REPORTS OF COMMITTEES

1. Committee of the Whole – February 16, 2017

5. Rezoning Application No. 00530 for 546 Yates Street (Downtown)

Motion:
It was moved by Councillor Isitt, 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. 00530 for 546 Yates Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

Council discussed:

- Concerns about the procedures around the sequential hearings for dispensaries located within 200 m of each other.

Carried

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

DRAFT

6.2 Rezoning Application No. 00530 for 546 Yates Street (Downtown)

Committee received a report dated February 3, 2017 from the Director of Sustainable Planning and Community Development providing information pertaining to the rezoning application for the property located at 546 Yates Street to allow for the retail sale of cannabis in the existing building.

Committee agreed to consider the Rezoning Applications No. 00530 and No. 00546 together.

Councillor Isitt returned to the meeting at 11:19 a.m.

Committee discussed:

- The reasoning for putting one application before the other.

Motion: It was moved by Councillor Isitt, seconded by Councillor Madoff, that Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00530 for 546 Yates 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:

- The 200m buffer zone being too strict.
- The process for enforcement if businesses are not compliant.
- Staff detailing the compliance history of the business in future reports for Cannabis rezoning.

CARRIED UNANIMOUSLY 17/COTW

DRAFT

CITY OF VICTORIA

Committee of the Whole Report
For the Meeting of February 16, 2017

To: Committee of the Whole **Date:** February 03, 2017

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

Subject: **Rezoning Application No. 00530 for 546 Yates 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. 00530 for 546 Yates 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 546 Yates Street. The proposal is to rezone from the current CA-3C Zone, Old Town 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 Historic place designation in the *Official Community Plan* 2012
- the proposal is consistent with the *Downtown Core Area Plan* in accommodating a diverse range of commercial uses
- the proposal is generally consistent with the *Storefront Cannabis Retailer Rezoning Policy*; however, it may be within 200m of another storefront cannabis retailer depending on the outcome of another rezoning application.

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 or site plan are proposed. The following differences from the standard current zone are being proposed and would be accommodated in the new zone:

- storefront cannabis retailer will be a permitted use
- storefront cannabis retailer will be restricted to a maximum floor area of 800m^2, which is in keeping with the size of the existing operation.

All other requirements within the CA-3C Zone 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 retail and restaurant uses located at street level with residential and office uses located on the upper storeys. The adjacent buildings to the east and west of the property are heritage designated.

Existing Site Development and Development Potential

The ground floor is presently used as a storefront cannabis retailer and the upper storeys are used for office. Under the CA-3C Zone, the property could be used for residences, offices, and numerous commercial purposes.

Community Consultation

Consistent with the *Storefront Cannabis Retailer Rezoning* Policy, the requirement to arrange and participate in a Community Meeting is waived unless the application involves construction of a new building. 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* (OCP) lists this property within the Core Historic urban place designation, within which retail is an envisioned use.

Local Area Plans

The *Downtown Core Area Plan* designates this property as Historic Commercial District. The application is consistent with the neighbourhood plan, in which zoning accommodates a diverse range of active commercial uses.

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 permitted storefront cannabis retailers are within 200m of the property at the time of writing this report; however, an application was submitted at a later date for a new, not yet operational, storefront cannabis retailer approximately 71.7 metres west of the property. 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 storefront cannabis retailer use 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 property. Staff recommend that Council consider supporting this application.

ALTERNATE MOTION

That Council decline Application #00530 for the property located at 546 Yates Street.

