

THE CORPORATION OF THE CITY OF COURTENAY

PUBLIC HEARING AGENDA

*We respectfully acknowledge that the land on which we gather is the
unceded traditional territory of the K'ómoks First Nation*

DATE: Monday, February 08, 2021
PLACE: Electronic Meeting
TIME: 5:00 p.m.

AGENDA

K'OMOKS FIRST NATION ACKNOWLEDGEMENT

PG #

1.00 PUBLIC HEARING NOTICE

The City of Courtenay Council hereby gives notice that it will hold a Public Hearing to receive representations in connection with proposed amendments to *Zoning Bylaw 2500, 2007*.

Notices of this Public Hearing have been duly advertised in accordance with the requirements of the Local Government Act.

Due to the COVID-19 pandemic, and in accordance with Ministerial Order No. M192/2020 and the Class Order (mass gatherings), the following Public Hearings will be conducted virtually and live-streamed on the City's website. The public may participate in the meeting via Zoom Webinar and telephone, or provide comments to Council in writing. Those persons who believe their interest in property may be affected by a proposed bylaw shall be afforded a reasonable opportunity to be heard:

1. Submit written comments to Council:

Email to planning@courtenay.ca

Mail to: City of Courtenay, Development Services, 830 Cliffe Avenue, Courtenay, BC, V9N 2J7

PLEASE NOTE ALL WRITTEN SUBMISSIONS MUST BE RECEIVED BY 2:00 P.M., MONDAY, FEBRUARY 08, 2021 AND CONTAIN WRITER'S NAME AND ADDRESS WHICH WILL BECOME A PART OF THE PUBLIC RECORD.

2. Participate LIVE through a Zoom Webinar

See details and instructions on the City's website www.courtenay.ca/publichearings

3. Participate LIVE through Zoom Phone Conferencing

Dial toll free 1-855-703-8985

Passcode 864 2385 1593 # and follow participation instructions provided

4. Watch the Public Hearing LIVE

Via LIVE webcast City of Courtenay YouTube Channel:

[City of Courtenay's YouTube Channel](#)

Reports and bylaw, and related information respecting the zoning bylaw amendment are available on the City's website: www.courtenay.ca/devappracker (search by file number) and <http://www.courtenay.ca/councilmeetings> .

NO PRESENTATIONS WILL BE RECEIVED BY COUNCIL AFTER THE CONCLUSION OF THE PUBLIC HEARING

2.0 CALL TO ORDER

3.0 ZONING BYLAW AMENDMENT

3.1 BYLAW NO. 3010 - UNITS #301 AND #302 - 444 LERWICK ROAD

Bylaw No. 3010 proposes a text amendment to *Zoning Bylaw No. 2500, 2007* to the Comprehensive Development One F Zone (CD-1F) to allow a Retail Cannabis Store as a permitted use on the property legally described as Lot 1, Block 72, Comox District, Plan VIP81206 (Units #301 and #302 - 444 Lerwick Road).

This public hearing is being held to hear representations regarding an application through the BC Liquor and Cannabis Regulation Branch for a storefront Cannabis Retailer located at Units #301 and #302 - 444 Lerwick Road.

- 1 ▪ **Staff Report: Zoning Amendment Bylaw No. 3010 Proposed Storefront Cannabis Retailer - #302 - 444 Lerwick Road**
- 73 ▪ **Staff Report: Zoning Amendment Bylaw No. 3010 Updated Proposal - Storefront Cannabis Retailer - 444 Lerwick Road**
- 103 ▪ **Zoning Amendment Bylaw No. 3010, 2020**

4.00 ADJOURNMENT



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No: 3360-20-2008

From: Chief Administrative Officer

Date: October 19th, 2020

Subject: Zoning Amendment Bylaw No. 3010 Proposed Storefront Cannabis Retailer - #302-444 Lerwick Road

PURPOSE:

To consider an application to rezone unit #302-444 Lerwick Road legally described as Lot 1, Blok 72, Comox District, Plan VIP81206 to allow a storefront cannabis retailer in an existing commercial building.

CAO RECOMMENDATIONS:

That based on the October 19th, 2020 staff report "Zoning Amendment Bylaw No. 3010 Proposed Storefront Cannabis Retailer - #302-444 Lerwick Road" Council approve OPTION 1 and postpone consideration of "Zoning Amendment Bylaw No. 3010"; and

That Council direct staff to advertise the proposal and gather the views of the neighbourhood through a mail out in order to satisfy the requirements of the Liquor and Cannabis Regulation Branch (LCRB) referral process.

Respectfully submitted,

Trevor Kushner, BA, DLGM, CLGA, PCAMP
Interim Chief Administrative Officer

BACKGROUND:

The proposed cannabis store will be located within an empty unit (#302) within the shopping centre located at 444 Lerwick Road. The property is 4.97 ha in size and is located at the southeast corner of the intersection of Ryan Road and Lerwick Road. The site is zoned Comprehensive Development Zone 1F (CD-1F) and is designated as Commercial Shopping Centre in the Official Community Plan (OCP).



Figure 1: Subject Property (in Red) and Subject Building (in yellow)

The applicant proposes to rezone unit #302 in one of the existing commercial buildings. This means that the “storefront cannabis retailer” use will only be allowed in unit #302 should this amendment be successful (as seen in **Figures No. 2 and 3**).



Figure 2: Proposed Storefront Unit (outlined in Red)



Figure 3: Proposed Storefront Unit #302 (outlined in Red)

The Provincial *Cannabis Control and Licensing Act* provides local governments with the authority to regulate certain criteria in terms of land use management with respect to non-medical cannabis retailers. Similar to the previous ten storefront applications, this zoning application is evaluated according to the City’s Storefront Cannabis Retailers Policy and the rules and regulations that apply to all zoning amendment applications.

This is the eleventh storefront cannabis application to be considered by City Council. To date, the City has processed ten rezoning applications and one Liquor and Cannabis Regulation Branch (LCRB) referral (as seen in **Table No. 1**). Six of these have been approved meeting the limit set under the City’s Storefront Cannabis Retailers Policy. As a guidance policy, Council could exceed this number if it believes an additional store is warranted.

With the exception of this application, the planning department does not have any further cannabis storefront applications at this time.

Application Number	Location	Status
#1	#1400 – 2701 Cliffe Ave. (Driftwood Mall) (Rezoning)	Final approval March 4, 2019
#2	# 105-789 Ryan Rd. (Superstore Shopping Mall) (Rezoning)	Final Approval March 18, 2019 (Government Store)
#3	143 - 5 th Street (Rezoning)	Final Approval April 1, 2019
#4	605/625 Cliffe Ave. (Courtenay Mall) (Rezoning)	Final Approval May 6, 2019
#5	379 4 th Street (Rezoning)	Application Denied on May 21, 2019
#6	#103-1025 Cliffe Avenue (Rezoning)	Application Denied on July 15, 2019

#7	#103-2270 Cliffe Avenue (Rezoning)	Final Approval August 19, 2019
#8	#101 -576 England Avenue (Rezoning)	Final Approval September 3, 2019
#9	#230-470 Puntledge Road (Rezoning)	Application Denied on August 19, 2019
#10	605/625 Cliffe Avenue (LCRB Referral)	Approval on January 20, 2020
#11	#302-444 Lerwick Road (Rezoning)	Council consideration on October 19, 2020

Table 1: Storefront Cannabis Retailer Proposals Considered by Council

Application Number	Location	Zoning Status	Status of the Business
#1	#1400 – 2701 Cliffe Ave. (Driftwood Mall)	Final approval March 4, 2019	Have not applied for BP and store is not open
#2	#105-789 Ryan Rd. (Superstore Shopping Mall)	Final Approval March 18, 2019 (Government Store)	Approved and store is open
#3	143 - 5 th Street	Final Approval April 1, 2019	Approved and store is open
#4	605/625 Cliffe Ave. (Courtenay Mall)	Final Approval May 6, 2019	Approved and store is open
#5	#103-2270 Cliffe Avenue	Final Approval August 19, 2019	Approved and store is open
#6	#101 -576 England Avenue	Final Approval September 3, 2019	Have not applied for BP and store is not open

Table 2: Storefront Cannabis Retailer Proposals Approved by Council

DISCUSSION

Overview of the Proposal

The floor area of the proposed retail store is approximately 1,055 ft² (98m²) and will include a restroom, secure storage area and office space (as seen in **Figure No.5**). Interior improvements planned for the retail store include: the installation of walls; counter tops; lighting; shelving; cabinetry and security equipment. Exterior work is limited to the installation of security equipment, lighting and signage.

The proposed store will be open to the public from 9:00 a.m. to 9:00 p.m. Monday through Sunday with the exception of reduced hours on Remembrance Day and Christmas Eve and a store closure on Christmas Day. Six employees will be hired for the store's operation including one manager and five retail associates. All other operational requirements, including security requirements, are regulated by provincial licencing regulations.

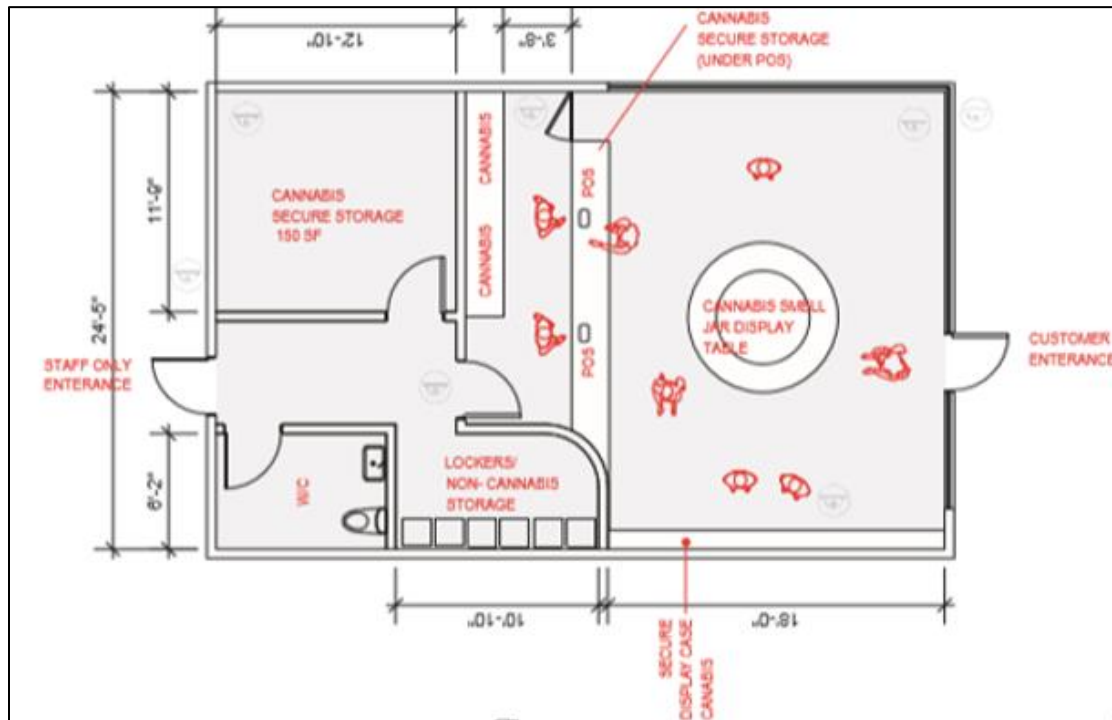


Figure 4: Proposed Floor Plan

Parking

Parking is provided in accordance with Division 7 in Zoning Bylaw No. 2500, 2007 and Policy 5 of the Storefront Cannabis Retailers Policy. Shopping centre uses require 1 parking stall per 22.5m² of floor area. Based on the floor area of the proposed retail unit, five parking stalls are required. Crown Isle Shopping Centre provides a total of 472 parking stalls for the combined retail uses onsite, meeting bylaw requirements.

Policy Compliance

The table below compares the City’s Storefront Cannabis Retailers Policy to the subject proposal.

Policy Statements	Policy	#302-444 Lerwick Road	Complies with Policy
General Location	Only be permitted in an established retail location where the current zoning permits retail sales	The property is zoned CD-1F, where retail sales are permitted	Yes
Distance	1. A storefront cannabis retailer should be: a) At least 300 meters from public or independent elementary, middle or secondary school. b) At least 400 meters (in a straight line from closest lot line to closest lot line) from another lot where a storefront cannabis retailer is permitted, whether or not a storefront cannabis retailer is active on that lot	a) Outside of the 300-meter buffer from any public or independent schools b) Not within the 400-meter buffer of any other lot where a storefront cannabis retailer is permitted.	Yes Yes

	c) At least 300 meters from a City owned playground facility including the spray park and skateboard parks	c) Outside the 300-metre buffer from any City owned playground including a spray park or skateboard parks.	Yes
Restricted at temporary events	Cannabis sales are not permitted at special events, public markets or farmers markets.	Not applicable to this proposal	N/A
Parking	Satisfactory to the off-street parking requirements outlined in Division 7 of Zoning Bylaw 2500, 2007	Meets the off-street parking requirements outlined in Division 7 of Zoning Bylaw 2500, 2007	Yes
One store is permitted per lot	Only one storefront cannabis retailer will be allowed per lot.	No other applications are made at this Location.	Yes
The Maximum Number of Retailers Permitted in the City	Five (5) private retailers and one (1) Government operated store in the City	Exclusive of the subject property, Council has approved five private and one government storefront.	No, this proposal exceeds maximum number of retailers in the City’s Cannabis Retailers Policy

Table 3: Evaluation of Proposal

Evaluation

As summarized in Table 2 above, the proposal is consistent with a majority of the City’s policies guiding cannabis retailers with the exception of Policy No.7, the maximum number of storefront retailers permitted to operate within the City, which is limited to six.

Consistent with Policy 1; the storefront retailer is located on a property that is zoned (CD-1F) and permits retail sales.

Policy 2a) of the City’s Storefront Cannabis Retailers Policy states that the minimum distance from a cannabis retailer to a City owned playground facility and skateboard parks should be 300m. The proposed retail store is located approximately 536m (measured in a straight line from closest lot line to closest lot line) from Queneesh Elementary School and 543m (measured in a straight line from closest lot line to closest lot line) to Valley View Elementary School and Mark Isfeld Secondary School.

Consistent with Policy 2b) the proposed retailer far exceeds the 400m minimum separation distance between stores. The nearest existing store at 789 Ryan Road is approximately 2km away as measured in a straight line from closest lot line to closest lot line. Other than 789 Ryan Road, there are no other approved or operating storefronts in the City on the east side of the Fifth Street Bridge.

The proposed storefront is located over 300m away from a City owned playground facility and the skatepark located at Valley View Community Park. Valley View Park is adjacent to Mark Isfeld Secondary School and Valley View Elementary School and includes grass playing fields, baseball diamonds, a play structure and the Comox-Courtenay Skatepark. Valley View Community Park is located approximately 775m from the proposed storefront (measured from in a straight line from closest lot line to closest lot line).

The proposal is consistent with Policies 3, 5, and 6: this application is for a private retail storefront (not a special event or market); there is sufficient parking being provided in accordance with Division 7 of Zoning Bylaw No. 2500 and there are no other cannabis storefront users proposed or located on the property.

Bylaw Services Referral

City Bylaw Services was consulted and Bylaw Staff have not received any public complaints regarding any of existing Cannabis stores that are currently open and operational within City boundaries.

Town of Comox Cannabis Policy and Approvals

Similar to the City of Courtenay, the Town of Comox receives cannabis storefront retail applications as a referral from the LRCB. Once the application has been considered by the Council, the Town sends correspondence to the LRCB with a recommendation to approve or deny the application.

The Town of Comox limits the number of cannabis storefront retailers to a maximum of three including a maximum of two retailers in the downtown and up to a maximum of one retailer outside the downtown. To date the following two stores in the downtown have been granted approval:

1. City Cannabis, 215 Port Augusta Street (approved March 6, 2019); and
2. Coast Range Cannabis, 221 C Church Street (approved on August 7, 2019).

Planning staff at the Town are currently processing a cannabis storefront retailer application for a store outside the downtown area.

Other Considerations

Youth and Access to Cannabis Retail Stores

The intent of Policy 2 is to prevent children and youth from being exposed to cannabis retail products and marketing and to limit the access to cannabis products among youth.

Staff note that although the store meets the distance requirements in the Storefront Cannabis Retailers Policy for schools, City playgrounds, and skateparks, the shopping centre is still within close proximity (only a 5 to 15 min walk) from Queneesh and Valley View Elementary Schools, Mark Isfeld Secondary School, the skatepark at Valley View Park, the Aquatic Centre at 377 Lerwick Road and North Island College Campus.

During lunch hour, class breaks and before and after school youth can be observed frequenting the restaurants and shops at the Shopping Centre. Also, the shopping centre offers establishments where youth frequently congregate, for example: the MacDonald's Restaurant, Starbucks Coffee, Dollarama, Thrifty Foods and Pizza Hut.

The shopping centre also draws families, children and youth using the nearby aquatic centre and students attending North Island College. The legal age for purchasing cannabis products in the Province of British Columbia is 19 years of age. Many students who attend the college frequently visit the shopping centre during breaks and before and after classes, some who are under the age of 19 years.

The pedestrian pathway leading from Lerwick Road to the section of the site where the CRU's are located also makes the cannabis store more accessible to the youth entering the shopping centre from Valley View Elementary School and Mark Isfeld Secondary School (as seen in **Figure No. 6**).



Figure 5: Site Access and Proximity to the Proposed Storefront Unit

Staff recognize that this proposal has merit in that it meets a majority of the policies contained within the City's Cannabis Retailers Policy and supports the creation of local employment opportunities. The store is also far from other storefronts in the City and would be only the second storefront in east Courtenay with the other five located in the West Courtenay. Regardless, the proposal exceeds the allowable number of retailers as outlined in the City's Cannabis Retailers Policy

The proposal is located in a shopping centre in a highly visible location adjacent to the site's access off Lerwick Road and within a 5 to 15 min walk to schools, the college, playgrounds, a skatepark and the Aquatic Centre. This could potentially create a situation where children and youth are more exposed to cannabis products and marketing.

The application received 21 comments from surrounding property owners and occupiers, many who commented that they support local business but feel the City has already has enough Cannabis Retailers open and operational. Residents also expressed concerns regarding the number of school aged children who access and use the site, exposing them to Cannabis products.

The City's Policy on retail cannabis sales is not a regulatory document but is a guiding policy for dealing with individual applications, each of which is to be evaluated on their own merits. The policy does not limit Council from considering variances to the total number of stores, if Council finds the application reasonable.

FINANCIAL IMPLICATIONS:

The applicant has paid the standard zoning amendment application fee in the amount of \$3,000. The applicant will be required to obtain a building permit, sign permit and an annual business licence. The business licence fee is \$2,500.

ADMINISTRATIVE IMPLICATIONS:

Processing zoning bylaw amendments is a statutory component of the corporate work plan. Staff has spent 25 hours processing and reviewing this application. Staff will spend an additional 2 hours preparing the mail out to neighbouring properties. Should the proposed bylaw receive First and Second Readings, staff will spend an additional five hours in preparation for the public hearing, final reading of the bylaw, and updating the bylaws and maps.

ASSET MANAGEMENT IMPLICATIONS:

There are no direct asset management implications related to the processing of this rezoning application.

