

DATE OF MEETING April 1, 2019

AUTHORED BY DAVE STEWART, PLANNER, CURRENT PLANNING

SUBJECT REZONING APPLICATION NO. RA413 – 3923 VICTORIA AVENUE

OVERVIEW

Purpose of Report

To present Council with an application to amend the existing zoning of the property located at 3923 Victoria Avenue to allow “Cannabis Retail Store” as a site-specific use in the Neighbourhood Centre (CC2) Zone.

Recommendation

1. That “Zoning Amendment Bylaw 2019 No. 4500.138” (To rezone 3923 Victoria Avenue to allow “Cannabis Retail Store” as a site-specific use in the Neighbourhood Centre [CC2] Zone) pass first reading;
2. That “Zoning Amendment Bylaw 2019 No. 4500.138” 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, RA413, was received from Mood Cannabis Company on behalf of Somerset Landscaping for 3923 Victoria Avenue. The applicant proposes to amend the existing CC2 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	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>	3923 Victoria Avenue is located across the street from the Wellington Pub and Liquor Store, within a small block of commercial stores in the Wellington Neighbourhood.	
<i>Total Lot Area</i>	681m ²	
<i>Current Zone</i>	CC2- Neighbourhood Centre	
<i>Proposed Zone</i>	CC2 with site-specific “Cannabis Retail Store” use	
<i>Official Community Plan (OCP) Designation</i>	Neighbourhood Commercial Centre	
<i>Neighbourhood Plan Designation</i>	N/A	
<i>Proximity to nearest school</i>	Approximately 325m (Island Connect Education)	Approximately 935m (Wellington Secondary School)
<i>Proximity to nearest licensed daycare</i>	Approximately 827m (Home daycare - Beaver Creek Crescent)	
<i>Proximity to nearest CRS</i>	No CRS use exists within 200m of the subject property. An application was recently received for a CRS at 4061 Norwell Drive, which is approximately 85m from the subject property.	

The subject property is located on Victoria Avenue between Country Club Mall and Long Lake/Loudon Park. The property previously included a small topiary retail store.

The property is included within a group of small of commercial properties within the Wellington Neighbourhood. Surrounding land uses include a neighbourhood pub, liquor store, restaurant, medical offices, glass repair, a community centre, and low-density residential housing.

DISCUSSION

Proposed Development

The applicant is proposing to rezone the subject property to allow a “Cannabis Retail Store” use in addition to the existing CC2 permitted uses. While the CC2 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 73m² in size. The smaller building to the rear of the property will be used as a staff room and offices, but not to store or sell cannabis.

The applicant is requesting operating hours from 9 am to 11 pm Monday through Saturday, and 9 am to 9 pm on Sundays.

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 Neighbourhood Commercial Centre. Uses in Commercial Centres include community services and facilities, and personal service, 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 is intended to inform Council for 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 on Victoria Avenue, which is considered a commercial road. The property is within the Neighbourhood Commercial Centre 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.	<p>No licensed daycare or school are within 200m of the subject property.</p> <p>The closest school to the subject property is located 325m away at 4355 Jingle Pot Road. The Jingle Pot Road property was the former location of Mt. Benson Elementary school. The elementary school closed in 2008. The property now includes the Island ConnectEd K-12 public home school office and classroom.</p> <p>The closest traditional school is Wellington Secondary School, which is approximately 935m from the subject property.</p> <p>The closest licensed daycare is approximately 827m from the subject property and on the opposite side of the Island Highway.</p>

	Island Health (Community Care and Licensing) and School District 68 have no objection to the application.
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.	On 2019-FEB-01, the City received a CRS rezoning application for 4061 Norwell Drive (RA427), which is approximately 85m from the subject property. However, the subject property application was received prior to the Norwell Drive application. No other applications have been received for properties within 200m of the subject property.
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 on a fee-simple property within a previously existing retail unit. The size of the CRS is consistent with other commercial units in 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 surrounding area.
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 replace a previous retail topiary store. As the use of the property is not changing from retail, no additional parking will be required. Four existing parking spaces will be provided onsite and will be directly accessed from Victoria Avenue.
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, 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 (ID); • Require ID swipe at Point of Sale system to permit purchasing; • Ensure marketing includes a 19+ messaging; • Place an age gate on the company website;

	<ul style="list-style-type: none"> • Display media related to B.C. Guidelines for cannabis consumption; • Maintain a clean, orderly space; • Staff training related to the sale of cannabis and Federal and Provincial legislation; • Refuse service to intoxicated individuals; 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.	<p>The subject property is located on Victoria Avenue halfway between Long Lake/Loudon Park and Country Club Mall. Loudon Park is approximately 455m from the proposed CRS. Country Club Mall is approximately 460m from the subject property. In the summertime, Victoria Avenue is a frequently used as a pedestrian and vehicle connection to Loudon Park beach.</p> <p>The Wellington Hall community centre is located immediately behind the subject property. The centre is frequently used as a meeting space for various community groups, including children's groups. The hall is also regularly used as a church and for dances, seniors groups and other social events.</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 portion of Victoria Avenue adjacent to the subject property is classified as commercial road. Traffic is common on the road due to destinations such as the liquor store and Loudon Park. While the proposed CRS will replace a previously existing commercial use (topiary nursery), it is expected the CRS may result in a minor increase in traffic volumes.</p> <p>Informal on-street parking is common and available within the area, and it is expected that some CRS customers may choose to park on the street.</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>The subject property is located within the Wellington Neighbourhood Association. The neighbourhood association is also responsible for operating the Wellington Community Hall, and has expressed concerns regarding the distance from the proposed CRS to the community hall and potential impacts (product exposure to minors, odour, and fumes). Please see Attachment F - Neighbourhood Referral Response.</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 Wellington Neighbourhood Association expressed a number of concerns with respect to cannabis advertising, odours and smoking of cannabis on the subject property, or near the Wellington Hall Community Centre (owned by the neighbourhood association). The City's "Smoking Regulation Bylaw 2018 No. 7268" prohibits smoking of any substance within 6m of a door or window; however, smoking is otherwise permitted.

