

# AGENDA

## *PUBLIC HEARING*

**Tuesday, March 3, 2020**

**7:00 p.m.**

**Council Chamber, Municipal Hall  
355 West Queens Road,  
North Vancouver, BC**

**Council Members:**

Mayor Mike Little

Councillor Jordan Back

Councillor Mathew Bond

Councillor Megan Curren

Councillor Betty Forbes

Councillor Jim Hanson

Councillor Lisa Muri



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## **PUBLIC HEARING**

**7:00 p.m.  
Tuesday, March 3, 2020  
Municipal Hall, Council Chambers  
355 West Queens Road, North Vancouver**

### **AGENDA**

#### **Cannabis Retail Store at 385 North Dollarton Highway Zoning Bylaw Amendment**

- 1. OPENING BY THE MAYOR**
- 2. INTRODUCTION OF BYLAW BY CLERK**

#### **District of North Vancouver Rezoning Bylaw 1395 (Bylaw 8422)**

*Purpose of Bylaw:*

Bylaw 8422 proposes to amend the District's Zoning Bylaw to add Cannabis Retail Store as a permitted use for the property located at 385 North Dollarton Highway in the Dollarton Village Shopping Centre.

- 3. PRESENTATION BY STAFF**  
  
Presentation: Emel Nordin, Development Planner
- 4. PRESENTATION BY APPLICANT**
- 5. REPRESENTATIONS FROM THE PUBLIC**
- 6. QUESTIONS FROM COUNCIL**
- 7. COUNCIL RESOLUTION**

*Recommendation:*

THAT the March 3, 2020 Public Hearing be closed;

AND THAT "District of North Vancouver Rezoning Bylaw 1395 (Bylaw 8422)" be returned to Council for further consideration.

- 8. CLOSING**

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# **The Corporation of the District of North Vancouver**

## **Bylaw 8422**

A bylaw to amend District of North Vancouver Bylaw 3210, 1965

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The Council for The Corporation of the District of North Vancouver enacts as follows:

### **Citation**

1. This bylaw may be cited as “District of North Vancouver Rezoning Bylaw 1395 (Bylaw 8422)”.

### **Amendments**

2. District of North Vancouver Zoning Bylaw 3210, 1965 is amended as follows:
  - a) Part 4 “General Regulations” is amended by adding the following into the first empty row of the table in Section 405B (1):

005-478-103	385 N Dollarton Hwy	n/a	Bylaw 8422
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**READ** a first time February 3<sup>rd</sup>, 2020

**PUBLIC HEARING** held

**READ** a second time

**READ** a third time

**ADOPTED**

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Mayor

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Municipal Clerk

Certified a true copy

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Municipal Clerk


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#### AGENDA INFORMATION

☒ Regular Meeting  
☐ Other:

Date: FEB. 3, 2020  
Date: \_\_\_\_\_

  
Dept.  
Manager

  
GM/  
Director

  
CAO

## The District of North Vancouver REPORT TO COUNCIL

January 17, 2020

File: 08.3060.20/051.19

**AUTHOR:** Emel Nordin, Development Planner

**SUBJECT:** Text Amendment to add "Cannabis Retail Store" at 385 North Dollarton Highway  
(Bylaw 8422)

### RECOMMENDATION

THAT the application by Rebecca Hardin for a Cannabis Retail Store at 385 North Dollarton Highway is rejected;

AND THAT the Liquor and Cannabis Regulation Branch be informed of this decision.

