



Committee of the Whole Report

For the Meeting of December 10, 2020

To: Committee of the Whole **Date:** November 26, 2020

From: Karen Hoese, Director, Sustainable Planning and Community Development

Subject: Rezoning Application No. 00747 for 730-736 Tyee Road & 131-137 Skinner 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. 00747 for 730-736 Tyee Road & 131-137 Skinner 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 730-736 Tyee Road and 131-137 Skinner Street. The proposal is to rezone from the M2-S Zone, Songhees Light Industrial District to a site-specific zone in order to permit a storefront cannabis retailer.

The following points were considered in assessing this application:

- the proposal is consistent with the Employment-Residential designation in the *Official Community Plan*, which envisions retail uses
- the proposal is inconsistent with the General Employment with Limited Residential designation in the *Victoria West Neighbourhood Plan*, which discourages retail that is not ancillary to another use on-site
- the proposal is consistent with the *Storefront Cannabis Retailer Rezoning Policy* as there are no other storefront cannabis retailers within 400m of the subject property and no schools within 200m of the subject property.

The matter for Council's consideration is the appropriateness of the proposed use at this location.

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 current zone are being proposed:

- 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 122m².

All other requirements within the M2-S Zone, Songhees Light Industrial District, remain the same.

Staff have requested a statutory right-of-way (SRW) of 1.5m off Tyee Road to meet future transportation-related needs. the property owners have indicated that they are not willing to provide the SRW at this time but would consider it in the future should a full redevelopment of the property occur (Attachment E).

Sustainability

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation

The applicant has not identified any active transportation impacts associated with this Application.

Public Realm

No public realm improvements beyond City standard requirements are proposed in association with this Rezoning Application.

Accessibility

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Land Use Context

The area is characterized by commercial and light industrial uses on the same block frontage with residential uses located across the street in the Railyards development.

Existing Site Development and Development Potential

The site is presently developed as a single-storey industrial building with an interior mezzanine. Under the current M2-S Zone, Songhees Light Industrial District, the property could be developed for a variety of commercial and light industrial uses up to a maximum height of 15m.

Relevant History

On October 12, 2017, Council approved a Temporary Use Permit (TUP) to allow for a storefront cannabis retailer to operate for three years. At the time the property was designated Urban Residential in the *Official Community Plan* (OCP) and would have required an OCP amendment

in order to rezone the property. A TUP allowed the storefront to operate while the *Victoria West Neighbourhood Plan* was finalized, which showed early indications that the property's designation would change to envision retail.

The applicant submitted an application to rezone the property on August 18, 2020 and on October 12, 2020 the Temporary Use Permit expired. The Province has permitted the storefront cannabis retailer to continue operating as there is an active application to rezone the property for the storefront cannabis retailer use.

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 Victoria West CALUC. Also consistent with the Policy, the application has been referred to School District No. 61 and the Victoria Police Department (VicPD). No responses had been received at the time of writing this report.

ANALYSIS

Official Community Plan

The *Official Community Plan*, 2012 (OCP) identifies this property within the Employment-Residential urban place designation, within which commercial uses including retail are envisioned.

