



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, MARCH 19, 2019**

SUBJECT **Cannabis Retail Application for Lot 1, District Lot 17, Renfrew District, Plan VIP65199 – 17293 Parkinson Road**

ISSUE

An application has been received for a licenced private cannabis retail store in Port Renfrew. Local governments are requested to conduct public consultation and forward a resolution to the provincial Liquor and Cannabis Regulation Branch.

BACKGROUND

The 1.51 ha property is located at 17293 Parkinson Road in Port Renfrew and is zoned Tourist Commercial One (TC-1) in the Port Renfrew Comprehensive Community Development Plan, Bylaw No. 3109 (Appendix 1). The property is adjacent to TC-1 zoned properties to the east and south, a vacant Community Residential One (CR-1) zoned property to the west and Cerantes Road to the north.

The parcel is within the Port Renfrew Fire Protection Local Service Area and the Port Renfrew Snuggery Cove Water Utility System. Defiance Creek flows through the property. Access is by easement over the adjacent parcel.

The site is the location of the former Lighthouse Pub and various tourist commercial enterprises (Appendix 2). There are outstanding building permit requirements for the existing buildings.

The owners have submitted an application to the provincial Liquor and Cannabis Regulation Branch (LCRB) for a licence to operate a 26.38 m² private cannabis retail store (Appendix 3). The CRD has adopted a Cannabis Retail application procedure and policy which includes public consultation and forwarding a Board recommendation to the LCRB.

ALTERNATIVES

Alternative 1

That the Land Use Committee recommends to the Capital Regional District (CRD) Board:

- a. That a resolution for the cannabis retail application LP000003 for Lot 1, District Lot 17, Renfrew District, Plan VIP65199, be forwarded to the Liquor and Cannabis Regulation Branch supporting the licence and requesting that the licence be withheld until completion of a building permit for the proposed retail store occupancy; and
- b. That the public comments received be forwarded to the Liquor and Cannabis Regulation Branch.

Alternative 2

That the Land Use Committee recommend to the Board that the cannabis retail application not be supported.

Alternative 3

That more information be provided by staff.

LEGISLATIVE IMPLICATIONS

The *Cannabis Control and Licensing Act* and *Cannabis Licensing Regulation* establish requirements for cannabis retail licence applications. The provincial Liquor and Cannabis Regulation Branch (LCRB) notifies local governments of an application received for a proposed store. Local governments can choose whether or not to make comments and recommendations in respect of an application to the LCRB. When local governments choose to make comments and recommendations, the views of residents must be gathered. LCRB will not issue a licence where local governments have declined to make a recommendation or where the recommendation is to deny the licence.

Bylaw No. 3885 and the CRD Cannabis Retail Licence Application Policy establishes procedures for consideration of cannabis retail licence referrals from the LCRB.

PUBLIC CONSULTATION IMPLICATIONS

Bylaw No. 3885, the Juan de Fuca Development Fees and Procedures Bylaw, states that the Board at any time may refer an application to an agency or organization for their comment. The CRD Cannabis Retail Licence Application Policy states that property owners and residents within 500 m of the subject property will be notified in writing of a cannabis retail application to be considered at a public meeting and of the opportunity to submit comments. Any comments received from the public will be presented at the March 19, 2019, Land Use Committee meeting.

PLANNING ANALYSIS

Local governments have a key role in the evaluation of applications for cannabis retail licences. CRD's Juan de Fuca Cannabis Retail Licence Application Policy outlines application requirements, procedures and evaluation criteria.

Upon receipt of a cannabis retail application, referral comments are requested from CRD Bylaw Enforcement and Building Inspection divisions. Bylaw Enforcement stated no concerns or comments regarding the application. Building Inspection will require either a change of occupancy permit (for existing buildings with no additions or structural alterations) or a building permit application with supporting documents for these proposals.

The policy states that cannabis retail uses are considered a permitted retail sales use where permitted by bylaw and not on land zoned for residential purposes. The TC-1 zone permits retail establishments and there are no residential uses on the property. The application is deemed to comply with land use policies in Bylaw No. 3109. There are no commercial development permit or sign permit requirements in Port Renfrew.

The parking regulations established in Bylaw No. 3109 for retail establishments state one space is required for every 45 m² of floor area. The proposed cannabis retail store floor area is 26.38 m², which requires one parking space. A commercial access permit from the Ministry of Transportation and Infrastructure (MoTI) has not been issued for the driveway accessed over the adjacent property. The applicant has been advised to contact the MoTI to obtain a permit. Parking and driveway improvements in the vicinity of Defiance Creek will be subject to the *Riparian Areas Regulation*.

The location of the subject property is situated at the intersection of Parkinson Road and Cerantes Road in the vicinity of other tourist commercial uses including a hotel and pub and the government wharf. The capacity of the property to accommodate the retail use is within the TC-1 zone density, size and setback requirements.

This is the first cannabis retail store application received for the Port Renfrew area. It is anticipated that additional applications may be submitted, at which time a review of the proximity of other store locations could be considered. There are existing liquor licences in proximity to the subject property. Food primary licences include: 17110 (Bridgeman's), 17152 (Tomi's) 17245 (Coastal Kitchen), and 17310 (Wharfside Café) Parkinson Road. A liquor primary licence is also issued for 17310 Parkinson Road (Renfrew Pub) which is approximately 100 m from the subject property.

The proposed retail store is not within 300 m of the school, day care facilities, community centres or parks. The closest civic space is the government wharf, approximately 250 m from the subject property.

Port Renfrew is increasingly being developed as a tourist destination. The applicant's rationale for the proposed location is that it is central to the town's business district and has existing commercial zoning. The proposed store would serve the adult user market. Due to the seasonal nature of tourism, store hours will vary. No anticipated nuisances are anticipated due to the commercial location of the property and separation from civic and residential uses. The store's advertising will include erecting a 1.5 m² business sign (Appendix 4). The Province requires that promotional material not target youth audiences.

Based on the provisions of the Juan de Fuca Cannabis Retail Licence Application Policy and subject to review of public comments, staff recommend forwarding a resolution to the LCRB stating support for the application subject to obtaining the required building permits.

CONCLUSION

An application has been received for a private cannabis retail store at 17293 Parkinson Road in Port Renfrew on a Tourist Commercial One (TC-1) zoned property. The applicant will be required to obtain building permits for the proposed use. If the CRD Board chooses to make comments and recommendations to the provincial Liquor and Cannabis Regulation Branch, the views of residents must be gathered. Public submissions received will be considered by the Juan de Fuca Land Use Committee.

RECOMMENDATIONS

That the Land Use Committee recommends to the Capital Regional District (CRD) Board:

- a. That a resolution for the cannabis retail application LP000003 for Lot 1, District Lot 17, Renfrew District, Plan VIP65199, be forwarded to the Liquor and Cannabis Regulation Branch supporting the licence and requesting that the licence be withheld until completion of a building permit for the proposed retail store occupancy; and
- b. That the public comments received be forwarded to the Liquor and Cannabis Regulation Branch.

Submitted by:	Emma Taylor, MA, MCIP, RPP, Planner
Concurrence:	Iain Lawrence, MCIP, RPP, Manager, Local Area Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

Attachments:

- Appendix 1: Subject Property Map
- Appendix 2: Site Plan
- Appendix 3: Building Plan
- Appendix 4: Sign Plan