Second Floor Plan
A-003 Exterior Photos
A-004 200m Radius Map

PROJECT INFORMATION TABLE

PROJECT INFORMATION TABLE	
Zone (Existing)	CA-3
Site Area (sq.m)	225.1 sq.m
Unit Floor Area (sq.m)	153.9 sq.m
Parking Stalls (Number on Site)	Street Parking Only
Bicycle Parking Number (Class 1 and 2)	Class 1: 0 , Class 2: 0

CODE REVIEW

Item	2012 British Columbia Building Code, Data Matrix — Part 3	BCBC 2012 Reference
1	Address: 853 Cormorant Street, Victoria, BC	
2	Legal Description: Lot 36, Section 88 [illegible]	
3	Project Description: "E" Rezoning; Retail for cannabis [illegible]	
4	Classification of Building: Group E - Mercantile Occupancies	3.1.2.1(1)
5	Total Building Area: 153.9 m² (1,152 sq.ft.)	1.4.1.2.1
6	Floor Area: Main Floor 153.9 m² (1,657 sq.ft.); Second Floor 72.0 m² (775 sq.ft.)	1.4.1.2.1
7	Occupant Load: Mercantile First Floor 3.75 sq.m per Person for Mercantile Uses: 6.7 sq.m / 3.75 sq.m = 1; Office 9.3 sq.m per Person for Offices: 72.0 sq.m / 9.3 sq.m = 7.5; Storage 46.5 sq.m per Person for Storage: 9.3 sq.m / 46.5 sq.m = 0.2; Total Occupancy: 10 Persons	3.1.17.1
8	Number of Storeys: Two (2) storey	1.4.1.2.1, 3.2.1.1
9	Number of Streets Facing: One (1)	3.2.2.10
10	Sprinklered: No	3.2.2.10
11	Group E, Up To 2 Storeys: A building (Occupancy E) is permitted to conform to Subsection 11 provided: a) it is not more than 2 storeys in building height, and; b) it has a building area not more than the value in Table 3.2.2.58: 1 (Storey) × 1 (Facing) × 1 (Value) = 1,000 sq.m Maximum Area; c) the building complies with Subsection 11 is permitted to be of combustible construction or noncombustible construction (see Article of this Subsection); d) first storey has at least two separations with a fire resistance rating of not less than 45 min; and; e) exterior walls, storeys and soffits shall have a fire resistance rating not less than that required for noncombustible construction	3.2.2.58
13	Location of Exits: Except as permitted by Subsections (2) and (3) 3.3.1.5(2), it states that: one exit is required from a floor area, the exit shall be located so that the travel distance to at least one exit door does not exceed 45m. b) the travel distance to at least one exit door does not exceed 45m. Maximum Travel Distance Provided: 20.0m	3.4.2.5
14	Water Closets: 1 WC Fixture as permitted by Subsections (4) and (10), the number of water fixtures required for a mercantile occupancy shall be at least one for each 300 males and one for each 150 females. 10 Persons - 10 Persons of Each Sex: Required Fixture Count: 1 Male, 1 Female; Provided Fixture Count: 2 Male, 2 Female	3.7.2.2
15	Accessible Washroom: Provided	3.7.2.12



1 Site Plan
1 : 350

Received
City of Victoria
MAR - 7 2017
Planning & Development Department
Development Services Division

