

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 <sup>2</sup>
<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 171m<sup>2</sup>. 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
<b>Location</b>		
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"> <li>• 3200 Island Highway – approximately 1.7 km away;</li> <li>• 1599 Boundary Crescent – approximately 1.8 km away; and</li> <li>• 1483 Bowen Road – approximately 2.2km away.</li> </ul>
<b>Building or Site</b>	
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.
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<b>Community Impact</b>	
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"> <li>• Require customers to produce government photo ID;</li> <li>• Customers consuming the product on or near the site will be asked to leave;</li> <li>• Maintain a clean, orderly space;</li> <li>• Refuse service to intoxicated individuals; and</li> <li>• Install an HVAC system with charcoal filters.</li> </ul> <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 |