



City of Port Moody

Report/Recommendation to Council

Date: October 24, 2019
Submitted by: Planning and Development Department – Policy Planning Division
Subject: Cannabis Retail Use Rezoning Applications

Purpose

To present four Cannabis Retail Use rezoning applications to Council for consideration of first and second readings.

Recommended Resolutions

THAT City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 22, 2019, No. 3215 (Site Specific Cannabis Rezoning) be read a first time as presented in the report dated October 24, 2019 from the Planning and Development Department – Policy Planning Division regarding Cannabis Retail Use Rezoning Applications.

THAT Bylaw No. 3215 be read a second time.

THAT Bylaw No. 3215 be referred to a Public Hearing on November 26, 2019 at City Hall, 100 Newport Drive, Port Moody.

THAT City of Port Moody Land Use Contract No. 4, 1978, Authorization Bylaw No. 1409, Amendment Bylaw No. 12, 2019, No. 3216 (101 Morrissey Road Cannabis Retail Use) be read a first time as presented in the report dated October 24, 2019 from the Planning and Development Department – Policy Planning Division regarding Cannabis Retail Use Rezoning Applications.

THAT Bylaw No. 3216 be read a second time.

THAT Bylaw No. 3216 be referred to a Public Hearing on November 26, 2019 at City Hall, 100 Newport Drive, Port Moody.

THAT the cannabis rezoning application for the property at 2506 St. Johns Street (Purp City & CBD) be denied.

Background

On May 14, 2019, Council adopted zoning bylaw amendments that define Cannabis Retail Use and exclude this as a permitted use in the City. This is part of a strategy which ensures that any proposed Cannabis Retail Use be considered on a case by case basis through a site specific rezoning.

On April 9, 2019 Council approved Corporate Policy – 09-4300-2019-01 – Cannabis Retail Use (the “Corporate Policy”) (**Attachment 1**). The Corporate Policy provides guidelines for a site-specific rezoning consideration by Council to consider Cannabis Retail Uses in the City, including locational criteria and additional business licence requirements. As per the Corporate Policy, Council may consider up to a maximum of five (5) Cannabis Retail Use locations in Port Moody within the first 12 months following the adoption of the zoning bylaw amendment.

On October 8, 2019 Council extended the deadline for the City to accept Cannabis Retail Use rezoning applications to be considered in the first batch of rezoning applications from September 30, 2019 to October 15, 2019. The following four applications met this deadline:

- 2506 St. Johns Street (Purp City & CBD)
- 2816 St. Johns Street (Kiara)
- 1-101 Morrissey Road (Burb Cannabis)
- 3034 St. Johns Street (Westcanna)

On October 8, 2019, Council also waived the requirement to refer Cannabis Retail Use rezoning applications to the Community Planning Advisory Committee (CPAC) as currently outlined in the City’s Development Approval Procedures Bylaw, No. 2918.

As per the Corporate Policy, the remaining 7 applications currently in-stream with the Province would be brought forward to Council after December 31, 2019 pending sufficient progress in the provincial licensing process.

Discussion

Staff used the Corporate Policy and the Cannabis Rezoning Application Evaluation Checklist (**Attachment 2**) to guide the analysis of each proposed Cannabis Retail site location (**Attachments 3, 4, 5 and 6**).

A map which shows the location of all four rezoning applications in relation to each other is included in **Attachment 7**. There are no distance requirements between Cannabis Retail Use locations in the City’s Corporate Policy and as such this criteria was not assessed.

Commercial Retail Zoning and Locational Requirements.

Although Corporate Policy’s guidelines exist, Council retains full discretion for considering/approving zoning amendment applications based on application-specific considerations.

As per the Corporate Policy, all applications are required to be zoned for Commercial Retail Use. All four applications meet this requirement.

The Corporate Policy requires a buffer of at least 75 metres from sensitive uses measured as the crow flies from the centre point of the main entrance of the Cannabis Retail Use to the nearest property line of the defined Sensitive Use. All but one application met the locational criteria for Sensitive Uses. The location at 2506 St. Johns Street (Purp City & CBD) is currently located 61 metres to the nearest property line of the Port Moody Arts Centre. The applicant submitted supplemental information regarding the walking distance of the proposed business to the Port Moody Arts Centre (refer to **Attachment 8**).

Business Licensing and Regulation Bylaw Requirements

All applications, if approved for site specific zoning, must meet business license and regulation bylaw requirements which include the following:

- interior sign informing customers of City smoking restrictions;
- proof of monitored security and fire alarm contract, including video surveillance;
- design elements to help prevent crime, such as clear sightlines, low walls, and landscaping;
- visually appealing storefronts, consistent with the character of nearby buildings; and
- adequate lighting within the retail space during and outside of operating hours.

All four applications meet these requirements where applicable. The requirement for an interior sign and confirmation of adequate lighting would need to be demonstrated when the business is in operation.

Business Proposal

The business proposal for each application as required by the application submission process includes the following:

- name;
- hours of operation;
- previous business/retail experience;
- business structure (stand alone or franchise);
- number of jobs created;
- accessibility;
- branding, promotion, marketing;
- identifies how nuisance behaviour will be managed;
- sustainability practices;
- community benefit/involvement;
- intent to engage with neighbouring businesses;
- opportunity to establish a head office in Port Moody; and
- timeline for establishing the proposed business.

