


AGENDA ITEM NO: 7.12

MEETING DATE: February 7, 2023

STAFF REPORT – COVER SHEET

SUBJECT: Stonewater Ventures (No. 251) Ltd (Inc
No. BC1339352)
Rezoning / 51296 Yale Road DATE: January 24, 2023


DEPARTMENT: Planning Department
RZ001648 PREPARED BY:  Stella Xiao / tr

1. SUMMARY OF ISSUE:

The applicant wishes to rezone a portion of 51296 Yale Road from a C2 (Local Commercial) Zone to a C8 (Cannabis Retail) Zone and rezone 51278 Yale Road from a C2 (Local Commercial) Zone to a CP (Commercial Parking) Zone to permit a cannabis retail store and the associated parking and loading spaces. Once the Bylaw has been to Public Hearing, staff recommend that Council give third reading and adoption to the Bylaw with respect to the properties located at 51296 and 51278 Yale Road.

2. RECOMMENDATION:


Recommendation that "Zoning Bylaw Amendment Bylaw 2023, No. 5280", which proposes to rezone a portion of 51296 Yale Road from a C2 (Local Commercial) Zone to a C8 (Cannabis Retail) Zone and rezone 51278 Yale Road from a C2 (Local Commercial) Zone to a CP (Commercial Parking) Zone, be given first and second reading; and further, that a Public Hearing be called for February 21, 2023. (RZ001648)



Gillian Villeneuve
Director of Planning

3. CHIEF ADMINISTRATIVE OFFICER'S RECOMMENDATION/COMMENTS:

Supports recommendation.



Chris Crosman
Chief Administrative Officer

STAFF REPORT ON REZONING APPLICATION RZ001648

PREPARED BY: Stella Xiao DATE: January 25, 2023

POSITION: Planner I DEPARTMENT: Planning Department

1. DEFINITION OF ISSUE:

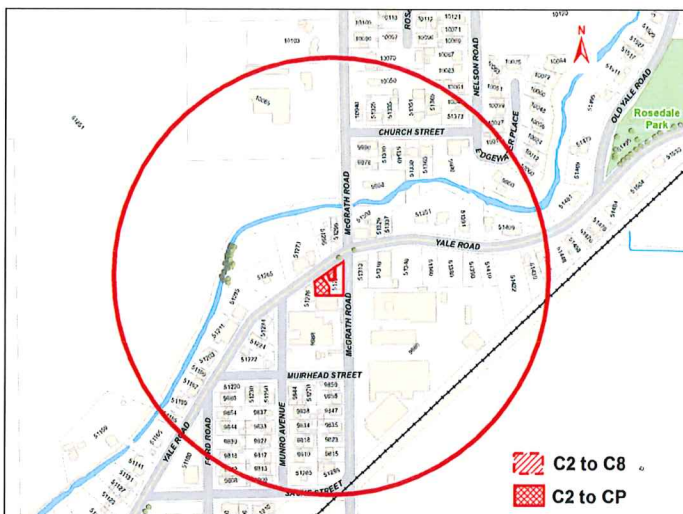
The applicant wishes to rezone a portion of 51296 Yale Road from a C2 (Local Commercial) Zone to a C8 (Cannabis Retail) Zone and rezone 51278 Yale Road from a C2 (Local Commercial) Zone to a CP (Commercial Parking) Zone to permit a cannabis retail store and the associated parking and loading spaces. Once the Bylaw has been to Public Hearing, staff recommend that Council give third reading and adoption to the Bylaw with respect to the properties located at 51296 and 51278 Yale Road.

2. PROPOSAL:

The applicant requests to rezone a single unit within an existing commercial building at 51296 Yale Road to facilitate operation of a cannabis retail sales business. As this property is of insufficient size to accommodate the required parking and loading within the property lines, the applicant requests to rezone the adjoining lot at 51278 Yale Road to the CP Zone to ensure all necessary parking is provided. Should the rezoning application be approved, the applicant will register a reciprocal access and parking agreement/easement on title for both properties to ensure all parking and loading is provided in perpetuity.

Upon review of the proposal, staff have confirmed the 300m separation distance requirement necessary between a proposed cannabis retailer and schools and playgrounds, supportive housing facilities that serve vulnerable youth, and other permitted cannabis retailers, as detailed in the C8 Zone, is met, as shown on the map below. For information, Rosedale Park is located approximately 410m from the site and Rosedale Traditional Community School is located over 1km from the properties.

