

# Request for Decision



To: Regular Meeting

From: **Development, Engineering & Planning**

Date: November 12, 2019

Subject: Development Variance Permit No. DVP1903 - Proposed Non-Medical Cannabis Retail Store Licence at 135B Market Avenue

Recommendation: **THAT Council select one of the proposed resolution Options listed at the end of this report, subject to their consideration to approve or deny the reduction of setback distance as requested in the Development Variance Permit.**

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## Background

The applicant, 429291 BC Ltd, has applied to the City for a Development Variance Permit (DVP) to vary subsection 58.3 of Zoning Bylaw 2039 which regulates the distance a Non-Medical Retail Cannabis Store can be relative to a Community Use zone, or a youth-centred facility.

This application to vary the requirements of section 58.3 of Zoning Bylaw 2039 was introduced to council at the Committee of the Whole meeting October 7, 2019. Council directed staff, at the October 7, 2019 Regular Council Meeting, to proceed with the statutory requirements for the DVP application. See Appendix 1 and 2 attached.

The building proposed for the Non-Medical Cannabis Retail store is located at 135B Market Avenue and is located within the 100m setback distance of at least one youth-centred facility namely, Dazzle Dance at 7375 2<sup>nd</sup> Street.

To date, this office is not in receipt of a notification from the Liquor and Cannabis Regulation Branch (LCRB) that the applicant has applied for a Non-Medical Cannabis Retail Store Licence.

## Ownership

**Owner(s):**  
429291 BC Ltd  
PO Box 1016  
Grand Forks, BC, V0H 1H0

**Agent:**  
Warren Hamm (0903141 BC Ltd)  
PO Box 510  
Rossland, BC, V0G 1Y0

## Zoning and Policy Context

The subject property is located at 135B Market Avenue. The property is zoned CC (Core Commercial) and is 0.292 acres in size. Non-Medical Cannabis Retail is a permitted use in the CC zone.

The property is in the Historic Downtown Development Permit Area.

Other businesses currently or recently located in the multi-tenant building on this property include a bakery, law office, personal service establishment, veterinarian, Kettle Valley Food Co-op and consignment clothing store.

The building proposed to house the Non-Medical Cannabis Retail Store is 92.3 m from the property boundary of 7372-2<sup>nd</sup> Street. Dazzle Dance, a youth-centred facility, is located on the 2<sup>nd</sup> floor of 7372-2<sup>nd</sup> Street. Zoning bylaw 2039 defines a **youth centred facility** as *any school, daycare, playground, community garden, recreation facility or other facility designed for use primarily by minors.*

Letters from Interior Health dated February 7, 2019 and June 24, 2019 are attached as Appendix 3.

## Timing

The following next steps and approximate time frames are outlined in Table 1 below:

TABLE 1 TIMEFRAME	
ACTIVITY	TIMING
Committee of the Whole – Public Introduction of Application	Oct. 7, 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)	Oct. 7, 2019
Letters sent to adjacent property owners	Nov. 1, 2019
Notice published in two consecutive issues of the newspaper	Oct. 30 & Nov. 6 2019
Deadline for receiving written feedback	Nov. 12, 2019
Public Feedback Session	Nov. 12, 2019
<b>Regular Council Meeting</b> <ul style="list-style-type: none"><li>- <b>Staff report on written feedback received</b></li><li>- <b>Council decision on DVP Application</b></li></ul>	<b>Nov. 12, 2019</b>

## Benefits or Impacts

### General

The regime to legalize the non-medical use and sale of cannabis is a relatively new to British Columbia. The proposed location is less than the required 100m to a youth centred facility.

## Strategic Impact



### Community Engagement

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

## Policy/Legislation

Local Government Act; Community Charter; Zoning Bylaw; Cannabis Control Licencing Act.

## Attachments

### Appendix 1

Pages 1-8      October 7, 2019 Staff Memo and Appendices to council

### Appendix 2

Pages 1:      October 30, 2019 Ad in Grand Forks Gazette; Note: at time of writing of this report, the 2<sup>nd</sup> Ad was scheduled to run in the November 6<sup>th</sup> issue of the Grand Forks Gazette.

### Appendix 3

Pages 1-2      February 7 and June 24, 2019 Letters from Interior Health commenting on proximity vs. harm reduction for previous Non-Medical Cannabis Retail applications.

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## Recommendation

**THAT Council select one of the proposed resolution Options listed at the end of this report, subject to their consideration to approve or deny the reduction of setback distance as requested in the Development Variance Permit.**

## Options

1. **THAT Council APPROVE the issuance of a Development Variance Permit to reduce the setback distance, from 100m to 92.3m, between the proposed location of a Non-Medical Cannabis Retail Store at 135B Market Avenue, legally described as Lot 1, Plan KAP23, District Lot 108, Similkameen Division Yale District, and the parcel boundary of the youth-centred facility at 7375 2nd Street.**
2. **THAT Council NOT APPROVE the issuance of a Development Variance Permit to reduce the setback distance, from 100m to 92.3m, between the proposed location of a Non-Medical Cannabis Retail Store at 135B Market Avenue, legally described as Lot 1, Plan KAP23, District Lot 108, Similkameen Division Yale**

**District, and the parcel boundary of the youth-centred facility at 7375 2nd Street.**

- 3. THAT Council refers the matter back to staff for further information.**

### Report Approval Details

Document Title:	20191112 DVP1903 135B Market Ave CANNABIS RETAIL RFD.docx
Attachments:	<ul style="list-style-type: none"><li>- 20191112 DVP1903 Appendix 1 PFS 135B Market Cannabis Retail.pdf</li><li>- 20191112 DVP1903 Appendix 2 135B Market Cannabis Retail Gazette AD.pdf</li><li>- 20191112 DVP1903 Appendix 3 135B Market Cannabis Retail IHA.pdf</li></ul>
Final Approval Date:	Nov 4, 2019

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

**Dolores Sheets - Nov 1, 2019 - 3:45 PM**

**Ron Mattiussi - Nov 4, 2019 - 11:23 AM**