



## Committee of the Whole Report For the Meeting of May 19, 2022

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**To:** Committee of the Whole **Date:** May 5, 2022

**From:** Karen Hoesse, Director, Sustainable Planning and Community Development

**Subject:** Temporary Use Permit Application No. 00021 for 1802 Cook Street

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### RECOMMENDATION

- 1) That Council after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motion:  
"That Council authorize the issuance of Temporary Use Permit Application No. 00021 for 1802 Cook Street, in accordance with:
  1. Plans date stamped March 17, 2022.
  2. Development meeting all *Zoning Regulation Bylaw* requirements.
  3. The Temporary Use Permit, if issued, expires three years from the date of this resolution.
  4. A street ambassador provided by the service operator during operating hours that patrols the immediate area every hour to prevent congregation and negative behaviours from clients of the harm reduction service."
- 2) That Council advance this matter for ratification at the May 19, 2022 daytime Council meeting and proceed with an Opportunity for Public Comment on June 9, 2022.

### LEGISLATIVE AUTHORITY

In accordance with section 493 of the Local Government Act, Council may issue a Temporary Use Permit. A Temporary Use Permit may allow a use not permitted by zoning, may specify conditions under which the temporary use may be carried on, and may allow and regulate the construction of buildings and structures in respect of the use of which the permit is issued.

### EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for the renewal of a Temporary Use Permit (TUP), for an additional three years, for the property located at 1802 Cook Street. The proposal is to temporarily permit the distribution of cannabis as an ancillary use to a harm reduction service.

The following points were considered in assessing this application:

- The application is consistent with the *Official Community Plan* as it is a community service that provides a harm reduction service using the Five Pillars approach.
- The proposal is inconsistent with the Mixed-Use Residential Commercial & Institutional (2 to 3 storeys) designation in the *North Park Local Plan*, as it does not encourage a strong shopping presence with a positive street relationship. However, this is a temporary use, and the proposal is consistent with providing human services and responding to identified gaps in service in the community.
- The proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy*, as there is a property zoned for storefront cannabis retailer 37m from the subject property; however, it does not have a provincial license nor is it operational.

## **BACKGROUND**

### **Description of Proposal**

The proposal is to renew a Temporary Use Permit (TUP) for a three-year term to allow for the distribution of cannabis as an ancillary use to a harm reduction service at the property located at 1802 Cook Street. The harm reduction service is a permitted use within the professional office category in the current CR-4 Zone, Upper Cook Commercial-Residential District. However, under the *Zoning Regulation Bylaw* providing cannabis to patrons on-site is technically defined as a storefront cannabis retailer, which is not a permitted use. A TUP renewal will allow the applicant to continue a pilot project that gives members cannabis to reduce opiate use and overdoses, and assist with symptoms of withdrawal.

### **Sustainability**

The applicant has not identified any sustainability features associated with this proposal.

### **Active Transportation**

The applicant has not identified any active transportation impacts associated with this application.

### **Public Realm**

No public realm improvements beyond City standard requirements are proposed in association with this Temporary Use Permit Application.

### **Accessibility**

No accessibility improvements are proposed beyond what is required through the *British Columbia Building Code*.

### **Existing Site Development and Development Potential**

The site is presently a collection of adjoined one- to two-storey buildings with commercial uses on the ground floor and residential on the upper storey. A harm reduction service without the provision of cannabis is permitted under the current CR-4 Zone, Upper Cook Commercial-Residential District.

## Relevant History

On October 22, 2020, Council approved a TUP for a period of 18 months to allow for the distribution of cannabis as an ancillary use to a harm reduction service. The current TUP expired on April 22, 2022. The applicant has applied to extend the TUP for an additional three years. The *Local Government Act* gives a local government the authority to approve a one-time renewal of a TUP for up to three years.

A condition of the original TUP is that the applicant provides street ambassadors during operating hours to patrol the immediate area every hour and prevent congregation and negative behaviours from clients of the harm reduction service. In the applicant's letter dated March 4, 2022, the applicant mentions that their street ambassador program has been successful in responding to any needs on the street and ensuring that their members are accessing services indoors. It is recommended that the street ambassador program is also a condition of the TUP renewal.

