

Request for Decision



To: Regular Meeting

From: **Development, Engineering & Planning**

Date: January 27, 2020

Subject: Development Variance Permit No. DVP2001 Non-Medical Cannabis Retail Store Licence at 7500 Donaldson Drive.

Recommendation: **THAT Council direct staff to proceed with the statutory requirements for public notice respecting a Development Variance Permit application to reduce, from 100m to 36m, the setback distance from a building or structure to a Community Use Zone in order to allow Non-Medical Cannabis Retail Store as a use on the property.**

Background

The applicant, 1179711 BC LTD, has applied to the Liquor and Cannabis Regulation Branch (LCRB) for a Non-Medical Cannabis Retail Store (CRS) Licence for 7500 Donaldson Drive.

Because the building to house the CRS is within 100m of the nearest parcel boundary of a lot in the Community Use (CU) zone, the owner has applied to the City of Grand Forks for a Development Variance Permit (DVP) to vary subsection 58.3 of Zoning Bylaw 2039.

The civic address of the property is 7500 Donaldson Drive. The legal description of the property is Lot 2, Plan KAP49207, SDYD, DL 380. The parcel identification number (PID) for the property is 018-155-588. The property is zoned I-1 (Light Industrial).

Council resolved to deny the DVP application at the July 15, 2019 regular council meeting. The application is coming before council for reconsideration.

The proposed hours of operation are 9:00 am to 11:00 pm daily.

Ownership

Owner(s):
1179711 BC Ltd
1350 William Street
Vancouver, BC
V5L 2P5

Agent:
Jim Kennedy/Weeds Glass & Gifts Ltd.
1108 Richards Street,
Vancouver, BC
V6B 3E6

Zoning and Policy Context

The property is zoned I-1 (Light Industrial 1) and is 0.576 acres or 0.233 hectares in size. Non-Medical Cannabis Retail is a permitted use in the I-1 zone. The property is not in a development permit area.

The building proposed to house the Non-Medical Cannabis Retail Store is 36m from the property boundary of 1924-75th Avenue (James Donaldson Park). The zoning for 1924 75th Avenue is Community Use (CU).

Events held at James Donaldson Park include:

1. Ball tournaments and games for all ages
2. Grand Forks International Baseball Tournament
3. Cannafest Music Festival.

The property owner has applied for the variance outlined in Table 1.

Table 1. Variance Requested	
Zoning Bylaw Section Reference	Variance Requested
58.3 Cannabis Retail Overlay (CRO) - No building or structure may be within 100m of the nearest parcel boundary of a lot in a Community Use Zone ,	Reduce the distance to 36m

Location maps are attached as Appendix 1. The owner's rationale for the variance is outlined in Appendix 2 attached.

Proposed Hours of Operation:

As outlined in Appendix 2, the proposed hours of operation are 9:00am to 11:00pm daily.

The zoning bylaw is silent on the permitted hours of operation for a Non-Medical Cannabis Retail Store. The LCRB regulations state that a licensee may sell non-medical cannabis at their store between the hours of 9 am and 11 pm unless their hours are further restricted by the local government and/or indigenous nation for the area in which the store is located giving council the ability to restrict the hours of operation.

Comments from Referral Agencies

The June 24th letter from the Interior Health Authority (IHA) is attached as Appendix 3. The IHA letter recommends that the city consider supporting a public health approach to retail sale of non-medical cannabis. The letter further speaks to selecting locations that reduce exposure to cannabis marketing to youth and discourage harmful patterns of consumption in the general population as the desired option. Additionally, the letter speaks to James Donaldson park being potentially used by kids and the arena and aquatic centre being within 350m of the proposed cannabis retail store. There is relatively little in

terms of peer reviewed research on the effects of cannabis use therefore the accepted approach has been one of caution especially with respect to cannabis use in children.

Timing

The following next steps and time frames are outlined in Table 2 below:

Table 2. Proposed Timeframe	
ACTIVITY	TIMING
<i>Regular Council Meeting – Council Direct staff to proceed with statutory notice (letters to adjacent property owners)</i>	<i>January 27, 2020</i>
Letters sent to adjacent property owners within 30m of subject property	January 28, 2020
Regular Council Meeting – Council Decision on DVP application	February 24, 2020

Benefits or Impacts

General

The regime to legalize the non-medical use and sale of cannabis is relatively new to British Columbia and Canada. The proposed location is close to a community park facility. Interior Health Authority's position is that in order to reduce harmful cannabis patterns of consumption in the general population, council should consider supporting a public health approach to the retail sale of non-medical cannabis and that locations that reduce exposure to cannabis marketing to youth and discourage harmful patterns of consumption in the general population are the desired option.

Strategic Impact



Community Engagement

- Written notice will be provided to adjacent property owners.

Policy/Legislation

Local Government Act; Official Community Plan; Zoning Bylaw; Cannabis Control Licencing Act.

Attachments

Appendix 1

- Page 1: Aerial Photo showing the subject property
- Page 2: Map showing zoning
- Page 3: Aerial Photo showing 100m buffer area

Appendix 2

Pages 1-59: DVP package submitted by applicant.

Appendix 3

Page 1: Interior Health Authority Letter.

Recommendation

THAT Council direct staff to proceed with the statutory requirements for public notice respecting a Development Variance Permit application to reduce, from 100m to 36m, the setback distance from a building or structure to a Community Use Zone in order to allow Non-Medical Cannabis Retail Store as a use on the property.

Options

1. THAT Council accepts the report.
2. THAT Council does not accept the report.
3. THAT Council refers the matter back to staff for further information.