3	ISSUED FOR REZONING	2017-03-09
1	ISSUED FOR REVIEW	2016-11-03

numberTEN architecture group

As Noted | 2017-03-09

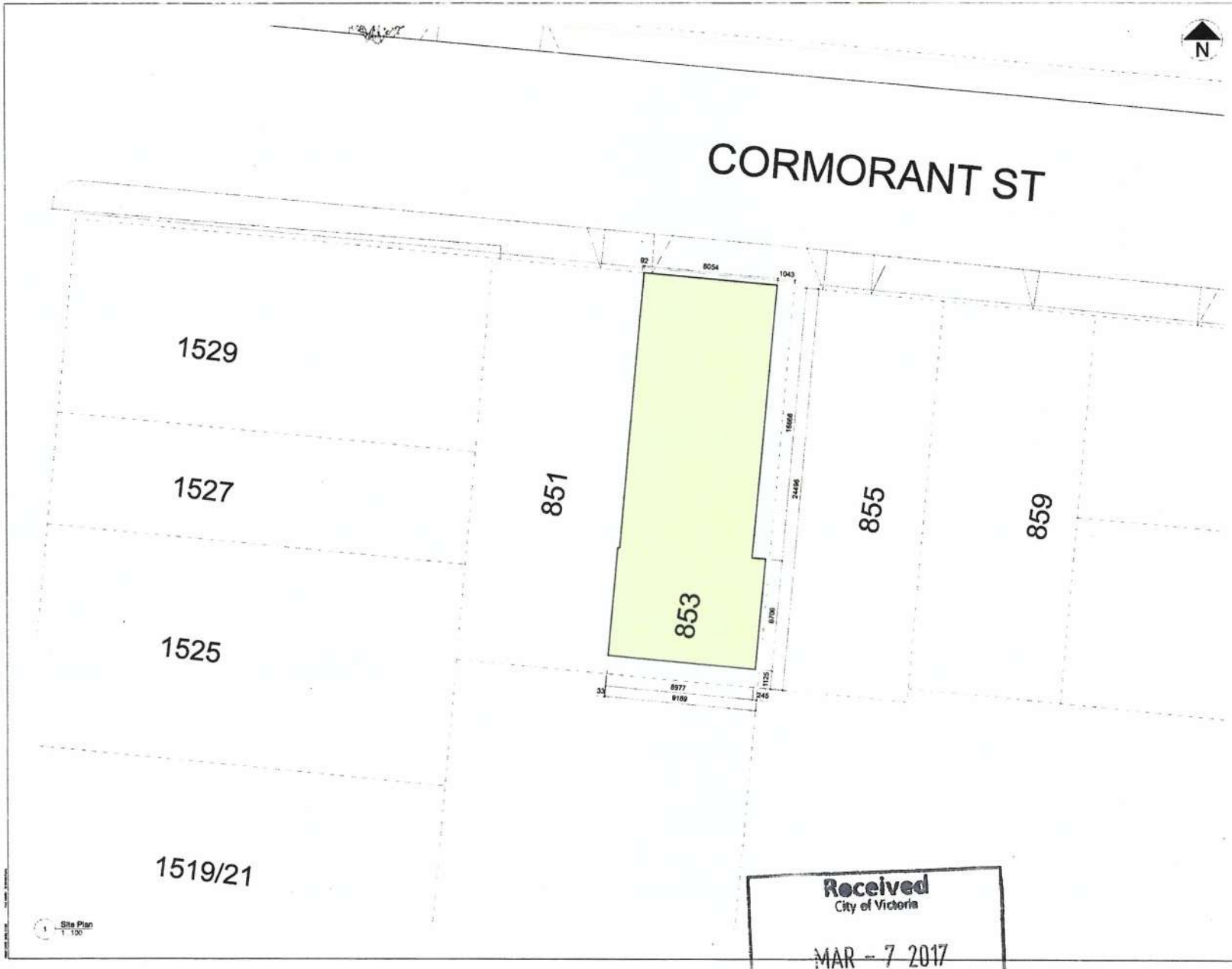
853 Cormorant St
Storefront Cannabis Retailer Rezoning

853 Cormorant St
Drawing List, Legend,
Code Review, Project Information Table
Overall Site Plan

LT | LM

2016560

A-000



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(250) 381-8427

3	ISSUED FOR REZONING	2017-01-09
1	ISSUED FOR REVIEW	2016-11-03

numberTEN architecture group

1 : 100 | 2017-01-09

853 Cormorant St
Storefront Cannabis Retailer Rezoning

853 Cormorant St
Site Plan

LT | LM

2016560 | A-001

Received
City of Victoria
MAR - 7 2017
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Development Services Division

