



AGENDA
FOR THE SPECIAL COUNCIL MEETING (PUBLIC HEARING)

Thursday, April 4, 2019, 7:00 P.M.

SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

SCHEDULED RECESS 9:00 P.M.

Pages

1. CALL THE SPECIAL MEETING OF COUNCIL TO ORDER:
2. INTRODUCTION OF LATE ITEMS:
3. ADOPTION OF AGENDA:
4. CALL THE PUBLIC HEARING TO ORDER:
5. PUBLIC HEARING AGENDA

Lainya Rowett, Manager, Current Planning, to explain the required procedures in conducting a Public Hearing and the regulations contained within Part 14 of the *Local Government Act*.

- a. Rezoning Application No. RA410 - 1599 Dufferin Crescent

3 - 15

To be introduced by David Stewart, Planner, Current Planning.

Presentation:

1. Brad Laczkowski, speaking on behalf of Mid-Island Health and Wellness, the applicant.

Call for submissions from the Public.

- b. Rezoning Application No. RA415 - 2220 Bowen Road

16 - 35

To be introduced by David Stewart, Planner, Current Planning.

Presentation:

1. Andrew Pederson Island Cannabis Company Ltd., applicant.

Call for submissions from the Public.

6. FINAL CALL FOR SUBMISSIONS:

Following the close of a Public Hearing, no further submissions or comments from the public or interested persons can be accepted by members of City Council, as established by provincial case law. This is to ensure a fair Public Hearing process and provide a reasonable opportunity for people to respond.

7. ADJOURNMENT OF THE PUBLIC HEARING

8. BYLAWS: 36

a. "Zoning Amendment bylaw 2019 No. 4500.133" 37 - 38

That "Zoning Amendment Bylaw 2019 No. 4500.133" (To rezone Unit 9, 1599 Dufferin Crescent to allow "Cannabis Retail Store" as a site-specific use in the Hospital Urban Centre [CC5] Zone) pass third reading.

b. "Zoning Amendment Bylaw 2019 No. 4500.135" 39 - 40

That "Zoning Amendment Bylaw 2019 No. 4500.135" (To rezone 2220 Bowen Road to allow "Cannabis Retail Store" as a site-specific use in the Community Corridor [COR3] Zone) pass third reading.

9. REPORTS:

10. ADJOURNMENT:

DATE OF MEETING | March 4, 2019 |

AUTHORED BY | DAVE STEWART, PLANNER, CURRENT PLANNING |

SUBJECT | **REZONING APPLICATION NO. RA410 – UNIT 9, 1599 DUFFERIN CRESCENT** |

OVERVIEW

Purpose of Report

To present Council with an application to amend the existing zoning of the property located at Unit 9, 1599 Dufferin Crescent to allow “Cannabis Retail Store” as a site-specific use in the Hospital Urban Centre (CC5) Zone.

Recommendation

1. That “Zoning Amendment Bylaw 2019 No. 4500.133” (To rezone Unit 9, 1599 Dufferin Crescent to allow “Cannabis Retail Store” as a site-specific use in the Hospital Urban Centre [CC5] Zone) pass first reading;
2. That “Zoning Amendment Bylaw 2019 No. 4500.133” pass second reading; and
3. That 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, RA410, was received for Unit 9, 1599 Dufferin Crescent from Mid Island Health and Wellness on behalf of 1134003 BC LTD. The applicant proposes to amend the existing CC5 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 the 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.

Subject Property and Site Context

<i>Location</i>	Unit 9, 1599 Dufferin Crescent is within the Hospital Commons complex on the corner of Boundary Road and Dufferin Crescent.
<i>Total Lot Area</i>	4,142m ²
<i>Current Zone</i>	CC5 – Hospital Urban Centre
<i>Proposed Zone</i>	CC5 with site-specific “Cannabis Retail Store” use

<i>Official Community Plan (OCP) Designation</i>	Urban Node - Hospital
<i>Hospital Area Plan Designation</i>	Mixed Use Health
<i>Proximity to nearest school</i>	Approximately 248m (<i>Ecole Quarterway Elementary</i>)
<i>Proximity to nearest licensed daycare</i>	Approximately 75m to property line and more than 0.5km measured door to door. (<i>Child Development Centre/Nanaimo Regional General Hospital property</i>)
<i>Proximity to nearest CRS</i>	Approximately 600m from proposed CRS at 1483 Bowen Road.

The subject property is located on Dufferin Crescent directly across the street from the Nanaimo Regional General Hospital (NRGH). A number of health-related services are located within the complex. The Millstone medical complex and the recently constructed affordable housing development (1597 Boundary Crescent) are located on the opposite side of Boundary Crescent.

DISCUSSION

Proposed Development

The applicant is proposing to rezone the subject property to allow “Cannabis Retail Store” use in addition to the existing CC5 permitted uses. While the CC5 Zone allows “retail” as a permitted use, a CRS requires site-specific zoning.

The proposed private CRS will be located within Unit 9 of the existing Hospital Commons (formally known as Beaufort Centre) complex located at 1599 Dufferin Crescent. The proposed CRS will have an approximate floor area of 67m². The applicant has indicated the proposed business hours are 10:30 am to 6:00 pm, 7 days per week. Hospital Commons also includes a neighbourhood pub, drug store, coffee shop, and a number of doctors’ offices and medical laboratories, some of which are operated by Island Health.

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 that the proposed CRS use is permitted.

Official Community Plan

The Official Community Plan (OCP) designates the subject property as Urban Node - Hospital. The Hospital Urban Node recognizes the hospital area as the core district for health services within the city and mid-island region. Health services, seniors housing, professional offices and higher density residential uses are encouraged within the Urban Node.

The proposed land use complies generally with the intent of the Urban Node land use designation.

Hospital Area Plan

The subject property is included within the boundaries of the Hospital Area Plan (HAP). The HAP was adopted by Council on 2018-AUG-13 and provides additional land use policy regarding development within the Hospital Urban Node. The subject property is located in the Mixed Use Health designation, which is the core district for health-related services including medical offices and associated medical, commercial, and professional uses that support the function of the NRGH.

Cannabis Retail Store Rezoning Criteria

The following table summarizes how the proposed rezoning addresses the Cannabis Retail Store Rezoning Criteria, adopted by Council on 2018-SEP-17, which are intended to inform Council's consideration of the rezoning application:

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 OCP.	The subject property is located at the intersection of a major collector road (Boundary Avenue), and a minor collector road (Dufferin Crescent). The property is within the Urban Node land use designation.
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 Child Development Centre (CDC) includes a licensed daycare within their building on the northeast corner of the NRGH property. Since the building is on the hospital property, the daycare is approximately 75m from the proposed CRS as measured from the property line of the daycare to the door of the CRS; however, the CDC building itself includes a fenced play area that is more than 580m from the proposed front door of the CRS.

	<p>Other licensed daycares in the area are located at:</p> <ul style="list-style-type: none"> • 1135 Dufferin Crescent – approximately 307m from the subject property; • 1115 Dufferin Crescent – approximately 369m away from the subject property; • 1109 Thunderbird – 390m from the subject property; and • 1085 Moyes Crescent – approximately 537m from the subject property. <p>Island Health (Community Care Licensing) has no comment with respect to the application.</p> <p>The proposed CRS is located more than 200m from any schools. The nearest school (Ecole Quarterway Elementary) is approximately 248m from the subject property. Discover Montessori is located approximately 369m away.</p> <p>School District 68 has no concerns with the proposed CRS location.</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.	The proposed CRS is more than 200m from the nearest proposed CRS (1483 Bowen Road), which is located approximately 600m away.
Building or Site	
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.	The proposed CRS will be located within an existing unit, and the size of the CRS is consistent with other units in the existing shopping centre and the surrounding area.
2.2. The design of the proposed CRS should enhance or improve the aesthetics of the surrounding area, not detract from them.	The appearance of the CRS is consistent with other units in the building and the surrounding area.
2.2.1. The revitalization of heritage buildings is encouraged.	N/A
2.3. Outside the downtown core, consideration should be given to a requirement for onsite parking and loading for every CRS.	The proposed CRS is located within an existing shopping centre; additional parking and loading is not required.

Community Impact	
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.	The applicant has provided a community impact statement (Attachment E) that addresses concerns related to consumption onsite, odor, and sale to minors.
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.	The applicant proposes the following mitigation measures: <ul style="list-style-type: none"> • Customers are required to produce government photo ID; • Cameras will be installed to discourage loitering and resale to minors outside the store; • Police will be contacted if resale to minors is suspected; • Installing dehumidifiers and charcoal filters to reduce odor; and • Refusing service to intoxicated individuals.
3.1.2 Consideration must be given to the impact a CRS will have when located in close proximity to libraries, public recreation centres, public community centres, parks, places of worship and other family-oriented facilities.	The proposed site is directly across the street from the NRGH campus. Beaufort Park is located to the rear of the property. The Townsite/Chinese Cemetery is located approximately 80m from the proposed CRS.
3.2. Projected traffic volumes and on-street parking demands associated with a proposed CRS should not adversely impact nearby residential and commercial areas.	The proposed CRS will be located within an existing unit within a shopping centre and will not require additional parking. The proposed CRS is not expected to negatively impact traffic volumes.
3.3. The support of the local community, neighbouring property owners and the local neighbourhood association for the proposed CRS is important to Council's decision.	The application was referred to the Hospital Area Neighbourhood Association (HANA), and HANA has indicated it has no concerns with the rezoning application.
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.	The applicant completed notification of the neighbouring properties as outlined in the policy. A development proposal sign has been placed on the property, and if Council gives first and second reading to the Bylaw, the application will proceed to public hearing.
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.	The RCMP have reviewed the proposal and indicated they have no comment. New Council committees have yet to be established; therefore, committee review has not taken place.

The proposed rezoning does not technically meet the recommended 200m buffer between the property line of a daycare site and the front door of the proposed CRS; however, the front door of the daycare facility is greater than 580m from the front door of the CRS, so accessibility and visibility of the proposed CRS from the daycare is negligible. Staff are of the opinion the intent of the buffer has been met and the proposed rezoning substantially complies with Council's policy.

Community Contribution

The applicant proposes a monetary contribution of \$10,000 to be directed towards Parks, Recreation & Culture to support organized youth sports.

Conditions of Rezoning

Should Council support this application and pass third reading of "Zoning Amendment Bylaw 2019 No. 4500.133", 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 Parks, Recreation & Culture to support organized youth sports.
2. *LCRB Approval* - Confirmation from the LCRB that it has approved the applicant's suitability for a cannabis retail licence.