The applicants have stated they will not allow cannabis consumption onsite. The applicant will install charcoal filters to eliminate odours, and all cannabis will be sold in pre-packaged bags as per LCRB requirements. The LCRB require all cannabis stores to have frosted glass windows and limits signage.

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 towards Parks and Recreation for improvements within Loudon Park. Staff support this proposal.

Conditions of Rezoning

Should Council support this application and pass third reading of "Zoning Amendment Bylaw 2019 No. 4500.138", 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 for improvements within Loudon Park.
2. *LCRB Approval* - Confirmation from the LCRB that it has approved the applicant's suitability for a cannabis retail store 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 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 3923 Victoria Avenue.
- 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.
- Staff support the proposed amendment.

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: Neighbourhood Referral Response
ATTACHMENT G: Aerial Photo
“Zoning Amendment Bylaw 2019 No. 4500.138”

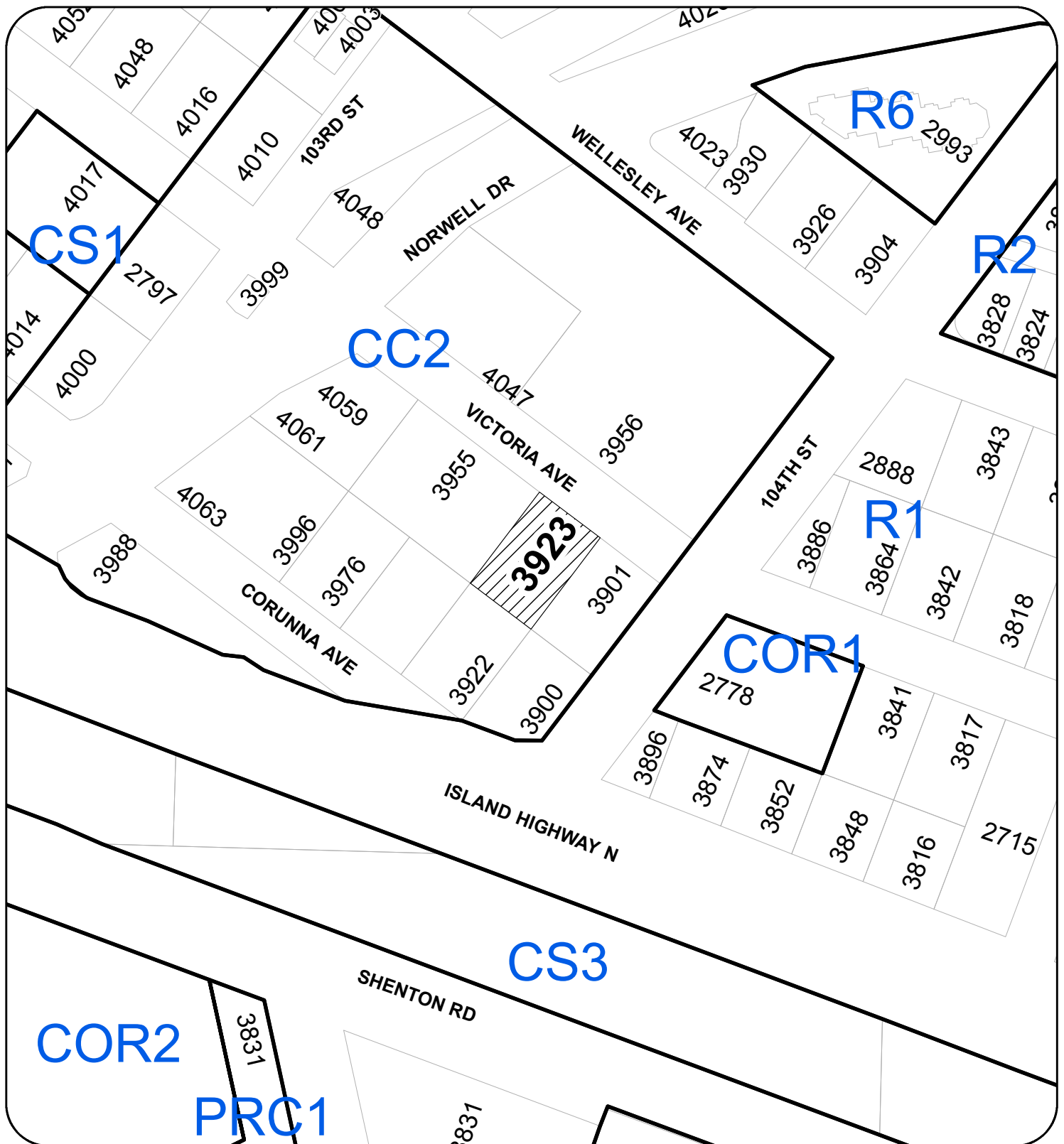
Submitted by:

