



CITY OF WEST KELOWNA PUBLIC HEARING AGENDA

Tuesday, November 26, 2019, 6:00 P.M.
COUNCIL CHAMBERS
2760 CAMERON ROAD, WEST KELOWNA, BC

Pages

1. CALL THE PUBLIC HEARING TO ORDER

It is acknowledged that this meeting is being held on the traditional territory of the Syilx/Okanagan Peoples.

2. INTRODUCTION OF LATE ITEMS

3. ADOPTION OF AGENDA

4. OPENING STATEMENT

5. PUBLIC HEARING

5.1 Z 19-11, Zoning Amendment Bylaw No. 0154.85, 2475 Dobbin Road

2

Location: 2475 Dobbin Road

Legal Description: Lot A, DL 486, ODYD, Plan 36181

Current Zoning: C1 - Urban Centre Commercial

Proposed Zoning: Site-specific text amendment to C1 zone

Purpose: To permit a Non-Medical Cannabis Retail Store

6. ADJOURNMENT OF THE PUBLIC HEARING

No other submissions from the public or applicant may be received by Council.

Copies of the proposed bylaws, information and reports are available for review at the City of West Kelowna Planning Department, 2760 Cameron Road, between 8:30 a.m. and 4:30 p.m., Monday through Friday (excluding statutory holidays).



PUBLIC HEARING REPORT
Development Services
For the November 26, 2019 Public Hearing

DATE: November 19, 2019 File: Z 19-11

TO: Paul Gipps, CAO

FROM: Chris Oliver

RE: Application: Z 19-11, Site Specific Text Amendment (PH), 2475 Dobbin Road
Legal: Lot A District Lot 486 ODYD Plan 36181
Owner: Anterra Westbank Towne Centre LTD.
Agent: BC Liquor Distribution Branch (LDB)

LEGISLATIVE REQUIREMENTS:

Section 464 of the *Local Government Act* requires a local government to hold a public hearing as part of the bylaw amendment process to allow the public to make representations to Council regarding the matters contained in the proposed bylaw amendment. The public hearing must be held after first reading and before third reading. Notification of the public hearing was completed in accordance with Section 466 of the *Local Government Act*.

Council has the authority under s.479 of the *Local Government Act* to create and amend the Zoning Bylaw.

BACKGROUND:

Proposal

The applicant has applied for a site-specific text amendment to Zoning Bylaw No. 0154 to allow for a Non-Medical Cannabis Retail Store within a unit located at 2475 Dobbin Road (*Attachment 1*). In addition to retail sales, the proposal also includes the regional office for BC Cannabis Stores in the Okanagan Valley (from Osoyoos to Vernon) which would provide administration, management, and staff training for the regional stores.

History

On September 4, 2018, Council directed the development of a municipal framework that would require proponents for non-medical cannabis retail stores to obtain site-specific zoning approval and further directed the development of a proposed intake process for applicants.

On October 2, 2018, Council adopted the Non-Medical Cannabis Retail Store Rezoning Policy which included a framework and review matrix that would guide the acceptance and evaluation of applications. The framework and matrix were largely based on the criteria that the BC Liquor Distribution Branch (LDB) were applying in the selection of their store locations and store operation. The Policy was created to help inform Council's decision making to select four cannabis

retail stores based on a variety of considerations including location, security, form and character, bylaw compliance and underlying Zoning.

Through the selection process, Council brought five site-specific rezoning applications forward and as of July 9, 2019, all five have been approved by Council. Two of the approved non-medical cannabis retail stores are in Westbank Centre and three are located in the Boucherie Centre/West Kelowna Business Park.

While the Policy provides direction for the initial intake period of Non-Medical Cannabis Retail Store applications, Section 6.1 maintains Council's discretion in consideration of applications for rezoning and the ability to exempt applications from the Policy or require additional considerations not included in the Policy (*Attachment 2*).

LDB Application

The BC Liquor Distribution Branch (LDB) undertook efforts to locate available spaces as part of the City's initial intake process but were unable to do so due to a lack of availability to substantiate long term tenancy and capital investment. Since the initial period, the LDB has secured a suitable location that meets the criteria of the LDB and substantially meets the City's Policy. Staff initially brought the LDB's request for consideration of a BC Cannabis Store to Council on July 23rd, 2019, which was not supported by Council.

On August 13th, 2019, after reconsideration of the request, Council directed staff to accept a sixth Zoning Bylaw amendment application for a BC Cannabis Store. The Non-Medical Cannabis Retail Store Rezoning Policy in accordance with the Development Application Procedures Bylaw outlines the application procedures under which proposals for retail cannabis applications are submitted, assessed and approved to operate in the City.

Location and Surrounding Uses

The subject property is located in a unit on the East side of the parcel in an existing multi-tenant building located at 2475 Dobbin Road in West Kelowna. The subject property is approximately 9.7 acres which fronts the Eastbound couplet of Hwy 97 in the Westbank Centre neighbourhood. There are 4 existing multi-tenant buildings on the site with various uses including Save-On Foods, Shoppers Drug Mart, Home Hardware, BC Liquor Store, and various uses including financial, personal services, offices, retail and food service.

The subject property is located in the Westbank Centre neighbourhood and is surrounded by the following uses:

- North – C1, C3 and C4 Zoned Parcels; Hwy 97
- East – R1, R4, and R5 Zoned Parcels
- South – R5 and RC1 Zoned Parcels
- West – P2 and C1 Zoned Parcels

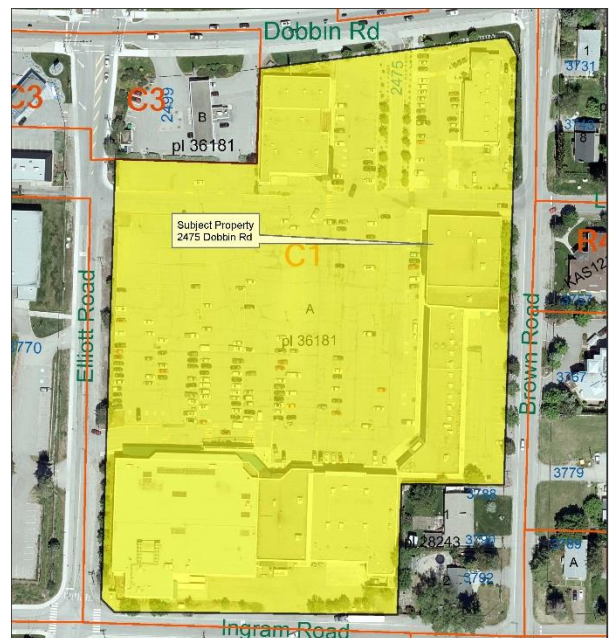


Figure 1 – Subject Property

The subject property is located within 800m of multiple Provincial highway intersections and is not directly adjacent to other approved non-medical cannabis retail stores.

Policy and Bylaw Review

Official Community Plan Bylaw No. 0100

The proposed site-specific text amendment to allow for a Non-Medical Cannabis Retail Store is supported by the existing Commercial Land Use Designation in the Official Community Plan.

Zoning Bylaw No. 0154

The subject property is zoned C1-Urban Centre Commercial which currently supports a mix of uses including general retail which permits the sale of alcohol. In addition to being commensurate with the purpose of the C1 Zone, the proposed use can be accommodated in the existing building and satisfies all applicable parking requirements in Zoning Bylaw No. 0154.

Non Medical Cannabis Retail Store Rezoning Policy

Based on the evaluation matrix used to score applications during the initial intake period, the criteria of which were based on the LDB's criteria, this proposed non-medical retail cannabis store would have had one of the highest scores had it been subject to the rankings.

