

DATE OF MEETING [July 22, 2019]
 AUTHORED BY [CALEB HORN, PLANNER, CURRENT PLANNING]
 SUBJECT [REZONING APPLICATION NO. RA431 – 50 TENTH STREET]

OVERVIEW

Purpose of Report

To present Council with an application to amend the existing zoning of the property located at 50 Tenth Street to allow “Cannabis Retail Store” as a site-specific use in the City Commercial Centre (CC3) zone.

Recommendation

That:

1. “Zoning Amendment Bylaw 2019 No. 4500.155” (To rezone 50 Tenth Street to allow “Cannabis Retail Store” as a site-specific use in the City Commercial Centre [CC3] zone) pass first reading;
2. “Zoning Amendment Bylaw 2019 No. 4500.155” pass second reading; and
3. Council direct Staff to secure the amenity contribution and BC Liquor and Cannabis Regulation Branch approval prior to adoption of the bylaw, should Council support the bylaw at third reading.

BACKGROUND

A rezoning application, RA431, was received from Hub City Cannabis Ltd., for 50 Tenth Street. The applicant proposes to amend the existing CC3 zone to allow “Cannabis Retail Store” as a site-specific use for the subject property.

The City of Nanaimo adopted amendments to “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) on 2018-SEP-17 and established a Cannabis Retail Store (CRS) Rezoning Criteria policy to consider future applications for CRS developments in anticipation of changing Federal and Provincial legislation. Following enactment of new legislation to decriminalize cannabis consumption and legalize the retail sale and distribution of Provincially-licensed cannabis product, the City of Nanaimo began receiving CRS rezoning applications on 2018-OCT-22.

To date, one CRS rezoning application has received Final Adoption and 13 others have been reviewed by Council:

#	Application No.	Address	Status
1	RA413	3923 Victoria Avenue	Received fourth reading (Final Adoption) on 2019-JUN-17
2	RA406	111 Nicol Street	Received third reading on 2019-FEB-07

3	RA410	1599 Dufferin Crescent	Received third reading on 2019-APR-04
4	RA415	2220 Bowen Road	Received third reading on 2019-APR-04
5	RA411	25 Front Street	Received third reading on 2019-MAY-02
6	RA416	1483 Bowen Road	Received third reading on 2019-MAY-02
7	RA417	510 Fifth Street	Received third reading on 2019-MAY-02
8	RA407	6683 Mary Ellen Drive	Received third reading on 2019-JUN-13
9	RA408	3200 Island Highway N.	Received third reading on 2019-JUN-13
10	RA418	52 Victoria Crescent	Received third reading on 2019-JUN-13
11	RA420	140 Terminal Avenue	Received third reading on 2019-JUN-13
12	RA422	111 Terminal Avenue	Received third reading on 2019-JUL-04
13	RA425	6404 Metral Drive	Received third reading on 2019-JUL-04
14	RA430	350 Terminal Avenue	Received third reading on 2019-JUL-04

In total, 18 CRS applications have been received to date.

Subject Property and Site Context

<i>Location</i>	50 Tenth Street is a commercial plaza known as ‘Southgate’ located on the north side of Tenth Street between Island Highway South and Lawlor Road.
<i>Total Lot Area</i>	1.88ha
<i>Current Zoning</i>	CC3 – City Commercial Centre
<i>Proposed Zoning</i>	CC3 with “Cannabis Retail Store” as a site-specific use
<i>Official Community Plan (OCP) designation</i>	City Commercial Centre
<i>Neighbourhood Plan designation</i>	Mainstreet (Commercial / Residential)
<i>Proximity to nearest school</i>	Approximately 935m (Chase River Elementary School – 1503 Cranberry Avenue)
<i>Proximity to nearest licensed daycare</i>	Approximately 395m (Well Beings Early Childhood Education – 1115 Haliburton Street)
<i>Proximity to nearest CRS</i>	Approximately 3.18km (Proposed CRS at 111 Nicol Street – RA406)

The proposed CRS will be located in the primary building on the property within an existing retail unit. The subject property contains multiple commercial retail units in three one-storey buildings. Neighbouring land uses include commercial retail, medium-density residential, and mobile home park residential.

DISCUSSION

Proposed Development

The applicant is proposing to rezone the subject property to allow “Cannabis Retail Store” use in addition to the existing permitted CC3 zone uses. While the CC3 zone allows “retail” as a permitted use, a CRS requires site-specific rezoning.

The proposed retail floor area is approximately 200m² within the existing commercial space. The proposed business hours are from 9am to 11pm, seven days a week.

Provincial Licensing Requirements

The City was advised by the BC Liquor and Cannabis Regulation Branch (LCRB) that an application for a non-medical cannabis retail licence has been made for the subject property.