Map of Proposed C8 Zone with 300m Buffer Radius



The proposed cannabis retail store is presently under application to the British Columbia Liquor and Cannabis Regulation Branch (LCRB) for a Non-Medical Cannabis Retail Store (CRS) licence to operate within the subject property. The applicant is requesting operating hours of 9:00 am to 9:00 pm, seven days a week.

A Business Licence application for the cannabis retail store is required in accordance with the Business Licence Bylaw, should the rezoning be approved, including the submission of proof of ownership or legal possession of the premises and installation of an air filtration system. As the property is serviced by a septic system, confirmation that the proposed septic system meets all requirements of the BC Sewerage System Regulation and Septic Practice Manual will also be required at time of Business Licence application. The requirements of the Zoning Bylaw, Floodplain Regulation Bylaw, Tree Management (Land Development) Bylaw and Solid Waste Management Bylaw will apply at time of business licencing, including the requirements to provide parking and loading spaces, trees, and containers for compostable waste, recycling and garbage.

A Building Permit application for tenant improvements is required for the air filtration system to ensure odour impacts on neighbouring properties are minimized. A concurrent Development Permit (DP) application is currently under review for “form and character” considerations of the proposed exterior alterations to the existing building. As the value of construction is less than \$150,000, the DP application will be reviewed by the Director of Planning.

3. FACTORS:

3.1 2040 Official Community Plan (OCP) / Land Use / Community Engagement

Official Community Plan: “General Commercial” as designated in the 2040 Official Community Plan.

Land Use: The subject properties consist of a 2-unit commercial building and a gravel parking area. The applicant has indicated that the parking lot will be developed in accordance with City requirements, should the rezoning be approved.

Community Engagement The applicant has conducted independent community engagement with neighbouring properties. The applicant advised that on January 28, 2023, they conducted door-to-door engagement with neighbouring properties in the vicinity. The applicant intends to continue conducting door-to-door engagement with neighbouring properties extending beyond 30m from the subject properties and complete the process prior to February 14, 2023. As of the date of this report, the City has received four letters of opposition, citing concern that the proposed location is on a route frequented by children attending the local school, potential impacts of additional traffic generated by the business, smells caused by the consumption of cannabis at the site, and safety at nighttime due to poor lighting. A copy of the applicant’s neighbourhood engagement proceedings will be submitted for the public record prior to the Public Hearing.

3.2 Neighbourhood Character

The subject properties are located within an established yet diverse neighbourhood of Rosedale. The existing building, which will be retained, is sited on the corner of Yale Road and McGrath Road with pedestrian entrances into the building located along the Yale Road frontage. While the adjacent unit is vacant at time of the report, the existing C2 Zone will continue to apply the remainder of 51296 Yale Road should the proposed rezoning be approved.

The properties are immediately adjacent to properties zoned CS1 (Service Commercial) and M3 (General Industrial) on the west and south sides. Properties located north of Yale Road and directly across from the subject properties are zoned C2, C5 (Liquor Primary), and C7 (Liquor Store), while properties located east of McGrath Road and directly across from the subject properties are zoned C2 and M3. The property located to the northeast, directly opposite of the subject properties across the intersection of Yale Road and McGrath Road, is zoned CS1.

The local area is a host to a number of institutional, industrial, and commercial facilities, including the local Fire Hall (No. 2) and several businesses, such as *Ty-Crop Manufacturing Ltd.* and *Rosedale Grocery*; thus, the inclusion of a cannabis retail store is consistent with the commercial land use designation and will be complementary to other land uses within the area.

3.3 Technical Issues

Floodplain:	The subject properties are located within the protected floodplain, and as such, are subject to the Floodplain Regulation Bylaw.
Watercourses:	There are no known watercourses within, or in the immediate vicinity of, the subject properties.
Geotechnical Issues:	The properties are not subject to any known geotechnical hazards or earthquake-related risks.

4. LIQUOR AND CANNABIS REGULATION BRANCH:

On June 1, 2022, the City of Chilliwack received notification from the Liquor and Cannabis Regulation Branch (LCRB) that Stonewater Ventures (No.210) Ltd. had applied for a non-medical cannabis retail store (CRS) licence for 51296 Yale Road (Job #050779) – refer to Schedule A. Staff responded to LCRB on June 2, 2022 and explained the City's process as first processing the rezoning application, and only then providing a formal response to the referral, including confirmation as to whether the City is accepting the application for consideration and providing comments and recommendations in accordance with the *Cannabis Control and Licencing Act* – refer to Schedule B.

