

**TO: Brenton Raby**

YaHerb

512 Hendryx Street

Nelson, BC V1L 2A8

**(referred to as the “permittee”)**

**RE: TEMPORARY USE PERMIT APPLICATION 2506001**

1. This Temporary Use Permit (TUP) authorizes the establishment of a ‘Cannabis Consumption Patio’ land use with accessory ‘Cannabis Retailer Advertising’ on a portion of the property referenced in condition 4 below.
2. For the purpose of this TUP:
  - a) “Cannabis Consumption Patio” means an exterior patio or balcony accessory to a restaurant where the smoking, vaping and consumption of cannabis is permitted, and where advertising of Cannabis retailers is permitted.
  - b) “Cannabis Retailer Advertising” means signage of promotional material related to licensed cannabis retailers.
  - c) “Restaurant” has the same meaning as in Zoning Bylaw No. 3199, 2013.
3. The ‘Cannabis Consumption Patio’ is permitted only as an accessory use to an active ‘Restaurant’ use. If the restaurant ceases to operate, the Cannabis Consumption Patio and all associated Cannabis Retailer Advertising must also cease.
4. This Permit applies exclusively to the following lands within the City of Nelson described below:

512 Hendryx Street  
PARCEL A (SEE 16581I) LOT 10 BLOCK 7 DISTRICT LOT 95 KOOTENAY DISTRICT PLAN 9500.
5. The ‘Cannabis Consumption Patio’ is limited to the area outlined in **Schedule A**.
6. The ‘Cannabis Consumption Patio’ shall be restricted to patrons 19 years of age or older.
7. The permitted hours of operation for the Cannabis Consumption Patio are 10:00am to 9:00pm, seven days a week.
8. In areas of the restaurant not designated for cannabis consumption, signage must be posted that is consistent in size and style with signage required under the City’s *Clean Air and Smoking Bylaw*. Signs must clearly state:

“No Smoking, No Vaping and No Cannabis Consumption beyond this point”.

These signs shall be located in the areas marked with an ‘X’ in **Schedule A**.
9. The applicant shall ensure disposable mouthpieces are available for patrons who share cannabis consumption devices, such as vaporizers.

10. The Permittee shall install screening along the patio/balcony railing facing Hendryx Street. The screen(s) must be reasonably consistent in appearance to those shown in **Schedule B**.
11. The development must comply with all applicable provincial and federal legislation and regulations, including, but not limited to those, enforced by the Liquor and Cannabis Regulation Branch (LCRB), Interior Health, and WorkSafeBC. Additionally, the development must comply with all applicable municipal bylaws, including but not limited to the Building Bylaw No. 3456, 2019, Fire Regulation and Prevention Bylaw No. 3268, 2014.
12. Notice of this Permit shall be filed in the Land Title Office at Kamloops under Section 503 of the *Local Government Act*. Upon registration, the terms of this Permit or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
13. In accordance with Section 497 of the Local Government Act, this permit will expire three (3) years after the date of issuance.
14. Unless otherwise specified, all costs associated with the development and implementation of this permit shall be borne by the Permittee.
15. The Permittee may assign the benefits and obligations herein derived with the consent of the City of Nelson, such consent not to be unreasonably or arbitrarily withheld.
16. The said Lands shall be developed strictly in accordance with the provisions, terms, and conditions of this Permit and any plans and specifications attached hereto which shall form a part hereof.
17. The terms and conditions as established herein for the development on the above described Land are hereby accepted.
18. This Permit is not a Building Permit.

ISSUED THIS 6<sup>th</sup> DAY OF MAY, 2024.