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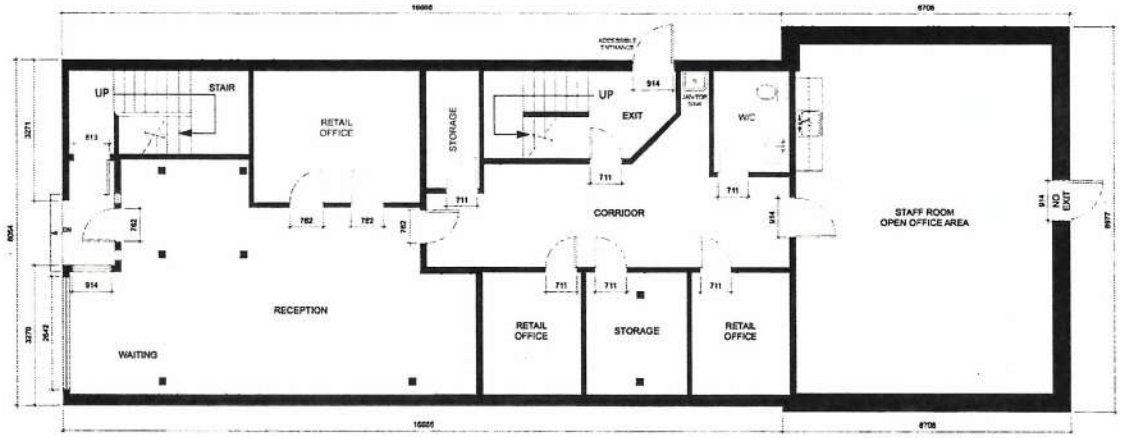
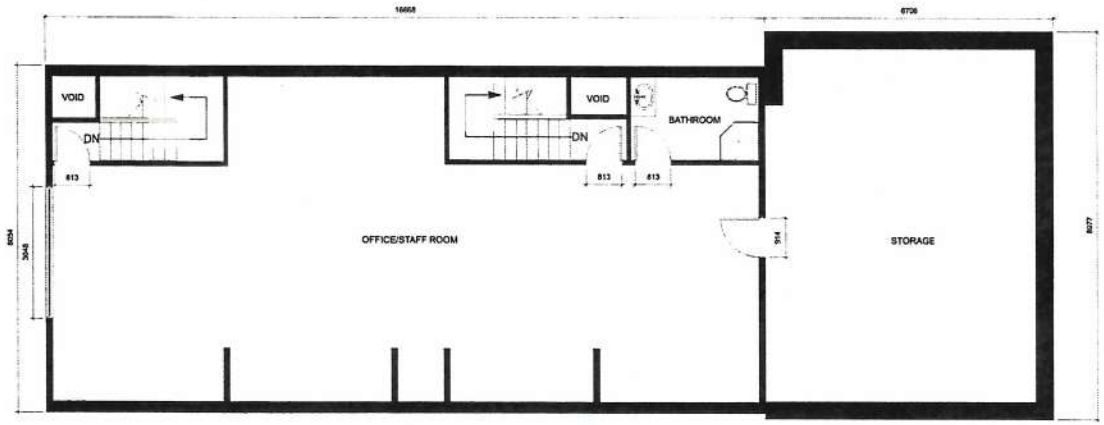


1 Main Floor Plan
1 : 50

FLOOR AREA OF MAIN FLOOR = 153.9 sq. m.



2 Second Floor Plan
1 : 50

FLOOR AREA OF SECOND FLOOR = 157.8 sq. m.

2	ISSUED FOR REZONING	2017-01-09
1	ISSUED FOR REVIEW	2016-11-03

numberTEN architectural group

1 : 50 | 2017-01-09

853 Cormorant St
Storefront Cannabis Retailer Rezoning

853 Cormorant St
Existing Main Floor Plan
Existing Second Floor Plan

IT | LM

2016560

A-002

Received
City of Victoria
MAR - 7 2017
Planning & Development Department
Development Services Division

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1 Entrance & North Face of Building