2019 – 2022 STRATEGIC PRIORITIES REFERENCE:

- Communicate appropriately with our community in all decisions we make

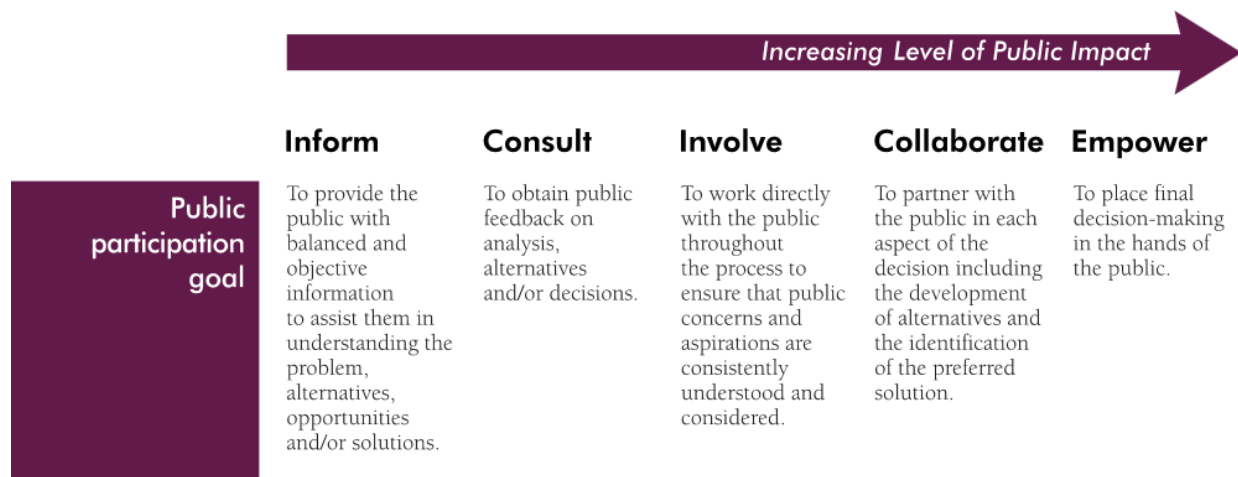
The November 2019 Strategic Priorities Update does not contain any references relevant to this application.

OFFICIAL COMMUNITY PLAN REFERENCE:

There are no direct references in the Official Community Plan (OCP) with respect to storefront cannabis retailer. The City’s Storefront Cannabis Retailers Policy states that storefront cannabis retailers will only be considered in an established retail location where the current zoning permits retail sales. Since the land use designation of the subject property is commercial, the proposed location is consistent with the policy.

CITIZEN/PUBLIC ENGAGEMENT:

Staff will consult the public based on the IAP2 Spectrum of Public Participation:



While staff have concerns with the proposal in relation to the number of stores in Courtenay and the number of youth who frequent the area, as part of the LCRB referral process the City is required to obtain the views of the neighbourhood before responding to the referral. As a result, staff are recommending that a mail-out to all properties within 100m is sent out by the City requesting comments on the proposal.

This information will then be provided to Council in a follow-up report for consideration of First and Second Readings and satisfy the LCRB’s requirements for neighbourhood input.

Alternatively, despite the concerns with this proposal noted in this report, if Council chooses to move this application forward at this time, a public hearing will be held to obtain public opinion which also satisfies the LCRB requirement for neighbourhood input.

The applicant mailed out a public information meeting package on June 23, 2020 to adjacent property owners and occupiers within 100m of the property, this included approximately 207 households. The notice contained details about the proposed zoning, use and location of the storefront retailer. The applicant also canvassed the neighborhood and distributed a public outreach brochure to residents on the notification mailing list. Twenty-one comments were received for this proposal from the public mail out, with a majority of residents not in support of the proposal. The public mail out notification, public outreach card and public comments received are included in **Attachment No. 6**.

OPTIONS:

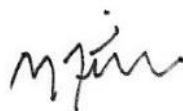
- OPTION 1:** That Council postpone consideration of “Zoning Amendment Bylaw No. 3010” and;
That Council directs staff to advertise the proposal and gather the views of the neighbourhood through a mail out in order to satisfy the requirements of the LCRB referral process. (Recommended).
- OPTION 2:** That Council give First and Second Reading of “Zoning Amendment Bylaw No. 3010” to rezone the subject property to permit a Cannabis Storefront Retailer; and
That Council direct staff to schedule and advertise a statutory Public Hearing with respect to the above referenced bylaw following the resumption of regular Council meetings or upon approval of an alternative process.
- OPTION 3:** That Council postpone consideration of “Zoning Amendment Bylaw No. 3010” with a request for more information.

Prepared by:



Dana Beatson
Planner II

Reviewed by:



Matthew Fitzgerald, RPP, MCIP
Manager of Development Planning

Concurrence by



Concurrence by:

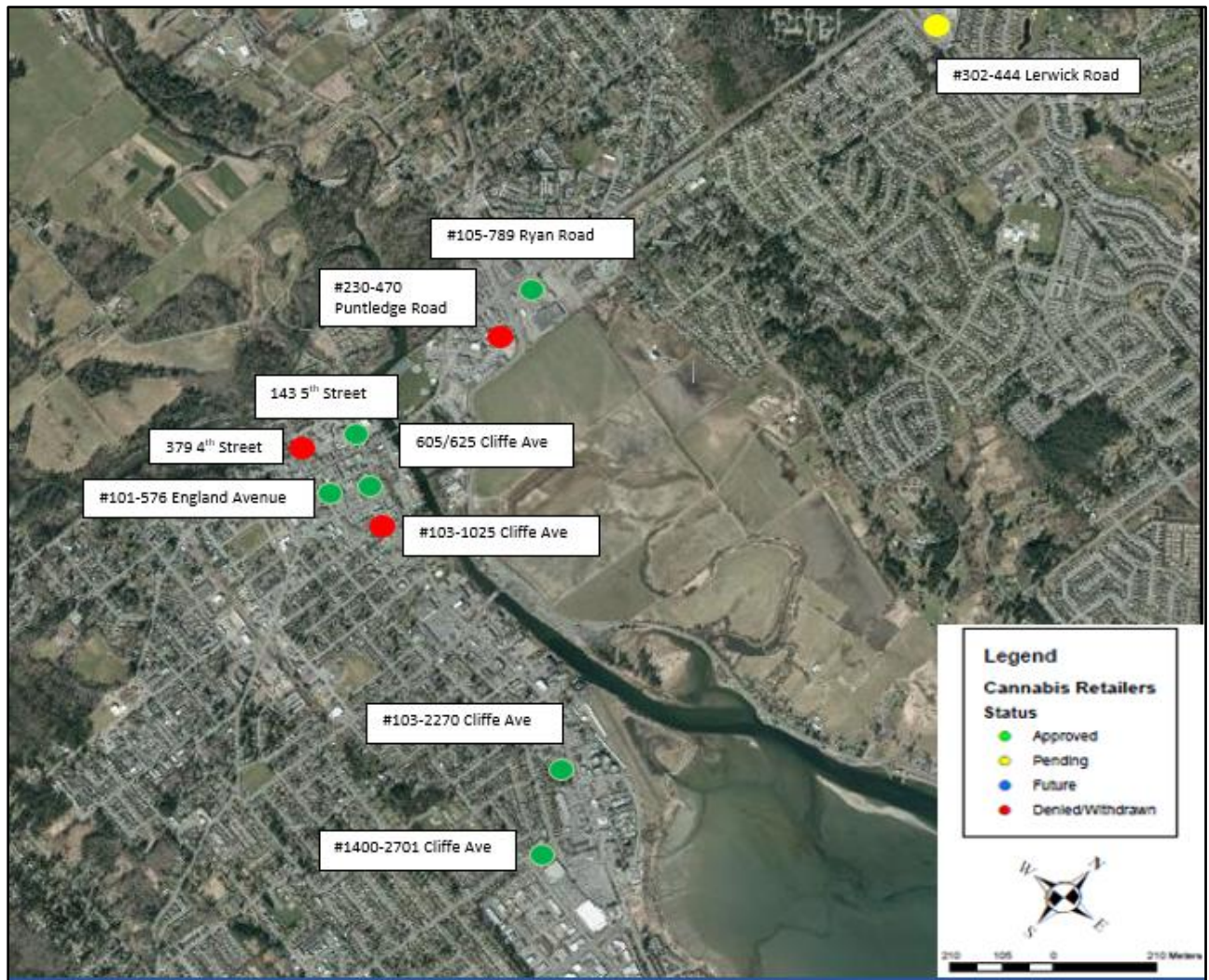
Ian Buck RPP, MCIP
Director of Development Services



Trevor Kushner, BA, DLGM, CLGA, PCAMP
Interim Chief Administrative Officer

- Attachment No. 1: Map of Approved, Denied and Withdrawn Cannabis Retail Proposals*
- Attachment No. 2 Storefront Cannabis Retailers Policy*
- Attachment No. 3: Provincial Referral to City of Courtenay*
- Attachment No. 4: Applicant's Eligibility and Suitability Requirements*
- Attachment No. 5: Public Mail Out Notification, Public Outreach Card and Public Comments*
- Attachment No. 6: Planning Justification and Impact Analysis Report*
- Attachment No. 7: Sustainability Evaluation Checklist*

ATTACHMENT No. 1
City Storefront Cannabis Retail Proposals



ATTACHMENT No. 2
Storefront Cannabis Retailer Policy

City of Courtenay Policy Page 1 of 2

Section 13 - Planning and Development	Policy #
Subject: Storefront Cannabis Retailers	Revision # 1

The purpose of this policy is to outline the criteria that may be considered by City Council as part of a rezoning application or temporary use permit application to allow for retail cannabis sales at a particular location. This policy is intended to guide applicants and City staff as part of the application process but it is not intended to fetter Council's discretion when dealing with individual applications, each of which will be evaluated on its own merits.

This policy was established in response to the legalization of cannabis by the federal government and the potential unregulated proliferation of storefront cannabis retailers. It is intended to address potentially adverse community impacts of storefront cannabis retailers, including inappropriate exposure of minors to cannabis and the undesirable concentration of storefront cannabis retailers.

B. DEFINITIONS

Applicant means an applicant for a rezoning that would allow for a storefront cannabis retailer at a particular location.

Storefront Cannabis Retailer means a premises where cannabis is sold or otherwise provided to a person who attends at the premises.

C. POLICY STATEMENTS

Rezoning Considerations

1. Storefront cannabis retailers will only be considered in an established retail location where the current zoning permits retail sales.
2. A storefront cannabis retailer should be:
 - a. at least 300 m (in a straight line from closest lot line to closest lot line) from a public or independent elementary, middle or secondary school.

AUTHORIZATION:	DATE:
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ATTACHMENT No. 2
Storefront Cannabis Retailer Policy

City of Courtenay Policy Page 2 of 2

Section 13 - Planning and Development	Policy #
Subject: Storefront Cannabis Retailers	Revision # 1

- b. at least 400 m (in a straight line from closest lot line to closest lot line) from another lot where a storefront cannabis retailer is permitted, whether or not a storefront cannabis retailer is active on that lot.
 - c. at least 300m from a City owned playground facility including the spray park and skateboard parks.
3. Cannabis sales are not permitted at special events, public markets or farmers markets.
 4. This Policy does not limit Council from considering variances to the separation distances noted in (2) based on circumstances related to a specific application.
 5. The off-street parking requirements applicable to retail stores as outlined in Division 7 of Zoning Bylaw 2500, 2007 and amendments thereto will apply to storefront cannabis retailers.
 6. Only one storefront cannabis retailer will be allowed per lot.
 7. The maximum number of storefront cannabis retailers in the City is five (5) private retailers and one (1) Government run store.

Application Process

The applicant must undertake all of the standard processes required for a rezoning application pursuant to Development Application Procedures Bylaw No. 2790, 2014 and amendments thereto.

AUTHORIZATION:	DATE:
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ATTACHMENT No. 3
Provincial Referral to City



Job # 003173

April 24, 2020

Via email: tsetta@courtenay.ca

Tatsuyuki Setta
Manager of Planning
City of Courtenay

Dear Tatsuyuki Setta,

Re: Application for a Non-Medical Cannabis Retail Store Licence
Applicant: COAST RANGE CANNABIS LTD.
Proposed Establishment Name: Coast Range Cannabis
Proposed Establishment Location: #302 - 444 Lerwick Rd , Courtenay , V9N0A9

The Applicant, COAST RANGE CANNABIS LTD., has applied to the Liquor and Cannabis Regulation Branch (LCRB) for a Non-Medical Cannabis Retail Store (CRS) licence proposed to be located at the above-noted address. The applicant contact is Sheila Rivers. They can be reached at 250-218-9701 or via email at sheila@coastrangecannabis.com.

Local governments and Indigenous nations are a crucial part of the licensing process. Section 33(1) of the [Cannabis Control and Licensing Act](#) prevents the LCRB from issuing a CRS licence without a positive recommendation regarding the CRS licence application from the local government or Indigenous nation.

The LCRB is requesting the City of Courtenay to consider the application and provide the LCRB with a written recommendation with respect to the application. To assist with your assessment of the application, a site map of the proposed cannabis retail store is attached. The following link opens a document which provides specific and important information and instructions on your role in the CRS licensing process, including requirements for gathering the views of residents.

[Local Governments' Role in Licensing Non-Medical Cannabis Retail Stores](#)
OR
[Indigenous Nations' Role in Licensing Non-Medical Cannabis Retail Stores](#)

The LCRB will initiate an applicant suitability assessment regarding this CRS application, also known as a "fit and proper" assessment of the applicant and persons associated with the applicant. Once the assessment is complete, you will be notified of the LCRB's determination. You may choose to withhold your recommendation until the LCRB has made a final decision regarding the applicant's suitability.

Liquor and Cannabis Regulation Branch	Mailing Address: PO Box 9292 Stn Prov Govt Victoria BC V8W 0J8	Location: 645 Tyee Road Victoria BC V9A 6X3 Phone: 250 952-5787 Facsimile: 250 952-7066	Website: www.gov.bc.ca/cannabisregulationandlicensing
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If you choose not to make any recommendation regarding this application, please contact the LCRB at the earliest convenience. Please note that a Cannabis Retail Store Licence cannot be issued unless the LCRB receives a positive recommendation from the local government or Indigenous nation. Similarly, if a local government or Indigenous nation decides not to make any recommendation, the LCRB will not consider the application any further.

If you have any questions regarding this application, please contact me at #778-974-4274 or Tracy.Altman@gov.bc.ca.

Sincerely,

Tracy Altman
Senior Licensing Analyst

Attachment: Site Plan

copy: Sheila Rivers

ATTACHMENT No. 4
Applicant's Eligibility and Suitability
Requirements



September 3, 2020

Job #003173

via email: tsetta@courtenay.ca

Tatsuyuki Setta
Manager of Planning
City of Courtenay

Re: Application for a Non-Medical Cannabis Retail Store Licence
Applicant: COAST RANGE CANNABIS LTD.
Proposed Establishment Name: Coast Range Cannabis
Proposed Establishment Location: #302 - 444 Lerwick Rd, Courtenay BC

The Liquor and Cannabis Regulation Branch (LCRB) has completed its assessment of the eligibility and suitability requirements of the *Cannabis Control and Licensing Act* ("the Act") for Coast Range Cannabis, including the persons associated with Coast Range Cannabis.

This letter confirms that based on the application, the General Manager has determined that the applicant is presently fit and proper for the purposes of the Act. Please note that the General Manager has the authority under the Act to assess whether an applicant or licensee is fit and proper at any time during the application process or during the term of the licence.

One of the requirements that must be met before the issuance of a Non-Medical Cannabis Retail Store licence under the Act is a positive recommendation from the local government and/or Indigenous nation of the area in which the proposed retail store would be located. The remainder of the licensing process depends in part upon this recommendation. The General Manager must take the recommendation into account in deciding whether to issue the Cannabis Retail Store licence to the applicant. If the local government or Indigenous nation has decided or decides that it will not make a recommendation regarding this application, please contact the LCRB at your earliest convenience.

For more information on roles of local governments and Indigenous nations, please see the following links.

https://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business-management/liquor-regulation-licensing/documents/local_government_role_in_licensing_cannabis_retail_stores.pdf

OR

https://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business-management/liquor-regulation-licensing/documents/indigenous_nation_role_in_licensing_cannabis_retail_stores.pdf

If you have any questions, please feel free to contact me at 778-974-4274.



Sincerely,

A handwritten signature in cursive script, appearing to read "Tracy Altman".

Tracy Altman
Senior Licensing Analyst

copy: Applicant
Rupi Gill, Provincial Director Compliance

ATTACHMENT No. 5
Public Mail Out Notification, Public
Outreach Card and Public Comments

**PUBLIC INFORMATION MAIL OUT
PROPOSED ZONING AMENDMENT BY-LAW NO. 3010, 2020
UNIT 302, 444 LERWICK ROAD
CROWN ISLE SHOPPING CENTRE**



Application Date: June 8, 2020
Application Number: RZ00047
Applicant Information:
Attn: South Coast Consulting
189 Clare Avenue
Port Colborne, ON L3K 5Y1
Tel: 905-733-8843
Email: steven.p.rivers@gmail.com

This property is presently designated in the Official Community Plan as: COMMERCIAL SHOPPING CENTRES and zoned as: COMPREHENSIVE DEVELOPMENT ONE F ZONE (CD-1F)

An application has been made to allow a text amendment to the Comprehensive Development One F Zone (CD-1F) to allow "Storefront Cannabis Retailer" as a permitted use at this particular location.

To get more information view relevant documents on The City of Courtenay website:
www.courtenay.ca/devapptacker (search by file number or address)

Or Visit: City of Courtenay, Planning Department
830 Cliffe Avenue
Courtenay, BC V9N 2J7
Tel : 250-703-4839 Fax: 250-334-4241
Email: planning@courtenay.ca

Information requests and comments may also be submitted to local business Coast Range Cannabis at: sheila@coastrangecannabis.com. Your support of local business is appreciated.

Please return your comments by July 13th, 2020.

Comments can be submitted to the City of Courtenay by one of the following methods:

- Drop your comment sheet off in the drop box located at the front entrance of the City of Courtenay or mail: City of Courtenay, Planning Services Department, 830 Cliffe Avenue, Courtenay BC V9N 2J7
- Email your comments to planning@courtenay.ca
- Fax your comments to 250-334-4241



WHO WE ARE

Coast Range Cannabis is a locally-owned provincially licenced cannabis retailer. Our first location, which opened October 2019, is located at 221C Church Street, Comox, next to the Church St. Bakery.

At Coast Range Cannabis, we are insatiably curious with an ardent desire to pass along our knowledge through the highest level of customer service in a fun and creative atmosphere.

We look forward to opening our second location in Crown Isle where we will curate local, safe, Health Canada approved products such as topicals, edibles, CBD oils, organic and award-winning flower while supporting Vancouver Island and B.C growers first.



*Design concept for Coast Range Cannabis
Crown Isle at 302-444 Lerwick Rd.*

YOUR SUPPORT IS APPRECIATED

The City of Courtenay is in the process of gathering public input. Please take a moment to email your support for our local business by **July 13th**. See reverse for full details.

NEIGHBOUR STANDARDS

COAST RANGE
CANNABIS

We have operated our Comox location on Church Street since October 2019, where we have proven to be a positive addition to the area. Our customers come from all over the Valley as they prefer our elevated atmosphere, customer service, selection, staff knowledge, and prices. We are excited to make the Coast Range experience more accessible with our second location in Crown Isle.



Our **Good Neighbour Standards** below will ensure the addition of Coast Range Cannabis will not be disruptive; we will be a valuable and active part of the community.

Community Involvement - As Comox Valley residents, we are part of the community, and our goal is to further its health and wellness. Our Crown Isle location has pledged \$10,000 to the Comox Community Foundation.

Sustainability - At Coast Range, we work with our suppliers, builders, staff, and patrons to minimize our footprint. We were the first retailer to bring the TweedXTerracycle cannabis recycling program to the Comox Valley. Through this program, we have sent off hundreds of pounds of cannabis packaging to be reused.

Smoking - There are appropriate places to enjoy the cannabis products that Coast Ranges offers, but public areas are not one of them. Through signage and in-store education, we will inform our customers of the by-laws about cannabis use. There will be no consumption on-site.

Odour - All cannabis products are delivered from the Liquor Cannabis Control Branch of BC. Each product comes sealed in an airtight jar. We do not sell "bulk products." We use carbon air filters and find these efforts in Comox to neutralize any odours released.

YOUR SUPPORT IS APPRECIATED

The City of Courtenay is gathering public input on the proposed zoning amendment for 302-444 Lerwick Rd. Please take a moment to email your support for our local business.

Please email your note of support to planning@courtenay.ca by July 13th.

QUESTIONS? LET'S CHAT!