SUMMARY POINTS

- A rezoning application has been received to allow a cannabis retail store in an existing commercial building as a site-specific use in the CC5 Zone for the subject property at 1599 Dufferin Crescent.
- The Provincial Liquor and Cannabis Regulation Branch is reviewing the licensing application for this proposal.
- The application is within 75m of the Nanaimo Regional General Hospital property, which includes a daycare within the Child Development Centre property. Given the daycare facility itself is greater than 580m from the proposed CRS, the application substantially complies with the Cannabis Retail Store Rezoning Criteria.

ATTACHMENTS

ATTACHMENT A: Location Plan
ATTACHMENT B: School and Licensed Daycare Buffer Map
ATTACHMENT C: Site Plan
ATTACHMENT D: Proposed Floor Plan
ATTACHMENT E: Letter of Rationale / Community Impact Statement
ATTACHMENT F: Aerial Photo
“Zoning Amendment Bylaw 2019 No. 4500.133”

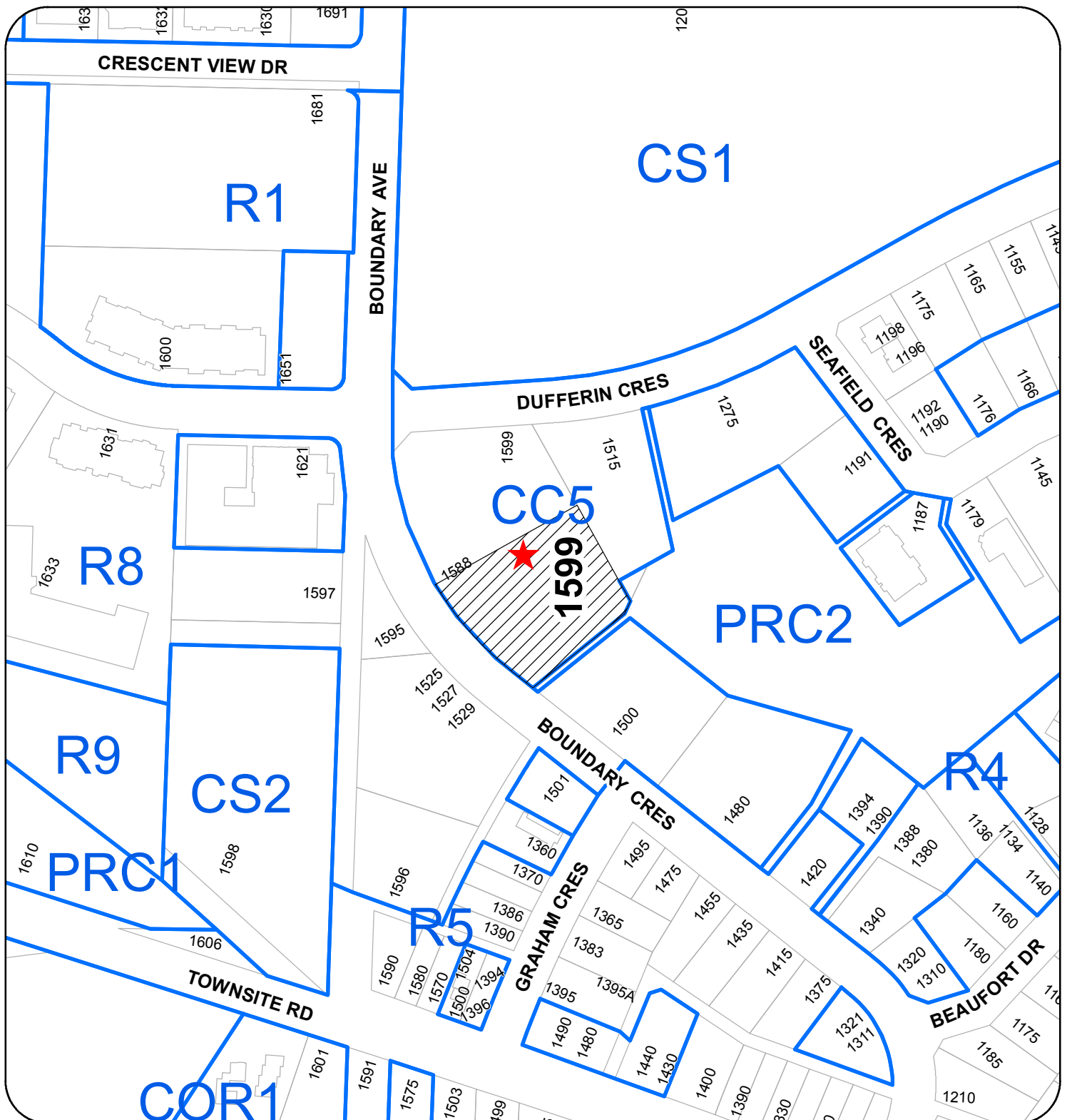
Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