Victoria West Neighbourhood Plan

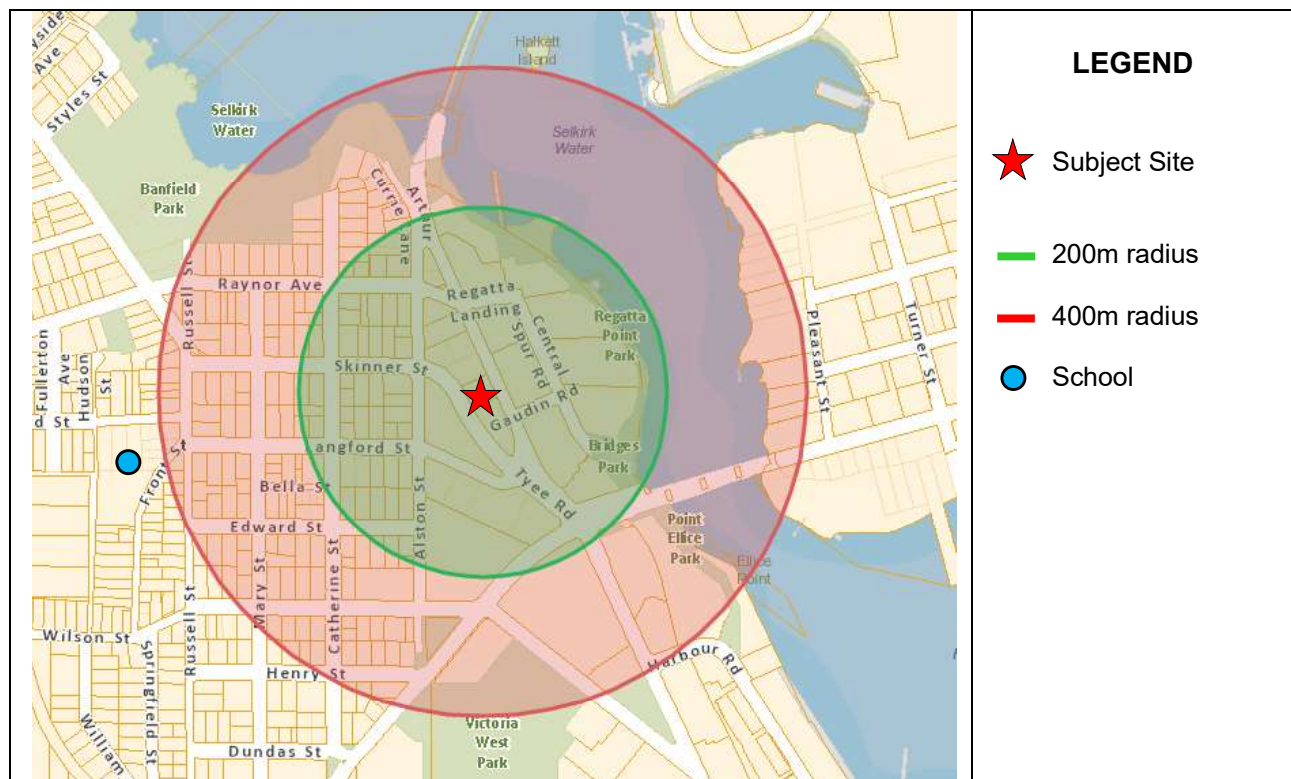
The property is located within the General Employment with Limited Residential designation of the *Victoria West Neighbourhood Plan*, within which retail uses not ancillary to another use are generally discouraged. In this instance, the storefront cannabis retailer has existed under a Temporary Use Permit for three years with little to no reported negative impacts.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no *Tree Preservation Bylaw* impacts and no impacts to public trees with this Application.

Storefront Cannabis Retailer Rezoning Policy

The application is for an existing storefront cannabis retailer. The proposal is consistent with the *Storefront Cannabis Retailer Rezoning Policy* as there are no permitted storefront cannabis retailers within 400m of the property and no public or independent elementary, secondary or high schools are within 200m of the property.



CONCLUSIONS

This proposal to permit the storefront cannabis retailer use is consistent with the Employment-Residential designation in the OCP but is inconsistent with the General Employment with Limited Residential designation in the *Victoria West Neighbourhood Plan*. The proposal is consistent with the *Storefront Cannabis Retailer Rezoning Policy* as there are no schools within 200m or permitted storefront cannabis retailers within 400m of the property. Staff therefore recommend Council consider supporting this application.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00747 for the property located at 730-736 Tyee Road and 131-137 Skinner Street.

Respectfully submitted,

Mike Angrove
Senior Planner
Development Services Division

Karen Hoesel, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped November 19, 2020
- Attachment D: Letter from applicant to Mayor and Council received November 19, 2020
- Attachment E: Email from property owner dated October 14, 2020.