Liquor and Cannabis Regulation Branch (LCRB)

Under the *Cannabis Control and Licensing Act*, private retail stores may not operate without a licence issued by the general manager of the LCRB. Public stores run by the LDB are authorized under the *Cannabis Distribution Act* and do not require a licence from the LCRB.

Technical Review

Neighbourhood Location

The proposed BC Cannabis store is located within the preferred neighbourhood of Westbank Centre in accordance with the Policy.

Total Number of Non-Medical Cannabis Retail Stores

Currently, the Policy only permits two non-medical cannabis retail stores within Westbank Centre. However, Council has directed staff to accept the application for the BC Cannabis store and if approved the addition of a third store could be permitted at Council's discretion. This would bring the total number of non-medical cannabis retail stores to three in Westbank Centre and three in Boucherie Centre/West Kelowna Business Park.

Preferred Underlying Zoning and/or Land Use Designation

The subject property has the preferred Zoning for non-medical cannabis retail stores, which is Urban Centre Commercial (C1). Both the underlying Zoning and future Land Use Designation of Commercial support the proposed use.

Separation from Sensitive Uses

The proposal meets the minimum separation distances from sensitive uses as outlined in Council's Non-Medical Cannabis Retail Store Rezoning Policy. The proposed public entrance of the non-medical cannabis retail store should be a minimum of 100m from the nearest parcel boundary of an Elementary School and 50m from the nearest public entrance of the Johnson Bentley Memorial Aquatic Centre.

Table 1 - Non-Medical Cannabis Retail Store suggested Sensitive Use Buffers

Sensitive Use	Minimum Separation Distance	Actual Separation Distance
Elementary School	100m from any public entrance of the non-medical cannabis retail store to the nearest parcel boundary of the applicable sensitive use	162m (531ft) – George Pringle Elementary 243m (797ft) – Our Lady of Lourdes
Johnson Bentley Aquatic Centre	50m from any public entrance of the non-medical cannabis retail store to the nearest parcel boundary of the applicable sensitive use	300m (984ft)+
Alternative School or Youth Centre	100m from any public entrance of the non-medical cannabis retail store to the front entrance of the sensitive use	300m (984ft)+ - Westside Learning Centre

Separation from other Non-Medical Cannabis Retail Stores

The proposed location of the BC Cannabis Store does not directly abut another non-medical cannabis retail store in accordance with the Policy.

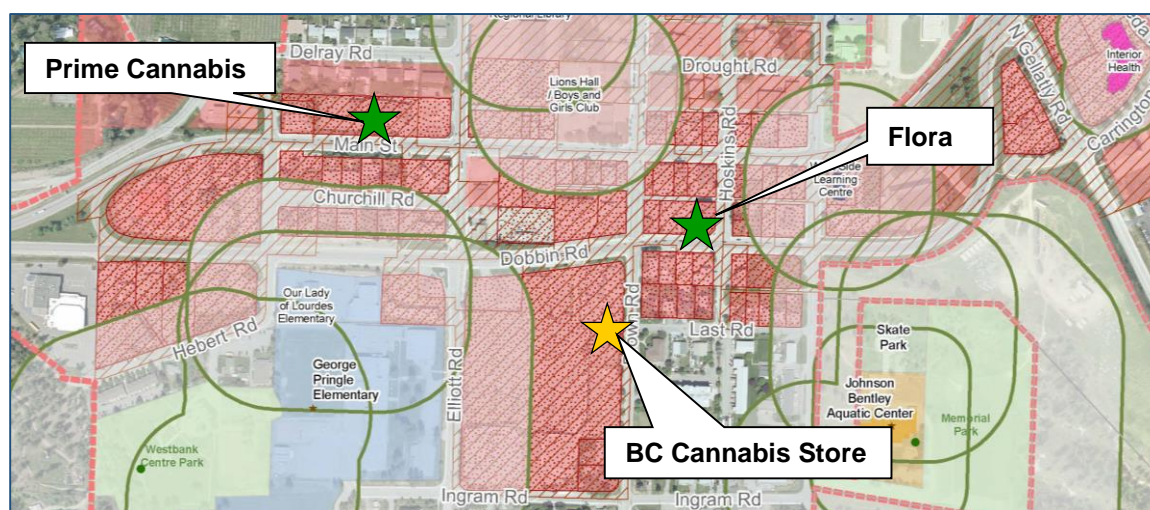


Figure 2 – Westbank Centre Non-Medical Retail Cannabis Stores

Building Design, Aesthetics and Neighbourhood Security

The proposed BC Cannabis Store design is a high-quality storefront and retail space which includes a floor plan that mitigates the entrance of minors with an ID Check area. A Commercial Form & Character Development Permit will be required for any external renovations that significantly change the form and character of the building. The mountain design of the opaque window treatment is the standard design of the BC Cannabis Stores.



Figure 3 – Exterior Design of BC Cannabis Stores

Nuisance Activity

BC Cannabis Stores and the LDB, actively promote the safe and responsible use of cannabis and will use in-store

campaigns with strategically placed messaging. Mandatory training for all BC Cannabis Stores staff covers best practices for dealing with nuisance activities and strategies for maintaining a safe environment for employees and customers.

Parking

The Zoning Bylaw requires 3.0 spaces per 100m² (1,076.4ft²) of Gross Floor Area (GFA). The proposed non-medical cannabis retail store has a GFA of approximately 7,116ft² which requires a minimum of 20 parking spaces, which are accommodated in the existing parking lot shared by the various multi-tenant buildings on the site.



Figure 4 – Interior Design of BC Cannabis Stores

Municipal Bylaw Compliance History

The LDB, which operates the BC Liquor Store on the same site, has had no history with the City's Bylaw Compliance and Enforcement Department.

Operational Plan

The LDB has provided an operational plan which addresses security, staff training and odour mitigation in addition to ID check procedures to ensure minors are not permitted entrance inside the BC Cannabis Store. The proposed hours of the BC Cannabis Store are Monday to Sunday, 10:00am to 10:00pm. The proposed BC Cannabis Store would occupy approximately half of the retail space in the unit with the remaining area to be used for storage and office space for the LDB's regional office for the Okanagan Valley. The regional office would accommodate staff and management training and regional administration.

Referral Responses

Advisory Planning Commission

The Advisory Planning Commission (APC) considered the application on September 18, 2019 and supported the proposed site specific text amendment (Z19-11) as presented.

Bylaw Services

The City's Bylaw Compliance and Enforcement Department has had no complaints involving the BC Liquor Store located on the same parcel and operated by the LDB.

Ministry of Transportation

The Ministry of Transportation has no objections to the site specific text amendment as proposed. As the subject property is within 800m of a Provincial highway, the amendment bylaw must be forwarded to the Ministry for approval after third reading and prior to adoption.

Key Considerations

- Proceeding to rezone this location will further the goal of providing safe access to cannabis in West Kelowna;
- Consideration for rezoning the proposed location is based on the framework outlined in the Non-Medical Cannabis Retail Store Rezoning Policy and direction provided by Council;

- Council will have the opportunity to further evaluate the application and gather input from the public through the Public Hearing process;
- The proposed non-medical retail cannabis store would have had one of the highest scores had it been subject to the evaluation matrix rankings based on location, the proponent, and the security and operational plans; and
- The site would also house the regional office for BC Cannabis Stores throughout the Okanagan Valley to provide administration, management, and training.

Public Consultation/Notification

Four Notice of Application signs have been posted on site as per the Development Applications Procedures Bylaw No. 0131. Two advertisements have been placed in the local newspaper (November 20th and 22nd) and notices were mailed to all property owners and/or tenants within 100 metres (222 notices) of the subject property (Attachment 6).

