



City of Langford

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Staff Report

to

Planning, Zoning and Affordable Housing Committee

Date: April 8, 2019

Department: Planning

Subject: TUP19-0002; Application to allow The Original Farm Langford Ltd. to operate a Cannabis Retail Store at 105 & 111-945 Reunion Ave. (Belmont Market) by means of a Temporary Use Permit.

Background

Following the Federal Government's decision to legalize non-medical cannabis, the City of Langford undertook a pilot project where a Request for Proposals (RFP) process was initiated in 2018. This process resulted in a number of cannabis retail applicants being selected to apply to operate non-medical cannabis retail stores within the City of Langford. Rather than change Section 3.02.02(5) of Zoning Bylaw No. 300 to generally allow cannabis retailing, the City determined that a best practice would be by way of issuance of a Temporary Use Permit on a case by case basis. The Original Farm Langford Ltd. has been the second successful applicant in that process to also obtain the necessary Provincial approvals.

The Liquor and Cannabis Regulation Branch (LCRB) of British Columbia has completed the required financial integrity checks and security screenings for The Original Farm Langford Ltd. and all persons associated with the applicant.

In order for the Province to issue a Non-Medical Cannabis Retail Store licence (CRS) under the Cannabis Control and Licencing Act, a positive recommendation is required from the local government. The Original Farm Langford Ltd. has expressed interest in opening a retail store at 105 & 111 945 Reunion Avenue.

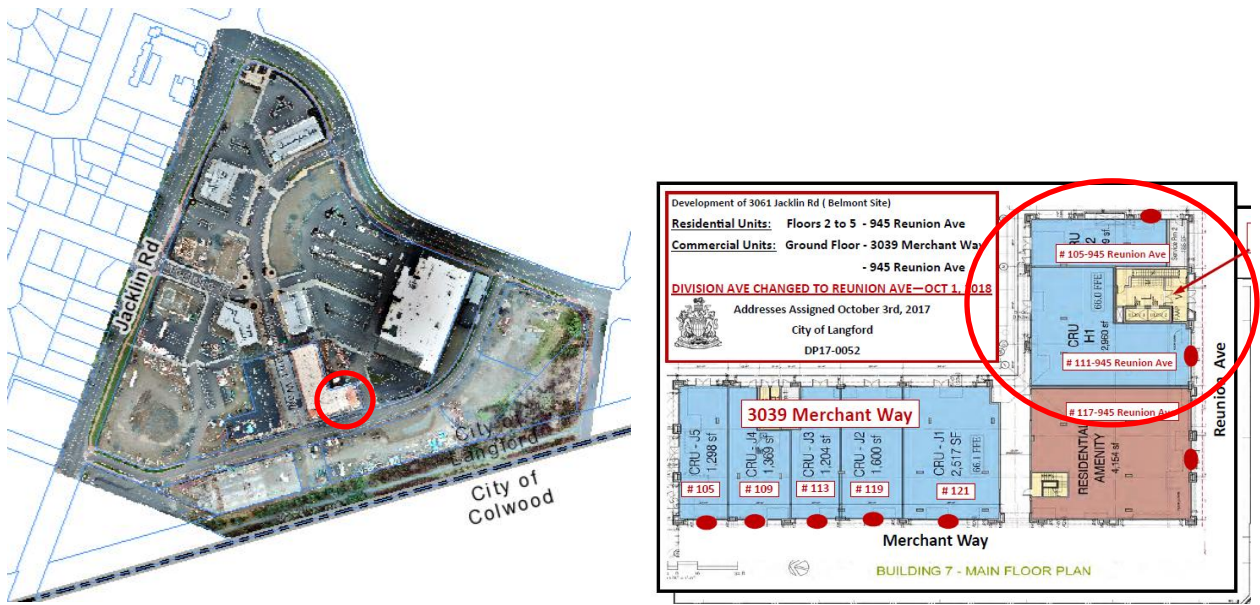


Figure 1: Proposed location of The Original Farm Langford Ltd. Cannabis Retail Store

Commentary

The proposed location is zoned C10 and is designated as Mixed Use Employment Centre within the Official Community Plan. Premises licenced pursuant to the *Liquor Control and Licencing Act* is a permitted use under the C10 zone which would be the relatively closest permitted use to the proposed Cannabis Retail Store. This is a multi use building with commercial space on the main floor and living units on the upper floors. The building is flanked on the west by a building of the same type and configuration and there are commercial buildings to the north and east. To the south there is a residential condominium development. All of these buildings are within the Belmont Market Development and zoned C10.

