

REPORTS OF COMMITTEES

2. Committee of the Whole – March 23, 2017

5. Rezoning Application No. 00526 for 950 Yates Street (Downtown)

Motion:

It was moved by Councillor Coleman, seconded by Councillor Lucas, that Council instruct staff to prepare the necessary Zoning Regulation Amendment Bylaw that would authorize the proposed development outlined in Rezoning Application No. 00526 for 950 Yates Street, that first and second reading of the Zoning Regulation Amendment Bylaw be considered by Council, and a Public Hearing date be set once the following condition is met:

1. Approval of a Building Permit for a new rear exit door and removal of the window on the west building facade.

Carried

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

5. LAND USE MATTERS

5.1 Rezoning Application No. 00526 for 950 Yates Street (Downtown)

Committee received a report dated March 8, 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 Alto, seconded by Councillor Loveday, that Council instruct staff to prepare the necessary Zoning Regulation Amendment Bylaw that would authorize the proposed development outlined in Rezoning Application No. 00526 for 950 Yates Street, that first and second reading of the Zoning Regulation Amendment Bylaw be considered by Council, and a Public Hearing date be set once the following condition is met:
1. Approval of a Building Permit for a new rear exit door and removal of the window on the west building facade.

Committee discussed:

- Reviewing the process to determine whether or not improvements can be made to clarify the requirement for distance between dispensaries based on application approval times.
- Various concerns expressed by the downtown community and how these issues are being addressed.

CARRIED 17/COTW

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

Against: Councillor Young



Committee of the Whole Report

For the Meeting of March 23, 2017

To: Committee of the Whole **Date:** March 8, 2017

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

Subject: Rezoning Application No. 00526 for 950 Yates Street

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Amendment Bylaw that would authorize the proposed development outlined in Rezoning Application No. 00526 for 950 Yates Street, that first and second reading of the Zoning Regulation Amendment Bylaw be considered by Council, and a Public Hearing date be set once the following condition is met:

1. Approval of a Building Permit for a new rear exit door and removal of the window on the west building façade.

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 950 Yates Street. The proposal is to rezone from the current R-48 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 Residential designation in the *Official Community Plan 2012*
- the proposal is consistent with the Residential Mixed-Use 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.

BACKGROUND

Description of Proposal

This Rezoning Application is to allow for the retail sale of cannabis in an existing building. In order to comply with the BC Building Code, the western window will be removed and the rear exit will be altered from a garage door to a swinging door. 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 be permitted to operate on the property at a time
- storefront cannabis retailer would be restricted to a maximum floor area of 110m², which is in keeping with the size of the existing operation
- storefront cannabis retailer would be restricted to the ground floor.

All other requirements within the R-48 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.

Land Use Context

The area is characterized by commercial and residential uses. New buildings are currently being constructed.

Existing Site Development and Development Potential

The site is presently developed as a single-storey commercial building. Under the current R-48 Zone, Harris Green District, the property could be developed to a maximum height of 30 metres and used for multiple-dwelling residential, numerous commercial purposes, and high-tech industries.

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

Local Area Plans

The Downtown Core Area Plan identifies the property within the Residential Mixed-Use District, within which active commercial and retail uses at street level along Yates Street are encouraged.

Storefront Cannabis Retailer Rezoning Policy

The application complies with the *Storefront Cannabis Retailer Rezoning Policy* and was one of the sites identified as operating as a storefront cannabis retailer at the time of Council adopting the regulations and policy framework related to cannabis. No schools or permitted storefront cannabis retailers are within 200m of the property at the time of writing this report.

Regulatory Considerations

The required alterations to the existing building to ensure compliance with the BC Building Code do not create any discrepancies with the proposed zoning. Furthermore, the property complies with the siting criteria of the R-48 Zone, Harris Green District, and as such, there are no variances.

CONCLUSIONS

The proposal to permit the storefront cannabis retailer use at 950 Yates 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 Rezoning Application No. 00526 for the property located at 950 Yates Street.