D. Lindsay
Director, Community Development

ATTACHMENT A
LOCATION PLAN



REZONING APPLICATION NO. RA000410
LOCATION PLAN



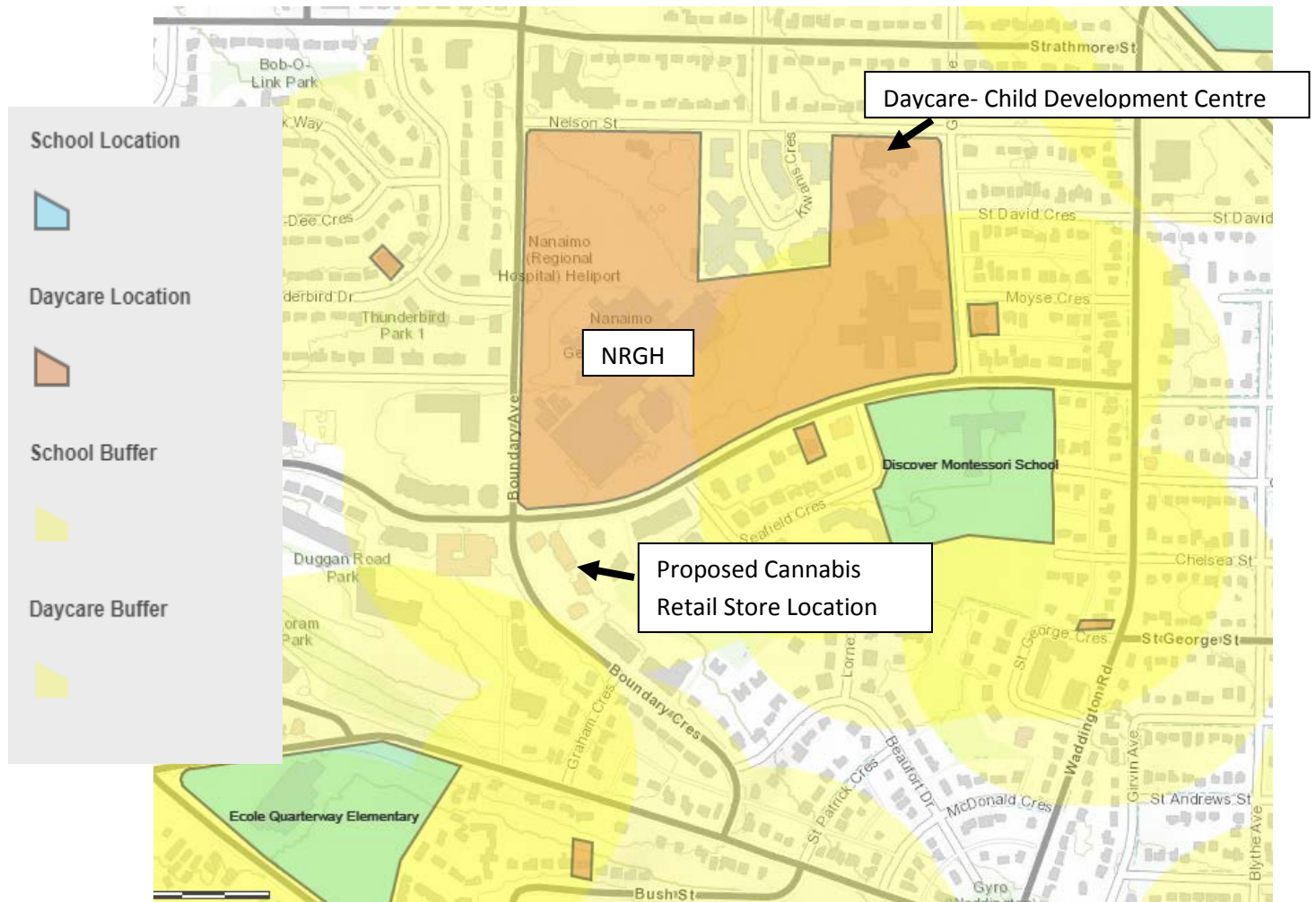
Subject Property



Proposed CRS Location

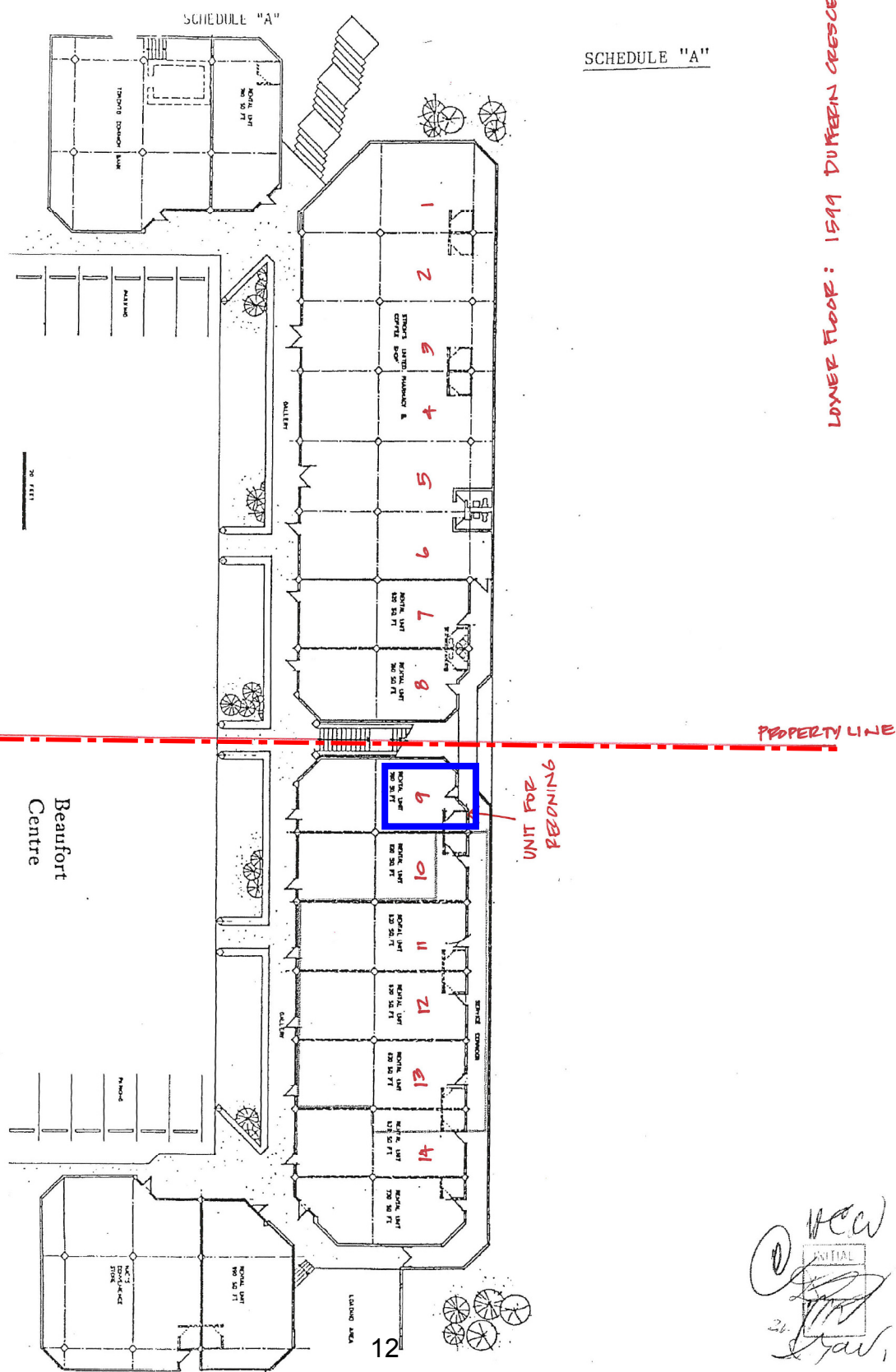
Civic: 1599 DUFFERIN CRESCENT
Legal: LOT 1, DISTRICT LOT 97G,
NEWCASTLE RESERVE, SECTION 1,
NANAIMO DISTRICT, PLAN 27521

ATTACHMENT B SCHOOL AND LICENSED DAYCARE BUFFER MAP




NANAIMO REGIONAL GENERAL HOSPITAL (NRGH) property

Boundary Avenue



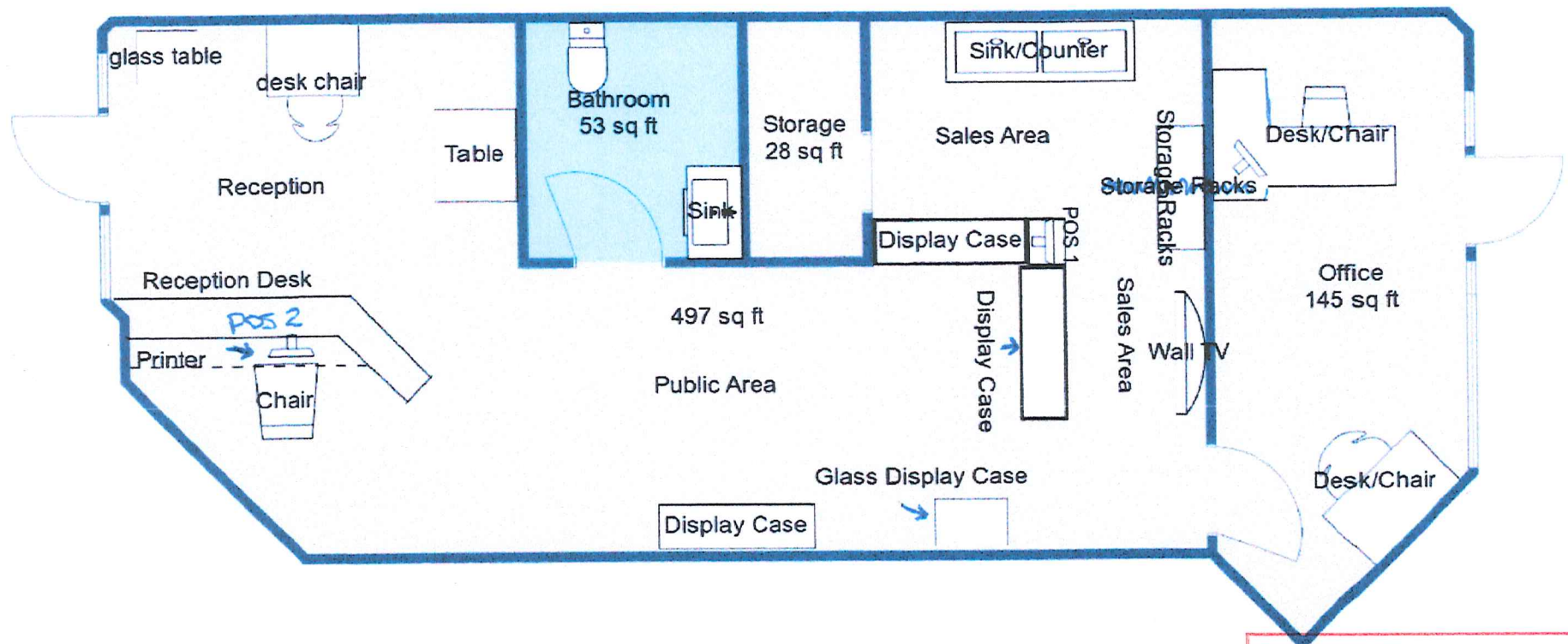
LOWER FLOOR: 1599 DUFFERIN CRESCENT

26.  **INITIAL**

ATTACHMENT D
PROPOSED FLOOR PLAN



1. Floor



ATTACHMENT E
LETTER OF RATIONALE/COMMUNITY IMPACT STATEMENT

Mid Island Health and Wellness
Geoff Griffiths
1599 Dufferin Crescent
Nanaimo, V9S 5L5

February 14, 2019

Application RA410.

To Nanaimo City Council,

Prior to legalization we've always been aware and have tried to reduce the negative impact of what the cannabis industry can bring to the community.

Our employees will be trained to be vigilante in taking the necessary precautions to prevent these negative impacts. Every customer that comes into our store will be asked for valid government ID. We have had cameras installed to watch out for and cut down on property loitering as well as in store.

If anyone tries to purchase cannabis while underage, they will be reported to the RCMP. We will supply the RCMP with identification and security photos of said underage person(s).

If customers are intoxicated of any form, we reserve the right to refuse service.

We are aware of the existing school, Discover Montessori, is close by. The closest part of the school, the field, is over 200 meters away. The hospital's daycare, the Child Development center, is owned by the hospital, however, is located 500 meters away from our retail shop.

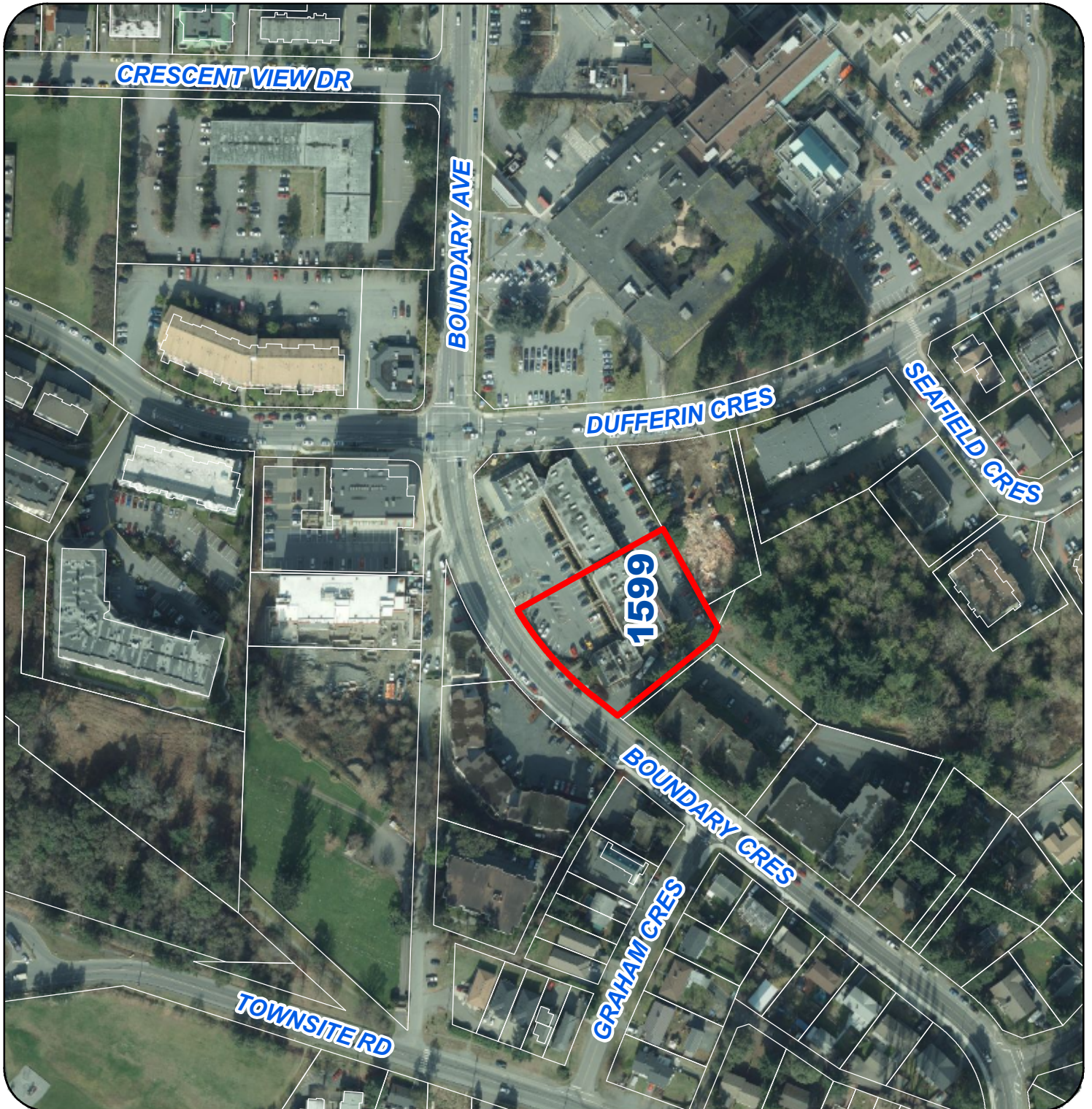
There is ample free parking within the Hospital Commons complex.