As part of the RFP process some guiding principals were considered to aid in determining what would be an acceptable location for this type of retail business within the City and which would allow consideration of issuing a Temporary Use Permit. These guidelines are not steadfast rules but rather guiding principles. In this regard, the retail sale of non-medical cannabis is preferred, but not strictly required, to not be located within:

1. 500 metres of any other location where the retail sale of Cannabis Products for non-medical use has been authorized;
2. 300 metres of any school;
3. 300 metres of any group daycare;
4. 150 metres of Centennial Park, Veterans Memorial Park, City Centre Park, Westhills YMCA, any Regional or Provincial Park, or Langford, Glen, or Florence Lakes; and,
5. 50 metres of any land Zoned R1 (One-family Residential) or R2 (One and Two-Family Residential), except within the designated City Centre.

Each applicant was to provide/demonstrate a detailed description of the Proponent's proposed business plan for undertaking the retail sale of cannabis products for non-medicinal use within the City's boundaries. Proposals addressed how they planned to comply with a number of important factors, including the proposed plans for:

- Ensuring that the retail sale of Cannabis Products for non-medicinal use is in compliance with the Regulatory Framework and all applicable City bylaws;
- Providing appropriate security measures associated with the premises from which the retail sale of Cannabis Products for non-medicinal use will occur;
- Minimizing the impact on the neighbourhood of the retail sale of Cannabis Products for non-medicinal use;
- Addressing nuisance issues relating to public use of Cannabis Products for non-medicinal purposes;
- Addressing impairment issues relating to public use of Cannabis Products for non-medicinal purposes; and,
- Providing educational initiatives and materials associated with the above impacts and related social concerns;

These items have also been addressed in the *Cannabis Retail Store Terms and Conditions Handbook* which outlines the requirements of the *Cannabis Control and Licencing Act of British Columbia*.

The applicant submitted a proposal in response to the RFP. The applicant's proposed location at 105 & 111 945 Reunion Ave. is located 1800m from the first proposed cannabis retail store and approximately 2200m away from the closest school which is Belmont Secondary School. It is 1500 m away from City Centre Park. The closest daycare would be located at 103 3030

Merchant Way which is the building located north east in the Belmont Market development, approximately 159m away. Access to Glen Lake is about 1200m away. The closest land zoned R1 or R2 would be approximately 240m away. The applicant's proposal has demonstrated how they plan to address and comply with the factors included in the RFP and compliance to these factors would be a condition of issuance of a Temporary Use Permit.

The owner/agent of the adjacent residential properties and the owner of the land which is the proposed location for the retail cannabis store, has endorsed the application however they have some stipulations to be taken into consideration as outlined in the attached letter. (Appendix A)

With Council's approval a business licence would be issued under a Temporary Use Permit and would be valid for the period of up to three years. The TUP would be subject to an occupancy permit being issued for Units 105 & 111 - 945 Reunion Avenue by the City and the three year term would commence on that date.

Financial Implications

As a condition of approval by Council of a Temporary Use Permit, the applicant would be required to enter into an agreement with the City of Langford as security for compliance with commitments in its proposal in response to the RFP and, in particular, its commitments under section 6(c) of the RFP.

Legal Implications

Pursuant to Sec. 497 of the *Local Government Act*, the City may issue a Commercial Temporary Use Permit (TUP) for a period of up to three years. The *Local Government Act* also allows a temporary use permit to be extended for a maximum of an additional three years. If the holder of a TUP wishes to conduct the temporary use beyond the six (6) year period, they are required to make a new application to council for a TUP or apply for a rezoning.

Council does regulate temporary use permits through part 3 of the Zoning Bylaw No. 300 Section 3.27.03(1) and 3.27.04 which gives Council the right to require that the form and character of the building meets the guidelines for commercial properties and has the option to require information pertaining to the property, such as a storm water management plan and /or parking plan, for example.

