



# Staff Report to the Planning, Zoning and Affordable Housing Committee

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**DATE:** Monday, January 17, 2022

**DEPARTMENT:** Planning

**APPLICATION NO.:** TUP21-0005

**SUBJECT:** TUP21-0005; Application to allow Opal Cannabis Corp. to operate a Cannabis Retail Store at #107 797 Goldstream Ave. by means of a Temporary Use Permit.

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## **BACKGROUND:**

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

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

In order for the Province to issue a Non-Medical Cannabis Retail Store licence (CRS) under the Cannabis Control and Licensing Act, a positive recommendation is required from the local government. Opal Cannabis Corp. has expressed interest in opening a retail store to be located at #107 797 Goldstream Ave.

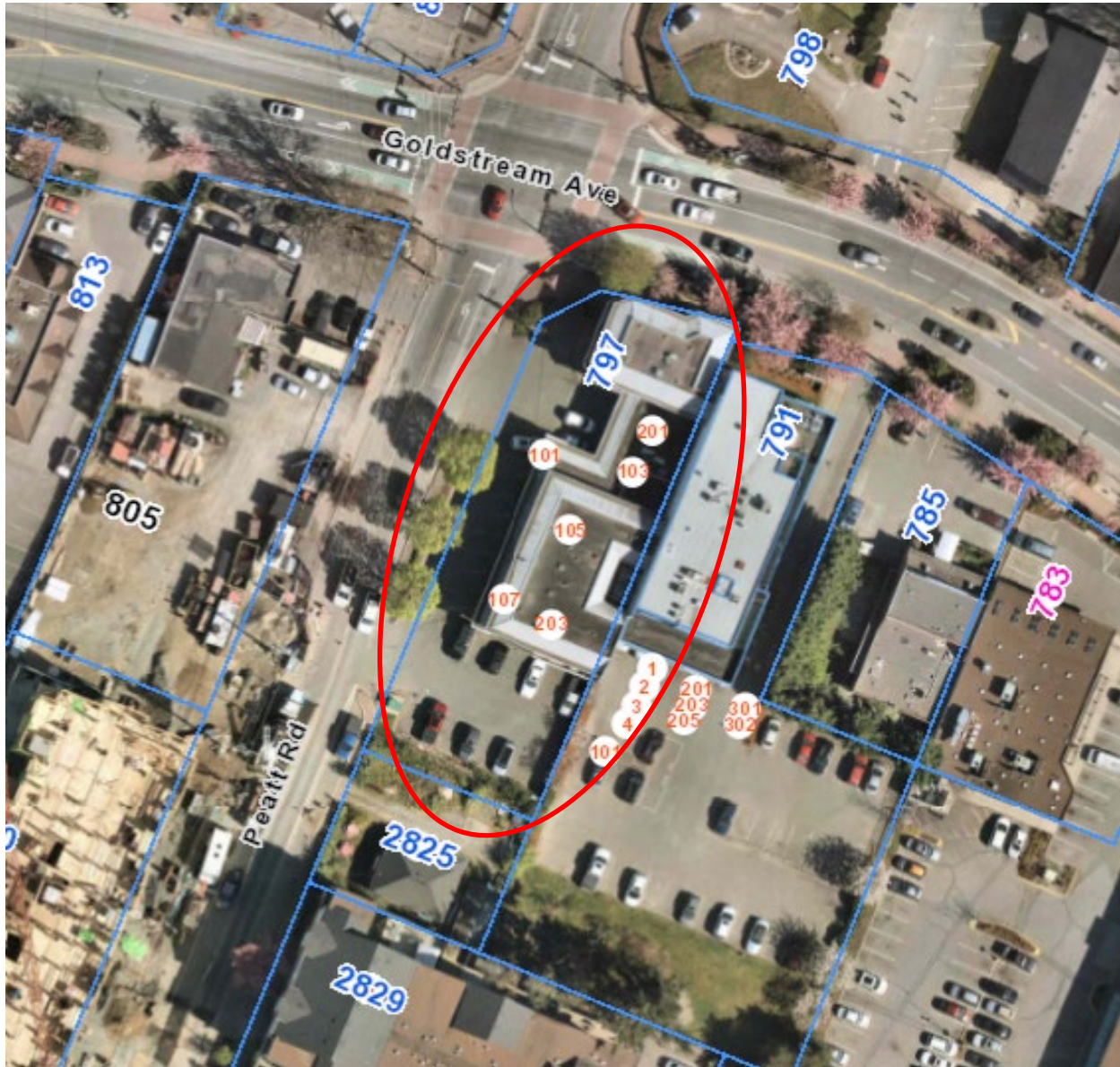


Figure 1: Proposed location of Opal Cannabis Corp. Cannabis Retail Store.