Respectfully submitted,

Michael Angrove
Planner
Development Services

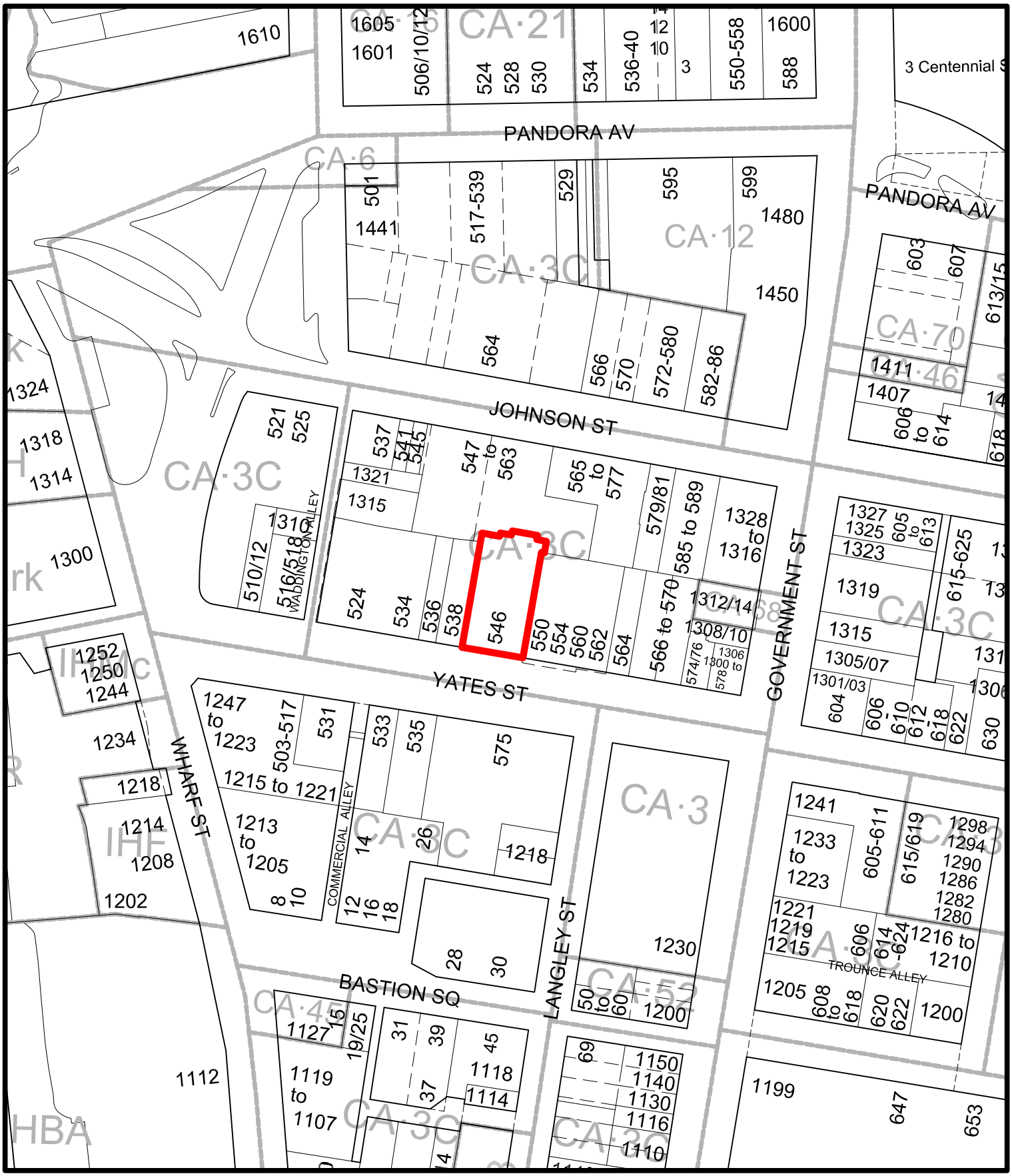
Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Date: February 10, 2017

List of Attachments:

- Subject Map
- Aerial Map
- Plans date stamped October 20, 2016
- Letter from applicant to Mayor and Council dated October 20, 2016