In accordance with the *Cannabis Control and Licencing Act*, should the City choose to make comments and recommendations in respect of an application for a cannabis retail store licence, they must:

- be in writing (this may or may not be in the form of a resolution);
- show that the local government has considered the location of the proposed store;

- include the views of the local government on the general impact on the community if the application is approved;
- include the views of residents if the local government has gathered residents' views, and a description of how they were gathered; and,
- include the local government's recommendation as to whether the application should be approved or rejected and provide the reasons upon which the recommendation is based.

The City must also provide supporting documents referenced in their comments.

In this regard, Council's consideration of the location of the proposed CRS at 51296 Yale Road, and the general impact on the community if the application is approved, is detailed as noted above in this staff report, prepared for the proposed change in land use (RZ001648), and further to correspondence sent to the LCRB on June 2, 2022.

Further, should Council call a Public Hearing concerning the proposed change in land use and application for a CRS licence at the subject property (Job #050779), the views of residents as gathered during the Public Hearing process will form part of the City's recommendations and comments to LCRB.

Finally, as the City requires potential CRS owners/operators to apply for rezoning in order to operate a CRS in Chilliwack, a successful rezoning is necessary prior to Council providing comments and recommendations to LCRB. A further staff report will be prepared and a resolution of Council will be necessary following the conclusion of a Public Hearing and adoption of the rezoning amendment bylaw to provide formal recommendations and comments to LCRB.

However, should Council deny the rezoning bylaw for the proposed CRS at the subject property, the City will not accept Job #050779 for consideration and no comments or recommendations in respect of the application for a CRS will be provided to LCRB.

5. RECOMMENDATION & SUBSTANTIATION:

Recommendation:

Recommendation that "Zoning Bylaw Amendment Bylaw 2023, No. 5280", which proposes to rezone a portion of 51296 Yale Road from a C2 (Local Commercial) Zone to a C8 (Cannabis Retail) Zone and rezone 51278 Yale Road from a C2 (Local Commercial) Zone to a CP (Commercial Parking) Zone, be given first and second reading; and further, that a Public Hearing be called for February 21, 2023. (RZ001648)

Substantiation:

Rezoning a portion of 51296 Yale Road to the C8 Zone and the entirety of 51278 Yale Road to the CP Zone is supportable as the proposal would facilitate redevelopment along a principal traffic corridor and is located in an area with complementary commercial amenities within close proximity while meeting the minimum 300m separation distance requirements as detailed in the C8 Zone. In addition, if approved, the development will include adequate parking and loading spaces and waste containers on site.

6. SOURCES OF INFORMATION:

- Rezoning Application (RZ001648) – June 2, 2022
- Development Application Review Team (DART) Minutes – July 14, 2022
- Development Application Review Team (DART) Minutes – January 24, 2023

Attachments

- Schedule A: Correspondence from Liquor & Cannabis Regulation Branch dated June 1, 2022
- Schedule B: Correspondence from City of Chilliwack dated June 2, 2022