**COMMENTARY:**

The proposed location is zoned Neighbourhood Commercial (C1) and is designated as City Center in the Official Community Plan. Retail stores are a permitted use under the C1 zone which would be the relatively closest permitted use in this zone to the proposed Cannabis Retail Store use. The building is flanked on the east by a commercial building. To the west, the properties across Peatt Road are currently under redevelopment and the building directly across will be a 12-storey mixed use building with commercial on

the ground floor and residential units above. To the north across Goldstream Avenue, there are primarily commercial businesses, except that directly across the street is Our Lady of the Rosary Church. There is a residentially zoned single lot adjoining the south property line and commercial zoned buildings further south.

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

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

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

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

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

The applicant submitted a proposal in response to the RFP. The applicant's proposed location at #107-797 Goldstream Avenue is located 750m from the closest authorized cannabis retail store which is located at #105-693 Hoffman Avenue and approximately 550m away from the closest school which is Ruth King Elementary School. The closet daycare would be located at 2780 Veterans Memorial Pkwy Unit #105 and is approximately 450m away. The closest lake is Langford Lake, and it is 1.7 km away from the north side public beach. City Centre Park is 2.2km away and the Westhills YMCA is 3.0 km away. Veterans Memorial Park is 500m away. The closest land zoned R1 or R2 would be located to the South adjacent to the property at 2825 Peatt Road. It should be noted that this area is being actively redeveloped and this residential lot is sitting on its own and will most likely be redeveloped in the future. The applicant's proposal has demonstrated how they plan to address and comply with the factors included in the RFP and compliance to these factors would be a condition of issuance of a Temporary Use Permit.

With Council's approval of the Temporary Use Permit a business licence would be issued and would be valid for the period of up to three years. The TUP would be subject to an occupancy permit being issued for the tenant improvement located at #101 977 Langford Parkway by the City and the three-year term would commence on that date.

#### **FINANCIAL IMPLICATIONS:**

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

#### **LEGAL IMPLICATIONS:**

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

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

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

## **Option 1**

THAT the Planning, Zoning and Affordable Housing Committee recommend to Council:

Whereas:

- A. The non-medicinal use of cannabis and cannabis related products has historically been prohibited by federal law in Canada and, as a result, has historically been prohibited by the City under its Zoning Bylaw No. 300;
  - B. On October 17, 2018, the Federal Government legalized the non-medicinal use of cannabis and cannabis products;
  - C. The Federal Government and the Provincial Government have developed a regulatory framework for the retail sale of cannabis and cannabis products for non-medicinal use;
  - D. The City wishes to authorize the retail sale of cannabis and cannabis products within its boundaries, but recognizes that there are challenges associated with it doing so;
  - E. The City issued the Request for Proposals for the Retail Sales of Cannabis and Cannabis Related Products to seek proposals from individuals and organizations interested in undertaking the retail sale of cannabis and cannabis products for non-medicinal use within the City's boundaries, and required that proposals include details as to how the challenges with the retail sale of cannabis and cannabis products would be addressed;
  - F. The City received and reviewed over 30 proposals in response to the Request For Proposals, and identified Opal Cannabis Corp. proposal as one that best addressed the challenges with the retail sale of cannabis and cannabis products; and
  - G. Opal Cannabis Corp. is committed to assisting the City and taking positive steps to address the challenges with the retail sale of cannabis and cannabis products, Subject to an occupancy permit for the tenant improvement to #107-797 Goldstream Avenue being issued by the City;
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- 1. That Council direct staff to prepare notices of Council's intention to consider issuance of a Temporary Use Permit TUP21-0005 Opal Cannabis Corp. to operate a Cannabis Retail Store at #107-797 Goldstream Avenue, subject to the terms and conditions in the Temporary Use Permit.

