REPORTS OF COMMITTEES

1. Committee of the Whole – April 20, 2017

6. Rezoning Application No. 00534 for 851 Johnson Street (Downtown)

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. 00534 for 851 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 Alto, Coleman, Isitt, Loveday, Lucas, Madoff, and Thornton-Joe

 Opposed:
 Councillor Young

5. LAND USE MATTERS

5.2 Rezoning Application No. 00534 for 851 Johnson Street (Downtown)

Committee received a report dated April 13, 2017, from the Director of Sustainable Planning & Community Development regarding an application to allow for the retail sale of cannabis.

Motion: It was moved by Councillor Loveday, 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. 00534 for 851 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 17/COTW

- For: Mayor Helps, Councillors Alto, Coleman, Isitt, Loveday, Lucas, Madoff, and Thornton-Joe
- Against: Councillor Young
- **Motion:** It was moved by Councillor Isitt, seconded by Mayor Helps, that Council request that the Mayor, on behalf of Council, write to the Solicitor General of British Columbia, requesting that the Province indicate to the City of Victoria as soon as possible when it anticipates publishing draft regulations and legislation relating to the distribution, regulation and taxation of cannabis in British Columbia, in accordance with the provisions of federal Bill C-45, the proposed Cannabis Act.
- <u>Amendment</u>: It was moved by Councillor Isitt, seconded by Mayor Helps, that the motion be amended as follows:

That Council request that the Mayor, on behalf of Council, write to the Solicitor General of British Columbia, requesting that the Province indicate to the City of Victoria as soon as possible when it anticipates publishing draft regulations and legislation relating to the distribution, regulation and taxation of cannabis in British Columbia, in accordance with the provisions of federal Bill C-45, the proposed Cannabis Act and that the Mayor request that the province work with City of Victoria staff on this issue.

On the amendment: CARRIED UNANIMOUSLY 17/COTW

Main motion as amended:

That Council request that the Mayor, on behalf of Council, write to the Solicitor General of British Columbia, requesting that the Province indicate to the City of Victoria as soon as possible when it anticipates publishing draft regulations and legislation relating to the distribution, regulation and taxation of cannabis in British Columbia, in accordance with the provisions of federal Bill C-45, the proposed Cannabis Act and that the Mayor request that the province work with City of Victoria staff on this issue.

On the main motion as amended: CARRIED UNANIMOUSLY 17/COTW



Committee of the Whole Report For the Meeting of April 20, 2017

To:Committee of the WholeDate:April 13, 2017From:Jonathan Tinney, Director, Sustainable Planning and Community DevelopmentSubject:Rezoning Application No. 00534 for 851 Johnson 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. 00534 for 851 Johnson 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 851 Johnson Street. The proposal is to rezone from the current S-1 Zone, Limited Service 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 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 Downtown, on separate blocks, separated by a secondary arterial road, 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. An existing redundant driveway crossing will be replaced by the applicant with a full height curb, gutter and sidewalk. 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 25m², 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 S-1 Zone, Limited Service 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 small scale commercial including vehicle sales, dry cleaning, and restaurant uses. Residential and office uses are also located in the nearby vicinity.

Existing Site Development and Development Potential

The site is presently a single-storey commercial building. Under the current S-1 Zone, Limited Service District, the property could be developed with a wide variety of commercial uses including vehicle servicing, parking and rentals.

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 Business 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 Central Business District, within which commercial employment uses, along with complementary uses such as retail stores, are encouraged.

Storefront Cannabis Retailer Rezoning Policy

At the time of writing this report, 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. An application for a storefront cannabis retailer at 950 Yates Street is 150m from the subject property and has been advanced by Council to a Public Hearing. If 950 Yates Street were to be approved then 851 Johnson Street would become inconsistent with the *Storefront Cannabis Retailer Policy*; however, the two applications are on different blocks and separated by a secondary arterial road and although "as the crow flies" they are less than 200m apart, they are not in close visual proximity to each other. The policy further states that a reduced distance may be warranted in locations such as the Downtown.

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. At the time of writing this report an application at 950 Yates Street for a storefront cannabis retailer that is within 200m of 851 Johnson Street had been advanced by Council to Public Hearing; however, as noted above, the policy does note that lesser separation distances may be warranted Downtown.

ALTERNATE MOTIONS

Option 1 - Defer

That Council defer Rezoning Application No. 00534 for the property located at 851 Johnson Street until after the Public Hearing for Rezoning Application No. 00526 at 950 Yates Street.

Option 2 - Decline

That Council decline Rezoning Application No. 00534 for the property located at 851 Johnson 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:

10,2017 Date:

List of Attachments

- Subject Map
- Aerial Map
- Plans dated/date stamped March 31, 2017
- Letter from applicant to Mayor and Council dated October 12, 2016.







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1 Entrance & North Face of Building

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2 Entrance & East Face of Building





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James Whitehead

Medijuana Dispensary 851 Johnson Street Victoria, BC V8W 1N4

October 12, 2016

City Hall City of Victoria 1 Centennial Square Victoria, BC V8W 1P6

Re: Rezoning of Medijuana Dispensary - Storefront Cannabis Retailer

Dear Mayor and Council,

My name is James Whitehead,

I am a shareholder and director of Medijuana Dispensary.