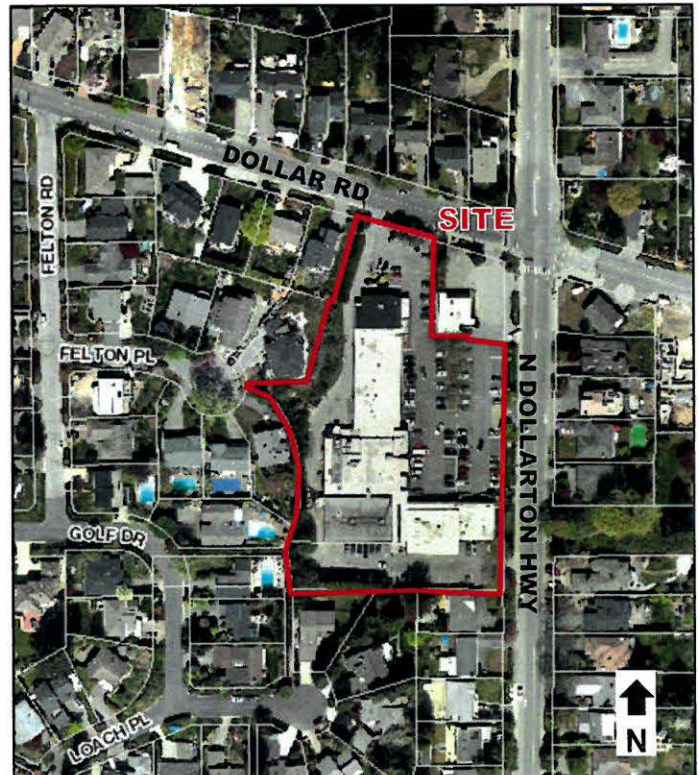
### REASON FOR REPORT

The applicant proposes to amend the Zoning Bylaw to add "Cannabis Retail Store" as a permitted use for the property located at 385 North Dollarton Highway in the Dollarton Village Shopping Plaza.

Implementation of the proposed amendment requires Council's consideration of Bylaw 8422 to amend Section 405B (1), of the Zoning Bylaw to allow a cannabis retail store as a permitted use at this location.

As the property is outside of a key growth centre and the proposal has attracted significant negative comment from nearby residents, staff recommend that the application be rejected.

Bylaw 8422 is however available for Council's consideration, should they wish to grant First Reading, and refer the bylaw to a Public Hearing.





## SUMMARY

An application has been submitted to the District of North Vancouver for a text amendment to add “Cannabis Retail Store” as a permitted use for the property located at 385 North Dollarton Highway, within the Dollarton Village Shopping Centre.

Prior to the issuance of a cannabis retail store licence, the Liquor and Cannabis Regulation Branch (LCRB) requires confirmation of a positive recommendation from the District of North Vancouver. If Bylaw 8422 is adopted, the District will forward to the LCRB an indication of Council’s support for a cannabis retail store license on this property.

The site is located outside of a key growth centre and significant concern has been raised by adjacent neighbours regarding the proposed cannabis retail store.