L. Rowett
Manager, Current Planning

Concurrence by:

D. Lindsay
Director, Community Development

ATTACHMENT A
LOCATION PLAN



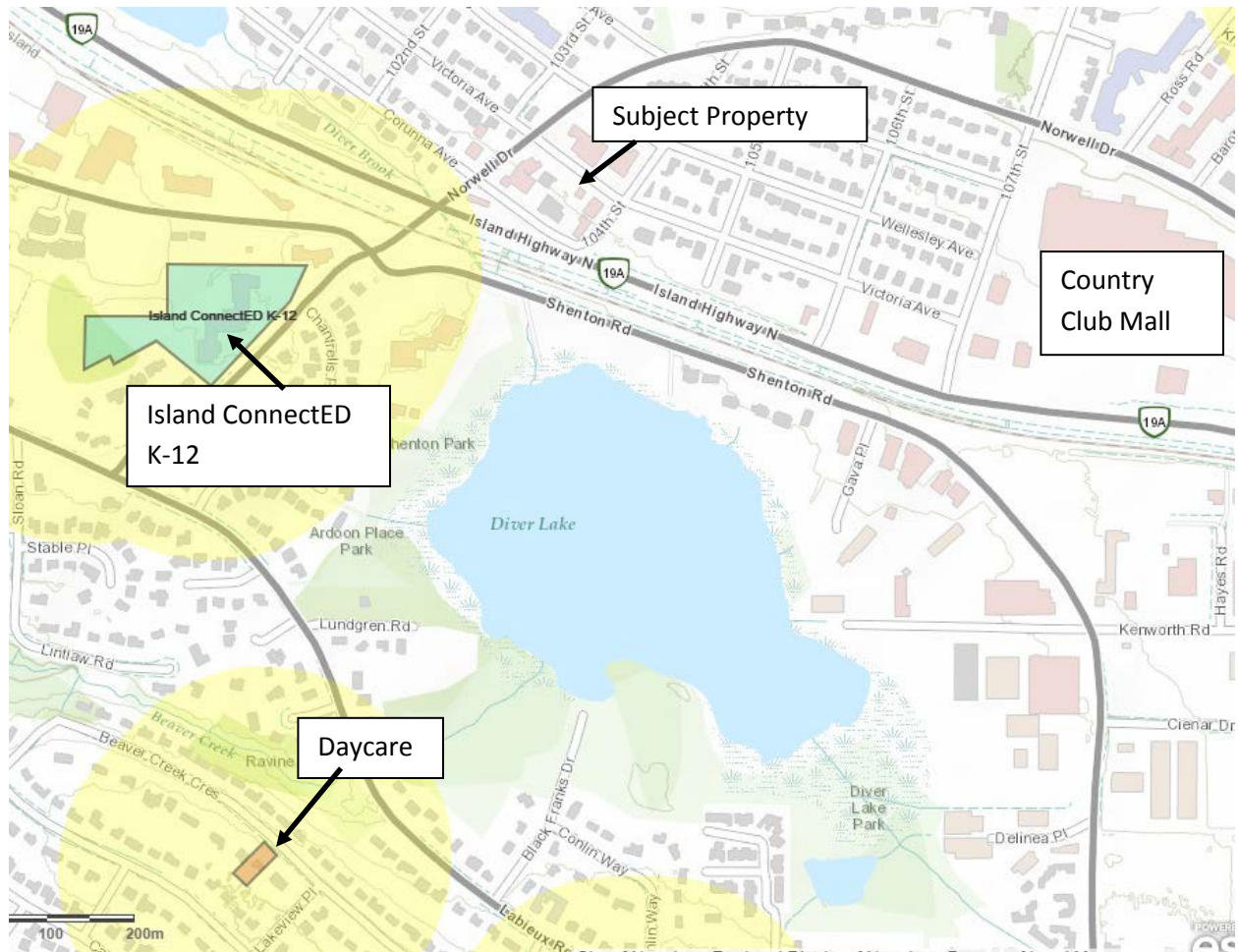
Subject Property

REZONING APPLICATION NO. RA000413
LOCATION PLAN

Civic: 3923 VICTORIA AVENUE
Legal: LOT 7, BLOCK 16, SECTION 5
WELLINGTONDISTRICT, PLAN 318A

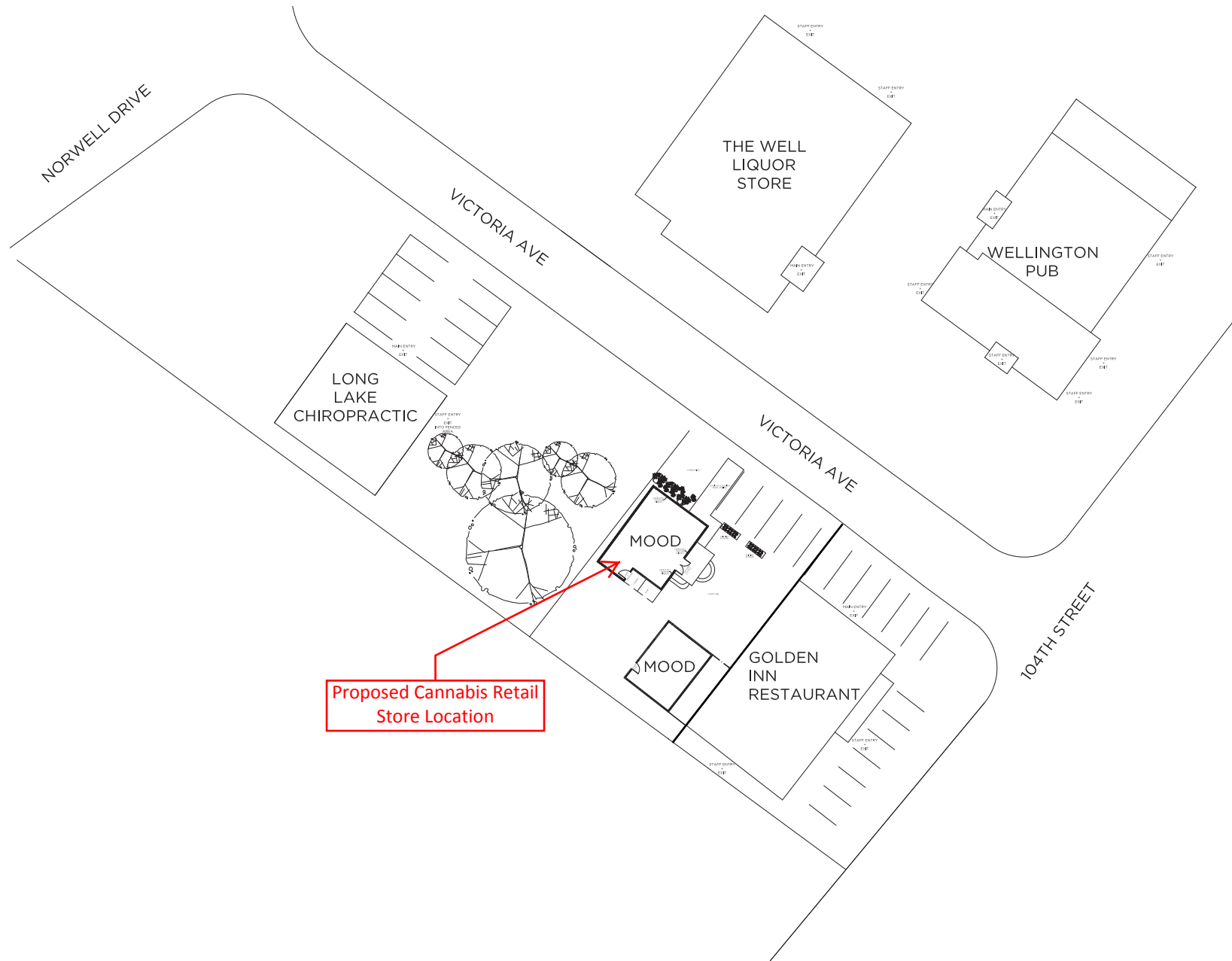
ATTACHMENT B SCHOOL AND LICENSED DAYCARE BUFFER MAP

School and Licensed Daycare Map



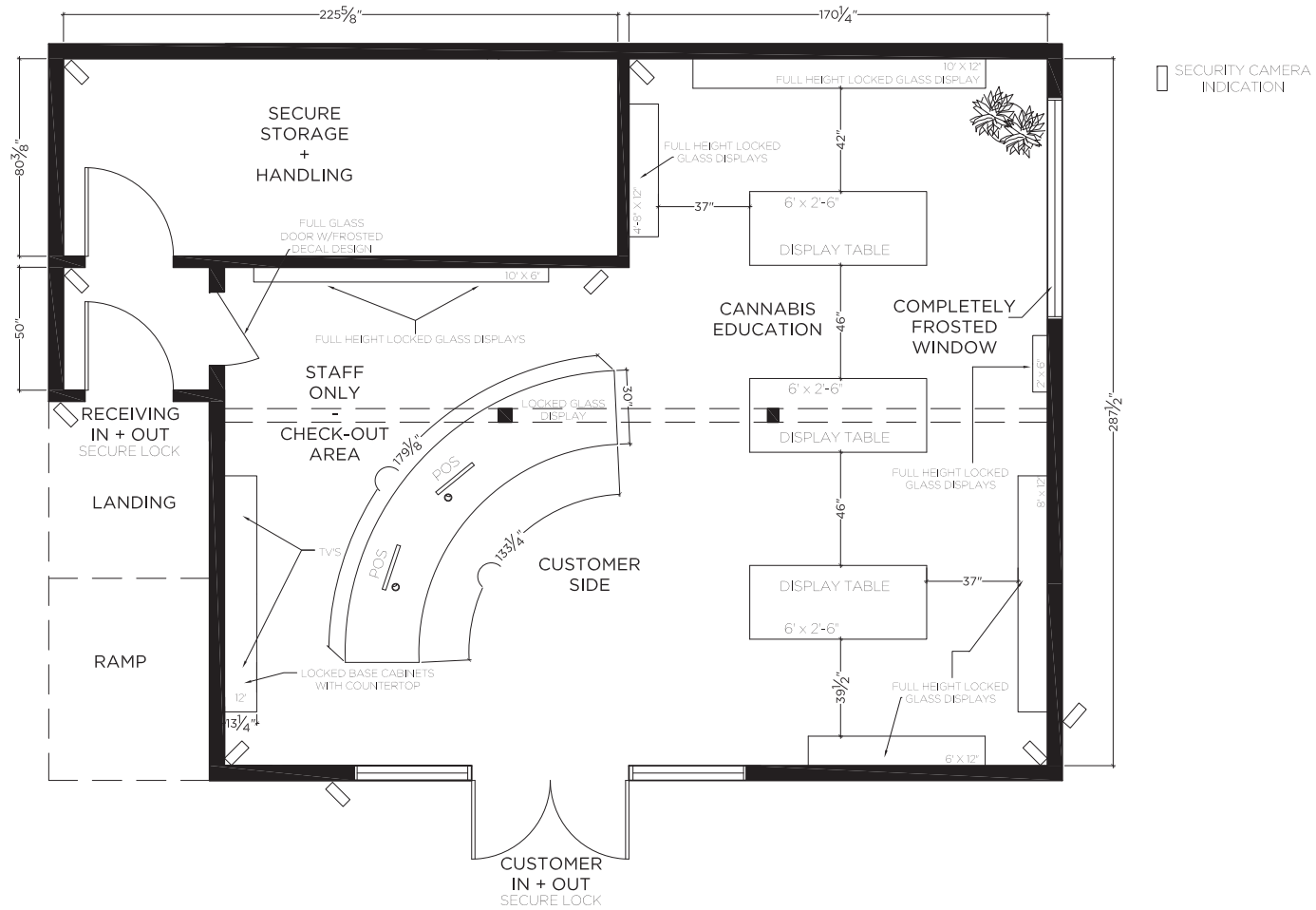
ATTACHMENT C

SITE PLAN



	
3923 VICTORIA AVE NANAIMO, BC	
CONTACT INFORMATION NAME: _____ PHONE: _____ COMPANY: _____ FAX: _____ ADDRESS: _____ CITY: _____ PROV: _____ COUNTRY: _____	
