

**E.1.a.e 131, 137 Skinner Street and 730 - 736 Tyee Road: Rezoning  
Application No. 00747 (Victoria West)**

**Moved By** Councillor Loveday

**Seconded By** Councillor Alto

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.

**CARRIED UNANIMOUSLY**

**F.2     131, 137 Skinner Street and 730 - 736 Tyee Road: Rezoning Application No. 00747 (Victoria West)**

Committee received a report dated November 26, 2020 from the Director of Sustainable Planning and Community Development regarding the proposed Rezoning Application No. 00747 for 131, 137 Skinner Street and 730 - 736 Tyee Road in order to a site-specific zone to permit a storefront cannabis retailer.

**Moved By** Councillor Loveday  
**Seconded By** Councillor Alto

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.

**CARRIED UNANIMOUSLY**



## Committee of the Whole Report

### For the Meeting of December 10, 2020

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**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

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### 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 122m<sup>2</sup>.

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**

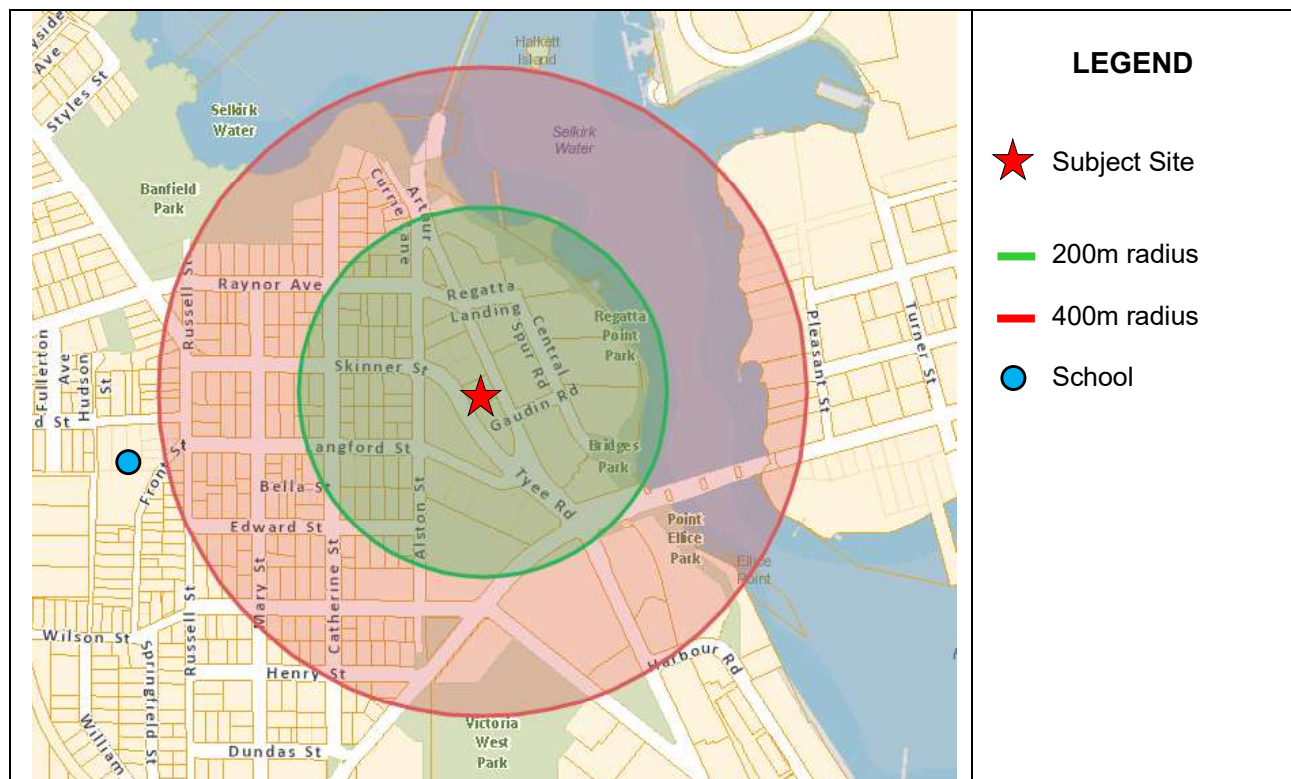
The property is located within the General Employment with Limited Residential designation of the *Victoria West Neighbourhood Plan*, within which retail uses not ancillary to another use are generally discouraged. In this instance, the storefront cannabis retailer has existed under a Temporary Use Permit 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,

