



STAFF REPORT

TO: Committee of the Whole **MEETING DATE:** October 16, 2018
FROM: Lesley-Ann Staats **FILE NO:** TUP-2018-02
Director of Planning
SUBJECT: Temporary Use Permit Application (TUP-2018-02) for a Cannabis Store

RECOMMENDATIONS

THAT the report titled Temporary Use Permit Application (TUP-2018-02) for a Cannabis Store be received;

AND THAT Council directs staff to notify property owners neighbouring 703 Gibsons Way of the Temporary Use Permit application (TUP-2018-02);

AND THAT Council directs staff to publish notice of TUP-2018-02 in the newspaper;

AND FURTHER THAT this recommendation be forwarded to the October 16, 2018 Regular Council meeting for Adoption.

BACKGROUND / PURPOSE

The Town received a Temporary Use Permit (TUP) application for a cannabis store located at 703 Gibsons Way, Gibsons. The store, known as The Rainforest Compassion Club, opened in March 2015 with the issuance of a retail business license. The Rainforest Compassion Club intends to apply for a Federal and Provincial license.

The upcoming legalization of non-medical cannabis has triggered the Town to update its bylaws which would now prohibit cannabis stores in all zones. Obtaining a TUP would allow the applicants to keep their store open. The applicants intend to apply to rezone the property in the future.

A TUP may be issued by Council for any period of time up to three years, and can establish conditions relating to the use. Temporary Use Permits can only be renewed once for an additional three-year term (or any lesser period of time).

The purpose of this report is to provide background information on the proposal and obtain direction from Council on beginning newspaper and neighbor notifications.

DISCUSSION

An application summary is provided on Table 1.

Table 1: Application Summary'

Application Purpose:	To allow a cannabis store to remain open after zoning prohibits use
Owner / Applicant:	John Clemente / Rod McEwen
Civic Address:	Units 102 & 103 – 703 Gibsons Way
Lot Area:	773 m ²
Zoning Land Use:	Upper Gibsons Commercial District 1 (C-1)
OCP Land Use:	Live-Work

The lot has a building on it with six strata lots – three at grade and three on the second floor. The Rainforest Compassion Club uses Strata Lots 2 and 3 at grade, which is located next to a tattoo parlour on Strata Lot 1. The second floor of the building contains residential units.

Figure 1 below shows a section of the building, Figure 2 shows a location map of the property, and Figure 3 shows an image of the storefront of The Rainforest Compassion Club.