REVISONS NO. _____ DATE: _____ BY: _____ FOR: _____ BY: _____ FOR: _____ BY: _____ FOR: _____ BY: _____ FOR: _____ BY: _____ FOR: _____	
NAME _____	EMAIL _____
CITY _____	STATE _____
STREET #/PO BOX _____	
SITE PLAN	
NOTES:	
DRAWN BY: 01	DATE: 03

ATTACHMENT D PROPOSED FLOOR PLANS



3923 VICTORIA AVE
NANAIMO, BC

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REVISIONS

NO.	DATE	DESCRIPTION
1	10.18.19	
2	1.2.19	
3	1.3.19	
4		
5		
6		

1.4.19
1/4" = 1'-0"

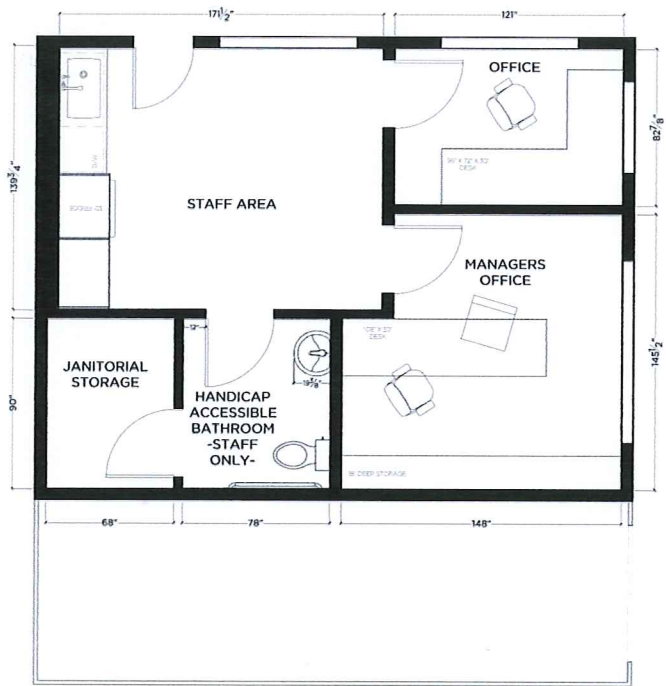
SEAL:


SHEET TITLE:

RETAIL BUILDING FLOOR PLAN

NOTES:

DRAWING NO.	REV.
02	04





**3923 VICTORIA AVE
NANAIMO, BC**

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TRADES.

REVISIONS	
1	
2	
3	
4	
5	
6	

10/18/18	SEAL:
1/4" = 1'-0"	

SHEET TITLE:

**STAFF
BUILDING
FLOOR PLAN**

NOTES:

DRAWING NO.	REV.
03	02

ATTACHMENT E
LETTER OF RATIONALE / COMMUNITY IMPACT STATEMENT

Rezoning Rationale: Community Impact Statement

Proposed Cannabis Retail Store: 3923 Victoria Ave.

Presented to: The City of Nanaimo, British Columbia

Presented by: Mood Cannabis Co.

Mood is defined as a “state of mind”, and our proposed Cannabis Co. Cannabis Retail Store (CRS) was named to reflect our core team’s belief that everyone should be able to exist freely within their desired mood, supported by legal, high-quality cannabis.

Mood Cannabis Co. seeks to bring a sense of belonging within the legal cannabis space that will be created and fostered, extending the sense of community most residents and visitors of Nanaimo feel within the city.