Since opening the business in April of 2015 I have demonstrated excellence in the field of cannabis access to medicinal patients. I have publicly advocated in the media for controls, regulations, transparency, and daylighting of the supply chain; as well as many other core elements necessary to produce a cannabis marketplace that meets the needs of medicinal users and Victoria's need for highly professional operators. All of my advocacy and business choices mirror the intent of the city in creating this new class of business license.

Medijuana Dispensary, at 851 Johnson St, is not located near any schools or child care facilities. There are two other cannabis retailers within 200m, VCBC and Leaf Dispensary. Both of our locations are located in the shadow of shelter and transitional housing facilities. Well outside of the city's important tourist and downtown corridors. This is out of respect for minimizing community impact. We have several letters of support from our neighbours showing that our business has not negatively impacted them with noise, activity levels, or any other aspects of the dispensary.

None of the people employed at Medijuana have any criminal records, or criminal ties whatsoever. We operate independently of any criminal organizations; we work specifically and only with healthcare professionals, leading developers, and business owners in the city. Our Gorge location is the only dispensary located in an integrated Health Care Centre.

In preparing for this application, the only adjustment the business has had to make is to its operating hours. We have been operating above standard since our inception including: fully enclosed security protected areas for staff who dispense cannabis through bulletproof glass, worn panic buttons directly linked to the police, and additional under the counter bank style panic buttons installed in all service areas. We have fully compliant safes, ventilation, security monitoring contracts, insurance, cameras, fire and theft monitoring, and the only government photo ID based memberships in Victoria (making transferring a membership card impossible). All in a strategic

James Whitehead

Medijuana Dispensary 851 Johnson Street Victoria, BC V8W 1N4

effort to minimize any crime or negative community impact. We are arguably the most secure dispensary operator in the city.

We do not advertise whatsoever and specifically do not engage in social media campaigns like many operators in the city.

We have never allowed any onsite consumption, and we are not located close to any schools or daycares at all.

We have chosen to provide cannabis access to people that are 21 years and older, since inception, in contrast to the trend of 19 years plus adopted across the city. All of our clients have medical documentation from a registered physician on file. Which is part of a strict intake process required to access cannabis products in order to minimize any chances of misdirection of products to youth or non-medicinal users.

I have personally worked with the police, to ensure that we are fully compliant and in good standing. I meet with the Victoria police regularly and provide them with insight into dispensary operations in the city.

In addition, I was one of only a few participants in the information gathering process initiated by the city at the beginning of the exploration of what regulations would be put in place to control the rapid expansion of the dispensary industry. Meeting with city officials twice to provide feedback and insight. I was fully compliant in this process and was remarked upon as the most participatory dispensary owner.

851 Johnson is not a heritage building and there have been no changes made to the exterior of the building other than signage for the business. There are ample parking spots available in the area, 3 metered stalls out front, a parking lot next door, and street parking as well. Bicycles also have areas for parking.

Prior to operating Medijuana, I ran PosterLoop, which was a Victoria based tech/events promotion company that went on to operate in several major cities across Canada. In this capacity I developed a direct personal relationship with over 100 business owners who hosted my digital signs in the city of Victoria. I am a welcome and known member of Victoria's business community. I worked for 5 years as a licensed first aid instructor during this period as well, which gave me unique insight into patient care.

In my capacity as director of Medijuana, I have represented the cannabis industry in the city of Victoria exceptionally well in numerous local and national media pieces on the topic. There is no other citizen of the city that has gone as far in the past year to improve access for citizens, and advocate for better information and knowledge related to access for medicinal users. I have spoken openly and honestly about all aspects of my business to the media, city officials, and police at all times. My efforts have created a professional and accessible face for the cannabis industry in the

James Whitehead

Medijuana Dispensary 851 Johnson Street Victoria, BC V8W 1N4

city. Which is something I feel the city will continue to benefit from should Medijuana obtain a license.

Personally, I have experienced the value that cannabis brings to health and recovery as an individual who possesses a permanent disability designation through the federal government. Due to a severe car accident in which I broke my back, sustained a head injury, and suffered major trauma to my legs. I also care for my adult brother who sustained a head injury at a young age and see the benefits from cannabis for him as an anti-inflammatory and mood stabilizer.

Approaching dispensary operations firsthand from the perspective of an individual who has benefited from cannabis has informed all of my decisions in providing access. I feel that I am uniquely positioned in this regard to continue to make Victoria proud to have cannabis providers such as myself. We are providing a much required service to residents, free from any criminal ties or negative stereotypes.

I am proud of the city for taking proactive steps to regulate an industry in need of strong controls and market size restriction, and I am proud to be a high quality applicant for the newly created designation of Storefront Cannabis Retailer. It is my passion to represent the city's cannabis industry with excellence and leadership in the weeks and months to come preceding federal direction on the matter.

Thank you for your consideration in this matter.

Yours,

James Whitehead

Thank You.