The staff have had discussions with the landlord about putting a charcoal filter into the ventilation system of our building. We have dehumidifiers and charcoal packages which we can use to clean the air and keep our shop scent free. We have always prevented customers from smoking within the area to limit the smell.

We have installed a panic button which will call the RCMP to our location which only staff members will be aware of and trained to use in emergency situations.

Our shop conducted a survey asking customers if they would like to have a retail cannabis shop in this location and the results were all shown to be positive. The community has been notified by flyer which indicates the rezoning process that our shop is currently in.

ATTACHMENT F
AERIAL PHOTO



REZONING APPLICATION NO. RA000410

DATE OF MEETING | March 18, 2019 |

AUTHORED BY | DAVE STEWART, PLANNER, CURRENT PLANNING |

SUBJECT | **REZONING APPLICATION NO. RA415 – UNIT 9, 2220 BOWEN ROAD** |

OVERVIEW

Purpose of Report

To present Council with an application to amend the existing zoning of the property located at 2220 Bowen Road to allow “Cannabis Retail Store” as a site-specific use in the Community Corridor (COR3) Zone.

Recommendation

1. That “Zoning Amendment Bylaw 2019 No. 4500.135” (To rezone 2220 Bowen Road to allow “Cannabis Retail Store” as a site-specific use in the Community Corridor [COR3] Zone) pass first reading;
2. That “Zoning Amendment Bylaw 2019 No. 4500.135” pass second reading; and
3. That 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, RA415, was received for Unit 9, 2220 Bowen Road from Island Cannabis Company on behalf of West Star Holdings Ltd. The applicant proposes to amend the existing COR3 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 the 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, two other cannabis applications have been reviewed by Council:

Application No. #	Address	Status
RA406	111 Nicol Street, Unit 115	Received third reading on 2019-FEB-07
RA410	1599 Dufferin Crescent	First and second reading scheduled for 2019-MAR-04

In total, Staff have received 14 CRS rezoning applications to date.

Subject property and Site Context

<i>Location</i>	Unit 9, 2220 Bowen Road is within the Beban Plaza complex on the corner of Bowen and Northfield Road.
<i>Total Lot Area</i>	11,830m ²
<i>Current Zone</i>	COR3- Community Corridor
<i>Proposed Zone</i>	COR3 with site-specific “Cannabis Retail Store” use
<i>Official Community Plan (OCP) Designation</i>	Corridor
<i>Neighbourhood Plan Designation</i>	N/A
<i>Proximity to nearest school</i>	Approximately 120m (<i>Forest Park Elementary</i>)
<i>Proximity to nearest licensed daycare</i>	Approximately 80m (Beban Park) Approximately 93m (<i>2221 Bowen Road</i>)
<i>Proximity to nearest CRS</i>	Approximately 1.7m from proposed CRS at 3200 Island Highway (Country Club Mall).

The subject property is located on the corner of Bowen and Northfield Road within Beban Plaza. The plaza shares a rear property line with Beban Park. Beban Plaza also includes a neighbourhood pub, liquor store, grocery store, drug store, and a number of restaurants and retail stores.

DISCUSSION

Proposed Development

The applicant is proposing to rezone the subject property to allow a “Cannabis Retail Store” use in addition to the existing COR3 permitted uses. While the COR3 Zone allows “retail” as a permitted use, a CRS requires site-specific rezoning.

The proposed private CRS will be located within Unit 9 (beside the Landlubber Pub) of Beban Plaza with an approximate floor area of 171m². The proposed business hours are 9 a.m. to 11 p.m., 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 that the proposed CRS use is permitted.

Official Community Plan

The Official Community Plan (OCP) designates the subject property as Corridor. Development in the Corridor-designated areas will be characterized by a mix of residential, commercial, professional, and service uses. The proposed CRS will replace an existing commercial retail unit within a stand-alone commercial plaza; as such, the proposed land use complies generally with the intent of the Corridor land-use designation.

Cannabis Retail Store Rezoning Criteria

The following table summarizes how the proposed rezoning addresses the Cannabis Retail Store Rezoning Criteria, adopted by Council on 2018-SEP-17, which are intended to inform Council's consideration of the rezoning application:

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 OCP.	The subject property is located at the intersection of two major arterial roads – Bowen Road and Northfield Road. The property is within the Corridor-use designation.
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.	<p>Two licensed daycare properties are within 200m of the subject property. The subject property borders Beban Park to the north. The Boys and Girls Club leases Beban House located within the park in order to run a daycare program. Staff estimate the front door of the CRS is approximately 80m from the Beban Park property line; however, the Beban House building is approximately 242m from the proposed CRS. In addition, the City runs a number of children's programs, including day camp and daycare programs, within the Beban Park Social Centre. The Social Centre is over 500m from the proposed CRS.</p> <p>A licensed before- and after-school daycare program operates from the church located at 2221 Bowen Road, approximately 94m from the proposed CRS on the opposite side of Bowen Road, a four-lane road. The commercial units within Beban Plaza are further separated from Bowen Road by a parking area.</p>

	<p>The application was referred to Island Health and they have confirmed that they do not support the application and commented: “Buffer zones around child care facilities help protect children’s well being. Proximity of cannabis retail to child care facilities may contribute to (a) exposure to marketing and normalization and (b) increased access - both of which may influence a child’s beliefs regarding the safety of cannabis.”</p> <p>The applicant has provided a Letter of Rationale (Attachment F) with respect to the recommended daycare buffer.</p> <p>The proposed CRS is located approximately 120m from the property line of Forest Park Elementary School. The nearest school building, however, is approximately 300m away from the proposed CRS. The school property is separated from the proposed CRS by a four-lane roadway (Northfield Road).</p> <p>School District 68 has no concerns with the proposed CRS location.</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>The City has not received a rezoning application for a CRS within 200m of the subject property. The closest CRS applications to the subject property include:</p> <ul style="list-style-type: none"> • 3200 Island Highway – approximately 1.7 km away; • 1599 Boundary Crescent – approximately 1.8 km away; and • 1483 Bowen Road – approximately 2.2km away.
Building or Site	
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.	The proposed CRS will be located within an existing unit, and the size of the CRS is consistent with other units in the existing shopping centre and the surrounding area.
2.2. The design of the proposed CRS should enhance or improve the aesthetics of the surrounding area, not detract from them.	The proposed façade of the CRS is consistent with other units in the existing commercial building.
2.2.1. The revitalization of heritage buildings is encouraged.	N/A

2.3. Outside the downtown core, consideration should be given to a requirement for onsite parking and loading for every CRS.	The proposed CRS is to be located within an existing shopping centre; additional parking and loading is not required.
--	---

Community Impact	
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.	The applicant has provided a community impact statement (Attachment E) that addresses concerns related to consumption onsite, odor, the location of the daycares, and sales to minors.
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>The applicant proposes the following mitigation measures:</p> <ul style="list-style-type: none"> • Require customers to produce government photo ID; • Customers consuming the product on or near the site will be asked to leave; • Maintain a clean, orderly space; • Refuse service to intoxicated individuals; and • Install an HVAC system with charcoal filters. <p>The applicant notes they currently operate a liquor primary licensed pub (the Landlubber) and have experience selling regulated substances.</p>
3.1.2 Consideration must be given to the impact a CRS will have when located in close proximity to libraries, public recreation centres, public community centres, parks, places of worship and other family-oriented facilities.	<p>The proposed site is directly adjacent to Beban Park. The commercial plaza space shares an overflow parking lot with Beban Park and is connected to the park via a pedestrian trail. The closest recreational facility within the park to the proposed CRS is the tennis courts (approximately 118m); the Cliff McNabb ice rink is over 300m from the proposed CRS, the children's playground is over 700m from the proposed CRS.</p> <p>A church located at 2221 Bowen Road hosts a daycare onsite.</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>The proposed CRS will be located within an existing unit within a shopping centre and will not require additional parking.</p> <p>The proposed CRS is not expected to negatively impact traffic volumes.</p>

3.3. The support of the local community, neighbouring property owners, and the local neighbourhood association for the proposed CRS is important to Council's decision.	The subject property is not included within the boundaries of an active neighbourhood association.
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.	The applicant completed notification of the neighbouring properties as outlined in the policy. A development proposal sign has been placed on the property, and if Council gives first and second reading to the Bylaw, the application will proceed to public hearing.
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>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>

While the proposed rezoning does not meet the recommended buffering distance between the property line of a daycare or school and the front door of a proposed CRS, the nearest school building is approximately 300m from the CRS, and the front door of the principal school building is more than 350m away from the proposed CRS and is separated from the CRS by the school field and a major road (Northfield Road). The CRS is also not visible to the school from its internal location within Beban Plaza. The School District does not have any concerns with respect to the application.

The subject property shares a rear property line with Beban Park; however, the proposed CRS unit will not be visible from Beban Park. Beban Park includes an active daycare, children's programming, and a number of recreational amenities geared to children and families. The majority of recreational programming for children and families occurs within the northern portion of the park property away from the proposed CRS. A second daycare site is located at 2221 Bowen Road (within an existing church building) across a major road (Bowen Road).

Despite the proximity of the CRS to existing daycares and schools, Staff support the proposed rezoning given the visibility of the CRS to these facilities is limited and the surrounding major roads inhibit access from these facilities to the retail store.

Community Contribution

The applicant proposes a monetary contribution of \$10,000 to be directed towards Parks and Recreation for improvements to Beban Park.

Conditions of Rezoning

Should Council support this application and pass Third Reading of "Zoning Amendment Bylaw 2019 No. 4500.135", 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 Parks and Recreation improvements to Beban Park.

2. LCRB Approval - Confirmation from the LCRB that it has approved the applicant's suitability for a cannabis retail store licence.

SUMMARY POINTS

- A rezoning application has been received to allow cannabis retail store use within an existing commercial building as a site-specific use in the COR3 Zone for the subject property located at 2220 Bowen Road.
- The Provincial Liquor and Cannabis Regulation Branch is reviewing the licensing application for this proposal.
- The application is within 200m of a school and two licensed daycares.
- Despite the proximity of the CRS to existing daycares and schools, Staff support the proposed rezoning given the limited visibility and access from these facilities to the CRS.