As a CRS in the new era of legal cannabis, Mood Cannabis Co. honours the privilege of legal cannabis by dedicating ourselves to social responsibility, community engagement, and most importantly education to support safe and mindful cannabis consumption.

Mood Cannabis Co. will not only exist as a resource for legal cannabis but will take significant measures towards positive community engagement, reducing and even eradicating the potential and perceived negative impacts of legal cannabis.

Positive Impacts

Leading in Compliance

Mood Cannabis Co. (herein referred to as “the CRS”) recognizes first and foremost that legal cannabis is a privilege to be recognized within the province of British Columbia and the nation of Canada. As such, legal compliance is key for the operations of the CRS.

Our business model is built on the legal compliance regulations set forth by:

- *Bill C-45: The Cannabis Act*
- *Adult Use Cannabis Advertising and Marketing Guidelines*
- *Cannabis Control and Licensing Act*
- *Cannabis Distribution Act*
- The British Columbia Liquor Distribution Branch



- The Province of British Columbia
- The City of Nanaimo

As such, our legal cannabis compliance strategy will include, but is not limited to, the following elements:

- Preventing the sale of cannabis to minors;
- Point of sale and advanced accounting;
- Seed-to-sale traceability;
- Advanced reporting for profits, taxes, and operations costs;
- Budtender training and continual professional development;

Further to this, one of our business advisors is a cannabis lawyer, holding a position on the *City of Nanaimo Cannabis Task Force Committee*. Within this CRS' operations, this partner ensures that the operations are not only fully in line with, but exceeding, the expectations of this Task Force and the abovementioned regulatory bodies.

Cannabis Education

Cannabis education should be at the forefront of any CRS's strategy retail strategy. Mood Cannabis Co. puts cannabis education as an integral program that is weaved into every part of the cannabis retail experience.

Cannabis education programming at Mood Cannabis Co. includes:

- a dedicated area for cannabis education and consultations,
- in-store tablets with cannabis education programming,
- in-store display media and digital menus;
- advanced product and strain descriptions,
- budtender training with Lift & Co. Canada, which has built an exclusive partnership with MADD Canada, the training covers topics like safety, responsible usage and public health, with inputs from medical experts on scientific fundamentals of cannabis.
- in-store, topic- and demographic-specific education sessions,
- informative and educational web and social media content, customer reviews ("strain reviews"), and customer experiences

Our cannabis education program recognizes that everyone has different learning styles, ways of understanding information, backgrounds, and languages; thus, our programming uses a variety of techniques and styles to ensure education reaches all visitors to the CRS. Translation services will be available in some cases to ensure information is available to French-language and people of other languages.

Safe consumption is key, as well as taking every precaution to warn against driving under the influence of cannabis along with national concerns. Cannabis education does not glorify cannabis use, instead, intentional programming takes the

cannabis plant back to basics to better help the user understand the effects of cannabis on their mind and body.

Cannabis education helps people use cannabis better, safer, and more responsibly.

Property Beautification and Maintenance

The site that we have chosen will allow a new community and safe space to be built in a North Nanaimo location.

Located in Nanaimo near Long Lake, at 3923 Victoria Ave, Mood Cannabis Co. presents a discreet, yet friendly and inviting legal cannabis location in a familiar location. The aesthetic will add architectural beauty to the area with its contemporary design.

The Victoria Ave location design is simple, yet modern and inviting using subdued colours to help consumers feel at ease. With areas dedicated to educating about cannabis, budtenders showing customers products on tablets, and the transaction being completely odorless with cannabis out of view, the experience at Mood Cannabis Co. is discreet, friendly, informative, convenient, and professional.

Negative Impacts

Working Against Stigma

For too long, cannabis has been stigmatized and held to the idea that only “stoners” use cannabis. This couldn’t be further from the truth. Our CRS intends to help shift the image of the cannabis user to be truly reflective of the modern-day user: professional, responsible, educated, and contributing members of society who simply want to achieve their desired state of mind by affecting a change of mood through cannabis.

Language matters greatly in cannabis retail, and the tone, style, and nomenclature we use within the CRS will help move away from the stigma of the stoner and re-label cannabis as the wellness product it is.

Part of the way we reduce stigma is in the conversations we have with customers around their reasons for accessing recreational cannabis: “What are you looking for in your cannabis experience?” will be a question that we will ask all customers. Their answer will dictate our approach.

Instead of focusing on “how high” they will get from a particular strain, we will focus more on the cerebral and physical effects of the cannabis, by pointing out the important strain traits. In this approach, we continue to hold the value of cannabis high,

not as a plant to get someone intoxicated, but rather to promote wellness and help others achieve their desired mood.

Attractiveness to Minors

One of the challenges that we may face is the location of our space in North Nanaimo, which is a busy location with many passersby.

In accordance with Bill C-45, none of our outside signage or marketing will have depictions of persons, characters or animals that are appealing to youth, recognizing that this could lead to a glamorization of cannabis use.

Our billboards, signboards, or outside signage will be designed in a way that avoids the risk of exciting consumers, encouraging risk or daring, or connects cannabis to recreation.

Our sales strategy will not contain any inducements towards cannabis such as giveaways or contests in accordance with Bill C-45.