Respectfully submitted,




Michael Angrove
Planner
Development Services



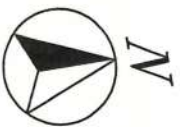
Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Date:  March 14, 2017

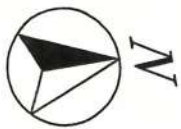
List of Attachments

- Subject Map
- Aerial Map
- Plans, dated/date stamped February 9, 2017
- Letter from applicant to Mayor and Council, dated September 24, 2016.

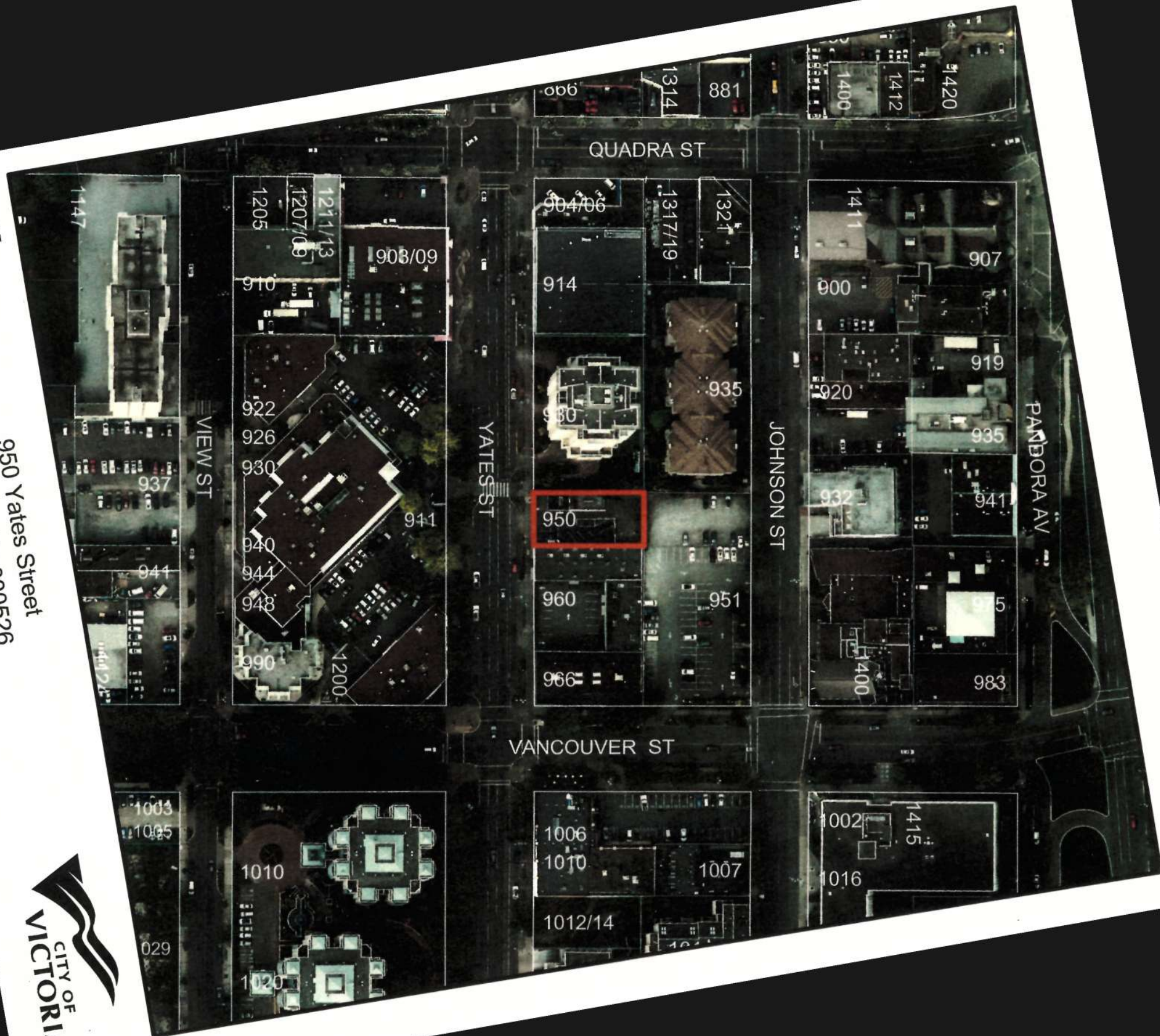


950 Yates Street
Rezoning No.000526



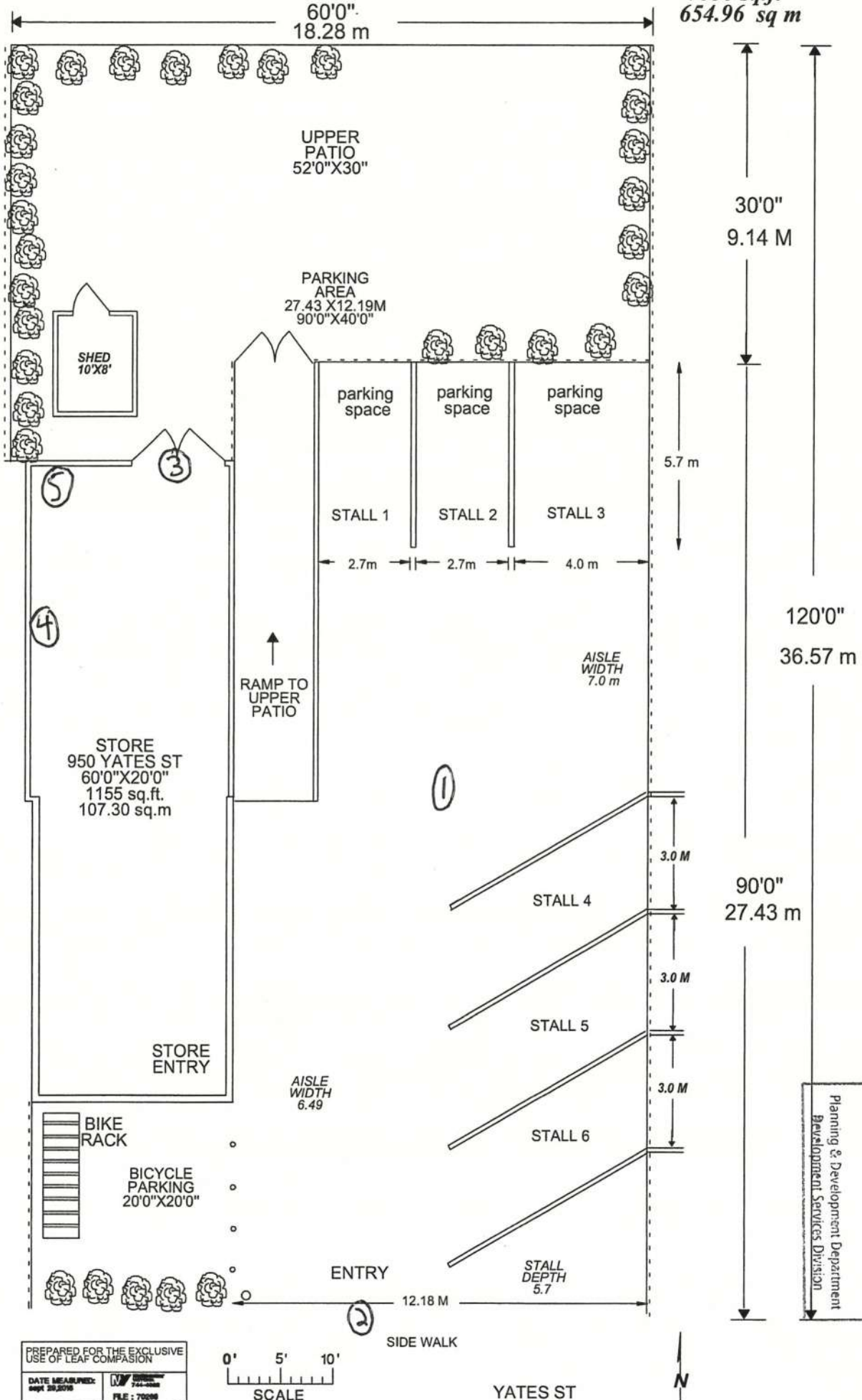


950 Yates Street
Rezoning No.000526



950 YATES ST
VICTORIA, BC

LOT SIZE
7050 sq.ft
654.96 sq m



Received
City of Victoria

