

E.1.a.b546 Yates Street and 566-568 Yates: Rezoning Application No. 00770 (Downtown)

Moved By Councillor Young
Seconded By Councillor Loveday

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00770 to add the use of Cannabis Storefront Retailer to 566-568 Yates Street and remove it from 546 Yates Street, that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council and a Public Hearing date be set subject to submission and evaluation by staff of a Heritage Alteration Permit for the changes to the front entrance.

FOR (7): Mayor Helps, Councillor Andrew, Councillor Dubow, Councillor Loveday, Councillor Potts, Councillor Thornton-Joe, Councillor Young

OPPOSED (2): Councillor Alto, Councillor Isitt

CARRIED (7 to 2)

E.1 546 Yates Street and 566-568 Yates: Rezoning Application No. 00770 (Downtown)

Committee received a report dated May 13, 2021 from the Director of Sustainable Planning and Community Development regarding an application to rezone 566-568 Yates Street to add the use of storefront cannabis retailer as a site-specific regulation to the OTD-1 Zone, Old Town District-1, and to rezone 546 Yates Street to remove the use of storefront cannabis retailer from the site-specific regulations of the OTD-1 Zone, Old Town District-1.

Committee discussed the following:

- *The requirement for window coverings has been removed*
- *Concerns over the regulation of retail cannabis while more harmful substances are not regulated*
- *Downtown may be reaching the maximum number of cannabis retailers*

Moved By Councillor Potts

Seconded By Councillor Young

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00770 to add the use of Cannabis Storefront Retailer to 566-568 Yates Street and remove it from 546 Yates Street, that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council and a Public Hearing date be set subject to submission and evaluation by staff of a Heritage Alteration Permit for the changes to the front entrance.

FOR (6): Councillor Andrew, Councillor Dubow, Councillor Loveday, Councillor Potts, Councillor Thornton Joe, Councillor Young

OPPOSED (2): Councillor Alto, Councillor Isitt

CARRIED (6 to 2)



Committee of the Whole Report For the Meeting of May 27, 2021

To: Committee of the Whole **Date:** May 13, 2021

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

Subject: Rezoning Application No. 00770 for 546 Yates Street and 566-568 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. 00770 to add the use of Cannabis Storefront Retailer to 566-568 Yates Street and remove it from 546 Yates Street, that first and second reading of the Zoning Regulation Bylaw Amendments be considered by Council and a Public Hearing date be set subject to submission and evaluation by staff of a Heritage Alteration Permit for the changes to the front entrance.

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 properties located at 546 Yates Street and 566-568 Yates Street. The proposal is to rezone 566-568 Yates Street to add the use of storefront cannabis retailer as a site-specific regulation to the OTD-1 Zone, Old Town District-1, and to rezone 546 Yates Street to remove the use of storefront cannabis retailer from the site-specific regulations of the OTD-1 Zone, Old Town District-1.

The following points were considered in assessing this application:

- The proposal is consistent with the Core Historic designation in the *Official Community Plan*, which envisions commercial uses including retail.
- The proposal is consistent with the Historic Commercial District designation in the *Downtown Core Area Plan*, which encourages active commercial uses at-grade.
- The proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy*, as there are properties within 400m that are zoned to permit storefront cannabis retailer as

a use. However, this application is to relocate the previously approved storefront cannabis retailer from the same block into 566-568 Yates Street and to subsequently remove the cannabis retail use from the property located at 546 Yates Street.

- The new proposal is for a smaller space, so the application would result in a net decrease in storefront cannabis retail floor area and street frontage.

BACKGROUND

Description of Proposal

This application is to rezone 566-568 Yates Street to add the use of storefront cannabis retailer, and to rezone 546 Yates Street to remove the use of storefront cannabis retailer. The following differences from the current zone at 566-568 Yates Street are being proposed:

- storefront cannabis retailer would be a permitted use
- only one storefront cannabis retailer would be permitted to operate on the property at a time
- storefront cannabis retailer would be restricted to a maximum floor area of 151m².

The change to the current zone at 546 Yates Street would remove the permission that allows up to 800m² of floor area to be dedicated to storefront cannabis retailer uses.

All other requirements within the OTD-1 Zone, Old Town District-1, remain the same for both properties.

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. In this case, the entrance to the building is located at street-level, which provides for unimpeded access to the commercial units.

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. There are numerous heritage-designated buildings, including the subject property, located on the 500-block of Yates Street.

Existing Site Development and Development Potential

The site is presently occupied with commercial units on the ground floor, one residential unit on the ground floor at the rear of the property, and additional residential units on the upper storeys. The building is heritage-designated. The main entrance to the commercial units on the ground floor would be widened to satisfy the provincial requirement to have a separate entrance for the storefront cannabis retailer. This would require a Heritage Alteration Permit for a minor change, which can be handled through a delegated process if Council approves the rezoning. The applicant has been in contact with the City's Senior Heritage Planner to ensure the alterations meet the applicable guidelines and are completed in a manner sensitive to the heritage building.

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 on March 18, 2021. 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 proposal is consistent with the Core Historic designation in the *Official Community Plan* (2012), which envisions commercial uses including retail.

Downtown Core Area Plan

The proposal is consistent with the Historic Commercial District designation in the *Downtown Core Area Plan* (2011), which encourages a diverse range of active commercial uses such as retail stores at street level.

Tree Preservation Bylaw and Urban Forest Master Plan

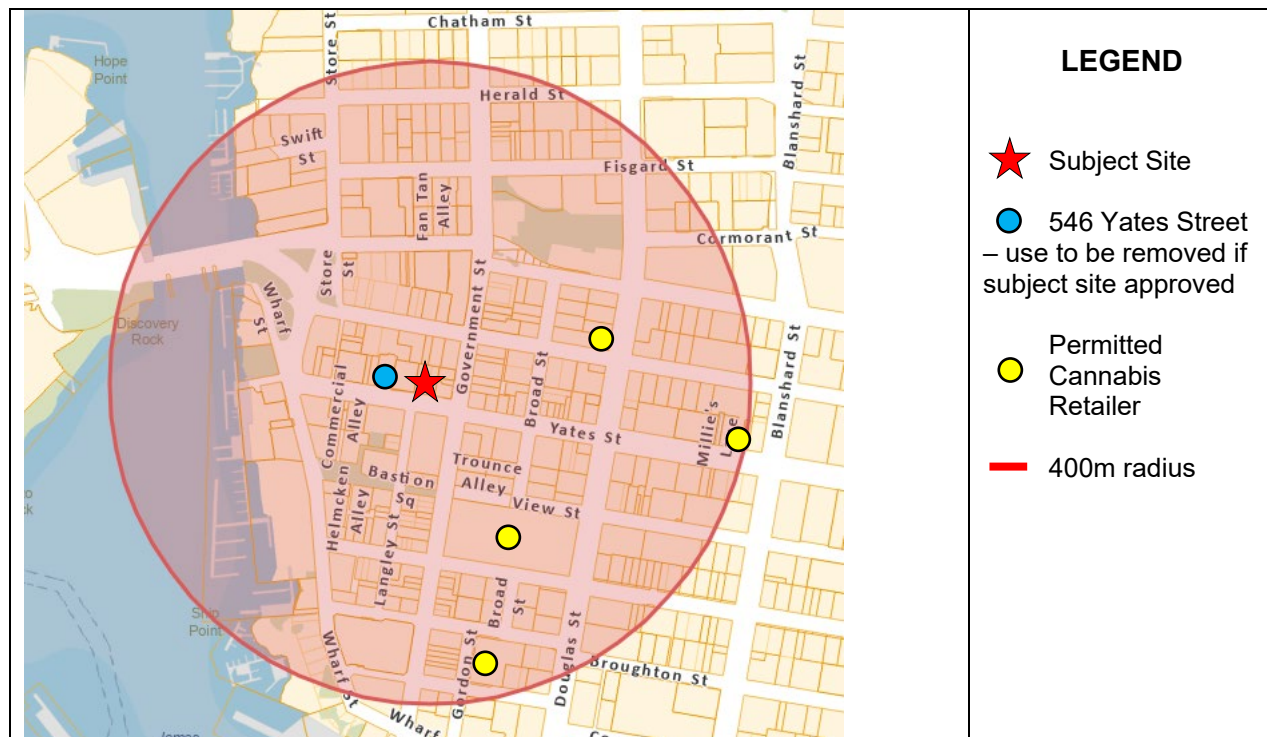
There are no *Tree Preservation Bylaw* impacts and there are no impacts to public trees with this application.

