

Request for Decision



To: Regular Meeting

From: **Development, Engineering & Planning**

Date: March 25, 2019

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

Recommendation: **THAT Council DENY approval of Development Permit 1903 for a Non-Medical Cannabis Retail Store Licence application proposed for 426 Central Ave, legally described as Lot 1, Plan KAP46322, District Lot 108, SDYD, PID: 017-570-221;**

AND THAT Council directs staff to send a letter of REJECTION of the Non-Medical Cannabis Retail Store Licence application to the Liquor and Cannabis Regulation Branch

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 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 non-medical cannabis retail stores.

The City separately initiated amendments to the regulations in Section 58 of the Zoning Bylaw at the January 28, 2019 meeting. The amendments were subsequently adopted. The zoning bylaw changes adopted reduced the number of bylaw variances required to two (2).

Notices were mailed or hand delivered to adjacent property owners and tenants within 30m of the subject property. Written public feedback was invited through notices placed on the City's website and in the February 13th & 20th and March 6th, 2019 issues of the Grand Forks Gazette. Written and verbal public feedback was also gathered through a public feedback session held on March 11th, 2019.

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 0.271 of an acre 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.

Table 1 Variance Requested and Proponent's Rationale for Variances		
Zoning Bylaw Section Reference	Variance Requested	Proponent's Rationale for Variance
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 15m	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 100m of the nearest parcel boundary of a youth-centred facility	Reduce the distance to 91m	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.

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.

Table 2 Historic Downtown Development Permit Area Guidelines for Development	
Development Permit Area Guideline	Project Response
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 original was approved by the Ministry of Transportation and Infrastructure (MOTI) however no supporting

documentation was provided to confirm that the revised parking arrangement has been approved by MOTI.

5. Vehicles exiting the site should not be directed to 4th 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.

Table 3 Parking Requirements for Modified Liquor Store and Proposed Non-Medical Cannabis Retail Store				
	Land Use	Floor Area (estimate)	Parking Requirement as per Zoning Bylaw	Parking Stalls Required
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
Total required for entire development				6
		Total provided with site redevelopment (aerial photo)		7

Proposed Hours of Operation:

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

The zoning bylaw is silent on the permitted hours of operation for a non-medical cannabis store. The LCRB regulations state that a licensee may sell non-medical cannabis at their store between the hours of 9 am and 11 am unless there 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 and Public Feedback session

No person came forward to speak for or against the proposed Non-Medical Cannabis retail store licence application or the Development Permit application during the public feedback session.

All Four (4) letters received spoke against issuing a non-medical cannabis licence for this location.

The letter from the Interior Health Authority spoke to reducing harmful cannabis patterns of consumption by:

- Encouraging standalone retail cannabis stores that are not co-located with an alcohol outlet.
- Locating the retail store in an area that reduces exposure to cannabis marketing/modelling to youth.
- Distancing the retail store from places children and youth frequent.
- Limiting hours of operation.

The authors of the remaining letters advanced similar concerns.

The project was reviewed by affected referral agencies as reflected by the response from Interior Health Authority.

Timing

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

Table 4 Timeframe	
ACTIVITY	TIMING
Committee of the Whole – Public Introduction of Application	February 11, 2019
Regular Council Meeting – Council directed 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 and hand delivered to adjacent property owners	February 12, 2019
Notice published in three issues of the newspaper	February 13 & 20 March 6, 2019
Deadline for receiving written feedback	March 11, 2019
Regular Council Meeting <ul style="list-style-type: none">- Council decision on DP Application- Council decision and direction to staff to send a letter of RECOMMENDATION or REJECTION of the Non-Medical Cannabis Retail Store Licence application to the LCRB	March 25, 2019

Benefits or Impacts

General

The 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.

Strategic Impact



Community Engagement

- Newspapers ads were placed in the February 13th and 20th, and March 6th issues of the Gazette
- Notices were mailed or hand delivered to adjacent property owners and tenants within 30m of the subject property
- Notices were placed on the City of Grand Forks website
- A public feedback session was held on March 11th, 2019
- Written comments were accepted and will be forwarded to the LCRB.



Economic Growth

- 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.

Appendix 3:

Page 1-3 Grand Forks Gazette Ads

Appendix 4:

Page 1-7 Written feedback received.

Recommendation

THAT Council DENY approval of Development Permit 1903 for a Non-Medical Cannabis Retail Store Licence application proposed for 426 Central Ave, legally described as Lot 1, Plan KAP46322, District Lot 108, SDYD, PID: 017-570-221;

AND THAT Council directs staff to send a letter of REJECTION of the Non-Medical Cannabis Retail Store Licence application to the Liquor and Cannabis Regulation Branch

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.

Report Approval Details

Document Title:	2019-03-25-DP1903-426_Central_Ave-CANNABIS_RETAIL_RFD.docx
Attachments:	<ul style="list-style-type: none">- 2019-03-25-DP1903-Appendix_1_Cannabis_Retail_426_Central_Ave.pdf- 2019-03-25-DP1903-Appendix_2_Cannabis_Retail_426_Central_Ave.pdf- 2019-03-25-DP1903-Appendix_3_Cannabis_Retail_426_Central_Ave_GazetteAds.pdf- 2019-03-25-DP1903-Appendix_4_Cannabis_Retail_426_Central_Ave-Letters_Redacted.pdf
Final Approval Date:	Mar 20, 2019

This report and all of its attachments were approved and signed as outlined below:

Dolores Sheets - Mar 19, 2019 - 3:29 PM

Diane Heinrich - Mar 20, 2019 - 10:32 AM