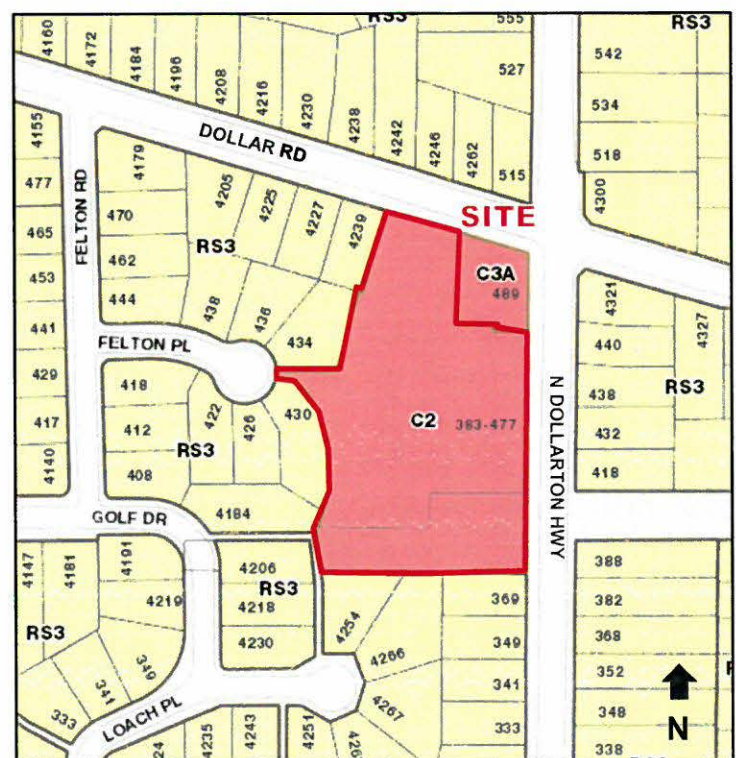
## EXISTING POLICY

### Official Community Plan

The Official Community Plan (OCP) designates this site as “Commercial Residential Mixed-Use Level 1” (CRMU1) which are areas intended predominantly for general commercial purposes, such as retail, service and offices. The site is outside of a key growth centre.

### Zoning

The subject property is zoned “Commercial Zone 2” (C2). The C2 zone permits “Cannabis Retail Store” use when the subject property is included on the table in Section 405B (1). Bylaw 8422 (Attachment A) proposes to amend Section 405B (1) by adding 385 North Dollarton Highway to the list of properties permitting one cannabis retail store.



## ANALYSIS

### Site and Surrounding Area

The proposed cannabis retail store is to be located in a ground floor retail space in the existing two-storey building located at the south end of the Dollarton Village Shopping Centre.



**Dollar Village Shopping Centre**

**Dollar Road**

**North Dollarton Hwy**

**Proposed location of cannabis retail store on lower level of building**

**Store entrance**

**Parking access**

**PROJECT LOCATION**

**LOWER LEVEL**

**Existing Businesses:** Royal Bank, Maa Yoga, Nesters Market, BC Liquor Store, Willow Florida, Core Health, Maa Yoga and Great Food, Starbucks, Chik & Co. (Asian), Smoothie Kitchen, North Shore Sports Medicine, Dollarton Dental.

**Other Labels:** Pylon, 1,828 sq ft, Deep Core Dental.

Non-medical Retail Cannabis Policy

The proposed use of the site has been reviewed against the District’s Non-medical Retail Cannabis Policy (“the Cannabis Policy”). The proposal does not comply with the policy as its location is outside an OCP key growth centre. A review of the ‘Locational Guidelines’ and ‘Other Evaluation Criteria’ is outlined in the table below.

<b>Locational Guidelines</b>	
Zoned to permit a liquor store	Liquor store listed as a Principal Use
Located at least 200 metres from any school	Complies - site is approximately 240 metres from Sherwood Park Elementary School.
Does not exceed a maximum of one business per OCP key growth centre	Site is <b><u>not located</u></b> within an OCP key growth centre.
Complies with all Provincial Cannabis Licensing Regulations	Security plan provided to satisfy provincial and federal legislative requirements. Confirmation of compliance and issuance of a licence by the LCRB will be required should the rezoning be approved by Council.
<b>Other Evaluation Criteria</b>	
Access for vehicles, potential traffic impacts and parking availability	Existing vehicle access is provided via a driveway from North Dollarton Highway to the south parking lot, and no traffic impacts are anticipated. Existing 157 surface parking spaces meet Zoning Bylaw requirement.
Access for pedestrians and cyclists	Good access for pedestrians, cyclists and those using alternate modes of transportation. Site is located on a bus route with a bus stop adjacent to the proposed store location.
Store layout that does not accommodate product sampling	Complies
A proposed exterior design that is consistent with all applicable design guidelines and complies with provincial requirements	No major façade changes proposed. Windows are to be obscured with decorated opaque film, in accordance with provincial requirements.
Signage in accordance with the District of North Vancouver Sign Bylaw	Proposed signage on south elevation is generally consistent with the Sign Bylaw. A sign permit will be required prior to installation of any signs.
Operating hours that do not exceed 9 am – 9 pm	Complies



*Proposed Exterior Design and Signage*

### Concurrence

The project has been reviewed by staff from the Building, Engineering, Property Use, Community Planning and Fire Departments. No concerns have been noted.