Storefront Cannabis Retailer Rezoning Policy

The application is to relocate a storefront cannabis retailer use from 546 Yates Street to 566-568 Yates Street. If Council were to approve the rezoning at 566-568 Yates Street, staff recommend subsequently amending the zoning of 546 Yates Street. The proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy* as there are four properties within 400m of the subject property that have storefront cannabis retailer as a permitted use: 1150 Douglas Street is 132m away, 1402 Douglas Street is 198m away, 901 Gordon Street is 310m away, and 778 Fort Street is 394m away. There are no public or independent elementary, secondary or high schools within 200m of the property.

In this instance, the new location at 566-568 Yates Street is only 151m² in floor area compared to the existing location at 546 Yates Street that is 800m² in floor area, which is a significant

difference. In addition, the new location would have less of an impact on the public realm due to a reduced street frontage. Staff therefore recommend that Council consider supporting this application since it results in a net decrease of storefront cannabis retailer floor area. However, staff have provided an alternate motion in the event Council wishes to strictly adhere to the *Storefront Cannabis Retailer Rezoning Policy*.



CONCLUSIONS

The proposal to permit the storefront cannabis retailer use is consistent with the *Official Community Plan* and the *Downtown Core Area Plan*. The proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy* as there are four other properties within 400m that permit the use of storefront cannabis retailer. However, the proposal is to move a previously approved use from 546 Yates Street to another property at 566-568 Yates Street, which results in a net decrease in storefront cannabis retailer floor area in the neighbourhood and decreases the impact on the public realm through a reduced street frontage. Therefore, it is recommended that Council consider supporting the application.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00770 for the properties located at 546 Yates Street and 566-568 Yates Street.

Respectfully submitted,

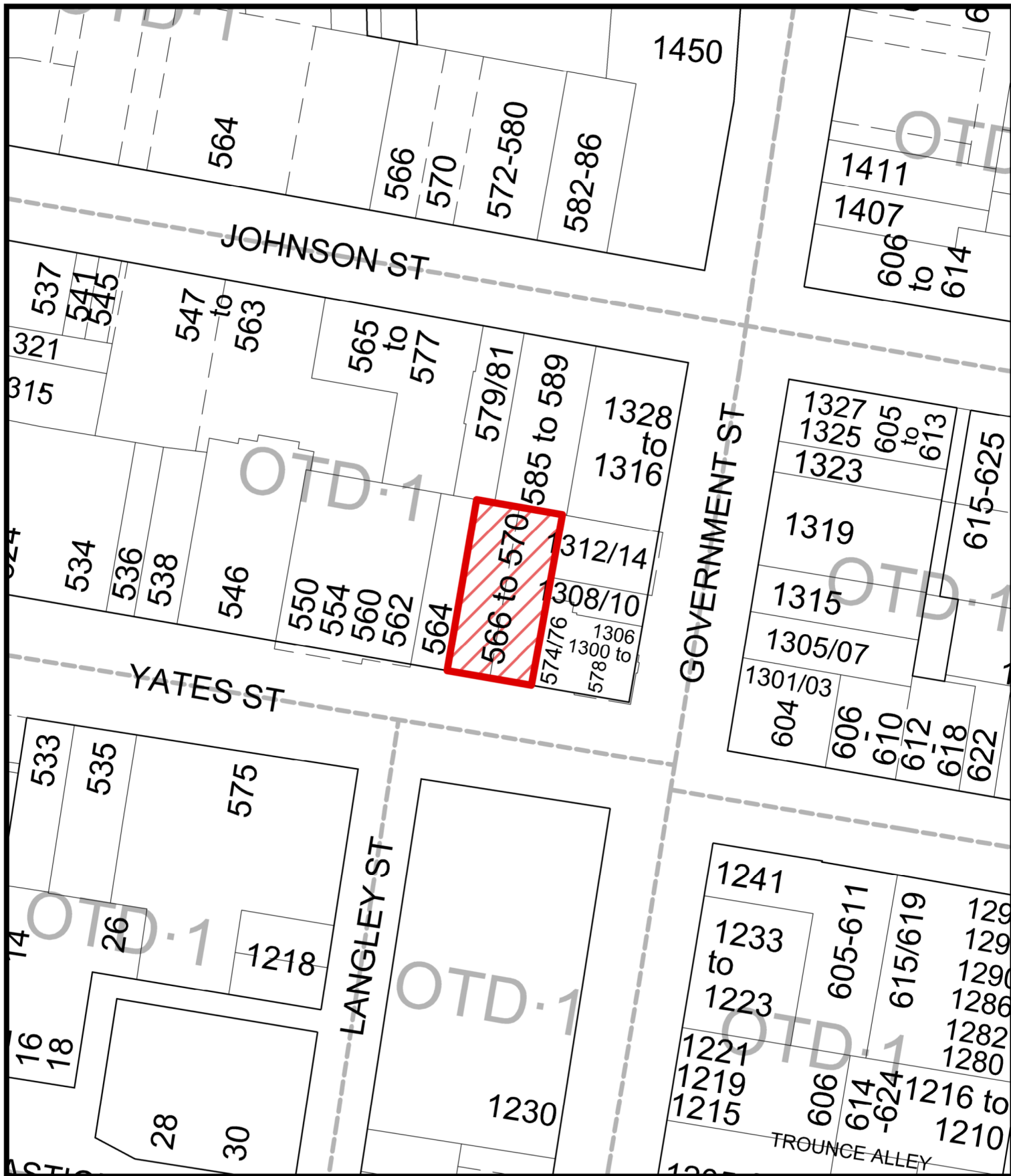
Mike Angrove
Senior Planner
Development Services Division

Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.

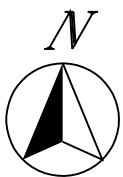
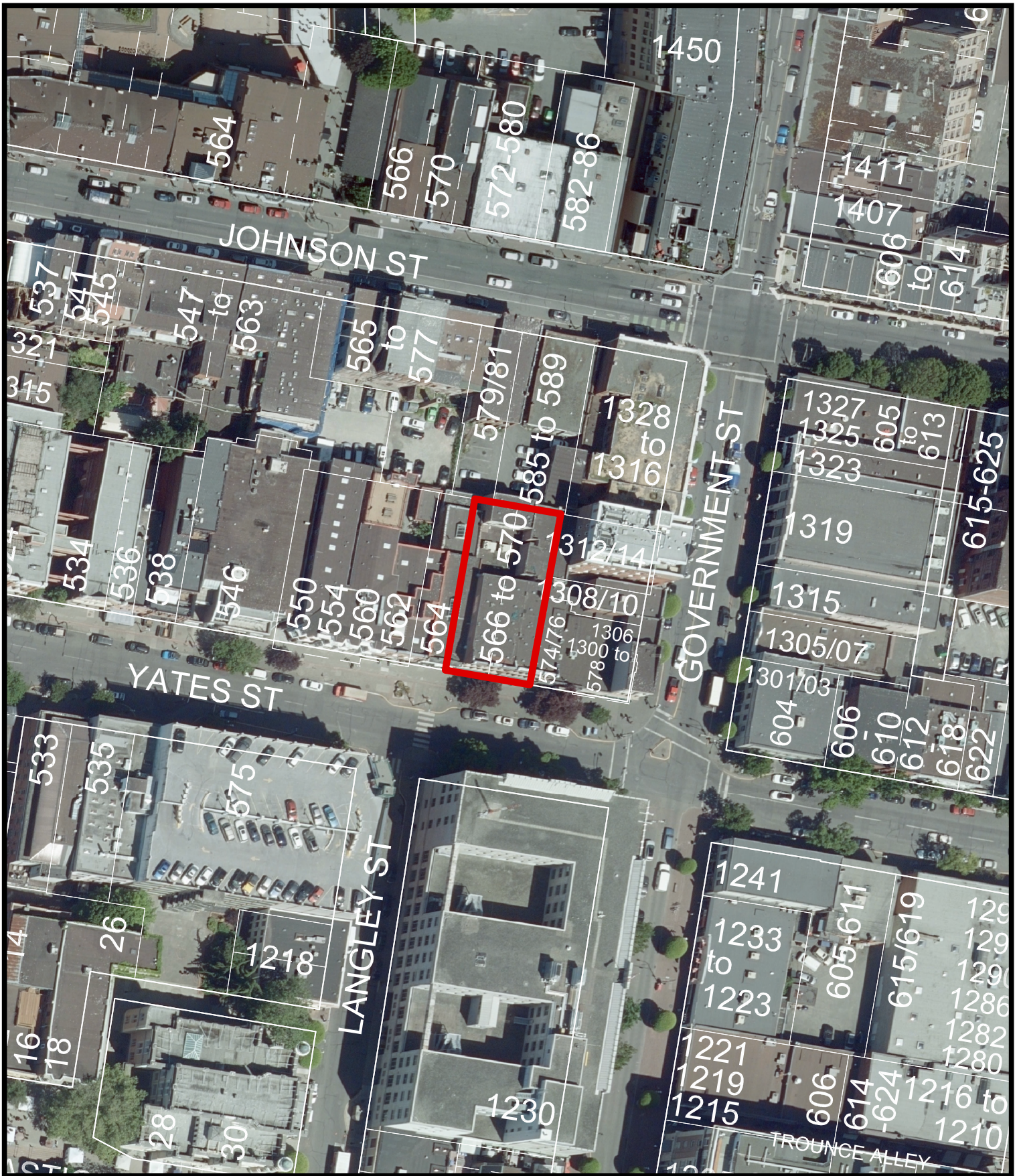
List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped May 4, 2021
- Attachment D: Letter from applicant to Mayor and Council dated March 5, 2021.