NOTICE FILED IN THE LAND TITLE OFFICE the \_\_\_\_\_ day of \_\_\_\_\_, 2025

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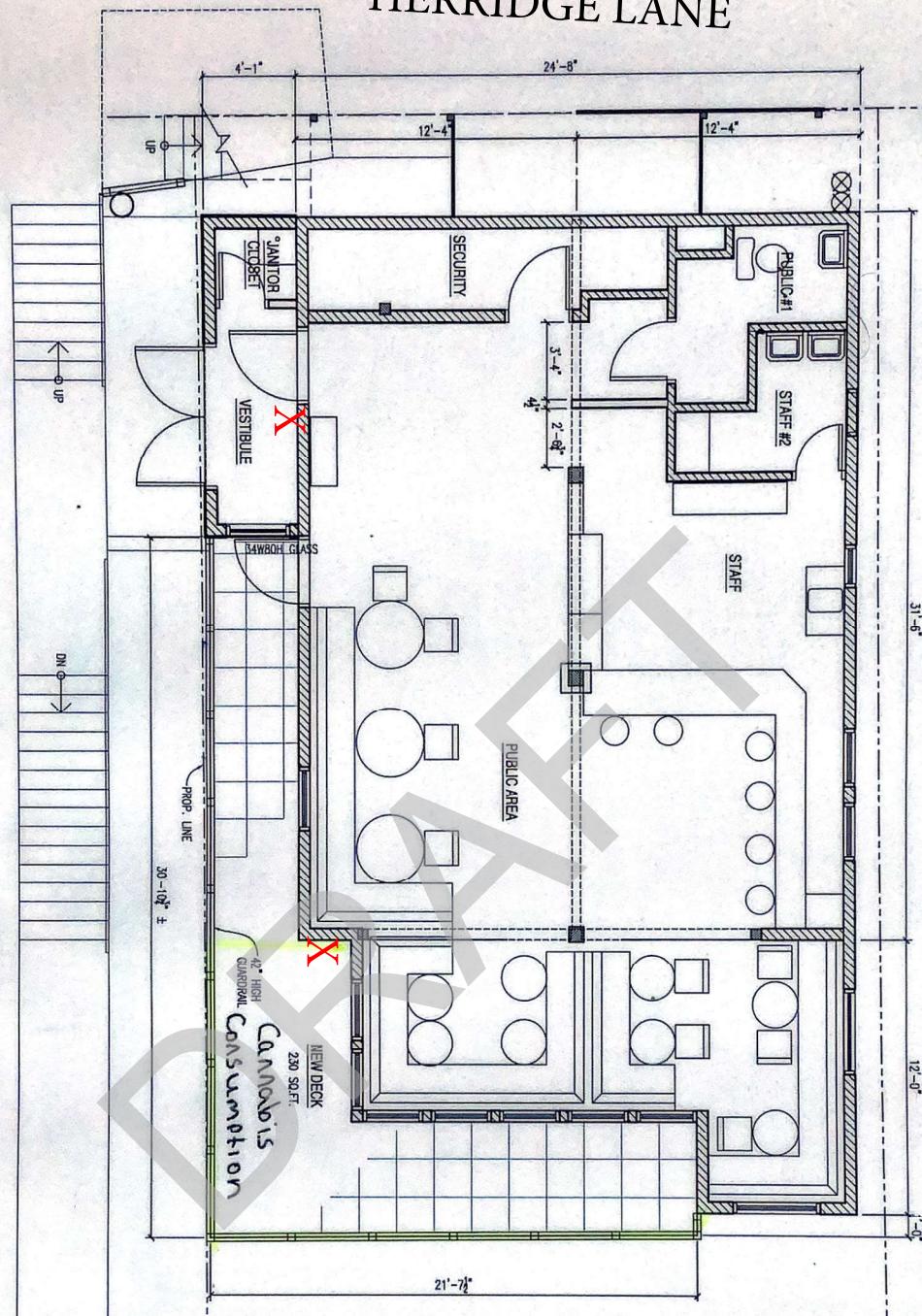
Director of Development Services &  
Climate Leadership

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Authorized Signatory of Permittee

# Schedule A

## HERRIDGE LANE



## HENDRYX STREET

GROUND FLOOR PLAN

SHEET TITLE	
GROUND FLOOR PLAN	
PROJECT NO:	200724
CAO DING FILE:	2 GROUND FLOOR PLANS
DRAWN BY:	PAUL DE FELICE
CHECKED BY:	-
DATE:	AUGUST 10, 2020
SHEET	
2	
OF	
-	

