

DATE OF MEETING | November 18, 2019 |

AUTHORED BY | GEPKE STEVENSON, PLANNER, CURRENT PLANNING SECTION |

SUBJECT | **REZONING APPLICATION NO. RA439 – 847 BRUCE AVENUE** |

## **OVERVIEW**

### **Purpose of Report**

To present Council with an application to amend the existing zoning of the property located at 847 Bruce Avenue to allow “Cannabis Retail Store” as a site-specific use in the CC2 (Neighbourhood Centre) zone. |

### **Recommendation**

That:

1. “Zoning Amendment Bylaw 2019 No. 4500.162” (To rezone 847 Bruce Avenue to allow “Cannabis Retail Store” as a site-specific use in the Neighbourhood Centre [CC2] zone) pass first reading;
2. “Zoning Amendment Bylaw 2019 No. 4500.162” pass second reading; and
3. Council direct Staff to secure the amenity contribution prior to adoption of the bylaw, should Council support the bylaw at third reading.

## **BACKGROUND**

A rezoning application, RA439, was received from Strongitharm Consulting Ltd., on behalf of Kelland Foods Holdings Ltd. (per TTG Management Ltd.), for 847 Bruce Avenue. The applicant proposes to amend the existing CC2 – Neighbourhood Centre 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, seven CRS rezoning applications have received Final Adoption, and eleven other applications have been reviewed by Council in addition to the subject application:

#	Application No.	Address	Status
1	RA413	3923 Victoria Avenue	Received fourth reading (Final Adoption) on 2019-JUN-17

2	RA407	6683 Mary Ellen Drive	Received fourth reading (Final Adoption) on 2019-AUG-26
3	RA408	3200 Island Highway N.	Received fourth reading (Final Adoption) on 2019-AUG-26
4	RA425	6404 Metral Drive	Received fourth reading (Final Adoption) on 2019-AUG-26
5	RA430	350 Terminal Avenue	Received fourth reading (Final Adoption) on 2019-SEP-09
6	RA418	52 Victoria Crescent	Received fourth reading (Final Adoption) on 2019-SEP-16
7	RA406	111 Nicol Street	Received fourth reading (Final Adoption) on 2019-OCT-21
8	RA410	1599 Dufferin Crescent	Received third reading on 2019-APR-04
9	RA415	2220 Bowen Road	Received third reading on 2019-APR-04
10	RA411	25 Front Street	Received third reading on 2019-MAY-02
11	RA416	1483 Bowen Road	Received third reading on 2019-MAY-02
12	RA417	510 Fifth Street	Received third reading on 2019-MAY-02
13	RA420	140 Terminal Avenue	Received third reading on 2019-JUN-13
14	RA422	111 Terminal Avenue	Received third reading on 2019-JUL-04
15	RA427	4061 Norwell Drive	Denied by Council on 2019-JUL-08
16	RA431	50 Tenth Street	Received third reading on 2019-OCT-07
17	RA 436	120 Commercial Street	Received first and second reading on 2019-OCT-21
18	RA437	115 Chapel Street	Received first and second reading on 2019-OCT-21
19	RA440	5800 Turner Road	Being considered by Council on 2019-NOV-18

In total, 20 CRS applications have been received to date.

### Subject Property and Site Context

<i>Location</i>	The subject property is located northwest of the Bruce Avenue and Eighth Street intersection.
<i>Total Lot Area</i>	1.5 hectares
<i>Current Zoning</i>	CC2 – Neighbourhood Centre
<i>Proposed Zoning</i>	CC2 with site-specific “Cannabis Retail Store” use
<i>Official Community Plan (OCP) designation</i>	Corridor – Neighbourhood Commercial Centre
<i>Neighbourhood Plan designation</i>	Harewood Neighbourhood Plan - Eighth Street Commercial Node
<i>Proximity to nearest school</i>	Approximately 300m ( <i>John Barsby Secondary School – 550 Seventh Street</i> )
<i>Proximity to nearest licensed daycare</i>	Approximately 160m ( <i>Just Like Home Childcare – 478 Deering Street</i> )
<i>Proximity to nearest CRS</i>	Approximately 2 km ( <i>111 Nicol Street - approved</i> )

The subject property contains a recently redeveloped shopping centre with a grocery store and a three-unit stand-alone commercial building. The proposed cannabis retail store would be in one of the commercial units (Unit 101). Neighbouring land uses include a gas station, a neighbourhood pub and liquor store, a religious institution, and multiple family dwellings. The surrounding neighbourhood is predominantly low-density residential dwellings.

## **DISCUSSION**

### **Proposed Development**

The applicant is proposing to rezone the subject property to allow “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 business hours are from 9 a.m. to 11 p.m., seven days a week. The proposed retail floor area is approximately 210m<sup>2</sup>.

### **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. Should Council approve “Zoning Amendment Bylaw 2019 No. 4500.162”, the bylaw approval would constitute a positive recommendation in support of the licensing application.

### **Official Community Plan**

The Official Community Plan (OCP) designates the subject property as Neighbourhood Commercial Centre. The OCP does not address CRS use specifically, but the land-use designation supports provision of goods and services that are accessible to the neighbourhood. The proposed CRS generally complies with the intent of the Neighbourhood Commercial Centre designation.

