

# STAFF REPORT TO COUNCIL

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**DATE:** March 2, 2021

**TO:** MAYOR AND COUNCIL

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

**SUBJECT:** Rezoning Amendment Application No. RZ100696 (Bylaw No. 9189)

**APPLICANT:** Zaga's Enterprises Ltd. for Redwood Square Ltd., Inc. No. 549030

**LOCATION:** 1543 Victoria Street

**ATTACHMENT(S):** Location and Existing Zoning Map  
Appendix "A" to Bylaw No. 9189  
Letter of Intent

**RECOMMENDATION(S):**

That Council GIVES First and Second Reading to "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9189, 2021".

**PURPOSE:**

The applicant operates a non-medical cannabis retail store (Zaga's Hemp Shop) within a existing commercial building at 1543 Victoria Street (subject property). The operation of the cannabis retail store was facilitated through a Temporary Use Permit (TU000046), which was approved for three years by Council in June 2019.

To facilitate the existing cannabis retail use as a permanent use on the subject property, the applicant would like to rezone the subject property from C2: Regional Commercial to C2c: Regional Commercial. No changes are proposed to the existing cannabis retail licence, or to the existing building.

Site Characteristics

Location	1543 Victoria Street
Legal Description	Lot 1, District Lot 343, Cariboo District, Plan 22956
Current Use	Commercial

Site Area	3205 m <sup>2</sup>
Future Land Use	Neighbourhood Centre, Corridor; Service Commercial
Growth Management Class	Growth Priority

Zoning (see Appendix “A” to Bylaw No. 9189)

Current Zoning	C2: Regional Commercial
Proposed Zoning	C2c: Regional Commercial

Surrounding Land Use Table

North	15 <sup>th</sup> Avenue, Commercial
South	Commercial
East	Victoria Street, Hotel
West	Redwood Street, Commercial

Relevant Applications

**Cannabis Licence Application No. CN00003:** At the Council Meeting held on June 10, 2019 Council supported the issuance of a Cannabis Licence for Zaga’s Enterprises Ltd. at 1543 Victoria Street. This application was reviewed and considered concurrently with Temporary User Permit No. TU000046.

**Temporary Use Permit Application No. TU000046:** At the Council Meeting held on June 10, 2019. Council supported the applicant’s request for a Temporary Use Permit to allow a Retail, Cannabis use on subject property located at 1543 Victoria Street. The applicant was granted a Temporary Use Permit to allow Retail, Cannabis on the subject property on June 11, 2019, with an expiration date of June 11, 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 financial integrity check, and a Cannabis Retail Licence has been granted to the applicant by the LCRB. The applicant has submitted a Rezoning application to facilitate the retail sale of cannabis as a permanent use 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. This criteria was evaluated by Staff as part of Cannabis Licence Application No. CN00003, which was endorsed by Council on June 10, 2019.

## **Official Community Plan**

### Future Land Use

The subject property is designated as *Neighbourhood Centre, Corridor and Business District – Service Commercial* in Schedule B-6: Future Land Use of the Official Community Plan. The *Neighbourhood Centre, Corridor* designation is intended to provide for a mix of local shops, services, and similar amenities. The *Service Commercial* designation supports a wide range of commercial uses that are oriented to the traveling public.

Policy 8.3.35 supports a wide range of retail and service uses in this area, and the OCP does not make a distinction between cannabis retail and other forms of commercial retail.

The proposed rezoning application is consistent with the OCP. Administration supports the application.

## **Zoning Bylaw**

The subject property is zoned as C2: Regional Commercial which is intended to provide for major shopping centres and complementary residential uses. The property owner would like to rezone 1543 Victoria Street to C2c: Regional Commercial, which adds the “retail, cannabis” use 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

The subject property is located in an established commercial area adjacent to the downtown and is bounded by Redwood Street to the West, 15<sup>th</sup> Avenue to the North, Victoria Street to the East, and surface parking and commercial retail uses to the south. The Official Community Plan supports a variety of commercial uses on the subject property.

### Community Impacts

The applicant has been operating a retail cannabis store under Temporary Use Permit No. TU000046 since June 11, 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 on the subject property. Administration has not received any complaints related to the operation of Zaga’s Enterprises Ltd. located at 1543 Victoria Street from adjacent property owners, or the public at large since the operation.

### Proliferation of Uses

The subject property is approximately 900 m south-west of an existing Retail, Cannabis use, Grasshopper Retail Inc. located at 421 George Street, approximately 900 m south of Earth to Sky Cannabis located at 1533 3<sup>rd</sup> Avenue. The Liquor and Cannabis Licensing Policy recommends a

minimum separation of 1.6 km between cannabis retail uses. Although the cannabis uses are located within 1.6 km of one another, they are separated by major roads (i.e. Victoria Street and 15<sup>th</sup> Avenue) and serve different neighbourhoods, thereby mitigating conflicts or potential land use impacts.

#### Noise

The subject property is an established commercial site, as are the neighbouring properties. It is not anticipated that the continuation of a retail, cannabis use will produce noise out of character for this commercial area. As indicated previously, the existing business has been in operation since 2019 with no bylaw complaints.

#### Parking and Traffic

The subject property is located in an existing commercial area with ample on-site parking. The location has direct access to both Redwood Street and Victoria Street, which provides flexibility for access and traffic circulation to and from the site.

#### Hours of Service

The LCLP guidelines suggest hours for Retail, Cannabis uses be between 9:00 am and 11:00 pm. Zaga's Enterprises Ltd. operates Monday to Saturday, 9:30 am to 9:30 pm, and on Sunday from 9:30 am to 7:30 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**

##### RCMP

The RCMP has indicated an overall concern with the operation of a cannabis retail use being located adjacent to the Downtown. The RCMP has recommended that the City oppose any applications that look at adding cannabis (or liquor) in or adjacent to the downtown core.

##### Bylaw Services Division

Bylaw Services has not received any complaints related to the subject property located at 1543 Victoria Street or the operation of the retail cannabis store (Zaga's Enterprises Ltd.).

##### 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.

#### **Council Procedures during COVID-19 Pandemic**

As per the requirements set out in the *Local Government Act* and "City of Prince George Development Procedures Bylaw No. 7635, 2005", the City of Prince George will mail or otherwise deliver a notice to adjacent property owners and tenants whose interests may be affected by these applications.

Members of the public may provide representations to Council by written submission or telephone. Written submissions received in response to the public notice for these applications will be provided to Council for their consideration during the public hearing and prior to third reading of the proposed bylaws.

**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. 9189, 2021 be approved.

**SUMMARY AND CONCLUSION:**

The applicant has applied to rezone the subject property from C2: Regional Commercial to C2c: Regional Commercial to facilitate the existing retail cannabis use on the subject property as a permanent use. Administration supports this application for the reasons outlined in this report.

**RESPECTFULLY SUBMITTED:**

Ian Wells, General Manager of Planning and Development

**PREPARED BY:** Tristin Deveau, Planner

**APPROVED:**

Walter Babicz, Acting City Manager

Meeting Date: 2021/03/22