The North Vancouver RCMP has reviewed the proposal and indicated that there are no objections to the proposed cannabis retail store at this location.

The LCRB Senior Licensing Analyst has advised that the LCRB has not yet completed their suitability assessment of the applicant as required by the *Cannabis Control and Licensing Act*. A completed suitability assessment will be required prior to adoption of Bylaw 8422.

### Public Input

Notices were distributed to neighbours within a 100 m (328 ft.) radius of the subject property and a sign was placed on the property in accordance with the District’s policy on “Non-Statutory Public Consultation for Development Applications.” A total of 197 notices were delivered and 50 comments and 3 petitions were received in response. A summary of the responses and petitions is indicated below:

- 47 responses opposed
- 2 responses in support
- 1 response with a mix of questions and concerns
- A petition in support with 105 signatures

- A petition in opposition with 126 signatures
- A petition in opposition with 14 signatures

Positive comments received include:

- The proposed cannabis retail store would add to the vibrancy of the neighbourhood and serve residents well
- A cannabis store would be a complementary use to the existing recreation/wellness-oriented services on the property
- Impressed by experience at the applicant’s existing cannabis retail store, MUSE, on South Granville in Vancouver
- The proposed unit has separate parking and standalone storefront from other tenants, which is a positive
- Patrons visiting Dollarton Village Shopping Centre can access every store without having to walk or drive by the proposed cannabis store or have sightlines to it from the main parking lot

The table below summarizes the key concerns received by topic area:

Comment	Policies and Applicant Response
Impacts on single-family neighbourhood, families with young children; not suitable location and does not reflect nature of the community	<ul style="list-style-type: none"><li>• Location is <b>not within</b> an OCP key growth centre</li></ul>
Proximity to Sherwood Park Elementary School and student walking path; influence on students who visit the shopping centre at lunch hour as they will be able to see the store	<ul style="list-style-type: none"><li>• The proposed location slightly exceeds the Cannabis Policy’s 200 m minimum distance requirement</li><li>• Employees must ID any guest who appears to be under the age of 25 years upon entry to the store</li><li>• Windows will be obscured with film that restricts visual access from the exterior</li><li>• Exterior signage will state “No minors permitted at any time”</li></ul>
Proximity of cannabis store to liquor store	<ul style="list-style-type: none"><li>• Cannabis retail stores are permitted in commercial zones that permit liquor stores</li><li>• Complies with provincial regulations</li></ul>



Security and increased criminal activity	<ul style="list-style-type: none"><li>• Security plan submitted in accordance with provincial regulations, including locked display cases</li><li>• Retail environment is proposed to be well lit</li></ul>
Hours of operation too long/late	<ul style="list-style-type: none"><li>• Complies with the Cannabis Policy hours of operation which allows operation between 9 am and 9 pm, seven days a week</li></ul>
Potential for odour and/or smoke	<ul style="list-style-type: none"><li>• Display of product will comply with provincial requirements</li><li>• All retail product is delivered and stored in pre-sealed containers</li><li>• The applicant’s existing cannabis store in Vancouver has had no complaints regarding odour</li></ul>
Parking and traffic impacts	<ul style="list-style-type: none"><li>• The existing 157 on-site surface parking spaces meet the Zoning Bylaw parking requirements for the property; the separate south parking lot provides parking immediately adjacent to the proposed store location</li></ul>
Noise and loitering	<ul style="list-style-type: none"><li>• Applicant has a policy that no queuing and/or loitering may occur outside the cannabis retail store</li><li>• Applicant is proposing additional exterior signage to indicate “No Loitering / No consumption on premises”</li></ul>

### Implementation

Implementation of this proposal will require a text amendment to the Zoning Bylaw to allow for a cannabis retail store on the property at 385 North Dollarton Highway.