ATTACHMENTS

ATTACHMENT A: Location Plan
ATTACHMENT B: School and Licensed Daycare Buffer Map
ATTACHMENT C: Site Plan
ATTACHMENT D: Proposed Floor Plan
ATTACHMENT E: Community Impact Statement
ATTACHMENT F: Letter of Rationale / Daycare
ATTACHMENT G: Aerial Photo
"Zoning Amendment Bylaw 2019 No. 4500.135"

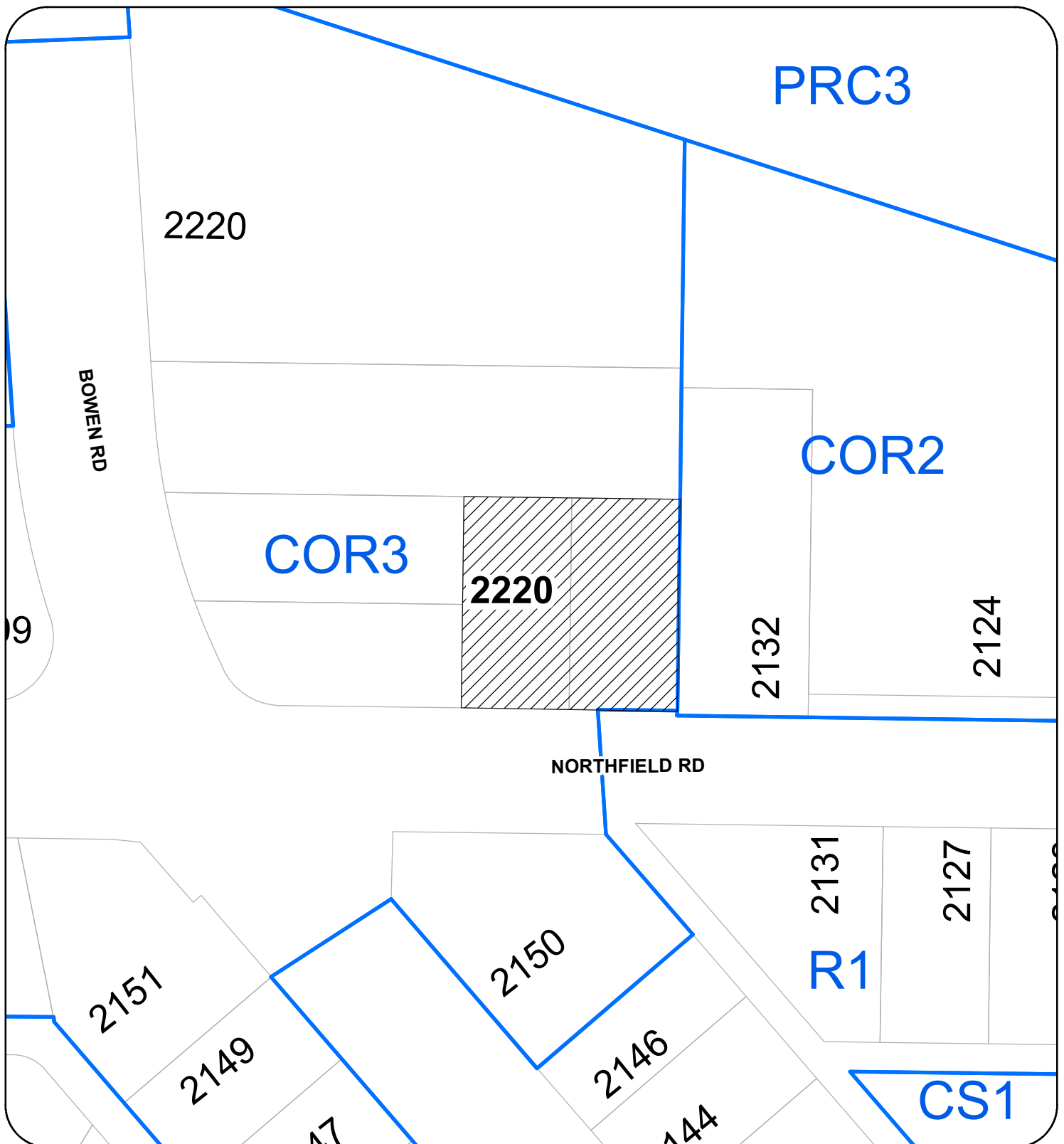
Submitted by:

L. Rowett
Manager, Current Planning

Concurrence by:

D. Lindsay
Director, Community Development

ATTACHMENT A
LOCATION PLAN



REZONING APPLICATION NO. RA000415

LOCATION PLAN

Civic: 2220 BOWEN ROAD

Legal: LOTS 5 AND 6, BLOCK 2, SECTION 18, RANGE 7
MOUNTAIN DISTRICT, PLAN 20320 21371 & 526
EXCEPT PLAN 39146



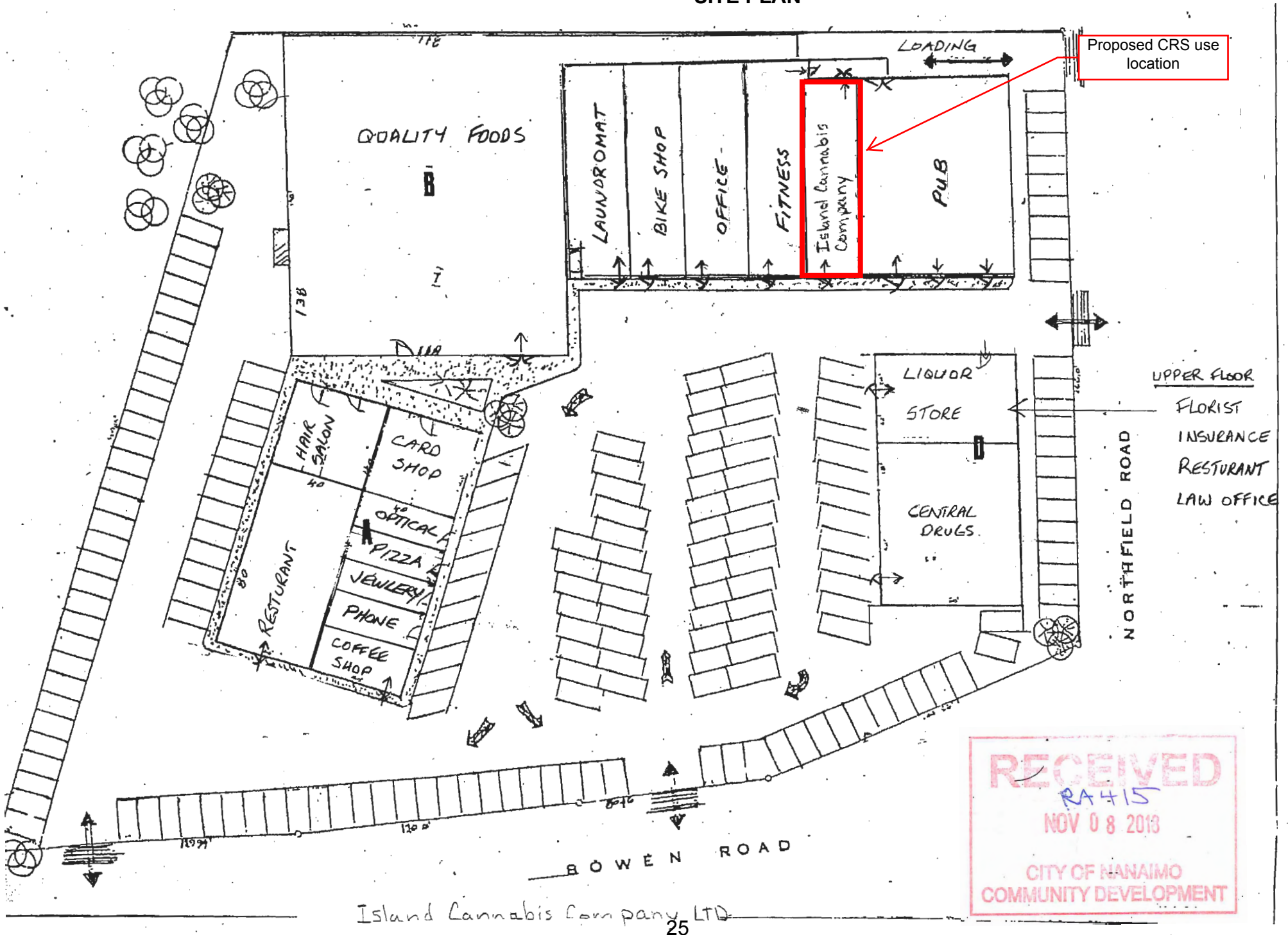
**ATTACHMENT B
SCHOOL & LICENSED DAYCARE BUFFER MAP**



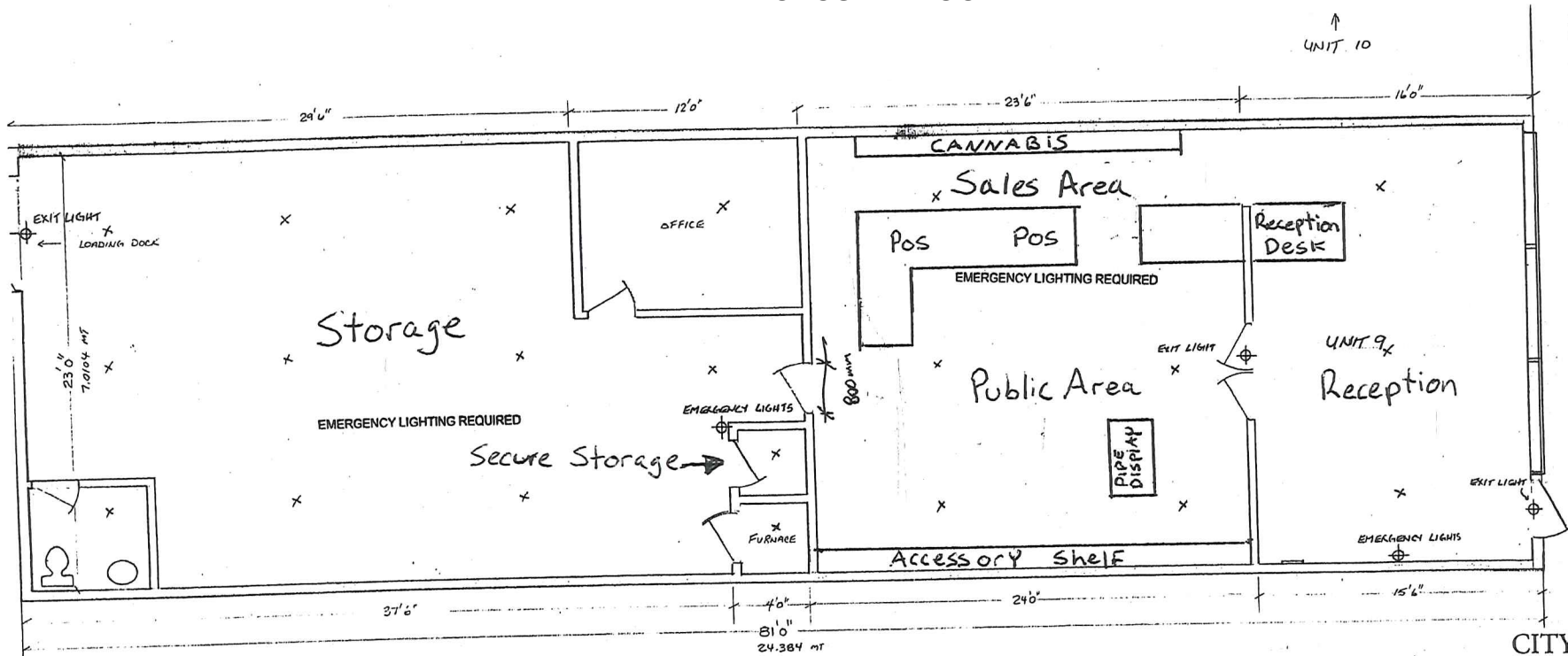
RECEIVED
RA415
NOV 08 2018
CITY OF NANAIMO
COMMUNITY DEVELOPMENT

ATTACHMENT C
SITE PLAN

BEBAN PLAZA - Lower Level
2220 Bowen Road



ATTACHMENT D PROPOSED FLOOR PLAN



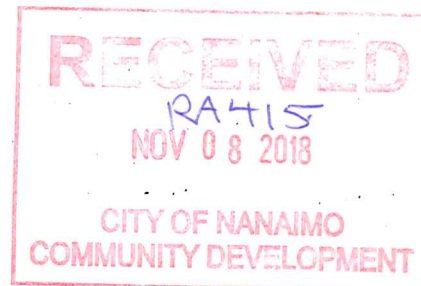
UNIT 9
2220 BOWEN RD.

170.941 SQ. MT.

FIRE SEPARATIONS/FIRE RESISTANCE RATING
15 MINUTE YELLOW
1 HOUR PINK
1.5 HOUR GREEN
2 HOUR BLUE

CITY OF NANAIMO
THE HARBOUR CITY

Building Inspections
24 Hr. Inspection Request Service
Phone: 250-755-4420
Call before 4 p.m. for next-business-day service



CITY OF NANAIMO
BUILDING INSPECTION
DIVISION
PLANS REVIEWED
FOR BUILDING PERMIT NO. 123879
DATE JAN 11 2018
SIGNED [Signature]
PLANS HAVE BEEN REVIEWED FOR GENERAL
CONFORMANCE WITH CURRENT CITY OF
NANAIMO BYLAWS & B.C. BUILDING CODE
REQUIREMENTS
INSPECTOR: RAUL REYES
JAN 11 2018

ATTACHMENT E COMMUNITY IMPACT STATEMENT

CRITERIA

1.) Location

1.1. The Island Cannabis Company (ICC) is one kilometer from the Island highway and located in Beban Plaza at the intersection of Bowen Rd and Northfield Rd, one of the busiest intersections in Nanaimo.

1.2. ICC is straight line approx 361 meters door to door to the Forest Park Elementary. The most direct walking path is approx 455 meters. The Forest Park Elementary property is 3/4ths grass and field that is completely chain link fenced in. The school is the furthest most point from ICC on that property. The property line is approx 166 meters from ICC. A major road (Northfield Rd) separates the developments. There's also residential and commercial properties in-between the school and Northfield Rd. There's no direct line of site from the school property to the proposed CRS. The only access to Northfield Rd is outside the fenced in field through 300 meters of ally way. After surveying Beban Plazas businesses and collecting long time customer feedback there has yet to be a witnessed account of the elementary aged children (5-12 years) leaving the school property, walking the ally past residential and commercial properties and crossing Northfield Rd to get down into our Plaza. At the Landlubber liquor store in Beban Plaza which we've owned and operated since 2002 there has never been an instance where a child from Forest Park has made his or her way into or around our store. Photo examples have been submitted and testimonials are being collected for submission Oct 22nd 2018.

1.3. There is no other CRS within 200 meters of ICC

2.) Buildings & Site

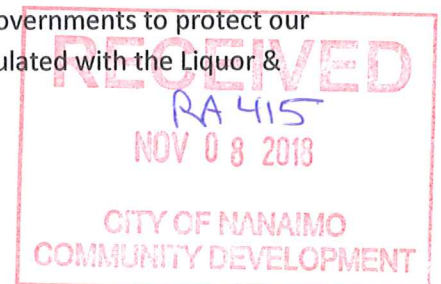
2.1. ICC meets the expectation of being consistent with the nature of the immediate area and the size of existing retails stores within our area.

2.2. ICC has a simple, clean logo and has enhanced the exterior of our bay in Beban Plaza. The interior of the store underwent a \$120,000.00 renovation creating a classy high end retail environment enhancing the appeal to Beban Plaza and surrounding businesses.

2.3. Beban Plaza has a large parking area in the center of the plaza. It also has parking wrapping around the north side into an overflow parking lot. Photo examples have been submitted.

3.) Community Impact

3.1 ICC is dedicated to protecting our youth from unnecessary cannabis exposure. With our LRS experience we've proven we can follow strict guidelines put forth by our governments to protect our community. Cannabis like alcohol at all levels of government is highly regulated with the Liquor &



Cannabis Regulation Branch (LCRB) inspecting the execution of our service. Our licensing, investments, and future earnings of these businesses as well as the safety of our community are dependent on following all rules put forth by LCRB. Including Checking all ID's, not allowing any minors in the building, putting up signs and enforcing no smoking on the premises, and always keeping a clean orderly space inside and out of the CRS. Also it should be noted we've built a reception area with the intent to not allow under aged people to see cannabis if entering the store. We passionately follow the law but also see additional value in these tasks as it creates trust signals for consumers and aids in building a responsible brand.

3.1.1. It's our responsibility as dedicated owners and managers to create an age appropriate environment. We have decades of experience with the landlubber Pub and Liquor store checking ID's for anyone looking under the age of 35. We are seasoned in identifying who is intoxicated or becomes intoxicated and disqualify these people buying more products. We also regularly issue safe options for consumers to get home. Patrons who try to consume cannabis outside our CRS will be immediately removed similarly to our patrons at the Pub and Liquor store if consuming outside. Having all three businesses under the same ownership and management ensures we are looking out for each other at all times. Cannabis aromas will be dramatically reduced with the \$12,000 investment we made in a 5 ton HVAC system with charcoal filters. This system cleans the air and keeps any smells inside our single bay. This system is independent to ICC and doesn't share air with any other bay. Our managers will continue to provide clear execution of these duties at ICC.

3.1.2 In considering the impact of the proposed CRS to our neighbors in close proximity we view the addition of another high traffic retail store in Beban Plaza as a benefit to our surrounding private and public businesses. Public recreation centers, places of worship, parks, libraries, do not allow cannabis consumption. Neither does a CRS. These establishments will receive an increase in foot and vehicle traffic around them with the addition of our CRS. An increase in awareness of said establishments is inevitable and a benefit. By fulfilling our commitment to checking ID's, not selling to minors or intoxicated people, always keeping a clean orderly space inside and out of the CRS, and advocating for the safest methods of cannabis retailing will protect our local community. Whether our neighbors are cannabis users, supporters or neither there's no reason to conclude that the CRS will negatively impact their operations but likely positively affect them over time.

3.2 Projected traffic volumes and parking demands for this CRS should be relative or slightly higher than the previous business that occupied this bay. (Van Isle Video) Staff will be required to park in the overflow lot to maximize customer parking.

3.3 ICC has been in contact several of our neighbouring businesses to gather feedback on the potential of a CRS opening in Beban Plaza. We also installed ICC branding on the exterior of our bay to create awareness. In the past months since the signage has been up we've received only positive feedback. The most common feedback has been admiration towards our choice to wait for the official process of licensing to begin before we opened our store. At this time we aren't aware of any official complaints about the potential CRS but will follow up with a more extensive examination before Oct

22nd.

3.3.1 ICC will go through the official process of notifying every business within 200 meters starting Oct 1st after the bylaw is official.

3.4 ICC welcomes the any and all opportunities to communicate and defend this CRS location as we work through the rezoning process.

**ATTACHMENT F
LETTER OF RATIONALE / DAYCARE**

1 of 3



February 15th, 2019

**RE: Cannabis Retail Store- Rezoning
Island Cannabis Company LTD (Owner Andrew Pederson)
9-2220 Bowen Road, Nanaimo
(File # RA 415)**

1.) 2221 Bowen Road- a licensed daycare is located within the church building. The daycare is approximately 113m from the front door of the proposed CRS on the opposite side of Bowen Road.

Rational:

The proposed CRS is located across Bowen Rd which is a main artery highway. Bowen is a four lane road and is one of the busiest roads in Nanaimo. To walk safely through the cross walks to get to our complex is well over 250 meters. The exterior of our CRS follows the strict government advertising guidelines. Only black and white text of the company name is displayed on a ribbon on our store front. There is not flashy or enticing cannabis images attracting youth to the store.

Note: This daycare is only open on when schools are closed, in total less than three months of the year. Also these children are under constant supervision removing any risk of children visiting our store.

Customers must be 19 years old to enter the store and cannabis **CANNOT** be consumed on site. Cannabis aromas will be dramatically reduced by the government cannabis prepackaging rules and by the \$12,000 investment we made in a 5 ton HVAC system with charcoal filters. This system cleans the air and keeps any smells inside our single bay. Taking into account these facts should remove any concern that the proposed CRS would negatively impact any neighboring property especially ones across Bowen Rd. From outside the behavior observed of this CRS will be that of any other common place retail store.

After surveying Beban Plazas businesses and collecting long time customer feedback there has yet to be a witnessed account of the daycare aged children (0-12 years) leaving the church property unattended to cross Bowen road into our Plaza. At the Landlubber pub and liquor store in Beban Plaza which we've

owned and operated since 1996 there has never been an instance where a child from the church day care has made his or her way into or around our store.

The proposed CRS (Island Cannabis Company) is dedicated to protecting our youth from unnecessary cannabis exposure. With our LRS experience we've proven we can follow strict guidelines put forth by our governments to protect our community. Cannabis like alcohol at all levels of government is highly regulated with the Liquor & Cannabis Regulation Branch (LCRB) inspecting the execution of our service. Our licensing, investments, and future earnings of these businesses as well as the safety of our community are dependent on following all rules put forth by LCRB. Including Checking all ID's, not allowing any minors in the building, putting up signs and enforcing no smoking on the premises, and always keeping a clean orderly space inside and out of the CRS. Also it should be noted we've built a reception area at an additional cost with the intent to not allow under aged people to see cannabis if accidentally entering the store. We passionately follow the law but also see additional value in these tasks as it creates trust signals for consumers and aids in building a responsible brand.

