

DATE OF MEETING | April 1, 2019

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SUBJECT | REZONING APPLICATION NO. RA416 – 1483 BOWEN ROAD

OVERVIEW

Purpose of Report

To present Council with an application to amend the existing zoning of the property located at 1483 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. 4500.139” (To rezone 1483 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. 4500.139” 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, RA416, was received from Alex Rob on behalf of 1083710 BC Ltd., for 1483 Bowen Road. The applicant proposes to amend the existing COR3 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 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	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 is located within a small commercial development along Bowen Road just east of Pryde Avenue.
<i>Total Lot Area</i>	1,102m 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 338m (<i>Ecole Quarterway Elementary</i>)
<i>Proximity to nearest licensed daycare</i>	Approximately 240m – Home-based daycare on June Street Bowen Park is approximately 135m away.
<i>Proximity to nearest CRS</i>	Approximately 600m (1599 Dufferin Crescent)

The proposed CRS is located in a small commercial plaza that includes two other units, both of which are occupied by restaurants. The subject property shares a common access lane with a number of other commercial uses fronting on Bowen Road, including the Quarterway Pub, Nanaimo Athletic Club, offices, and an automobile repair shop with separate automobile detail shop. The recently constructed Nutsumut Lelum affordable housing development is across Bowen Road. Bowen Park and the Millstream River are approximately 135m to the west of the subject property.

DISCUSSION

Proposed Development

The applicant is proposing to rezone the subject property to allow “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 on a fee-simple lot within the larger of two separate buildings onsite. The CRS building is approximately 101m² 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

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 for consideration of the rezoning application:

Criteria	Response
<i>Location</i>	
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 on Bowen Road which is considered an urban arterial road. The property is designated as Corridor within the OCP.
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 school closest to the subject property is Ecole Quarterway Elementary which is approximately 338m from the proposed CRS. The subject property is approximately 135m from the western boundary of Bowen Park. A year-round children's programming and after-school kid's club use Bowen Park buildings. The kid's club facility is housed in the main park building, which, along with both playgrounds in the park, are over one kilometer from the proposed CRS. Island Health (Community Care and Licensing) and School District 68 have no objection to the application.

<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 (1599 Dufferin Crescent), which is located approximately 600m away.</p>
<p>Building or Site</p>	
<p>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.</p>	<p>The proposed CRS will be located within a small commercial plaza, and the size of the proposed CRS is approximately equal to the other two units on the property.</p>
<p>2.2. The design of the proposed CRS should enhance or improve the aesthetics of the surrounding area, not detract from them.</p>	<p>The proposed façade of the CRS is consistent with other units in the surrounding area.</p>
<p>2.2.1. The revitalization of heritage buildings is encouraged.</p>	<p>N/A</p>
<p>2.3. Outside the downtown core, consideration should be given to a requirement for onsite parking and loading for every CRS.</p>	<p>In conjunction with the other two commercial units, the subject property requires eleven parking spaces. The applicant's site plan indicates 14 parking spaces will be provided on the property.</p> <p>Four parking spaces will be available for the proposed CRS use.</p>
<p>Community Impact</p>	
<p>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.</p>	<p>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, odor, and sales to minors.</p>
<p>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>	<p>The applicant proposes the following mitigation measures:</p> <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; • Install a charcoal air-filtration system; and • Install security cameras for video surveillance.

<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>	<p>The subject property is located 135m from the Bowen Park property boundary. However, the Bowen Park sports field is approximately 255m from the proposed CRS, and the swimming pool, playgrounds, and the parks principal buildings are greater than 1km from the proposed CRS.</p> <p>Buttertubs Nature Park is approximately 300m from the subject property.</p>
<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>Bowen Road is a major road and the subject property is accessed from a common access which serves a number of commercial units. Staff do not anticipate the proposed CRS will negatively impact traffic or on-street parking demands in the area.</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 Western Neighbourhood Association. The neighbourhood association respondent noted a concern related to the distance of the proposed CRS to Bowen Park and Ecole Quarterway Elementary School.</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.</p> <p>New Council committees have yet to be established; therefore, committee review has not taken place.</p>

The proposed CRS does not technically meet the recommended 200m buffer from daycares due to the children's programming and daycare within Bowen Park. The daycare facilities, however, are located within a building that is more than a kilometre from the proposed CRS, and are further buffered by a forested western portion of the park that is closest to the proposed CRS. The visibility of the CRS to the daycare is negligible and it is highly unlikely children from the daycare will visit the CRS. Therefore, Staff support the proposed rezoning given that it substantially complies with Council's policy.

In Staff's opinion, the proposed CRS rezoning meets the intent of Council's policy.

Community Contribution

The applicant proposes a monetary contribution of \$10,000 to be directed to towards park improvements to support the recently established food forest within Beaufort Park.

Conditions of Rezoning

Should Council support this application and pass third reading of “Zoning Amendment Bylaw 2019 No. 4500.139”, 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 park improvements to support the food forest in Beaufort Park.
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 COR3 - Community Corridor Zone for the subject property located at 1483 Bowen Road.
- The Provincial Liquor and Cannabis Regulation Branch is reviewing the licensing application for this proposal.
- Staff support the application, which 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. 4500.139”

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Concurrence by:

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