Bylaw 8422 (Attachment A) amends Section 405B (1) of the Zoning Bylaw by adding 385 North Dollarton Highway to the list of properties permitted to have one cannabis retail store.

### **CONCLUSION**

The proposal for a cannabis retail store at 385 North Dollarton Highway complies with some aspects of the Cannabis Policy, however the site is located outside of a key growth centre. Significant concern has been raised by nearby neighbours regarding the addition of a cannabis retail store within this primarily single-family residential neighbourhood, particularly due to the proximity to Sherwood Park Elementary School.

The Zoning Bylaw text amendment is now ready for Council’s consideration.

**OPTIONS**

The following options are available for Council's consideration:

1. Reject the application and inform the Liquor and Cannabis Regulation Branch of this decision (staff recommendation);
2. Return Bylaw 8422 to staff to negotiate changes to the proposal as directed by Council; or
3. Give Bylaw 8422 First Reading, and refer Bylaw 8422 to a Public Hearing.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Emel Nordin".

Emel Nordin  
Development Planner

**Attachments:**

- A. Bylaw 8422 – Zoning Bylaw Text Amendment
- B. Non-medical Retail Cannabis Policy

**SUBJECT:** Text Amendment to add "Cannabis Retail Store" at 385 North Dollarton Highway  
(Bylaw 8422)

January 17, 2020

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REVIEWED WITH:		
<input checked="" type="checkbox"/> Planning		<input type="checkbox"/> Clerk's Office
<input type="checkbox"/> Permits and Licences	_____	<input type="checkbox"/> Communications
<input type="checkbox"/> Utilities	_____	<input type="checkbox"/> Finance
<input type="checkbox"/> Engineering Operations	_____	<input type="checkbox"/> Fire Services
<input type="checkbox"/> Parks	_____	<input type="checkbox"/> ITS
<input type="checkbox"/> Environment	_____	<input type="checkbox"/> Solicitor
<input type="checkbox"/> Facilities	_____	<input type="checkbox"/> GIS
<input type="checkbox"/> Human Resources	_____	<input type="checkbox"/> Real Estate
		External Agencies:
		<input type="checkbox"/> Library Board
		<input type="checkbox"/> NS Health
		<input type="checkbox"/> RCMP
		<input type="checkbox"/> NVRC
		<input type="checkbox"/> Museum & Arch.
		<input type="checkbox"/> Other:



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# **The Corporation of the District of North Vancouver**

## **Bylaw 8422**

A bylaw to amend District of North Vancouver Bylaw 3210, 1965

The Council for The Corporation of the District of North Vancouver enacts as follows:

### **Citation**

1. This bylaw may be cited as "District of North Vancouver Rezoning Bylaw 1395 (Bylaw 8422)".

### **Amendments**

2. District of North Vancouver Zoning Bylaw 3210, 1965 is amended as follows:
  - a) Part 4 "General Regulations" is amended by adding the following into the first empty row of the table in Section 405B (1):

005-479-533	385 N Dollarton Hwy	n/a	Bylaw 8422
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**READ** a first time

**PUBLIC HEARING** held

**READ** a second time

**READ** a third time

**ADOPTED**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Municipal Clerk

Certified a true copy

\_\_\_\_\_  
Municipal Clerk

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## The Corporation of the District of North Vancouver

### CORPORATE POLICY

Title	Non-medical Retail Cannabis Policy
Section	Development and Social Planning

#### POLICY

**It is the policy of Council that the approval of a retail cannabis business in the District of North Vancouver may only be considered through a rezoning application that meets the guidelines, criteria and processing requirements set out in this policy.**

Policy approved on: July 22, 2019

Policy amended on: October 7, 2019

#### PROCEDURE

The following procedure is used to implement this policy but does not form part of the policy. This procedure may be amended from time to time at the discretion of the Chief Administrative Officer.