2 East Face of Building

3 West Face of Building

2	ISSUED FOR REZONING	2017-01-09
1	ISSUED FOR REVIEW	2016-11-01

numberTEN architectural group

Not To Scale | 2017-01-09

853 Cormorant St
Storefront Cannabis Retailer Rezoning

853 Cormorant St
Exterior Photos

LT | LM

2016560 | A-003

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MAR - 7 2017
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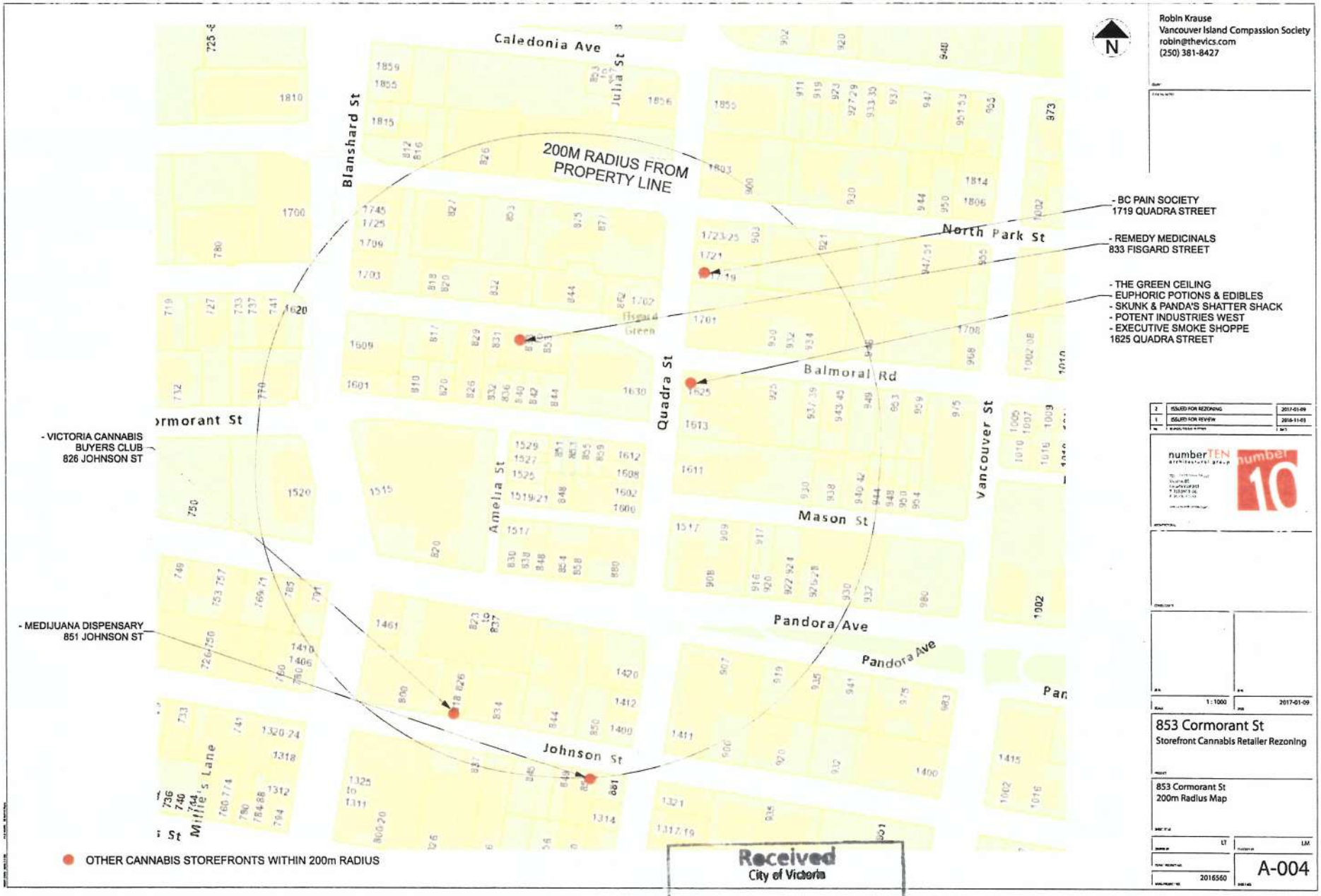
Development Services Division



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2	ISSUED FOR REZONING	2017-01-09
1	ISSUED FOR REVIEW	2016-11-03

numberTEN architectural group

1:1000 | 2017-01-09

853 Cormorant St
Storefront Cannabis Retailer Rezoning

853 Cormorant St
200m Radius Map

LT | LM

2016560

A-004

Received
City of Victoria
MAR - 7 2017
Planning & Development Department
Development Services Division

February 28, 2017

City Hall
1 Centennial Square
Victoria, BC
V8W 1P6

Re: Storefront Cannabis Retailer Rezoning for 853 Cormorant St. (Zone CA-3)
The Vancouver Island Compassion Society (VICS)

Dear Mayor and Council, City of Victoria,

The Vancouver Island Compassion Society (VICS) is applying to the City of Victoria to rezone the property at 853 Cormorant St. in order to come into compliance with the Storefront Cannabis Retailer Rezoning requirements.

Description of proposal:

The VICS, a 17-year-old non-profit society, is the owner of a two storey commercial/residential building located at 853 Cormorant Street. The doctor-recommended only dispensary has been operating at this location for over 12 years without a public complaint. It is located on the ground floor with the main entrance at the front, and a side door that permits wheelchair access (controlled by bell, peep-hole and CCTV).