Site Photos

Building Face - North



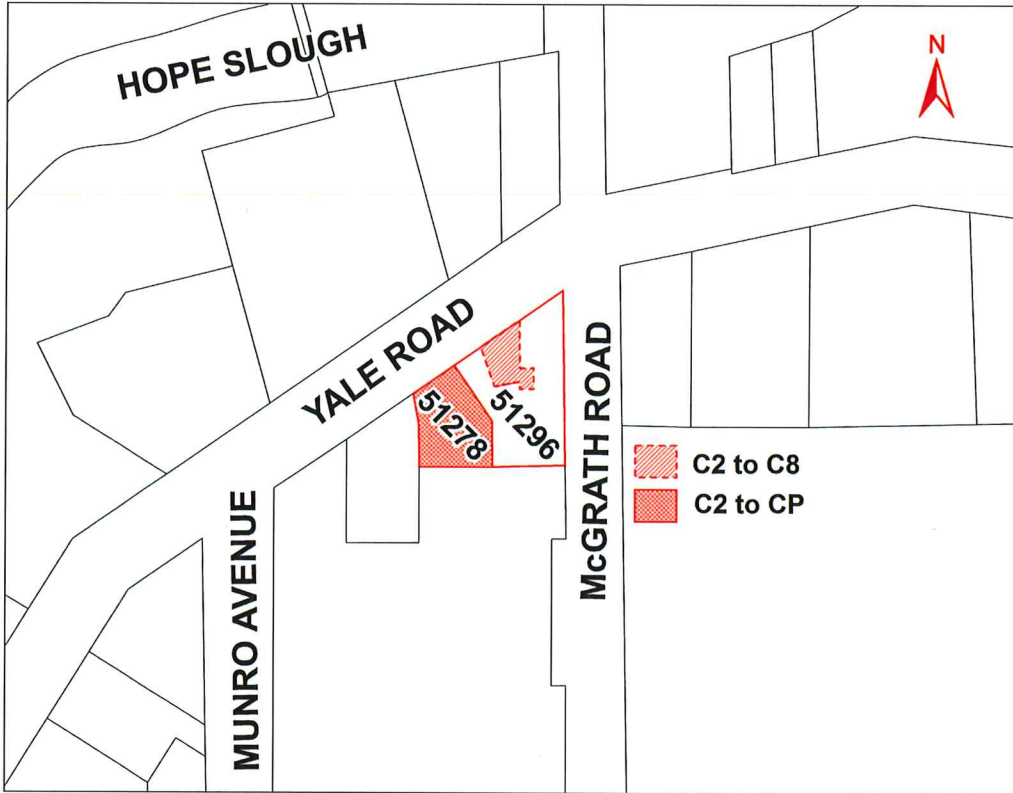
Building Face - West



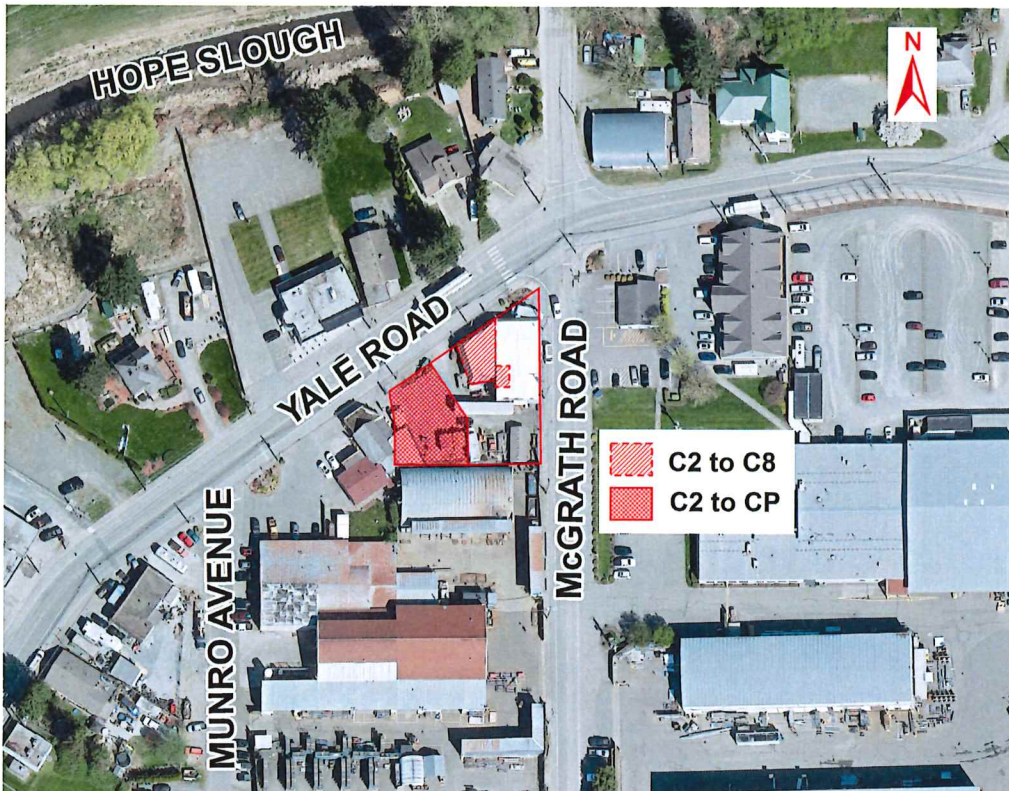
Building Face - South



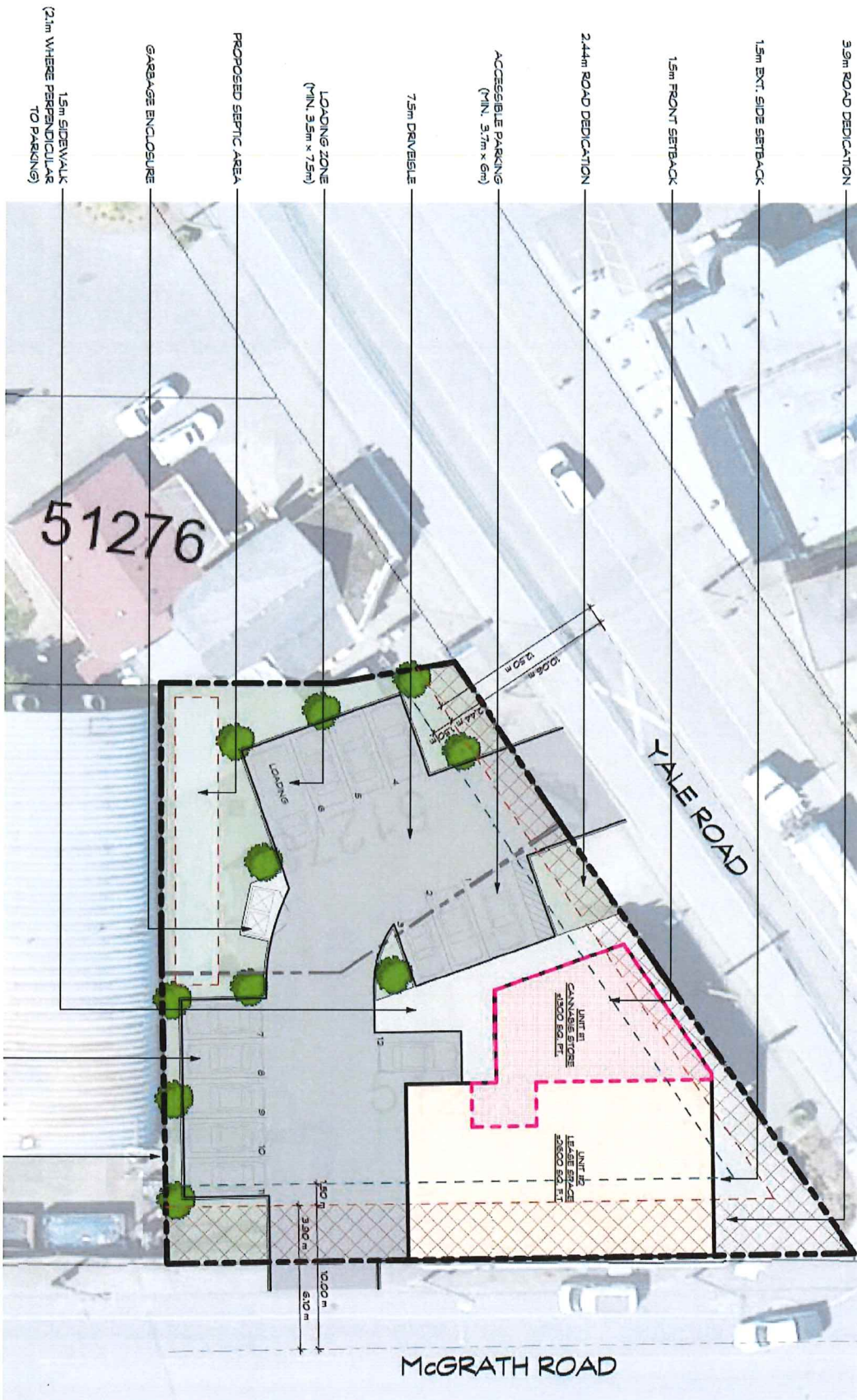
Location Map



Ortho Map



Conceptual Site Plan (as provided by the applicant)





CITY OF
CHILLIWACK

3060.20 (51296 Yale Road)

Tel: 793-2906

Liquor and Cannabis Regulation Branch
PO Box 9292 Stn Prov Govt
Victoria, BC V8W 9J8

June 2, 2022

File No: RZ001648
Planning & Strategic Initiatives

Attention: Alexandra Sutherland-Barta, Senior Licensing Analyst

Dear Ms. Sutherland-Barta:

RE: Application for Non-Medical Cannabis Retail Store Licence at 51296 Yale Road

The City of Chilliwack is in receipt of notification dated June 1, 2022 that Stonewater Ventures (No. 210), 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. Please be advised, the City of Chilliwack (the City) wishes to make comments and recommendations in respect of this application for a CRS to LCRB upon the conclusion of a Public Hearing in respect of the proposed rezoning necessary to facilitate a retail cannabis use.

