

STAFF REPORT TO COUNCIL

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DATE: September 4, 2020

TO: MAYOR AND COUNCIL

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

SUBJECT: Rezoning Amendment Application No. RZ100668 (Bylaw No. 9139)

Applicant: Grasshopper Retail Inc. for Commonwealth Campus Corporation,
Inc. No. BC0877533
Location: 409-445 George Street

ATTACHMENT(S): Location and Existing Zoning Map
Appendix "A" to Bylaw No. 9139
Letters of Support

RECOMMENDATION(S):

That Council GIVES First and Second Reading to "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9139, 2020".

PURPOSE:

The applicant would like to rezone the subject properties located at 409-445 George Street from C1: Downtown to C1c: Downtown to facilitate the continued operation of a retail cannabis in the building located on the subject properties, as shown on Appendix "A" to Bylaw No. 9139, 2020.

Site Characteristics

Location	409 – 445 George Street
Legal Description	Lots 1-4, Block 150, district Lot 343, Cariboo District, Plan 1268
Site Area	1222 m ²
Official Community Plan	Downtown
Growth Management Class	Growth Priority
Servicing	City Services Available

Zoning (see Appendix "A" to Bylaw No. 9139)

Current Use	Double Tenancy Building – North City Donair and Grasshopper Retail Inc. (Lot 2); Vacant (Lots 1, 3, 4)
Current Zoning	C1: Downtown
Proposed Zoning	C1c: Downtown

Surrounding Land Use Table

North	4 th Avenue
South	Wood Innovation and Design Centre
East	George Street; Cornerstone Kitchen & Lounge; Ramada
West	Lane; Wood Innovation and Design Centre

Relevant Applications

Cannabis License Application No. CN000002: At the Council Meeting held April 8, 2019, Council supported the issuance of a Cannabis License for Grasshopper Retail Inc. at 421 George Street. This application was reviewed and considered concurrently with Temporary Use Permit Application No. TU000045.

Temporary Use Permit Application No. TU000045: At the Council Meeting held April 8, 2019, Council supported the applicant's request for a Temporary Use Permit to allow Retail, Cannabis use on subject property located at 421 George Street. The applicant was granted a Temporary Use Permit to allow Retail, Cannabis on the subject property April 9, 2019, with an expiration date of April 9, 2022. 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.

POLICY / REGULATORY ANALYSIS:

Liquor and Cannabis Regulation Branch (LCRB)

The LCRB is the provincial authority responsible for licensing non-medical cannabis private stores and monitoring the non-medical cannabis retail sector. The LCRB is regulated by the *Cannabis Control and Licensing Act* and *Cannabis Distribution Act*. All distribution licenses are approved and issued by the LCRB. The applicant has completed the LCRB's required financial integrity check and security screening. As such, the applicant has submitted a Rezoning application and Retail, Cannabis License application to the City to facilitate the retail sale of cannabis on the subject property.

City of Prince George Liquor and Cannabis License Policy (LCLP)

The City of Prince George Liquor and Cannabis Licensing Policy (LCLP) establishes guidelines for the operation of licensed liquor establishments and cannabis retail stores within the City. The LCLP provides guidelines on hours of operation, occupant load, and location. Staff have evaluated the criteria outlined in the LCLP and have considered their relevance to this application as noted below.

Official Community Plan

Future Land Use

The subject properties are designated as Downtown as per Schedule B-6: Future Land Use of the Official Community Plan (OCP). The Downtown designation is intended to promote an intense mix of uses, including housing and a wide range of commercial, from business incubators through conventional office and retail, and related public and private services (Policy 8.3 18).

The applicant's proposal will facilitate a retail use on the subject properties. Therefore, Administration supports this rezoning application in the Downtown, as it is consistent with OCP Policy to promote an intense mix of retail uses.

Zoning Bylaw

The subject properties are 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 to rezone the subject properties from C1: Downtown to C1c: Downtown. The addition of the proposed “c” would permit retail cannabis use on the subject properties. The proposed C1c: Downtown zone has the same zoning regulations as the C1 zone, with the addition of “Retail, Cannabis” as a permitted principal use.

The land use impacts that are considered with respect to a Cannabis Retail application include location of the establishment, community impacts, proximity and over proliferation of use, adjacent land uses, parking and traffic, and hours of service.