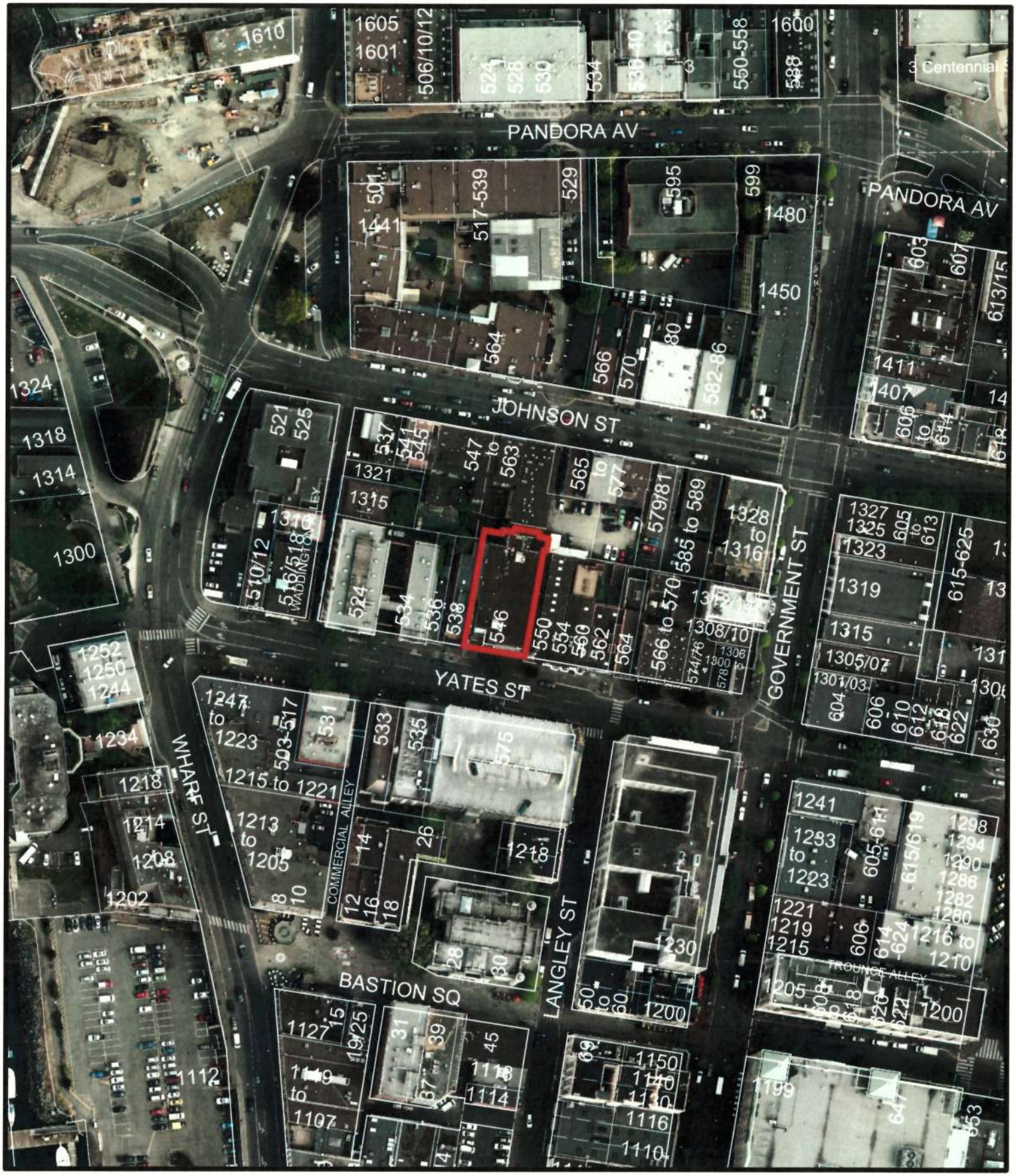


N

546 Yates Street

Rezoning No.00530

CITY OF VICTORIA



N

546 Yates Street
Rezoning No.00530

CITY OF VICTORIA

Rezoning to

TREES, 546 YATES STREET

Alex Robb
Trees Dispensary
alex@treesdispensary.com
Cell: (250) 891-5971
Office: (778) 265-8733

LEGEND

- Regulated Fire Hydrant
- Curb
- Property Lines
- Pay/Metered Parking
- $3/Hr 90min Max. Street Parking
- Commercial Non-Metered Parking
- Handicap Metered Parking
- Pay Station
- Bike Rack
- Tree

LIST OF DRAWINGS

0ARCHITECTURAL

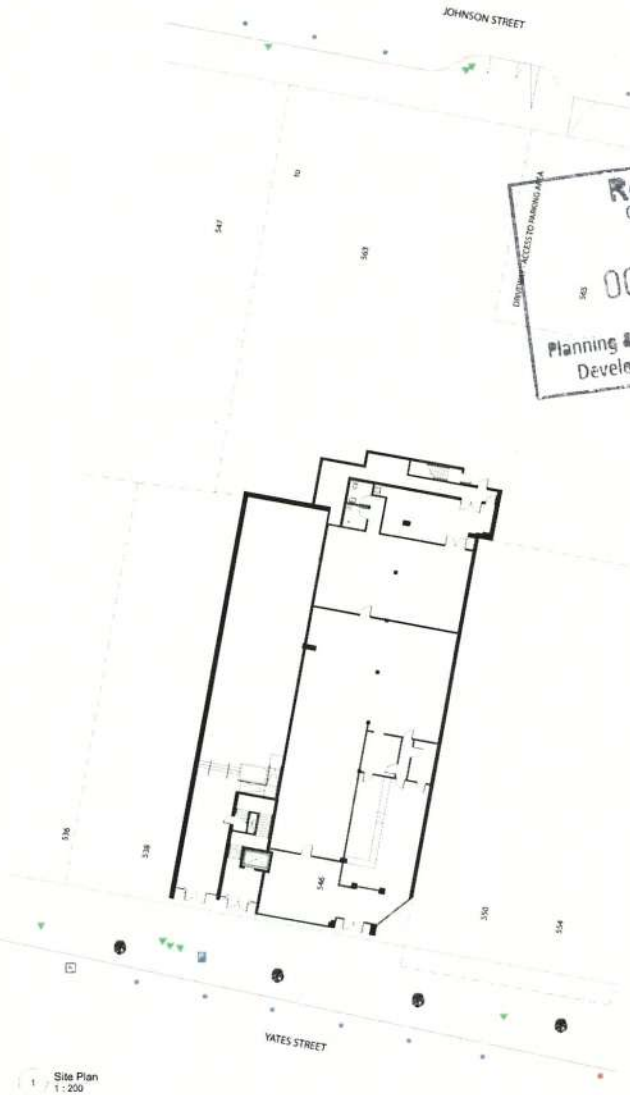
A-000 Drawing List, Legend, Code Review, Project Information Table & Site Plan
A-001 Site Plan
A-002 Existing Floor Plan
A-003 Exterior Photos
A-004 200m Radius Map