As part of the LCRB’s review, the branch determines if the applicant is “fit and proper” to receive a licence, in accordance with Section 23(1) of the *Cannabis Act* (Bill 30), based on indicators such as financial integrity and security screening. The LCRB will advise the City of the results of the “fit and proper” assessment.

The LCRB will not proceed with a licensing application unless the local government submits a positive recommendation to the LCRB indicating the proposed CRS use is permitted.

Official Community Plan

The Official Community Plan (OCP) designates the subject property as City Commercial Centre. The OCP does not address CRS use specifically, but the land-use designation supports retail uses and encourages a diversity of commercial, professional, and residential uses. The proposed CRS generally complies with the intent of the City Commercial Centre land-use designation.

Cannabis Retail Store Rezoning Criteria

Criteria		Response
Location		
1.1	The proposed CRS should be located on, or in close proximity to, a provincial highway, urban arterial or urban major collector road, as defined in the City’s Functional Road Classification Working Plan; or in an Urban Node, Commercial Centre or Corridor as designated in the City’s Official Community Plan.	The subject property is located within the City Commercial Centre land-use designation, and is located on a provincial highway.
1.2	The proposed CRS should not be located directly adjacent, or in close proximity to a school or licensed daycare facility. A minimum separation of 200m from these facilities is considered necessary, as measured from the front door of the CRS to the school or daycare property line.	The proposed CRS is located more than 200m from any licensed daycares or schools, with the nearest school approximately 935m away, and the nearest daycare approximately 395m away. School District 68 and Island Health (Community Care and Licensing) confirmed they have no objections to the application.

<p>1.3. The proposed CRS should not be located within 200m of another CRS as measured from the front doors of the CRS. Where the CRS is to be located within a dense urban area (i.e. downtown), consideration shall be given to the overall urban density and context of the area.</p>	<p>The proposed CRS is located approximately 3.18km away from the nearest proposed CRS.</p>
<p>Building or Site</p>	
<p>2.1. The size of the proposed CRS should be consistent with the nature of the immediate area and the size of existing retail stores within the area.</p>	<p>The proposed CRS will be located within an existing shopping centre. The size of the CRS is consistent with other retail units on the subject property.</p>
<p>2.2. The design of the proposed CRS should enhance or improve the aesthetics of the surrounding area, not detract from them.</p>	<p>No building façade changes are proposed. A façade sign is proposed for the business.</p>
<p>2.2.1. The revitalization of heritage buildings is encouraged.</p>	<p>N/A</p>
<p>2.3. Outside the downtown core, consideration should be given to a requirement for onsite parking and loading for every CRS.</p>	<p>The proposed CRS will be located within an existing shopping centre and additional parking is not required.</p>
<p>Community Impact</p>	
<p>3.1. The applicant must outline their awareness of potential negative impacts of the proposed CRS on the community, and must identify the specific measures that will be taken to minimize or prevent these impacts from occurring.</p>	<p>The applicant provided a Letter of Rationale (Attachment F) that proposes the following measures to minimize or prevent potentially negative impacts:</p> <ul style="list-style-type: none"> • preventing service to minors, not just through identification, but through observational awareness of customers suspected of purchasing for minors; • enforcement of no cannabis consumption on-site; and • specialized odour-proof packaging and air freshening units.
<p>3.1.1. Possible measures could include efforts to prevent service to minors, minimize smells, prevent smoking or cannabis consumption on or near the premises, property maintenance and beautification programs designed to prevent unsightliness, etc.</p>	
<p>3.1.2. Consideration must be given to the impact a CRS will have when they are located in close proximity to libraries, public recreation centres, public community centres, parks, places of worship and other family-oriented facilities.</p>	
<p>3.2. Projected traffic volumes and on-street parking demands associated with a proposed CRS should not adversely impact nearby residential and commercial areas.</p>	<p>The subject property contains onsite parking and has vehicular access from Tenth Street and Lawlor Road. Staff do not anticipate the proposed CRS use will negatively impact traffic volumes.</p>

<p>3.3. The support of the local community, neighbouring property owners and the local neighborhood association for the proposed CRS is important to Council's decision.</p>	<p>Staff received a letter from the Chase River Community Association, dated 2019-APR-30, indicating support for the proposed CRS rezoning.</p>
<p>3.3.1. The applicant is required to notify all neighbouring property owners within 200m of the subject property of the rezoning application prior to the application proceeding to Council.</p>	<p>The applicant distributed notices to neighbouring properties during the first week of July 2019. Two rezoning notice signs have been placed on the property, and if Council gives first and second reading to the bylaw, the application will proceed to Public Hearing.</p>
<p>3.4. All CRS rezoning applications must be reviewed by the Community Vitality Committee and the RCMP, in addition to being reviewed by the City's Community Planning and Development Committee,</p>	<p>The RCMP have reviewed the proposal and indicated they have no comment.</p> <p>New Council committees have yet to be established; therefore, committee review has not taken place.</p>

Staff support the proposed rezoning from a land-use perspective and consider the application to be substantially in compliance with City's Cannabis Retail Store Rezoning Criteria policy.