At the time of writing this report, one submission has been received during the public hearing notification window for the proposed bylaw amendment. The response cited concerns with the proposed retail cannabis sales use and the number of cannabis retail stores in Westbank Centre.

COUNCIL REPORT/RESOLUTION HISTORY:

Date	Report Topic/Resolution	Resolution No.
August 13, 2019	THAT Council direct staff to accept a Non-Medical Cannabis Retail Store Rezoning application for a Government Operated Cannabis Retail Outlet located at 2475 Dobbin Road.	C293/19
October 8, 2019	THAT Council give first and second readings to City of West Kelowna Zoning Amendment Bylaw No. 0154.85, 2019 (BC Cannabis Store, Z19-11); and THAT Council direct staff to schedule the bylaw for public hearing.	C340/19

REVIEWED AND APPROVED BY:

Dallas Clowes, Senior Planner
Tracey Batten, Deputy CAO/Corporate Officer
Paul Gipps, CAO

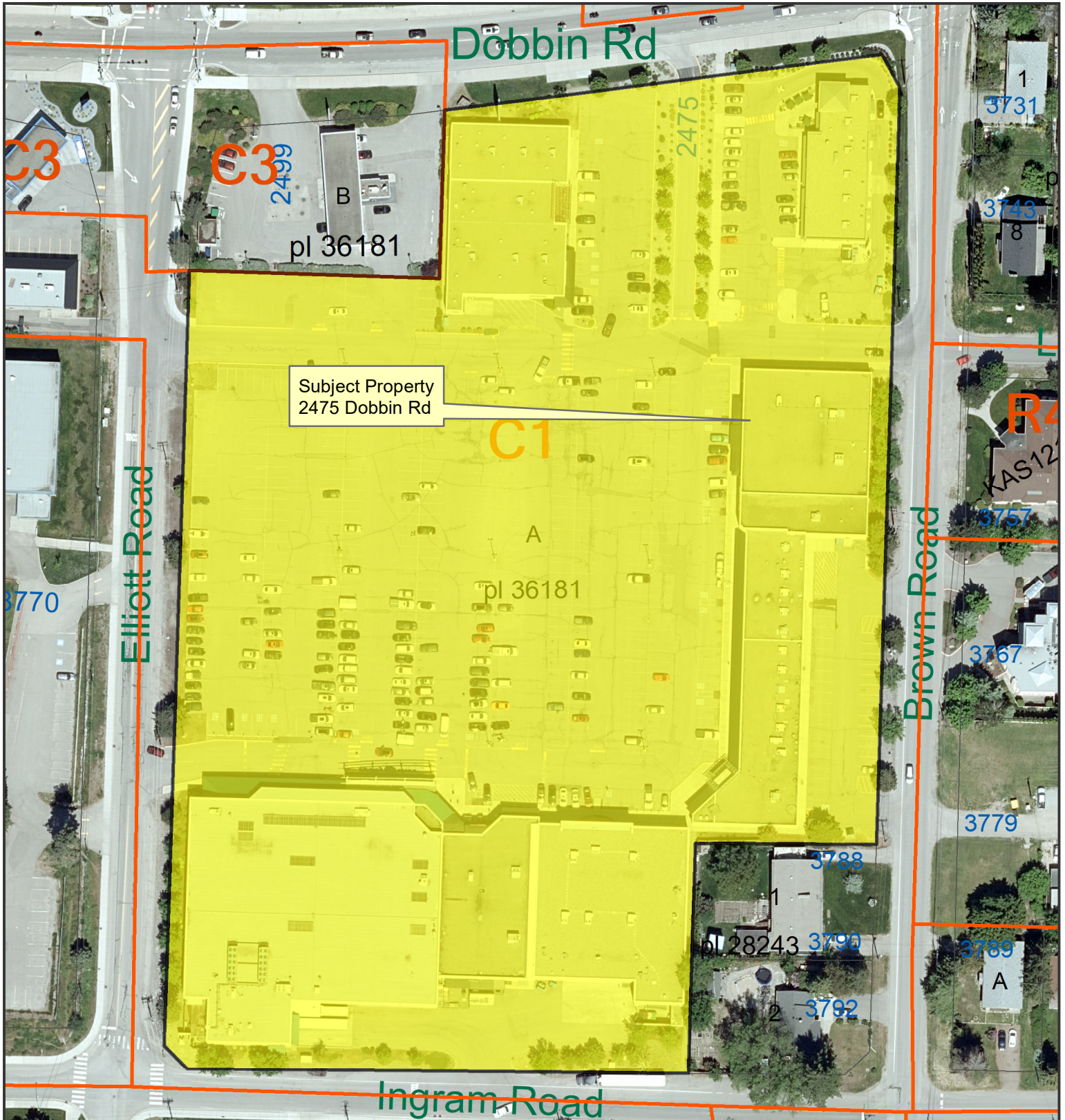
Powerpoint: Yes ☒ No ☐

Attachments:

1. Subject Property Map
2. Non-Medical Cannabis Retail Store Rezoning Policy
3. Proposal Summary
4. Sensitive Use Buffer Map
5. Amendment Bylaw No.0154.85
6. Public Notification Mail Notice Map



SUBJECT PROPERTY: Z 19-11



LEGEND

- Subject Property
- Zoning Boundary
- Parcels

File: Z 19-11

Legal Description: Lot A, DL 486, ODYD, Plan 36181

0 15 30 60 Metres





CITY OF WEST KELOWNA

COUNCIL POLICY MANUAL

Pages: 1 of 7

Approval Date: April 23, 2019

DEPARTMENT:	DEVELOPMENT SERVICES
SUBJECT:	Non-Medical Cannabis Retail Store Rezoning Policy

1. Purpose:

- 1.1. The purpose of this policy is to outline the criteria that may be considered by West Kelowna Council as part of a rezoning application for a non-medical cannabis retail store. This policy is intended to serve as a guiding framework for applicants, staff and Council as part of the application and review process.

2. Application Procedure:

- 2.1. An application for a non-medical cannabis retail license shall be submitted to the Liquor and Cannabis Regulation Branch (LCRB) prior to submitting a rezoning application to the City. All proponents seeking a non-medical cannabis retail store shall apply to the City for site-specific rezoning to permit this use in accordance with the City of West Kelowna's Development Applications Procedures Bylaw. The City will make every effort to review the rezoning applications for a non-medical cannabis retail store as part of the initial application intake concurrently with the Provincial review, where possible.

3. Initial Application Intake Framework and Review Process

- 3.1. Rezoning applications for non-medical cannabis retail stores will be accepted by the City for an initial intake period from October 17, 2018 to 4:00 p.m. on January 2, 2019.
- 3.2. This initial intake period will be advertised on the City's website, on social media, newspaper advertisements in the Westside Weekly and through the release of a Public Service Announcement.
- 3.3. Following the closure of the intake period, the City will review the applications and any incomplete applications will be closed and application documents will be returned to the applicant.
- 3.4. The City will review all complete rezoning applications submitted during this initial intake within one definitive time period (i.e. one to two months). The time period associated with the review of the applications from the initial intake period will be dependent upon how many applications the City receives. However, the City will strive to review the applications on a timely basis. The City will post its anticipated timeframe for review on the City's website following the closure of the intake period once the total number of submitted applications is known.
- 3.5. All complete applications will be processed in accordance with the City's Development Applications Procedures Bylaw and evaluated in accordance with the Evaluation Guidelines

outlined in this policy (as well as in accordance with additional City bylaws, policies and master plans including the Official Community Plan, Zoning Bylaw, Business Licensing and Regulations Bylaw and the Westbank Centre Revitalization Plan).