## Community Consultation

At the request of the North Park CALUC, the applicant held a formal CALUC meeting on February 9, 2022 and the application was posted on the Development Tracker along with an invitation to complete a comment form on January 24, 2022. Mailed notification was sent to owners and occupiers of property within 100m of the subject property advising that a consultation process was taking place, information could be obtained and feedback provided through the Development Tracker. A sign was also posted on site to notify those passing by of this consultative phase. A letter dated March 24, 2022, along with the comment forms are attached to this report. Responses and feedback received during the consultation phase were mixed.

## ANALYSIS

### Official Community Plan

The *Official Community Plan* (OCP, 2012) identifies the property within the Large Urban Village designation, which supports ground-oriented commercial and community services to frame the sidewalk. In addition, Section 15: Community Wellbeing aims to address substance abuse through a coordinated method using a Five Pillars approach that:

1. *Prevents problematic substance abuse;*
2. *Reduces harm to individuals and communities from the sale and use of both legal and illegal substances;*
3. *Provides a range of support services, specialized care facilities and treatment programs for people who have addictions;*
4. *Supports access to safe, affordable and quality housing; and,*
5. *Delivers enforcement services to support community peace, public order and safety.*

### North Park Local Plan

The *North Park Local Plan* identifies the site as Mixed-Use Residential Commercial and Institutional (two to three storeys), which envisions a strong shopping presence with positive street relationships for pedestrians. The proposal is inconsistent with this policy as it has no shopping presence and the existing building has few windows facing the street. Conversely, the *Plan* also encourages an increase in the range of human services and a response to identified gaps in

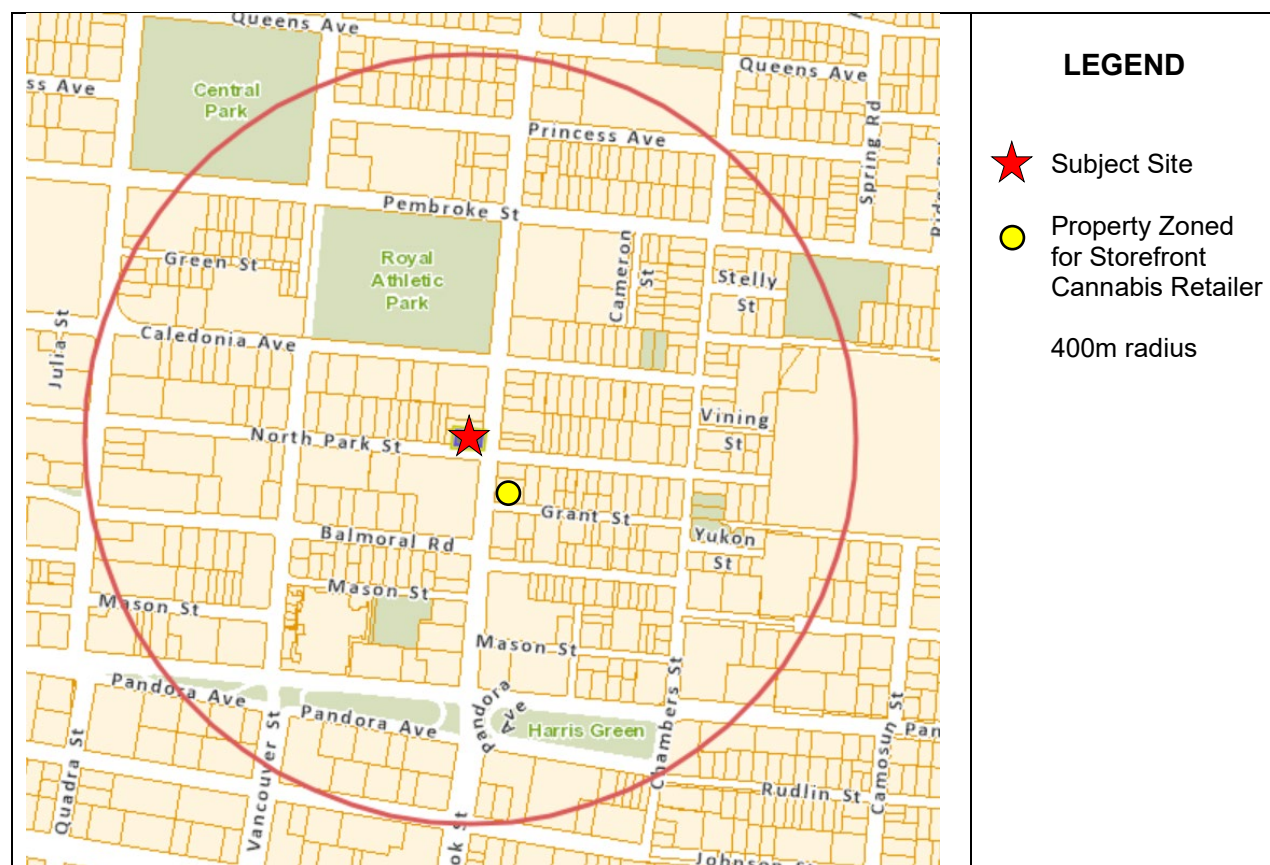
service, while furthering a safe, secure, healthy, and accessible environment, so in this regard, the application is consistent with the *Plan*.

