

# Request for Decision



To: Committee of the Whole

From: **Development and Engineering Services**

Date: February 11, 2019

Subject: Development Permit No. DP1903 Proposed Non-Medical Cannabis Retail Store Licence at 426 Central Ave.

Recommendation: **THAT the Committee of the Whole recommends to Council to direct staff to proceed with the statutory requirements for public notice respecting a Non-Medical Cannabis Retail Store Licence application proposed for 426 Central Ave, legally described as Lot 1, District Lot 108, SDYD, Plan KAP46322, PID 017-570-221.**

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## Background

The applicant, BC BASE CAMP INVESTMENT LTD., has applied to the Liquor and Cannabis Regulation Branch (LCRB) for a Non-Medical Cannabis Retail Store (CRS) Licence proposed to be located at 426 Central Avenue.

The Owner has applied to the City for a Development Permit to vary three (3) of four (4) regulations in section 58 of the Zoning Bylaw that regulate the location of retail cannabis stores.

The City separately initiated an amendment to the regulations in section 58 of the Zoning Bylaw at the January 28, 2019 meeting. Some of the changes proposed in the Zoning Bylaw amendment, if passed, would affect whether all or some of the variances requested in this development permit need to be considered.

There is an existing, established (non-BC Government) liquor store on the property.

The applicant is proposing to redevelop the 2,282 square feet (212 square meter) existing liquor store building as follows:

1. Non-Medical Cannabis Retail Store – 238 square feet (22.1 square meter) complete with a separate entrance
2. Liquor Store – 2044 square feet (189.9 square meter).

## Ownership

**Owner(s):**  
0785681 BC Ltd.  
2891 Abbott Street  
Kelowna, BC  
V1Y 1G5; and

**Agent:** Susanna Mayhew  
BC Base Camp Investment Ltd.  
250-493-0600

Brown Bridge Ventures Ltd  
16-414 West Avenue  
Kelowna, BC, V1Y 4Z4

## Zoning and Policy Context

The property is approximately 0.1 hectare in size. The property is zoned Core Commercial (CC) in Zoning Bylaw 2039. The Zoning Bylaw permits Non-Medical Cannabis Retail Stores in the CC zone.

The property is in the Historic Downtown (HD) Development Permit Area (DPA) in the OCP. As part of the Core Commercial area of the City, it is subject to the DPA guidelines respecting site design, and building form and character identified in the OCP.

The redevelopment of the site entails partitioning off 238 square feet (22.1 square meters) from the existing 2282 square feet (212 square meter) liquor store complete with a separate new entrance. See Appendix 1 and Appendix 2.

The DPA guidelines are intended to ensure that developments in the core commercial area compliment the Historic Downtown area, have a high standard of visual character and help establish strong community identity.

The owner has applied for the variances outlined in Table 1 below. The owner's rationale for the variance(s) requested is also contained in Table 1.

<b>Table 1 Variance Requested and Proponent's Rationale for Variances</b>		
<b>Zoning Bylaw Section Reference</b>	<b>Variance Requested</b>	<b>Proponent's Rationale for Variance</b>
58.3 Cannabis Retail Overlay (CRO) - No building or structure may be within <b>100m</b> of the nearest parcel boundary of a lot in a <b>Community Use Zone,</b>	Reduce the distance to <b>15m</b>	The application is for the sale of a controlled product, for sale to individuals 19 years of age and older. This location has been selling controlled retail products since 1985 with no issues
58.3 Cannabis Retail Overlay (CRO) - No Building or Structure may be within <b>100m</b> of the nearest parcel boundary of a <b>youth-centred facility</b>	Reduce the distance to <b>91m</b>	A Cannabis retail store operates under the same guidelines as a licenced retail liquor store. The operations are controlled by the LCRB and the RCMP. Any infraction can close the store indefinitely.
58.4 Cannabis Retail Overlay (CRO) - The front face of a building and any signage may be no less than <b>50m</b> from a <b>controlled highway</b>	Reduce the required distance to <b>10m</b>	This location successfully operated a drive thru liquor retail store from 1985 to 2012. There newer was any issues with department of highways. Any signage must first be approved by the City of Grand Forks. Size and location of signage will be discreet and tasteful.

This development does not meet the following criteria for exemption from a commercial development permit:

1. Internal alterations, which do not affect the outer appearance of the building
2. Construction of an accessory building or addition to a commercial building that does not alter patterns or requirements of parking, access, loading or landscaping on the site, and
3. Replacement of an existing sign or canopy, where the size and design of the replacement sign or canopy are generally consistent with the site or canopy being replaced.

For the above reasons a development permit application was submitted for this redevelopment.

Table 2 contains the list of DPA Guidelines applicable to this proposal and how the project responds to these guidelines.

