



City of Port Moody

Report/Recommendation to Council

Date: January 23, 2020
Submitted by: Planning and Development Department – Policy Planning Division
Subject: Site Specific Cannabis Retail Use Bylaw Amendments – Adoption and Consideration of Related Amenity Contribution Agreements

Purpose

To present Bylaw No. 3215 and Bylaw No. 3216 (Site Specific Cannabis Retail Use) for consideration of adoption and related amenity contribution agreements.

Recommended Resolutions

THAT City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 22, 2019, No. 3215 (Site Specific Cannabis Rezoning) be now adopted as recommended in the report dated January 23, 2020 from the Planning and Development Department – Policy Planning Division regarding Site Specific Cannabis Retail Use Bylaw Amendments – Adoption and Consideration of Related Amenity Contribution Agreements.

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 now adopted as recommended in the report dated January 23, 2020 from the Planning and Development Department – Policy Planning Division regarding Site Specific Cannabis Retail Use Bylaw Amendments – Adoption and Consideration of Related Amenity Contribution Agreements;

AND THAT the Mayor and Corporate Officer be authorized to execute Amenity Contribution (Gift) agreement documents in support of the Cannabis Retail Use related amenity commitments from Burb Cannabis Corp. (101 Morrissey Road) and Kiaro Brands Inc. (2816 St. Johns St).

Background

A Public Hearing for four proposed Cannabis Retail Use rezoning applications was conducted on November 26, 2019. On December 3, 2019, Council gave third reading to City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 22, 2019, No. 3215 (Site Specific Cannabis Rezoning) for the property located at the following location:

- 2816 St. Johns Street (Kiaro Brands Inc.).

At the same meeting, Council gave third reading to 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) for the property located at the following location:

- 1-101 Morrissey Road (Burb Cannabis Corp.).

Council also passed the following resolution on December 3, 2019:

RC19/527

THAT Burb Cannabis Corp. be requested to consider limiting their hours to match those of other businesses in Suterbrook.

At the Regular Council Meeting held on January 14, 2020, Council amended the deadline in the Corporate Policy to April 1, 2020 for the second round of application processing and will consider all remaining cannabis retail use rezoning applications in the City of Port Moody regardless of the status at that time of the Provincial fit and proper assessment.

Discussion

The rezoning applications at 2816 St. Johns Street (Kiaro Brands Inc.) and 1-101 Morrissey Road (Burb Cannabis Corp.) meet the City's requirements for Cannabis Retail Use. These include satisfying the Commercial Retail Zoning and locational requirements in the Council approved Corporate Policy – 09-4300-2019-01 – Cannabis Retail Use, as well as meeting the Business Licensing and Regulation Bylaw Requirements.

Staff Recommendation

As the applicants and proposed locations meet the City's requirements, staff recommend adoption of Bylaw No. 3215 (2816 St. Johns Street) and Bylaw No. 3216 (1-101 Morrissey Road) (**Attachments 1 and 2**).

Voluntary Commitments

During the rezoning application process and Public Hearing, Cannabis Retail Use applicants voluntarily offered financial contributions to be used by the City or other bodies for environmental, recreational, educational, health and safety, or other analogous community purposes. A summary of each applicant's voluntary commitments is as follows:

Burb Cannabis Corp. (101 Morrissey Road):

- \$2,500 annual scholarship to Port Moody Secondary School;
- \$5,000 annual charitable donation to Port Moody Foundation;
- provision of a living wage to all full-time employees; and
- commitment to being very active in community events and initiating clean-up efforts.

Kiaro Brands Inc. (2816 St. Johns St):

- contribution of \$10,000 in first year of operation to Port Moody Arts Centre via the Community Foundation;
- inclusive hiring practices, living wage for all staff, and strong salaries for management;

- comprehensive benefits package for all team members; and
- local community involvement and active volunteering in City of Port Moody and Tri-Cities area.

An Amenity Contribution (Gift) agreement between the City and the applicants secures the deliverance of these voluntary contributions (**Attachments 4 and 5**). Execution of these documents requires signatures from the Mayor, Corporate Officer, and each respective applicant.

Burb Cannabis Corp. Proposed Business Hours

During the Public Hearing, concerns such as increased traffic and nuisance activity in the Suterbrook neighborhood were raised in relation to a new Cannabis Retail Use. To address some of these concerns, Burb Cannabis Corp. has proposed the following hours of operation:

- Monday to Saturday – 9am-10pm; and
- Sunday – 10am-9pm.

These business hours match those of Thrifty Foods and ensure that the proposed Burb Cannabis Retail store is closed before Romer's Burger Bar closes.

Next Steps

If Bylaw No. 3215 and Bylaw No. 3216 are adopted, staff will provide a recommendation of support to the Liquor and Cannabis Regulation Branch (LCRB) for the issuance of a Provincial Cannabis Retail license application. The Applicant must then submit a business licence application to the City. Other development or building permit approvals may be required depending on the scope of the proposed Cannabis Retail Use application, such as renovations or tenant improvements to the store location as required.

After the deadline for the second round of application processing on April 1, 2020, staff will bring forward any remaining cannabis retail use rezoning applications in the City, regardless of whether they have received a Provincial fit and proper assessment.

Other Options

1. THAT Bylaw No. 3215 not be adopted.
2. THAT Bylaw No. 3216 not be adopted.

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.

A Public Hearing for 2816 St. Johns Street (Kiaro Brands Inc.) and 1-101 Morrissey Road (Burb Cannabis Corp.) was held on November 26, 2019 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. City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 22, 2019, No. 3215 (Site Specific Cannabis Rezoning).
2. 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).
3. Amenity Contribution (Gift) agreement – Kiara Brands Inc.
4. Amenity Contribution (Gift) agreement – Burb Cannabis Corp.

Report Author

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Policy Planner

Report Approval Details

Document Title:	Site Specific Cannabis Retail Use Bylaw Amendments – Adoption and Consideration of Related Amenity Contribution Agreements.docx
Attachments:	<ul style="list-style-type: none">- Attachment 1 - Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 22, 2019, No. 3215 (Site Specific Cannabis Rezoning).pdf- Attachment 2 - Land Use Contract No. 4, 1978, Authorization Bylaw No. 1409, Amendment Bylaw No. 12, 2019, No. 3216.pdf- Attachment 3 - Amenity Contribution (Gift) agreement - Kiara.pdf- Attachment 4 - Amenity Contribution (gift) agreement - Burb.pdf
Final Approval Date:	Feb 4, 2020

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

Tracey Takahashi for Dorothy Shermer, Corporate Officer - Feb 1, 2020 - 6:52 PM

Rosemary Lodge, Manager of Communications and Engagement - Feb 3, 2020 - 10:01 AM

Paul Rockwood, General Manager of Finance and Technology - Feb 4, 2020 - 11:02 AM

André Boel, General Manager of Planning and Development - Feb 4, 2020 - 11:40 AM

Tim Savoie, City Manager - Feb 4, 2020 - 1:03 PM