CODE REVIEW

Item	2012 British Columbia Building Code: Data Matrix		Part 3	Reference
1	Address 546 Yates Street, Victoria, BC			
2	Legal Description Lot 1 (Lots 175, 176, 178, 187 VICTORIA, PLAN 3225) PID 031-394-877, PID: 031-394-991			
3	Project Description: ☐ Rezoning Rezone for use as a storefront Cannabis Retailer			
4	Classification of Building	Group F - Mercantile Occupancies		3.1.2.1(1)
5	Total Building Area	873.6 sq.m (9,406 sq.ft.)		1.4.1.2.1
6	Floor Area	784.2 sq.m (8,441 sq.ft.)		1.4.1.2.1
7	Suite Area	616.9 sq.m (6,639 sq.ft.)		
8	Occupant Load	Mercantile Fire Floor	2.75 sq.m per Person for Mercantile Uses *Max.m = (1.75 sq.m ÷ 1.2) =	3.1.17.1
		Offices	4.65 sq.m per Person for Offices 222.9 sq.m ÷ 9.3 sq.m = 23.9	
		Storage	28.0 sq.m per Person for Storage (Warehouse) 34.9 sq.m ÷ 28.0 sq.m = 1.7	
		Total Occupants	60 Persons	
9	Number of Storeys	Three (3) storey		1.4.1.2.1, 3.2.1.1
10	Number of Streets Facing	One (1)		3.2.2.10
11	Sprinklered	Yes		3.2.2.10
12	Group E, Up To 3 Storeys, Sprinklered 1) A building classified as Group F is permitted to contain to Sentence (2) provided: a) except as permitted by Sentences 3.2.2.7(1) and 3.2.2.18(2), the building is sprinklered throughout, b) it is not more than 3 storeys in building height, and c) it has a building area not more than 1,000 sq.m if it is one in building height. 2) The building referred to in Sentence (1) is permitted to be of combustible construction or noncombustible construction used singly or in combination, and a) floor assemblies shall be fire separations with a fire resistance rating of not less than 45 min., and b) loadbearing walls, columns and arches supporting an assembly required to have a fire resistance rating shall i) have a fire resistance rating not less than 45min, or ii) be of noncombustible construction, and c) loadbearing walls, columns and arches supporting a fire separation shall have a fire resistance rating not less than that required for the fire separation			3.2.2.80
13	Location of Exits 1) Except as permitted by Sentences (2) and 3.1.7.5(6), if more than one exit is required from a floor area, the exits shall be located so that the travel distance to at least one exit shall not exceed more than a) 40m in any floor area that contains an occupancy other than a high-hazard industrial occupancy, provided it is sprinklered throughout Maximum Travel Distance Provided: 28m			3.4.2.5
14	Water Closets 1) Except as permitted by Sentences (4) and (10), the number of water closets required for a mercantile occupancy shall be at least one for each 300 males and one for each 150 females. 30 Persons - 30 Females of Each Sex Required Water Closets: 1 Male, 1 Female Provided Water Closets: 1 Unisex Accessible			3.7.2.2
15	Accessible Washroom	Provided		3.7.2.10

PROJECT INFORMATION TABLE

PROJECT INFORMATION TABLE	
Zone (Existing)	CA-3C
Site Area (sq.m)	902.9 sq.m
Unit Floor Area (sq.m)	784.2 sq.m
Parking Stalls (Number on Site)	Street Parking
Bicycle Parking Number (Class 1 and 2)	Class 1: 0 , Class 2: 5