Community Contribution

The applicant proposes a monetary contribution of \$10,000 to be directed towards mountain bike facilities at Beban Park.

Staff support the proposed Community Amenity Contribution.

Conditions of Rezoning

Should Council support this application and pass third reading of "Zoning Amendment Bylaw 2019 No. 4500.155", Staff recommend the following items be secured prior to final adoption of the bylaw.

1. *Community Contribution* – A monetary contribution of \$10,000 to be directed towards mountain bike facilities at Beban Park.
2. *LCRB Approval* – Confirmation from the LCRB that is has approved the applicant's suitability for a cannabis retail licence.

SUMMARY POINTS

- A rezoning application has been received to allow Cannabis Retail Store use within an existing commercial building in the CC3 - City Commercial Centre zone for the subject property located at 50 Tenth Street as site-specific use.
- The Provincial Liquor and Cannabis Regulation Branch is reviewing the licensing application for this proposal.
- Staff support this application which substantially complies with the Cannabis Retail Store Rezoning Criteria policy.

ATTACHMENTS

ATTACHMENT A: Location Plan
ATTACHMENT B: School and Licensed Daycare Buffer Map
ATTACHMENT C: Proposed Site Plan
ATTACHMENT D: Conceptual Elevation
ATTACHMENT E: Letter of Rationale
ATTACHMENT F: Aerial Photo
"Zoning Amendment Bylaw 2019 No. 4500.155" |

Submitted by:

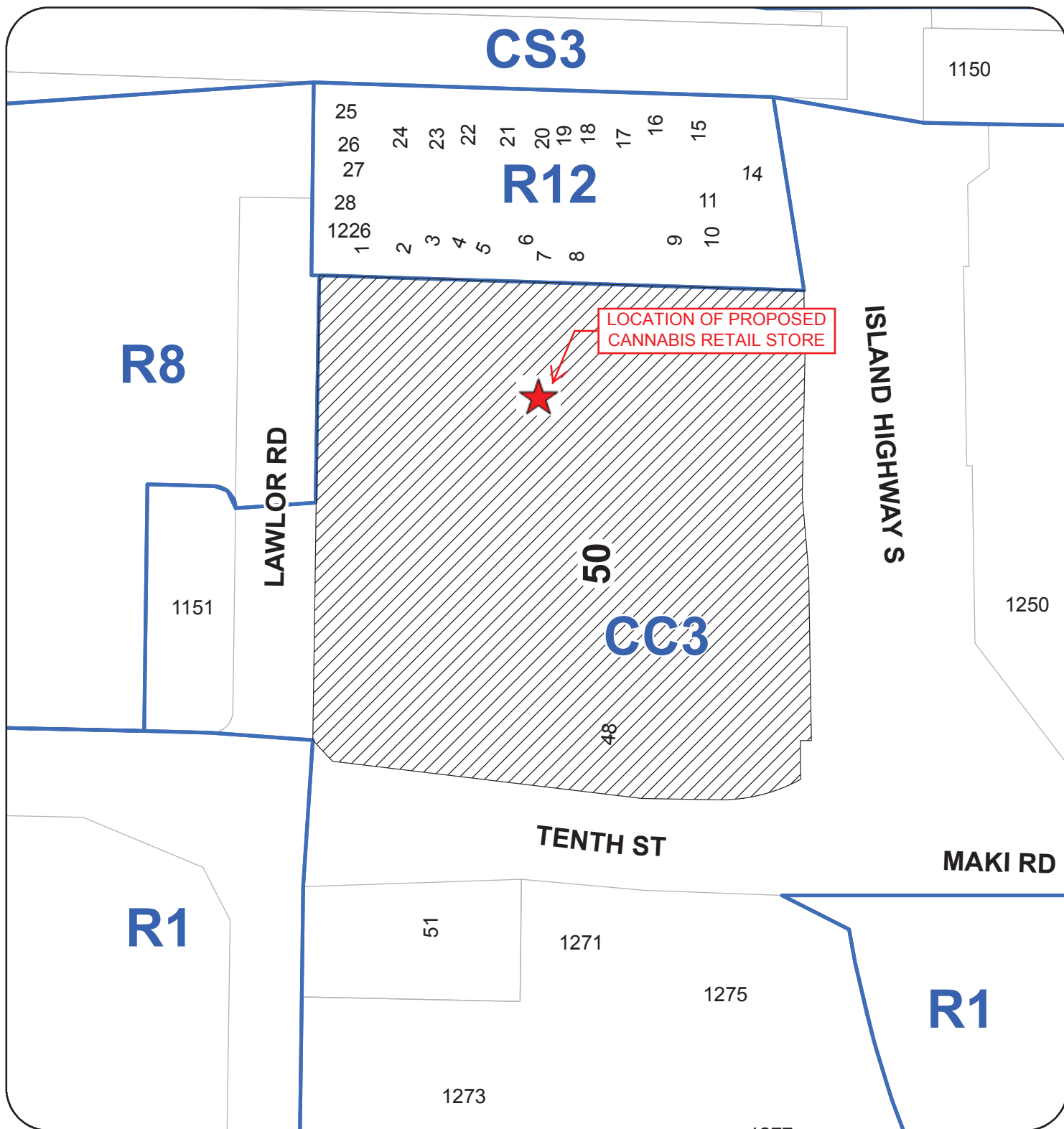
Lainya Rowett
Manager, Current Planning |