4. Evaluation Guidelines

4.1. Applications for non-medical cannabis retail stores will be evaluated by the City in accordance with the evaluation guidelines specified below and as weighted in the Evaluation Matrix attached to and forming part of this policy as Schedule A, Evaluation Matrix.

(a) *Neighbourhood Location*

- i. Non-medical cannabis stores will be considered within the neighbourhood boundaries of Westbank Centre and Boucherie Centre/West Kelowna Industrial Park (as depicted on Schedules B and C).
- ii. Non-medical cannabis retail stores should be located and sited in such a manner that minimizes any potential negative impact on the existing neighbourhood (i.e. preference may be given to applications that are not adjacent to or near established residential neighbourhoods or existing businesses that offer services that may be perceived to have a land use conflict with a proposed non-medical cannabis retail store).

(b) *Total Number of Non-Medical Cannabis Retail Stores*

- i. As part of the initial approval process, a total of 5 non-medical cannabis retail stores may be permitted in West Kelowna, limited to the following neighbourhoods:
 - 2 non-medical cannabis retail stores within the neighbourhood of Westbank Centre
 - 3 non-medical cannabis retail stores within the neighbourhood of Boucherie Centre/West Kelowna Industrial Park

(c) *Preferred underlying Zoning and/or Land Use Designation*

- i. Non-medical cannabis retail stores should be located on parcels within the identified neighbourhoods specified in Section 4.1(a) with the following underlying commercial and/or industrial zoning designation:
 - Urban Centre Core Commercial Zone (C1)
 - Service Commercial Zone (C4)
 - Light Industrial Zone (I1)
 - Gasoline Service Station Commercial Zone (C3) *in Boucherie Centre/West Kelowna Business Park only.*
- ii. Despite 4.1(c)i, non-medical cannabis retail stores may also be considered on parcels within the identified neighbourhoods with the following future land use designations as specified in the City of West Kelowna Official Community Plan:
 1. Commercial;
 2. Business Park;
 3. Industrial; and

non-medical cannabis retail stores may also be considered on parcels envisioned for future commercial use as specified in the 2011 Westbank Centre Revitalization Plan.

- iii. In terms of evaluation, preference will be given to parcels with commercial zoning and/or commercial land use designations (either in the OCP or Westbank Centre Revitalization Plan) over industrial zoning or industrial land use designations in order to preserve industrial lands for industrial uses.
- iv. Existing lands zoned or designated residential will result in an unsatisfactory scoring as part of the evaluation matrix.

(d) Separation from Sensitive Uses

- i. **Westbank Centre Neighbourhood:** Non-medical cannabis retail stores located in the Westbank Centre neighbourhood should be sited at least the distance specified in Column 2 from the sensitive use identified in Column 1 as identified in Table 1 below:

Table 1. Minimum Separation Distances (Westbank Centre)

Neighbourhood: Westbank Centre		
Column 1	Column 2	Column 3
Sensitive Use	Minimum Separation Distance	Distance Measured From
Elementary School	100 m	Any public entrance of the non-medical cannabis retail to the nearest parcel boundary of the applicable sensitive use
Middle School	100 m	
Highschool	250 m	
Select Parks, including such parks as: <ul style="list-style-type: none"> • Springer Park • Westbank Centre Park • Memorial Park 	100 m	
Select Sports Facilities, including such facilities as: <ul style="list-style-type: none"> • Johnson Bentley Aquatic Centre 	50 m	
Alternative School or Youth Centre, including such facilities as: <ul style="list-style-type: none"> • Westside Boys and Girls Club • Westside Learning Centre 	100 m	Any public entrance of the non-medical cannabis store to the front entrance of the sensitive use
Library	100 m	
Select Medical Facilities, including such facilities as: <ul style="list-style-type: none"> • Interior Health parcel located on Butt Road (Lot A, Plan EPP 970, DL 486, PID 028-573-048) West Kelowna Health	50 m	

Centre (2300 Carrington Road)		
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- ii. **Boucherie Centre/West Kelowna Business Park Neighbourhood:** Non-medical cannabis retail stores located in the Boucherie Centre/West Kelowna Business Park neighbourhood should be sited at least the distance specified in Column 2 from the sensitive use identified in Column 1 as identified in Table 2 below:

Table 2. Minimum Separation Distances (Boucherie Centre/West Kelowna Business Park)

Neighbourhood: Boucherie Centre/West Kelowna Business Park		
Column 1	Column 2	Column 3
Use	Minimum Separation Distance	Distance Measured From
Elementary School	100 m	Any public entrance of the non-medical cannabis retail to the nearest parcel boundary of the applicable sensitive use
Middle School	100 m (However, sites within 100 m may be considered if they are separated from the sensitive use by Highway 97).	
Highschool		
Mt. Boucherie Sports Field		
Select Sports Facilities including: • Royal LePage Place/Jim Lind Arena)		
Select Parks, including such parks as: • Darroch Park • Rosewood Sports Field • Recently acquired and currently unnamed parks located in the immediate vicinity of Rosewood Sports Field (to the south and south west of Rosewood Sports Field)	100 m	Any public entrance of the non-medical cannabis retail to the nearest parcel boundary of the applicable sensitive use

iii. **Other Separation Distances that May be Considered**

1. In addition to the desired separation distances identified in 4.1(d)i and 4.1(d)ii, preferred consideration may also be given to locations that minimize impact on additional sensitive uses, including existing established residential neighbourhoods and/or existing businesses that offer services that may be perceived to have a land use conflict with a proposed non-medical cannabis retail store.

(e) ***Separation from other Non-Medical Cannabis Retail Stores***

- i. Non-medical cannabis retail stores should not be directly abutting another non-medical cannabis retail store.

(f) Building Design, Aesthetics and Neighbourhood Security

- i. In order to ensure high quality storefronts in key commercial areas of the community, applications shall include a graphical representation of the proposed interior and exterior store design (i.e. floor plans, architectural drawings, coloured renderings). This shall include all information needed to illustrate how the proposed non-medical cannabis retail store will meet all related regulations, policies, bylaws and commercial Development Permit guidelines (of both the Provincial and Municipal authorities).
- ii. Interior Building Design
 1. The proposed floor plan should clearly indicate how the store layout will mitigate the entrance of minors.
- iii. Exterior Building Design
 1. The proposed exterior building design shall depict how the proposed exterior design meets Commercial Development Permit Guidelines as per the City's Official Community Plan (and if the store is proposed for Westbank Centre, also how the proposed exterior building design meets the design guidelines specified in the Westbank Centre Revitalization Plan). All proposals shall clearly demonstrate how the proposed exterior of the building enhances the street character.
 2. The proposal shall include an analysis by a professional competent in Crime Prevention through Environmental Design (CPTED) and demonstrate that it meets the Provincial Physical Security Requirements. In terms of CPTED design, preference will be given to design parameters that enhance the streetscape and pedestrian experience such as:
 - a. Installation of adequate lighting both during and outside operating hours;
 - b. Locating the primary retail entrance facing a street; and
 - c. The absence of visible security measures (such as barred windows and/or retractable security gates, etc.) that may retract from the overall streetscape.

(g) Nuisance Activity

- i. The applicant shall include with their application a detailed description of how nuisance behavior, such as consumption of product outside the store premises, odors from ventilation, etc., is to be managed and mitigated (i.e. location of venting, carbon filters, etc.) to reduce any nuisance activity on established businesses and residents in the surrounding area which may result from the operation of a non-medical cannabis retail store.

(h) Parking

- i. Parking requirements shall be in accordance with Part 4 Off-Street Parking and Loading of the City's Zoning Bylaw and will be classified as 'retail' for the purpose of Table 4.1 Required Parking Spaces.