2.) Beban Park- a number of licenced daycare programs are run within the Beban Park complex. The Boys and Girls Club also runs programs from Beban House on the Beban Park property. Beban house itself is approximately 245m from the CRS location. The Beban Park Social Centre is over 500m from the CRS location.

Rational:

The distance between the daycare buildings and the proposed CRS is a significant detail. The proposed CRS is 245m and over 500m to these buildings. There's no direct line of site from the daycare property to the proposed CRS. The only access is over a frontage road and through a gravel path behind Beban plaza.

Note: these children are under constant supervision removing any risk of children visiting our store.

The exterior of our CRS follows the strict government advertising guidelines. Only black and white text of the company name is displayed on a ribbon on our store front. There is not flashy or enticing cannabis images attracting youth to the store.

Customers must be 19 years old to enter the store and cannabis **CANNOT** be consumed on site. Cannabis aromas will be dramatically reduced by the government cannabis prepackaging rules and by the \$12,000 investment we made in a 5 ton HVAC system with charcoal filters. This system cleans the air and keeps any smells inside our single bay. Taking into account these facts should remove any concern that the proposed CRS would negatively impact any neighboring property. From outside the behavior observed of this CRS will be that of any other common place retail store.

After surveying Beban Plazas businesses and collecting long time customer feedback there has yet to be a witnessed account of the daycare aged children (0-12 years) leaving Beban Park property unattended crossing the frontage road and walking the gravel path into our Plaza. At the Landlubber pub and liquor

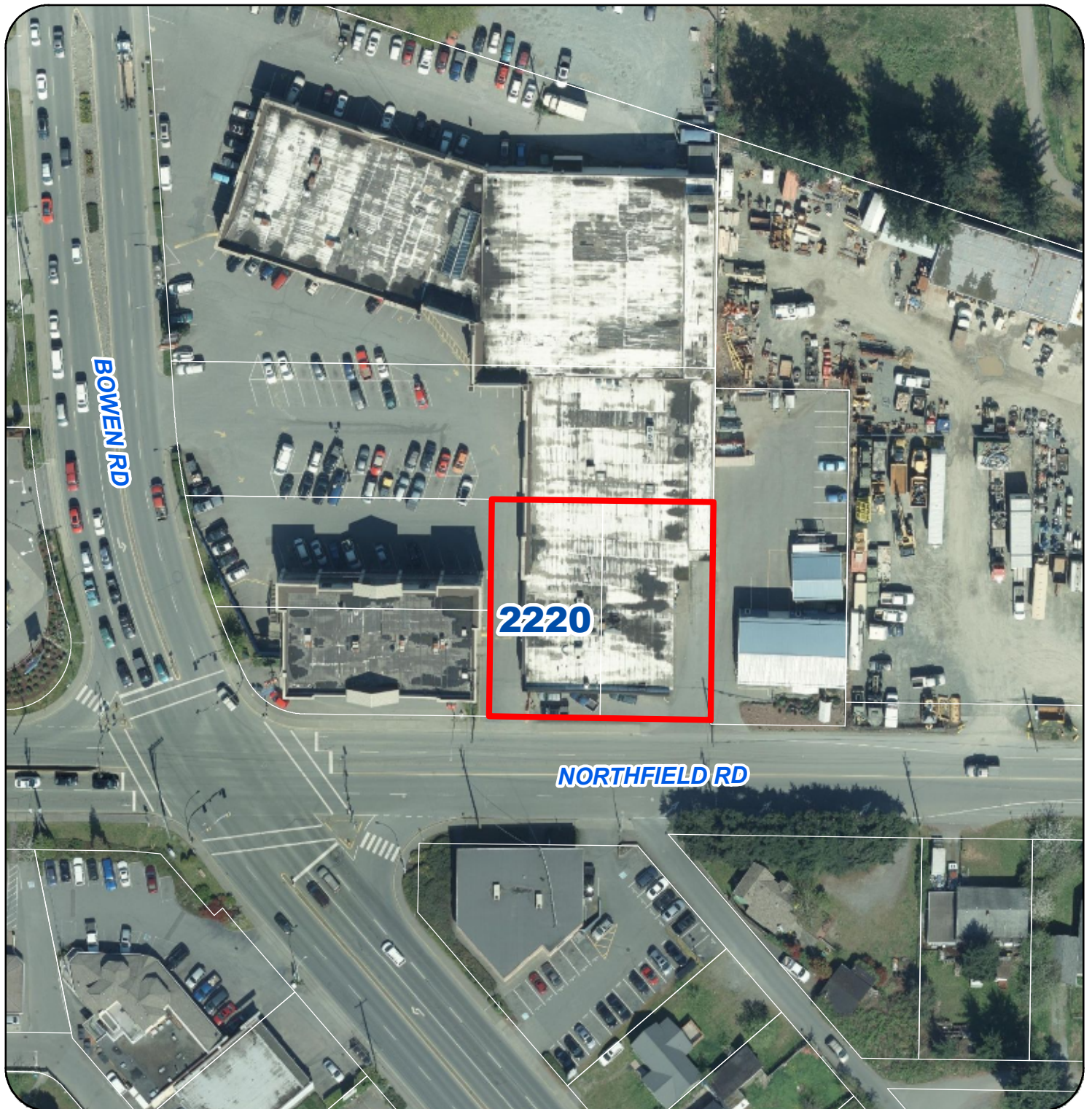
store in Beban Plaza which we've owned and operated since 1996 there has never been an instance where a child from any Beban Park day care has made his or her way into or around our store.

The proposed CRS (Island Cannabis Company) is dedicated to protecting our youth from unnecessary cannabis exposure. With our LRS experience we've proven we can follow strict guidelines put forth by our governments to protect our community. Cannabis like alcohol at all levels of government is highly regulated with the Liquor & Cannabis Regulation Branch (LCRB) inspecting the execution of our service. Our licensing, investments, and future earnings of these businesses as well as the safety of our community are dependent on following all rules put forth by LCRB. Including Checking all ID's, not allowing any minors in the building, putting up signs and enforcing no smoking on the premises, and always keeping a clean orderly space inside and out of the CRS. Also it should be noted we've built a reception area at an additional cost with the intent to not allow under aged people to see cannabis if accidentally entering the store. We passionately follow the law but also see additional value in these tasks as it creates trust signals for consumers and aids in building a responsible brand.

Thank you for your time and consideration.

Andrew Pederson
Island Cannabis Company
Owner

ATTACHMENT G
AERIAL PHOTO



REZONING APPLICATION NO. RA000415

CITY OF NANAIMO

BYLAW NO. 4500.135

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. 4500.135".
2. The City of Nanaimo "Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

By rezoning the lands legally described LOTS 5 & 6, BLOCK 2, SECTION 18, RANGE 7, MOUNTAIN DISTRICT, PLAN 20320 (2220 Bowen Road) to allow Cannabis Retail Store as a site-specific use within the Community Corridor (COR3) Zone, as shown on Schedule A.

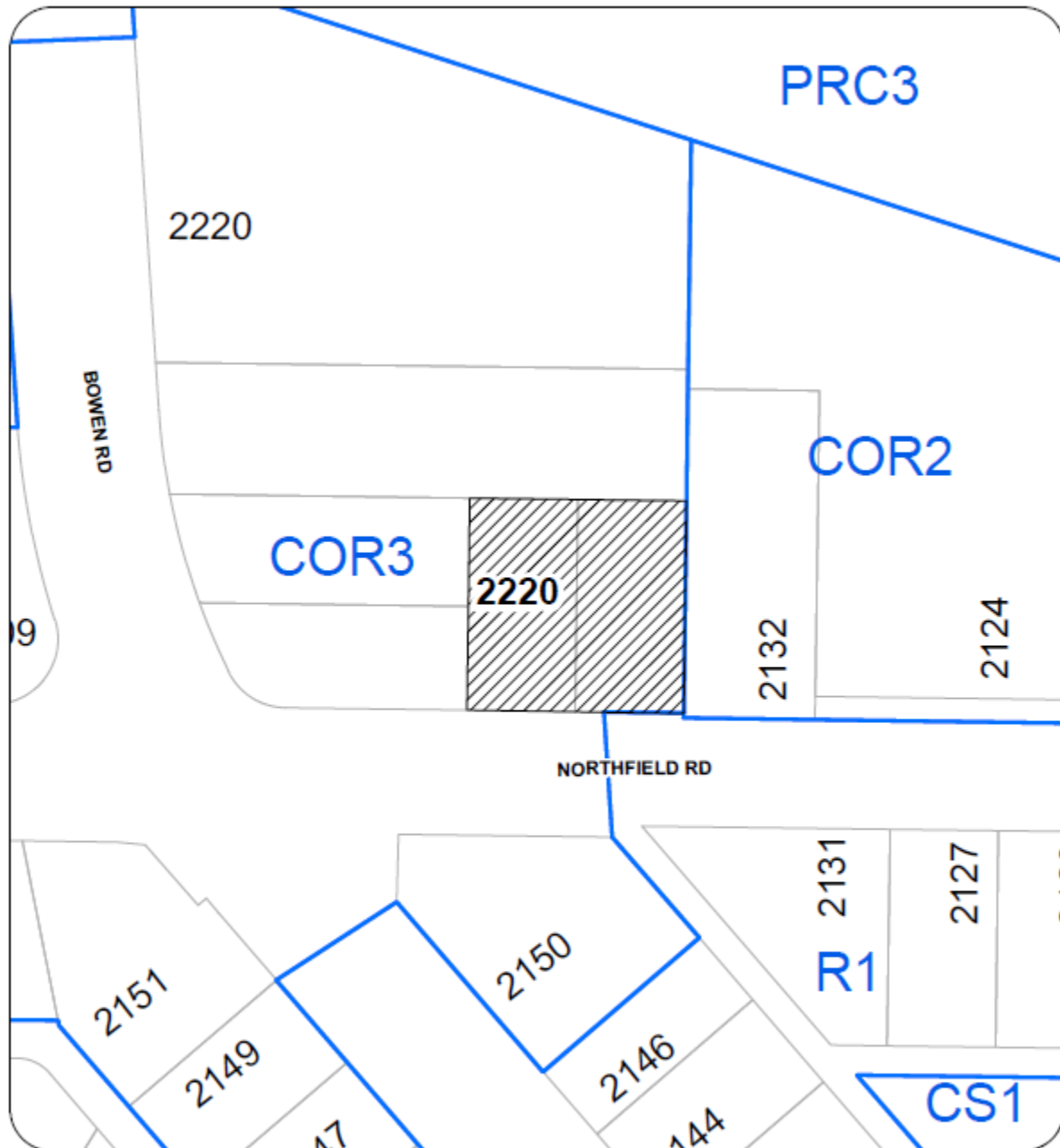
PASSED FIRST READING: _____
PASSED SECOND READING: _____
PUBLIC HEARING HELD: _____
PASSED THIRD READING: _____
ADOPTED: _____

MAYOR

CORPORATE OFFICER

File: RA000415
Address: 2220 Bowen Road

LOCATION PLAN



REZONING APPLICATION NO. RA000415

LOCATION PLAN



Subject Property

Civic: 2220 BOWEN ROAD
Legal: LOTS 5 AND 6, BLOCK 2, SECTION 18, RANGE 7
MOUNTAIN DISTRICT, PLAN 20320 21371 & 526
EXCEPT PLAN 39146

8. Bylaw

CITY OF NANAIMO

BYLAW NO. 4500.133

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. 4500.133".
2. The City of Nanaimo "Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

By rezoning the lands legally described LOT 1, DISTRICT LOT 97G, NEWCASTLE RESERVE, SECTION 1, NANAIMO DISTRICT, PLAN 27521 (1599 Dufferin Crescent) to allow Cannabis Retail Store as a site-specific use within the Hospital Urban Centre (CC5) Zone, as shown on Schedule A.