### Storefront Cannabis Retailer Rezoning Policy

The application is to permit the provision of cannabis as part of a harm reduction service that is piloting the substitution of cannabis for opioids to address the overdose emergency and the ongoing urgent need for a wide range of overdose prevention services. The *Zoning Regulation Bylaw* defines a storefront cannabis retailer as “premises where cannabis is sold or otherwise provided to a person who attends at the premises.” Therefore, the *Storefront Cannabis Retailer Rezoning Policy* is applicable and the requirement for a Rezoning or Temporary Use Permit is triggered.

The proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy* as there is one property within 400m of the subject property that has storefront cannabis retailer as a permitted use: 1725 Cook Street is 37m away; however, it does not have a provincial license nor does it appear to be operational. There are no public or independent elementary, secondary, or high schools within 200m of the property.

In this instance, staff recommend that Council consider deviating from the *Storefront Cannabis Retailer Rezoning Policy*, as the proposal is for a pilot project that is an ancillary component to a harm reduction service receiving government funding, rather than a for-profit cannabis retailer. In addition, the property within 400m that is zoned for storefront cannabis retailer does not have a provincial license and is not operational.



## CONCLUSIONS

The proposal is consistent with the Large Urban Village designation and the Five Pillars approach to substance abuse within the OCP. The proposal is inconsistent with the Mixed-Use Residential Commercial and Institutional (two to three storeys) designation in the *North Park Local Plan*, but is consistent with the objective to increase the provision of human services and respond to gaps in service. Lastly, the proposal is inconsistent with the *Storefront Cannabis Retailer Rezoning Policy*, as there is a property 37m away that is zoned for storefront cannabis retail, but noting that it does not have a provincial license and is not operational. Since the proposal is for a temporary use and pilot project to address the overdose emergency in the city, staff recommend that Council consider renewing the TUP for a three-year term.

## ALTERNATE MOTION

That Council decline TUP Application No. 00021 for the property located at 1802 Cook Street.

Respectfully submitted,

Leanne Taylor  
Senior Planner  
Development Services Division

Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

**Report accepted and recommended by the City Manager.**

## List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated March 17, 2022
- Attachment D: Applicant's letter dated March 4, 2022
- Attachment E: Community Association Land Use Committee Comments dated March 24, 2022
- Attachment F: Pre-Application Consultation Comments from Online Feedback Form
- Attachment G: Letter from Island Health dated October 27, 2021
- Attachment H: Research paper entitled "A Peer-run Cannabis Substitution Program: Experiences and Outcomes over the First Year."