566 to 570 Yates Street
 Rezoning No.00770



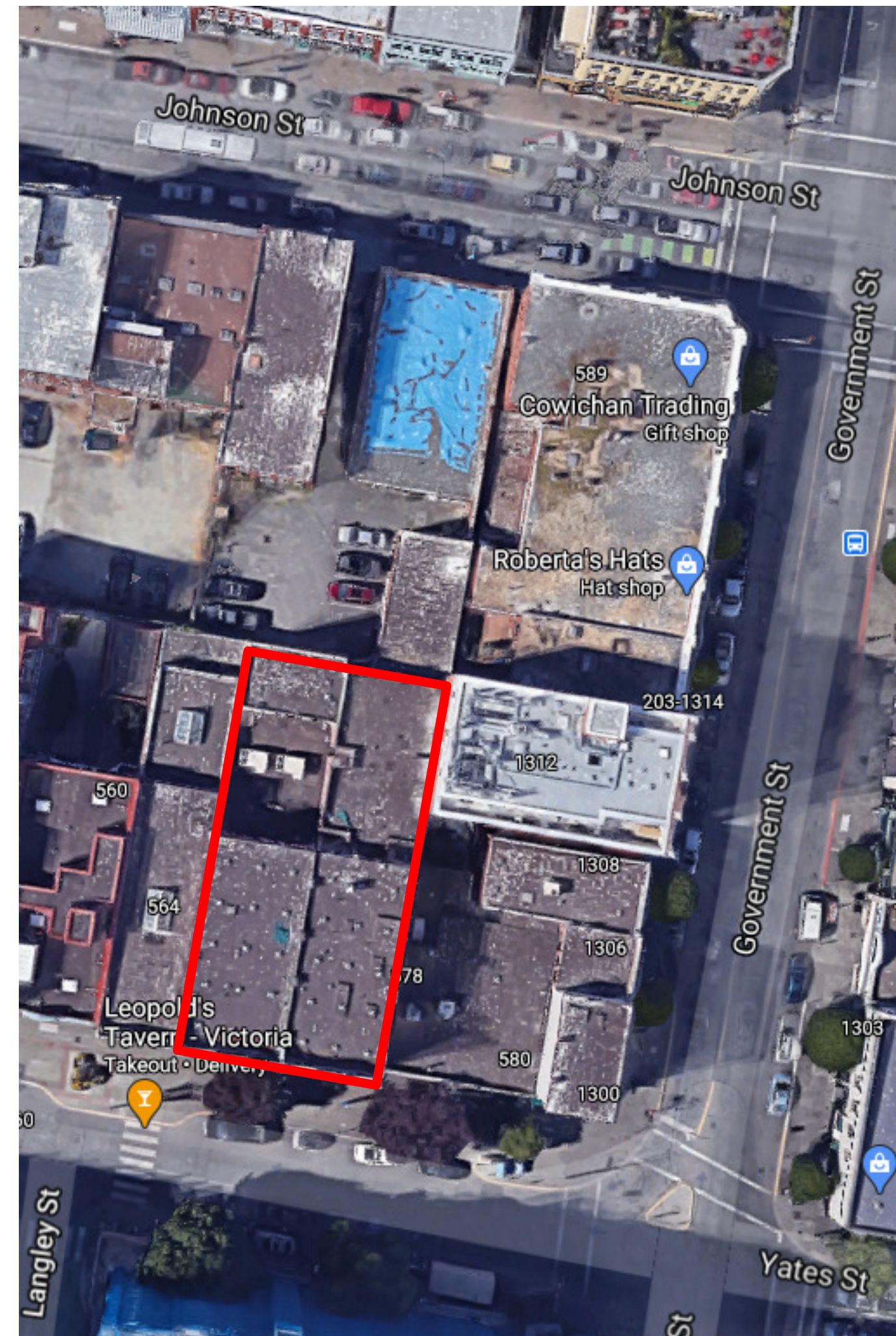


566 to 570 Yates Street
Rezoning No.00770





Proposed Retail Cannabis Store
568 Yates Street, Victoria, BC



CONTEXT PLAN



FRONT ELEVATION AT YATES STREET

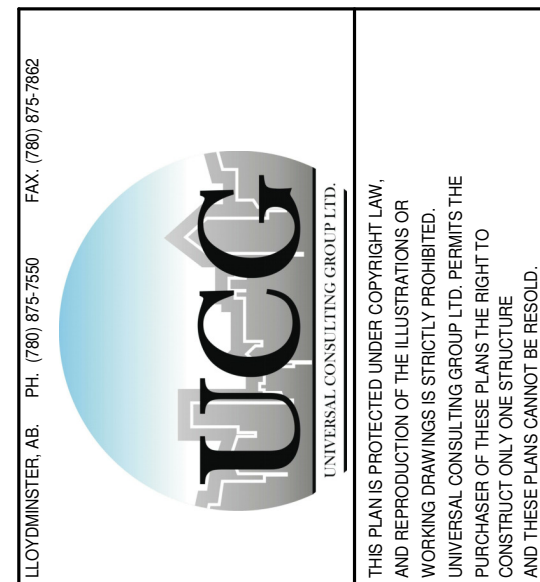
Revisions
Bubbled areas indicate revisions compared to the previously submitted plans

Received Date
May 4, 2021

Revision Issued
MAY 3, 2021

Drawing Index

- A000 Title Sheet
- A001 Project Stats & Site Plan
- A101 Proposed Ground Floor Renovation Plan
- A201 Elevation & Section



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LLOYDMINSTER, AB. TEL: (780) 875-7206 FAX: (780) 875-7382

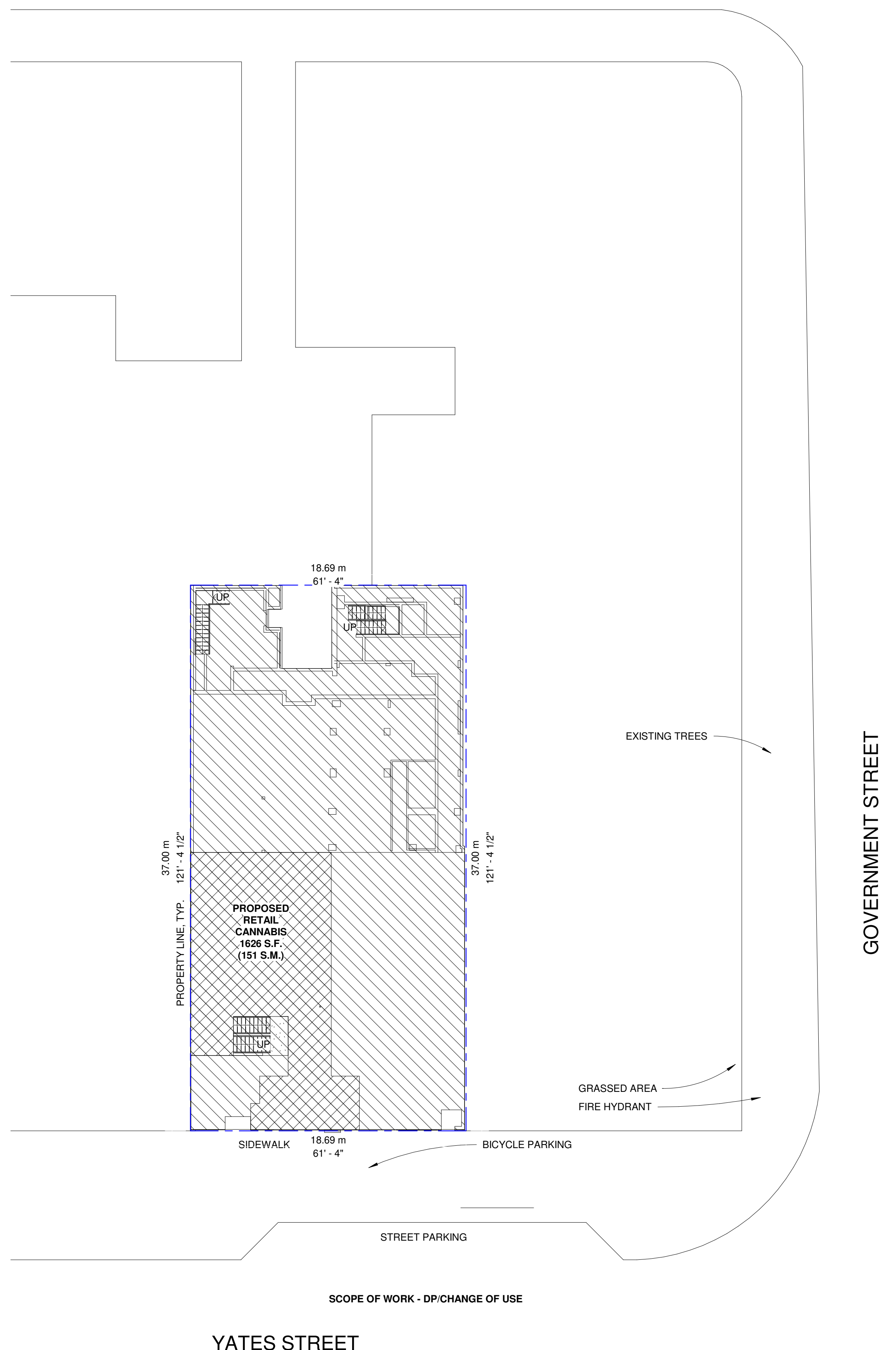
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Revision Schedule		
Revision Date	Revision Number	Revision Description