My name is Sheila Rivers; I am a local Comox Valley resident and owner/operator of Coast Range. Please contact me with questions or comments at sheila@coastrangecannabis.com.

From [REDACTED]
Sent: Friday, June 26, 2020 9:56 AM
To: PlanningAlias
Subject: RZ00047

This is regarding the above application. I have no concerns with this retailer being in the Crown Isle Shopping Centre. (Coast Range Cannabis)

Thank you,

[REDACTED]
#107-2828 Bristol Way
Courtenay, BC
V9N 0C5

Sent from my iPad

From: [REDACTED]
Sent: Saturday, June 27, 2020 1:44 PM
To: PlanningAlias
Subject: Coast Range Cannabis

Hi there, as a resident of Courtenay, I just want to say that the present Coast Range store is a very professionally run establishment and another location would be an added bonus, and an asset to the valley !!! Thank you [REDACTED]

-----Original Message-----

From [REDACTED]
Sent: Friday, June 26, 2020 9:12 AM
To: PlanningAlias
Subject: Coast range cannabis

We are the owners of a unit in "The Grove" strata immediately adjacent to Crown Isla Plaza. We support the application of Coast Range Cannabis to establish a retail outlet at Crown Isle Plaza.

[REDACTED] 105 2828 Bristol Way, Courtenay

-----Original Message-----

From: [REDACTED]
Sent: Sunday, June 28, 2020 5:25 PM
To: PlanningAlias
Subject: Fwd: Application#RZ00047, Proposed Zoning Amendment By-Law No.3010,2020

>>
>> City of Courtenay:
>>
>> Zoning amendment 302-444 Lerwick Rd.
>>
>> I do not support the Coast Range Cannabis business in this part of our community. There are already two businesses in the Comox Valley where customers are able to access this product and the businesses are well located with easy access.
>>
>> We live in a community of mostly seniors and would rather see a business that this community could happily support, like a community pub and/or restaurant, where folks could actually walk to and enjoy an evening out.
>>
>> This would make better planning in our area.
>>
>> Thank you!

From: [REDACTED]
Sent: Monday, June 29, 2020 9:22 AM
To: PlanningAlias
Subject: Cannabis at Crown Isle

I strongly object to a cannabis outlet being allowed to operate in the Crown Isle Plaza. There are enough Cannabis stores in the Valley, we need a restaurant/pub, boutique store, shoe store etc.

[REDACTED]
Bristol Way,
Courtenay, B. C.

From: [REDACTED]
Sent: Saturday, June 27, 2020 11:24 AM
To: PlanningAlias
Subject: coast range cannabis, new store

I live on Royal place in crown isle right beside the thriftys plaza,

I support the new store opening at 302 444 lerwick rd

it will save me gas driving all the way to their comox location

I am a regular at their comox location

thanks

[REDACTED]

From: [REDACTED]
Sent: Monday, June 29, 2020 11:46 AM
To: PlanningAlias
Subject: Cannabis retailer

Please be advised that I am totally opposed to Cannabis Retailer opening shop in our neighborhood. There are enough locations between Comox and Courtenay and we certainly don't need another one here. I have personally seen some of the clientele that some of these stores attract and I strongly suggest they look and another location. We do not need them here. I hope when the counts are in that we have access to the results.
Thankyou

-----Original Message-----

From: [REDACTED]
Sent: Monday, June 29, 2020 10:47 AM
To: PlanningAlias
Subject: None

We absolutely don't want another cannabis store. There are 2 in Comox 3 in Courtenay and 1 going in near the Casino thank you.. This is too close to the high school. Most people in this area have vehicles and can drive to any of these places. Definitely not welcome.

Sent from my iPad

From: [REDACTED]
Sent: Saturday, June 27, 2020 11:43 AM
To: PlanningAlias
Subject: 302-444 LERWICK RD. ZONING AMMENDMENT

Our names [REDACTED] and we are writing this to offer our wholehearted support to Coast Range Cannabis in their efforts to establish a retail Cannabis store at #302-444 Lerwick Rd.
With no retail Cannabis stores on this side of the city, we feel our area is completely under serviced. The addition of this store would benefit the entire area of East Courtenay.
We support private enterprise, local ownership and refuse to fight our way through that horrible parking lot at the bottom of the hill to try and access the Government store.
Currently we drive over to Comox to shop at the Coast Range Cannabis store on Church street. There we find a nicely designed, spotless store staffed by highly knowledgeable and helpful professionals willing to spend time with their customers and answer any questions they may have. We are confident this level of competence and professionalism will be on full display at their new location on Lerwick Rd.
We urge council to approve this zoning amendment.

Thank you

-----Original Message-----

From: [REDACTED]
Sent: Saturday, June 27, 2020 5:25 PM
To: PlanningAlias
Cc: Howard Siebert
Subject: Application Number RZ00047- Storefront Cannabis Retailer

I do not support a zoning amendment of By-Law No. 3010,2020to allow a storefront Cannabis retailer to locate on the Thrifty's Mall. I do not feel it is appropriate for our neighbourhood and would detract from the image that we feel proud of in our part of Courtenay. I do not think the local residents would want or need to avail themselves of the services this facility proposes to offer..

To be clear I am strongly opposed to the proposed amendment.

-----Original Message-----

From: [REDACTED]
Sent: Saturday, June 27, 2020 5:34 PM
To: PlanningAlias
Cc: sheila@coastrangercannabis.com
Subject: Application#RZ00047, Proposed Zoning Amendment By-Law No.3010,2020

City of Courtenay:

Zoning amendment 302-444 Lerwick Rd.

I do not support the Coast Range Cannabis business in our community. There are already two businesses in the Comox Valley where customers are able to support this business. The businesses are well located with easy access to them.

We live in an 80% retired community. I would rather see a business that this community would support like a community pub and restaurant, where folks could actually walk to and enjoy an evening out.

This would make better use of a facility in our area.

From: [REDACTED]
Sent: Saturday, June 27, 2020 7:01 PM
To: PlanningAlias
Subject: Application RZ00047

Hello

I am a property owner next to the mall area. I am not in favor of having a Cannabis retailer next to me. My work site regularly tests for any marijuana signs. If there is a positive test, my job is at jeopardy. I also do not see the need, there are several stores in the valley right now, and I think a store like this may bring in crime. I bought in Crown Isle because of the type of area, higher end appealing presence. Under store front regulations, cannabis accessories and packaging and labelling of cannabis and cannabis accessories must not be visible from outside the store. I believe a store front of this kind will also not go with the rest of the retail stores and would be an eye soar, as most I have seen, are a big blank wall to the outside, which detracts from the overall appearance of the mall. I believe these cannabis stores would be better suited in industrial areas where appearance is not such an issue.

Regards

From: [REDACTED]
Sent: Monday, June 29, 2020 12:25 PM
To: PlanningAlias
Subject: Reference Proposed Zoning Amendment By-law # 3010,2020

Re: Unit 302-444 Lerwick Road, Crown Isle Shopping Centre

Application to allow "Storefront Cannabis Retailer" as a permitted use at this particular location.

My wife and I reside at 843 Monarch Drive and **we are dead set against having such a retail outlet located at the noted location.** This location is approx. 150 yards of our residence and we do not need a store that sells drugs in our neighbourhood under any circumstances. Nor do we need the clientele that it may attract. That type of retail outlet would significantly detract from the property values located in nearby residences, the majority of which are owned by seniors who do not need their financial situation degraded any further than it already is.

Further Monarch Drive and Royal Place are used as a walkway by the students between the local high school and Crown Isle Shopping Centre and they do not need any further enticement to perhaps start on the slippery slope to drug use.

From: [REDACTED]
Sent: Tuesday, June 30, 2020 8:29 PM
To: PlanningAlias
Subject: Proposed Zoning Amendment By-Law No. 3010, 2020

Dear City of Courtenay, Planning Department

We are submitting our comments re: Proposed Zoning Amendment regarding Unit 302, 444 Lerwick Road, Crown Isle Shopping Centre.

We are not in favour to allow "Storefront Cannabis Retailer" as a permitted use at this location for the following reasons:

1. There are already a sufficient number of cannabis retailers operating within the Comox Valley to serve cannabis users.
2. Increased traffic as a result of such a business.
3. There is a greater need for other types of business such as a pub/restaurant, e.g., Olive Garden, Brown's Social House, etc.

Sincerely,

[REDACTED]
Unit 117 – 2828 Bristol Way
Courtenay, BC V9N 0C5

-----Original Message-----
From: [REDACTED]
Sent: Wednesday, July 1, 2020 11:49 AM
To: PlanningAlias
Subject: Coast Range Cannabis, proposed Crown Isle Location

I am NOT in favour of having yet another Cannabis store in the Courtenay/Comox area.

It was very proactive of the proposed owners to canvas the area and talk to residents who might be affected by the location of the new store. Their reasons for a store in this location didn't sway me to their side:-

A) The "high end products" to be sold at this location implies that either their products elsewhere are not of the same standard, or, they intend to up the prices to 'gouge' local residents as they think residents of this area can afford to pay more.

If the prices are higher, then people will continue to drive elsewhere to get the product.

B) The fact that they think people will walk to the store, also gives me pause. Does that mean they think patrons might be impaired?

As it is, we have people walking to and from the stores, the majority of whom carry home their own litter etc. The ones who drop wrappers, beverage containers etc are the school age kids who walk up from Vanier School during their lunch break. If kids want cannabis, then they are going to find a way to get it, and having a store right on their walk way just gives them one more possibility or opportunity.

If people are going to smoke on their way to and from the store, I really do not want any more in the way of cigaret butts etc. in front of my home for pets, or small children to pick up.

Thank you for your consideration.

>
> -----Original Message-----
> From: [REDACTED]
> Sent: Monday, July 6, 2020 7:10 PM
> To: PlanningAlias <planning@courtenay.ca>
> Subject: Zoning
>
>
> I believe there is no need for more Cannabis Retailers in Comox Valley right now, the ones there is here don't seems that busy. Bad idea
> [REDACTED]

Fri 03/07/2020 9:25 AM

Zoning Amendment

PlanningAlias

Follow up. Start by July-03-20. Due by July-03-20.

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22

Just a short note re: proposed zoning amendment By-Law No. 3010, 2020 – Unit 302, 444 Lerwick Road.

I live close by the subject property on Royal Place and would have no problem/concerns with this proposed zoning amendment.

[REDACTED]

July 3, 2020

Re: Application # RZ 00047

By Law No 3010, 2020

This is to advise that I am totally opposed to ANY

Storefront ~~Cannabis~~ Cannabis Retailer setting up and doing business anywhere at Crown Isle Plaza and area!

There are three schools, a hospital, a college within walking distance of the proposed location.

We already have undesirable activities taking place at Pinegrove Park which is just across from Crown Isle Plaza and the proposed Cannabis Retail store.

We do not want this business in our neighbourhood!

We do not need this business in our neighbourhood!

It is totally irresponsible to even request permission for

a Cannabis Retailer to set up business in such a sensitive area with so many vulnerable students around.

Does anyone really care or is it just money, money, money!



Mon 7/13/2020 9:33 PM

To: PlanningAlias

We removed extra line breaks from this message.

Re Proposed Zoning Amendment By-Law No. 3010, 2020

Unit 302, 444 Lerwick Rd, Crown Isle Shopping Centre

I believe that we have sufficient Storefront Cannabis Retailers already located

in the Courtenay/Comox area, and that Application Number RZ00047, dated June 8th 2020 for

a Storefront Cannabis Retailer located in Unit302, Crown Isle Shopping Centre, is neither needed nor necessary.

[Redacted]

Crown Isle Resident

-----0
From: [Redacted]
Sent: Monday, July 13, 2020 4:38 PM
To: PlanningAlias
Subject: Response to application number RZ00047

To whom this might concern,

I received your public information mail out about the by-law amendment to allow a storefront cannabis retailer into the Crown Isle Shopping Centre. I think that any business willing to take the financial risk of opening a storefront in these trying times should be given the opportunity to do so. The provision should be that what is being sold is legal and that all associated laws and rules are observed, which I believe to be the case. The plus side is that said business will be providing some employment as well as contributing to the tax base of the city. What this particular store will be selling is of no interest to myself or my wife so my response has no self serving purpose. We will probably never set foot in the store. I believe that the owners should be able to take the risk of having their enterprise succeed or fail without the heavy hand of government making that decision for them. With the recent hysteria over covid driving many small businesses into bankruptcy every opportunity to add a business should be embraced.

Cc: PlanningAlias; sheila@coastrangercannabis.com

Follow up. Start by Monday, June 29, 2020. Due by Monday, June 29, 2020.

- > On Jun 27, 2020, at 5:34 PM, [Redacted]
- >
- > City of Courtenay:
- >
- > Zoning amendment 302-444 Lerwick Rd.
- >
- > I do not support the Coast Range Cannabis business in our community. There are already two businesses in the Comox Valley where customers are able to support this business. The businesses are well located with easy access to them.
- >
- > We live in an 80% retired community. I would rather see a business that this community would support like a community pub and restaurant, where folks could actually walk to and enjoy an evening out.
- >
- > This would make better use of a facility in our area.
- >

[Redacted]

ATTACHMENT No. 6
Planning Justification and Impact Analysis Report

**PLANNING POLICY JUSTIFICATION
AND
IMPACT ANALYSIS REPORT**

**For
Coast Range Cannabis Inc.**

Re:

**Crown Isle Shopping Centre
Unit 302, 444 Lerwick Road, City of Courtenay**

Prepared By:
South Coast Consulting
Land Use Planning and Development Project Management

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PLANNING POLICY JUSTIFICATION AND IMPACT ANALYSIS REPORT

**Crown Isle Shopping Centre
Unit 302, 444 Lerwick Road, City of Courtenay**

INTRODUCTION

South Coast Consulting, Land Use Planning and Development Project Management was retained on 2020-04-30 by Coast Range Cannabis Inc. to write this Planning Policy Justification and Impact Analysis Report. A Zoning By-law Amendment application was submitted to allow a storefront cannabis retailer in an existing commercial building. The purpose of this Planning Policy Justification and Impact Analysis Report is to review a proposed for a Storefront Cannabis Retailer at the Crown Isle Shopping Centre, 444 Lerwick Road, specifically the approximately 190 square metres gross floor area of Unit 302.

The Subject Property is **designated Commercial Shopping Centers** in the City of Courtenay Official Community Plan, as illustrated in *Figure A3.1, City of Courtenay Land Use Plan Excerpt*, in Annex 4. The Courtenay Zoning By-law zones the Subject Property **Comprehensive Development Zone 1F (CD-1F)** as illustrated in *Figure A3.2, City of Courtenay Zoning Map Schedule No.8 Excerpt*, in Annex 4.

Coast Range Cannabis

The family behind Coast Range Cannabis is actively involved in the Comox Valley community, already owning and operating two successful businesses. Coast Range Cannabis is a Comox Valley based business that has brought excellence in the retailing of cannabis product to Comox. Coast Range Cannabis has a strong reputation for its first-rate operation, its quality products, and professional management and staff. Coast Range Cannabis's philosophy is to engage and support its community and have a visible commitment of giving back in many ways.

The Coast Range Cannabis family have managed and operated businesses in the Comox Valley since 2016, opening Coast Range in the fall of 2019. They are active in many community events with their school age children. Coast Range Cannabis's bookkeeping, legal, and accounting services are all located in the Comox Valley as are all of the management and staff.

Sheila Rivers leads Coast Range Cannabis as its owner and manager. She is a marketing and communications professional with over ten years of experience in business operations. Sheila's background in media relations through managing the communications for Mt. Washington Alpine Resort, has positioned her well to be one of the primary spokespeople for private retail cannabis in BC. Coast Range was featured



Province-wide with the launch of the 2.0 cannabis products, and Island-wide with feature stories on 2.0 products and COVID-19's impact on cannabis retail. Additionally, the store has been featured several times in local editorials and radio.

Sheila's ability to find ways to market the store within compliance has built up a robust email database of almost 1000 unique customers.

Coast Range Cannabis has proven it is a responsible local business working within the guidelines of the Federal, Provincial and local municipal governments and its proven reporting and monitoring illustrates its transparency and credibility. Coast Range Cannabis's business strategy and procedures have been developed in its existing retail cannabis storefront on Church Street in Comox and will be carried over to the Crown Isle Shopping Centre location.

Coast Range Cannabis believes its local business can be a driving force for positive change in the community. If this application is approved provincially and a business licence is ultimately issued by the City of Courtenay, Coast Range Cannabis will offer a cash continuation \$10,000 towards affordable housing in Courtenay. Additionally, as with our Comox store, we will set up proceed donation days to local charities throughout the year.

DESCRIPTION OF THE PROPOSAL

This section of the Report provides details about the proposed uses. The Description of the Proposal also provides a brief description of the other technical supporting studies submitted as a part of the complete application, in support of the zoning by-law amendment application and how these relate to applicable planning policies (i.e. the City Official Community Plan and the Storefront Cannabis Retailers Policy).

The **Floor Plan** is indicative at this point in the development process, reflecting a desirable development scenario for the Subject Property and is an articulation of established best practices in the design of storefront cannabis retail businesses.

The applicant proposes to rezone one of the units within the overall complex. This means that the "storefront cannabis retailer" use will only be allowed in unit #302 should this amendment be successful, as illustrated in *Figure 1, Subject Property*.

Coast Range Cannabis will lease retail unit #302 to establish a cannabis storefront within the existing commercial building. The company selected this particular location due to its location within an underservice area of the City of Courtenay. The floor area of the proposed store is approximately 98 square metres (1,050 square feet), which includes retail space that will be visible to customers. The retail unit also includes a bathroom, secure storage area, and office space.

New signage is proposed at the entrance and interior improvements including the installation of: walls, retail POS, counter tops; lighting, shelving; cabinetry; and security equipment. Exterior work is limited to the installation of security equipment, Coast Range Cannabis will make a separate sign and building permit applications to allow these signs. Any exterior work to the retail unit would be limited to the new signage and fenestration. The proposed plans are illustrated in *Figure 2, Floor Plan*.

Figure 1: Subject Property

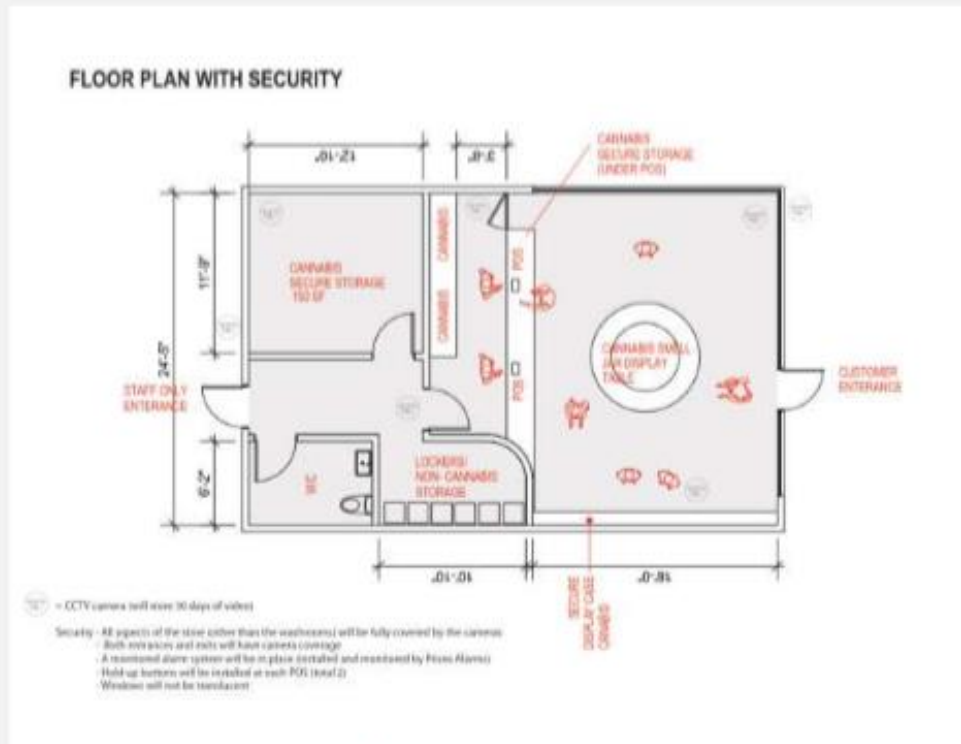


The store would be open to the public between 9 am and 9 pm Monday through Sunday, except:

- Remembrance Day (shortened hours)
- Christmas Eve (shortened hours)
- Christmas Day

The store will be managed by five staff and a manager. All other operational requirements including security requirements are regulated by the provincial licencing regulations.