Concurrence by:

Jeremy Holm
Director of Development Approvals

Dale Lindsay
General Manager of Development Services

ATTACHMENT A
LOCATION PLAN



REZONING APPLICATION NO. RA000431

LOCATION PLAN

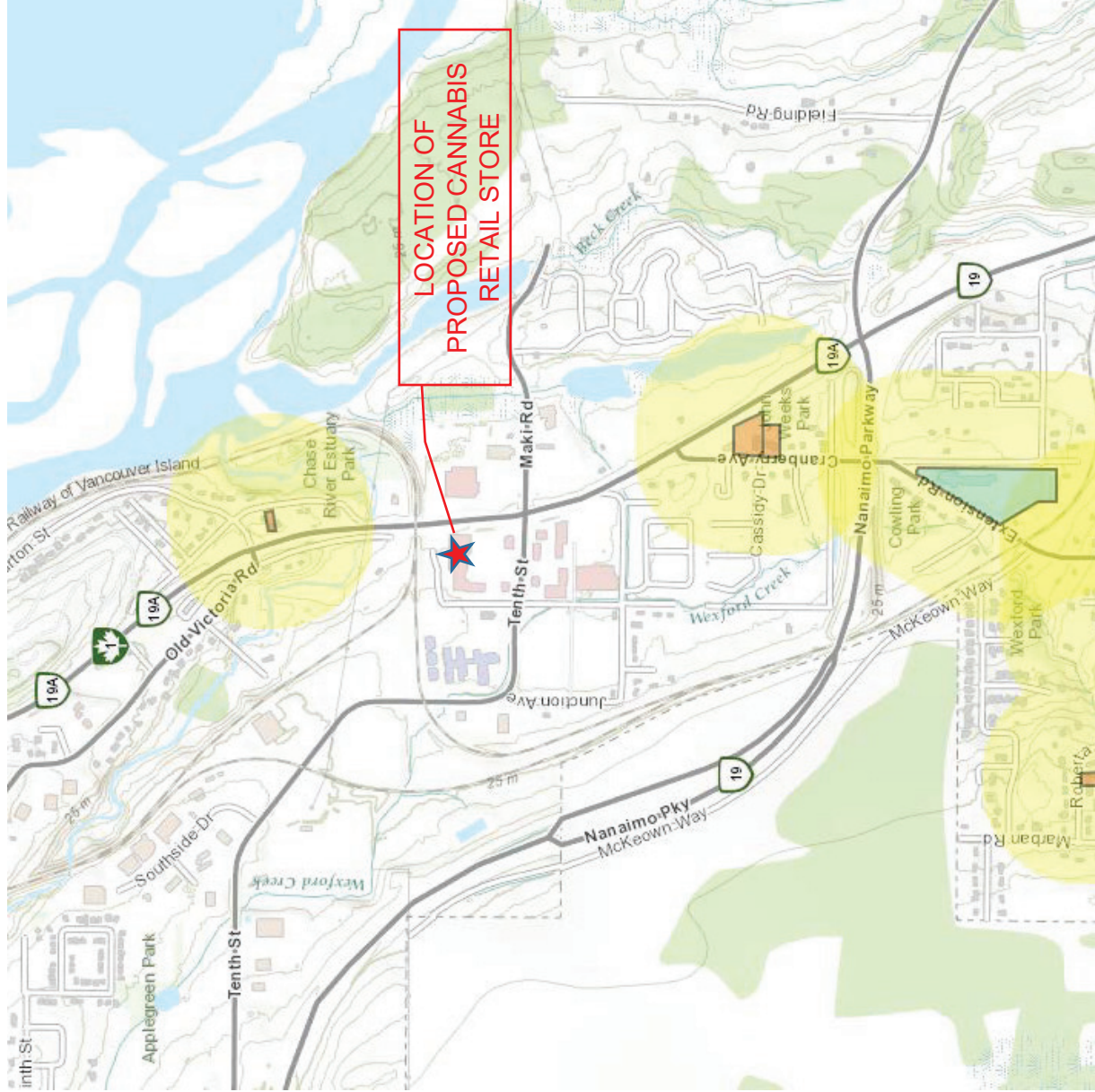
CIVIC: 50 TENTH STREET

LEGAL: LOT A, SECTION 7, NANAIMO DISTRICT, PLAN VIP86854



