

DATE OF MEETING | April 1, 2019

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SUBJECT | **REZONING APPLICATION NO. RA417 - 510 FIFTH STREET**

OVERVIEW

Purpose of Report

To present Council with an application to amend the existing zoning of the property located at 510 Fifth Street to allow “Cannabis Retail Store” as a site-specific use in the City Commercial Centre (CC3) Zone.

Recommendation

1. That “Zoning Amendment Bylaw 2019 No. 4500.140” (To rezone 510 Fifth Street to allow “Cannabis Retail Store” as a site-specific use in the City Commercial Centre [CC3] Zone) pass first reading;
2. That “Zoning Amendment Bylaw 2019 No. 4500.140” 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, RA417, was received from Alex Rob on behalf of Harewood Investments Ltd., for 510 Fifth Street. The applicant proposes to amend the existing CC3 Zone to allow “Cannabis Retail Store” as a site-specific use for the subject property.

The City of Nanaimo adopted amendments to City of Nanaimo “Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) on 2018-SEP-17 and established a Cannabis Retail Store (CRS) Rezoning Criteria policy to consider future applications for CRS developments in anticipation of changing Federal and Provincial legislation. Following 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 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, Unit 9	Received first and second reading received on 2019-MAR-04.
RA415	2220 Bowen Road, Unit 9	Received first and second reading on 2019-MAR-18.

In total, Staff have received 15 CRS rezoning applications to date.

Subject property and Site Context

<i>Location</i>	The subject property contains the University Village Shopping Centre, located in Harewood.
<i>Total Lot Area</i>	3.48 ha
<i>Current Zone</i>	CC3 - City Commercial Centre
<i>Proposed Zone</i>	CC3 with site-specific “Cannabis Retail Store” use
<i>Official Community Plan (OCP) Designation</i>	Neighbourhood Commercial Centre
<i>Neighbourhood Plan Designation</i>	Neighbourhood Commercial Centre
<i>Proximity to nearest school</i>	Approximately 300m (Georgia Avenue Elementary)
<i>Proximity to nearest licensed daycare</i>	Approximately 394m (Home based daycare - Howard Avenue)
<i>Proximity to nearest CRS</i>	Approximately 1.2 km (111 Nicol Street)

The proposed CRS will be located on the east side (Bruce Avenue frontage) of the University Village Shopping Centre in front of the Shoppers Drug Mart. Other uses within the shopping centre include a grocery store, liquor store, restaurants, and retail stores. Surrounding land uses include single family and multiple dwelling residential housing.

DISCUSSION

Proposed Development

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

The CRS retail unit is approximately 175m² in size. The applicant is proposing operating hours from 9 am to 11 pm daily.

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 / Harewood Neighbourhood Plan

The Official Community Plan (OCP) and Harewood Neighbourhood Plan designates the subject property as Neighbourhood Commercial Centre. Uses in commercial centres include community services and facilities, personal service, and commercial and retail facilities. The proposed CRS generally complies with the intent of the Neighbourhood Commercial Centre 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 for consideration of the rezoning application:

Criteria	Response
Location	
<p>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.</p>	<p>The proposed CRS is located within the University Village Shopping Centre, which is designated as a Neighbourhood Commercial Centre within the OCP. The CRS will be located on the Bruce Avenue side of the shopping centre. The shopping centre is accessible from Bruce Avenue, Fifth Street, and Georgia Avenue. Both Bruce Avenue and Fifth Street are classified as urban major collector roads. Georgia Avenue is considered a neighbourhood road.</p>
<p>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>	<p>The proposed CRS is more than 200m from the nearest school or licensed daycare property.</p> <p>The closest school is Georgia Avenue Elementary, which is approximately 300m from the proposed CRS.</p> <p>The closest licensed daycare property is approximately 398m from the proposed CRS location.</p> <p>Island Health (Community Care and Licensing) and School District 68 have no objection to the application.</p>
<p>1.3. The proposed CRS should not be located within 200m of another CRS as measured from the front doors of the CRS. Where the CRS is to be located within a dense urban area (i.e. downtown), consideration shall be given to the overall urban density and context of the area.</p>	<p>The proposed CRS is more than 200m from the nearest proposed CRS (111 Nicol Street), which is located approximately 1.2km away.</p>

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 shopping centre. The proposed retail space is long and narrow. As such, while the store frontage will be prominent, the size of the unit (175m ²) is small. Larger retail stores, including the existing liquor store (390m ²), exist within the shopping centre.
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 surrounding area. Staff note the CRS unit is self-contained with a separate façade and entrance facing Bruce Avenue and doesn't have an internal connection to Shoppers Drug Mart.
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 will be located within an existing commercial unit within a shopping centre. No additional parking will be 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 within their Letter of Rationale (Attachment E) that addresses concerns related to consumption onsite, public health, security, odour, 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.	The applicant proposes the following mitigation measures: <ul style="list-style-type: none"> • Require customers to produce government photo identification; • Prevent onsite consumption; • Require ID swipe at Point of Sale system to permit purchasing; • Providing education related to safe consumption; • Maintain a clean, orderly space; and • Install a charcoal air-filtration system.
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 CRS is located approximately 293m from the City-owned sports field at 502 Howard Avenue. No other public facilities are located within close proximity to the proposed CRS.

<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 proposed CRS will be located within an existing shopping centre and is not anticipated to negatively impact on-street parking.</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>The subject property is located within the Harewood Neighbourhood Association. The neighbourhood association has no concerns at this time.</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. 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.</p>
<p>3.4. All CRS rezoning applications must be reviewed by the Community Vitality Committee and the RCMP, in addition to being reviewed by the City's Community Planning and Development Committee.</p>	<p>The RCMP have reviewed the proposal and indicated they have no comment. New Council committees have yet to be established; therefore, committee review has not taken place.</p>

In summary, Staff support the proposed rezoning, which substantially complies with Council's policy.

Community Contribution

The applicant proposes a monetary contribution of \$10,000 to be directed to towards a social planning grant and development programs that focus on addictions and mental health.

Conditions of Rezoning

Should Council support this application and pass third reading of "Zoning Amendment Bylaw 2019 No. 4500.140", 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 direct to towards social planning grant and development programs that focus on addictions and mental health.
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 cannabis retail store use within an existing commercial building as a site-specific use in the CC2 - Neighbourhood Centre Zone for the subject property located at 510 Fifth 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: School and Licensed Daycare Buffer Map
ATTACHMENT C: Site Plan
ATTACHMENT D: Proposed Floor Plans
ATTACHMENT E: Letter of Rationale/Community Impact Statement
ATTACHMENT F: Community Contribution Proposal
ATTACHMENT G: Aerial Photo
“Zoning Amendment Bylaw 2019 No. 4500.140”

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