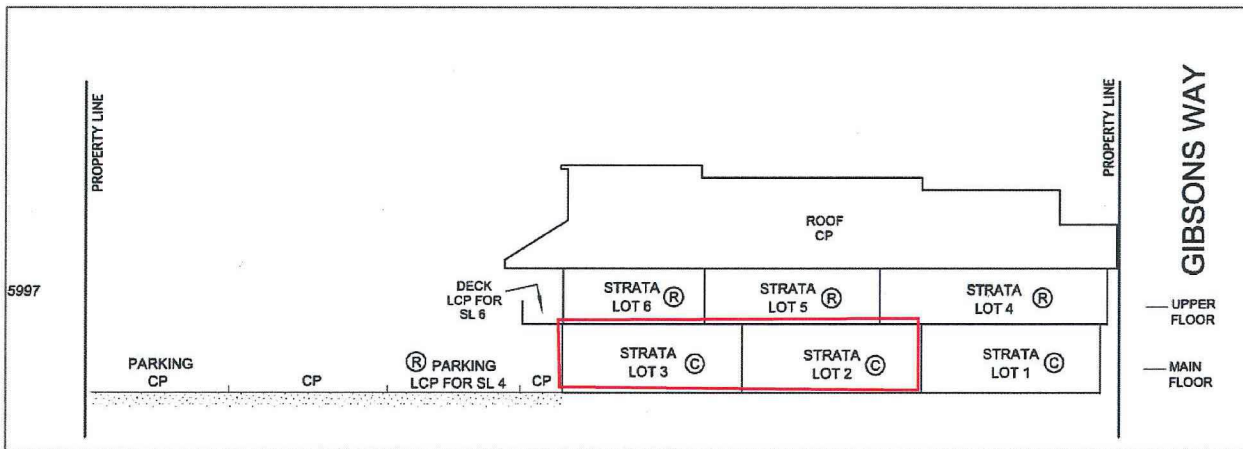


Figure 1: Building Section – Area of Rainforest Compassion Club outlined in red

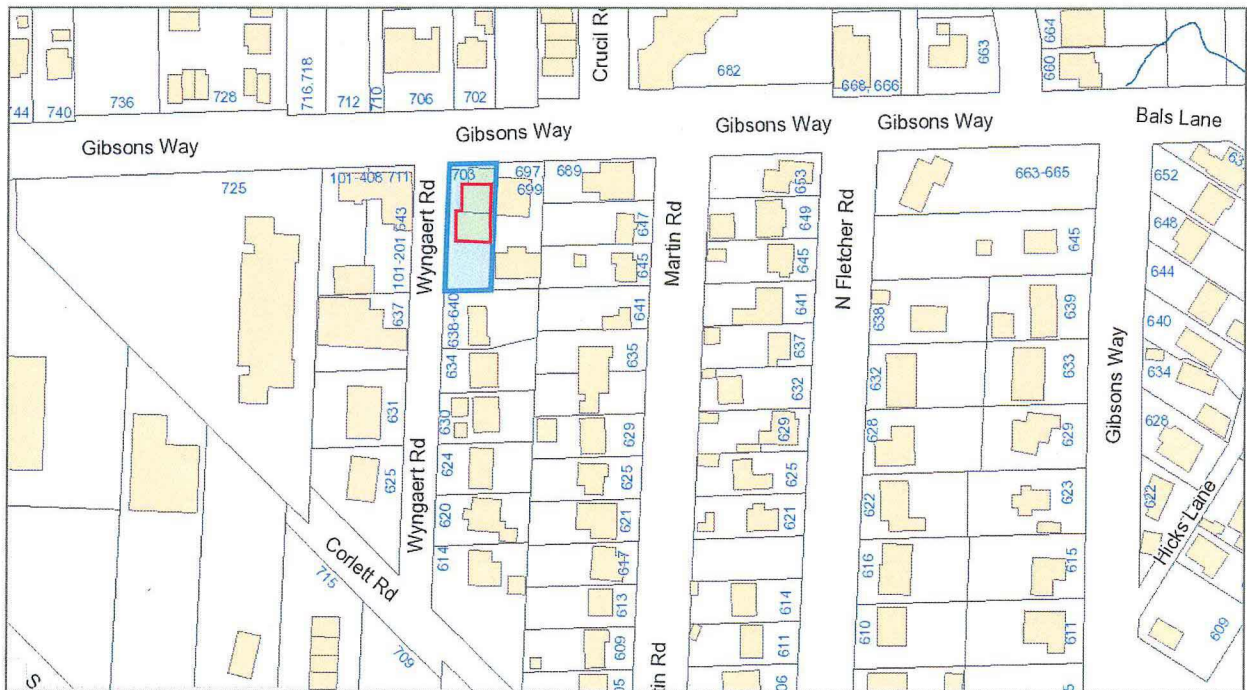


Figure 2: Location Map - Lot outlined in blue and buildings outlined in red



Figure 3: Image of front of store, from Wyngaert Road.

The subject property is zoned Upper Gibsons Commercial District 1 (C-1), intended to provide or a wide range of commercial uses, as well as apartment use above the ground floor. Retail use is permitted and limited to not more than 2500.0 m² (26,910.0 ft²) of gross floor area. The Rainforest Compassion Club originally operated under a retail business license, and uses approximately 182.4 m² (1963 ft²).

The proposed changes to the Zoning Bylaw will prohibit cannabis stores in all zones. Thus, a TUP application has been submitted to request permission to allow the business to continue operating for a temporary term.

COMMUNICATION

Staff have referred the application externally to the Gibsons and District Volunteer Fire Department, RCMP, and School District 46, and internally to the Town's Infrastructure Services Department.

The *Local Government Act* requires that a notice be published in a newspaper prior to Council's adoption of a resolution to issue the TUP. Staff recommends that Council directs staff to publish notice of TUP-2018-02 in the newspaper.

To obtain comments from immediate neighbours, staff typically mails or hand delivers letters neighbours within a 50 metre radius in addition to the legislated newspaper notification requirement. Staff recommends that Council directs staff to notify property owners neighbouring 703 Gibsons Way of the Temporary Use Permit application (TUP-2018-02).

Staff further recommends that this Committee's recommendation be forwarded to the October 16, 2018 Regular Council meeting for Adoption, to enable staff to act on it and bring back a report for in November for a Council decision. Given the timing of the receipt of this application with the upcoming legalization of cannabis, a decision prior to the October 17, 2018 legalization date is not possible.

POLICY / PLAN IMPLICATIONS

Official Community Plan – Smart Plan

The Town's Smart Plan identifies all areas within the Town's boundaries in a Temporary Use Permit Area. This means TUPs can be applied for anywhere in Gibsons. The Smart Plan also encourages forms of economic development that support livability, and generate wealth within the local community, while it discourages speculation and forms of economic development that undermine the Town's livability and natural environment.

The land use designation in the Smart Plan is Live/Work, which states:

To allow mixed use development of small sized business units which incorporate living quarters for proprietors. The designation allows a residential use mixed with commercial or light industrial uses, provided the commercial and industrial uses are compatible with the residential uses on site and in adjacent areas. (floor space ratio of 0.7 to a maximum FSR of 1.0).

Given that The Rainforest Compassion Club has been established for 3.5 years with no complaints received by the Town, and that the mixed-use is consistent with the OCP land use designation, staff considers that allowing the use to remain in its location for a temporary term should not undermine the Town's livability. Notifying neighbours will provide more input on those immediately impacted by the Cannabis store.

Strategic Plan Implications

Council has a strategic priority of promoting regional and local economic development. Retail sales of cannabis and cannabis products provides a local business opportunity and promotes economic diversification opportunities in Gibsons.

Financial Plan Implications

This application does not impact the Town's Financial Plan.

A TUP application costs \$1000 and a renewal fee is \$750. A retail business license costs \$160 for up to 1000 ft² and an additional \$8 for each additional 100 ft².

The cost to process a referral from the Liquor and Cannabis Regulation Branch is \$1000.

NEXT STEPS

Upon completion of neighbor notifications and a notice in the newspaper, this application will be brought forward for a Council decision.

RECOMMENDATIONS / ALTERNATIVES

Staff's recommendations are on page 1 of this report. Alternatively, Council may indicate preferences regarding changes to the application before notification takes place, or may choose not to issue the permit.

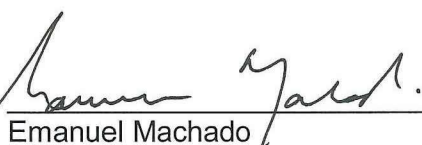
Respectfully Submitted,



Lesley-Ann Staats, MCIP, RPP
Director of Planning

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:

I have reviewed the report and support the recommendation(s).



Emanuel Machado
Chief Administrative Officer