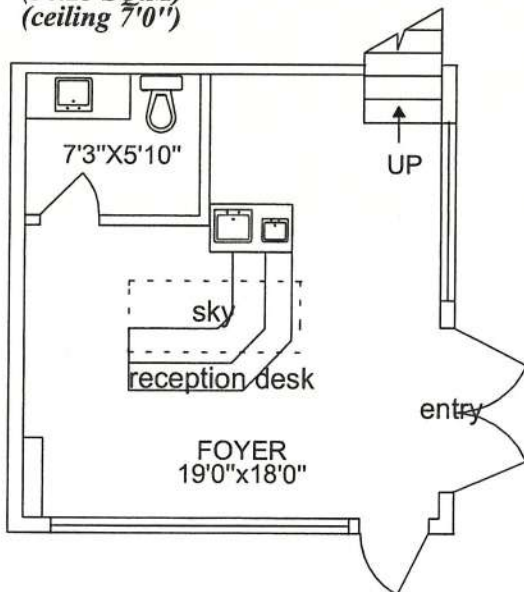
FEB 09 2017

Planning & Development Department
Development Services Division

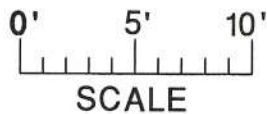
FLOOR 1
390 SQ.FT
(36.23 SQ.M)
(ceiling 7'0")

**950 YATES ST
VICTORIA, BC**

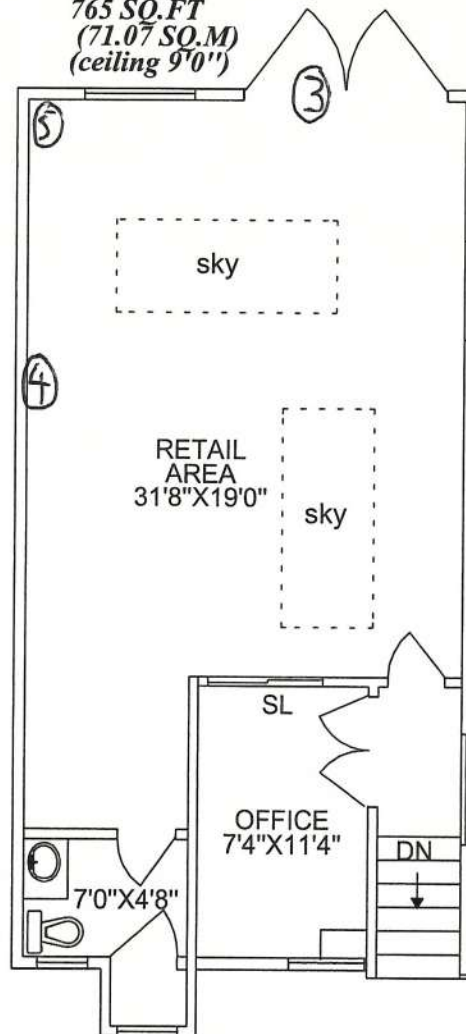
FLOOR 2
765 SQ.FT
(71.07 SQ.M)
(ceiling 9'0")