SUBJECT PROPERTY

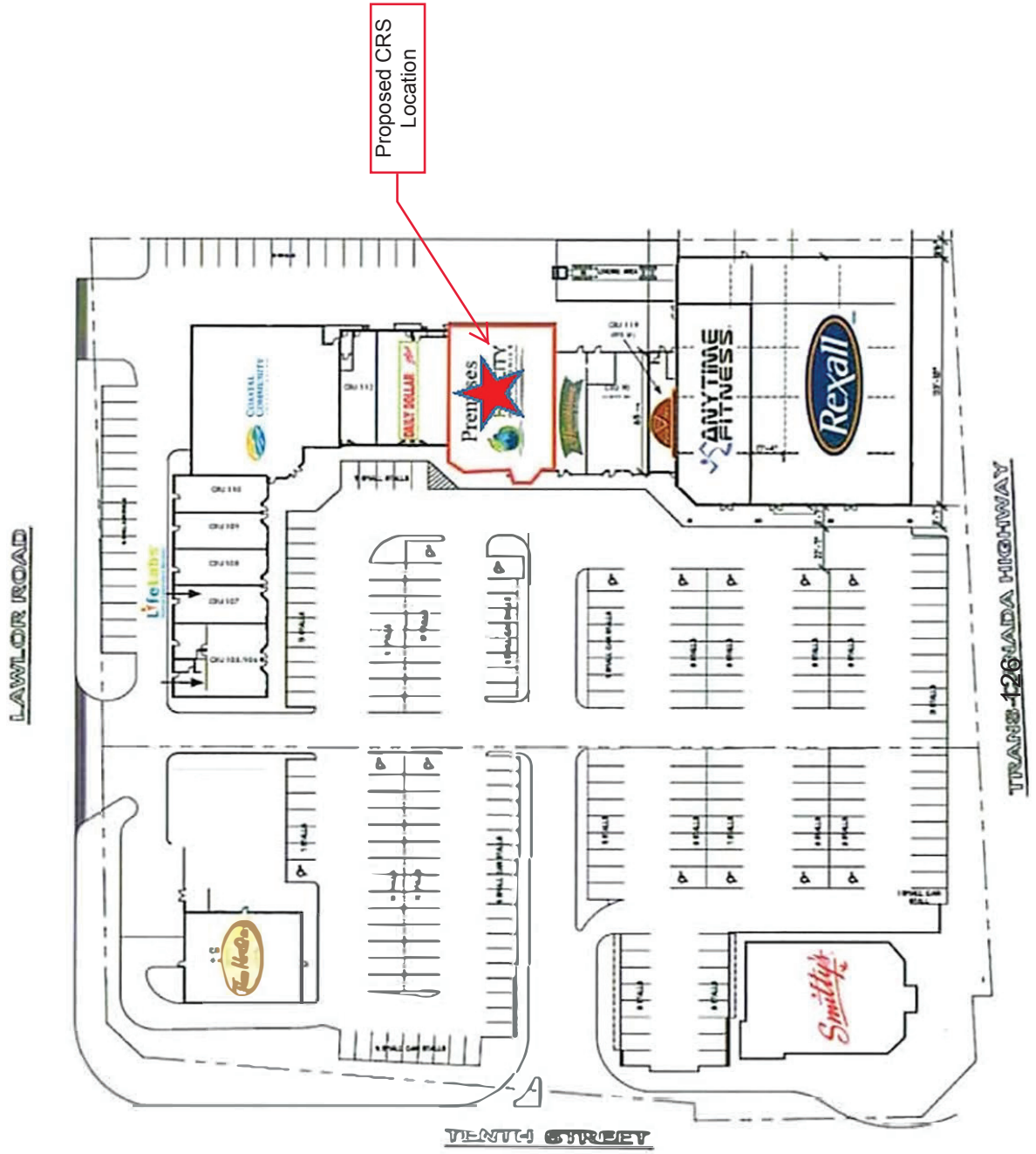
**ATTACHMENT B
SCHOOL AND LICENSED DAYCARE BUFFER MAP**



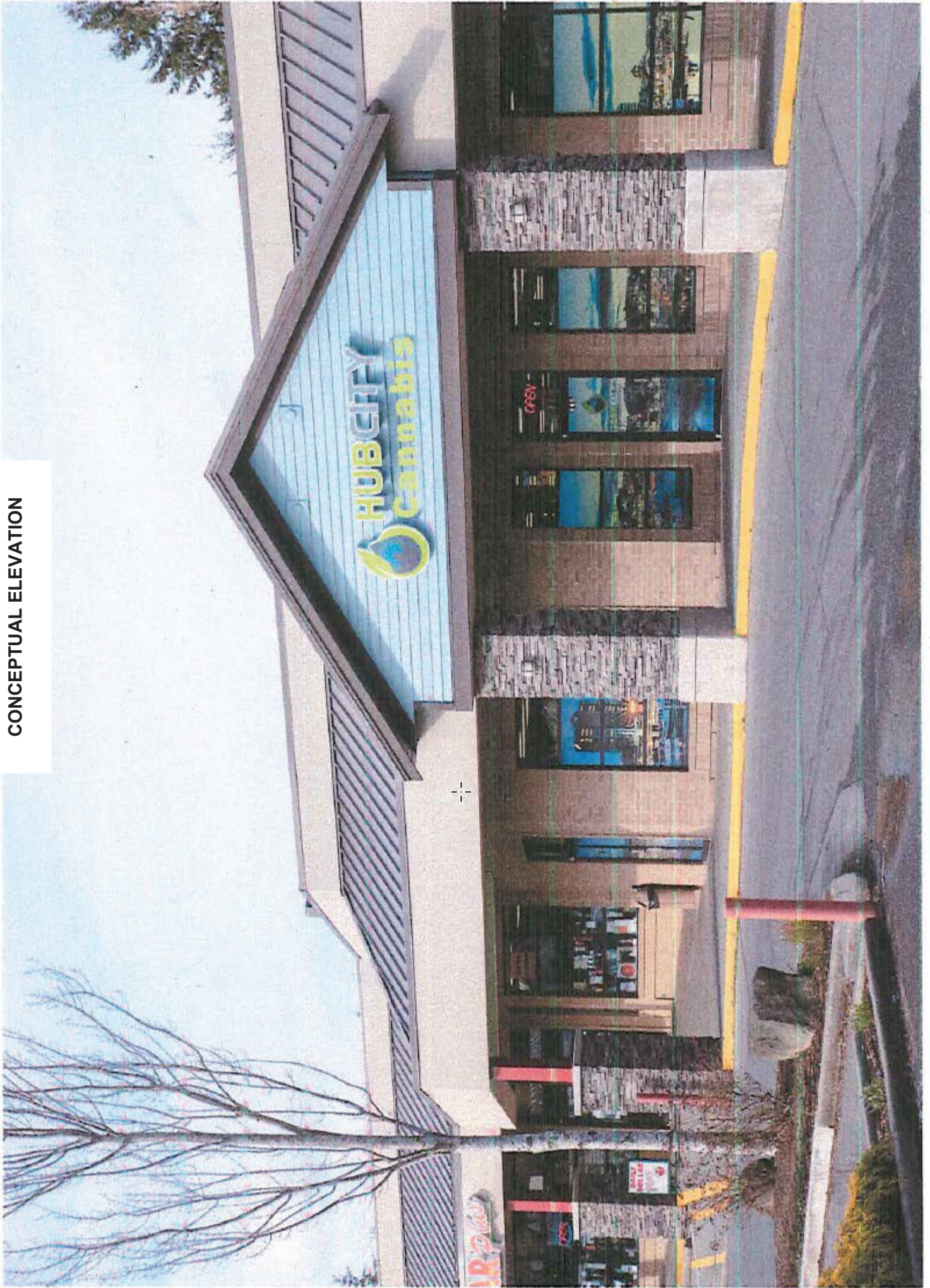
ATTACHMENT C PROPOSED SITE PLAN

PLAN OF THE PROJECT

The purpose of this plan is to identify the approximate location of the Premises in the Project. The Landlord reserves the right at time to relocate, rearrange or alter the buildings and structures, other premises and Common Areas and Common Facilities, and all other portions of the Project, and with the consent of the Tenant, not to be unreasonably withheld, the Premises from that shown on this plan.