1 Site Plan
1 : 200

Received
City of Victoria
OCT 2 0 2016
Planning & Development Department
Development Services Division

2	ISSUED FOR REZONING	2016-10-20
1	ISSUED FOR REVIEW	2016-09-29

numberTEN architectural group

As Noted | 2016-10-20

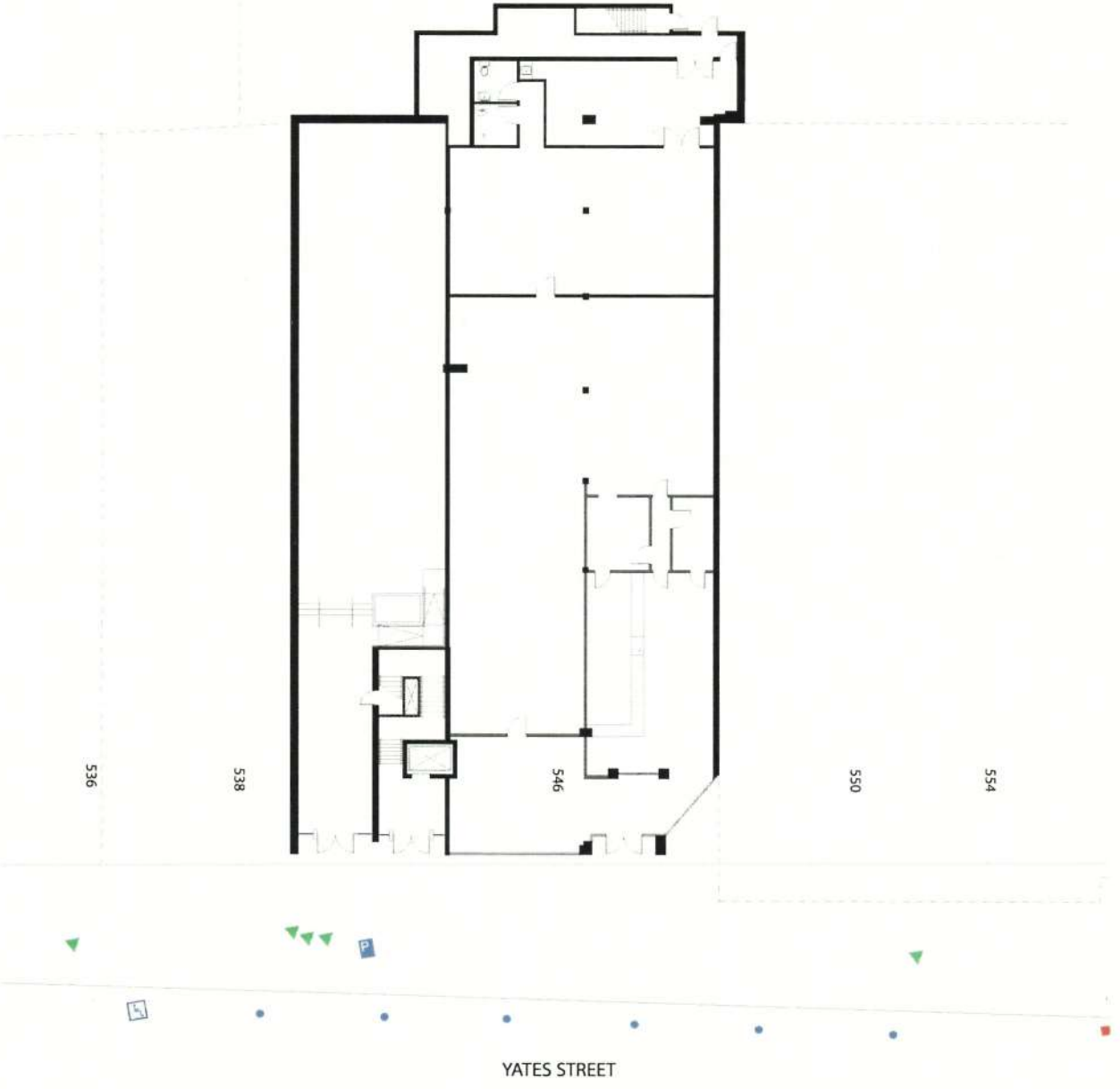
546 Yates St
Storefront Cannabis Retailer Rezoning

546 Yates St
Drawing List, Legend,
Code Review, Project Information Table
Overall Site Plan

LT | LM

2016528

A-000



Alex Robb
Trees Dispensary
alex@treesdispensary.com
Cell: (250) 891-5971
Office: (778) 265-8733