Please note, in anticipation of the federal *Cannabis Act* coming into force and effect, City Council adopted a C8 (Cannabis Retail) Zone. The C8 Zone includes development criteria for storefront cannabis retailers, including specific standards to mitigate exposure to children and youth as well as avoid concentration of storefront cannabis retailers in a commercial area. As such, any potential business owner/operator must apply to rezone property in conjunction with pursuing a retail license application with the Province. Such rezoning applications are subject to public input and Council consideration.

Further to the above, the City is currently in receipt of a rezoning application concerning the property located at 51296 Yale Road to facilitate a CRS. This rezoning application (RZ001648) was received June 2, 2022 and staff are currently reviewing the application with respect to the current zoning and Official Community Plan designation of the property, general bylaw requirements of the C8 Zone, information provided to support the application, and the suitability of the proposed zoning for retail cannabis use. Notification of the LCRB's determination as to the "fit and proper" assessment and the applicant's suitability for a CRS will also form part of the review.

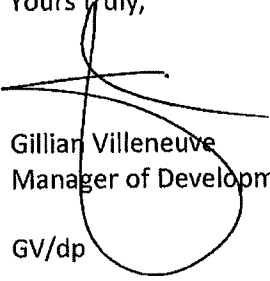
Upon completion of this review, a report will be prepared and presented for Council's consideration, and will include gathering public input through a Public Hearing process as outlined in the *Local Government Act*. Following completion of the Public Hearing and rezoning process, the City will provide written recommendations and comments to the LCRB concerning this application for a CRS. Please note that our current timelines for processing complete rezoning applications is approximately 6 months.

8550 Young Road
Chilliwack, BC V2P 8A4

Phone: 604.792.9311
Fax: 604.795.8443
www.chilliwack.com

In the meantime, should you have any questions or concerns regarding the above, or for more information, please contact the undersigned at 604-793-2779 or villeneuve@chilliwack.com.

Yours truly,

A handwritten signature in black ink, appearing to be 'Gillian Villeneuve', written over a circular stamp or mark.

Gillian Villeneuve
Manager of Development Planning

GV/dp

encl: LCRB Notification Letter

pc: Stonewater Ventures (No. 210) Ltd., c/o Roger Huitema,
11 – 7854 Brookwood Place, Chilliwack, BC V4Z 0A1

Jochem John Heetebrij, PO Box 17, Rosedale, BC VOX 1X0



Job # 050779

June 1, 2022

Via email: villeneuve@chilliwack.com

Gillian Villeneuve
Manager of Development Planning
City of Chilliwack

Dear Gillian Villeneuve,

Re: Application for a Non-Medical Cannabis Retail Store Licence
Applicant: STONEWATER VENTURES (NO.210) LTD.
Proposed Establishment Name: Dutch Brothers Buds
Proposed Establishment Location: 51296 Yale Rd, Chilliwack, BC V0X 1X0

The Applicant, STONEWATER VENTURES (NO.210) 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 Roger Huitema. He can be reached at 604-313-0377 or via email at rhuitema@starlinewindows.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 Chilliwack 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.

<https://www2.gov.bc.ca/gov/content/employment-business/business/liquor-regulation-licensing/local-gov-indigenous-nations/role-of-local-governments-and-indigenous-nations-in-cannabis-retail-licensing>

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 9J8

Location:
645 Tyee Road
Victoria BC V9A 6X5
Phone: 250 952-5787
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 778-698-9359 or Alexandra.Sutherland-Barta@gov.bc.ca

Sincerely,

A handwritten signature in blue ink that reads "Alexandra Sutherland-Barta". The signature is fluid and cursive.

Alexandra Sutherland-Barta
Senior Licensing Analyst

Attachment: Site Plan