Measures to Address Potential Negative Impact

Service to Minors

In addition to the abovementioned considerations for our marketing to ensure our CRS doesn't appeal to minors, we will be implementing the following measures:

- Place an age gate on our website;
- Place 19+ messaging on our social media as a condition for following;
- Clearly display messaging outside our store, inside the doors, and at cash about showing ID and the frequency of ID checks;
- Ensure that our social marketing promotes the Mood Cannabis Co. brand and not cannabis in general;
- ID swipe into the Point of Sale system to permit purchasing;
- Consistently checking ID before purchase, even if someone looks over 25

Smells

Not only will cannabis be not visible within our design space, but there will be very limited odors in the store, with inventory being pre-packaged by the Licensed Producers, and distributed the BC Liquor Distribution Branch in sealed, odor-proof containers. It will be dispensed to customers within odor-proof bags, clearly labeled in line with the Health Canada regulations.

The ability to smell products will be limited to Health Canada approved "Sniff Jars", which offer strain descriptions and terpene profiles as described by our budtenders and cannabis education program. By helping our customers understand

terpenes, we can help them choose the best strain, with an aroma and flavour they'll be pleased with during use.

In order to further mitigate odors, Mood will be exceeding requirements by installing a high-end charcoal air filtration system, which constantly filters the air throughout the store.

Prevent Consumption

Mood Cannabis Co. will not permit cannabis consumption on site, or near our premises. The CRS embraces its role in helping consumers understand consumption restrictions in B.C. We will remind customers at point of sale, during cannabis education, and through visible signage and display media of the B.C. guidelines for cannabis consumption.

Mood Cannabis Co. in its mission promotes allowing everyone to achieve their desired state of mind with cannabis, without infringing on others finding their desired state of mind without it. As such, we promote respectful consumption and remind customers to not consume where tobacco use is prohibited and to be mindful of the company they are in while consuming, especially minors and children.

We promote mindfulness in cannabis consumption, recognizing "mood" is greatly tied to the environment and what you take into your body. As such, we promote a "less is more" approach, where more can always be added to achieve one's desired state of mind.

Our Community Impact

Overall, Mood Cannabis Co. is a space that encourages belonging, safety, and honouring the privileges of legal cannabis.

With our dedication to cannabis education, giving back to the community, exceeding compliance standards, and encouraging safe and mindful consumption we play our part in modeling the way for cannabis retail stores across B.C. and Canada.

We are certain the impact of Mood Cannabis Co. on the City of Nanaimo, its people, its projects and its visitors will be nothing but positive.

**ATTACHMENT F
NEIGHBOURHOOD REFERRAL RESPONSE**

1 of 2

Wellington Action Committee
3922 Corunna Ave
Nanaimo BC

March 13, 2019

City of Nanaimo
Planning Department
Nanaimo BC

RE: Cannabis Retail Rezoning Application – RA413 - 3923 Victoria Avenue

I would like to again thank the City of Nanaimo for taking the time to inform and involve Nanaimo neighbourhoods.

The Wellington Community Association owns and operates the Wellington Community Hall, which is located directly behind the subject property. The position of the association is unavoidably affected by the fact that it has to consider the both the Neighbourhood, and the thousand or so people who come to our neighbourhood to use the Community Hall as a community centre. I hope the city will understand that while we act as the neighbourhood association, the operation of the Wellington Community Hall is the primary purpose of the Wellington Community Association, and we are compelled to consider the community hall and its users in our consideration of this rezoning application.

As a neighbourhood group the community association is neutral on Cannabis Retail and supports the site specific review policy of the city so long as the criteria is applied consistently and fairly.

Relevant Site Considerations for 3923 Victoria Ave

In regards to the appropriateness of 3923 Victoria Avenue, we request the city consider this cannabis retail rezoning application in the full context of both its location and the Community Hall so that it can be used as precedent without controversy. For example would the city allow a cannabis retail outlet to adjoin:

- Community Centre Operated by the city,
- A Church with young children,
- Guiding or scouting hall or assembly place explicitly intended for use by children and teens,
- City or privately owned exercise and/or dance facility,
- A site with both historical and future use related to schools and childcare.

R E C E I V E D
RA413
2019-MAR-13
Current Planning

In addition to the above considerations, we would like the city to consider how many Cannabis Retail Outlets are appropriate for a neighbourhood, particularly when the application is a designated neighbourhood centre and there may already be an approved Cannabis Retail Outlet located a short walk away?

3923 Victoria Avenue site plan and restrictions

The Community Association has experience with cannabis retail operations as the City allowed an illegal cannabis retail operation to operate adjacent to a portion of the Wellington Community Hall property. This Cannabis Retail Outlet had a negative impact on the Community Hall by virtue of the petty crime which arose. Based on this experience we have previously advised city planners that cannabis retail locations which are easily patrolled from all sides, or isolated from neighbours, would be ideal.

Notwithstanding the city's future determination on the appropriateness of 3923 Victoria Ave for a cannabis retail outlet, based on the Community Association's past experience, it believes the following site features and restrictions must exist:

1. To prevent second-hand smoke affecting children, church, exercise, dance and other community centre activities:
 - a. A complete and enforceable ban on smoking on or near the subject property.
 - b. Elimination of building odours and fumes with appropriate filtration system meeting standards set and monitored by the city.
2. To reduce petty criminals cutting through adjacent properties and their fences: Installation of a solid fence on rear and side yards of appropriate height.
3. Prohibit advertising or signage which is directed towards the Community Hall or its parking lots.

