



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, APRIL 16, 2019**

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**SUBJECT**      **Cannabis Retail Application for Lot 2, Section 31, Otter District, Plan VIP39224  
– 7875 West Coast Road**

**ISSUE**

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

**BACKGROUND**

The 930 m<sup>2</sup> property is located at 7875 West Coast Road in Otter Point and is zoned Neighbourhood Commercial (C-1) in the Juan de Fuca Land Use Bylaw, Bylaw No. 2040 (Appendix 1). The property is adjacent to an Apartment (RM-3) zoned property to the west, a Mobile Home Park (RM) zoned property to the east and south, and West Coast Road to the north. There is an existing commercial building on the property.

The property is designated as Settlement Area 1 and as a Commercial Development Permit Area in the Otter Point Official Community Plan (OCP), Bylaw No. 3819. The parcel is within the Otter Point Fire Protection Service Area and the Kemp Lake Water Improvement District.

The owners have submitted an application to the provincial Liquor and Cannabis Regulation Branch (LCRB) for a licence to operate a private cannabis retail store in part of a 139 m<sup>2</sup> building (Appendices 2-4). The CRD adopted the Cannabis Retail Licence Application Policy which requires public notification and review by the Juan de Fuca Land Use Committee and CRD Board before submitting a response 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 LP000004 for Lot 2, Section 31, Otter District, Plan VIP39224, be forwarded to the Liquor and Cannabis Regulation Branch supporting the licence and requesting that:
  - i. the licence be withheld until completion of a building permit for the proposed retail store occupancy; and
  - ii. the applicant and the Liquor and Cannabis Regulation Branch work with BC Transit and School District #62 to locate their bus stops in a suitable location.
- 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 established 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 April 16, 2019, Land Use Committee meeting.

### **PLANNING ANALYSIS**

Local governments have a key role in the evaluation of applications for cannabis retail licences. The 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 C-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. 2040. If there are external alterations proposed to the building, a commercial development permit will be required.

The sign regulations established in Bylaw No. 2040 apply to the subject property. The proposed fascia sign and sandwich board signs comply with the Sign Area C requirements (Appendix 5).

The parking regulations established in Bylaw No. 2040 for retail stores state that 0.75 spaces per 10 m<sup>2</sup> gross floor area are required. The applicant has proposed that the cannabis retail store would occupy approximately 58 m<sup>2</sup> of the 139 m<sup>2</sup> building, which would require 6 parking spaces and 1 loading space. Should the cannabis retail use be approved, parking requirements will be confirmed as part of the building permit process. A commercial access permit from the Ministry of Transportation and Infrastructure (MoTI) has been issued for the driveway accessed from West Coast Road.

The subject property is situated on West Coast Road near the intersections of Kemp Lake and Carpenter Roads. The property has previously been used as a retail store and a restaurant with Food Primary Licence and Patron Participation Entertainment Endorsement. The capacity of the property to accommodate the retail use is within the C-1 zone density regulations.

This is the first cannabis retail store application received for the Otter Point area. It is anticipated that additional applications may be submitted in the area, as well as in the District of Sooke, at which time a review of the proximity of other store locations could be considered. The closest liquor licenced establishment in proximity to the subject property is at 6929 West Coast Road, approximately 5 km east.

The proposed retail store is not within 300 m of a school, day care facility, community centre or park. There is an undeveloped MoTI beach access approximately 100 m east of the subject property. The subject property is currently used as a school bus stop by School District #62 and as a stop for Route 63 – Otter Point by BC Transit. The proximity of the proposed cannabis retail store to bus stops frequented by families and youth is a potential concern due to the potential for exposure and access to cannabis products and promotional material. Provincial legislation states that minors are not permitted to enter a cannabis store premises and cannabis products are not to be visible to minors from outside the store and that promotional material not target youth audiences. Staff recommend providing comment to the LCRB regarding relocation of these bus stops.

The subject property is adjacent to a high density residential mobile home park and rural residential development. The applicant's rationale for the proposed location is that it would primarily serve the local residential market. Hours of operation will be within the provincial requirements with proposed closures at 7 pm weekdays, 6 pm Sundays and holidays, and 9 pm weekends and summer months.

Juan de Fuca Community Planning staff have notified the owners and occupants of land within 500 m of the subject property of the application in order to solicit comments and concerns about the proposed. As part of the application, the applicant has submitted a petition with the signatures of approximately 260 individuals that support the application.

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 and consideration of relocating the bus stops to another location.

### **CONCLUSION**

An application has been received for a private cannabis retail store at 7875 West Coast Road in Otter Point on a Neighbourhood Commercial (C-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 that:

- a) A resolution for the cannabis retail application LP000004 for Lot 2, Section 31, Otter District, Plan VIP39224, be forwarded to the Liquor and Cannabis Regulation Branch supporting the licence and requesting that
  - i. the licence be withheld until completion of a building permit for the proposed retail store occupancy; and
  - ii. the applicant and the Liquor and Cannabis Regulation Branch work with BC Transit and School District #62 to locate their bus stops in a suitable location.
- b) That 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

ET:wm

### **Attachments:**

- Appendix 1: Subject Property Map
- Appendix 2: Site Plan
- Appendix 3: Floor Plan
- Appendix 4: Proposal
- Appendix 5: Sign Plan