

STAFF REPORT TO COUNCIL

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DATE: October 9, 2019

TO: **MAYOR AND COUNCIL**

NAME AND TITLE: Ian Wells, General Manager of Planning and Development

SUBJECT: Temporary Use Permit Application No. TU000053

Applicant: Earth to Sky Cannabis Company Ltd. for PRP Holdings Ltd., Inc.
No. BC0951609

Location: 1533 3rd Avenue

ATTACHMENT(S):

- Location and Existing Zoning Map
- Temporary Use Permit No. TU000053
- Liquor and Cannabis Regulation Branch Approval
- Supporting Document(s)

RECOMMENDATION(S):

THAT Council APPROVE Temporary Use Permit No. TU000053 for the property legally described as Lot 9, Block 130, District Lot 343, Cariboo District, Plan 1268.

PURPOSE:

The applicant has applied for a Temporary Use Permit to allow a Retail, Cannabis use on the subject property located at 1533 3rd Avenue (formerly Bridal Outlet). The proposed retail sale of cannabis will be in a tenant space and will be approximately 304 m². Please see attached supporting documents for more detailed information.

The applicant has successfully completed the financial integrity check and security screening for a non-medical cannabis retail store required by the Liquor and Cannabis Regulation Branch (LCRB). The purpose of this report is to facilitate a Retail, Cannabis use on the subject property through a Temporary Use Permit.

Background

Site Characteristics

Location	1533 3 rd Avenue
Current Use	Local Commercial Strip Mall
Site Area	304 m ²
Zoning	C1: Downtown

Official Community Plan Bylaw No. 8383, 2011

Future Land Use	Downtown
Growth Management Class	Growth Priority

Surrounding Land Use

North	3 rd Avenue; HSBC Building
South	Laneway; Office
East	Retail; Victoria Street/Highway 16 East
West	Optical; Restaurant

Cannabis License Application No. CN000008

The applicant has applied to the City for a Cannabis Retail License following the successful financial integrity check and security screening with the LCRB. The concurrent Staff Report to Council for Cannabis License Application No. CN000008 considers the proposed Retail, Cannabis use in accordance with City of Prince George Liquor and Cannabis License Policy, provides opportunity for public feedback, and requires a resolution from Council that will be forwarded to the LCRB.

POLICY/REGULATORY ANALYSIS:

A Temporary Use Permit (TUP) is a tool to allow a short-term use that does not comply with the Zoning Bylaw. As per the *Local Government Act*, a TUP may be issued for a maximum of three (3) years, and may only be renewed once for an additional three (3) years. Following the expiration of the proposed TUP, the applicant must apply for a Zoning Bylaw amendment, cease the use, or relocate to a property that supports the proposed uses.

Zoning Bylaw

The subject property is currently zoned C1: Downtown. The intent of the C1 zone is to provide a mix of uses for the central business area of the city. The applicant has applied for a TUP to allow Retail, Cannabis on the subject property located at 1533 3rd Avenue.

The C1c: Downtown zone does allow Retail, Cannabis as a principal use, subject to a rezoning application. However, Administration is not certain of the impacts a Retail, Cannabis use will have in the Downtown and has recommended the applicant seek a TUP to allow Retail, Cannabis on the property for up to three (3) years. A TUP will allow the City, and external agencies, the opportunity to better understand the impacts of Retail, Cannabis in the downtown.

Official Community Plan

The subject property is designated as Downtown as per Schedule B-6: Future Land Use of the Official Community Plan (OCP). The Downtown designation is intended to promote revitalization of downtown as the commercial, cultural and civic heart of the community; and support a diverse, socially integrated population. OCP policy promotes downtown as high-density core with mixed use commercial services (Policy 5.1.7). Section 9.2 of the OCP outlines a number of considerations to avoid conflicts between different types of uses when considering a temporary use permit.

Temporary Nature of Use

The applicant would like to permanently establish a Retail, Cannabis use on the subject property. Administration has suggested the applicant apply for a TUP to allow the City, and external agencies, the opportunity to better understand the impacts of Retail, Cannabis in the downtown.

Compatibility of Adjacent Uses

The subject property is within one (1) kilometre of Duchess Park Secondary School, Simon Fraser Lodge, University Hospital of Northern BC, Prince George Native Friendship Centre Society, Uda Dune Baiyoh Community Centre, Lheidli T'enneh First Nation Lands and Economic Development Office, Connaught Hill Park, Canada Games Plaza, Veterans Plaza and the Provincial Court.

The downtown provides a number of social programs and services located within approximately 500 m of the subject property. Some of these social programs and services include the Intersect Youth and Family Services, Central Interior Native Health Society, the Fire Pit Cultural Drop-In Centre, Reconnect Youth Village, and a number of Aboriginal Children and Family Services offered at the Prince George Native Friendship Centre.

Administration has considered potential community impacts of the proposed TUP to allow Retail, Cannabis on the subject property. A TUP will allow the City and external agencies an opportunity to better understand the potential impacts of Retail, Cannabis in the downtown.

Impact on Natural Environment

The proposed use is not anticipated to negatively impact the natural environment.

Intensity of Proposed Use

The subject property is approximately 500 m west of an existing Retail, Cannabis use, Grasshopper Retail Inc. located at 421 George Street. The Liquor and Cannabis Licensing Policy recommends a minimum separation of 1.6 km between cannabis retail uses. Although the subject property and existing Grasshopper Retail Inc. are located within 1.6 km of one another, Highway 16 East physically separates these uses thereby mitigating conflicts or potential land use impacts.

The C1 zone permits a number of retail uses in the downtown as per Zoning Bylaw No. 7850, 2007. As identified above, Administration is supportive of this application to allow the City, and external agencies, the opportunity to better understand the impacts of Retail, Cannabis in the downtown.

Inability to Conduct Proposed Use Elsewhere

Cannabis, Retail is permitted in the following zones, as per Zoning Bylaw No. 7850, 2007: C1c: Downtown; C2c: Regional Commercial; C4c: Local Commercial; and C6c: Highway Commercial. The applicant has applied for a TUP to allow Retail, Cannabis on the subject property following Administration's recommendation to do so. Administration would like to gain a better understanding of the extent of impacts a cannabis use will have in the downtown area.

OTHER CONSIDERATIONS:

Referrals

This application was referred to internal City divisions and external agencies for comments. The RCMP did not provide comment on this specific application. However, through previous land use applications for cannabis retail use in the downtown, the RCMP has expressed concern and opposition to adding cannabis and liquor use in the downtown.

Notification to Adjacent Property Owners

As per the requirements set out in the *Local Government Act*, the City of Prince George will provide a delivery of notice to adjacent property owners whose interests may be affected by this temporary use.

ALTERNATIVES:

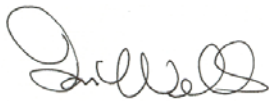
1. Approve the permit
2. Approve the permit as amended
3. Refuse the permit
4. Defer or otherwise deal with the permit

Administration recommends that Temporary Permit No. TU000053 be approved.

SUMMARY AND CONCLUSION:

Administration recommends that Council approve the applicant's request for a TUP allowing Retail, Cannabis use on subject property located at 1533 3rd Avenue.

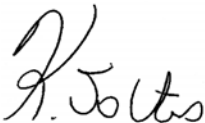
RESPECTFULLY SUBMITTED:



Ian Wells, General Manager of Planning and Development

PREPARED BY: Kali Holahan, Planner

APPROVED:



Kathleen Soltis, City Manager
Meeting date: November 4, 2019