ATTACHMENT D
CONCEPTUAL ELEVATION



**ATTACHMENT E
LETTER OF RATIONALE**

Rezoning Rational & Community Impact/Contribution Proposal for Hub City Cannabis

Unit 115, 50 tenth st
Nanaimo BC

March 15, 2019

As per the policy endorsed by the city of Nanaimo council, as of September 17, 2018, The guidelines and criteria for approval of this rezoning application are successfully met as follows:

1. Location

1.1 The proposed CRS is indeed located on, or in close proximity to a provincial highway, urban arterial or urban major collector road, as defined in the city's functional road classification working plan, and in an urban node, commercial centre or corridor, as designated in the city's office community plan.

1.2 The proposed CRS is not located directly adjacent to, or in close proximity to any school or licensed daycare facility, as verified per the arial plan included in this application, sourced from the City of Nanaimo CRS siting guide.

1.3 The proposed CRS is not located within 200m of another CRS.

1.4 It should be noted as well that at the time of this application, there are no known liquor primary establishments the direct area of our proposed CRS. We feel this factor could also serve to lessen circumstances for potential abuse or misuse of cannabis products in conjunction with alcohol, a practice we would also actively advise our customers against as well.

2 Building and site

2.1 The size of the proposed CRS is consistent with the nature of the immediate area and the size of existing retail stores within the area, being a pre existing unit of several similar units in a shopping plaza.

RECEIVED
RA431
2019-MAR-14
Current Planning

2.2 The design of the proposed CRS as a unit in a shopping plaza is congruent with Neighbouring units, and the proposed signage is simple and tasteful so as not to stand out or detract from the aesthetics of the surrounding area. A rendered image of the proposed store signage is included in this application.

2.3 Requirements for onsite parking and loading are more than sufficiently met with ample availability of parking, and an existing industrial loading ramp and 12'x12' loading door, as shown in the provided map of the premise and parking lot area.

3 Community impact

3.1 We are aware of the possibility that potential unanticipated negative impacts of the proposed CRS on the community may come to present themselves, and we will of course do whatever we can to address those, should they arise. With a focus on prevention, we have a multitude of preemptive measures that will be taken to minimize or prevent these possible issues from arising.

3.2 Efforts to prevent service to minors do not just begin at the door with standard age and identification requirements, but extend even beyond the business area and its obligations as well, with a mindfulness for maintaining observational awareness of any potential purchase attempts by legal age adults that are suspected to be a proxy service to minors, using liquor sales training materials as a model. Also enforcement of no consumption of cannabis on site will be strongly exercised.

3.3 Any issue of potential smell is easily and thoroughly minimized, if not eliminated entirely due to the specialized odour proof packaging of goods and maintaining a filtered negative pressure effect in our space in conjunction with air freshening units. In conjunction with a strict policy of probation of smoking cannabis or otherwise consuming any cannabis products on or near the premises.

4 Community Contribution

4.1 Hub City Cannabis will be making a contribution of \$10000 to Nanaimo parks and recreation, with the hopes that the funds will be forwarded to the Marie Davidson BMX Park as they are in need particularly with their gate fund.

4.2 As for positive impacts we hope to contribute to the local community , we strive to bring the following:

- Draw an increase of consumer traffic to benefit the rest of the plaza and surrounding area as well due to the convenience of the location.
- Contribute to a stronger local community
- Increase the number of local jobs that support young working families
- Promote living wage and fair employment practices
- Increase training and apprenticeship opportunities
- Help move people out of poverty , providing increased independence and sustainable employment for those in need
- Improve opportunities for meaningful independence and community inclusion for people living with disabilities
- Stimulate an entrepreneurial culture of social innovation and progression
- Help be of needed service to the community in providing a source for cannabis that is entirely legal , safe, highly vetted and trustworthy, and in a location that is safe and convenient. We also strive to provide better understanding and education about cannabis products, and the safe usage and storage of them.

Most importantly, we absolutely aim to continue to expand our efforts and intents to be a thoroughly welcome, respected, and beneficially contributing entity to the local community, and will continuously be looking for ways we can sustain that goal. Thank you very much.

ATTACHMENT F
AERIAL PHOTO



REZONING APPLICATION NO. RA000431



 SUBJECT PROPERTY

CITY OF NANAIMO

BYLAW NO. 4500.155

A BYLAW TO AMEND THE "CITY OF NANAIMO ZONING BYLAW 2011 NO. 4500"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 465, 469, 477, 479, 480, 481, 482, and 548 of the *Local Government Act*;

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "Zoning Amendment Bylaw 2019 No. 4500.155".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

By rezoning the lands legally described as LOT A, SECTION 7, NANAIMO DISTRICT, PLAN VIP86854, (50 Tenth Street) to allow Cannabis Retail Store as a site-specific use within the City Commercial Centre (CC3) Zone, as shown on Schedule A.

