

Request for Decision



To: Regular Meeting
From: **Development, Engineering & Planning**
Date: July 15, 2019
Subject: Weeds Glass & Gifts Non-Medical Cannabis Retail Licence Application

Recommendation: **THAT Council APPROVE or DENY the Development Variance Permit Application to reduce, from 100m to 36m, the setback distance from a building or structure to a Community Use Zone.**

THAT Council receives the report for a POSITIVE or NEGATIVE recommendation for the Non-Medical Cannabis Retail Store Licence Application from 1179711 BC Ltd. (Weeds Glass & Gifts) at 7500 Donaldson Drive.

THAT Council APPROVE or DENY the operating hours for the proposed Non-Medical Cannabis Retail Store Licence for 7500 Donaldson Drive.

Background

At the June 10, 2019 meeting, the Committee of the Whole recommended that Council direct staff to proceed with the statutory requirement for public notice respecting a Non-Medical Cannabis Retail Store Licence application for 7500 Donaldson Drive, legally described as Lot 2, Plan KAP49207, SDYD, DL 380 PID: 018-155-588.

At the June 10th, 2019 Regular Meeting, Council approved the recommendation to proceed with the statutory requirements.

The applicant, Weeds Glass & Gifts 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 7500 Donaldson Drive.

The property owner, 1179711 BC Ltd., has applied to the City of Grand Forks (City) for a Development Variance permit to vary subsection 58.3 of Zoning Bylaw 2039 to reduce, from 100m to 36m, the setback distance from a building or structure to the nearest parcel boundary of a lot in a Community Use (CU) Zone.

Council can restrict the hours of operations from those proposed by the applicant. The applicant proposes operating hours of 9:00 am to 11:00 pm daily.

At the March 25, 2019 regular meeting council denied a similar development variance permit application and directed staff to send a letter of rejection to the LCRB for the Non-Medical Cannabis Retail Store Licence application for 246 Central Avenue. Staff recommendations are based on best practices and the consistent application of the City of Grand Forks bylaws and regulations.

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 0.233 hectare (0.576 acre) property is zoned I1 (Light Industrial 1). As shown in Schedule A-1 of Zoning Bylaw 2039, Non-Medical Cannabis Retail is a permitted use in the I1 zone.

The property is not in a development permit area.

The subject property was the previous location of the Greyhound Bus Depot and currently houses the warming shelter.

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

The owner's rationale is outlined in Appendix 1 attached.

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

Events held at James Donaldson Park include:

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

At the March 25, 2019 regular meeting, council defeated a motion for a development variance permit to relax the setback distance to a Community Use zone and to a youth centred facility for the Non-Medical Cannabis Retail store application for 426 Central Avenue. At the same meeting, council further directed staff to send a letter of rejection to the LCRB for the Non-Medical Cannabis Retail Store Licence application.

Proposed Hours of Operation:

The proposed hours of operation for the Non-Medical Cannabis Retail store are 9:00am to 11:00pm daily.

Council can restrict the hours of operation.

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 11pm 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 4. 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.

The other referral respondents indicated that their interests were not affected by the proposed development.

Timing

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

Table 2 Timeframe	
ACTIVITY	TIMING
<i>Committee of the Whole – Public Introduction of Application</i>	<i>June 10, 2019</i>
<i>Regular Council Meeting – Council directed staff to proceed with statutory notice (letters to adjacent property owners & notice in 2 issues of the local paper)</i>	<i>June 10, 2019</i>
<i>Letters sent to adjacent property owners</i>	<i>June 17, 2019</i>
<i>Notice published in two consecutive issues of the newspaper</i>	<i>June 12 & June 19, 2019</i>

<i>Public Feedback Session (Deadline for receiving written feedback)</i>	<i>June 24, 2019 (June 23, 2019 written)</i>
Regular Council Meeting <ul style="list-style-type: none"> - Staff report on written feedback received - Council decision on DVP 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 	July 15, 2019
Staff report to LCRB for recommendation or rejection of the non-medical cannabis retail licence application.	July 22, 2019

Benefits or Impacts

General

The regime to legalize the non-medical use and sale of cannabis is relatively new to British Columbia. The proposed location is close to a community park facility.

Strategic Impact



Community Engagement

- Written notice was provided to adjacent property owners.
- Ads were placed in 2 editions of the local newspaper.
- Written comments will be forwarded to the LCRB.
- A public Feedback session was held.

Policy/Legislation

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

Attachments

Appendix 1	Page 1-67:	June 10, 2019 Report to Council
Appendix 2	Page 1-2:	Ads in June 12 & 19 issues of the Grand Forks Gazette
Appendix 3	Page 1-4	Public Feedback Session Minutes
Appendix 4	Page 1	IHA Letter

Recommendation

THAT Council APPROVE or DENY the Development Variance Permit Application to reduce, from 100m to 36m, the setback distance from a building or structure to a Community Use Zone.

THAT Council receives the report for a NEGATIVE recommendation for the Non-Medical Cannabis Retail Store Licence Application from 1179711 BC Ltd. (Weeds Glass & Gifts) at 7500 Donaldson Drive.

THAT Council APPROVE or DENY the operating hours for the proposed Non-Medical Cannabis Retail Store Licence for 7500 Donaldson Drive.

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:	2019-07-15-DVP1901-7500 Donaldson Cannabis DVP RFD.docx
Attachments:	- 2019-06-12-DVP1901-Appendix_1-7500_Donaldson-Cannabis_Retail01.pdf - 2019-07-15-DVP1901-Appendix_2_Gazette_Ads.pdf - 2019-07-15-DVP1901-Appendix_3-Minutes-Public_Feedback_Session_190624.pdf - 2019-07-15-Appendix_4-IHA-Letter.pdf
Final Approval Date:	Jul 4, 2019

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

Dolores Sheets - Jul 4, 2019 - 4:53 PM

No Signature - Task assigned to Diane Heinrich was completed by assistant Daniel Drexler

Diane Heinrich - Jul 4, 2019 - 6:19 PM