<p style="font-size: 0.8em;">PROJECT</p> <p>568 Yates Street, Victoria, BC Retail Cannabis Leasehold</p>	<p style="font-size: 0.8em;">DRAWING</p> <p>Title Sheet</p>
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<p style="font-size: 0.8em;">CLIENT</p> <p>Jima Retail Corp.</p>	<p style="font-size: 0.8em;">SCALE:</p> <p>DATE: Issue Date</p> <p>FILE: C2021-0210</p> <p>DRAWN: EER</p> <p>CHECKED: KWJ</p> <p>DWG No</p>
A000	

JOHNSON STREET



YATES STREET

GOVERNMENT STREET

1 Site Plan
A201 1 : 200

Project Information Table		
CIVIC ADDRESS: 568-570 Yates Street, Victoria, BC LEGAL DESCRIPTION: The East 1/2 of lot 183, Victoria City, except the South 56 feet of the East 9 inches thereof (PID 001-011-219) and the West 1/2 of lot 183, Victoria City (PID 001-011-111)		
Zone	OTD-1	
Site Area	691.5m2	
	Existing	Proposed
Total Floor Area	1746.4m2	Suite 151m2
Floor Space Ratio	2.64:1	No Change
Site Coverage %	100%	No Change
Open Site Space %	0	No Change
Height of Building	15.1m	No Change
Number of Storeys	3	No Change
Parking Stalls on site	0	No Change
Bicycle Parking	1 Short Term on...	No Change
Building Setbacks		
Front Yard	7.5m	No Change
Rear Yard	7.5m	No Change
Side Yard	1.5m	No Change
Flanking Side Yard	3.5m	No Change
Use Details		
Main Floor	Propose Retail Cannabis	
Second & Third Floors	7 Existing Residential Suites/Floor, to...	

Building Code Review

Scope of Work

- Ground Floor Cannabis Retail Re-Zoning (Group E)

Building Use & Classification

- Mixed Use
- Group C, Meeting 3.2.2.54 of the 2018 BCBC
- Group D, Meeting 3.2.2.61 of the 2018 BCBC
- Group E, Meeting 3.2.2.67 of the 2018 BCBC
- Three Storeys
- Facing One Street
- Building is Sprinklered
- Combustible/Non-Combustible Allowed

Building Area

- Building - 1746.4m2 [18,798ft2]
- Suite - 151m2 [1,626ft2] - Ground Floor

Fire Ratings, Etc Required

- 45min FRR (Fire Resistance Rating) Fire Separation on Floor Assembly if of Combustible Construction.
- 45min FRR (Fire Resistance Rating) Fire Separation on Load Bearing Walls, Arches, Columns & Beams if of Combustible Construction.
- 1hr FRR/Fire Occupancy Separation.
- 1hr FRR/Fire Separation around Mechanical/Utility Rooms.
- Fire Alarm System is Req'd

Building Construction

- Combustible

Project Notes

Structure

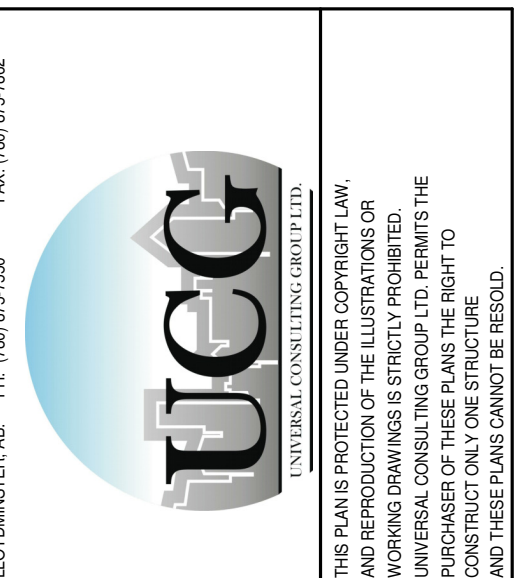
- All existing structural elements to remain

Exterior Finishes

- All exterior finishes to remain

Exiting

- Existing Double exit door at front to be separated into two individual doors, one for each commercial ground floor suite



ENGINEER

Revision Schedule		
Revision Date	Revision Number	Revision Description

PROJECT
568 Yates Street, Victoria, BC
Retail Cannabis Leasehold

DRAWING
Project Stats & Site Plan

CLIENT
Jima Retail Corp.

