

DATE OF MEETING | April 1, 2019 |

AUTHORED BY | MADELEINE KOCH, PLANNER, CURRENT PLANNING |

SUBJECT | REZONING APPLICATION NO. RA411 – 25 FRONT STREET |

OVERVIEW

Purpose of Report

To present Council with an application to amend the existing zoning of the property located at 25 Front Street to allow “Cannabis Retail Store” as a site-specific use in the Gateway (DT5) Zone. |

Recommendation

1. That “Zoning Amendment Bylaw 2019 No. 4500.141” (To rezone 25 Front Street to allow “Cannabis Retail Store” as a site-specific use in the Chapel Front [DT5] Zone) pass first reading;
2. That “Zoning Amendment Bylaw 2019 No. 4500.141” 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 (RA411) for 25 Front Street was received from 1130249 BC Ltd., on behalf of Richard Scott Enterprises. The applicant proposes to amend the existing DT5 Zone to allow “Cannabis Retail Store” as a site specific use within 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, three other CRS applications have been reviewed by Council:

Application No.	Address	Status
RA406	111 Nicol Street	Received third reading on 2019-FEB-07.
RA410	1599 Dufferin Crescent, Unit 9	Received first and second reading on 2019-MAR-04.
RA415	2220 Bowen Road	Received first and second reading on 2019-MAR-18.

In total, Staff have received 15 CRS applications to date

Subject Property and Site Context

<i>Location</i>	25 Front Street
<i>Total Lot Area</i>	903m ²
<i>Current Zone</i>	DT5
<i>Proposed Zone</i>	DT5 with site-specific “Cannabis Retail Store” use
<i>Official Community Plan (OCP) Designation</i>	Downtown Centre Urban Node
<i>Nanaimo Downtown Plan</i>	Chapel Front Area
<i>Proximity to nearest school</i>	Approximately 320m (Ecole Haarer Elementary)
<i>Proximity to nearest licensed daycare</i>	Approximately 560m (Katie’s Korner)
<i>Proximity to nearest CRS</i>	Approximately 642m from proposed CRS at 52 Victoria Crescent.

The proposed private CRS will be located within the ground floor unit of 25 Front Street, which is the site of the former Globe Bar and Grill. The unit has an approximate floor area of 140m² and is accessed from Front Street. The applicant has indicated the proposed business hours will be 9 a.m. to 10 p.m., 7 days per week. The subject property is surrounded by a variety of uses including the Nanaimo Courthouse, a lawyers’ office, vacant commercial buildings, and high density residential developments.

DISCUSSION

Proposed Development

The applicant is proposing to rezone the subject property to allow “Cannabis Retail Store” in addition to the existing DT5 permitted uses. While the DT5 Zone allows “retail” as a permitted use, a CRS requires site-specific zoning. This particular building also requires a change of occupancy under the BC Building Code from A2 (retail, assembly) to E (retail), which entails Code upgrades that will be addressed through a separate tenant improvement permit application.

Provincial Licensing Requirements

The City has received confirmation from 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 / Neighbourhood Plan

The Official Community Plan (OCP) designates the subject property as Downtown Centre Urban Node. The OCP does not address CRS use specifically, but the Downtown Centre Urban Node 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 Urban Node 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 Official Community Plan.	The subject property is within the Urban Node land use designation, and located on a major collector road.
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 (Ecole Pauline Haarer Elementary) located approximately 320m away, and the nearest daycare is approximately 560m away. The applicant was referred to the School Board and they confirmed they have no concerns.
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 another proposed CRS location. The nearest proposed CRS to date (52 Victoria Crescent) is located approximately 642m 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 size of the CRS is consistent with other commercial units in the downtown area.
2.2. The design of the proposed CRS should enhance or improve the aesthetics of the surrounding area, not detract from them.	The applicant has indicated that maintenance of the existing building façade is planned
2.2.1. The revitalization of heritage buildings is encouraged.	The proposed CRS is located within a building on the City of Nanaimo Heritage Register, and within Heritage Conservation Area 1 as designated by the OCP. While revitalization work is not proposed as part of this rezoning application, the proposed CRS supports ongoing use and maintenance of the heritage building.
2.3. Outside the downtown core, consideration should be given to a requirement for onsite parking and loading for every CRS.	The subject property is located within the downtown core
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) indicating they do not anticipate any negative impacts from the proposed CRS in this area, given the distance from schools and other CRS locations.
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.	Proposed security measures include: <ul style="list-style-type: none"> • Cameras; • Lighting; • Monitored alarm system; and • Staff security training.
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.	The proposed site is approximately 60m from the closest entrance to Maffeo Sutton Park and the Waterfront Walkway. It is approximately 400m from the downtown library, and 170m from St. Paul's Anglican Church. Downtown Nanaimo supports family-oriented facilities and public spaces, and a wide range of commercial uses, including liquor primary establishments. Staff consider the proposed CRS to be in keeping with the mix of commercial uses in the downtown area.

<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 property is located within the Downtown Specified Area and does not require parking for the proposed commercial use.</p> <p>Staff are not aware of any existing traffic issues in this area and use of the site as a cannabis retail store is not expected to negatively impact traffic volumes.</p>
<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.</p>	<p>There is no neighbourhood association in the downtown area.</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 completed notification of the neighbouring properties as outlined in the policy. Development proposal 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 rezoning applications for CRS's 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 concerns, but noted that the proposed CRS is adjacent to the Nanaimo Courthouse.</p> <p>New Council Committees have yet to be established, so 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 Council's Cannabis Retail Store Rezoning Criteria policy.

Community Contribution

The applicant proposes a monetary contribution of \$10,000 to be directed towards Maffeo Sutton Park improvements.

Conditions of Rezoning

Should Council support this application and pass third reading of "Zoning Amendment Bylaw 2019 No. 4500.141", 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 Maffeo Sutton Park improvements.
2. *LCRB Approval* - Confirmation from the LCRB that it has approved the applicant's suitability for a cannabis retail licence.
3. *Ministry of Transportation and Infrastructure (MOTI)* – MOTI approval of the Bylaw is required after Third Reading.

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 DT5 Zone for the subject property at 25 Front Street.
- The Provincial Liquor and Cannabis Regulation Branch is reviewing the licensing application for this proposal.
- The application substantially complies with the Cannabis Retail Store Rezoning Criteria.

ATTACHMENTS

ATTACHMENT A: Location Plan

ATTACHMENT B: Site Plan

ATTACHMENT C: School and Licensed Daycare Buffer Map

ATTACHMENT D: Proposed Floor Plan

ATTACHMENT E: Letter of Rationale

ATTACHMENT F: Aerial Photo

“Zoning Amendment Bylaw 2019 No. 4500.141”]

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Concurrence by:

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