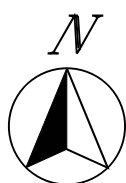
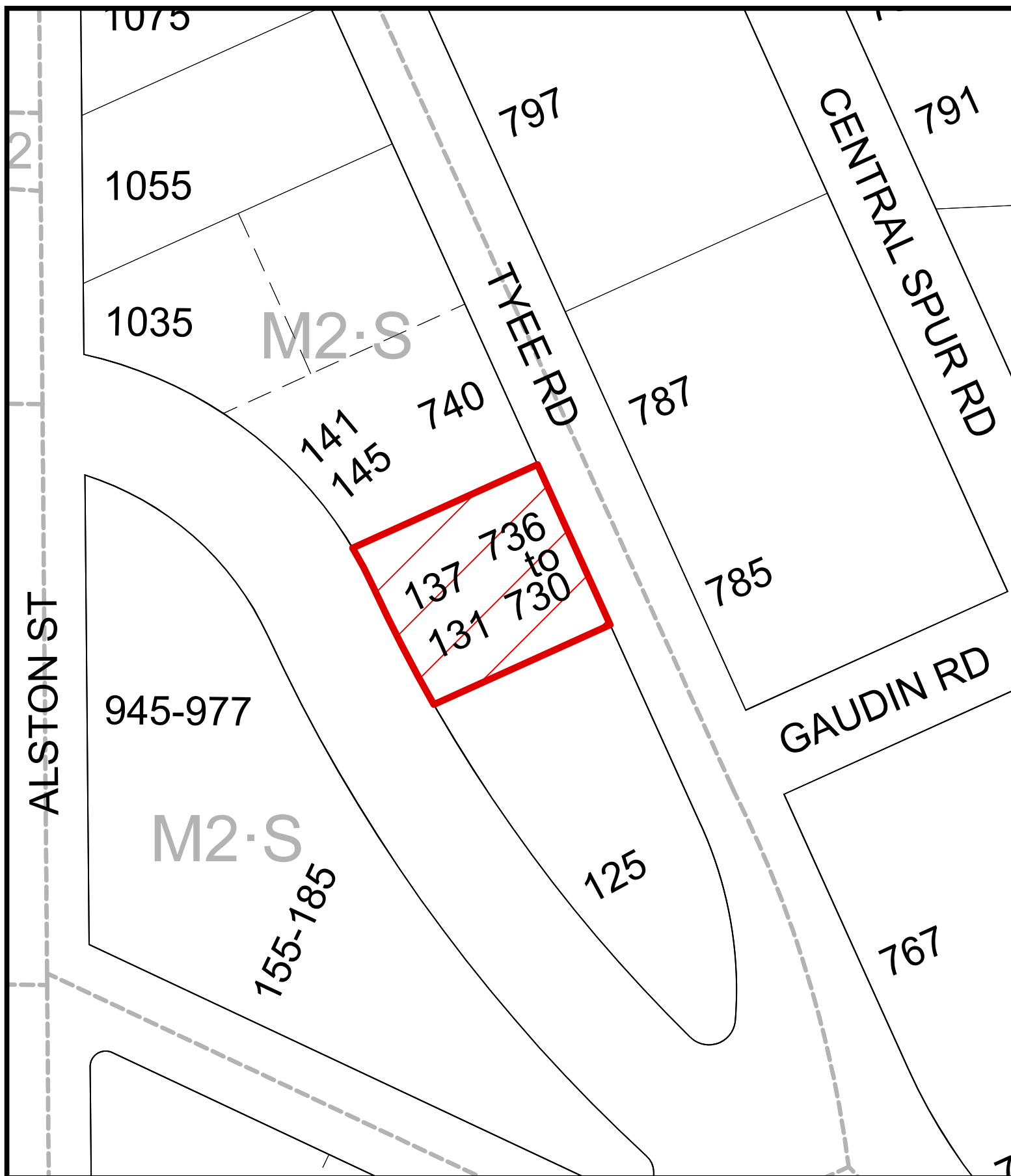
Mike Angrove  
Senior Planner  
Development Services Division

Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager

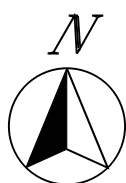
## List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped 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.



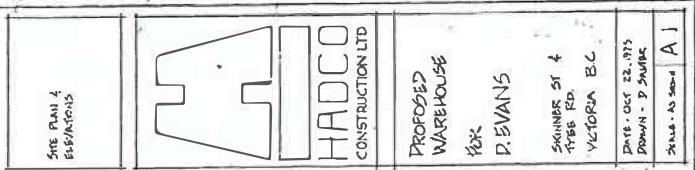
732 Tyee Road  
Rezoning No.00747

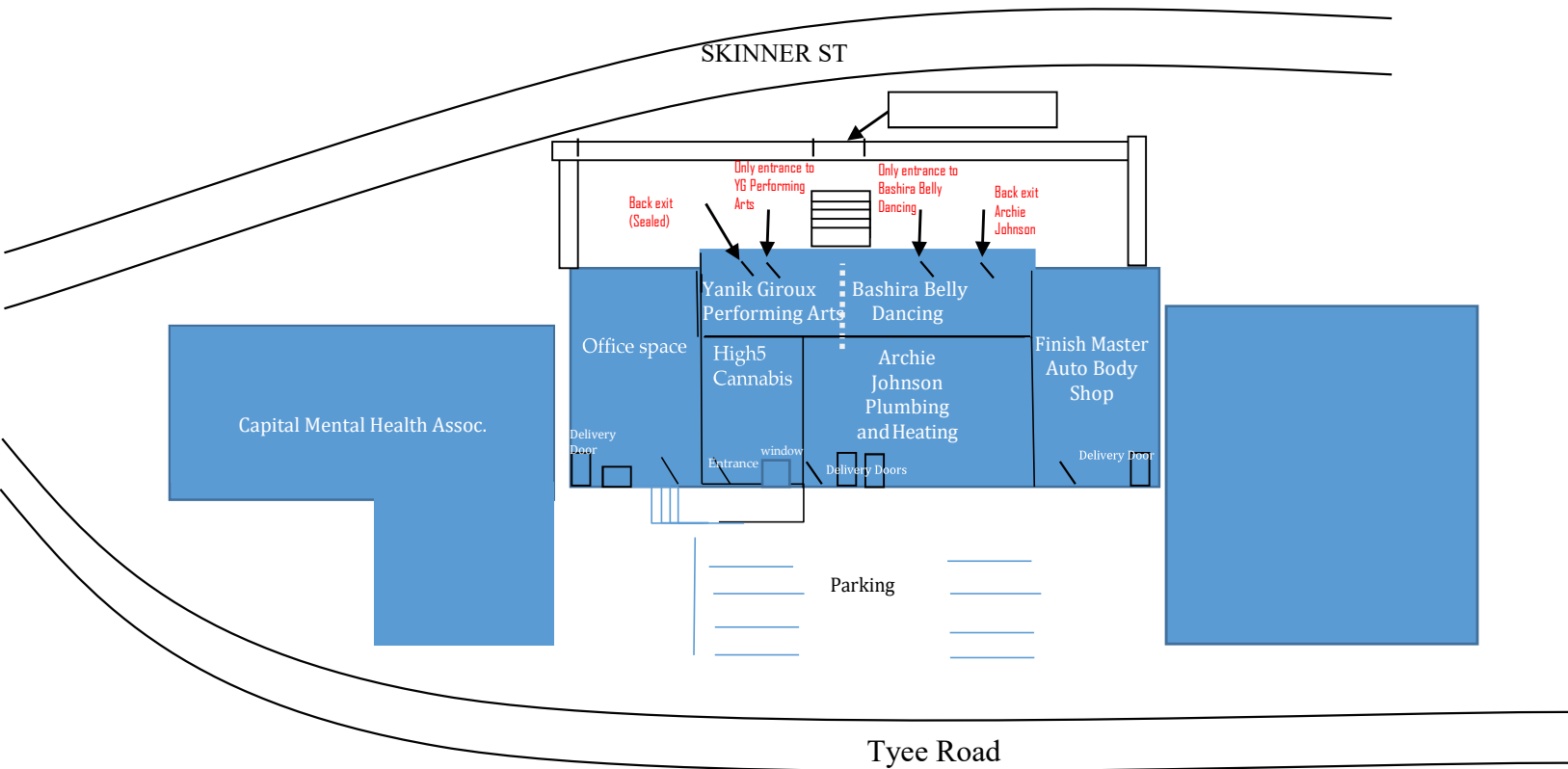




732 Tyee Road  
Rezoning No.00747





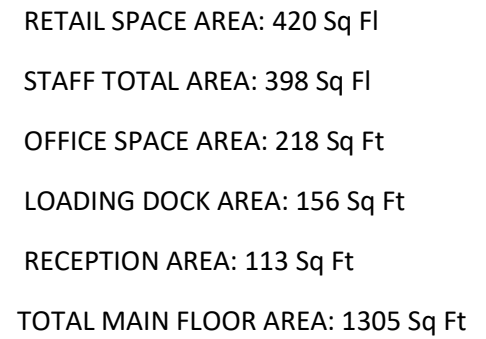


\*\* Full height wall separation between all units.

\*\* The Performing Arts and belly Dance studios are on the mezzanine above half of High5 Cannabis and Archie Johnson. There is no access to High5 Cannabis from those units.

PROJECT INFORMATION TABLE

Zone Existing	M2- S TUP: Storefront Cannabis Retailer
Site Area (m2)	1045.15
Unit Floor Area (m2)	121.23
Parking Stalls (number) on site	8



TOTAL MAIN FLOOR AREA: 1305 Sq Ft

# HIGH

[illegible]

HIGH5 RETAIL



730

19+  
ID REQUIRED  
7-11-22

Come in, we're  
**OPEN**



OPEN

NON-MEDICAL CANNABIS STORE

Come in, we're  
**OPEN**

CAUTION  
WET FLOOR



Dear Mayor & Council,

I am submitting this letter for your consideration of my rezoning application under the requirements for Storefront Cannabis Retailers.

High5 Retail, located at 732 Tyee Road, is a provincially licensed cannabis retailer that has been operating under a TUP since January 2019. I am applying to permanently rezone this location.

This location meets all the bylaw requirements for cannabis retail. It is not within 200m of a school, and there are no other storefront cannabis retailers within 400m.

High5 Retail has made it a priority to ensure the operation of the retail store is in compliance with the regulatory frameworks and City of Victoria bylaws. The store is enclosed by floor-to-ceiling walls that are not transparent. Non-medical cannabis and cannabis accessories are not be visible from outside the store. Displays do not permit self-service by patrons and all patrons are assisted by a store employee, as all cannabis and cannabis accessories are displayed in a way that they are not accessible to patrons.

#### *Natural Surveillance*

- Fully illuminated doorway.
- The front door to the unit is visible from the street.
- Appropriate illumination inside the store and at doorway that opens to the outside and parking lot.
- Existing landscaping is limited to allow unobstructed views of vulnerable doors and windows from the street and other properties. This landscaping will not be changed.
- Use of security-focused lighting that enables pedestrians to see clearly and to identify potential threats at night.

#### *Natural Access Control*

- All patrons who appear to be under the age of 25 are required to pass through a "checkpoint" attended by staff who will check ID.
- Check-out counters at the front of the store, clearly visible from the time patrons walk in.
- Clearly marked transitional zone ("Staff only beyond this point") signs that indicate movement from public to private spaces.
- Walkway outside the unit is safe for pedestrians, and is unobstructed.