2	ISSUED FOR REZONING	2016-10-20
1	ISSUED FOR REVIEW	2016-09-29

numberTEN architectural group

number 10

1 : 100

2016-10-20

546 Yates St

Storefront Cannabis Retailer Rezoning

546 Yates St
Site Plan

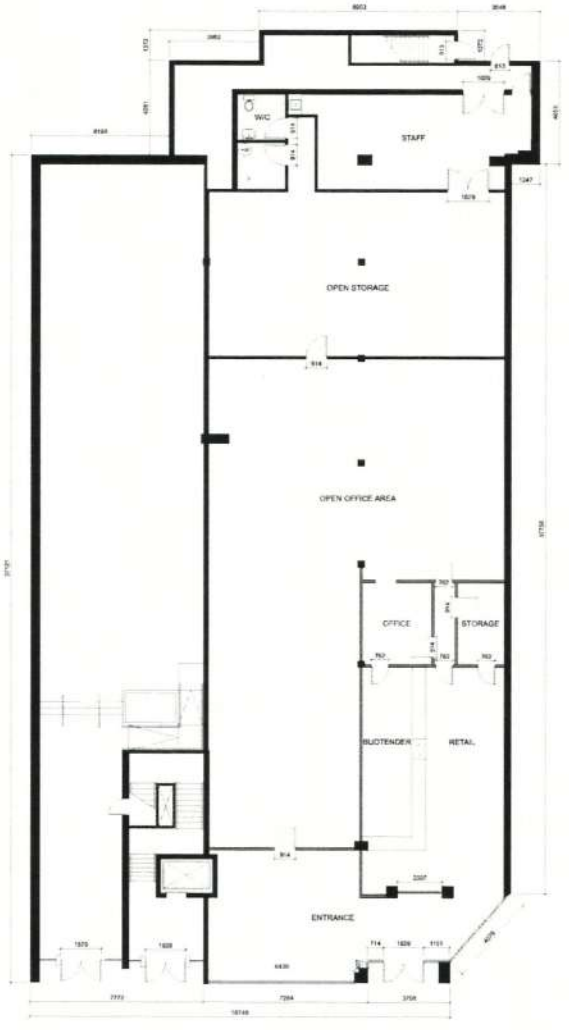
LT

LM

2016528

A-001

Alex Robb
Trees Dispensary
alex@treesdispensary.com
Cell: (250) 891-5971
Office: (778) 265-8733



N

2	ISSUED FOR REZONING	2016-10-20
1	ISSUED FOR REVIEW	2016-09-29

numberTEN architectural group

number 10

1 : 100

2016-10-20

546 Yates St

Storefront Cannabis Retailer Rezoning

546 Yates St
Existing Floor Plan

LT

LM

2016528

A-002

1 Entance On Yates

2 South Face of Building & Street Parking

3 Entrance Doors

4 Entrance Doors Close Up

Alex Robb
Trees Dispensary
alex@treesdispensary.com
Cell: (250) 891-5971
Office: (778) 265-8733