Each detailed business proposal is included in the summaries of each application for Council's review. Where possible, these components of the proposal are summarized in table form (**Attachments 3-6**). Further details included in each of the four applications have uniquely addressed the different components in their individual business detailed proposals.

Staff Recommendation

Staff recommend that Council follow the approved process outlined in the Corporate Policy and give consideration of first and second readings to the amendment bylaws related to the following three applications that fully meet the requirements of the Corporate Policy:

- 2816 St. Johns Street (Kiaro)
- 1-101 Morrissey Road (Burb Cannabis)
- 3034 St. Johns Street (Westcanna)

Staff recommend that Council deny the application at 2506 St. Johns Street (Purp City & CBD) which does not meet the sensitive use buffer requirement as it is located within 61 metres to the Port Moody Arts Centre.

Generally, all four applicants meet the Business Licensing and Regulation Bylaw Requirements and application requirements.

The zoning amendment bylaw presented in **Attachment 9** includes the property at 2816 St. Johns Street (Kiaro) and 3034 St. Johns Street (Westcanna). A separate Land Use Contract amendment bylaw is included as **Attachment 10** for the property at 1-101 Morrissey Road (Burb Cannabis). Similar to liquor locations, the Cannabis Retail Use and location of the property would be included within the corresponding commercial zone in the Zoning Bylaw. This means that the Cannabis Retail Use zoning would be property specific. Any applicants in the future that wish to establish a new cannabis retail business in a previously approved location would be required to go through the provincial license process which would include a public hearing.

Should Council wish to advance the zoning bylaw amendment discussion with respect to the property at 2506 St. Johns Street, Bylaw No. 3215 should be amended prior to first reading to include the legal description for this property in Section 2.1.

Next Steps

The next steps for Cannabis Retail Use Rezoning applications include:

- Council consideration of first and second readings of zoning bylaw amendments and land use contract amendments for the first batch of applications (November 5, 2019);
- Public Hearing and Council consideration of third readings and adoption of the related zoning bylaw amendment for the first batch of applications (November 26, 2019)
- Council consideration of recommendation resolutions for LCRB (November 26, 2019) for the locations that received rezoning approval;
- Council consideration of first and second readings of a zoning amendment bylaws for second batch of applications (after December 31, 2019).

Additional Approvals Required

- application for City Building Permits, sign permits, etc. (as required);
- issuance of City Business Licence; and
- final LCRB approval and provincial retail license issuance.

Other Options

That Council amend City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 22, 2019, No. 3215 (Site Specific Cannabis Rezoning) by adding Strata Lot 2 District Lot 201 Group 1 New Westminster District Strata Plan Bcs618 (2506 St. Johns Street - Purp City application) to the locations to be zoned for Cannabis Retail.

That Council amend the proposed bylaws by removing the following locations ...

Financial Implications

There are no financial implications associated with this report.

Communications and Civic Engagement Initiatives

Public consultation for Cannabis Retail Use was conducted in the fall of 2018. The results of the public consultation were presented to Council for their consideration in determining policy directives related to cannabis retail use in the City.

Should the proposed Cannabis Retail Use zoning amendment bylaw and land use contract amendment bylaw proceed to a Public Hearing, a notification sign will be posted on the property and notices will be sent to adjacent properties within the required notification area and advertised in the local newspaper in accordance with the City's Development Approval Procedures Bylaw and the *Local Government Act*.

Council Strategic Plan Objectives

The information and recommendations contained in this report align with the Council 2019-2022 Strategic Plan Objectives of exceptional service and healthy city.

Attachments

1. Corporate Policy – 09-4300-2019-01 – Cannabis Retail Use.
2. Cannabis Rezoning Application Evaluation Checklist.
3. Summary – 2506 St. Johns Street (Purp City & CBD).
4. Summary – 2816 St. Johns Street (Kiaro).
5. Summary – #1-101 Morrissey Road (Burb Cannabis).
6. Summary – 3034 St. Johns Street (Westcanna).
7. Map of Cannabis Retail Use Rezoning Applications.
8. Supplemental Information on Buffer distance – 2506 St. Johns Street (Purp City & CBD).
9. Proposed Zoning Amendment Bylaw, No. 3215.
10. Proposed Land Use Contract Amendment Bylaw, No. 3216.

Report Author

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Report Approval Details

Document Title:	Cannabis Retail Use Rezoning Applications.docx
Attachments:	<ul style="list-style-type: none">- Attachment 1 - Corporate Policy – 09-4300-2019-01 – Cannabis Retail Use.pdf- Attachment 2 -Cannabis Evaluation Criteria Checklist.docx- Attachment 3 - Summary - 2506 St. Johns Street (Purp City CBD).pdf- Attachment 4 - Summary - 2816 St. Johns Street (Kiaro).pdf- Attachment 5 -Summary - 1-101 Morrissey Road (Burb Cannabis).pdf- Attachment 6 - Summary -3034 St. Johns Street (Westcanna).pdf- Attachment 7 - Map of Cannabis Retail Use Rezoning Applications.pdf- Attachment 8 - Supplemental Information on Buffer Distance – 2506 St. Johns Street (Purp City CBD).pdf- Attachment 9 - Proposed Zoning Amendment Bylaw No. 3215.docx- Attachment 10 - Proposed Land Use Contract Amendment Bylaw No. 3216.docx
Final Approval Date:	Oct 29, 2019

This report and all of its attachments were approved and signed as outlined below:

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