OWNER

BRENTON RABY

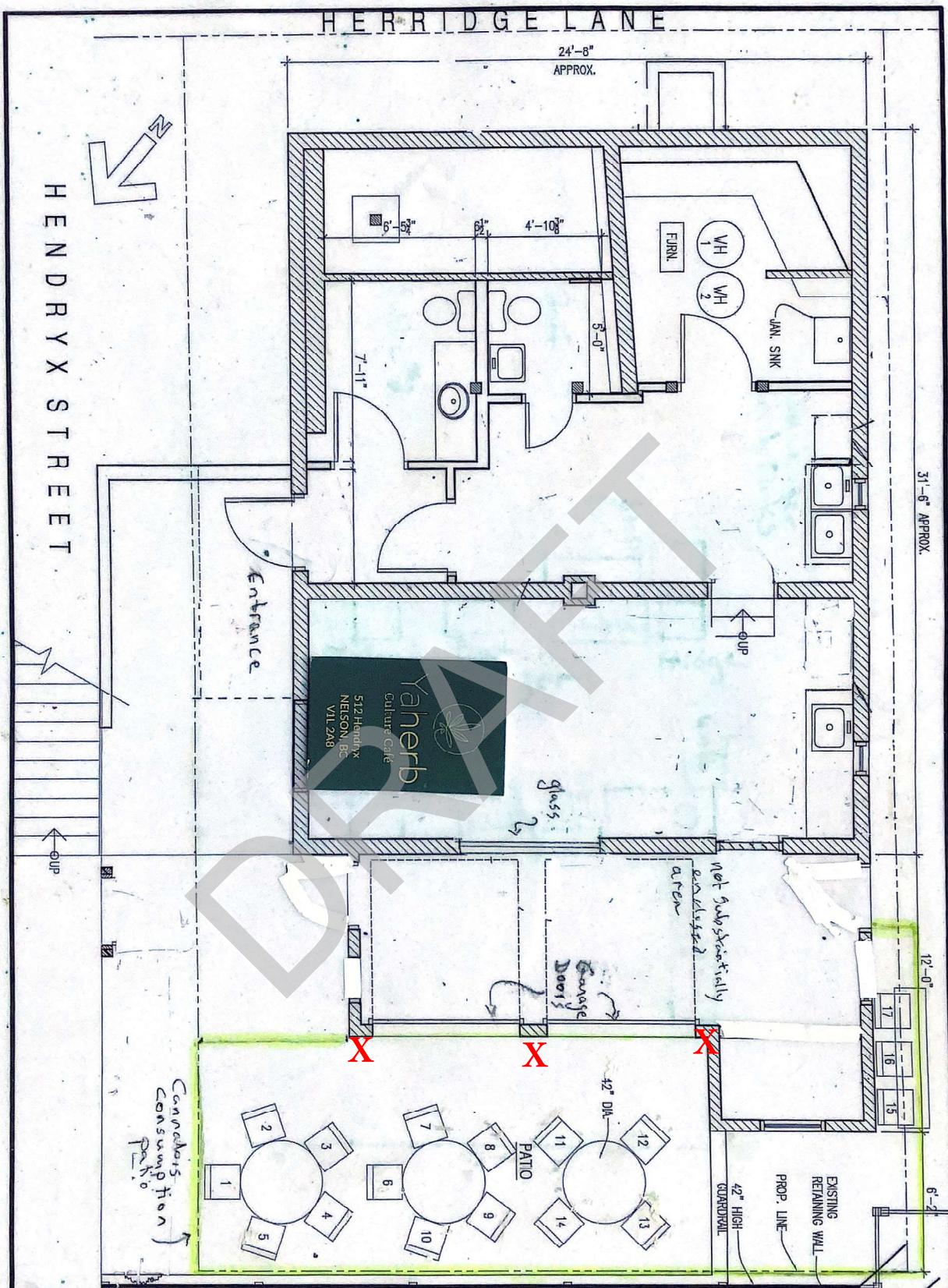
512 HENDRYX STREET  
NELSON, BC



CONSULTANTS

DE FELICE DRAFTING & DESIGN  
7566 Harrop Procter Road  
Nelson, BC, V1L 6R7  
pdefelice@shaw.ca  
250-551-7700 cell.

