



City of Langford

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Staff Report

to

Planning, Zoning and Affordable Housing Committee

Date: September 9, 2019

Department: Planning

Subject: TUP19-0004; Application to allow Planet Cannabis (1188770 BC Ltd.) to operate a Cannabis Retail Store at 2317 Millstream Road. by means of a Temporary Use Permit.

Background

Following the Federal Government's decision to legalize non-medical cannabis, the City of Langford undertook a pilot project where a Request for Proposals (RFP) process was initiated in 2018. This process resulted in a number of cannabis retail applicants being selected to apply to operate non-medical cannabis retail stores within the City of Langford. Rather than change Section 3.02.02(5) of Zoning Bylaw No. 300 to generally allow cannabis retailing, the City determined that a best practice would be by way of issuance of a Temporary Use Permit on a case by case basis. Planet Cannabis (1188770 BC Ltd.) has become the third successful applicant in that process to also obtain the necessary Provincial approvals.

The Liquor and Cannabis Regulation Branch (LCRB) of British Columbia has completed the required financial integrity checks and security screenings for Planet Cannabis (1188770 BC Ltd.) and all persons associated with the applicant.

In order for the Province to issue a Non-Medical Cannabis Retail Store licence (CRS) under the Cannabis Control and Licencing Act, a positive recommendation is required from the local government. Planet Cannabis (1188770 BC Ltd.) has expressed interest in opening a retail store in a purpose built addition to the Liquor Planet located at 2317 Millstream Road.



Figure 1: Proposed location of Planet Cannabis (1188770 BC Ltd.) Cannabis Retail Store.

Commentary

The proposed location is zoned Neighbourhood Mixed Use (C6A) and is designated as Neighbourhood Center within the Mixed Use Employment Centre in the Official Community Plan. Liquor Stores and Licenced neighbourhood public houses are permitted uses under the C6A zone which would be the relatively closest permitted use in this zone to the proposed Cannabis Retail Store. The addition will be located at the east end of the current liquor store and adjacent to an existing Brew Pub. The building is flanked on the west by a business park and a small commercial gas station as well as a few residential lots. To the north there is two multifamily apartment buildings. To the east is predominately residential and to the south there is a brew pub and the remainder is mainly commercial.

As part of the RFP process some guiding principals were considered to aid in determining what would be an acceptable location for this type of retail business within the City and which would allow consideration of issuing a Temporary Use Permit. These guidelines are not steadfast rules but rather guiding principles. In this regard, the retail sale of non-medical cannabis is preferred, but not strictly required, to not be located within:

1. 500 metres of any other location where the retail sale of Cannabis Products for non-medical use has been authorized;
2. 300 metres of any school;
3. 300 metres of any group daycare;
4. 150 metres of Centennial Park, Veterans Memorial Park, City Centre Park, Westhills YMCA, any Regional or Provincial Park, or Langford, Glen, or Florence Lakes; and,
5. 50 metres of any land Zoned R1 (One-family Residential) or R2 (One and Two-Family Residential), except within the designated City Centre.

Each applicant was to provide/demonstrate a detailed description of the Proponent's proposed business plan for undertaking the retail sale of cannabis products for non-medicinal use within the City's boundaries. Proposals addressed how they planned to comply with a number of important factors, including the proposed plans for:

- Ensuring that the retail sale of Cannabis Products for non-medicinal use is in compliance with the Regulatory Framework and all applicable City bylaws;
- Providing appropriate security measures associated with the premises from which the retail sale of Cannabis Products for non-medicinal use will occur;
- Minimizing the impact on the neighbourhood of the retail sale of Cannabis Products for non-medicinal use;
- Addressing nuisance issues relating to public use of Cannabis Products for non-medicinal purposes;
- Addressing impairment issues relating to public use of Cannabis Products for non-medicinal purposes; and,
- Providing educational initiatives and materials associated with the above impacts and related social concerns;

These items have also been addressed in the *Cannabis Retail Store Terms and Conditions Handbook* which outlines the requirements of the *Cannabis Control and Licencing Act of British Columbia*.

The applicant submitted a proposal in response to the RFP. The applicant's proposed location at 2317 Millstream Road is located 2009m from the closest authorized cannabis retail store located at 693 Hoffman and approximately 413m away from the closest school which is Millstream Elementary. It is 21180m away from Thetis Lake Regional Park. The closest daycare would be Garderie La Vie Inc. Daycare which is located at located at 2285 Bellamy Road and is approximately 460m away. The closest lake is Florence Lake which is about 2000m away. The closest land zoned R1 or R2 would be adjacent to the east property line. The applicant's proposal has demonstrated how they plan to address and comply with the factors included in the RFP and compliance to these factors would be a condition of issuance of a Temporary Use Permit.

With Council's approval a business licence would be issued under a Temporary Use Permit and would be valid for the period of up to three years. The TUP would be subject to an occupancy permit being issued for the addition to the existing building by the City and the three year term would commence on that date.

Financial Implications

As a condition of approval by Council of a Temporary Use Permit, the applicant would be required to enter into an agreement with the City of Langford as security for compliance with commitments in its proposal in response to the RFP and, in particular, its commitments under section 6(c) of the RFP.

Legal Implications

Pursuant to Sec. 497 of the *Local Government Act*, the City may issue a Commercial Temporary Use Permit (TUP) for a period of up to three years. The *Local Government Act* also allows a temporary use permit to be extended for a maximum of an additional three years. If the holder of a TUP wishes to conduct the temporary use beyond the six (6) year period, they are required to make a new application to Council for a TUP or apply for a rezoning.

Council does regulate temporary use permits through part 3 of the Zoning Bylaw No. 300 Section 3.27.03(1) and 3.27.04 which gives Council the right to require that the form and character of the building meets the guidelines for commercial properties and has the option to require information pertaining to the property, such as a storm water management plan and /or a parking plan, for example.

Both the Official Community Plan and the General Commercial Development Permit area guide Council regarding decisions about appropriate land use and design for the subject property.

Options

That the Planning, Zoning and Affordable Housing Committee:

1. Direct staff to prepare notices of Council's intention to consider issuance of a Temporary Use Permit TUP19-0004 Planet Cannabis (1188770 BC Ltd.) for it to operate a Cannabis Retail Store at 2317 Millstream Road, subject to the terms and conditions in the Temporary Use Permit. Commencement of the TUP would be subject to an occupancy permit for the addition to 2317 Millstream Road being issued by the City of Langford.

OR

2. Take no action with respect to the Temporary use Permit at this time.

Respectfully submitted,

Submitted by:	Kory Elliott, Planning and Land Development Technician.
Concurrence:	Matthew Baldwin, MCIP, RPP Director of Planning
Concurrence:	Chris Aubrey, Fire Chief
Concurrence:	Lorne Fletcher, Manager of Community Safety and Municipal Enforcement
Concurrence:	Cory Manton, Manager of Parks and Recreation
Concurrence:	Ivan Leung, Acting Director of Engineering
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Concurrence:	Adriana Proton, Manager of Legislative Services
Concurrence:	Michael Dillabaugh, CPA, CA, Director of Finance
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