SCALE: As indicated

DATE: Issue Date

FILE: C2021-0210

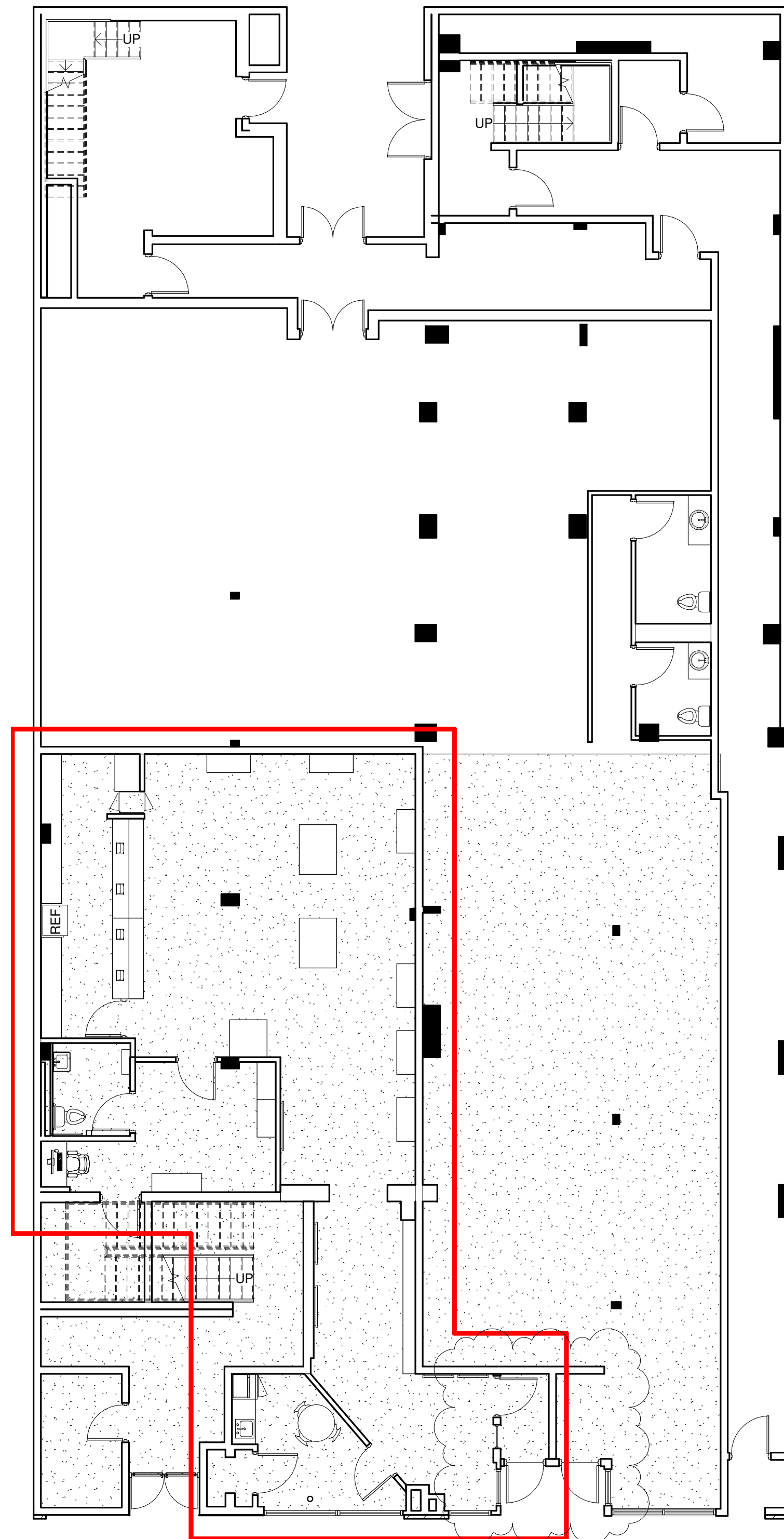
DRAWN: EER

CHECKED: KWJ

DWG No

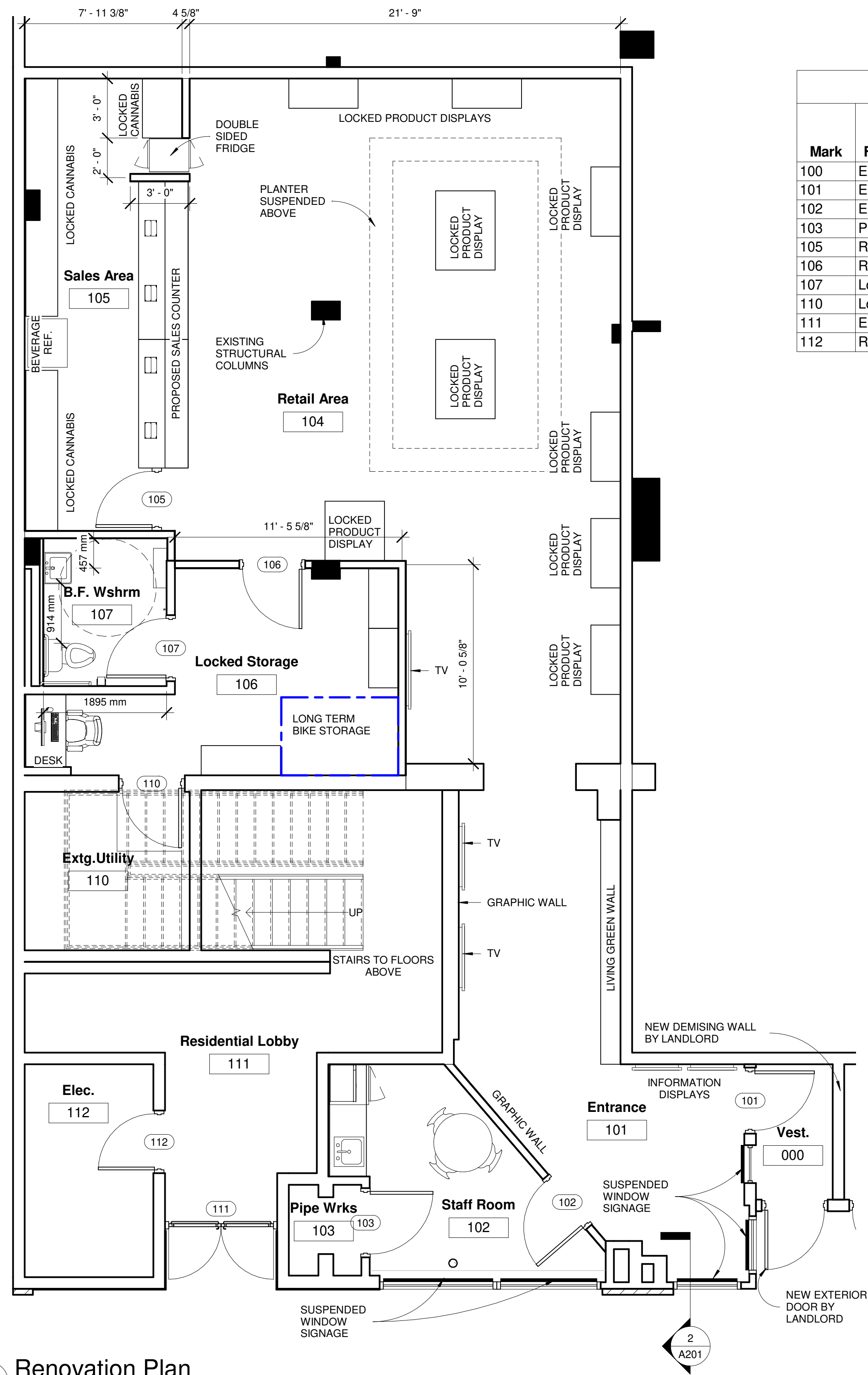
A001

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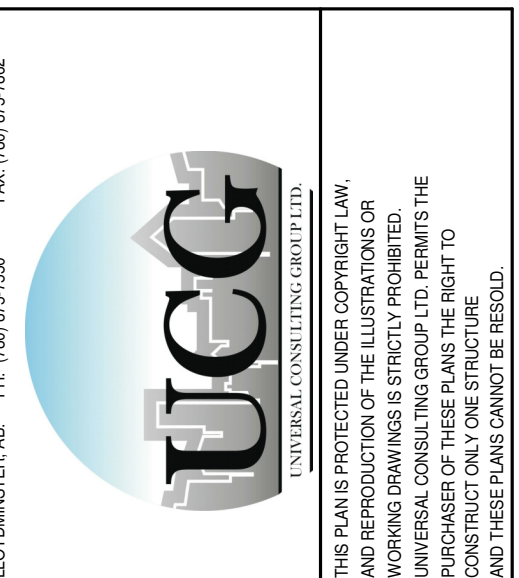
SCOPE OF WORK

1 Key Plan
A201 1/8" = 1'-0"



2 Renovation Plan
A201 1/4" = 1'-0"

Mark	From Room: Name	To Room: Name	Door Data		Fire Rating	Comments
			Dimensions			
			Width	Height		
100	Exterior	Vest.	6' - 0"	7' - 0"		Confirm size on site
101	Entrance	Vest.	3' - 0"	7' - 0"		
102	Entrance	Staff Room	3' - 0"	7' - 0"		
103	Pipe Wrks	Staff Room	3' - 2"	7' - 0"		
105	Retail Area	Sales Area	2' - 10"	7' - 0"		
106	Retail Area	Locked Storage	3' - 0"	7' - 0"		
107	Locked Storage	B.F. Wshrm	3' - 0"	7' - 0"		
110	Locked Storage	Extg. Utility	3' - 0"	7' - 0"	45 Minute	
111	Exterior	Residential Lobby	5' - 3 1/2"	7' - 0"		Confirm size on site
112	Residential Lobby	Elec.	2' - 10"	7' - 0"	45 Minute	



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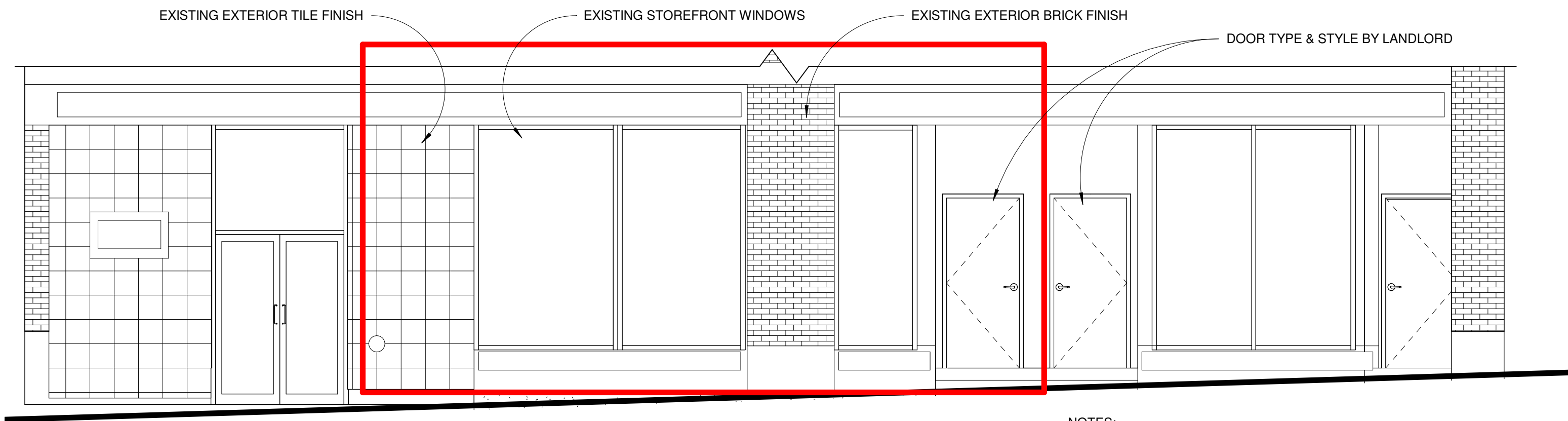
Revision Schedule		
Revision Date	Revision Number	Revision Description
2021/4/09	2	Vestibule Shown