Location of Establishment

As indicated previously, the subject properties are located within the downtown. The Official Community Plan (OCP) Bylaw No. 8383, states that the downtown should promote an intense mix of uses and wide range of commercial services. The table below summarizes the surrounding land uses.

Surrounding Land Use

North	4 th Avenue
South	Wood Innovation and Design Centre
East	George Street; Cornerstone Kitchen & Lounge; Ramada
West	Lane; Wood Innovation and Design Centre

As per the intent of the Downtown Designation (OCP) and C1: Downtown zone (Zoning Bylaw), there is a wide mix of uses in close proximity to the subject properties located at 409-445 George Street.

The subject properties are adjacent to the Wood Innovation Square property and are within one (1) kilometre of Duchess Park Secondary School, Canada Games Plaza, Veterans Plaza, Connaught Hill Park and the Provincial Court.

The downtown provides a number of social programs and services located within approximately 150 m of the subject properties. Some of these social programs and services include the Central Interior Native Health Society, the Fire Pit Cultural Drop-In Centre, Youth Around Prince, and Lheidli T'enneh First Nation Lands and Economic Development Office.

Community Impacts

The applicant has been operating Grasshopper Retail Inc. under Temporary Use Permit No. TU000045 since April 9, 2019. The intent of the Temporary Use Permit was to allow Administration the opportunity to learn and evaluate the extent of any impacts that may occur as a result of a Retail, Cannabis use being located in the downtown. Administration has not received any complaints related to the operation of Grasshopper Retail Inc. located at 421 George Street from adjacent property owners, or the public at large since the operation.

Proliferation of Uses

The subject properties are approximately 500 m east of an existing Retail, Cannabis use, Earth to Sky Cannabis located at 1533 3rd Avenue. The Liquor and Cannabis Licensing Policy recommends a minimum separation of 1.6 km between cannabis retail uses. Although the subject properties and existing Earth to Sky Cannabis are located within 1.6 km of one another, Highway 16 East (Victoria Street) physically separates these uses thereby mitigating conflicts or potential land use impacts.

Noise

The subject properties are bordered by a laneway to the west, George Street to the east, and vacant commercial lots to the north and south. It is not anticipated that a Retail, Cannabis use will disrupt surrounding uses through increased noise. As indicated previously, the existing business has been in operation since 2019 with no bylaw complaints.

Parking and Traffic

The subject properties are located in the Downtown. This location provides flexibility for parking and traffic circulation along George Street and 4th Avenue, and is in close proximity to multiple surface parking lots.

Hours of Service

The LCLP guidelines suggest hours for Retail, Cannabis uses be between 9:00 am and 11:00 pm. Grasshopper Retail Inc. operates 7 days a week, Monday to Sunday, 9:00 am to 11:00 pm. The proposed Retail, Cannabis store hours are consistent with LCLP Guidelines. The applicant has been operating with these hours since 2019 with no bylaw complaints.

Due to the rationale provided above, the consistency with the LCLP, Zoning and OCP, Administration supports this application.

OTHER CONSIDERATIONS:

Referrals

This application was referred to internal City divisions and external agencies for comments. The following comments were received during the referral process:

RCMP

The RCMP has indicated an overall concern with cannabis retail uses being located within the Downtown. The RCMP has recommended that the City oppose any applications that look at adding cannabis (or liquor) in the downtown core.

Bylaw Services Division

Bylaw Services has not received any complaints related to the subject property located at 421 George Street or the operation of the retail cannabis store (Grasshopper Retail Inc.).

Ministry of Transportation and Infrastructure

As per Section 52 of the *Transportation Act*, Bylaw No. 9139 requires Ministry of Transportation and Infrastructure's approval prior to Final Reading.

ALTERNATIVES:

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

Administration recommends that Bylaw No. 9139, 2020 be approved.

SUMMARY AND CONCLUSION:

The applicant has applied to rezone the subject properties from C1: Downtown to C1c: Downtown to facilitate the continued operation of a retail cannabis store (i.e. Grasshopper Retail Inc.) on the subject properties located at 409-445 George Street. Administration supports this application for the reasons outlined in this report.

RESPECTFULLY SUBMITTED:

Ian Wells, General Manager of Planning and Development

PREPARED BY: Nicole Fraser

APPROVED:

Walter Babicz, Acting City Manager

Meeting Date: 2020/10/05