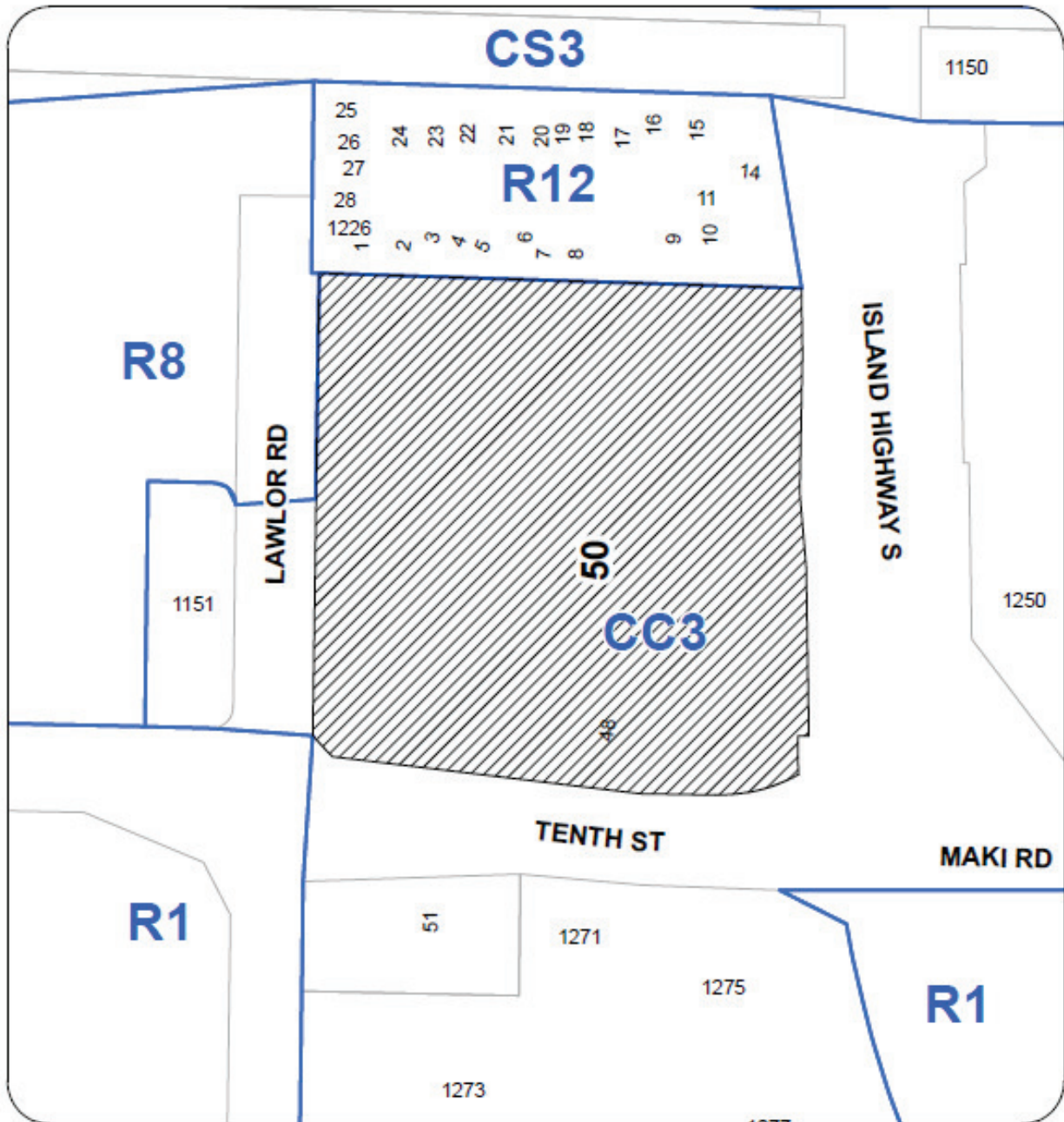
PASSED FIRST READING: _____
PASSED SECOND READING: _____
PUBLIC HEARING HELD: _____
PASSED THIRD READING: _____
MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: _____
ADOPTED: _____

MAYOR

CORPORATE OFFICER

File: RA000431
Address: 50 Tenth Street

LOCATION PLAN




REZONING APPLICATION NO. RA000431

LOCATION PLAN

CIVIC: 50 TENTH STREET

LEGAL: LOT A, SECTION 7, NANAIMO DISTRICT, PLAN VIP86854



 SUBJECT PROPERTY

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