



# City of Port Moody

## Report/Recommendation to Council

Date: April 6, 2020  
Submitted by: Planning and Development Department – Policy Planning Division  
Subject: Cannabis Retail Use Rezoning Applications – Second Round

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### Purpose

To present six Cannabis Retail Use rezoning applications (two outstanding and four newly submitted) as part of the second round of application processing for consideration of first and second readings.

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### Recommended Resolutions

**THAT, as recommended in the report dated April 6, 2020 from the Planning and Development Department – Policy Planning Division regarding Cannabis Retail Use Rezoning Applications – Second Round, the following Bylaws be read a first and second time and referred to a Public Hearing:**

- **City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 35, 2020, No. 3250 (Site Specific Cannabis Rezoning – 3034 St. Johns Street – Cannoe); and**
- **City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 36, 2020, No. 3251 (Site Specific Cannabis Rezoning – 3224 St. Johns Street – The Astrology Bud Store);**

**AND THAT the following applications be rejected:**

- **2506 St. Johns Street – Purp City Cannabis & CBD;**
  - **3030 St. Johns Street – City Cannabis Co.;**
  - **2343 Clarke Street – Happy Hippie Cannabis; and**
  - **2929 St. Johns Street – The Herb Co.**
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### Executive Summary

The second round of application processing include a total of six rezoning applications for Cannabis Retail Use (two outstanding and four newly submitted). Staff recommend giving first and second readings to those applications which satisfy all the requirements of the Council approved Corporate Policy for Cannabis Retail Use. The two applications that meet this recommendation are 3034 St. Johns Street (Cannoe) and 3224 St. Johns Street (The Astrology Bud Store). Bylaw No. 3250 and draft Bylaw No. 3251 permit a Cannabis Retail Use at these properties, respectively. Under the Corporate Policy for Cannabis Retail Use, Council has full

discretion when considering other applications. Alternative options and bylaws for the 4 other locations are available as well.

## 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 to ensure 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. 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.

At the Regular Council meeting on January 14, 2020, the following resolution was passed:

### RC20/034

THAT all outstanding and newly submitted Cannabis Retail Use rezoning applications received by March 31, 2020 be considered together after April 1, 2020, with any application that does not have a complete fit and proper assessment held at third reading until the application receives a complete fit and proper assessment from the Liquor and Cannabis Regulation Branch.

On February 11, 2020, Bylaw No. 3215 and Bylaw No. 3216 were adopted to permit a Cannabis Retail Use at the following two properties:

- 2816 St. Johns Street (Kiaro); and
- 1-101 Morrissey Road (Burb Cannabis).

Outstanding applications from the first review round include the following:

- 2506 St. Johns Street (Purp City & CBD); and
- 3034 St. Johns Street (Cannoe – formerly known as *Westcanna*).

Newly submitted applications as of April 1, 2020 include the following:

- 3224 St. Johns Street (The Astrology Bud Store);
- 3030 St. Johns Street (City Cannabis Co.);
- 2343 Clarke Street (Happy Hippie Cannabis); and
- 2929 St. John Street (The Herb Co.).

The purpose of this report is for Council to consider outstanding and newly submitted applications which make up the second round of Cannabis Retail Use Rezoning application processing.

## Discussion

Staff used the Corporate Policy and the Cannabis Rezoning Application Evaluation Checklist to guide the analysis of each proposed Cannabis Retail site location (**Attachments 2, 3, 4, 5, 6, and 7**). A map which shows the location of all six rezoning applications in relation to one another is included in **Attachment 8**. As there is no distance requirement between Cannabis Retail Use businesses in the City's Corporate Policy, this criteria was not assessed.

### Commercial Retail Zoning and Locational Requirements.

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

### 75m Sensitive Use Buffer

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 Cannabis & CBD) is currently located 61 metres from the nearest property line of the Port Moody Arts Centre. The applicant has submitted supplemental information regarding the walking distance of the proposed business to the Port Moody Arts Centre (refer to **Attachment 9**).

### Business Licensing and Regulation Bylaw Requirements

All applications, if approved for site specific zoning, must meet business licensing 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 six 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 2-7**). Further details on how each of the six applications have uniquely addressed the different components in their individual business detailed proposals is also included.

### Fit and Proper Assessment

The Province of B.C. conducts a fit and proper assessment on each prospective applicant for a provincial cannabis licence, which includes:

- comprehensive, rigorous, and in-depth checks which can significantly vary depending on the complexity of the applicant's corporate structure and other factors.
- an assessment of the applicant's personal background and history;
- the financial integrity of the business the applicant is in, or is proposing – including the sources of any money backing the investment; and,
- the history and background of any associates or persons that have a connection to the applicant and their associates.