SCALE
1/8" = 1 FT



PREPARED FOR THE EXCLUSIVE
USE OF LEAF COMPANION
DATE MEASURED: sept 28, 2016
FILE: 70000





Date: September 24th 2016

Dear Mayor and Council,

RE: Proposed Amendment to the Regulations for Medical Cannabis Dispensaries

Leaf Compassion Yates Street is our headquarters and flagship location. Leaf's flagship location commenced operations in August 2015 at 950 Yates Street and is a two-part storefront operation. The front of the building is separated into a reception area and the back into the dispensary. The front is where our staff meets and greets all of our clientele and this is where our staff assist with the application process. Valid 19 + government issued photo identification is required to enter any Leaf Compassion location. Our Leaf staff review the entire application in depth with the potential members. The new member applications cover the client's history with cannabis, current use of cannabis, and a list of their ailments requiring cannabis treatment. This application is then reviewed by a director and either approved or referred to a cannabis compassionate doctor for further documentation. If the applicant does not complete or answer all questions with honesty, due diligence, and respect for the system then their membership will be denied. Furthermore if a non-member or an existing member are intoxicated, aggressive, or rude their membership will be denied. Once membership is granted the member is issued a card which must be produced with valid government issued photo identification upon every entry at any of our locations.

When Leaf Compassion Yates Street commenced operations in August of 2015 there were no other publicly visible dispensaries within two hundred meters of our flagship location. Since that time two publicly displayed dispensaries have opened and are operating within that proximity; those locations are Nature's Botanicals and Medijuana Dispensaries which are both on Johnson Street. Our Flagship location is not located within 300 meters of any schools. We also do not have any of our products displayed openly to the public from the front of the store which restricts exposure to minors.

The Leaf Compassion Yates Street location is an established retail lot in the downtown core of Victoria. The flagship contains an independent building on a

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large lot with off street parking and protected bicycle racks. Our off-street parking is up to code as outlined in Schedule C of the zoning regulation bylaw.

Currently Leaf Compassion across all five locations donates to the SPCA , the Salt Spring Pride Parade , and the Port Alberni children's toy drive. We are in talks with the city to help complete the Yates Street Garden beside Moxie's as it is currently a vacant lot. We care about giving back to our community and want to help the city complete outstanding projects in the downtown core.

We take great pride in improving the function and aesthetics of each location Leaf compassion acquires. Leaf Compassion Yates Street has received a full warrantied paint job; all walls and signage stands have been sanded and repainted. All of the previously worn out signs and lights have been upgraded and replaced. Leaf Compassion has a "like-new west coast style" that we strictly follow. This includes full upgrading of our Yates Street location; new paint inside and outside, new hardwood flooring, professional marketing & displays, security system and cameras, new iron fencing, safety and fire code upgrades, a new digital safe, and even a new roof skin with appropriate drainage upgrades. Furthermore we do like to match with downtown Victoria's old town style in keeping our building low and storefront accessible. Our improvements like bright new lot lights and infrared cameras help raise the neighborhood's value and safety. Anytime police have asked for assistance or footage from our Yates Street location we have been happy to comply. This helps create a strong neighborhood community relationship. Furthermore if a client is in need (financial or otherwise) then Leaf Compassion will review each case to see how we can assist their situation. Our assistance can come in many forms ranging from compassionate pricing to friendly personal counseling or referrals to professional counseling services. Compassion is in our name.

Crime prevention through environmental design was carefully considered at our Yates Street location. We made sure to upgrade the existing poor lighting immediately, which now illuminates our previously dark lot at night. We also added infrared cameras to cover all blockage of street sight lines. Our white color scheme greatly improves visibility and reduces hiding places. We also hired Tower fences to install a stylish iron fence and gate around the property. This improves security drastically as a large iron fence is a very effective physical barrier. Exterior lighting is positioned properly to illuminate points of entry. All lighting fixtures are vandal-resistant resistant on the exterior of the building and are positioned in places that light up the street as well. We hope with all these

www.leafcompassion.com



improvements that Leaf Compassion Yates Street contributes to the brightness and safety of the downtown core.

Our Yates Street neighborhood is currently under heavy construction as 2 high rises are being constructed directly beside and behind of our flagship location. There is an existing high-rise beside us, which many of its residents are active Leaf Compassion Yates Street members. Leaf Compassion has good standing with the established Yates Street business community and neighboring businesses. We really hope to continue to provide safe access to medical grade cannabis in Victoria BC.

Thank you,

Kyle Cheyne
Charles Philp

Kyle Cheyne
Founder / Executive Director

Charles Philp
Co-Founder / Director