Figure 2: Floor Plan



Coast Range Cannabis's Comox store illustrates the importance it places on building form, interior design, detailing and materials. The interior of its spaces are intended to contribute to distinctiveness and uniqueness of the Comox Valley community. The design of the stores give attention to local building traditions, mix of material, scale, and proportion. The business's philosophy is concerned with sustainability, security, functionality, and local distinctiveness. *Figure 3, Inside and Outside Coast Range Comox*, is an example of the quality of the shopping environment created using local craftsmen. The mixture of locally sourced and recycled wood and clean lines give the store a "valley" atmosphere.

AGENCY AND PUBLIC COMMENTS

Agency Comments

Planning Division Comments/Questions

Off-Street Parking for Storefront Use:

Zoning Bylaw No. 2500 requires commercial shopping centres to provide parking spaces at a rate of 1 space per 22.5m². Based on the floor area indicated in the application (98m²) four parking spaces will need to be provided. Please provide the Planning Division with a plan demonstrating where the four parking spaces for the proposed storefront retailer will be located onsite.

Response The accompanying Site Plan drawings illustrate the provision of the required parking spaces.

Proposed Exterior Signage:

Please note that exterior signage is subject to the regulations contained within the City of Courtenay Sign Bylaw No. 2760. An approved sign permit from the City is required prior to any signage being posted on the exterior of the building.

Response A sign permit will be applied for.

City of Courtenay Cannabis Policy:

In 2018 City Council adopted the Cannabis Retailers Policy. In accordance with this policy (7) the City has already approved 6 Cannabis Retailers within the City including 5 private retailers and 1 government run store.

Response The Planning Justification and Impact Analysis Report provides the basis for Council to approve the Zoning By-law Amendment application.

Summary of Referral Comments

City Building Department

The applicant must comply with all Provincial, Federal, and City of Courtenay Regulations / Acts / Bylaws relating to the Manufacture and Sale of Cannabis.

Summary of Referral Comments

City Building Department

The applicant must comply with all Provincial, Federal, and City of Courtenay Regulations / Acts / Bylaws relating to the Manufacture and Sale of Cannabis.

Response The applicant understands these requirements and is pursuing the appropriate approvals.

Building permits are to be applied for and approved for any alterations or additions to the spaces including the addition or relocation of walls, doors, and plumbing fixtures.

Response The applicant understands the requirement for building permits and will make applications for any alterations or additions to the spaces including the addition or relocation of walls, doors, and plumbing fixtures.

Window coverings and security grills to comply with the City's Sign Bylaw and Business license bylaw in relation to "Store Front Cannabis Retailers".

No **security bars** are to be located within one meter of window that may be seen outside of the premises.

The retailer must install and maintain an **air filtration system** that effectively minimizes odour impacts on neighbouring properties.

Response The applicant understands these requirements and will install required window coverings and security grills and a carbon filter in the HVAC system to minimize any odours. Coast Range will secure the perimeter of its facility to prevent unauthorized intrusion. For its storage, it will implement the following measures to secure the perimeter of our building: video surveillance; clear security film on exterior windows; and, security lighting and alarm systems.

City Fire

The fire department does not have any concerns with this proposal.

First Nation

The We Wai Kai Nation is in receipt of the above-mentioned application regarding planning referral – RZ000047 (444 Lerwick Road). This application is located within the We Wai Kai statement of intent area; it is the interest of the We Wai Kai Nation to respectfully maintain our rights and access to resources throughout our territory.

The We Wai Kai Nation has no comment at this time regarding this application being issued. Please note that this "No Comment" letter is specifically for this application and is without prejudice to all future consultation with our nation regarding other applications within our traditional territory including the renewal or any alteration of this application.

The We Wai Kai Nation may choose in the future to address the issues of Aboriginal rights and title infringement and compensation through the treaty process, the courts or other dispute resolution process. We also reserve the right to raise objections if any cultural use, archaeological sites or environmental impacts are identified when the above

development is being carried out or if we discover impacts on our rights or interest that we had not foreseen.

Comox Valley RCMP

There are no concerns from the Comox Valley RCMP.

Utilities and Service Providers

Fortis

No conflicts identified.

Emterra

No concerns with regards to this application.

BC Hydro

No concerns regarding this application.

Show Cable

No issues with the proposed application.

Public Mail Out, Sign, and Neighbourhood Canvas Comments and Response

The applicant has been judicious seeking public comments. In addition to the required sign and Public Information Mail Out sent to all property owners and business within 100 metres of the Crown Isle Shopping Centre in Annex 6 the applicant hand delivered the Public Outreach Card in Annex 7 to the neighbourhood and discussed the proposal with residents.

Of the 21 comments 14 opposed the proposal and 7 were in favour. The reasons for opposing the proposal varied with there being no demand or need for the business the most quoted. The next most mentioned reason for opposing the proposal was a preference for a pub or restaurant. After that minors buying the product and crime related to the clientele were equally significant as reasons for opposition.

The following table summarizes the concerns of those who objected.

That there is a need or demand for the business is evidenced by the applicants desire to open in a second premises in an underserviced location in east Courtenay. In the Comox Valley Regional District the 20+ population is 44,745. This provides a total market of 10,291 with 3,396 being daily users.



Reason	Number
No Demand / Need	9
Product Quality	1
Pricing	1
Impaired Patrons	1
Litter by Minors	1
Use by Minors	4
Cigarette Butts	1
Sufficient Number	1
Traffic	1
Prefer Drinking Establishment	5
Cientele / Crime	4
Property Value	1
Blank Façade / Appearance / Neighbourhood Image	2

There are currently four restaurants in the Crown Isle Plaza and the Thrifty store also has a dining area. Other restaurants are within walking distance including the Silverado Steak House and the Timber Room Grill.

Coast Range Cannabis does not sell to minors.

Other concerns always raise for any proposal are traffic and property values. Traffic in and out of Crown Isle Plaza is a function primarily of the gross floor area of all the uses with the major generators already located there. Traffic generated has already been considered in previous approvals for the development of the Plaza based on the gross floor area of the permitted uses. A storefront cannabis retail use is anticipate to generate no more traffic than the permitted use and probably less than a pub. Land values are not a land use planning consideration and as a result this report has no comment.

Coast Range Cannabis pays its employees above a living wage and provides ongoing education and training. Employee retention is 100% since it opened in the Comox location.

SITE CONTEXT

The site context is intended to provide an understanding of where the proposal is located and the characteristics of the site and the surrounding area. The Subject Property, illustrated in *Figure 1, Subject Property*, where the proposed cannabis storefront is located at the northeast corner of the intersection of Lerwick and Ryan Roads. The proposal is for a storefront cannabis retailer illustrated in *Annex 1, Site Plan* and *Figure 2, Floor Plan*. The Subject Property abuts existing commercial, institutional, and residential uses as illustrated in *Figure 4, Adjacent Land Use Schematic*.

The Subject Property is occupied by a commercial buildings containing multiple retail units including a liquor store, insurance sales, vision care, cleaners, restaurants, a medical clinic, coffee shops, chocolates, grooming, clothing, a bank, department, and grocery stores.

POLICY AND PLANNING ANALYSIS

The BC provincial legislation provides local governments with the authority to regulate certain criteria in terms of land use management with respect to non-medical cannabis retail. Similar to the previous storefront applications, the proposal for the Subject Property is evaluated according to the City's Storefront Cannabis Retailers Policy as well as rules and regulations that apply to all zoning amendment applications.

The Policy and Planning Analysis provides the basis for establishing why the proposal should be considered and approved. The Analysis provides an outline of applicable planning policy documents and regulatory context quoting specific policies that are relevant to the proposal. The Analysis establishes the basis for the applications by providing a detailed analysis of the identified relevant policies and explaining how the proposal conforms to the policies.

Where changes to the Zoning By-law's permitted uses are proposed, the Analysis discusses the appropriateness of the requested amendments, including the policy basis for requested modifications specific to the proposal. The Comox Valley Regional Growth Strategy, A Blueprint for Courtenay / City of Courtenay Official Community Plan, and Storefront Cannabis Retailers Policy are addressed as part of the Policy and Planning Analysis.

The Policy and Planning Analysis provides the rationale and opinion as to why the proposed zoning by-law amendment is appropriate, in terms of how it addresses good planning principles and the goals and objectives of the policy documents.

Good planning practice directs that the plan and its policies are not written in stone. Planning policies such as those reviewed here, are used to try to reach a goal. They are not to be used as a set of threshold measures where the inability to meet every policy results in a proposal's failure. All of the policies may not be and, based on good planning practice, do not have to be, satisfied as though they are zoning by-law regulations. If, on the balance, the proposal satisfies most of the policies and moves the community towards its stated goals, then the proposal should be given serious consideration for approval.

Figure 3: Inside Coast Range Comox





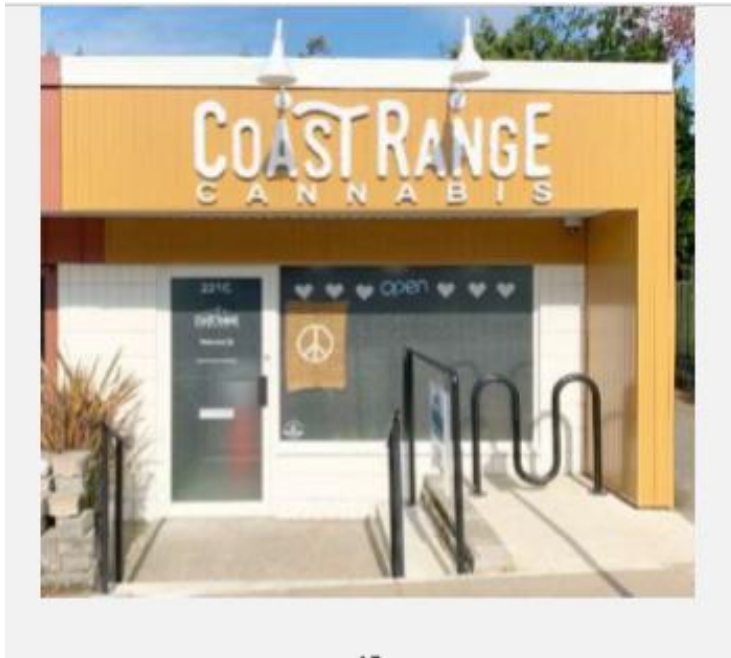




Figure 4: Adjacent Land Use Schematic

Use – Institutional OCP – Public / Institutional Uses Zone – PA-3	Use – Commercial OCP – Commercial Shopping Centers Zone – P	Use –Commercial OCP – Commercial Shopping Centers Zone – CD-1F
Use - Residential OCP – Multi Residential and Parks and Recreation Zone – MH-2 and PA-2	Subject Property	Use – Residential OCP – Mixed Use Zone – CD-1B
Use - Residential OCP - Parks and Recreation Zone – PA-2	Use - Residential OCP – Mixed Use Zone – CD-1B	Use – Residential OCP – Mixed Use Zone – CD-1B

Comox Valley Regional Growth Strategy

The Comox Valley Regional Growth Strategy's (RGS) vision statement describes the desired future for the region:

The Comox Valley will continue to evolve as a region of distinct, well-connected and, well-designed urban and rural communities. As stewards of the environment, local governments, the K'ómoks First Nation, public agencies, residents, businesses and community and non-governmental organizations will work collaboratively to conserve and enhance land, water and energy resources and ensure a vibrant local economy and productive working landscapes.

A goal of the RGS is to *achieve a sustainable, resilient and dynamic local economy supporting Comox Valley businesses and the region's entrepreneurial spirit.* The issue overview states a healthy, strong and diverse local economy is one of the cornerstones of more sustainable and complete communities. The issues overview points out that without a strong local economy, Comox Valley local governments may have difficulty funding important services, residents may be forced to work further from their homes, and overall community liveability may suffer.

Objectives of the RGS include:

- supporting local business investment;
- creating a positive business-enabling environment through cooperating on policies and procedures that help to attract new businesses and investment; and
- increasing the regional job base to help create a diverse, dynamic and self-supporting local economy making it possible for the valley's younger population to find work and remain in the community

The proposed zoning by-law amendment aligns with the RGS goals, objectives, and policies to:

- Locate retail and other commercial employment activities within Core Settlement Areas;
- Create a complete community;
- Move the region toward its entrepreneurship vision;
- Adds to the solid tax base to better support local service delivery;
- Support local business investment; and
- Provide employment opportunities.

Official Community Plan

The Official Community Plan (OCP) is a statement of the City's long term vision of the community setting the direction locations of commercial uses to minimize travel patterns, costs, and environmental impacts.

The vision is for a City to become the most liveable community in the province and to be the centre of commerce for the Comox Valley. One of the goals providing the foundation of this vision is moving toward a greater balance of development between the east and the west sides of Courtenay.

As illustrated on [Figure A3.3, Current Properties Zoned and Proposed for Storefront Cannabis Retailer Use](#) the goal of balance between the east and west sides for storefront cannabis retail use has not been achieved.

The OCP's goal for local economic development is to achieve a sustainable, resilient, and dynamic local economy that supports Comox Valley businesses and the region's entrepreneurial spirit. To achieve this goal, there are designated commercial areas, such as the Subject Property, offering a wide range of choice and selection of goods and services. Commercial goals include supporting a strong, diversified commercial base providing employment opportunities.

There are no direct references in the OCP to storefront cannabis retailer use; however, the OCP supports the utilization of existing serviced and designated commercial lands. The proposed zoning by-law amendment provides an entrepreneurial business in a location:

- Minimizing travel patterns, costs, and environmental impacts by balancing storefront cannabis retailer uses between the east and the west sides;
- Achieving a sustainable, resilient, and dynamic local economy;
- Supporting the entrepreneurial spirit in a designated commercial area; and
- Providing employment opportunities.

Storefront Cannabis Retailer Policy

The Storefront Cannabis Retailers Policy restricts the retail sale of cannabis in the City and provides guidance for staff and applicants on locating retail stores. It does not fetter Council's decision-making authority in relation to each application, which would ultimately be considered on its own merits.

The Federation of Canadian Municipalities Municipal Guide to Cannabis Legalization provides the following options for land use management of retail trade of cannabis:

- Policy options:
 - Allow and issue an authorization for cannabis shops. Permit this as you would any other business in a commercial district;
 - Carve this type of retail sales out of existing permitted use categories. Only permit cannabis businesses at particular locations or under the authority of a special permit; and

- Prohibit cannabis retail stores completely if the enabling legislation permits the prohibition of uses;
- Regulatory options:
 - Make no regulatory change, or amend existing regulations to make it clear that retail cannabis sales are included in permitted retail trade land use categories;
 - Amend existing permitted use categories to exclude retail cannabis sales activities, except at specific locations or under the authority of a special permit, from all land use categories that could conceivably include the use; and
 - Add these activities to a list of prohibited uses.

The Federation of Canadian Municipalities Municipal Guide to Cannabis Legalization also provides the following options for business regulation of retail trade of cannabis:

- Policy options:
 - Simply allow the activities to occur within existing business regulations as business activities, which may or may not require a business licence under the applicable regime and which are not subject to any particular regulations; and
 - Specifically regulate cannabis retail businesses to address issues related to these types of businesses, if the provincial/territorial enabling legislation permits this;
- Regulatory options:
 - Make no regulatory change, or amend existing regulations to specify the applicable business licence fee for this category of business, if the enabling legislation permits this; and
 - Amend existing regulations to set out specific business regulations for cannabis retail businesses, if the enabling legislation permits this.

In the Cannabis Legalization in Your Community, a Primer for BC Local Governments the Union of British Columbia Municipalities provides guidance on land use management, zoning, licensing, and other regulations. In addition to typical land use management responsibilities (e.g. zoning for non-medical cannabis retail operations), local governments have the option to exercise the following authority over non-medical cannabis retail operations:

- Advertising (e.g. signage) requirements beyond those listed in the federal Cannabis Act and BC's Cannabis Control and Licensing Act;
- Distance requirements (e.g. distance between cannabis retail outlets and schools/daycares);
- Odour and noise regulations (e.g. through business licence or nuisance bylaws);
- Hours of operation for retailers (within the 9 a.m. – 11 p.m. provincial restriction);
- Type of permitted retail operations (public, private, both or neither);
- Setting a maximum on the number of provincially approved retail outlets permitted to operate within a local jurisdiction (capping the number of non-medical cannabis retail outlets will create a system similar to the liquor primary licensing system, and will ensure that retail outlets do not proliferate. An uncapped system will allow consumer

demand and profitability to determine the number of non-medical cannabis retail outlets that exist.);

- Security measures beyond the minimum security requirements listed in the Cannabis Retail Store Licence Terms and Conditions Handbook; and
- Application fee to cover costs associated with assessing a retail application, in order to provide comments and recommendations on the application.

The Local Governments' Role in Licensing Non-Medical Cannabis Retail Stores document explains the local government's role in providing comments and recommendations regarding non-medical cannabis retail applications. The process can be summarized as follows:

- The Liquor and Cannabis Regulation Branch (LCRB) receives an application, and subsequently notifies the local government;
- The local government has the option to make a recommendation:
 - The local government may choose not to make a recommendation, in which case the licence will not be approved by the LCRB;
 - If the local government chooses to make a recommendation, it must gather the views of residents through written comment, public hearing, referendum or other appropriate method;
 - If the local government ultimately recommends denying the application, LCRB will not approve the licence; and
 - If the local government recommends approving the application, LCRB will have the discretion to approve or deny the licence based on consideration of whether or not the applicant meets the required criteria, but must consider the local government's input/recommendation.

The recommendation provided by the local government must be in writing; show that consideration was given to the proposed store location; outline the views of the local government on potential impacts to the community; include the views of residents (if they were gathered by the local government) and how they were gathered; and, provide a local government recommendation and reasons for this decision. During the time the local government is considering an application, the Province will be conducting a financial integrity assessment and security check on the applicant.

Ultimately a retail licence will not be issued without a positive recommendation from a local government. There is no time limit for local governments to provide a recommendation. Authority to provide comments and a recommendation can be delegated to staff. A local review will occur concurrently with the LCRB's own licence review; the LCRB intends to be in constant communication with the local government during this time.

Rezoning Considerations

The City's Storefront Cannabis Retailers Policy states that storefront cannabis retailers will only be considered in an established retail location where the zoning permits retail sales. Since the land use designation of the subject property is commercial, the proposed location is consistent with the policy. No building alterations are proposed except interior renovations.

As guided by the Policy and as illustrated in *Figure 5, East Courtenay School and Playground Buffers* from the Storefront Cannabis Retailers Policy Staff Report dated 2018-10-04 below, the proposed storefront cannabis retailer is:

- In an established retail location where the current zoning permits retail sales;
- 300 metres (in a straight line from closest lot line to closest lot line) from a public or independent elementary, middle or secondary school;
- 400 metres (in a straight line from closest lot line to closest lot line) from another lot where a storefront cannabis retailer is permitted, the Government Store on Ryan Road; and
- 300 metres from a City owned playground facility including the spray park and skateboard parks.

Only one storefront cannabis retailer is proposed on the lot.

Parking is provided for in accordance with Policy 5 of the Cannabis Retailers Policy and Division 7 of the Zoning By-law. A total of 472 parking spaces for the combined retail uses onsite.

Number of Stores

The Policy seeks to limit the maximum number of storefront cannabis retailers in the City to five (5) private retailers and one (1) Government-run store. Through public consultation the City determined the highest proportion of respondents supported an unlimited number of stores or limiting the number to between seven (7) and nine (9) stores. Staff had proposed a limit of five (5) stores, however the report to Council suggested this number increase to six (6). No rationale was given for Staff's recommendation.

