

## Cannabis Retail Sales Approvals, Variances and Subdivision and Development Appeal Board Decisions

### Approvals Breakdown (July 20, 2018 - December 24, 2018)

		Variance Type				
	Approvals	Separation Distance to a Cannabis Store	Separation Distance to a Public Lands (Parks)	Separation Distance to a School	CPTED related	Parking
Development Officer	95	3	0	0	0	1
SDAB	11	3	5	5	1	1
Total	106	6	5	5	1	2

### Summary of SDAB Decisions

Factors influencing decisions:

- If the proposed development is located in a Direct Control Zone, the Subdivision and Development Appeal Boards decisions is limited to whether the Development Authority followed the direction of Council. If the Development Officer's decision was determined to follow the directions of council, then it was upheld by the Subdivision and Development Appeal Board

Factors influencing variance to Separation Distance to a Public Library:

- The proposed development is not visible from the Public Library or primary modes of transportation to the Public Library
- The proposed development aligns with higher policies and plans (i.e. the Downtown Capital Plan – related to the addition/variety of adult oriented uses and amenities in the pedestrian oriented portion of the downtown)
- The proposed development is located further than 200 metres from the nearest approved Cannabis Retail Sales establishment
- No negative feedback received regarding the proposed development

Factors influencing variance to Separation Distance to a Public Lands:

- The proposed development is not visible from the Public Lands

- The Public Lands do not contain any playgrounds, sports fields, skate/bicycle parks, theatres, pools, spray parks, skating rinks, off-leash areas, and are typically used as pathways for commuting
- The layout of the site and presence of significant on-site parking results in the retail location of the proposed development being more than 200 metres from the Public Lands, creating a barrier and reducing accessibility between the two sites
- The access point to the Public Lands (part of the ravine park system) is not visible from the proposed development; is more than 200 metres from the Cannabis Retail Sales building; and the Public Lands is a heavily treed, steeply sloped ravine, that does not attract public congregation.

Factors influencing a variance to Separation Distance to a Public Education Services building (school):

- The site that the Public Education Services building is substantially large (approximately 535 acres) and the proposed development is located 73 metres away from the boundary such that the actual distance between the proposed development and the school approximately 400 metres.
- The Public Education Services building is separated from the proposed development by other development and major arterial roadway creating a physical barrier between the proposed development and the school.
- The Public Education Services building in question does not have a valid development permit, nor can it obtain a permit as the use is neither a permitted or discretionary use in the zone it is located in.
- The Public Education Services building is located more than 200 metres from the proposed development and the development is not oriented to the same public roadway as the school.
- The proposed development serves adult-only customers, in an area that already includes alcohol sales, a bar, a pawn shop and a body rub centre.
- The proposed development did not receive any letters of objection.
- Minimal variance required (less than 1 metre) and the Development Officer not providing any comment or evidence suggesting a variance will cause a negative impact.
- Letters of objection to the proposed development did not relate to the variance at issue.

Factors influencing variance/decision related to the Crime Prevention Through Environmental Design requirement and customer access:

- The Subdivision and Development Appeal Board determine that the Development Officer erred in their interpretation of the regulation.
- The proposed development complies with all the requirements of the Gaming, Liquor and Cannabis Regulations, including those related to security; and those security cameras will be positioned both inside and

outside the vestibule which will identify which customers are entering the proposed development, mitigating security concerns.

Factors influencing a variance to parking requirements:

- The proposed development requires one additional parking space to the site, and the commercial building has been operating for a number of years with a deficiency in the minimum parking requirements without any known complaints.

Factors influencing a refusal for a variance to the separation distance requirement from another Cannabis store:

- Granting a variance will lead to a lack of diversity of retail uses along the portion of the street the proposed development is located and that the separation distance requirements, which were established to promote a diverse nature of retail uses in a commercial zone and reducing or eliminating these requirements are a valid planning concern.
- Higher policy plans provide direction and desire for a diversity of businesses and mixed-use development to revitalize the street the proposed development is located.
- The proposed development and the existing Cannabis Retail Sales store are located on relatively short blocks, are not separated by significant arterial roadways, and pedestrians can easily access both locations without having to cross a major roadway.