City policy:

The proposal conforms to the Storefront Cannabis Retailer policy with the exception of its proximity to four other storefronts. As measured in a straight line by Google Maps from closest lot line to closest lot line, the approximate distances are as follows:

- ~72 metres (129 metres via foot) to the Green Ceiling, 1625 Quadra St., and The Great Canadian Canna Mall, 1627 Quadra St.
- ~127 Metres (178 metres by foot) to the BC Pain Society, 1719 Quadra St.
- ~137 metres (370 metres via foot) to Victoria Cannabis Buyer's Club, 826 Johnson St.
- ~192 metres (297 metres via foot) to Medijuana Dispensary, 851 Johnson St.

(Note: the drawings reflect a fifth dispensary which has since closed)

Project benefits and amenities:

Economic benefits include: non-profit society allows for some of the lowest prices to clients; all office and operational materials are sourced from local businesses; employs six staff.

Environmental benefits include: lighting energy conservation retrofit; recycling of plastics and electronics; scent-free work environment.

The Vancouver Island Compassion Society

853 Cormorant St., Victoria, BC V8W 1R2 Ph. 250-381-8427 Fax 250-381-8423 info@thevics.com

Social benefits include: consistent low-key presence in the community; health promotion; society member information evenings; up to two public events annually for society members.

Amenities include:

- wheelchair accessible building
- wheelchair accessible washroom
- separate waiting area with unobstructed windows and numerous tropical plants
- water cooler
- loaner book library
- notice board for member use
- pamphlets and information from local health and community services
- free condoms
- clothing donation bin

Neighbourhood:

The proposal is a two-storey building among a row of mostly two-storey houses that have typically been converted to businesses. The neighbourhood includes a handful of alternative medical clinics; it is directly beside an acupuncture clinic that offers a discount to our doctor-recommended clients. The society continues to operate in a very low-key fashion as it has for the past 12 years; policy does not allow ingestion on site or in the neighbourhood.

Impacts:

Over 12 years, the society has established a professional relationship with the neighbourhood and street community, adding eyes and a daily presence to maintain community safety. A needle check and garbage pickup (sidewalk wash if necessary) occurs daily.

Design and development permit guidelines:

The current site of 853 Cormorant Street has a CA-3 zoning which allows for the use of the premises as retail sales and under the zoning requirements does not require any off-street parking for a retail use. While no schools fall within a 200m radius there are four existing dispensaries within the radius. BC Pain Society (~127m), Victoria Cannabis Buyers Club (~137m), Medijuana Dispensary (~192m), and The Green Ceiling (~72m), which encompasses Euphoric Potions & Edibles, Skunk & Panda's Shatter Shack, Potent Industries West and Executive Smoke Shoppe of the Great Canadian Canna Mall, all fall within the 200m radius. (Note: the drawings reflect a fifth dispensary which has since closed)

Safety and security:

Addressing Crime Prevention Through Environmental Design (CPTED), the proposal footprint occupies the entire site except for the side alley that provides access to the wheelchair access side door; this side door has a light, bell, peep scope and CCTV. The front entrance is within a small recessed overhang, with light, that has had a wrought iron gate added to the building front to provide safe egress/access for staff, and to prevent inconsiderate members of the public from leaving garbage, feces, needles, etc.

Large front windows have a layer of Plexiglas and provide a clear view to the street. Front and side doors have controlled lighting. Building design with a long central corridor allows visibility from back to front of building.

Transportation:

The proposal has no off-street parking available. Staff has to park on the street or in paid lots. Clients bringing a vehicle have one-hour parking in the immediate vicinity, with multi-hour meter parking down the block by the Ministry of Health and two-hour parking on Quadra St.

The proposal has no bicycle parking outside; there is room indoors for staff to store bicycles. A request to the City of Victoria, in mid-2000's, to provide an area for outdoor bicycle lock up was denied due to insufficient room on the sidewalk at the front of the building.

Heritage: The building is not heritage status.

We hope that this meets with your approval.

The Vancouver Island Compassion Society

The Vancouver Island Compassion Society

853 Cormorant St., Victoria, BC V8W 1R2 Ph. 250-381-8427 Fax 250-381-8423 info@thevics.com