(i) *Municipal Bylaw Compliance History*

- i. Proponents (applicants, directors, business owners) for a Non-Medical Cannabis retail store should clearly demonstrate that they do not have a history of infractions related to the business operation within the City.

(j) *Operational Plan*

- i. The Operational Plan should demonstrate the details of the operation of the proposed business, including proposed hours of operation, experience of applicants/owners, and the proposed plan for ensuring the business is in compliance with Federal, Provincial and municipal regulatory frameworks.

5. Process following Initial Evaluation

- 5.1. Following the initial evaluation of applications, a summary of all applications and evaluation scores will be compiled and provided to Council.
- 5.2. The highest scoring applications stemming from the evaluation process will be recommended to Council for further review and consideration in accordance with the Development Application Procedures Bylaw (i.e. first and second reading). The remainder of the applications will be recommended for closure, except for the two nearest scoring applications. These applications will be recommended to be put on hold until such time the four highest scoring applications have received both City approval and a license through the Liquor and Cannabis Regulation Branch. Should one of the City's top scoring applications fail to receive a license from the Liquor and Cannabis Regulation Branch, these next highest scoring applications will be brought forward for Council's consideration.
- 5.3. The number of applications considered for further review by Council will depend on the number of complete applications received and the scoring of the applications. Applicants will be advised in writing what their application score was and if their application was selected to move forward for consideration by Council for bylaw readings.
- 5.4. In the event of a tie within the highest scoring applications, all tied applications will be brought forward for Council's consideration.

6. Council Discretion

- 6.1. While this policy is intended to provide a guiding framework which would apply to all rezoning applications for non-medical cannabis retail stores, Council maintains full discretion in consideration of applications for rezoning and may at its sole discretion, exempt applications from this policy or require additional considerations not included in this policy.

7. Effective Date

- 7.1. This policy shall come into force on the date of Federal legalization of non-medical cannabis.

8. Subsequent Application Intake Framework and Future Policy Review

- 8.1.** It is anticipated that this Policy will be reviewed within 18-24 months following the effective date of the policy to consider implications on land use (if any) that have resulted from the initial implementation of non-medical cannabis retail stores.
- 8.2.** In the event that a non-medical cannabis retail license is cancelled or revoked before this policy is reviewed in its entirety, an announcement may be made on the City's website, within a reasonable timeframe, specifying a future intake period and review timeline for subsequent rezoning applications to replace the cancelled/revoked license.

Previous Revision/s: none



**LIQUOR
DISTRIBUTION
BRANCH**

BC CANNABIS STORES

August 19th, 2019

City of West Kelowna
2760 Cameron Road,
West Kelowna, BC V1Z 2T6

Dear Mayor and Councillors:

Re: Non-medical cannabis retail store application

Please accept the Liquor Distribution Branch's (LDB) rezoning application to locate a **Government operated** non-medical cannabis retail store at **2475 Dobbin Road**. The LDB has received support from the property owner to proceed with this application (authorization form and supporting materials attached).

About the LDB

The LDB is one of two branches of government responsible for the beverage alcohol industry in BC. The *Liquor Distribution Act* gives the LDB the sole right to purchase and distribute beverage alcohol for the province. The LDB is also the public liquor retailer in the province's mixed public-private model, operating 197 retail outlets under the brand 'BC Liquor Stores.'

Under the [Cannabis Distribution Act](#), the LDB is also the sole wholesale distributor of non-medical cannabis in British Columbia and operates standalone, public retail stores and provides online sales. Since legalization, the LDB has opened four BC Cannabis Store retail locations in three communities and we are actively working to roll out more stores to service the needs of customers across the Province.

Revenue generated through the LDB's wholesale and retail operations is remitted to the Provincial Government and contributes to supporting vital public services such as health care and education.

Location of proposed BC Cannabis Store

The LDB is proposing to open a BC Cannabis Store at Westbank Centre for a number of reasons, including that the site is:

- Located in an existing retail node and therefore consistent with the nature of the immediate area;
- Easily accessible to customers with ample parking; and
- Not expected to adversely impact traffic in the surrounding area, given its location in an already established retail complex.
- The property is within range of the 100m sensitive use separation distance for both George Pringle Elementary School and Our Lady of Lourdes Catholic School, however the public entrance of unit itself is well over 100m from both locations as required in section 4.1.(d) of the Policy.

The size of the proposed non-medical cannabis retail store is approximately 7,116 square feet of which we envision roughly half being dedicated to retail, with the remainder being utilized for office and administrative space for store staff and our regional office. The need for larger stores speaks to BCCS' commitment to building for the future, as we think about how the availability of new products, such as edibles, beverages, topicals and infusions, we will ultimately require larger display areas, refrigeration and a revised store configuration. The additional square footage also allows us to increase educational presence within the store by adding comprehensive panel displays to better inform and support our customers.

Our commitment to community engagement and social responsibility

The LDB works closely with the Liquor and Cannabis Regulation Branch (LCRB), the Ministry of Public Safety and Solicitor General, and the Ministry of Attorney General to encourage the safe and responsible consumption of alcohol and non-medical cannabis in BC.

We are committed to working in partnership with local governments to ensure a smooth introduction of non-medical cannabis to the retail market in BC communities. While government-operated BC Cannabis Stores do not require a licence from the LCRB^[1], we are committed to following all municipal zoning processes and meeting all bylaw requirements, as well as working with local law enforcement agencies to maintain public safety.

Social responsibility is integral to the LDB and has been part of our corporate culture for decades. BC Liquor Stores have a well-established history of both undertaking initiatives encouraging the responsible use of our products and fundraising campaigns to give back to the local community.

Since 2010, the LDB has raised tens of thousands of dollars from staff and customers at our Westbank BC Liquor Stores location, with most of the funds being allocated to programs within West Kelowna.

Our current BC *Liquor* Stores social responsibility programs will serve as examples as we move forward on developing our BC *Cannabis* Stores social responsibility endeavours. Our current efforts in the cannabis field include:

- Delivering products that meet strict safety and quality requirements. All cannabis products purchased through the LDB's wholesale channel and sold through BC Cannabis Stores are purchased from federally licensed producers.
- Promoting the safe and responsible use of non-medical cannabis through social responsibility campaigns aimed at keeping cannabis out of the hands of minors, preventing driving under the influence, and informing the public about potential associated health risks of consuming cannabis.
- Actively discouraging customers from engaging in high-risk behavior such as driving under the influence, consuming cannabis during pregnancy and participating in sporting activities while under the influence of cannabis;
- Increasing awareness of the dangers associated with over-consumption or risky behavior through various [in-store campaigns](#) with strategically placed messaging, and;

^[1] As a branch of the Ministry of Attorney General, the LDB does not require a formal license from the LCRB to operate a retail cannabis store - written confirmation from the LCRB is attached.

- Incorporating environmental sustainability into all facets of our business with a goal of reducing our environmental footprint and being a leader in sustainable retailing.

Keeping cannabis out of the hands of minors.

Unlike liquor stores, minors will not be permitted inside BC Cannabis Stores, even if they are accompanied by a parent or guardian. Our ID-check policy at store entranceways prevents minors from entering our stores. All our staff receive comprehensive training in verifying ID, and will request age verification from all customers appearing to be under the age of 30.

Odour Mitigation

Product must be packaged and sold in accordance with Health Canada's packaging requirements, in a child-proof container. Since the product is prepackaged at the point of cultivation, there is little-to-no noticeable odor emitted from the store.

There will also be a ventilation and filtration system in order to reduce or eliminate odors. In the event that neighbouring tenants or customers have any concerns in this regard, the LDB will respond to these requests immediately. To date we have received no complaints regarding odours from any of our four stores currently in operation. Please see attached odour mitigation plan.