## **OR Option 2**

THAT the Planning, Zoning and Affordable Housing Committee recommend that Council:

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

**SUBMITTED BY: Kory Elliott, Planning and Land Development Technician**

**Concurrence:** Leah Stohmann, MCIP, RPP, Deputy Director of Planning and Subdivision

**Concurrence:** Matthew Baldwin, MCIP, RPP, Director of Planning and Subdivision

**Concurrence:** Donna Petrie, Manager of Business Development and Events

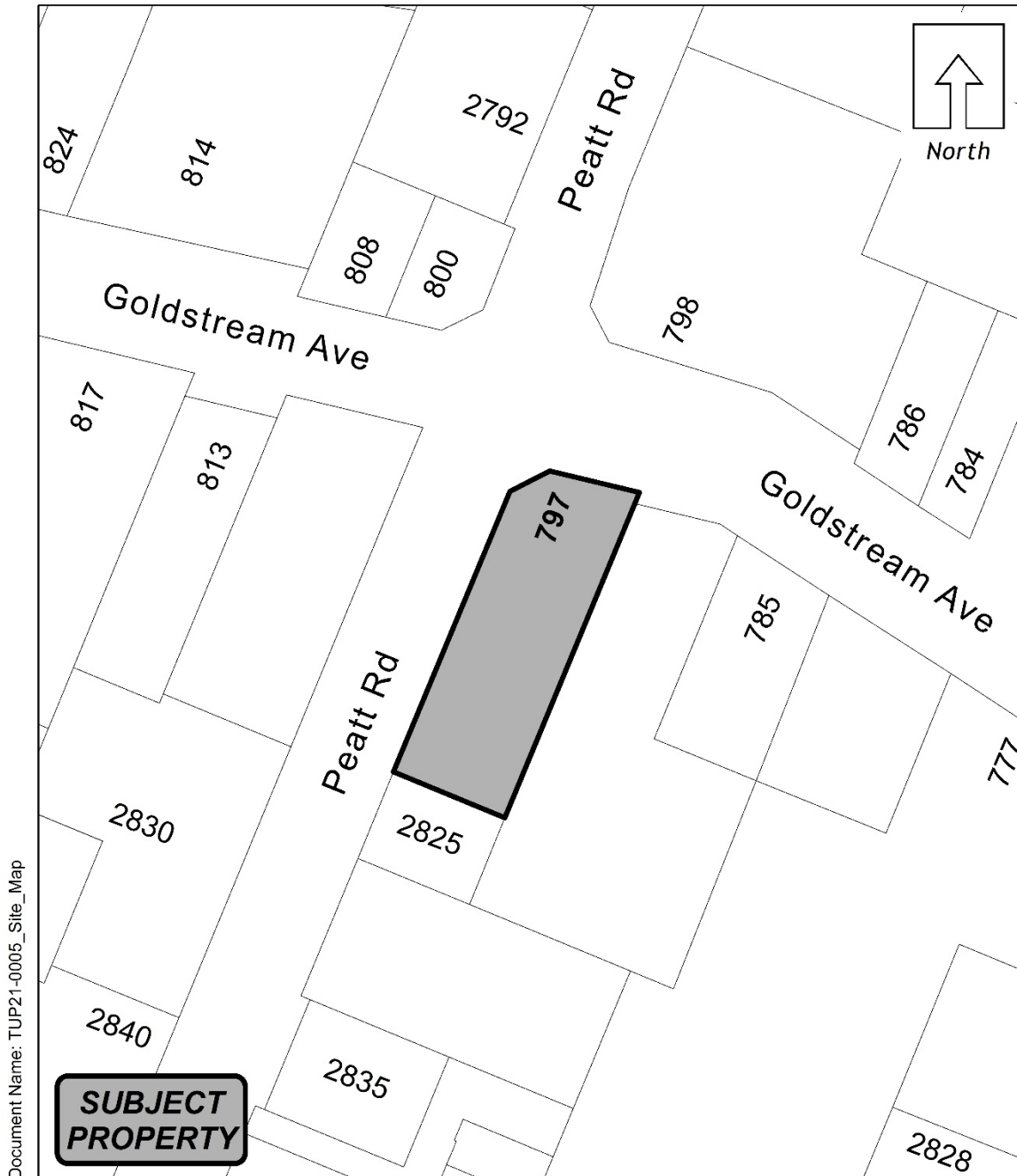
**Concurrence:** Michelle Mahovlich, P.Eng, P.Geo, Director of Engineering and Public Works

**Concurrence:** Michael Dillabaugh, CPA, CA, Director of Finance

**Concurrence:** Marie Watmough, Acting Director of Corporate Services

**Concurrence:** Darren Kiedyk, Chief Administrative Officer

**TEMPORARY USE PERMIT  
( TUP21-0005 )  
797 Goldstream Ave**



Scale: N.T.S.

Last Revised: 12/6/2021



**TEMPORARY USE PERMIT  
( TUP21-0005 )  
797 Goldstream Ave**