Both the Official Community Plan and the General Commercial Development Permit area guide Council regarding decisions about appropriate land use and design for the subject property.

Options

That the Planning, Zoning and Affordable Housing Committee:

1. Direct staff to prepare notices of Council's intention to consider issuance of a Temporary Use Permit TUP19-0002 to The Original Farm Langford Ltd. for it to operate a Cannabis Retail Store at 105 & 111- 945 Reunion Avenue, subject to the terms and conditions in the Temporary Use Permit including the stipulations outlined in the letter dated March 15, 2019 provided by the land owner/agent of the proposed location. Commencement of the TUP would be subject to an occupancy permit for Units 105 & 111 - 945 Reunion Avenue being issued by the City of Langford.

OR

2. Take no action with respect to the Temporary use Permit at this time.

Respectfully submitted,

Submitted by:	Kory Elliott, Planning and Land Development Technician.
Concurrence:	Matthew Baldwin, MCIP, RPP Director of Planning
Concurrence:	Robert Dykstra, MCIP, RPP, Land Development Planner
Concurrence:	Chris Aubrey, Fire Chief
Concurrence:	Lorne Fletcher, Manager of Community Safety and Municipal Enforcement
Concurrence:	Cory Manton, Manager of Parks and Recreation
Concurrence:	Michelle Mahovlich, P.Eng, P.Geo, Director of Engineering
Concurrence:	Leah Stohmann, MCIP, RPP, Deputy Director of Planning
Concurrence:	Adriana Proton, Manager of Legislative Services
Concurrence:	Michael Dillabaugh, CPA, CA, Director of Finance
Concurrence:	Braden Hutchins, Director of Corporate Services
Concurrence:	Darren Kiedyk, Chief Administrative Officer

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Ledcor Property Investments Ltd.
1200, 1067 West Cordova Street
Vancouver, BC V6C 1C7

Matthew Baldwin
Director of Planning
City of Langford

March 15, 2019

Re: Land Use Application for Non-Medical Cannabis Temporary Use – Unit
105 & 111 Reunion Avenue

Dear Matthew

Following up our meeting last week to review recent work undertaken by the City of Langford in rolling out new commercial uses in non-medical cannabis sales, I am writing this letter to be processed alongside the Temporary Use Permit for Unit 105/111 Reunion Avenue (Original Farm Cannabis Store).

I would like to identify myself as:

- The owner agent for the rental apartments (the Crossing at Belmont) located directly above the Original Farm store location;
- The owner agent for Belmont Residences West, the condominium complex on Reunion Avenue currently under construction; and the owner agent for Belmont Residences East, the future condominium complex on Reunion Avenue directly opposite the rear frontage of Original Farm;
- The current Trustee land owner agent for Unit 105/111 Reunion Avenue, the future location of Original Farm.
- The future residential developer of Belmont Lots 4, 5 and 6.

It is my understanding that the City of Langford requires the property owner of a land use application sign the document to ensure that there is endorsement of the submitted application. In this situation, I am not the future landlord of the commercial space as this will be Crombie REIT; I am however the current land owner agent responsible for the mixed-use property during its development, as well as all neighbouring residential properties under development in the immediate proximity of the TUP application.

I have just signed the Land Use / TUP Application form as the land owner, which endorses the Original Farm Cannabis Store application with the following stipulations that take into consideration the adjacent residential developments:

- 1) With respects to the South facing storefront of the cannabis shop, it is essential that there is zero visibility of cannabis retail activity along Reunion Avenue, with cannabis commercial activity being limited to receiving deliveries of package goods only.



Reunion Avenue is seen as a predominantly residential street - i.e. 100% of the residents who will live in this area will be travelling along Reunion Avenue, where commercial traffic will tend to flow back to Jacklin/Jenkins via the main roads/intersections. As the developer of all the condominium projects along Reunion Avenue, it is reasonable to expect that any new condo purchaser who may or may not object to this new commercial use, should not see potentially controversial storefront/signage directly from their living room.