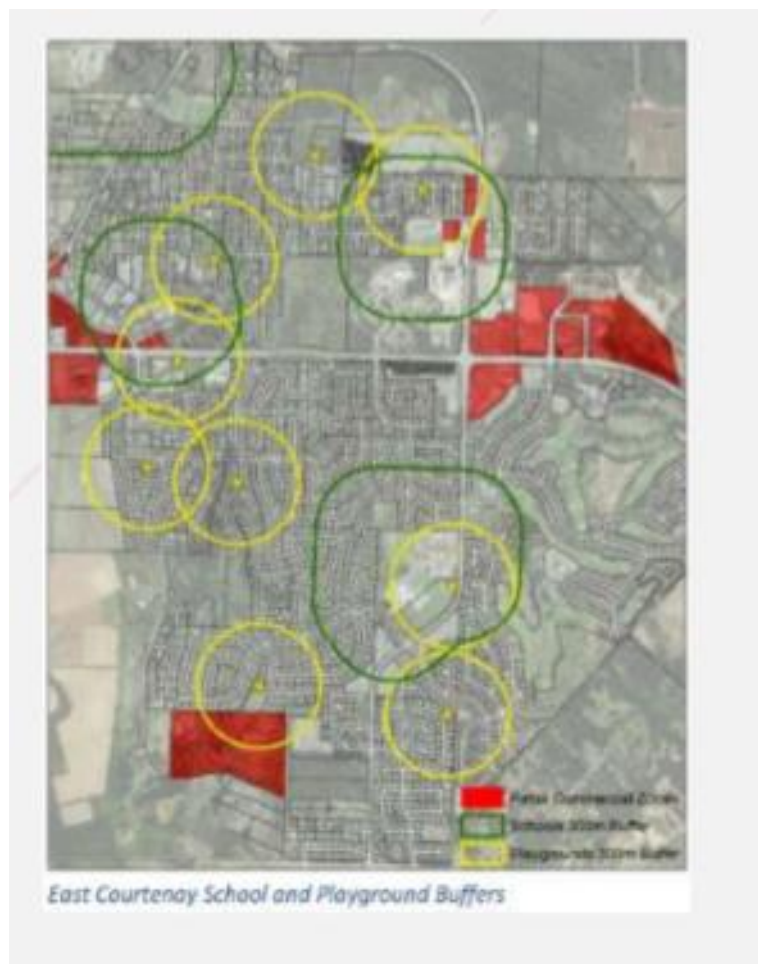
Applications were to be considered on a first-come, first-served basis, as they are referred to the City by the Provincial Government. As government-run stores are not required to apply for licensing through the Provincial referral system, staff recommend that 1 of the 6 stores be allocated for a Government store. The most recent information available from the City and a survey of businesses on the status of storefront cannabis retailers is illustrated in the table below.

This application is considered in recognition of the status of the previous rezonings illustrated in *Table 1, Storefront Cannabis Applications Status* summarizing the status of applications considered by Council.

Contrary to the preference from the public the City has limited the number of storefront cannabis retailers and has used the provisions of the Zoning By-law to do it. The LCRB requires that if the City decides to consider the notice of application and to provide comments and recommendations as to the location of the proposed retail store for a Non-Medical Cannabis Retail Store (CRS) licence The City must gather the views of residents of the area if the location of the proposed store may affect nearby residents. Staff opted to use the zoning by-law amendment process and its required public comment and hearing process to review and approve storefront cannabis retailers rather than the process used for liquor licensing.

Unlike in the process for liquor licensing, local governments are not required to provide a recommendation on a cannabis retail store application within a specific time period.

Figure 5: East Courtenay School and Playground Buffers



An alternative to the requirement for a zoning by-law amendment that is used in other municipalities for approval of Liquor Licences is a Council resolution provided within 90 days of accepting the application. The review process involves:

- Staff review – Police, Planning, Engineering and Bylaw Enforcement;
- Public notification including a mailed notice to residents with 100 meters of the establishment and a notice posting for 30 days at the establishment;
- A report to Council considering comments from the staff review and public comments; and
- The report to Council will be shared with the applicant prior to presenting to Council and the opportunity to address or mitigate concerns brought forward will be provided.

Table 1: Storefront Cannabis Applications Status

Application	Location	Zoning Status	Building Permit Status
#1	#1400 – 201 Cliffe Avenue (Driftwood Mall)	Approved 2019-03-04	Had not applied for BP as of 2019-12-05 NOT OPEN
#2	#105-789 Ryan Road (Superstore Shopping Mall)	Approved 2019-03-18 (Government Store)	Approved & Open
#3	143 5 th Street	Approved 2019-04-01	Approved & Open
#4	605/625 Cliffe Avenue (Courtenay Mall)	Approved 2019-05-06	Approved & Open
#5	#103-2270 Cliffe Avenue	Approved 2019-08-19	Approved & Open
#6	#101-576 England Avenue	Approved 2019-09-03	Had not applied for BP as of 2019-12-05 NOT OPEN

EVALUATION

As illustrated in *Table 2: Evaluation of Proposal*, the proposal is consistent the policies guiding storefront cannabis retailers.

The closest cannabis retailer to this proposed store is located at #105-789 Ryan Road (Superstore Shopping Mall), well over 400 metres away.

Regarding the proposed storefront's distance to playground facility, the closest playgrounds and spray and skateboard parks to the Subject Property are over 300 metres away.

Coast Range Cannabis is committed to providing a safe and secure premise and has a zero tolerance for use of cannabis products on its premises. No smoking signs will be posted on the exterior of the building. Coast Range Cannabis's plans include a security camera plan which includes seven (7) cameras within the interior of the storefront. The retail unit will also have an alarm system monitored by Price's Alarms.

Coast Range Cannabis will endeavour to alleviate concerns expressed by neighbouring residents and commercial users regarding the safety and security within the interior and exterior of the proposed storefront and similar to its Comox location, will continue its policy of being a good neighbour.

Policy 7 of the City's Storefront Cannabis Retailers Policy limits the maximum number of storefront retailers to five (5) private and one (1) Government run store. Council has approved the five (5) locations for private retailers and the one (1) location for the government run store. Should this location be approved it will be the sixth private retailer, exceeding the number of private retailers permitted in the policy.

The City's Policy on retail cannabis sales is not a regulatory document and is a guiding policy document when dealing with individual applications, each of which is to be evaluated on its own merits. The policy does not limit Council from considering variances to the separation distances based on circumstances related to a specific application, if Council finds the proposal reasonable.

Only three of the maximum number of six (6) retailers permitted by the City have opened.

Table 2: Evaluation of Proposal

Policy Statements	Policy	Proposal
General Location	Only be permitted in an established retail location where the current zoning permits retail sales	The property is zoned Comprehensive Development Zone 1F (CD-1F), where retail sales are permitted
Distance	1. A storefront cannabis retailer should be: <ul style="list-style-type: none"> a) At least 300 meters from public or independent elementary, middle or secondary school. b) At least 400 meters (in a straight line from closest lot line to closest lot line) from another lot where a storefront cannabis retailer is permitted, whether or not a storefront cannabis retailer is active on that lot c) At least 300 meters from a City owned playground facility including the spray park and skateboard parks 2. This policy does not limit Council from considering variances to the separation distances noted above based on circumstances related to a specific application.	Outside the 300 metre buffer from any public or independent schools Not within the 400 metre buffer from another cannabis storefront retail use Outside the 300-meter buffer from a City owned playground facility including the spray park and skateboard parks
Restricted at temporary events	Cannabis sales are not permitted at special events, public markets or farmers markets	At a permanent location and scheduled to be open between 9 am and 9 pm daily.
Parking	Satisfactory to the off-street parking requirements outlined in Division 7 of Zoning Bylaw 2500, 2007	Satisfies the off-street parking requirements outlined in Division 7 of Zoning Bylaw 2500, 2007
One store is permitted per lot	Only one storefront cannabis retailer will be allowed per lot.	No other applications are made at this location
The Maximum Number of Retailers Permitted in the City	Five (5) private retailers and one (1) Government operated store in the City	Six (6) previous applications received final approval Only three (4) have opened

SUMMARY AND CONCLUSIONS

The proposed zoning by-law amendment aligns with the RGS goals, objectives and policies to:

- Locate retail and other commercial employment activities within Core Settlement Areas;
- Create a complete community;
- Move the region toward its entrepreneurship vision;
- Add to the solid tax base to better support local service delivery;
- Support local business investment; and
- Provide employment opportunities.

There are no direct references in the OCP to storefront cannabis retailer use, however the OCP supports the utilization of existing serviced and designated commercial lands. The proposed zoning by-law amendment provides an entrepreneurial business in a location:

- Minimizing travel patterns, costs, and environmental impacts by balancing storefront cannabis retailer uses between the east and the west sides;
- Achieving a sustainable, resilient, and dynamic local economy;
- Supporting the entrepreneurial spirit in a designated commercial area; and
- Providing employment opportunities.

As guided by the Policy, the proposed storefront cannabis retailer is:

- In an established retail location where the current zoning permits retail sales;
- 300 metres (in a straight line from closest lot line to closest lot line) from a public or independent elementary, middle or secondary school;
- 400 metres (in a straight line from closest lot line to closest lot line) from another lot where a storefront cannabis retailer is permitted, the Government Store on Ryan Road; and
- 300 metres from a City-owned playground facility, including the spray park and skateboard parks.

Only one storefront cannabis retailer is proposed on the lot.

Contrary to the Staff proposed a limit of five (5) stores the public supported an unlimited number of stores. The Staff report to Council suggested this number be increased to six (6). No rationale was given for the number of stores recommended.

Figure A3.3, Current Properties Zoned and Proposed for Storefront Cannabis Retailer Use illustrates the distribution of storefront cannabis retailers which is contrary to the OCP goal of a balance of commercial uses between the east and west sides of the City.

OPINION & RECOMMENDATIONS

The proposed Zoning By-law Amendment:

- Conforms with provisions of the Regional Growth Strategy and Official Community Plan,
- Permits the proposed commercial use in a commercial zone;
- Creates no significant negative impacts, and
- Is good planning.

In my opinion Council direct staff to schedule and advertise a statutory public hearing with respect to the above-referenced proposal.

CLOSING

This report is intended solely for Coast Range Cannabis Inc. (the "Client") in providing the City of Courtenay this requested Planning Justification Report to obtain necessary *Planning Act* approvals for the proposed residential development at 3303 Jarvis Street. This report is prohibited to be used by any other party without written consent by an authorized representative of 2198795 Ontario Limited Operating as Steven P Rivers Land Use, Planning & Development (Steven Rivers. This report is considered Steven Rivers' professional work product and shall remain the sole property of Steven Rivers. Any unauthorized reuse, redistribution of, or reliance on, the report shall be at the Client's and recipient's sole risk, without liability to Steven Rivers. The Client shall defend, indemnify and hold Steven Rivers harmless from any liability arising from or related to the Client's unauthorized distribution of the report. No portion of this report may be used as a separate entity; it is to be read in its entirety and shall include all supporting drawings and appendices.

The conclusions and recommendations made in this report are in accordance with my present understanding of the proposed project, the current site use, surface and subsurface conditions, and are based on available information, a site reconnaissance on the date(s) set out in the report, records review and interviews with appropriate people and the work scope provided by the Client and described in the report and should not be construed as a legal opinion. Steven Rivers relied in good faith on the data and information provided by the Client and from other materials as noted in this report. Steven Rivers has assumed that the information provided was factual and accurate. Steven Rivers accepts no responsibility for any deficiency, misstatement, or inaccuracy contained in this report as a result of omissions, misinterpretations or fraudulent acts of persons interviewed or contacted. Reliance on this report is only extended to the Client. No other representations or warranties of any kind, either expressed or implied, are made. Any use which a third party makes of this report, or any reliance on or decisions made based on it, are the sole responsibility of such third parties. If conditions at the property change or

if any additional information becomes available at a future date, modifications to the findings, conclusions and recommendations in this report may be necessary.

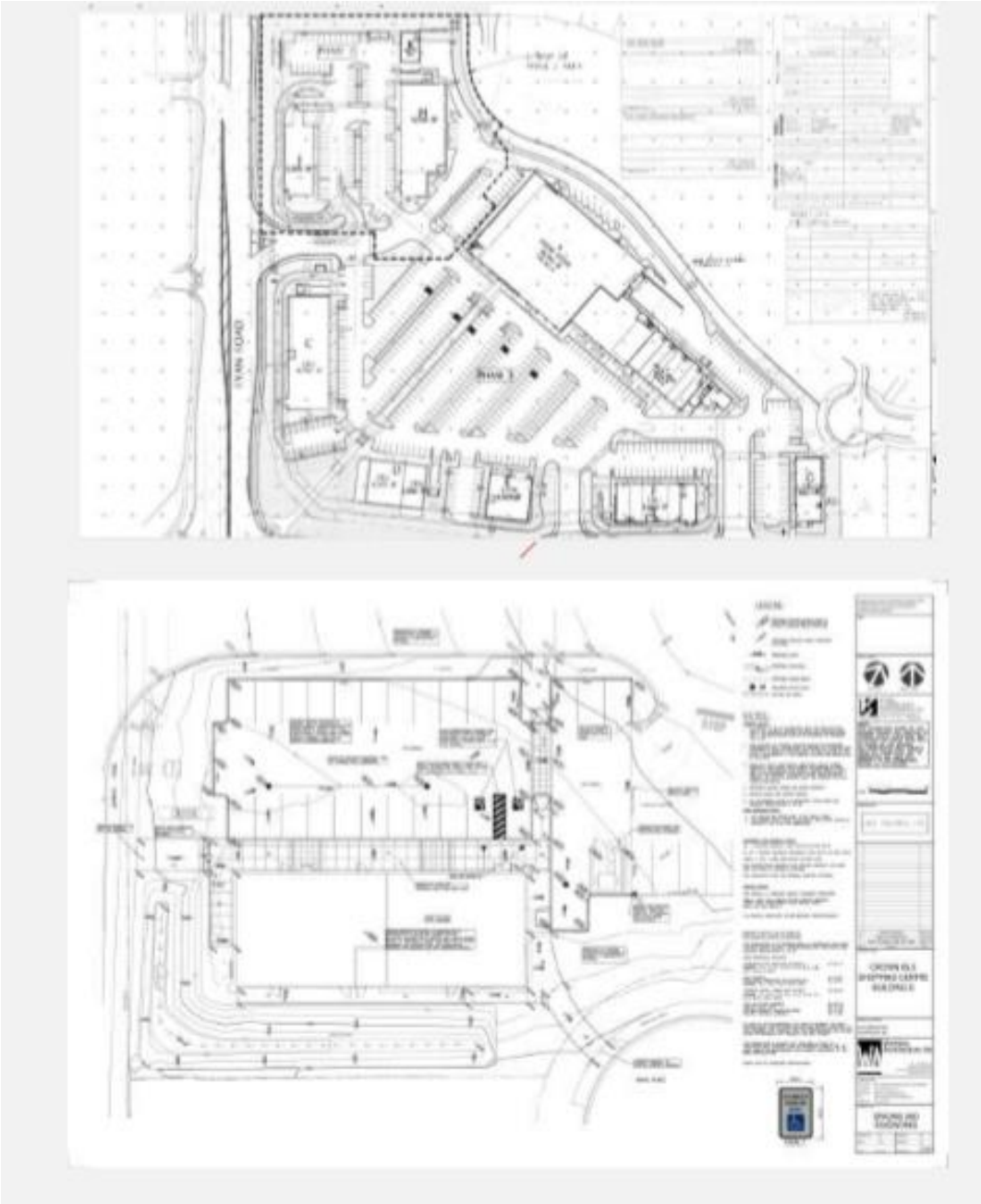
I trust this information will meet your current requirements. Please do not hesitate to contact me should you have any questions or require additional information.

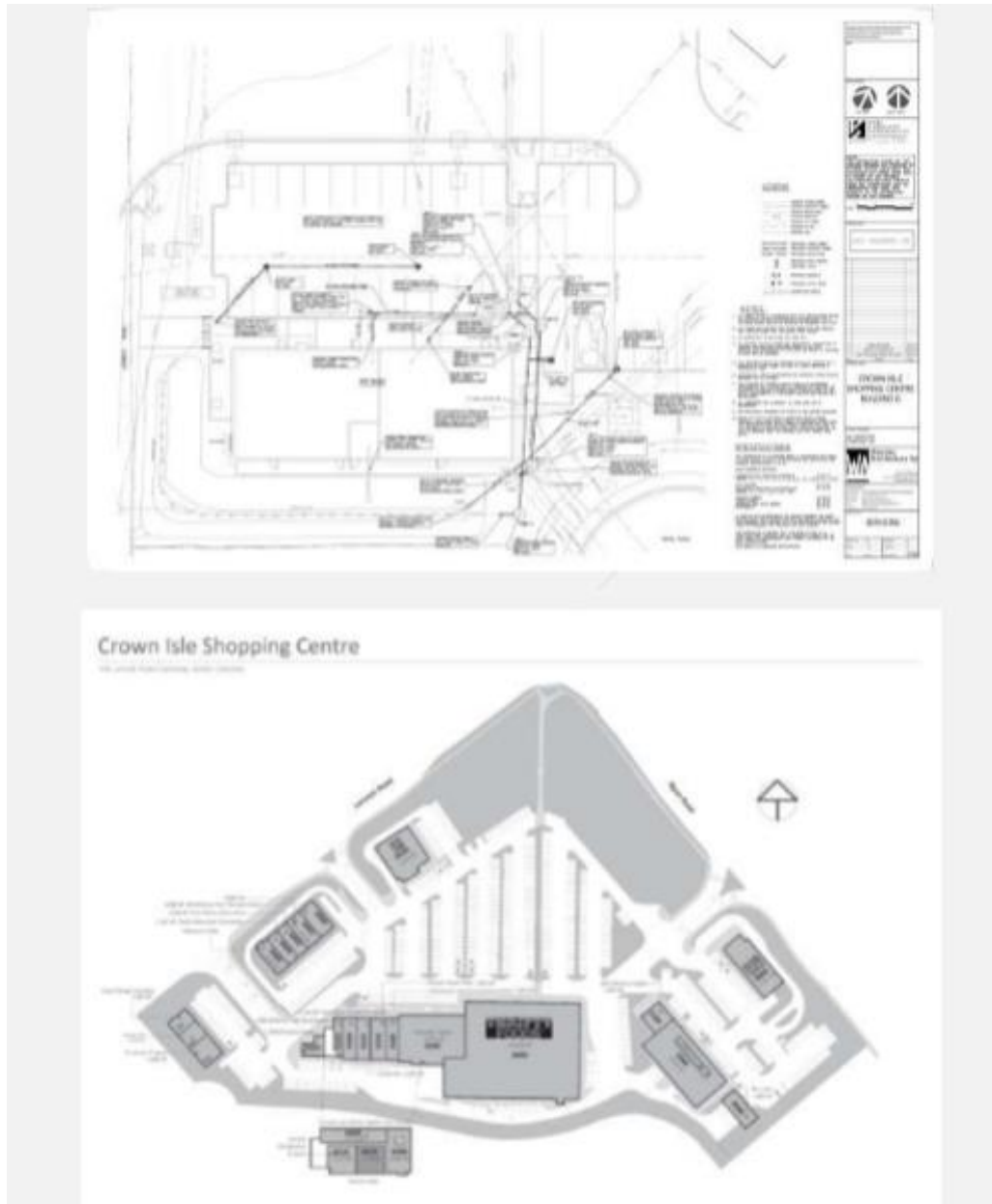
Steven Rivers

South Coast Consulting
Land Use Planning and Development Project Management
Steven Rivers, MCIP, RPP
189 Clare Avenue
Port Colborne, Ontario L3K 5Y1
Phone: 905-733-8843
Email: steven.p.rivers@gmail.com

2020-08-11

ANNEX 1
SITE PLAN







ANNEX 3

EXCERPTS FROM RELEVANT DOCUMENTS

Regional growth strategies and official community plans are tools used by municipalities and regional districts when planning their communities to describe the long-term vision of communities. Local government land use regulations, such as zoning bylaws enable local governments to implement the vision expressed in these plans.