<b>Table 2 Historic Downtown Development Permit Area Guidelines for Development</b>	
<b>Development Permit Area Guideline</b>	<b>Project Response</b>
1. Each building speaks to its period of construction. Interventions to existing buildings should be undertaken in a way that ensures that the character defining elements of that building and the downtown are conserved. Work to existing buildings must be visually and physically compatible with the character defining elements of the building.	The applicant will closely match the new store entrance to the look and feel of the existing store entrance. No other exterior changes are contemplated.
2. Off-street parking and loading should be encouraged where possible and designed to promote safe and efficient vehicle entrances and exits, and on-site circulation.	See Table 3 below.
3. No sign should be constructed or situated so that it disfigures or conceals any significant architectural feature of the building.	Applicant to supply additional information.
4. Off-street parking and loading should be encouraged where possible and designed to promote safe and efficient vehicle entrances and exits, and on-site circulation.	There is offstreet parking and loading for this development.

**Access, Parking and Site Layout:**

1. Existing vehicle access to the site can be gained from either Highway 3 (Central Avenue) in the front (north) or the alley to the rear (south) of the building. See Appendix 2.
2. Highway 3 is a controlled access highway.
3. Section 26 of Zoning Bylaw 2039 regulates offstreet parking on the site. The parking regulations require that this retail store development provide a total of (6) offstreet parking spaces. See Table 3 below.
4. An aerial view of the property shows seven (7) offstreet angled parking spaces. The orientation of the offstreet parking spaces differs from that

- submitted with this application. The applicant will provide and updated drawing that shows the actual offstreet parking space layout.
5. Vehicles exiting the site should not be directed to 4<sup>th</sup> street because it is not a dedicated road right of way.
  6. The offstreet loading area is on the south side of the property (see Table 3 below). Although not a Zoning Bylaw requirement offsite loading is a consideration for a development permit.
  7. The landscaped area fronting Highway 3 varies in depth from 2.6m to 3.6m.

<b>Table 3 Parking Requirements for Modified Liquor Store and Proposed Non-Medical Cannabis Retail Store</b>				
	<b>Land Use</b>	<b>Floor Area (estimate)</b>	<b>Parking Requirement as per Zoning Bylaw</b>	<b>Parking Stalls Required</b>
Winnipeg Liquor Store	Retail Store	2,044 sq. m.	one space per every 45 square metres of floor area	5
Non-Medical Cannabis Retail Store (Proposed)	Retail Store	189.9 sq. m.	one space per every 45 square metres of floor area	1
<b>Total required for entire development</b>				<b>6</b>
		<b>Total provided with site redevelopment (aerial photo)</b>		<b>7</b>

### Comments from Referral Agencies

The project is being reviewed by affected referral agencies and a staff report will be presented to the committee.

### Timing

The following next steps and time frames are outlined in Table 4 below:

<b>Table 4 Timeframe</b>	
<b>ACTIVITY</b>	<b>TIMING</b>
Committee of the Whole – Public Introduction of Application	February 11, 2019
Regular Council Meeting – Council Direct staff to proceed with statutory notice (letters to adjacent property owners and notice in 2 issues of the local paper)	February 11, 2019
Letters sent to adjacent property owners	February 12, 2019

Notice published in two consecutive issues of the newspaper	February 13 & February 20, 2019
Deadline for receiving written feedback	February 27, 2019
Committee of the Whole - Staff report on written feedback received	March 11, 2019
Regular Council Meeting - Council decision on DP Application - Council decision and direction to staff to send a letter of <b>RECOMMENDATION</b> or <b>REJECTION</b> of the Non-Medicinal Cannabis Retail Store Licence application to the LCRB	March 11, 2019

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## Benefits or Impacts

### General

This regime to legalize the non-medical use and sale of cannabis is a new one to British Columbia. The application and implementation processes are therefore in their infancy. **This is the first Non-Medical Cannabis Retail Licence application being considered by council.**

### Strategic Impact



#### Community Engagement

- Notice will be provided to adjacent property owners and in 2 editions of the local newspaper. Written comments will be accepted and will be forwarded to the LCRB.



#### Economic Growth

- The project may provide additional jobs and growth opportunities for the existing business.

### Policy/Legislation

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

## Attachments

### Appendix 1:

Pages 1: Aerial Photo with 100m Buffer

Pages 2 - 3: Context maps

Pages 4 - 5: Application notification Letter from Liquor and Cannabis

Regulation Branch

Page 6: Floor Plan submitted with LCRB application

Page 7: Revised Floor Plan submitted to LCRB

Pages 8 - 9: Development Permit Application (DP)

Pages 10-11: Development Variance Permit (variances combined in DP)

**Appendix 2:**

Page 1: Rev. 2 – Original Traffic Plan submitted for highways approval

Pages 2-10: Architectural Plans – Original Building Permit Submission.

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## **Recommendation**

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## **Options**

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