PROJECT: 568 Yates Street, Victoria, BC
Retail Cannabis Leasehold
DRAWING: Proposed Ground Floor Renovation Plan

CLIENT: Jima Retail Corp.
SCALE: As Indicated
DATE: Issue Date
FILE: C2021-0210
DRAWN: EER
CHECKED: KWJ
DWG No

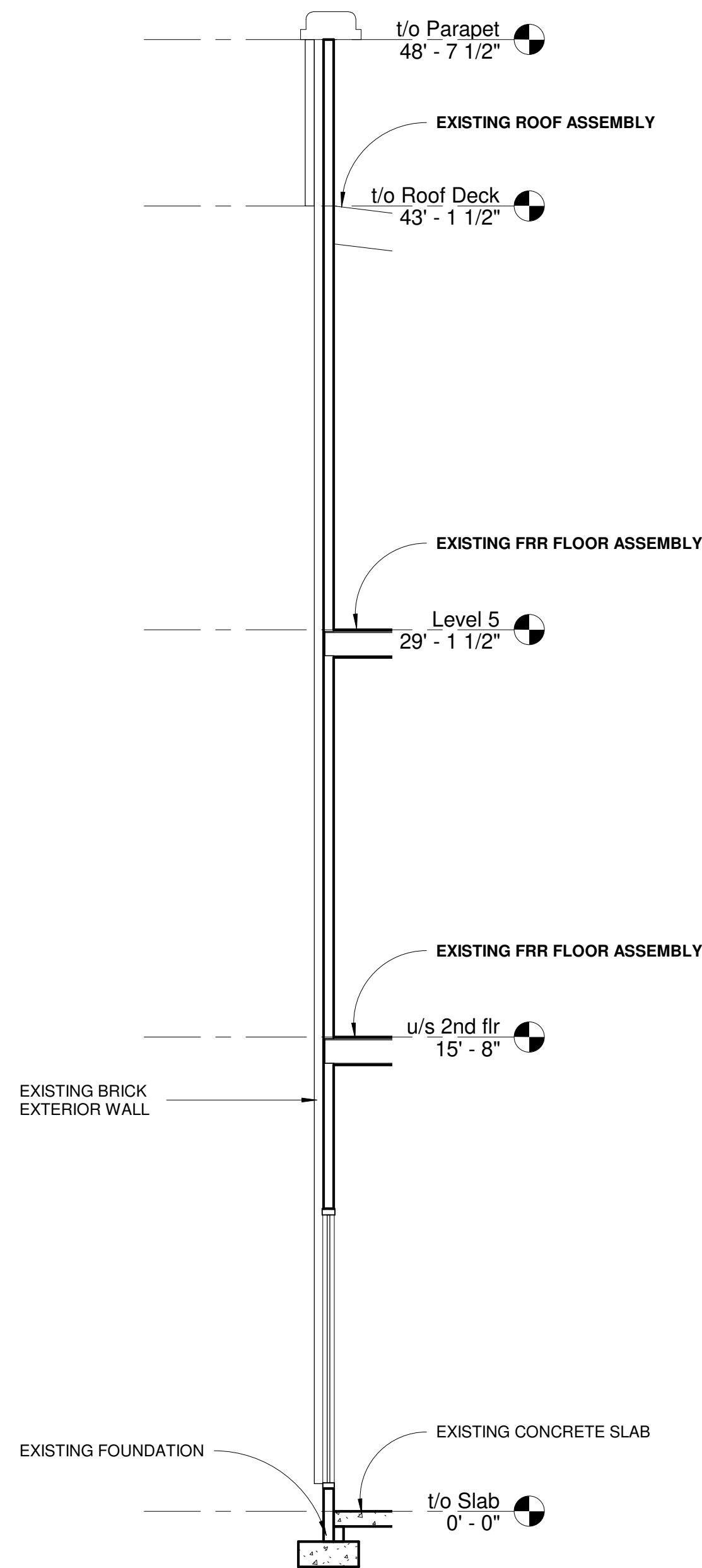
A101

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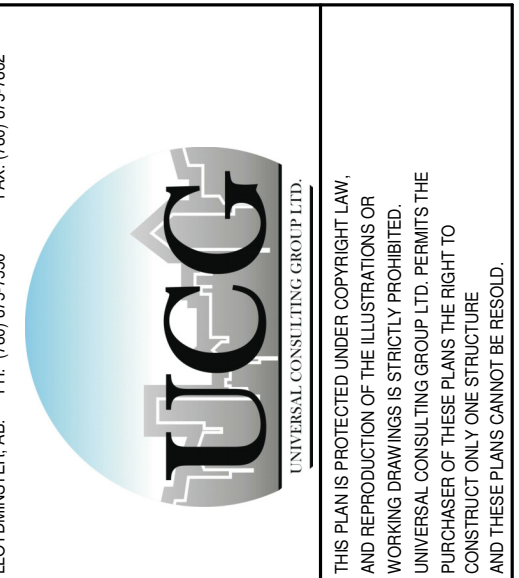


1 Front Elevation
1/4" = 1'-0"

NOTES:
1. LEVELS ABOVE, NOT SHOWN FOR CLARITY, SEE PAGE A000 FOR FRONT PHOTO
2. CONFIRM ALL WINDOW DIMENSIONS ON SITE



2 Section 1
1/4" = 1'-0"



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Revision Schedule		
Revision Date	Revision Number	Revision Description

PROJECT
568 Yates Street, Victoria, BC
Retail Cannabis Leasehold

DRAWING
Elevation & Section

CLIENT
Jima Retail Corp.

SCALE: 1/4" = 1'-0"

DATE: Issue Date

FILE: C2021-0210

DRAWN: EER

CHECKED: KWJ

DWG No

A201

jima cannabis

300-303 W Pender Street, Vancouver, BC V6B 1T3 – 604-624-6055 – sean@jima.ca

March 5, 2021

Mayor Lisa Helps and City Councillors
1 Centennial Square
Victoria, BC V8W 1P6

Dear Mayor Helps and Councillors,

In this letter you will find the details on our rezoning storefront cannabis retailer rezoning application. Please contact us with any questions or concerns.

Description of Proposal

Details of Company and Operation

We're Jima Cannabis, a BC-based Canadian retail cannabis operator committed to the highest standards of customer care. Jima is an emerging adult-use cannabis company that is growing in BC. Jima is focused on delivering an elevated, safe, and responsible customer experience through our curated retail environments, offering a diversity of brands for British Columbians across a retail network. Jima Retail Corp. is wholly owned by TCap Private Equity who has invested in other successful businesses located in Victoria and on the Island including Pixel Union.

The proposed location is 568 Yates Street but we are attempting to move the zoning from 546 Yates Street. There is no mechanism in the bylaws to move a cannabis zoning, so a rezoning is required. If the rezoning is successful, the cannabis zoning at 546 Yates street will be removed. The main operation will be non-medical retail cannabis sales. We will be selling cannabis and cannabis accessories to all adult-aged members of the community. Jima is committed to educating consumers about the safe and responsible use of cannabis while protecting vulnerable populations and restricting youth access. Jima strictly enforces ID verification, maximum purchase amounts, and bylaw regulations. As per city bylaws and provincial regulations, Jima does not allow any consumption on-site or around the premises. Jima is committed to being a good neighbour and will politely enforce a no noise and no-smoking rule around this location.

Proximity to other cannabis retailers and School

The proposed location for rezoning is located within 400m of other cannabis stores. Two of the locations within 400m are existing locations and two of them were approved within the setback of 546 Yates street which this location Jima is attempting to move the zoning from to 568 Yates Street.

It's Jima's understanding the 400m distancing rule was designed to prevent clustering of stores and limit the number of stores in the city. It appears the city has relaxed this rule for the downtown which is in line with the goals and objectives of the downtown core area plan. Specifically, land use objective 3.1 on page 23, "Provide zoning within the CBD to accommodate a **strong concentration** of commercial employment uses,

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*along with complementary uses as multi-residential development, hotels, restaurants, public institutions, personal service businesses and **retail stores**.*” It makes sense that cannabis stores would cluster in the retail and shopping hub of the city. This is not a brand new store location and has existed with the other stores in the 400 setback. 546 Yates was considered when two new store locations were approved within the 400m setback. Jima is requesting a variance from the city to approve the rezoning as a way to move the store location.