#### *Territorial Reinforcement*

- Front walkway creates a transitional area between the parking lot and the store.
- Property lines are well defined with, pavement.



### *Maintenance*

- Exterior lighting outside of unit is kept in working order.
- Parking area is well maintained.
- Interaction between neighbors is vital to the awareness of persons and activities in the area. Management creates opportunities for neighbors to get to know one another.
- All employees and other authorized persons are familiar with the security system to avoid false alarms.
- Operating hours are 9:30am to 9:30pm Monday- Wednesday, 9:30am-10pm Thursday-Saturday, and 10am- 8pm on Sunday.
- A minimum of 2 employees are on shift at a time.
- Interior spaces are fully illuminated.

High5 Retails will continue to engage with the local police, City Bylaw and any other stakeholders to provide the safest experience for all customers and surrounding neighbours. I have over 20 years of experience as an Auxiliary Constable with the RCMP. I am well aware of the importance of public and level of security. High5's door will be open to any inspection City Bylaw would like to perform. There is full transparency between local authorities and the operation of the business. Any questions or concerns will be addressed in a timely and appropriate manner.

High5 is located in an area that has a mix of residential, commercial and industrial uses. We have met many of our neighbours and they have been happy to see us take initiative to ensure we are providing customers, neighbours, and the community with an aesthetically pleasing environment. Pressure washing is done regularly, the parking lot is kept clean and tidy daily, new garbage/recycling services have been employed, and the parking is lot is well illuminated until closing. Customers are also pleasantly surprised to see the ample parking spaces available to them when they visit the store.

High5 is also environmentally friendly and therefore only offers paper bags for large customer purchases. We also have a recycling program for any and all containers our products are sold in.

This building was built in 1975/1976 and does not have heritage status. The rezoning application does not include any exterior changes to the building and relates only to the change of use. We will keep the existing landscaping as it creates natural surveillance. High 5 has installed and maintained an air filtration system, and smoke alarms. There has been a recent fire inspection conducted with no issues.

Thank you for your consideration of my rezoning application. If you have any questions, please do not hesitate to contact me.

Sincerely,

Kuldeep Johel



Raji Buttar [REDACTED]

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## Rezoning 730 Tyee

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**Michael Peiffer** [REDACTED]

Wed, Oct 14, 2020 at 10:32 AM

To: Raji Buttar [REDACTED] &gt;, Janet Peiffer [REDACTED]

Hello Raji,

Further to my conversation with Mike at Victoria City Hall this morning regarding the rezoning for High Five and the request from Traffic for a Statutory Right of Way we as the owners of the property have decided to decline the Right of Way at this time. We will consider it for any future redevelopment.

Thank you,

Michael & Janet Peiffer



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# Rezoning Application for 730-736 Tyee Road & 131-137 Skinner Street



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## Aerial View

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## Subject Site

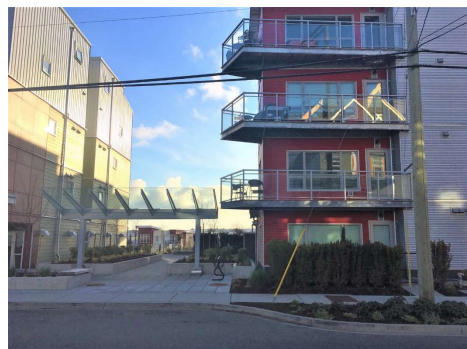
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## Neighbouring Properties