A regional growth strategy is a strategic plan that directs long-term planning for municipal official community plans. Regional growth strategies are designed to promote human settlements that are socially, economically and environmentally sustainable and that make efficient use of public facilities, land and other resources to support and enhance regional sustainability and resilience. A regional growth strategy would work toward economic development that supports the unique character of communities.

Official community plans describe the long-term vision of communities. They are a statement of objectives and policies that guide decisions on municipal planning and land use management. These decisions impact communities' sustainability and resilience. Division 4, section 471 of the *Local Government Act* states an official community plan is a statement of objectives and policies to guide decisions on planning and land use management, within the area covered by the plan, respecting the purposes of local government.

Zoning implements municipal and regional district land use planning visions expressed in official community plans and regional growth strategies, and may support community sustainability and resilience goals. Zoning bylaws regulate how land, buildings and other structures may be used. Municipalities may adopt land use bylaws under the authority for these bylaws is provided in the *Local Government Act*. Division 5, section 479 states a local government may divide the whole or part of the municipality into zones, regulate the use of land and buildings, and make different provisions for different uses within a zone and different siting circumstances.

Comox Valley Regional Growth Strategy

Section 3.1 of the Comox Valley Regional Growth Strategy (RGS) states the vision statement describes the desired future for the region and sets the basic direction for planning, policies and action.

The Comox Valley will continue to evolve as a region of distinct, well-connected and well-designed urban and rural communities. As stewards of the environment, local governments, the K'ómoks First Nation, public agencies, residents, businesses and community and non-governmental organizations will work

collaboratively to conserve and enhance land, water and energy resources and ensure a vibrant local economy and productive working landscapes.

Section 3.2 states a goal of the RGS is to *achieve a sustainable, resilient and dynamic local economy that supports Comox Valley businesses and the region's entrepreneurial spirit.* The issue overview states a healthy, strong and diverse local economy is one of the cornerstones of more sustainable and complete communities. Complete communities not only attract new investment and jobs, they also help retain existing jobs, **encourage entrepreneurship and create a solid tax base to better support local service delivery.** Without a strong local economy, Comox Valley local governments may have difficulty funding important services, residents may be forced to work further from their homes, and overall community liveability may suffer.

The RGS provides an opportunity to encourage and support the development of a more diverse and healthier local economy, which in turn will help support the Comox Valley on its journey to become a more sustainable region. With regard to retail and human services The RGS states Courtenay-Comox is a regional hub for shopping and services which also draws some business from neighbouring regions. **Opportunities exist to diversify and expand the range of services available.**

Objective 3-A is to **support local business** retention, development and **investment** and work with the Comox Valley Economic Development Society (CVEDS) in **creating a positive business-enabling environment** through cooperating on policies and procedures that help to support and retain existing businesses and **attracts new businesses and investment.**

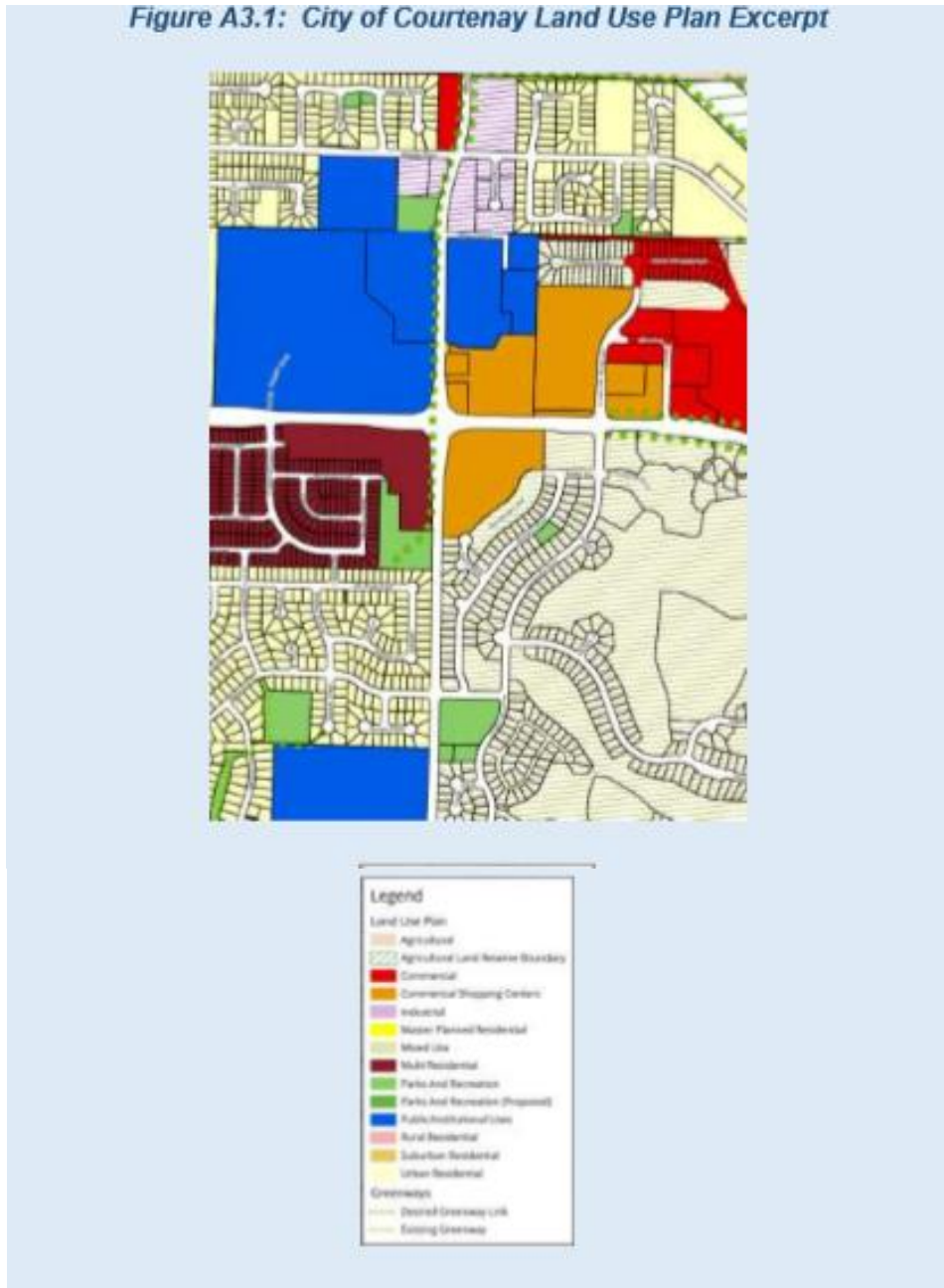
Objective 3-B: is to **increase regional job base.** A goal of 0.55 jobs per resident is realistic over the longer term. This ratio will help create a diverse, dynamic and self-supporting local economy and will make it possible for the valley's younger population to find work and remain in the community.

The proposed zoning amendment aligns with the Regional Growth Strategy policy to locate retail and other commercial employment activities within Core Settlement Areas.

A Blueprint for Courtenay / City of Courtenay Official Community Plan

As illustrated on *Figure A3.1, City of Courtenay Land Use Plan Excerpt*, the Subject Property is **designated Commercial Shopping Centers.** The Introduction to the Official Community Plan (OCP) says it is a statement of the City's long term vision of the community. It establishes a strategy guiding Council in their decision making role. It sets the direction for future locations of commercial uses, influences daily living patterns and

Figure A3.1: City of Courtenay Land Use Plan Excerpt



strives to minimize travel patterns, costs and environmental impacts. The plan will strengthen the City as a viable and liveable community.

Section 2.1 states the vision is for a City that is unique and different from other communities. It is to become the most liveable community in the province. It can be expressed as having, among other things, a role to be the centre of commerce for the Comox. One of the goals providing the foundation of this vision is moving toward greater balance of development between the east and the west sides of Courtenay, and maintain downtown as the core of the community.

The OCP's goal for local economic development is to achieve a sustainable, resilient and dynamic local economy that supports Comox Valley businesses and the region's entrepreneurial spirit. To reach this goal outside of the Downtown area there are designated commercial areas offering a wide range of choice and selection of goods and services including Crown Isle at Ryan / Lerwick. Commercial goals include supporting a strong, diversified commercial base within municipal boundaries which will provide employment and service opportunities. Shopping Centres function as the major shopping centres for the region. They are or can be expected to be anchored by major retailers, with a mix of smaller retailers. (Policy 4.3.2.1)

There are no direct references in the OCP to storefront cannabis retailer use, however the OCP generally supports the utilization of existing serviced and designated commercial lands prior to considering new commercial development areas.

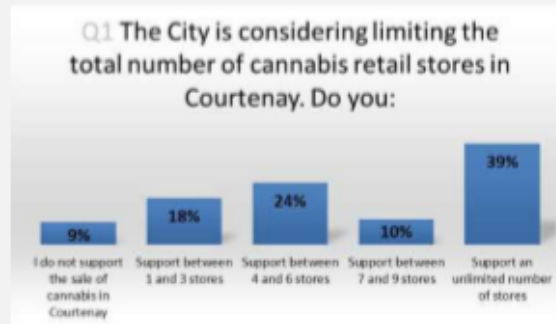
Storefront Cannabis Retailers Policy

The Storefront Cannabis Retailers Policy restricts the retail sale of cannabis in the City and provide guidance for staff and applicants on locating retail stores while at the same time not fettering Council's decision making authority in relation to each application which would ultimately be considered on its own merits. The approach aligns with the Provincial cannabis legislation. While the Provincial Government has the authority to issue licences for the retail sale of cannabis, the City retains control over land use management criteria such as zoning and determining where and how many cannabis retail stores will be permitted.

Similar to the existing liquor licensing process, the City will be required to gather the views of residents prior to forwarding comments to the province. As such the public hearing process required for a rezoning application can also be used to gather the views of residents for the provincial licence.

Number of Stores

Respondents to the City survey regarding storefront cannabis retailers generally supported retail cannabis sales in the City with only 9% opposed. As illustrated in the following image, the highest proportion of respondents (39%) supported an unlimited number of stores. An additional 10% supported between seven (7) and nine (9) stores.



Source: Storefront Cannabis Retailers Policy Staff Report, File No.: 3360-20-1811, September 4, 2018

Contrary to the Staff proposed a limit of five (5) stores the public supported an unlimited number of stores. The Staff report to Council suggested this number be increased to six (6). No rationale was given for the number of stores recommended.

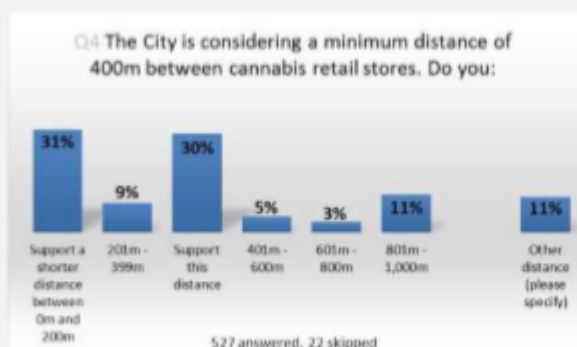
The report stated the Downtown Courtenay Business Improvement Association (DCBIA) was consulted to gauge its desire for cannabis retailers in the Downtown area. Following a survey of their members the board made the following - "Downtown Courtenay will allow for dispensaries Downtown Courtenay but must be a limited number of 3". The report further states the discretion in the proposed policy framework is designed to take into consideration concerns of immediate neighbours in the decision making process.

Applications would be considered on a first come first served basis as they are referred to the City by the Provincial Government. As government run stores are not required to apply for licensing through the Provincial referral system, staff recommend that 1 of the 6 stores be allocated for a Government store.

Distance between Stores

The draft policy contained a provision for a minimum distance of 400 metres between individual stores. As part of the survey, the public were asked if they supported this distance or if they support shorter or longer distances. As illustrated in the image below the responses showed a desire to maintain or reduce this distance. 31% of respondents

supported 0 to 200 metres between stores and 30% supported the proposed 400m distance while 9% supported between 201 and 399m.



Source: Storefront Cannabis Retailers Policy Staff Report, File No.: 3360-20-1811, September 4, 2018

While the public clearly supported maintaining or reducing the proposed 400 metre buffer there was no clear preference. Accordingly, staff recommend keeping the original 400m proposal. No rationale was provided for retaining the 400 metre buffer.

The purpose of Storefront Cannabis Retailers policy is to outline the criteria that may be considered by City Council as part of a rezoning application to allow for retail cannabis sales at a particular location. This policy is intended to guide applicants and City staff as part of the application process but it is not intended to fetter Council's discretion when dealing with individual applications, each of which will be evaluated on its own merits.

Rezoning Considerations

- Storefront cannabis retailers will only be considered in an established retail location where the current zoning permits retail sales.
- A storefront cannabis retailer should be:
 - At least 300 m (in a straight line from closest lot line to closest lot line) from a public or independent elementary, middle or secondary school.
 - At least 400 m (in a straight line from closest lot line to closest lot line) from another lot where a storefront cannabis retailer is permitted, whether or not a storefront cannabis retailer is active on that lot.
 - At least 300m from a City owned playground facility including the spray park and skateboard parks.
- The off-street parking requirements applicable to retail stores as outlined in Division 7 of Zoning Bylaw 2500, 2007 and amendments thereto will apply to storefront cannabis retailers.
- Only one storefront cannabis retailer will be allowed per lot.

Figure A3.2: City of Courtenay Zoning Map Schedule No.8 Excerpt

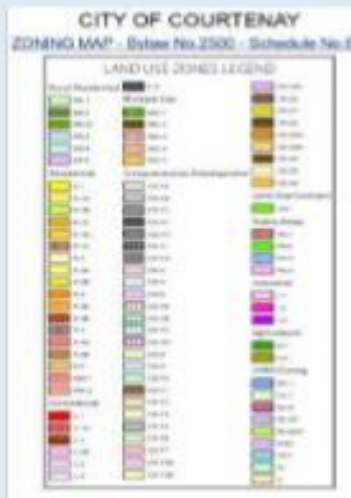
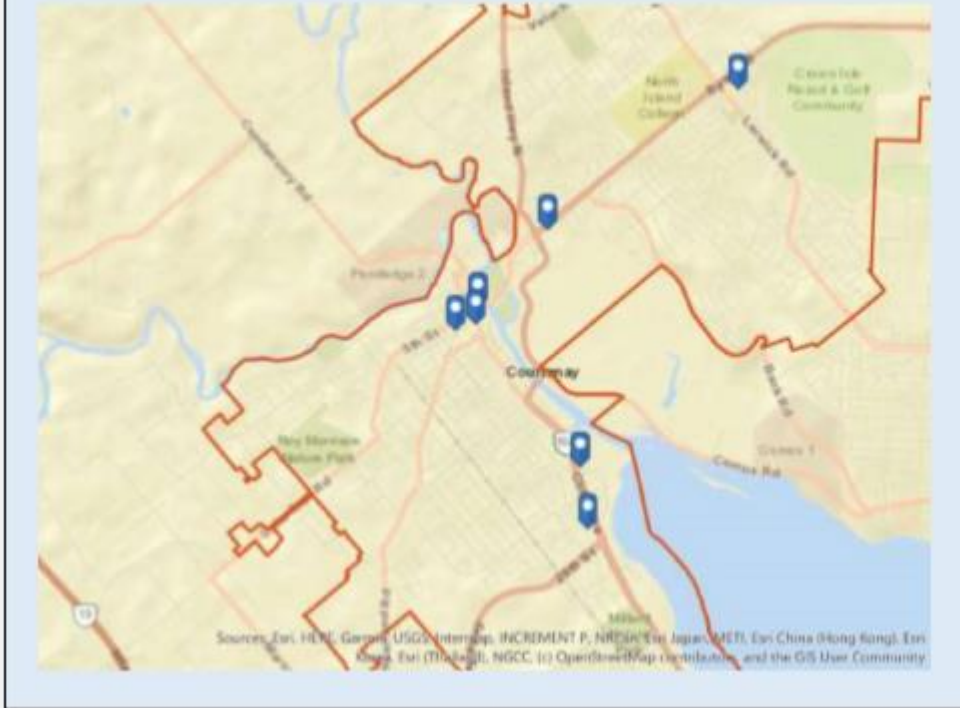


Figure A3.3: Current Properties Zoned and Proposed For Storefront Cannabis Retailer Use



ATTACHMENT No. 7
 Sustainability Evaluation Checklist



CITY OF COURTENAY
Development Services
 830 Cliffe Avenue
 Courtenay, BC, V9N 2J7
 Tel: 250-703-4839 Fax: 250-334-4241
 Email: planning@courtenay.ca

SUSTAINABILITY
EVALUATION
 COMPLIANCE CHECKLIST

The following checklist provides a quick reference list of required sustainability criteria that, where applicable, shall be satisfied for all development applications including Official Community Plan (OCP) and Zoning Bylaw amendments, Development Permits, Development Variance Permits, Tree Cutting and Soil Removal Permits, Agricultural Land Reserve and Subdivision applications. These criteria are established to ensure that the goals and objectives of the OCP are satisfied. **Please briefly state in the "Description" column how the application achieves the stated criterion.** Where an element of the development proposal does not comply with a sustainability criterion, a justification stating the divergence and the reason shall be made. A separate sheet may be used to provide comment. **Incomplete forms will result in application delays.**

The Sustainability Evaluation Checklist Policy states: *Proposed developments will be considered where a development:*

- a. *provides substantial benefits to the City;*
- b. *will not negatively impact on the City's infrastructure, neighborhood or environment;*
- c. *new development that supports destination uses such as the downtown, Riverway Corridor or a Comprehensive Planned Community;*
- d. *Meets applicable criteria set out in the OCP.*

The complete Sustainability Evaluation Checklist policy is contained within the City of Courtenay Official Community Plan No. 2387, 2005.