As of the April 1, 2020 deadline, the following three applicants received a fit and proper assessment:

- 3034 St. Johns Street (Cannoe)
- 2506 St. Johns Street (Purp City Cannabis & CBD)
- 3224 St. Johns Street (The Astrology Bud Store)

### Staff Review

Staff assessed the applications based on the Council approved Corporate Policy, including receipt of a provincial fit and proper assessment, commercial retail zoning, proximity to sensitive uses, and satisfying the requirements associated with the Business Licensing and Regulation Bylaw and Business Proposal. The applications are compared against these criteria in Table 1.

Table 1: Comparison of Application Requirements for Cannabis Retail Use

Applicant Name and Address	Provincial Fit and Proper Assessment	Commercial Retail Zoning	75m Sensitive Use Buffer	Business License and Regulation Bylaw	Business Proposal
3034 St. Johns Street (Cannoe)	✓	✓	✓	✓	✓
2506 St. Johns Street (Purp City & CBD)	✓	✓	x	✓	✓
3224 St. Johns Street (The Astrology Bud Store)	✓	✓	✓	✓	✓

3030 St. Johns Street (City Cannabis Co.)	X	✓	✓	✓	✓
2343 Clarke Street (Happy Hippie Cannabis)	X	✓	✓	✓	✓
2929 St. Johns Street (The Herb Co.)	X	✓	✓	✓	✓

#### Applications Meeting All Requirements

Staff recommend that Council follow the approved process outlined in the Corporate Policy and consider giving first and second readings to the amendment bylaw related to the following two applications that fully meet the requirements of the Corporate Policy:

- 3034 St. Johns Street (Cannoe); and
- 3224 St. Johns Street (The Astrology Bud Store).

#### Application Not Fully Meeting City Criteria

The following application does not meet the sensitive use buffer requirement as it is located within 61 metres of the Port Moody Arts Centre.

- 2506 St. Johns Street (Purp City & CBD)

#### Applications Not Fully Meeting Provincial Requirements as of April 1, 2020

The following applications have not received a Fit and Proper Assessment from the Province:

- 3030 St. Johns Street (City Cannabis Co.);
- 2343 Clarke Street (Happy Hippie Cannabis); and
- 2929 St. John Street (The Herb Co.).

On January 28, 2020, Council passed a motion indicating it would consider these applications and, if supported, the bylaw would be held at third reading until the Fit and Proper Assessment had successfully been completed.

#### Cannabis Retail Use in Port Moody

The Council approved Corporate Policy allows for a maximum of five locations within the first 12 months following the adoption of the zoning bylaw amendment. Should Council adopt Bylaw No. 3250 and Bylaw No. 3251, a total of four cannabis retail stores would exist in the City. Council previously adopted Bylaw No. 3215 and No 3216 on February 11, 2020, which permit a Cannabis Retail Use at #1-101 Morrissey Road (Burb Cannabis) and at 2816 St. Johns Street (Kiara). This would leave one possible future opportunity for a fifth location.

#### Bylaw No.3250 and Bylaw No. 3251

Bylaw No. 3250 to rezone the property at 3034 St. Johns Street (Cannoe) is included in **Attachment 10** and Bylaw No. 3251 to rezone the property at 3224 St. Johns Street (The Astrology Bud Store) is included in **Attachment 11**. The Cannabis Retail Use and locations of these properties would be added to 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 licensing process, which would include a public hearing as per the Province's requirements to obtain a local government recommendation.

Should Council choose to advance discussions on any of the other Cannabis Retail Use rezoning applications, the zoning amendment bylaws are included as follows:

- Bylaw No. 3252 – 2506 St. Johns Street – Purp City Cannabis & CBD (**Attachment 12**);
- Bylaw No. 3253 – 3030 St. Johns Street – City Cannabis Co. (**Attachment 13**);
- Bylaw No. 3254 – 2343 Clarke Street – Happy Hippie Cannabis (**Attachment 14**); and
- Bylaw No. 3255 – 2929 St. Johns Street – The Herb Co. (**Attachment 15**).

### Next Steps

The next steps for Cannabis Retail Use Rezoning applications include:

- Council consideration of first and second readings of zoning bylaw amendments for the second batch of applications (May 5, 2020);
- Public Hearing and Council consideration of third readings and adoption of the related zoning bylaw amendments for the second batch of applications (TBD); and,
- Council consideration of recommendation to the LCRB for the locations that received rezoning approval (TBD).

Council retains full discretion for considering or approving any of the zoning amendment applications based on application-specific considerations.

Per the Corporate Policy, following this second round of applications, staff will process any newly submitted cannabis retail use rezoning applications and bring these forward to Council as they are received.

### Additional Approvals Required

- application for City Building Permits, sign permits, etc. (as required);
- compliance with Heritage Conservation Area guidelines (2334 Clarke Street) and other relevant Development Permit Area guidelines;
- issuance of City Business Licence; and
- final LCRB approval and provincial retail licence issuance.