# Schedule A



DE FELICE DRAFTING & DESIGN  
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Nelson, BC, V1L 6R7  
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Tel. 778-771-5238 or 250-551-7700

SHEET TITLE  
**BASEMENT FLOOR PLAN** Cannabis Consumption HOSPITALITY PATIO

PROJECT

**YAHerb CAFE**

SCALE

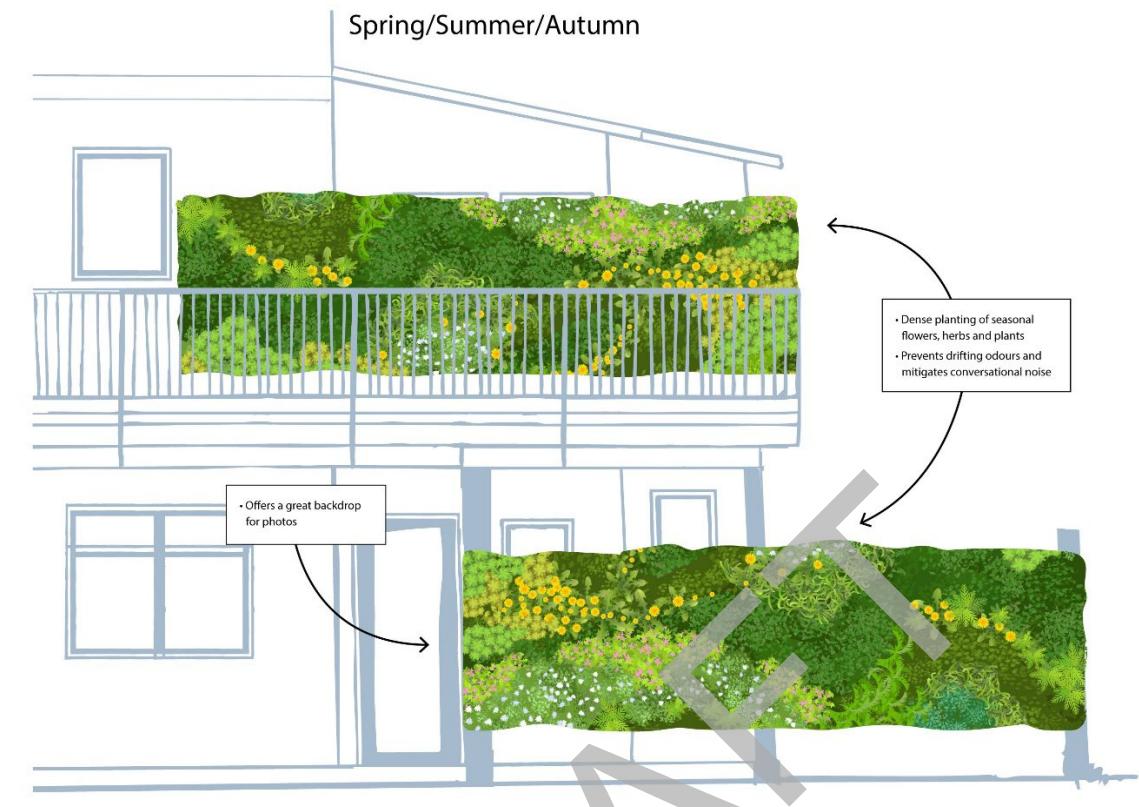
1/4" = 1'-0"

DRAWING

1 / 2

REF:  
PROJECT NO: 027  
DATE: NOVEMBER 22, 2018  
FILE: 1 BASEMENT FLOOR  
PLAN - INTERIOR  
HEALTH-DING  
DRAWN BY: PAUL DE FELICE  
CHK'D BY: -

## Schedule B



## Schedule B