#### DEFINITIONS

**"Council"** means the Council for the District of North Vancouver.

**"District"** means the District of North Vancouver.

**"Liquor & Cannabis Regulation Branch"** means the Provincial branch which regulates British Columbia's liquor industries and private retail non-medical cannabis industries (formerly Liquor Control and Licensing Branch).

**"Cannabis Retail Store"** means a business for the retail sale of non-medical cannabis for off-site consumption and cannabis accessories and does not permit a warehouse use.

#### REASON FOR POLICY

To provide locational and evaluation criteria to guide decisions on permitting the retail sale of non-medical cannabis in the District.

## **PREAMBLE**

The District has taken the approach of considering retail cannabis businesses through an individual rezoning process considered on a case-by-case basis. Applications for a retail cannabis business should comply with the locational guidelines and other criteria contained in this policy and will be subject to public consultation requirements of the District's Development Procedures Bylaw and the statutory provisions of the *Local Government Act*.

## **APPLICATION**

1. This policy applies to applications for rezoning to operate a retail cannabis business in the District of North Vancouver.
2. Administration of this policy is handled through the processing of rezoning applications and preparation of bylaws for Council consideration. Compliance with this policy does not guarantee development approval from Council.
3. Applicants who apply to the Liquor and Cannabis Regulation Branch (LCRB) for any retail cannabis business licence must submit a rezoning application to the District after the application is referred to the municipality for input by the LCRB. Rezoning applications will only be considered after the date of approval of this policy.

## **LOCATIONAL GUIDELINES**

The following locational guidelines will be used to assess the suitability of a site for a retail cannabis business when an application for rezoning for such a use has been submitted to the District:

A retail cannabis business may be located on a site that:

1. Is currently zoned to permit a liquor store use;
2. Is located at least 200 metres from any elementary or high school property;
3. Does not exceed a maximum of one (1) business per each of the following key growth centres identified in the Official Community Plan\*:
  - a. Maplewood Village Centre;
  - b. Lions Gate Village Centre and Marine Drive Corridor;
  - c. Lynn Valley Town Centre;
  - d. Lynn Creek Town Centre.

\*Additional businesses outside of Town and Village Centres may be given consideration on a case-by-case basis, subject to a review of the merits of the application.

4. Complies with all of the requirements of the Provincial *Cannabis Licensing Regulation*.

## **OTHER EVALUATION CRITERIA**

In addition to the above locational guidelines, the following criteria will be considered in evaluating a rezoning application for a retail cannabis business use:

1. Access for vehicles, including potential traffic impacts and parking availability;
2. Access for pedestrians and cyclists, including proximity to public transit;
3. A proposed interior layout that does not accommodate product sampling;
4. A proposed exterior design that is sensitive to the design and character of the respective Town and Village Centre in which it is located and is consistent with all applicable guidelines that regulate the exterior appearance of all residential and commercial properties within that Centre to the extent possible that it complies with the Provincial *Cannabis Control and Licensing Act*;
5. Design of signage that is in accordance with the District of North Vancouver Sign Bylaw;
6. Operating hours that do not exceed 9am – 9pm;
7. Store security requirements that meet the Provincial Cannabis Retail Store Licence Terms and Conditions Handbook.

## **NON-MEDICAL CANNABIS APPROVAL PROCESS**

All retail cannabis businesses must undergo a site-specific rezoning process before the retail sale of non-medical cannabis is permitted. This will include opportunities for public consultation.

All applicants interested in establishing a retail cannabis business shall submit the following applications:

1. An application to the Provincial Liquor & Cannabis Regulation Branch (LCRB) for a cannabis retail store license prior to submitting an application for rezoning to the District;
2. An application to the District for a rezoning of the parcel to permit a retail cannabis business, once the application has been referred from the Provincial Liquor &

Cannabis Regulation Branch to the District for input. Applications for rezoning will be processed using a first-come-first-served model based on the date and time the application was forwarded to the District from the LCRB. Applications should be submitted to the District within 15 days of a referral from the LCRB. If an application is submitted more than 15 days after the referral from the LCRB, then it will be processed on a first-come-first-served model based on the date that the complete application is accepted by the District.