### Other Options

THAT the following Bylaws be read a first and second time and referred to a Public Hearing:

- a) City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 37, 2020, No. 3252 (Site Specific Cannabis Rezoning – 2506 St. Johns Street – Purp City Cannabis & CBD).
- b) City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 38, 2020, No. 3253 (Site Specific Cannabis Rezoning – 3030 St. Johns Street – City Cannabis Co.)
- c) City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 39, 2020, No. 3254 (Site Specific Cannabis Rezoning – 2343 Clarke Street – Happy Hippie Cannabis)
- d) City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 40, 2020, No. 3255 (Site Specific Cannabis Rezoning – 2929 St. John Street – The Herb Co).

### 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 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. Summary – 3034 St. Johns Street (Cannoe).
3. Summary – 2506 St. Johns Street (Purp City Cannabis & CBD).
4. Summary – 3224 St. Johns Street (The Astrology Bud Store).
5. Summary – 3030 St. Johns Street (City Cannabis Co.).
6. Summary – 2343 Clarke Street (Happy Hippie Cannabis).
7. Summary – 2929 St. Johns Street (The Herb Co.)
8. Map of Cannabis Retail Use Rezoning Applications.
9. Supplemental Information on Buffer distance – 2506 St. Johns Street (Purp City & CBD).
10. City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 35, 2020, No. 3250 (Site Specific Cannabis Rezoning – 3034 St Johns Street - Cannoe).
11. City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 36, 2020, No. 3251 (Site Specific Cannabis Rezoning – 3224 St Johns Street – The Astrology Bud Store).
12. City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 37, 2020, No. 3252 (Site Specific Cannabis Rezoning – 2506 St. Johns Street – Purp City Cannabis & CBD).
13. City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 38, 2020, No. 3253 (Site Specific Cannabis Rezoning – 3030 St. Johns Street – City Cannabis Co.).
14. City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 39, 2020, No. 3254 (Site Specific Cannabis Rezoning – 2343 Clarke Street – Happy Hippie Cannabis)
15. City of Port Moody Zoning Bylaw, 2018, No. 2937, Amendment Bylaw No. 40, 2020, No. 3255 (Site Specific Cannabis Rezoning – 2929 St. Johns Street – The Herb Co.).

## Report Author

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## Report Approval Details

Document Title:	Cannabis Retail Use Rezoning Applications – Second Round.docx
Attachments:	<ul style="list-style-type: none"> <li>- Attachment 1 - Corporate Policy – 09-4300-2019-01 – Cannabis Retail Use.pdf</li> <li>- Attachment 2 - Summary - 3034 St. Johns Street (Cannoe).pdf</li> <li>- Attachment 3 - Summary - 2506 St. Johns Street (Purp City CBD).pdf</li> <li>- Attachment 4 - Summary - 3224 St. Johns Street (The Astrology Bud Store).pdf</li> <li>- Attachment 5 - Summary – 3030 St. Johns Street (City Cannabis Co.).pdf</li> <li>- Attachment 6 - Summary - 2434 Clarke Street (Happy Hippie Cannabis Co).pdf</li> <li>- Attachment 7 - Summary - 2929 St. Johns Street (The Herb Co.).pdf</li> <li>- Attachment 8 - Cannabis Retail Use Buffer Map.pdf</li> <li>- Attachment 9 - Supplemental Information on Buffer Distance - 2506 St Johns Street (Purp City CBD).pdf</li> <li>- Attachment 10 - Bylaw No. 3250 (3034 St. Johns Street – Cannoe).pdf</li> <li>- Attachment 11 - Bylaw No. 3251 (3224 St. Johns Street – The Astrology Bud Store).pdf</li> <li>- Attachment 12 - Bylaw No. 3252 (2506 St. Johns Street – Purp City Cannabis and CBD).pdf</li> <li>- Attachment 13 - Bylaw No. 3253 (3030 St. Johns Street – City Cannabis Co.).pdf</li> <li>- Attachment 14 - Bylaw No. 3254 (2343 Clarke Street – Happy Hippie Cannabis).pdf</li> <li>- Attachment 15 - Bylaw No. 3255 (2929 St. Johns Street – The Herb Co.).pdf</li> </ul>
Final Approval Date:	May 4, 2020

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

Dorothy Shermer, Corporate Officer - Apr 29, 2020 - 6:00 PM

Rosemary Lodge, Manager of Communications and Engagement - Apr 30, 2020 - 10:51 AM

Paul Rockwood, General Manager of Finance and Technology - Apr 30, 2020 - 10:57 AM

André Boel, General Manager of Planning and Development - Apr 30, 2020 - 4:16 PM

Tim Savoie, City Manager - May 4, 2020 - 12:02 PM