2	ISSUED FOR REZONING	2016-10-20
1	ISSUED FOR REVIEW	2016-09-29

numberTEN architectural group

NOT TO SCALE | 2016-10-20

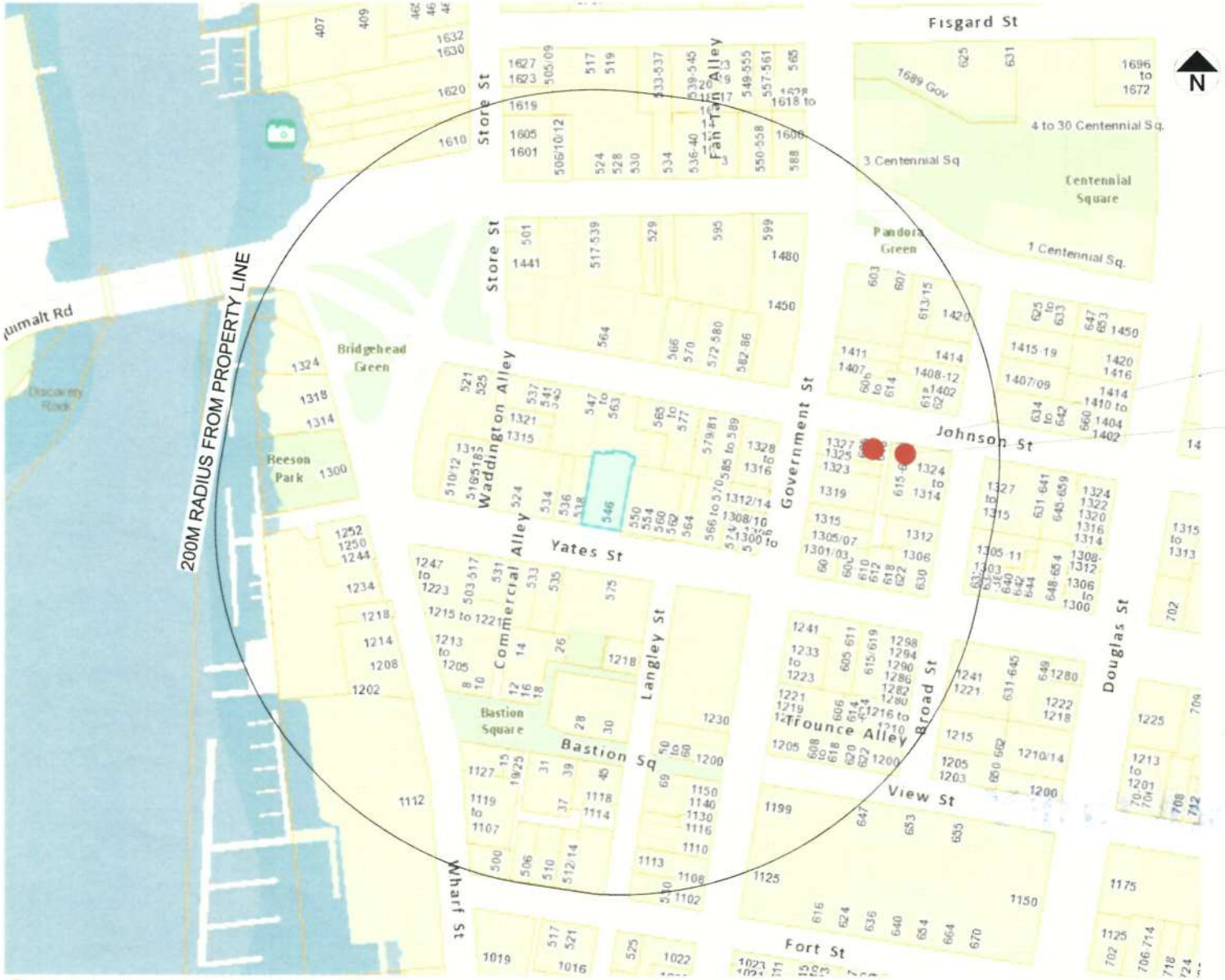
546 Yates St
Storefront Cannabis Retailer Rezoning

546 Yates St
Exterior Photos

LT | LM

2016528

A-003



OTHER CANNABIS STOREFRONTS WITHIN 200m RADIUS

Alex Robb
Trees Dispensary
alex@treesdispensary.com
Cell: (250) 891-5971
Office: (778) 265-8733

2	ISSUED FOR REZONING	2016-10-20
1	ISSUED FOR REVIEW	2016-09-29

numberTEN architectural group

1:1000 | 2016-10-20

546 Yates St

Storefront Cannabis Retailer Rezoning

546 Yates St
200m Radius Map

LT | LM

2016528

A-004

Original Submission
Received Date: October 20/16

TREES

ISLAND GROWN SINCE 2015

To: Mayor Lisa Helps and members of Victoria City Council
From: Alex Robb, Community Liaison for Trees Dispensary
Date: October 20, 2016
Subject: Rezoning for Cannabis related business for 546 Yates Street

Dear Mayor and City Council,

It is an honour to be submitting this letter along with our completed application for rezoning for cannabis-related business for the property at 546 Yates Street.

Description of Proposal
The property at 546 Yates Street is located in the Victoria downtown core, across the street from the Lower Yates Public Parkade and the intersection at Langley Street. Tree Dispensary began operating this medical cannabis storefront in November of 2015. It was the first dispensary in the neighbourhood and has proudly served the local community there by providing affordable cannabis products, and educating about the use of cannabis as a medicine, offering space for related harm reduction workshops, and been an hosting location for a Women Grow workshop.

While the location does not fall within any 200m radius surrounding a school or community centres, there are two existing Cannabis related business within a 200m radius. Lotusland Cannabis Club, which opened in summer 2016 (date unknown, but close to July 28th), and is approximately 130m property line to property line; and Jupiter Cannabis Shop, which opened prior to July 28th, 2016, is approximately 138m property line to property line. Jupiter may have since decided to stop retailing cannabis products after the licensing.