Project Address: 444 Lerwick Road, Crown Isle Shopping Centre **Date:** 2020-06-03

Applicant: Coast Range Cannabis **Signature:**

APPLICATION REQUIREMENTS To be filled out by applicant

Land Use. <i>The application:</i>	Description of how the criteria are met
a) Provides a mix of housing types and sizes;	No. It is in a commercial shopping centre not zoned to permit residential uses. See accompanying Preliminary Planning Policy Justification Report.
b) Balances the scale and massing of buildings in relation to adjoining properties;	In an existing approved development with buffering. See accompanying Preliminary Planning Policy Justification Report.
c) Complements neighboring uses and site topography;	In an existing approved development with buffering. See accompanying Preliminary Planning Policy Justification Report.
d) Provides or supports mixed used developments or neighborhoods;	In an existing approved development with buffering. See accompanying Preliminary Planning Policy Justification Report
e) Promotes walking to daily activities and recreational opportunities;	In an existing approved development with buffering. See accompanying Preliminary Planning Policy Justification Report
f) Supports a range of incomes;	In an existing approved development with buffering. See accompanying Preliminary Planning Policy Justification Report
g) Is a positive impact on views and scenery;	In an existing approved development with buffering. See accompanying Preliminary Planning Policy Justification Report
h) Preserves and provides greenspace, trails and landscaping;	In an existing approved development with buffering. See accompanying Preliminary Planning Policy Justification Report

Building Design. <i>The application:</i>	Description of how the criteria are met
a) Exhibits high standard of design, landscaping and environmental sensitivity;	In an existing approved development with buffering. See accompanying Preliminary Planning Policy Justification Report
b) Maintains a high standard of quality and appearance;	In an existing approved development with buffering. See accompanying Preliminary Planning Policy Justification Report
c) Includes articulation of building faces and roof lines with features such as balconies, entrances, bay windows, dormers and vertical and horizontal setbacks with enhanced colors;	In an existing approved development with buffering. See accompanying Preliminary Planning Policy Justification Report
d) Avoids creating a strip development appearance;	In an existing approved development with buffering. See accompanying Preliminary Planning Policy Justification Report
e) Satisfies Leadership in Energy and Environmental Design (LEED) certification (or accepted green building best practices);	In an existing approved development with buffering. See accompanying Preliminary Planning Policy Justification Report
f) Uses environmentally sensitive materials which are energy sensitive or have accepted low pollution standards;	In an existing approved development with buffering. See accompanying Preliminary Planning Policy Justification Report
g) Builds and improves pedestrian amenities;	In an existing approved development with buffering. See accompanying Preliminary Planning Policy Justification Report
h) Provides underground parking;	In an existing approved development with buffering. See accompanying Preliminary Planning Policy Justification Report
i) Applies CPTED (Crime Prevention Through Environmental Design) principles;	In an existing approved development with buffering. See accompanying Preliminary Planning Policy Justification Report
Transportation. <i>The application:</i>	Description of how the criteria are met
a) Integrates into public transit and closeness to major destinations;	In an existing approved development with buffering. See accompanying Preliminary Planning Policy Justification Report
b) Provides multi-functional street(s);	In an existing approved development with buffering. See accompanying Preliminary Planning Policy Justification Report
c) Prioritizes pedestrian and cycling opportunities on the public street system and through the site location that can provide an alternative to public road;	In an existing approved development with buffering. See accompanying Preliminary Planning Policy Justification Report
d) Provides or contributes towards trail system, sidewalks, transit facilities, recreation area or environmentally sensitive area;	In an existing approved development with buffering. See accompanying Preliminary Planning Policy Justification Report
Infrastructure. <i>The application:</i>	Description of how the criteria are met
a) Includes stormwater techniques that are designed to reduce run-off, improve groundwater exchange and increase on-site retention;	In an existing approved development with buffering. See accompanying Preliminary Planning Policy Justification Report
b) Utilizes renewable energy sources (i.e. solar, geothermal) within servable area to City standards;	In an existing approved development with buffering. See accompanying Preliminary Planning Policy Justification Report

Character & Identity. <i>The application:</i>	Description of how the criteria are met
a) Provides a positive image along waterfront areas and fronting road;	Not applicable
b) Is designed with quality and variety of features within the project (i.e. street furniture, street lights, signs, curb treatments);	In an existing approved development with buffering. See accompanying Preliminary Planning Policy Justification Report
c) Provides public and private amenity space;	In an existing approved development with buffering. See accompanying Preliminary Planning Policy Justification Report
d) Preserves heritage fixtures;	Not applicable
e) Orients to views, open space and street;	In an existing approved development with buffering. See accompanying Preliminary Planning Policy Justification Report
Environmental Protection & Enhancement. <i>The application:</i>	Description of how the criteria are met
a) Protects riparian areas and other designated environmentally sensitive areas;	In an existing approved development with buffering. See accompanying Preliminary Planning Policy Justification Report
b) Provides for native species, habitat restoration/improvement;	In an existing approved development with buffering. See accompanying Preliminary Planning Policy Justification Report
c) Includes tree lined streetscapes.	In an existing approved development with buffering. See accompanying Preliminary Planning Policy Justification Report



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council
From: Chief Administrative Officer
Subject: Zoning Amendment Bylaw No. 3010 Updated Proposal - Storefront Cannabis Retailer - 444 Lerwick Road

File No. 3360-20-2008
Date: January 11th, 2021

PURPOSE:

The purpose of this report is to identify minor changes to a referral from the Liquor and Cannabis Regulation Branch (LCRB) regarding a proposal from Coast Range Cannabis Ltd. to establish a Storefront Cannabis Retailer at 444 Lerwick Road, and to amend the associated zoning amendment bylaw prior to scheduling a public hearing and considering third reading of the bylaw.

CAO RECOMMENDATIONS:

THAT based on the January 11th, 2021 Staff report, "Zoning Amendment Bylaw No. 3010 – Updated Proposal - Storefront Cannabis Retailer -444 Lerwick Road." Council approve OPTION 1 and amend Zoning Amendment Bylaw No. 3010 to include unit 301 in the area where a storefront cannabis retailer is permitted; and

THAT Council direct staff to schedule and advertise a statutory Public Hearing with respect to the above referenced bylaw.

Respectfully submitted,

Trevor Kushner, BA, DLGM, CLGA, PCAMP
Interim Chief Administrative Officer

BACKGROUND:

On October 19th, 2020 Council passed a resolution giving first and second readings of Zoning Amendment Bylaw No. 3010 to rezone unit #302 at 444 Lerwick Road to permit a Storefront Cannabis Retailer. Staff were also directed to schedule and advertise a statutory Public Hearing at that time.

On December 7, 2020 the City was notified by the LCRB that Coast Range Cannabis Ltd. has included a second retail unit, unit #301, in their application for a Storefront Cannabis Retailer (*as seen in Attachment No. 1*). The applicant is now proposing that a Storefront Cannabis Retailer be located within two adjacent vacant retail units (#301 and #302) within the Crown Isle Shopping Centre.



Figure 1: Subject Property (in Red) and Subject Building (in yellow)



Figure 2: Proposed Storefront Units #301 and #302 (both outlined in Red)

Overview of the Amendments to the Proposal

Coast Range Cannabis Ltd. has amended their application with the LCRB and is now proposing to rezone retail units #301 and #302 within the Crown Isle Shopping Centre. Staff note that only one storefront retailer is being proposed at this location and it will operate as one business within the two commercial retail units to be renovated to function as one.

This amendment has resulted in minor changes to the floor plan. Additionally, the applicant is proposing a minor modification to the storefront's proposed hours of operation.

Floor Plan

Prior to including unit #301 within the application, the proposed floor area of the retail store was approximately 1,055 ft² (98m²) and included: a retail space for customers, a secure storage area and a restroom (as seen in **Figure No. 3**).

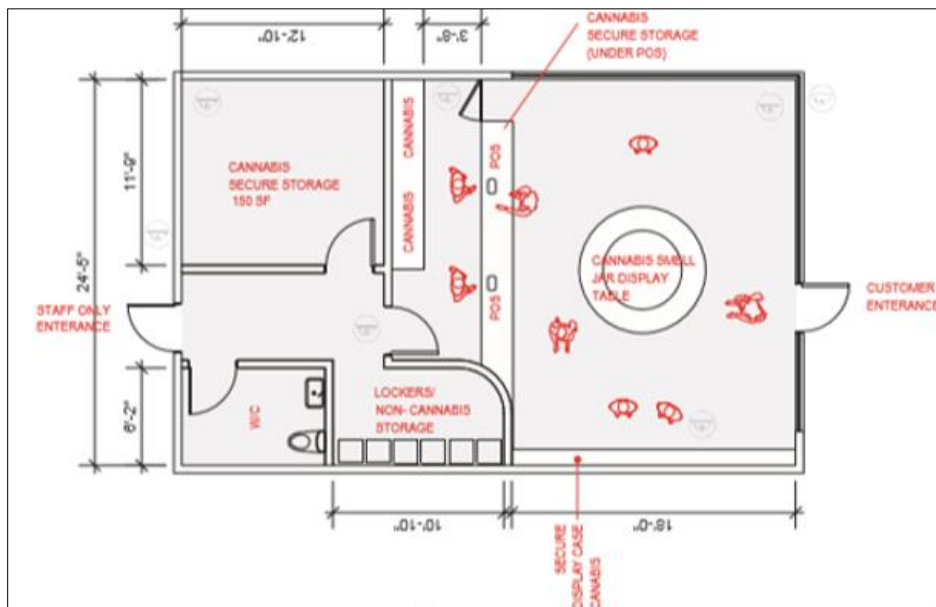


Figure 3: Initial Floor Plan (Unit #302)

The revised floor plan (as seen in **Figure No. 4**) indicates that the new floor area is 2,150 ft² (200m²) and includes: a larger retail space for customers, dedicated employee office space, a staff room for employees, an expanded storage area and a bigger display area for retail products.

Similar to the original proposal interior improvements are planned for the retail store and include: the installation of walls; counter tops; lighting; shelving; cabinetry and security equipment. Exterior work is limited to the installation of security equipment, lighting and signage.

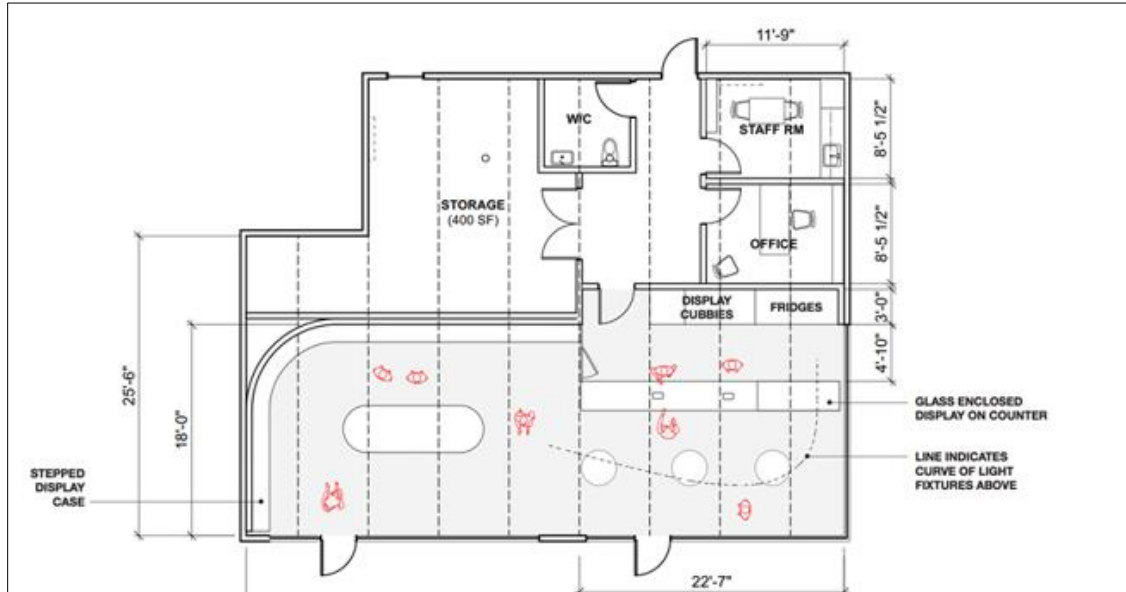


Figure 4: Amended Floor Plan (Unit #301 and Unit #302)

Hours of Operation

The proposed operating hours of the business have been modified slightly to include operating hours on December 25th each year. The previous proposal indicated that the storefront retailer was going to be closed on December 25th.

Zoning Amendment Bylaw No. 3010 has not proceeded to Public Hearing or been given Third Reading. From a process perspective Council has the authority to amend the bylaw at this stage prior to public hearing and consideration of Third Reading.

Staff consider the addition of retail unit #301, including modification to the floor plan, and operating hours as minor changes to the zoning amendment application and recommend the amended bylaw proceed to a public hearing.

OPTION 1: (Recommended)

THAT based on the January 11th, 2021 Staff report, “Zoning Amendment Bylaw No. 3010 – Updated Proposal - Storefront Cannabis Retailer -444 Lerwick Road.” Council approve OPTION 1 and amend Zoning Amendment Bylaw No. 3010 to include unit 301 in the area where a storefront cannabis retailer is permitted; and

THAT Council direct staff to schedule and advertise a statutory Public Hearing with respect to the above referenced bylaw.

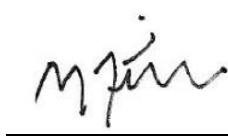
OPTION 2: Defer consideration of Zoning Amendment Bylaw No. 3010 as amended with a request for more information.

Prepared by:



Dana Beatson
Planner II

Reviewed by:



Matthew Fitzgerald, RPP, MCIP
Manager of Development Planning

Concurrence by



Ian Buck RPP, MCIP
Director of Development Services

Concurrence by:



Trevor Kushner, BA, DLGM, CLGA, PCAMP
Interim Chief Administrative Officer

- Attachment No. 1: Amended LCRB Referral to the City of Courtenay*
- Attachment No. 2: Planning Justification and Impact Analysis Report*
- Attachment No. 3: Zoning Amendment Bylaw No. 3010 with proposed amendment*

Attachment No. 1: Amended LCRB Referral to the City of Courtenay

Job # 003173

December 7, 2020

Via email: tsetta@courtenay.ca

Tatsuyuki Setta
 Manager of Planning
 City of Courtenay

Dear Tatsuyuki Setta,

Re: Application for a Non-Medical Cannabis Retail Store Licence
 Applicant: COAST RANGE CANNABIS LTD.
 Proposed Establishment Name: Coast Range Cannabis
 Proposed Establishment Location: #301&302 - 444 Lerwick Road, Courtenay, BC V9N 0A9

The Applicant, COAST RANGE CANNABIS LTD., has applied to the Liquor and Cannabis Regulation Branch (LCRB) for a Non-Medical Cannabis Retail Store (CRS) licence proposed to be located at the above-noted address. The applicant contact is Sheila Rivers. They can be reached at 250-218-9701 or via email at sheila@coastrangecannabis.com.

Local governments and Indigenous nations are a crucial part of the licensing process. Section 33(1) of the *Cannabis Control and Licensing Act* prevents the LCRB from issuing a CRS licence without a positive recommendation regarding the CRS licence application from the local government or Indigenous nation.

The LCRB is requesting the City of Courtenay to consider the application and provide the LCRB with a written recommendation with respect to the application. To assist with your assessment of the application, a site map of the proposed cannabis retail store is attached. The following link opens a document which provides specific and important information and instructions on your role in the CRS licensing process, including requirements for gathering the views of residents.

[Local Governments' Role in Licensing Non-Medical Cannabis Retail Stores](#)

OR

[Indigenous Nations' Role in Licensing Non-Medical Cannabis Retail Stores](#)

The LCRB will initiate an applicant suitability assessment regarding this CRS application, also known as a “fit and proper” assessment of the applicant and persons associated with the applicant. Once the assessment is complete, you will be notified of the LCRB’s determination. You may choose to withhold your recommendation until the LCRB has made a final decision regarding the applicant’s suitability.

Liquor and Cannabis
 Regulation Branch

Mailing Address:
 PO Box 9292 Stn Prov Govt
 Victoria BC V8W 0J8

Location:
 645 Tyne Road
 Victoria BC V8A 6X5
 Phone: 250 952-5757
 Facsimile: 250 952-7066

Website:
www.gov.bc.ca/cannabisregulationandlicensing



If you choose not to make any recommendation regarding this application, please contact the LCRB at the earliest convenience. Please note that a Cannabis Retail Store Licence cannot be issued unless the LCRB receives a positive recommendation from the local government or Indigenous nation. Similarly, if a local government or Indigenous nation decides not to make any recommendation, the LCRB will not consider the application any further.

If you have any questions regarding this application, please contact me at #778-974-4274 or Tracy.Altman@gov.bc.ca.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tracy Altman".

Tracy Altman
Senior Licensing Analyst

Attachment: Site Plan

copy: Sheila Rivers

Attachment No. 2: Planning Justification and Impact Analysis Report

**SUPPLEMENTARY PLANNING POLICY JUSTIFICATION
AND
IMPACT ANALYSIS REPORT**

**For
Coast Range Cannabis Inc.**

Re:

**Crown Isle Shopping Centre
Units 301 and 302, 444 Lerwick Road, City of Courtenay**

Prepared By:
South Coast Consulting
Land Use Planning and Development Project Management

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**SUPPLEMENTARY PLANNING POLICY JUSTIFICATION
AND
IMPACT ANALYSIS REPORT
Crown Isle Shopping Centre
Units 301 and 302, 444 Lerwick Road, City of Courtenay**

INTRODUCTION

South Coast Consulting, Land Use Planning and Development Project Management was retained on 2020-04-30 by Coast Range Cannabis Inc. to write this Planning Policy Justification and Impact Analysis Report. A Zoning By-law Amendment application was submitted to allow a storefront cannabis retailer in an existing commercial building. The purpose of this Planning Policy Justification and Impact Analysis Report is to review a proposed for a Storefront Cannabis Retailer at the Crown Isle Shopping Centre, 444 Lerwick Road, specifically the approximately 190 square metres gross floor area of Unit 302.

The City staff report (File No: 3360-20-2008) states: The proposed cannabis store will be located within an empty unit (#302) within the shopping centre located at 444 Lerwick Road. The property is 4.97 ha in size and is located at the southeast corner of the intersection of Ryan Road and Lerwick Road. The site is zoned Comprehensive Development Zone 1F (CD-1F) and is designated as Commercial Shopping Centre in the Official Community Plan (OCP). Since the staff report went to Council on 2020-10-19, unavoidable changes in the leasing relationship with the property owner, Crombie REIT, and the leaser, from whom Coast Range Cannabis has an agreement to sublease from, requires Coast Range Cannabis to now lease Unit 301.

The change in the proposal since the public consultation process and the current proposal before Council is not a change in use but rather an increase in the gross floor area that Coast Range Cannabis is required to lease from the Crombie REIT to be able to operate the business.

DESCRIPTION OF THE PROPOSAL

This section of the Report provides details about the proposed uses. The Description of the Proposal also provides a brief description of the other technical supporting studies submitted as a part of the complete application, in support of the zoning by-law amendment application and how these relate to applicable planning policies (i.e. the City Official Community Plan and the Storefront Cannabis Retailers Policy).

The **Floor Plan** is indicative at this point in the development process, reflecting a desirable development scenario for the Subject Property and is an articulation of established best practices in the design of storefront cannabis retail businesses.

The applicant proposes to rezone two (2) of the units within the overall complex which will operate as one business – to be specific there will only be one storefront cannabis retail business operated by Coast Range Cannabis. This means one (1) "storefront cannabis retailer" use will only be allowed in both Units #301 and #302 should this amendment be successful, as illustrated in *Figure 1, Subject Property*.

Coast Range Cannabis will lease retail Units #301 and #302 to establish a "storefront cannabis retailer" within the existing commercial building. Coast Range Cannabis selected this particular location due to its location within an underserved area of the City. The floor area of the proposed store is now approximately **200 square metres** (2,150 square feet), including retail space for customers and secure storage. The premise also includes bathrooms and office space.

New signage is proposed at the entrance and interior improvements including the installation of: walls; retail POS; counter tops; lighting; shelving; cabinetry; and security equipment. Exterior work is limited to the installation of security equipment. Coast Range Cannabis will make a separate sign and building permit applications to allow these signs. Exterior changes to the Units will be limited to the new signage and fenestration. The proposed plans are illustrated in *Figure 2, Floor Plan*.

The store would be open to the public between 9 am and 9 pm Monday through Sunday, except:

- Remembrance Day (shortened hours)
- Christmas Eve (shortened hours)
- Christmas Day

The store will be managed by five staff and a manager. All other operational requirements including security are regulated by the provincial licencing regulations.

Coast Range Cannabis's current business requires adherence to the legal requirements of working in the retail cannabis industry resulting in familiarity legislation.

Coast Range Cannabis's Comox store illustrates the importance it places on building form, interior design, detailing and materials. The interior of its spaces are intended to contribute to distinctiveness and uniqueness of the Comox Valley community. The design of the stores give attention to local building traditions, mix of material, scale, and proportion. The business's philosophy is concerned with sustainability, security, functionality, and local distinctiveness. *Figure 3, Inside and Outside Coast Range*

Comox, is an example of the quality of the shopping environment created using local craftsmen.

**Figure 1: Subject Property and Proposed Cannabis Retailer Units 301 and 302, 444 Lerwick Avenue
Subject Property in Red and building in Yellow**



The mixture of locally sourced and recycled wood and clean lines give the store a “valley” atmosphere.

