

DATE OF MEETING | March 4, 2019 |

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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.	<p>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 more than 200m from the nearest proposed CRS (1483 Bowen Road), which is located approximately 600m away.</p>
Building or Site	
2.1.	<p>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 unit, and the size of the CRS is consistent with other units in the existing shopping centre and the surrounding area.</p>
2.2.	<p>The design of the proposed CRS should enhance or improve the aesthetics of the surrounding area, not detract from them.</p> <p>The appearance of the CRS is consistent with other units in the building and the surrounding area.</p>
2.2.1.	<p>The revitalization of heritage buildings is encouraged.</p> <p>N/A</p>
2.3.	<p>Outside the downtown core, consideration should be given to a requirement for onsite parking and loading for every CRS.</p> <p>The proposed CRS is located within an existing shopping centre; additional parking and loading is not required.</p>

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”

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