Cannabis store operations

BC Cannabis Stores are bright, clean, welcoming and professional, with the intent of creating a safe and favourable alternative to purchasing non-medical cannabis from the illicit market. Storefronts have frosted windows to align with federal and provincial laws requiring that cannabis not be visible from outside the store. The LDB is willing to work with the City of West Kelowna to ensure that the aesthetics of the store exterior complies with the design character of the existing shopping centre and surrounding land uses.

All BC Cannabis Stores employ unionized staff. This particular location will have approximately 20 employees, including a Store Manager, at least one Assistant Store Manager, and staff comprised of full and part-time Cannabis Consultants. Wages start at \$21.00 per hour with benefits and pension eligibility as Provincial employees. All prospective employees must undertake an Enhanced Security Screening (ESS) as mandated by Provincial law.

Most stores will be open from Monday to Sunday, 10 am to 10 pm., though store hours may vary by location, following consultation with local government.

Our neighbourhood strategy includes:

- *Keep It Safe*, a mandatory full-day training program, for all staff. This program covers best practices for dealing with intoxicated customers, suspicious activities, and instances of violence, theft or nuisance. Additional topics covered include understanding cannabis related laws and strategies for maintaining a safe environment for employees and customers.
- Implementation of procedures on how to deal with unruly customers, store safety, loitering, and consumption outside the premises. Procedures are in place to ensure there are at

least two employees in the store at all times and that stores are alarmed and locked outside business hours. For events that occur outside of the store, staff are trained to contact mall security, if applicable, or to call 911.

- Training staff on how to verify a customer's age and to identify signs of fraudulent I.D.
- Transporting expired or defective product off-premises for destruction. There will be no disposal of cannabis at any store, further reducing the risk that cannabis will fall into the hands of minors or the illicit market

Security

Customer, employee, and community safety is paramount. The LDB brings over 40 years of experience working with local government, enforcement agencies, and security experts in establishing and operating secure retail stores in BC, and nearly 100 years of retailing regulated products. The LDB utilizes Crime Prevention through Environmental Design (CPTED) principles when designing our retail stores.

BC Cannabis Stores are supported by the LDB's Corporate Loss Prevention department and privately contracted security personnel are available to work in conjunction with store staff to ensure security practices and protocols are followed.

All BC Cannabis Stores have:

- Centrally-monitored province-wide intruder and fire monitoring systems;
- Interior and exterior camera surveillance;
- Locked and tempered glass display cases for cannabis accessories;
- A secure storage room for product storage;
- Durable and reliable commercial-grade doors and locks;
- Security shutters and smash-resistant windows.

Further details regarding BC Cannabis Stores and the LDB's social responsibility efforts are included in the attached presentation. If you require additional materials or have any questions we would be very happy to provide it. We thank you in advance for your consideration of our application.

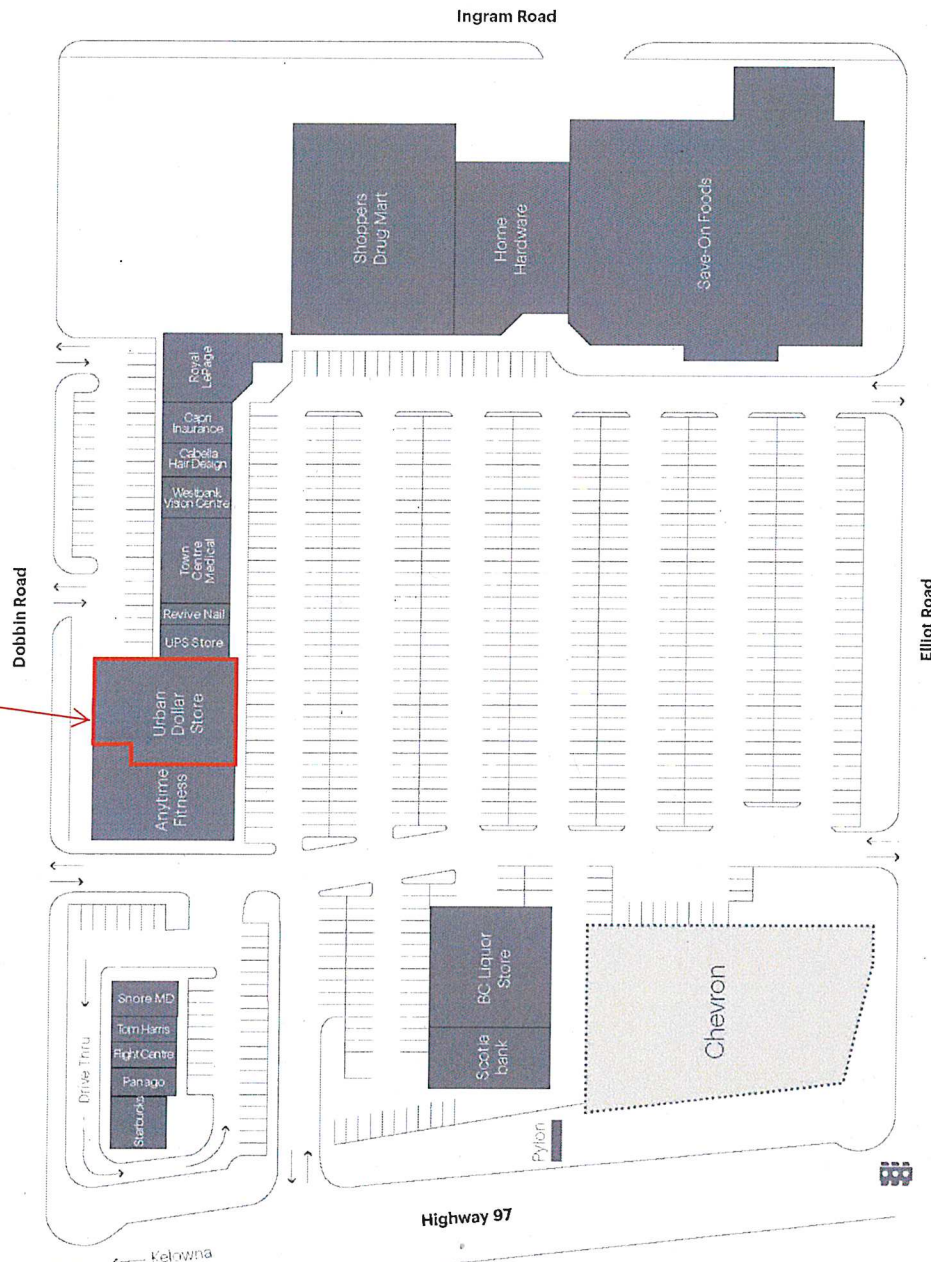
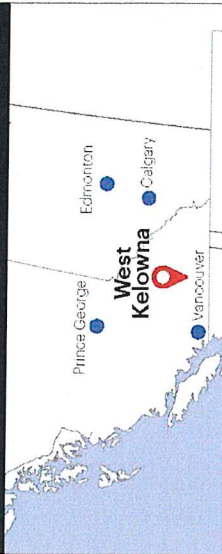
Sincerely,

Rory Mandryk
Executive Director, Corporate Operations, Real Estate & Corporate Loss Prevention
BC Liquor Distribution Branch