City Policy

The rezoning application aligns well with city policy including the OCP and the Downtown Core Area Plan. Under the goals of the OCP for the economy, goal E states, “*A broad range of employment opportunities exist across the city and region providing workers with income to financially support themselves and their families.*” Jima will be providing an above-average salary compared to industry competitors and will provide benefits for full-time employees. We will also be offering a profit-sharing model for all employees based on store performance. Jima believes this aligns with the city's goals of providing workers with enough income to financially support themselves and their families by offering more than living wage standards for the city.

Under the goals of the Downtown Core Area Plan, by moving the zoning of this location Jima is allowing more retailers to occupy space downtown, which aligns with goal 1.4 on page 11. “*Developing a long-term retail strategy to confirm the economic importance of retail activity within the Downtown Core Area.*” City growth forecasts predict an increased demand for retail in the Downtown Core. The current space zoned for retail cannabis is 5760 square feet, which is much too large for a cannabis store. Jima's proposed location is 1622 square feet. This would allow more retailers to set up in the downtown core, or a more suitable retailer for the size of the unit, and assist in helping meet the growth requirements in the downtown core.

Other goals Jima aligns with under the Downtown Core Area Plan include integrating the historical aspects of the development into our design and also incorporating green building technology. Green building strategy is discussed more under project benefits and the historical aspects of the building will be maintained and built into the design by exposing a lot of the original brick and character of the building. We will also incorporate some history of the building into the store design with a picture or art piece discussing history around the building and area.

Project benefits and Amenities

When considering this rezoning application, Jima analyzed the economic, environmental, and social benefits to the City and neighbourhood. Below are the benefits we can offer.

Economic

Starting with economic benefits, it is useful to look at the cannabis industry as a whole in the province of British Columbia. In 2019 BC collected \$12.9 million in provincial sales tax for medical and non-medical

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cannabis sales¹. Jima estimates this number will grow to over \$20 million in 2020 and close to \$35 million in 2021. The positive benefit from PST revenue does not include contributions from corporate income tax, personal income tax, payroll taxes, property taxes, licences and permits, and other taxes as well as the multiplier effect. For the city and the neighbourhood the multiplier effect is very important. The money earned by our employees, being paid more than a living wage, will benefit other businesses and individuals in the community. Additionally, the job creation will help with the effects felt from covid with job losses and consumer spending habits switching to online retailers. Cannabis consumers only have one option to buy online, so many still prefer the brick and mortar locations. Finally, traffic from cannabis consumers will have a positive benefit for other retailers in the area who may be struggling due to shifts in consumer habits in the post COVID-19 economy.

Environmental

Jima offers several environmental benefits for the city. Initially, moving to a smaller space will lessen the environmental footprint of the store. The size of the current location is much too big for a cannabis retail store. Below are some standard environmental considerations Jima incorporates into new store developments

Green Strategy

Jima supports a green building strategy when conducting tenant improvements on their properties. The goal is to minimize environmental impacts through energy efficiency and building materials. Some of the energy-saving features depend on individual stores but some examples are

Lighting

- LED or fluorescent tubes, which take less energy to produce than a conventional bulb
- Motion sensors to turn off lights in unoccupied areas
- Using natural light as much as possible

Building Materials and Construction

- Zero VOC paint which doesn't have volatile organic compounds
- Sustainable or recycled materials used for millwork
- Countertop tiles with a composite, stone-like material made from 100% post-consumer waste
- Construction waste management which can divert 70-80% of materials from the landfill
- Low emitting materials for furniture

Bicycle Parking

When possible, Jima tries to incorporate bicycle parking for employees into new designs.

¹ Statistics Canada. [Table 36-10-0432-01 Detailed household final consumption expenditure- sales taxes and expenditure excluding sales taxes, provincial and territorial, annual \(x 1,000,000\)](#)

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Sustainable Commuting

To help reduce the number of cars on the road each day Jima will implement a sustainable communicating program. It offers incentives to employees to encourage them to use other forms of transportation to come to work such as walking, biking, transit or carpooling. This policy aligns with policy goals in the OCP and Downtown plan. The program offers:

- Rebates on transit passes
- Incentives for biking, walking, skateboarding and rollerblading such as gift cards for rain gear
- Cycling skills courses and subsidized bike tune-ups
- A “Guaranteed Ride Home” program in the event of emergency or sickness

Social Benefits

The social benefits for this rezoning align with some of the policy objectives and goals of the federal Cannabis Act. They include eliminating the black market and restricting youth access. Other social benefits were already discussed which include increased employment which can assist with the positive mental health of citizens. Finally, Jima intends to give back to the community with charitable donations.

Recent data from Statistics Canada shows that legal cannabis sales are now greater than black market sales for the first time since legalizations². This shift proves that safe legal access is proving to help eliminate the black market. With the increase in access, variety and lower price points, consumers are proving to prefer legal products over black market supply. This has social benefits to the community as black market providers are not regulated or held accountable like legal cannabis retailers. Additionally, legal sources are a guaranteed safe supply, due to testing, and provide protections from youth with child proof packaging, messaging not attractive to youth and health warnings. Initial data also shows that youth are not being charged as much for cannabis offences, presumably because it is more difficult to access or more education has helped with decision making. Comparing 2017 to 2019, youth charges for possession of cannabis has dropped 79%³⁴

Finally, Jima believed in giving back to the community and will be donating to local charities and organizations that help with issues around addiction, affordable housing and climate change.

Neighbourhood

The proposed development would fit in well with the community as another retail store. It is common for cannabis stores to have stigma attached to them but there is not much evidence that they have a negative

² Statistics Canada. [Table 36-10-0124-01 Detailed household final consumption expenditure, Canada, quarterly \(x 1,000,000\)](#)

³ Statistics Canada. [Table 35-10-0177-01 Incident-based crime statistics, by detailed violations, Canada, provinces, territories and Census Metropolitan Areas](#)

⁴ Statistics Canada. [Table 35-10-0177-01 Incident-based crime statistics, by detailed violations, Canada, provinces, territories and Census Metropolitan Areas](#)

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impact on the community. This aligns with what we have heard from communities, city officials and landlords after the opening of 1000's of stores across Canada. Jima will conduct extensive community engagement and address any concerns from community members.

Impacts

The development will complement conditions in the surrounding area which is a busy commercial area. The new location is much lower profile than the other location with a lot less frontage and exposure. We do not anticipate any negative impacts on the community such as noise and activity levels. We anticipate this store to operate as any other retail store. Additionally, the store has many additional levels of regulation from the province and federal government that regular retailers do not have.

Design and Development Permit Guidelines

The proposal complies with all the design guidelines with only interior alterations being completed. The window coverings required by the provinces will be satisfied with a set back display that will block any views of the product and still allow natural light. The display will meet provincial and federal standards around advertising and what is acceptable imaging for youth.

Safety and security

The proposed location has great CPTED features, specifically:

1. Sightlines: Fundamental for natural surveillance of a property, This site has an abundance of site lines. Yates Street has very few obstructions for well over 100 metres in each direction from the front door. Many nearby businesses generate positive activity in the area.
2. The area outside the store is public space without much private space for the store which aligns with the objectives around territoriality.
3. The property is well maintained which is required for good CPTED.
4. There is excellent street lighting.
5. There are minimal opportunities for criminal refuge or prospect from this property.
6. The interior has a purpose-built renovation incorporating the principles of CPTED
 - a) There are clear sightlines over the entire retail area. All customers are greeted upon entry. Staff can see all clients at all times.
 - b) There is a clear delineation between staff areas and client areas and areas with cannabis storage.
 - c) The cannabis storage area is out of sight to clients.
 - d) Cannabis, cannabis accessories and any transactions involving these products are not visible to minors from outside the store. As a means to minimize unlawful entry by minors, signage will be posted at the entrance to their stores indicating that minors are not permitted.
 - e) The store while, being compliant with regulations, still allows an abundance of natural light.

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Transportation

The parking requirements under Part 5 of zoning bylaw 2018 for the downtown is one stall per 200m² of floor area, or part thereof. The proposed location is less than 200m³ which would require one stall. There is no assigned parking for the unit, however, there is a 360 stall parkade across the street and street parking available. Additionally, this location has been functioning under other uses without assigned parking for a long period of time. Jima requests a relaxation of the parking bylaw because the store is located in the downtown core which has a streetscape designed for walkability and where other modes of transportation are encouraged.

It appears that bicycle parking is not required under the bylaw but staff will have the ability to store bicycles on the property.

Heritage

The building is located in the downtown historic district and the proposal does not include any exterior changes. The heritage aspects of the building will be embraced by the design team, incorporating the old features into the interior design.