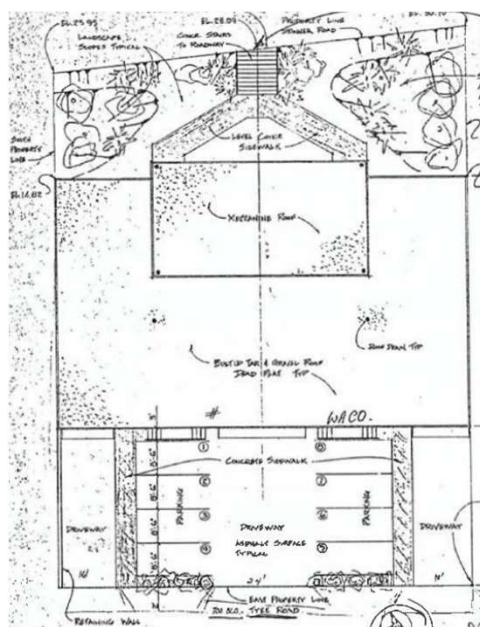
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## Site Plan

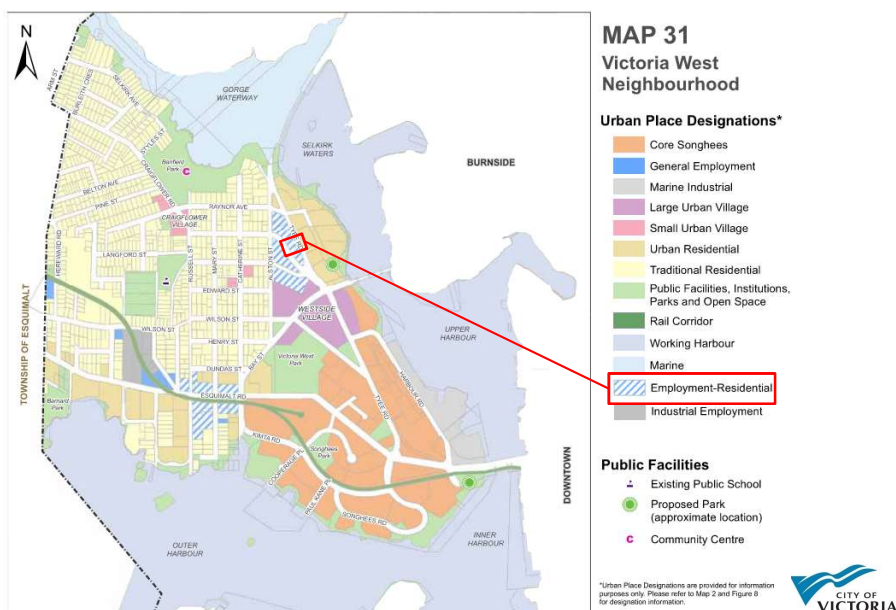
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# Official Community Plan

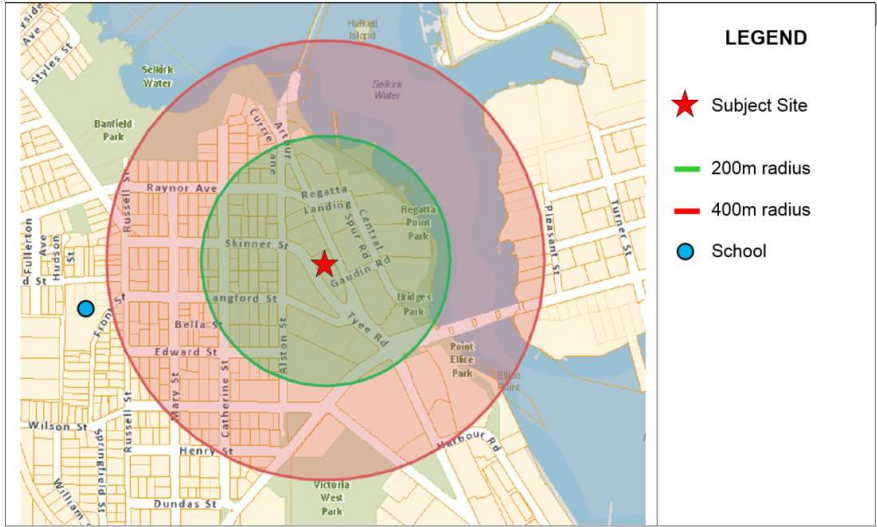
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Distances from Other Retailers

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