Westbank Town Centre

2475 Dobbin Road, West Kelowna, BC



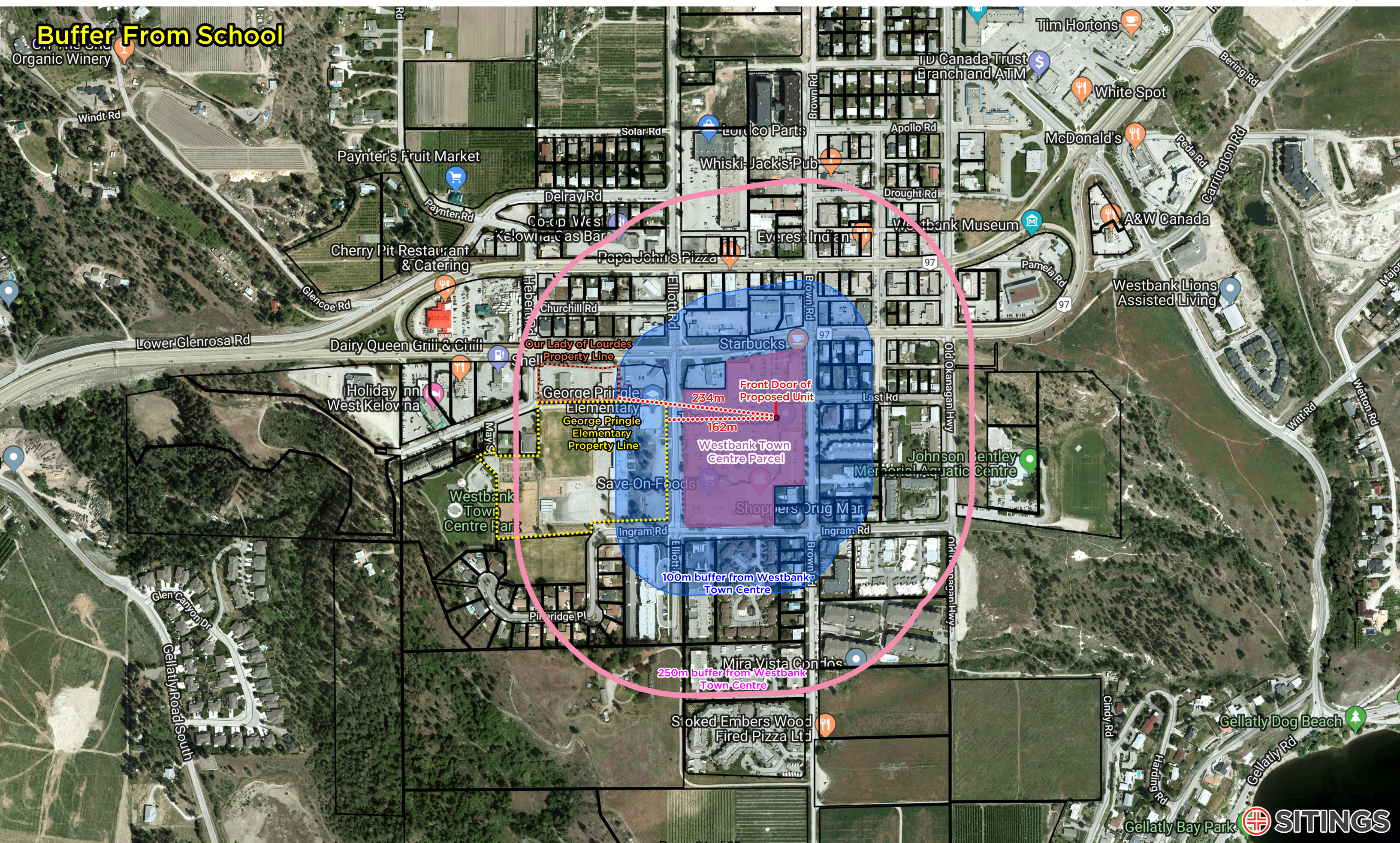
Unit #	Sq.ft.	Tenant Name
1	28,874	Save-On-Foods
2A	10,035	Home Hardware
3	16,679	Shoppers Drug Mart
10	3,486	Royal LePage
12	1,600	Capri Insurance
14	1,600	Cabella Hair Design
15	1,215	Westbank Vision Centre
18	3,219	Town Centre Medical
20	808	Revive Nail Bar
22	1,193	UPS Store
23	7,716	Urban Dollar Store
24	6,306	Anytime Fitness
27	8,753	BC Liquor Store
29	4,378	Scotiabank
30	1,680	Starbucks
31	1,060	Panago
34	968	Flight Centre
36	968	Tom Harris Cellular
38	1,200	Score MD

Anthem
anthemproperties.com

Mike Peebles
mpeebles@anthemproperties.com
604 638 4389

This is a representation for leasing purposes only and should not be used for measurements and co-tenancy of any kind. This drawing is not to scale.

Leased Available Separate Ownership



CITY OF WEST KELOWNA

BYLAW NO. 0154.85

A BYLAW TO AMEND “ZONING BYLAW NO. 0154”

WHEREAS the Council of the City of West Kelowna desires to amend “CITY OF WEST KELOWNA ZONING BYLAW NO. 0154” under the provisions of the *Local Government Act*.

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna, in open meeting assembled, hereby enacts as follows:

1. Title

This Bylaw may be cited as “CITY OF WEST KELOWNA ZONING AMENDMENT BYLAW NO. 0154.85, 2019”.

2. Amendments

“Zoning Bylaw No. 0154” is hereby amended as follows:

2.1 By adding to Section 11.1 Urban Centre Commercial Zone (C1), Sub-section 11.1.4 (Site Specific Uses, Building and Structures):

On Lot A DL 486 ODYD Plan 36181 (2475 Dobbin Road): one Non-Medical Cannabis Retail Store as indicated on Schedule ‘B’ of Zoning Amendment Bylaw No. 0154.85.

2.2 By depicting the site specific text amendment on “Zoning Bylaw No. 0154 Schedule B” (Zoning Bylaw map) as shown on Schedule ‘A’ attached to and forming part of this bylaw.

READ A FIRST TIME AND SECOND TIME THIS 8TH DAY OF OCTOBER, 2019
PUBLIC HEARING HELD
READ A THIRD TIME
APPROVED BY MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE
ADOPTED