Furthermore, the location of the Original Farm store's rear frontage is located directly between the residential front lobby of the Crossing at Belmont rental apartment, and the front door to the Belmont Residences Owners Club. This necessitates a sensitive visual treatment that will avoid any cannabis-related imagery in order to mitigate the possibility of negative feedback from the residential users along Reunion Avenue.

- 2) Having met the applicant, important items that were agreed to, include:
 - A) Screened storefront along Reunion Ave, displaying ideally a 'nature' scene, or something to thematically tie into the residential feature wall, such that any direct internal view is obscured. The applicant is willing to work with our residential themes, and avoid cannabis related imagery.

For context, please see below the rendering which looks to describe the design intent of the residential lobby for the apartments situate above the Cannabis store, and which is immediately adjacent to the rear entry of the Cannabis store.





As you can appreciate, the intent of this Reunion frontage is to emphasize not only the residential character of this street, but also to create a quality aesthetic for the condominium properties across the road (Belmont Residences West and Belmont Residences East). You will observe the feature wall on the right side of the rendering, which we are suggesting to Original Farm will be a good theme for their storefront screen.

- B) Limit the rear door usage to generic deliveries, given that the main storage comes off the Reunion Ave. The rear door use is not for patrons or customers.
- C) No commercial signage (for non-medical cannabis) along Reunion Ave – whether above the rear storefront, or above the feature wall (located at the South-East corner of the CRU).

For further clarity of the items mentioned above, please find attached the South and East Elevations of the mixed-use building in question. I have no comments concerning the North/front door frontage of the store, whereas the East frontage facing Thrifty's should maintain the plan of tasteful appropriate signage on the north side of the store.

Having reviewed the staff report being used for the Clarity Cannabis application, I endorse and approve of the control plan being put forward by the City of Langford, where the City and the neighbourhood can revisit the conditions of the temporary permit application every 3 years, to ensure compliance with Langford standards and expectations.

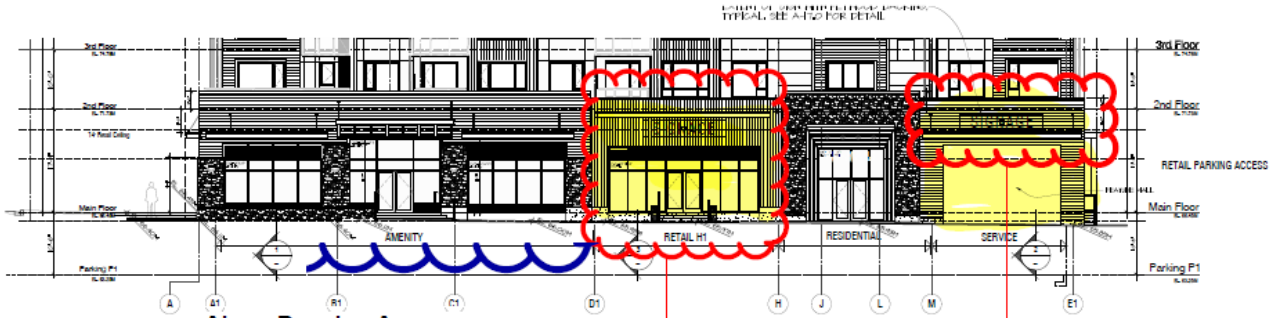
Based on my short introduction to Allen Spillette last week, there appears to be a genuine desire for the Original Farm store to be a good neighbor, and I hope that his commercial venture at Belmont Market is a success.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Eric Gerlach".

Eric Gerlach
VP Development
Belmont Residences West LP / Belmont Residences East LP
Belmont Crossing Ltd Partnership

Cc: Kevin Pritchard, Crombie REIT



South Elevation - Along Reunion Avenue
THIS SIDE FACING CONDOMINIUMS

PROVIDE REAR STOREFRONT
 SCREEN & REMOVE
 COMMERCIAL SIGN;
 RECEIVING ENTRY ONLY

REMOVE
 COMMERCIAL SIGN
 OVER FEATURE
 WALL



LEAVE UNSIGNED

East Elevation - Building 7
THIS SIDE VISIBLE FROM FUTURE
CONDOMINIUMS

TASTEFUL BRAND
 SIGN (NO OVERT
 CANNABIS / LEAF)