PARKING

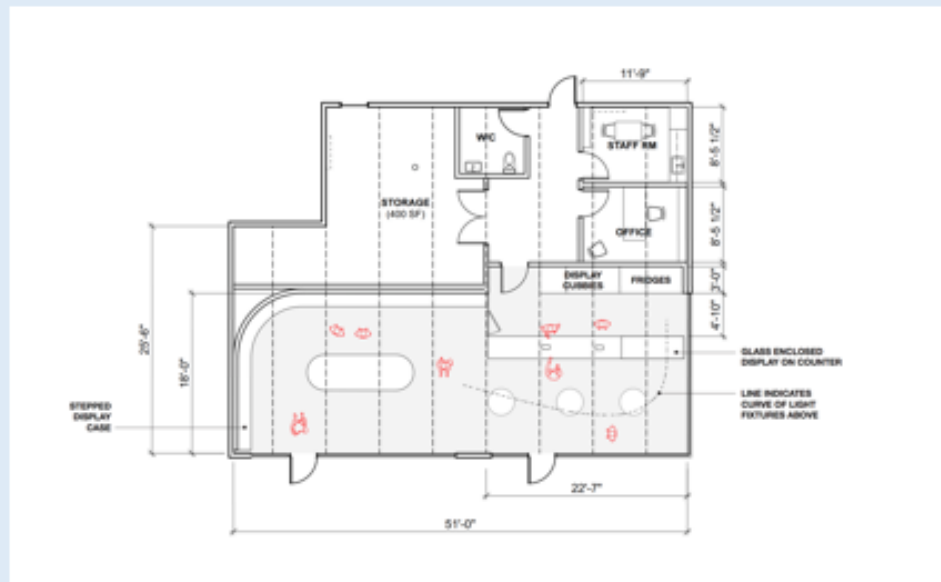
Parking is provided in accordance with Division 7 in Zoning Bylaw No. 2500, 2007 and Policy 5 of the Storefront Cannabis Retailers Policy. Shopping centre uses require 1 parking stall per 22.5m² of floor area. Based on the floor area of the Units, nine (9) parking stalls are required. Crown Isle Shopping Centre provides a total of 472 parking stalls for the combined retail uses onsite, meeting bylaw requirements.

SITE CONTEXT

The site context is intended to provide an understanding of where the proposal is located and the characteristics of the site and the surrounding area. The Subject Property, illustrated in *Figure 1, Subject Property*, where the proposed cannabis

storefront is located at the northeast corner of the intersection of Lerwick and Ryan Roads. The proposal is for a storefront cannabis retailer illustrated in *Annex 1, Site Plan* and *Figure 2, Floor Plan*. The Subject Property abuts existing commercial, institutional, and residential uses as illustrated in *Figure 3, Adjacent Land Use Schematic*.

Figure 2: Floor Plan



The Subject Property is occupied by a commercial buildings containing multiple retail units including a liquor store, insurance sales, vision care, cleaners, restaurants, a medical clinic, coffee shops, chocolates, grooming, clothing, a bank, department, and grocery stores.

EVALUATION

As summarized in *Table 2, Evaluation of the Proposal*, City Staff determined the proposal is consistent with a majority of the City’s policies guiding cannabis retailers

with the exception of Policy No.7, the maximum number of storefront retailers permitted to operate within the City, which is limited to six.

Consistent with Policy 1; the storefront retailer is located on a property that is zoned (CD-1F) and permits retail sales.

Policy 2a) of the City's Storefront Cannabis Retailers Policy states that the minimum distance from a cannabis retailer to a City owned playground facility and skateboard parks should be 300 metres. The proposed retail store is located approximately 536 metres (measured in a straight line from closest lot line to closest lot line) from Queneesh Elementary School and 543 metres (measured in a straight line from closest lot line to closest lot line) to Valley View Elementary School and Mark Isfeld Secondary School.

Consistent with Policy 2b) the proposed retailer far exceeds the 400 metre minimum separation distance between stores. The nearest existing store at 789 Ryan Road is approximately 2 kilometres away as measured in a straight line from closest lot line to closest lot line. Other than 789 Ryan Road, there are no other approved or operating storefronts in the City on the east side of the Fifth Street Bridge.

The proposed storefront is located over 300 metres away from a City owned playground facility and the skate park located at Valley View Community Park. Valley View Community Park is located approximately 775 metres from the proposed storefront (measured from in a straight line from closest lot line to closest lot line).

The proposal is consistent with Policies 3, 5, and 6: this application is for a private retail storefront (not a special event or market); there is sufficient parking being provided in accordance with Division 7 of Zoning Bylaw No. 2500 and there are no other cannabis storefront users proposed or located on the property.

As illustrated in [Table 2: Evaluation of Proposal](#), the proposal is consistent the policies guiding storefront cannabis retailers.

The closest cannabis retailer to this proposed store is located at #105-789 Ryan Road (Superstore Shopping Mall), well over 400 metres away.

Regarding the proposed storefront's distance to playground facility, the closest playgrounds and spray and skateboard parks to the Subject Property are over 300 metres away.

Coast Range Cannabis is committed to providing a safe and secure premise and has a zero tolerance for use of cannabis products on its premises. No smoking signs will be

posted on the exterior of the building. Coast Range Cannabis's plans include a security camera plan which includes seven (7) cameras within the interior of the storefront. The retail unit will also have an alarm system monitored by Price's Alarms.

Table 2: Evaluation of the Proposal

Policy Statements	Policy	Proposal	Complies with Policy
General Location	Only be permitted in an established retail location where the current zoning permits retail sales	The property is zoned CD-1F, where retail sales are permitted	Yes
Distance	1. A storefront cannabis retailer should be: <ul style="list-style-type: none"> a) At least 300 meters from public or independent elementary, middle or secondary school. b) At least 400 meters (in a straight line from closest lot line to closest lot line) from another lot where a storefront cannabis retailer is permitted, whether or not a storefront cannabis retailer is active on that lot c) At least 300 meters from a City owned playground facility including the spray park and skateboard parks 	Outside the buffer from schools Not within the buffer from other cannabis storefront retail uses Outside the buffer from a City owned playground facilities	Yes
Restricted at temporary events	Cannabis sales are not permitted at special events, public markets or farmers markets	Not applicable	Yes
Parking	Satisfactory to the off-street parking requirements outlined in Division 7 of Zoning Bylaw 2500, 2007	Meets the off-street parking requirements outlined in Division 7 of Zoning Bylaw 2500, 2007	Yes
One store is permitted per lot	Only one storefront cannabis retailer will be allowed per lot.	No other applications are made at this location	Yes
The Maximum Number of Retailers Permitted in the City	Five (5) private retailers and one (1) Government operated store in the City	Exclusive of the subject property, Council has approved five private and one government storefront.	No, this proposal exceeds maximum number of retailers in the City's Cannabis Retailers Policy

Coast Range Cannabis will endeavour to alleviate concerns expressed by neighbouring residents and commercial users regarding the safety and security within the interior and exterior of the proposed storefront and similar to its Comox location, will continue its policy of being a good neighbour.

Policy 7 of the City's Storefront Cannabis Retailers Policy limits the maximum number of storefront retailers to five (5) private and one (1) Government run store. Council has approved the five (5) locations for private retailers and the one (1) location for the government run store. Should this location be approved it will be the sixth private retailer, exceeding the number of private retailers permitted in the policy.

City staff stated this proposal has merit since it meets a majority of the policies contained within the City's Cannabis Retailers Policy and supports the creation of local employment opportunities. The store is adequately separated from other storefronts in the City and would be only the second storefront in east Courtenay. All of the others are located in the West Courtenay with the exception of the Government Store. Regardless, the proposal exceeds the allowable number of retailers as outlined in the City's Cannabis Retailers Policy

The proposal is located in a shopping centre in a highly visible location adjacent to the site's access off Lerwick Road and within a 5 to 15 minute walk to schools, the college, playgrounds, a skate park and the Aquatic Centre. This could potentially create a situation where children and youth are more exposed to cannabis products and marketing. This situation is not unusual in Courtenay and Staff have not noted any negative impacts of storefront cannabis retail uses located with a 15 minute walk to the use at 695 Cliffe Avenue and the Courtenay Elementary School

The application received 21 comments from surrounding property owners and occupiers, many who commented that they support local business but feel the City has already has enough Cannabis Retailers open and operational. Residents also expressed concerns regarding the number of school aged children who access and use the site, exposing them to Cannabis products.

The City's Policy on retail cannabis sales is not a regulatory document but is a guiding policy for dealing with individual applications, each of which is to be evaluated on their own merits. The policy does not limit Council from considering variances to the total number of stores, if Council finds the application reasonable.

As Staff noted, the applicant mailed out a public information meeting package on 2020-06-23 to adjacent property owners and occupiers within 100m of the property, this included approximately 207 households. The notice contained details about the proposed zoning, use, and location of the storefront retailer. The applicant also

canvassed the neighborhood and distributed a public outreach brochure to residents on the notification mailing list. Twenty-one comments were received for this proposal from the public mail out, with a majority of residents not in support of the proposal. However, a significant number of residents supported the proposal.

No public comments were received at First and Second Reading of "Zoning Amendment Bylaw No. 3010" to rezone the subject property to permit a Cannabis Storefront Retailer, and Council directed staff to schedule and advertise a statutory Public Hearing with respect

to the above referenced bylaw following the resumption of regular Council meetings or upon approval of an alternative process.

SUMMARY AND CONCLUSIONS

The proposed zoning by-law amendment aligns with Regional Growth Strategy goals, objectives and policies to:

- Locate retail and other commercial employment activities within Core Settlement Areas;
- Create a complete community;
- Move the region toward its entrepreneurship vision;
- Add to the solid tax base to better support local service delivery;
- Support local business investment; and
- Provide employment opportunities.

There are no direct references in the OCP to storefront cannabis retailer use, however the OCP supports the utilization of existing serviced and designated commercial lands. The proposed zoning by-law amendment provides an entrepreneurial business in a location:

- Minimizing travel patterns, costs, and environmental impacts by balancing storefront cannabis retailer uses between the east and the west sides;
- Achieving a sustainable, resilient, and dynamic local economy;
- Supporting the entrepreneurial spirit in a designated commercial area; and
- Providing employment opportunities.

As guided by the Policy, the proposed storefront cannabis retailer is:

- In an established retail location where the current zoning permits retail sales;
- 300 metres (in a straight line from closest lot line to closest lot line) from a public or independent elementary, middle or secondary school;
- 400 metres (in a straight line from closest lot line to closest lot line) from another lot where a storefront cannabis retailer is permitted, the Government Store on Ryan Road; and
- 300 metres from a City-owned playground facility, including the spray park and

skateboard parks.

Only one storefront cannabis retailer is proposed on the lot.

Contrary to the Staff proposed a limit of five (5) stores the public supported an unlimited number of stores. The staff report to Council suggested this number be increased to six (6). No rationale was given for the number of stores recommended.

While there were public objections to the proposal from the extensive public consultation the applicant undertook, those objections were by no means unanimous/

OPINION & RECOMMENDATIONS

The proposed Zoning By-law Amendment:

- Conforms with provisions of the Regional Growth Strategy and Official Community Plan,
- Permits the proposed commercial use in a commercial zone;
- Creates no significant negative impacts, and
- Is good planning.

In my opinion Council direct staff to schedule and advertise a statutory public hearing with respect to the above-referenced proposal.

CLOSING

This report is intended solely for Coast Range Cannabis Inc. (the "Client") in providing the City of Courtenay this requested Planning Justification Report to obtain necessary *Planning Act* approvals for the proposed residential development at 3303 Jarvis Street. This report is prohibited to be used by any other party without written consent by an authorized representative of 2198795 Ontario Limited Operating as Steven P Rivers Land Use, Planning & Development (Steven Rivers). This report is considered Steven Rivers' professional work product and shall remain the sole property of Steven Rivers. Any unauthorized reuse, redistribution of, or reliance on, the report shall be at the Client's and recipient's sole risk, without liability to Steven Rivers. The Client shall defend, indemnify and hold Steven Rivers harmless from any liability arising from or related to the Client's unauthorized distribution of the report. No portion of this report may be used as a separate entity; it is to be read in its entirety and shall include all supporting drawings and appendices.

The conclusions and recommendations made in this report are in accordance with my present understanding of the proposed project, the current site use, surface and

subsurface conditions, and are based on available information, a site reconnaissance on the date(s) set out in the report, records review and interviews with appropriate people and the work scope provided by the Client and described in the report and should not be construed as a legal opinion. Steven Rivers relied in good faith on the data and information provided by the Client and from other materials as noted in this report. Steven Rivers has assumed that the information provided was factual and accurate. Steven Rivers accepts no responsibility for any deficiency, misstatement, or inaccuracy contained in this report as a result of omissions, misinterpretations or fraudulent acts of persons interviewed or contacted. Reliance on this report is only extended to the Client. No other representations or warranties of any kind, either expressed or implied, are made. Any use which a third party makes of this report, or any reliance on or decisions made based on it, are the sole responsibility of such third parties. If conditions at the property change or if any additional information becomes available at a future date, modifications to the findings, conclusions and recommendations in this report may be necessary.

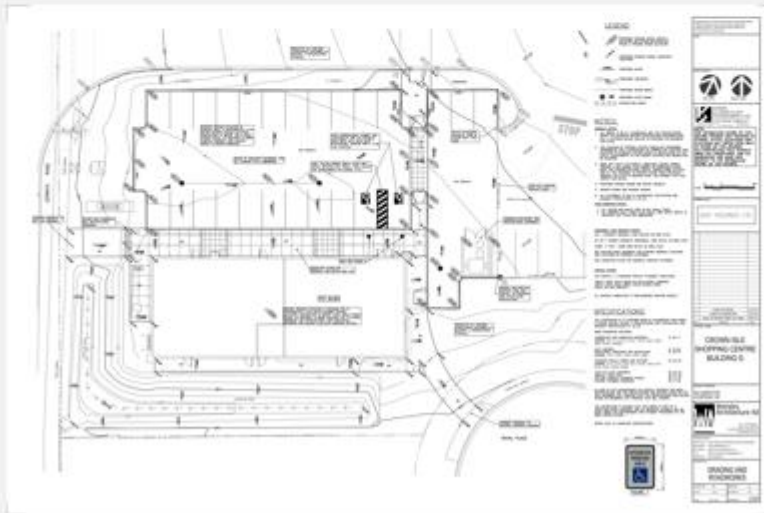
I trust this information will meet your current requirements. Please do not hesitate to contact me should you have any questions or require additional information.

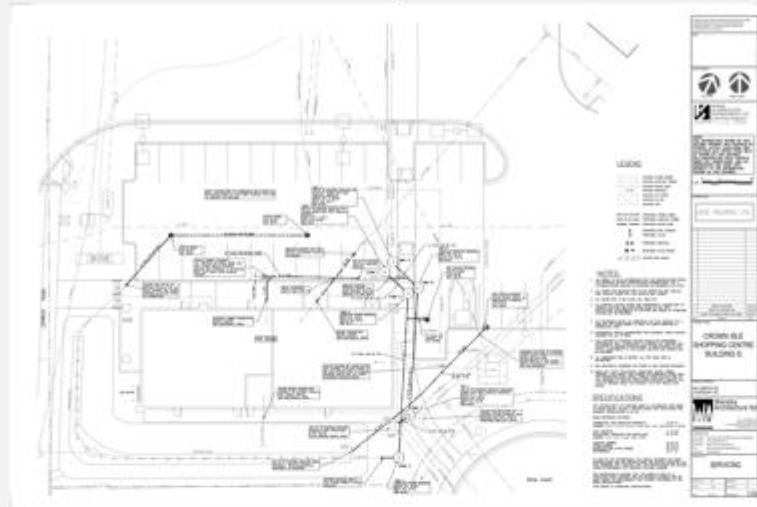
Steven Rivers

South Coast Consulting
Land Use Planning and Development Project Management
Steven Rivers, MCIP, RPP
189 Clare Avenue
Port Colborne, Ontario L3K 5Y1
Phone: 905-733-8843
Email: info@southcoastconsulting.ca

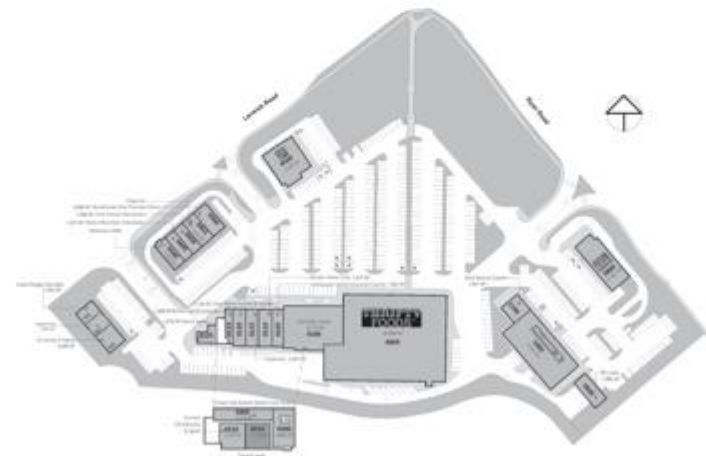
2020-08-11

ANNEX 1
SITE PLAN





Crown Isle Shopping Centre





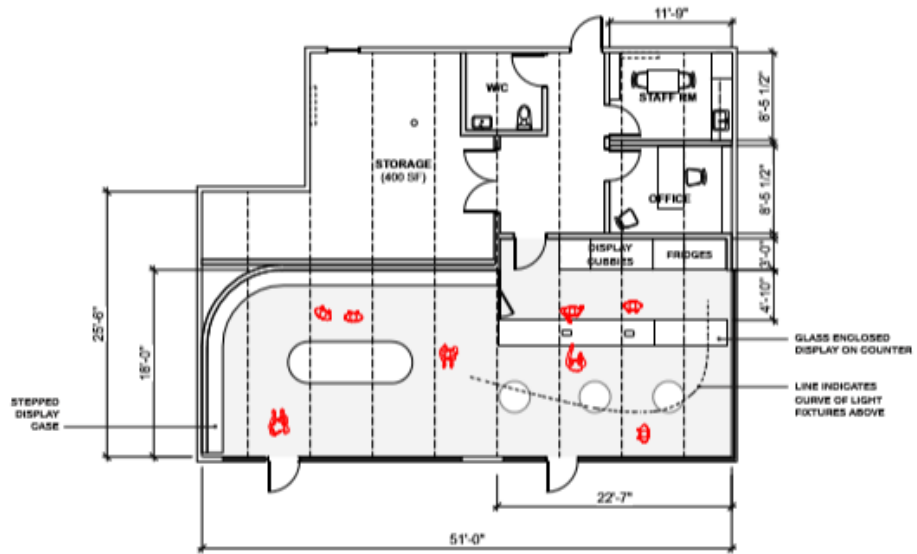
COURTNEY LOCATION



EXISTING SPACE



INSPIRATION



PROPOSED CONCEPT PLAN



PROPOSED CONCEPT

Attachment No. 3: Zoning Amendment Bylaw No. 3010 with proposed amendment

THE CORPORATION OF THE CITY OF COURTENAY

BYLAW NO. 3010

A bylaw to amend Zoning Bylaw No. 2500, 2007

The Council of the Corporation of the City of Courtenay in open meeting assembled enacts as follows:

1. This bylaw may be cited for all purposes as **“Zoning Amendment Bylaw No. 3010, 2020”**.
2. That **“Zoning Bylaw No. 2500, 2007”** be hereby amended as follows:
 - (a) Amending Section 8.32.2(4) by adding **“notwithstanding any provision of this bylaw, a storefront cannabis retailer is a permitted use on Lot 1, Block 72, Comox District, Plan VIP81206 (#301 and #302-444 Lerwick Avenue) and renumbering accordingly.**
3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this day of , 2020

Read a second time this day of , 2020

Considered at a Public Hearing this day of , 2021

Read a third time this day of , 2021

Finally passed and adopted this day of , 2021

Mayor

Corporate Officer

Approved under S.52(3)(a) of the *Transportation Act*

Tallina McRae, Development Services Officer
Ministry of Transportation and Infrastructure
Vancouver Island District



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3. This bylaw shall come into effect upon final adoption hereof.

Read a first time this 19th day of October, 2020

Read a second time this 19th day of October, 2020

Published in two editions of the Comox Valley Record on the 27th day of January, 2021 and the 3rd day of February, 2021

Considered at a Public Hearing this day of , 2021

Read a third time this day of , 2021

Finally passed and adopted this day of , 2021

Mayor

Corporate Officer

Approved under S.52(3)(a) of the *Transportation Act*

Tallina McRae, Development Services Officer
Ministry of Transportation and Infrastructure
Vancouver Island District