MAYOR

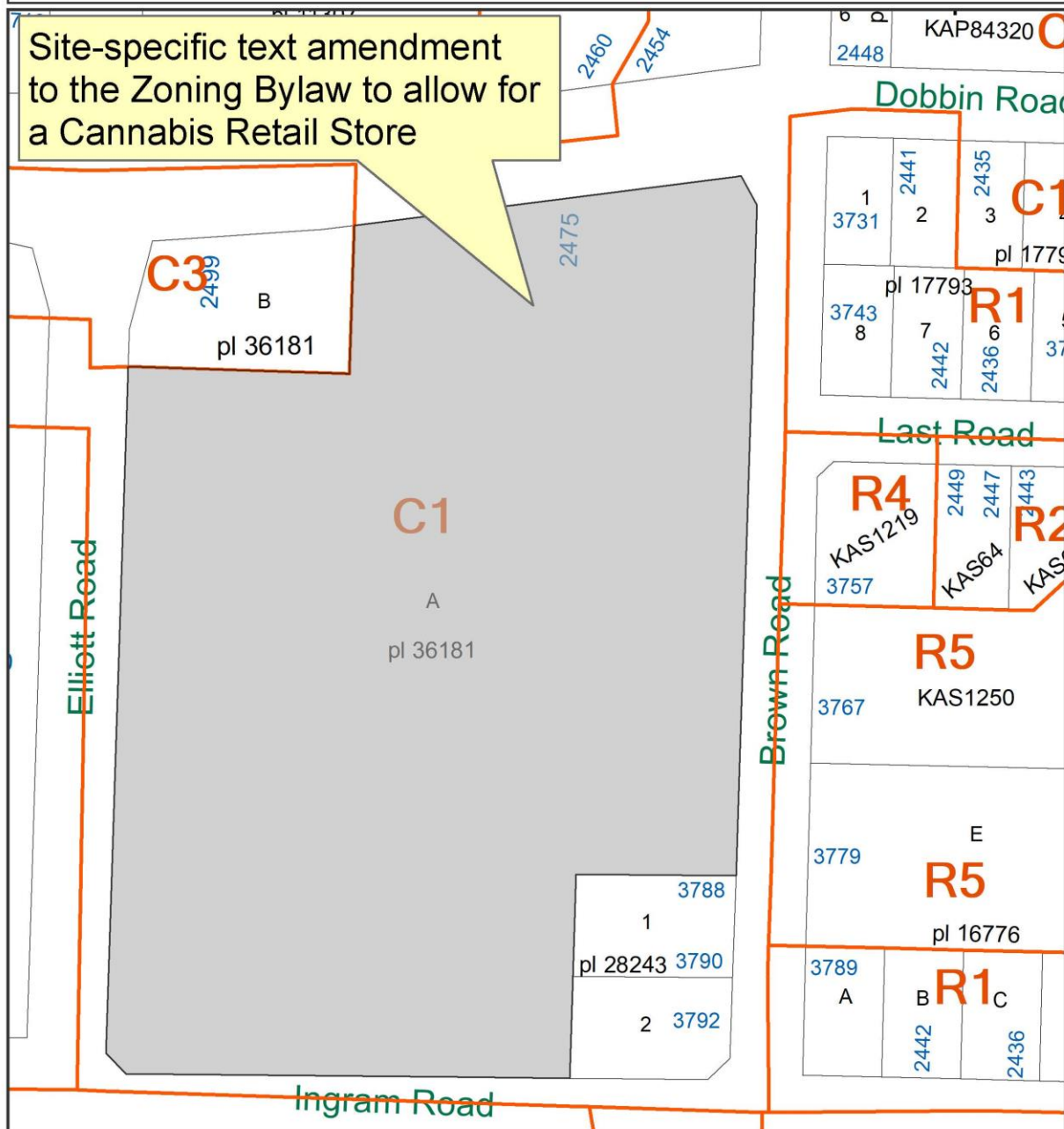
CITY CLERK



CITY OF
WEST
KELOWNA

SCHEDULE 'A' of BYLAW NO. 0154.85

Site-specific text amendment
to the Zoning Bylaw to allow for
a Cannabis Retail Store



File: Z 19-11

Legal Description: Lot A District Lot 486,
ODYD, Plan 36181

0 20 40 80 Metres

1:1,500

LEGEND

- Subject Property
- Zoning Boundary
- Parcels



Date: 2019-09-25



CITY OF
WEST
KELOWNA

SCHEDULE 'B' of BYLAW NO. 0154.85



File: Z 19-11

Legal Description: Lot A District Lot 486, ODYD, Plan 36181

Address: #23-2475 Dobbin Road, West Kelowna, BC

Date: 2019-09-25

GIS Mail Notification Map (Z 19-11)



Legend

Landmarks

- Cemetery
- City Hall
- Community Centre
- Dam
- Fire Hall
- Museum

Basemap Layers

- WK Admin Boundary
- Regional Admin Boundary
- Highway
- River / Stream
- Intermittent Stream
- Waterbody
- Lake Access
- Regional Park
- Municipal Park
- Westbank First Nation

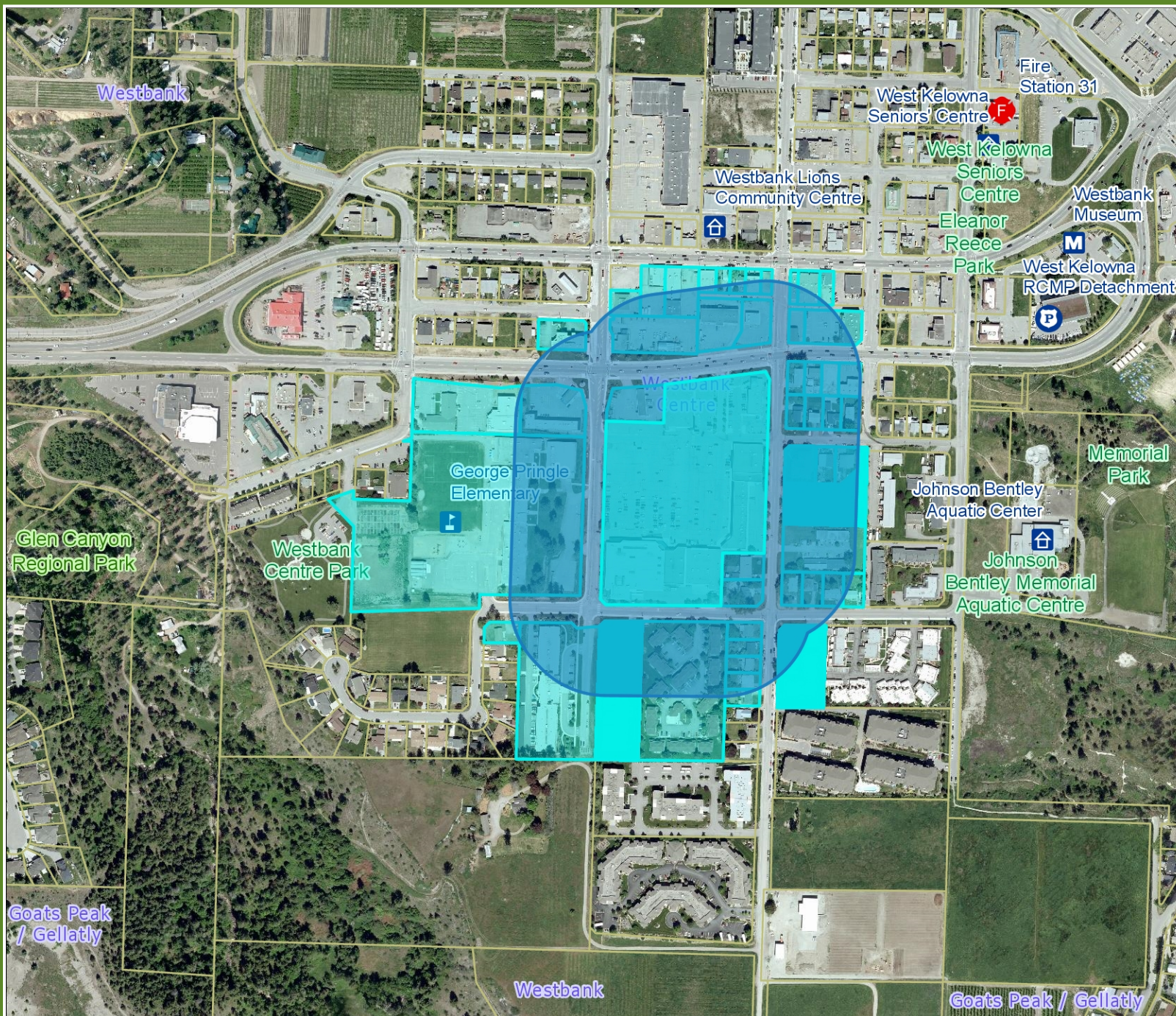
Parcels

- Ownership
- Land Strata
- Building Strata
- Common Property
- Crown Land
- Lease
- Park
- Road Right-Of-Way
- Walkway
- Common Access



Scale 1 : 6,104

Notes



0 155 310 Meters

Map Projection: NAD_1983_UTM_Zone_11N

© City of West Kelowna (2015)

Map Produced on: 11/5/2019 9:51:21 AM



This map has been produced by the City of West Kelowna's Geographic Information System. The data provided is derived from a variety of sources with varying levels of accuracy. The City of West Kelowna makes no warranty or representation, expressed or implied, with the regard to the correctness, accuracy and/or reliability of the information contained herein.