

Staff Report

Date: October 13, 2020
To: Chief Administrative Officer
From: James van Hemert, Consulting Planner
Re: **Temporary Use Application for Cannabis Retail Sales use at 170 Cowichan Lake Road, Lot 1, Section 6, Renfrew District Plan EPP60520**



APPLICATION

An application for a Temporary Use Permit for non-medical cannabis retail sales has been received from Steve Elkiw, the owner of Jerry's Cannabis. The proposed site is at 170 Cowichan Lake Road and would occupy a corner tenant space in a commercial block of stores.

DISCUSSION

Section 2.5 of the Town Zoning Bylaw provides that "the Town ... may designate areas within the Town for the issuance of temporary use permits and may issue such permits in all commercial, industrial and water recreation zones."

The Cannabis Retail Sales Policy of Council (No. R.157 (5) 19) provides guiding, but not prescriptive, rules (Section 4.7), as noted below, with commentary as appropriate:

(a) 100 metres from a school or group daycare;

Commentary: no school or known group daycare lies within 100 metres;

(b) Specified hours of operation of a cannabis retail store;

Commentary: the proponent projects that a store in Lake Cowichan would operate 5 to 6 days a week, and most likely 1000 to 2000 (these are the current hours at the Ladysmith location). Hours may expand to 7 days a week in the summer;

(c) Proposed size of the retail store;

Commentary: approximately 950 square feet in a corner unit of the commercial building;

(d) Overall design character is visually pleasant;

Commentary: the exterior and interior design is simple and modern; a mock-up proposal is shown on the following page as well as an exterior and interior photograph of the Ladysmith store;



Figure 1 Proposed Lake Cowichan store mock-up

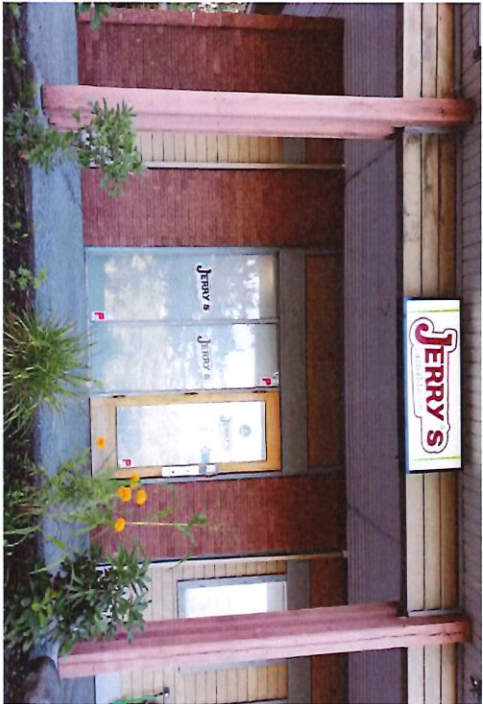


Figure 2 Exterior of proponent's store in Ladysmith



Figure 3 Interior of proponent's store in Ladysmith

(e) Specifications and form of signage is discreet;

Commentary: the proponent will use similar discrete and simple signage as their Ladysmith store as illustrated in the preceding images; note that it would be reasonable to request smaller window signage than shown;

(f) Potential impact to the neighbourhood;

Commentary: the proponent's promotional pamphlet states that they seek to be a good neighbour by taking the following measures:

- modern security solutions to discourage unlawful behavior;
- in alignment with The Cannabis Act, depictions of persons, characters or animals that are appealing to youth shall not be used in any way;
- Billboards, signboards, or outside signage will be designed in a way that avoids the risk of exciting consumers, encouraging risk or daring, or connects cannabis to recreation, in alignment with The Cannabis Act; and
- Simple, modern design that is effective yet subdued, allowing cannabis to operate legally yet with tact, taste and utmost professionalism;

and

(g) Any other conditions that may be imposed by Council.

Commentary: Council may wish to consider in its decision-making and conditions any input from citizens, neighbouring jurisdictions, and referral agencies provided during the notice period and at the public hearing.

PUBLIC NOTICE

Section 494 of the Local Government Act (the Act) requires that if a local government proposes to pass a resolution pertaining to a Temporary Use Permit, notice must be published in a newspaper at least 3 days and not more than 14 days before the adoption of the resolution to issue the permit. Further, if Council considers adopting a bylaw, a public hearing must be held, and be done in accordance with Sections 464, 465, 466, 469, and 470 of the Act, which provide direction for procedures and notice.

Council policy for Cannabis Retail Sales (Resolution NO. R157 (5) 19) provides that the application be referred to School District #79, the Lake Cowichan RCMP, and jurisdictional neighbours (Cowichan Valley Regional District) for up to 30 days to ensure their comments are considered in the decision of Council.

RECOMMENDATION

Staff note that the proponent's application is complete and provides enough information to decide on the extent to which it satisfies Council policy on retail cannabis.

Staff supports approval of the Temporary Use Permit for up to 3 years subject to any conditions Council may wish to impose based on its understanding of the proposal and any public input that is provided during the notice period and at the public hearing.



James van Hemert, MCIP, RPP
Consulting Planner