## Cannabis Retail Store Rezoning Criteria

The following table summarizes how the proposed rezoning addresses the CRS Rezoning Criteria adopted by Council on 2018-SEP-17, which is intended to inform Council's consideration of the rezoning application:

Criteria	Response
<b>Location</b>	
<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 Official Community Plan.</p>	<p>The subject property is located within the Neighbourhood Commercial Centre land-use designation. Bruce Avenue is designated a major collector 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 located approximately 160m away from the nearest licensed daycare and approximately 300m away from the nearest school.</p> <p>School District 68 and Island Health (Community Care and Licensing) confirmed they have no objections to the application.</p> <p>While the proposed CRS is within 200m of a licensed daycare facility, the CRS is situated between two other commercial units, is oriented internal to the site, and is not visible from the daycare facility. Walking to the CRS from the daycare requires crossing a major collector roadway. The walking distance is approximately 214m. Other portions of the site are outside of the 200m daycare buffer boundary.</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 located approximately 2 km from the nearest approved CRS at 111 Nicol Street and approximately 1.2 km from the nearest proposed CRS at 510 Fifth Street (received third reading).</p>

<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 multi-tenant building. The size of the CRS unit is consistent with the other commercial units.
2.2.	The design of the proposed CRS should enhance or improve the aesthetics of the surrounding area, not detract from them.	The multi-tenant building is newly constructed as part of the recent shopping centre redevelopment. Apart from window screening needed to comply with LCRB requirements, the existing storefront will be retained and maintained.
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 shopping centre parking is pre-existing and no additional parking or loading spaces are required for this use.
<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 provided a Letter of Rationale (Attachment F) and additional information that proposes the following measures to minimize or prevent potentially negative impacts:
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.	<ul style="list-style-type: none"> <li>• preventing service to minors by requiring two pieces of ID,</li> <li>• installing an effective ventilation system;</li> <li>• displaying social responsibility signage and offering educational programs;</li> <li>• enforcement of no cannabis consumption in or around the store;</li> <li>• ensuring adequate lighting outside the store and in the parking lot, and regular supervision of the storefront and parking lot; and</li> <li>• refusing service to intoxicated patrons, and maintaining incident logs that are available to police.</li> </ul>
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.	<p>The subject property is located north of a religious institution at 505 Eighth Street. The proposed CRS is approximately 150m away from the property line.</p> <p>The proposed CRS is approximately 200m away from the property line of a tot-lot park mid-block on Nova Street.</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>The proposed CRS is not expected to generate traffic volumes that differ significantly from other retail uses. No negative impacts on traffic volumes or neighbourhood on-street parking are anticipated.</p>
<p>3.3. The support of the local community, neighbouring property owners and the local neighborhood association for the proposed CRS is important to Council's decision.</p>	<p>The Harewood Neighbourhood Association has not provided a response to a request for comments.</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 distributed notices to neighbouring properties during the last two weeks of August 2019. Two rezoning notice signs have been placed on site, and if Council gives first and second reading to "Zoning Amendment Bylaw 2019 No. 4500.162", 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 reviewed the proposal and indicated they have no comments. Council has not established a Community Planning and Development Committee; therefore, committee review has not taken place.</p>

While the proposed CRS is within 200m of a licensed daycare facility (approximately 160m as measured in a straight line from the CRS door to the property line of the daycare), the CRS is situated between two other commercial units, is oriented internal to the site, and is not visible from the daycare facility. Walking to the CRS from the daycare requires crossing a major collector roadway. The walking distance is approximately 214m. Other portions of the site are outside of the 200m daycare buffer boundary.

CC2 zoning supports provision of small-scale commercial services intended to meet the needs of the surrounding neighbourhood, and, pending LCRB approval, the proposed CRS would complement existing commercial uses that serve the neighbourhood.

Staff support the proposed rezoning from a land-use perspective and consider the application to be substantially in compliance with City's CRS Rezoning Criteria policy.

### Community Amenity Contribution

The applicant proposes a monetary contribution of \$10,000 be directed towards Harewood Centennial Park improvements.

Staff support the proposed community amenity contribution.

## Conditions of Rezoning

Should Council support this application and pass third reading of “Zoning Amendment Bylaw 2019 No. 4500.162”, Staff recommend the following be secured prior to final adoption of the bylaw:

- *Community Amenity Contribution* – A monetary contribution of \$10,000 to be directed towards Harewood Centennial Park improvements.
- *LCRB Approval* – Confirmation from the LCRB that it has approved the applicant’s suitability for a cannabis retail license.

### **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 zone for the subject property located at 847 Bruce Avenue.
- The Provincial Liquor and Cannabis Regulation Branch is reviewing the licensing application for this proposal.
- Staff support this application, which substantially complies with the City’s Cannabis Retail Store Rezoning Criteria policy.

## **ATTACHMENTS**

ATTACHMENT A: Location Plan  
ATTACHMENT B: School and Licensed Daycare Buffer Map  
ATTACHMENT C: Site Plan  
ATTACHMENT D: Conceptual Floor Plan  
ATTACHMENT E: Building Elevation  
ATTACHMENT F: Letter of Rationale  
ATTACHMENT G: Aerial Photo  
“Zoning Amendment Bylaw 2019 No. 4500.162” ]

### **Submitted by:**

Lainya Rowett  
Manager, Current Planning

### **Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay  
General Manager, Development Services