3. In the case of a Provincial store, the date that an application is submitted to the District will be considered the date of referral.
4. An application to the District for a development permit as required by the District;
5. An application for a District business licence, upon successful adoption of a rezoning bylaw and a positive recommendation from the District to the LCRB; and
6. Additional permit applications as required by the District, including but not limited to a building permit and/or sign permit applications.

## **PUBLIC CONSULTATION**

1. Rezoning to permit a retail cannabis business will require public consultation as specified in District bylaws and policies (e.g. Development Procedures Bylaw) and statutory procedures set out in the *Local Government Act* (e.g. Public Hearing).
2. A summary of the public consultation will be included in a Report to Council for the rezoning application.

## **CONDITIONS OF REZONING**

Council may require that one or more of the following conditions must be met prior to the adoption of a rezoning bylaw for a retail cannabis business:

1. The applicant may be required to submit details regarding on-site signage.
2. The applicant may be required to submit details on how potential odour that may be emitted from the premises will be controlled. A Section 219 covenant, or other means, may be used to secure any required odour mitigation measures.
3. The warehousing of cannabis as an accessory use shall not be permitted.
4. Any other conditions as may be required by Council.



## **SMOKING REGULATIONS SIGNAGE**

1. A minimum of two signs shall be posted within the interior of the building and a minimum of one sign on the exterior of the building, with all signs having dimensions of at least 12" x 18". The signage shall detail the restrictions for smoking within 6 metres of any openings to the building, including doors and windows that open and any air intake, as outlined in section 6(a) of the Smoking Regulation Bylaw.

## **COUNCIL DISCRETION**

While this policy is intended to establish a framework which would apply to all rezoning applications for retail cannabis uses, Council maintains full discretion to allow or reject any application for a retail cannabis use and may, in its sole discretion, exempt applications from all or any part of this policy.

## **AUTHORITY TO ACT**

Provincial legislation, including the *Community Charter*, *Local Government Act*, and the *Cannabis Control and Licensing Act*, authorizes the District to regulate locational aspects of retail cannabis businesses and to establish procedures to assess and approve such businesses.

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# PUBLIC HEARING

## Cannabis Retail Store at 385 North Dollarton Hwy

### ZONING BYLAW AMENDMENT

**What:** A Public Hearing for Bylaw 8422, a proposed amendment to the Zoning Bylaw, to add Cannabis Retail Store as a permitted use for the property located at 385 North Dollarton Highway in the Dollarton Village Shopping Centre.

**When:** 7pm, Tuesday, March 3, 2020

**Where:** Council Chambers, District of North Vancouver Municipal Hall, 355 West Queens Road, North Vancouver, BC

#### What changes?

Bylaw 8422 proposes to amend the District's Zoning Bylaw to add Cannabis Retail Store as a permitted use for the property located at 385 North Dollarton Highway in the Dollarton Village Shopping Centre.



#### How can I provide input?

We welcome your input Tuesday, March 3, 2020, at 7 pm. You can speak in person by signing up at the hearing, or you can provide a written submission to the Municipal Clerk at [input@dnv.org](mailto:input@dnv.org) or by mail to Municipal Clerk, District of North Vancouver, 355 West Queens Road, North Vancouver, BC, V7N 4N5, before the conclusion of the hearing.

*Please note that Council may not receive further submissions from the public concerning this application after the conclusion of the public hearing.*



#### Need more info?

Relevant background material and copies of the bylaws are available for review at the Municipal Clerk's Office or online at [DNV.org/public\\_hearing](https://dnv.org/public_hearing) from February 18, 2020 to March 3, 2020. Office hours are Monday to Friday 8 am to 4:30 pm, except statutory holidays.

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