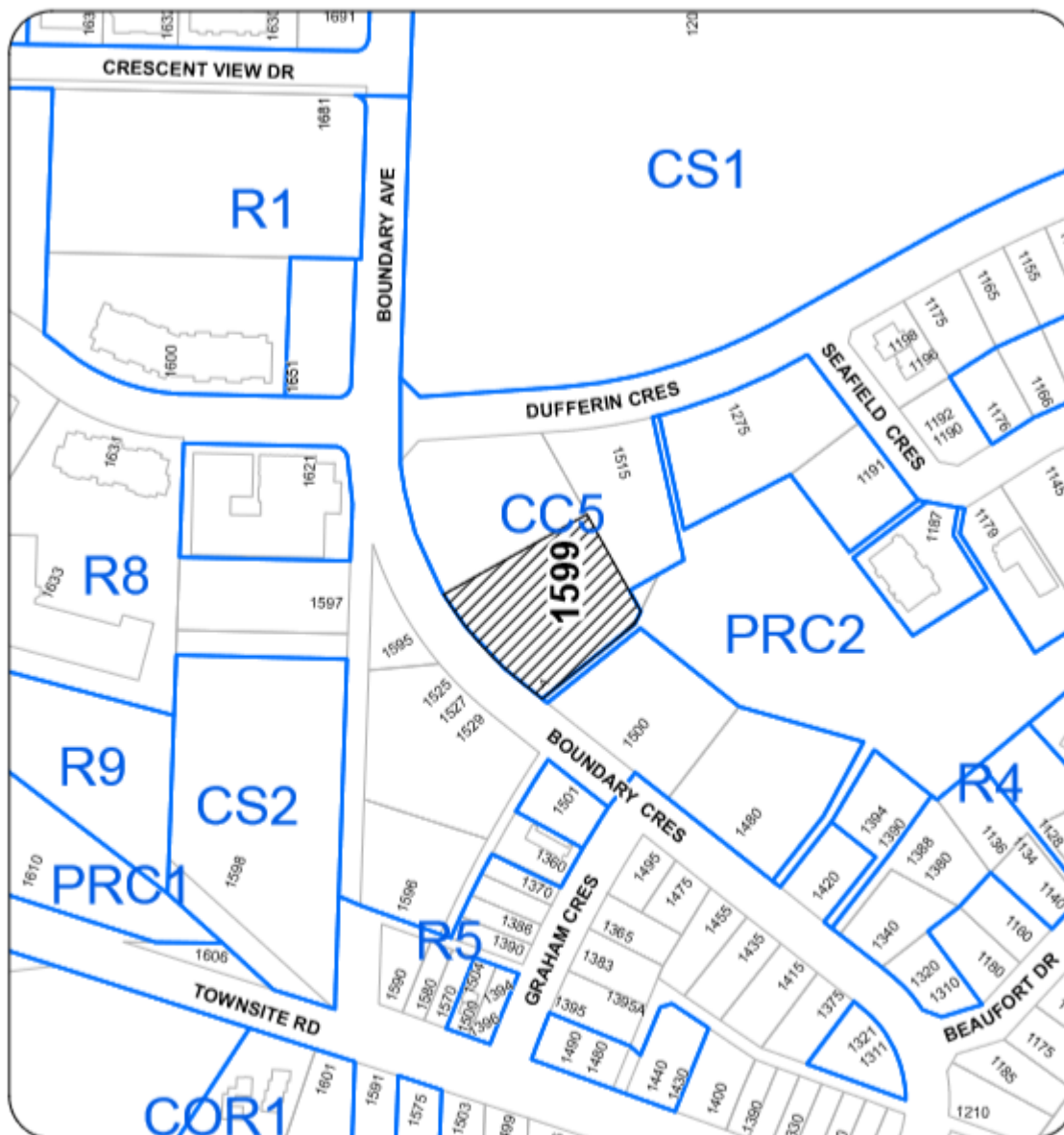
PASSED FIRST READING: 2019-MAR-04
PASSED SECOND READING: 2019-MAR-04
PUBLIC HEARING HELD: _____
PASSED THIRD READING: _____
ADOPTED: _____

MAYOR

CORPORATE OFFICER

File: RA000410
Address: 1599 Dufferin Crescent

LOCATION PLAN



REZONING APPLICATION NO. RA000410

LOCATION PLAN

Civic: 1599 DUFFERIN CRESCENT
Legal: LOT 1, SECTION 1, DISTRICT LOT 97G
NEWCASTLE RESERVE, NANAIMO DISTRICT, PLAN 27521



CITY OF NANAIMO

BYLAW NO. 4500.135

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. 4500.135".
2. The City of Nanaimo "Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

By rezoning the lands legally described LOTS 5 & 6, BLOCK 2, SECTION 18, RANGE 7, MOUNTAIN DISTRICT, PLAN 20320 (2220 Bowen Road) to allow Cannabis Retail Store as a site-specific use within the Community Corridor (COR3) Zone, as shown on Schedule A.

PASSED FIRST READING: 2019-MAR-18

PASSED SECOND READING: 2019-MAR-18

PUBLIC HEARING HELD: _____

PASSED THIRD READING: _____

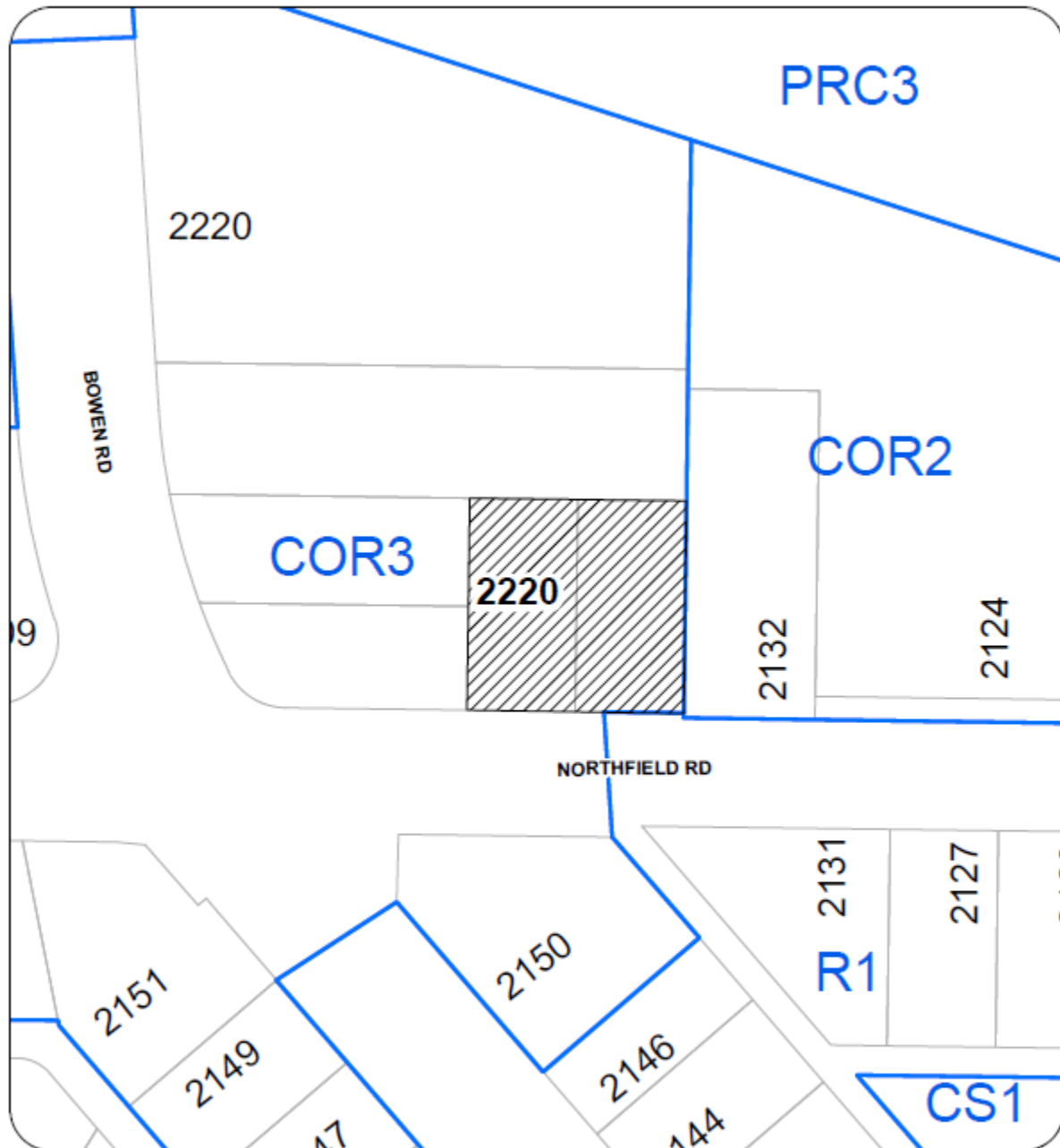
ADOPTED: _____

MAYOR

CORPORATE OFFICER

File: RA000415
Address: 2220 Bowen Road

LOCATION PLAN



REZONING APPLICATION NO. RA000415

LOCATION PLAN



Subject Property

Civic: 2220 BOWEN ROAD
Legal: LOTS 5 AND 6, BLOCK 2, SECTION 18, RANGE 7
MOUNTAIN DISTRICT, PLAN 20320 21371 & 526
EXCEPT PLAN 39146