Summary

Jima is looking forward to having the opportunity to operate in the city of Victoria at 568 Yates Street. Jima has strong management living locally and is owned by a company with a strong track record of successful BC based businesses. Although the proposed location is within the 400m setback of other stores, the rezoning is part of a plan to move the zoning from 546 Yates street. The new stores approved within the setback took 546 Yates into consideration when they were approved.

The rezoning aligns with city policy including the official community plan and downtown area plan. The location also brings benefits to the community including economic, social and environmental benefits. The proposal will fit in well with the community and not have any negative impacts on the community.

The development meets the design and development permit guidelines and has great CPTED features. Although there is no parking onsite the location has operated without onsite parking previously and is located in the downtown core which encourages other forms of transportation and is designed to be pedestrian friendly.

Jima appreciates the opportunity to open a legal cannabis store in the City of Victoria and thanks everyone for their time on this



Mayor Helps and Council
City of Victoria
No.1 Centennial Square
Victoria, BC, V8W 1P6

24 May 2021

Re: 546 & 566-568 Yates Street – REZ 00770 – Cannabis Retail

Dear Mayor Helps and Council,

The City is considering a Rezoning application to allow for the use of Storefront Cannabis Retailer at 566-568 Yates Street and remove the permitted use of Storefront Cannabis Retailer from 546 Yates Street. On 07 May 2021, the Planning Department sent the DRA LUC an email informing us that the City had received revised plans for the Rezoning Application for this project. The City did not notify the DRA LUC that this application was proceeding to Committee of the Whole. Based on the information available, our comments are included below.

Trees Dispensary at 546 Yates Street was the first cannabis retailer to be rezoned under the City of Victoria's Storefront Cannabis Retailer Bylaw in April 2017, which permitted cannabis retailers to operate prior to legalization under provincial or federal legislation. In August 2019, provincial enforcement officers (CSU) forcibly closed the location at 546 Yates Street for continuing to operate without provincial approvals. In the intervening time, the requisite legislation was established and we have seen a plethora of approved cannabis retailers opening and operating throughout the City, particularly concentrated in the Downtown Core. There are now three fully legal and provincially licensed cannabis operators within 400m of that location. Additionally, the proposed site at 566 Yates Street for Jima Cannabis does not comply with the 400m-proximity requirement.

Proximity rules were established by Council to limit the number of Cannabis retailers to the point that the public is adequately served and operators do not need to sell to minors to make ends meet. There is a strong case that indicates a direct correlation between the viability of these businesses and compliance regarding sale to minors.

There is no shortage of ground floor retail properties for lease within the City and therefore no apparent impediment for the applicant to seek a location that complies with the current proximity rules. While we have been recommending that the City not set precedence by relaxing these proximity rules, these applications continue to be rubber-stamped. We expect Council to muster the courage to uphold its wise decision to adopt the 400m proximity rule for Cannabis retailers and the 200m proximity rule for schools.

The applicant first pitched their proposal to the DRA as a “relocation of a grandfathered zoning”. However, we are cognizant that zoning goes with the land and is not “transferrable” between properties. While the existing zoned location at 546 Yates may at some time permit a license to operate at that particular location because the use has been included in the zoning, it is unlikely to be reactivated any time in the medium term. While existing Cannabis and Liquor outlets have on occasion been approved by Council to move locations that required rezoning for the new location and then rescinding of zoning at the old location, it should be noted that Jima Cannabis had no interest in the property at the previous location or did it obtain the original rezoning or Business License. This application fails to provide any justifiable rationale to transfer zoning from an unrelated site to an unrelated operator in violation of City proximity policy.

City bylaws and policies are formed and adopted or altered through consultation with all stakeholders. Respect for these City policies and bylaws provide certainty for the community: for the public and business operators alike. It seems a common occurrence that this Council ignores municipal policies which only results in the continued erosion of the public’s trust and the broader process. We ask that Council forge a path of sound, consistent and reliable decision-making based on the municipal policies and plans that are in place, and cease making important decisions on an ad hoc basis.

Sincerely,

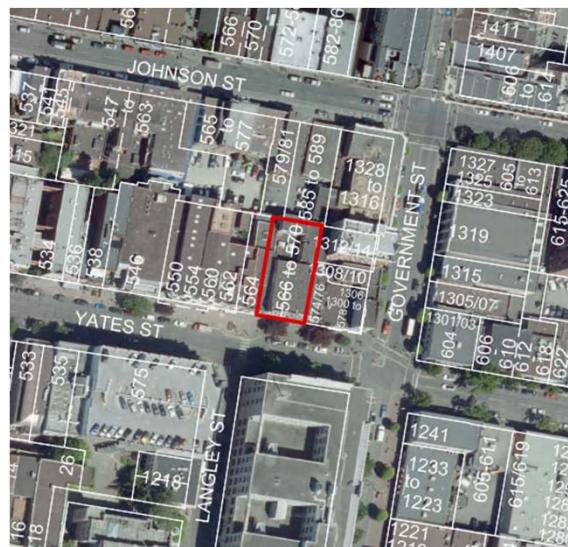
A handwritten signature in black ink, appearing to read 'Ian Sutherland', with a stylized, cursive script.

Ian Sutherland
Chair Land Use Committee, Downtown Residents Association

Rezoning Application for 546 Yates Street & 566-568 Yates Street



Aerial View



Subject Sites

3



546 Yates Street



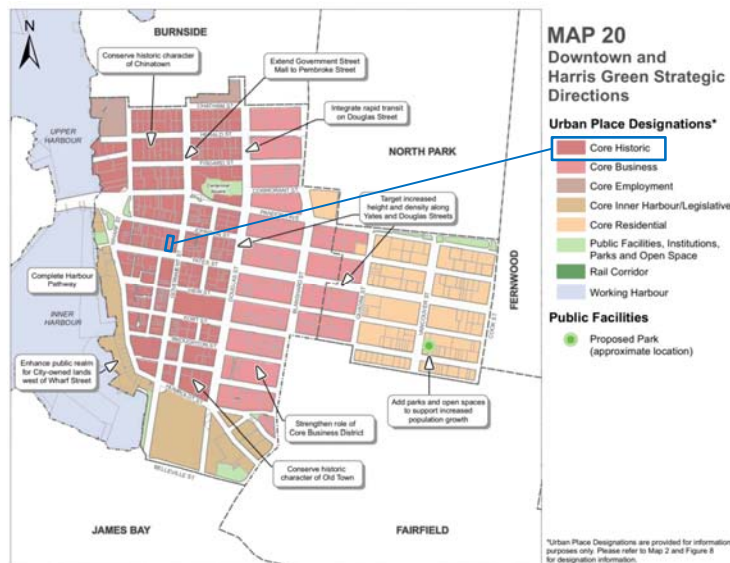
566-568 Yates Street



3

Official Community Plan

4



4

Elevation

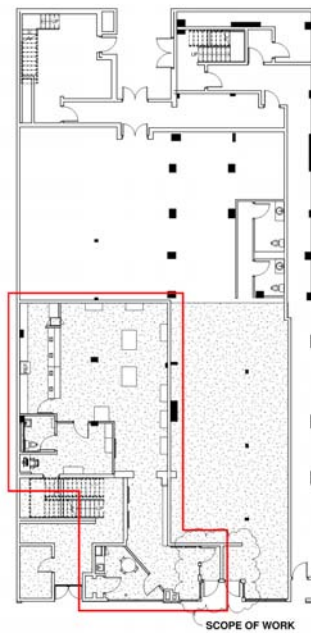
5



5

Floor Plan

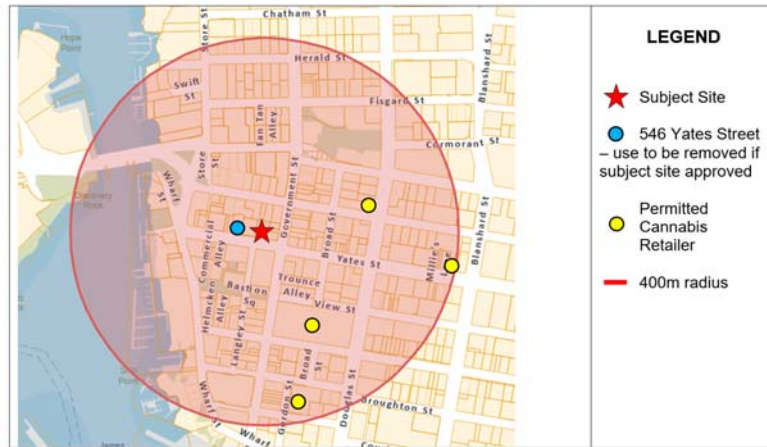
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Distance from Other Retailers

7



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