Respectfully,



David Murchie

Wellington Action Committee - President

ATTACHMENT G
AERIAL PHOTO



REZONING APPLICATION NO. RA000413

CITY OF NANAIMO

BYLAW NO. 4500.138

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 2011 NO. 4500"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 465, 469, 477, 479, 480, 481, 482, and 548 of the *Local Government Act*;

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "Zoning Amendment Bylaw 2019 No. 4500.138".
2. The City of Nanaimo "Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

By rezoning the lands legally described LOT 7, BLOCK 16, SECTION 5, WELLINGTON DISTRICT, PLAN318A (3923 Victoria Avenue) to allow Cannabis Retail Store as a site-specific use within the Neighbourhood Centre (CC2) Zone, as shown on Schedule A.

PASSED FIRST READING: _____

PASSED SECOND READING: _____

PUBLIC HEARING HELD: _____

PASSED THIRD READING: _____

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: _____

ADOPTED: _____

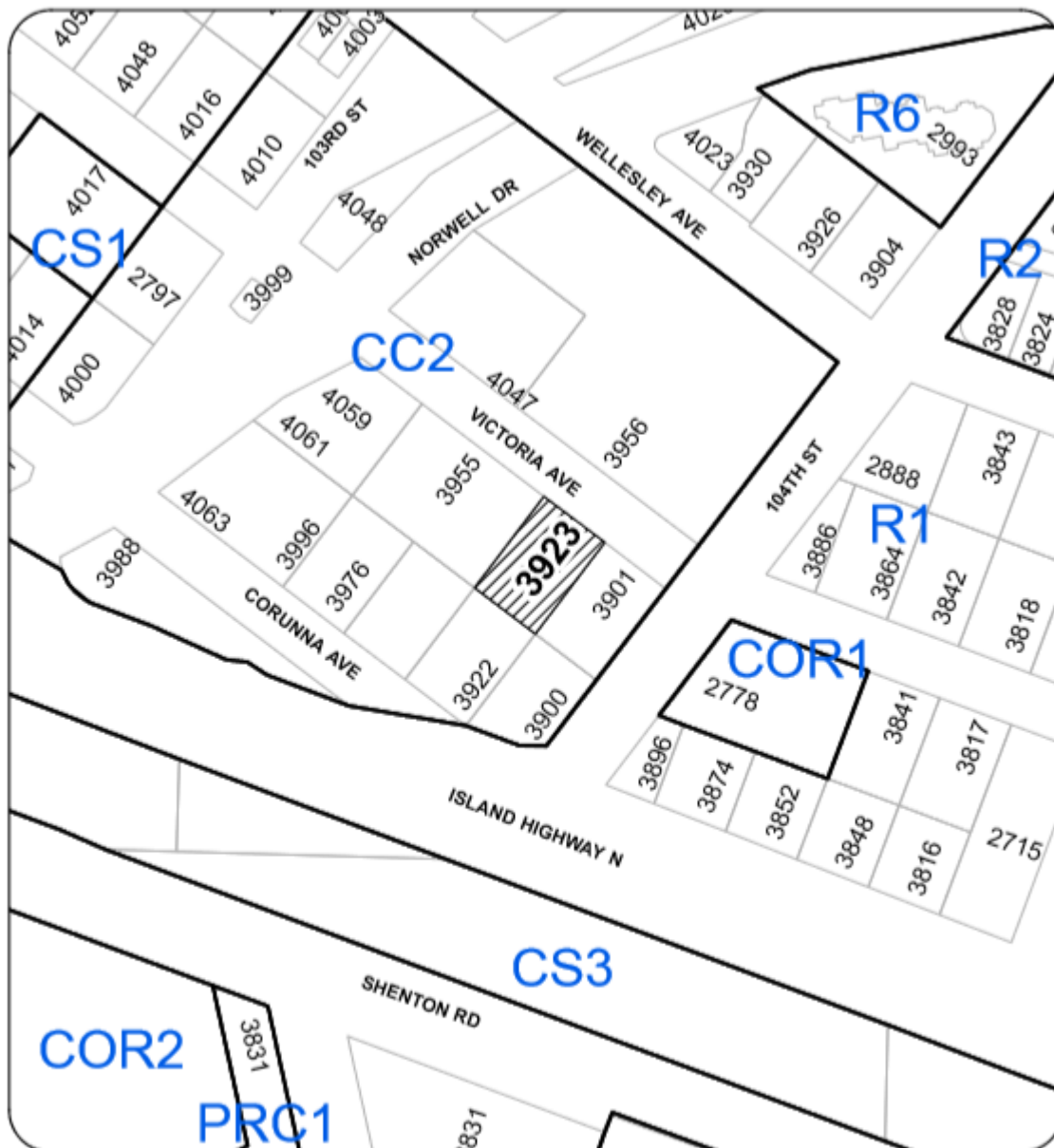
MAYOR

CORPORATE OFFICER

File: RA000413
Address: 3923 Victoria Avenue

SCHEDULE A

LOCATION PLAN



Subject Property

REZONING APPLICATION NO. RA000413

LOCATION PLAN

Civic: 3923 VICTORIA AVENUE
Legal: LOT 7, BLOCK 16, SECTION 5
WELLINGTON DISTRICT, PLAN 318A