City Policy
This rezoning application conforms to the City's Cannabis Storefront Rezoning Policy in every way. It is further than 200 meters from community centres and schools. It is appropriately zoned and has adequate parking, and no public nuisance is created by its operation. The location of the medical cannabis storefront in this area has made the streets safer by putting more "eyes on the street" and increasing foot traffic, as well as by installing and maintaining security cameras that contribute to decreased petty crime in the area and the provision of security camera monitoring of the area.

Project Benefits and Amenities
The economic, environmental, and social benefits of this project are numerous. The regulation of this business sector in Victoria is likely to stimulate the local economy, making Victoria a hub of this emerging regulated and taxed business activity in the city and so help transition this industry, (that was previously taking place in an informal, unregulated and untaxed manner), toward a better regulated marketplace. The cannabis

Original Submission
Received Date: October 20/16

industry on Vancouver Island contributes significantly to the economy and offers quality, high paying employment for Victoria's young population many of whom are highly educated, especially in the field of alternative healthcare.

Trees Dispensary has sought to promote education about cannabis as a medicine, adjunct therapy for terminal illness, and harm reduction tool by offering educational workshops in our own facility and at other venues across town: including the Our Place Housing Society and the headquarters of PEERS (the Prostitutes Empowerment and Education Resource Society) in Victora West.

We have invited AVI related nurses to give workshops to our staff in the administration of Naloxone, and we have Naloxone kits on site at each store and are able to intervene quickly to administer it in the event of someone overdosing on opioids in the vicinity.

Neighbourhood
The proposed development contributes significantly to neighbourhood vibrancy by sponsoring and promoting arts and culture events in the neighbourhood, and providing space and funding for harm reduction and community health initiatives. The proximaty of the dispensary to the downtown has made our service accessible to more commuters who may work downtown and park at the parkade. And

Impacts
This storefront on Lower Yates Street is to become our "Flag Ship", it is beautifully presented in wood in the storefront of lower Johnson, and after rezoning and licensing we intend to invest further in the design and aesthetic of this store in order to change the public mind about the image of the cannabis industry. We intend to maintain a plant-filled, wood laden, earthy aesthetic that is pleasing to walk-by traffic, and complements the visual appeal of the neighbourhood. We mitigate negative neighbourhood impact by maintaining air filtration systems and strictly prohibiting consumption of cannabis on site or in the viscinity of the storefront.

Design and development permit guidelines
The current site of 546 Yates Street has a CA-3C 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.

Safety and security
Trees Dispensary's presence in the area has contributed to the safety and security of the neighbourhood and may contribute to a decrease in overnight petty crime in the immediate area. The increased foot traffic in the area as a result of Trees business has attracted customers to other nearby businesses, and our staff have kept the area surrounding our business well maintained, clean, and free of litter and other refuse. Our 24-hour high definition camera system can be used to provide information on crimes that may happen in the neighbourhood after hours. For example, the Victoria Police's major crimes division have used our security cameras at other stores to investigate an aggravated assault that occurred in the neighbourhood in early October 2016. We are able to offer up to three weeks of film footage of everything that happens on the intersection outside our storefront,

Original Submission
Received Date: October 20/16

and across the streets, decreasing graffiti and crime in the area, and we willing provide information to neighbours that may have been vandalized witnessed crime.

Transportation
This rezoning applications meets the parking standards set out in schedule C. The current site of 546 Yates Street has a CA-3C zoning which does not require any off-street parking for a retail use. There is existing bicycle parking outside the storefront.

Heritage
This property does not have heritage status and no heritage buildings are effected by this application.

Thank you for your consideration and for your efforts to bring about regulation to this business sector in Victoria. I look forward to further developing the Trees business in Victoria and finding other ways to contribute to this vibrant community.

All best wishes,

Alex Robb

Community Liaison, Trees Dispensary

Amanda Ferguson

From: Ian Hoar [redacted]
Sent: Tuesday, February 14, 2017 3:51 PM
To: Development Services email inquiries
Subject: Support for rezoning application at 546 Yates

Hey there,

I'm a downtown resident living at 532 Herald st, and working at 1221 Broad St.

I'd like to voice my support for the rezoning at 546 Yates st to allow Trees Dispensary to sell cannabis. They are respectful and friendly neighbours. I pass by the location multiple times daily I haven't ever seen any customers loitering, noticed any smell, witnessed any criminal activity, noticed any disrepair or any otherwise negative impact on the surrounding businesses or residents. They are an upstanding member of the business community in my opinion.

Thanks,
Ian Hoar