

AGENDA

PUBLIC HEARING

**Monday, July 27, 2020
6:00 p.m.**

**To be held virtually but audio streamed at
<http://app.dnv.org/councillive/>**

Council Members:

Mayor Mike Little
Councillor Jordan Back
Councillor Mathew Bond
Councillor Megan Curren
Councillor Betty Forbes
Councillor Jim Hanson
Councillor Lisa Muri



www.dnv.org

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PUBLIC HEARING

6:00 p.m.
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AGENDA

Cannabis Retail Store at 1520 Barrow Street Zoning Bylaw Amendment

1. OPENING BY THE MAYOR

2. INTRODUCTION OF BYLAW BY CLERK

District of North Vancouver Rezoning Bylaw 1392 (Bylaw 8419)

Purpose of Bylaw:

Bylaw 8419 proposes to amend the District's Zoning Bylaw to add Cannabis Retail Store as a permitted use for the property located at 1520 Barrow Street in the Lynn Creek Town Centre.

3. PRESENTATION BY STAFF

Presentation: Ashley Bellwood, Development Planner

4. PRESENTATION BY APPLICANT

5. REPRESENTATIONS FROM THE PUBLIC

6. QUESTIONS FROM COUNCIL

7. COUNCIL RESOLUTION

Recommendation:

THAT the July 27, 2020 Public Hearing be closed;

AND THAT "District of North Vancouver Rezoning Bylaw 1392 (Bylaw 8419)" be returned to Council for further consideration.

8. CLOSING

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The Corporation of the District of North Vancouver

Bylaw 8419

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 1392 (Bylaw 8419)”.

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):

| | | | |
|-------------|--------------------|------------------------|------------|
| 028-681-711 | 1520 Barrow Street | Lynn Creek Town Centre | Bylaw 8419 |
|-------------|--------------------|------------------------|------------|

READ a first time February 3rd, 2020

PUBLIC HEARING held

READ a second time

READ a third time

Certified a true copy of “Bylaw 8419” as at Third Reading

Municipal Clerk

APPROVED by the Ministry of Transportation and Infrastructure on

ADOPTED

Mayor

Municipal Clerk

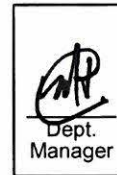
Certified a true copy

Municipal Clerk

AGENDA INFORMATION

☒ Regular Meeting
☐ Other:

Date: FEB. 3, 2020
Date: _____



The District of North Vancouver REPORT TO COUNCIL

January 17, 2020

File: 08.3060.20/061.17

AUTHOR: Emel Nordin, Development Planner

SUBJECT: Text Amendment to add "Cannabis Retail Store" at 1520 Barrow St (Bylaw 8419)

RECOMMENDATION

THAT "District of North Vancouver Rezoning Bylaw 1392 (Bylaw 8419)" is given FIRST Reading;

AND THAT "District of North Vancouver Rezoning Bylaw 1392 (Bylaw 8419)" is referred to a Public Hearing.

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 1520 Barrow Street.

Implementation of the proposed amendment requires Council's consideration of Bylaw 8419 to amend Section 405B (1), of the Zoning Bylaw to allow a cannabis retail store as a permitted use at this location.

The Rezoning Bylaw is recommended for introduction and referral 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 1520 Barrow Street. The subject property is currently improved with a two storey commercial building.

Prior to the issuance of a cannabis retail store licence, the Provincial Liquor and Cannabis Regulation Branch (LCRB) requires confirmation of a positive recommendation from the District of North Vancouver. If Bylaw 8419 is adopted, the District will forward to the LCRB an indication of Council’s support for a cannabis retail store license on this property.

EXISTING POLICY

Official Community Plan

The Official Community Plan (OCP) designates this site as “Commercial” (COM) which are areas intended predominantly for a variety of commercial and service type uses, where residential uses are not generally permitted.

The site is within the Lynn Creek Town Centre.

Zoning

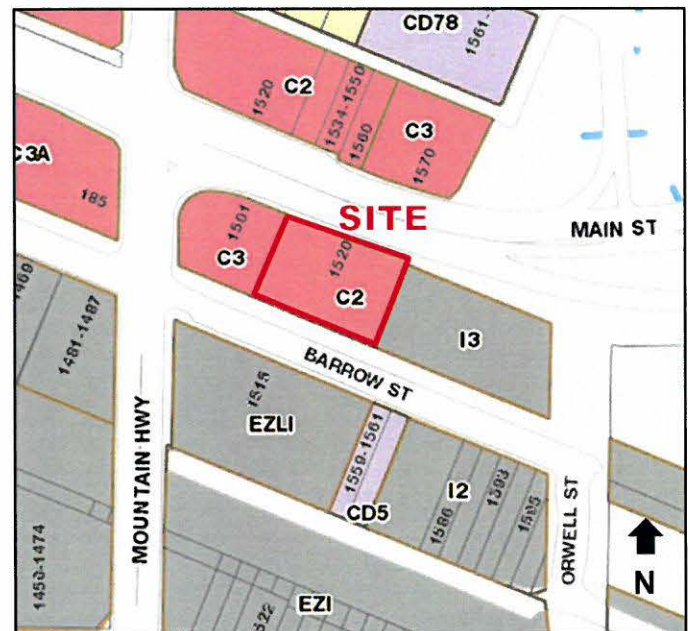
The subject property is zoned “Commercial Zone 2” (C2). The C2 zone permits “Cannabis Retail Store” use when the subject property is included on the table in Section 405B (1). Bylaw 8419 (Attachment A) proposes to amend Section 405B (1) of the Zoning Bylaw by adding 1520 Barrow Street to the list of properties permitting one cannabis retail store.

ANALYSIS

Site and Surrounding Area

The proposed cannabis retail store is to be located in a vacant ground floor retail space on the east side of the existing two-storey commercial building. The development permit for this building was approved by Council in 2013. Existing tenants within the building are Kinetic OHS Services Ltd (a consulting business) and i-works Enterprises Inc (a technology business) on the second storey and Toby’s Liquor Store, located in the west portion of the ground floor.

The site is located mid-block east of Mountain Highway, fronts Barrow Street to the south and Main Street to the north, and is located immediately west of the south-bound on-ramp to the Ironworkers Memorial Bridge. Surrounding properties include a commercial use (car wash) to the west; a temporary heavy machinery use on a light industrial property to the east, a light industrial development to the south, and commercial uses to the north across Main Street.



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”). A review of the ‘Locational Guidelines’ and ‘Other Evaluation Criteria’ is outlined in the table below.

| Locational Guidelines | |
|---|---|
| Zoned to permit a liquor store | Complies |
| Located at least 200 metres from any school | Complies |
| Does not exceed a maximum of one business per OCP key growth centre | Site located within Lynn Creek Town Centre; no cannabis retail store businesses currently exist in this centre. The subject proposal was the second LCRB referral but the first rezoning application to be received within this grown centre. Compliance with this guideline will be informed by Council’s decision on the other rezoning application in Lynn Creek Town Centre (1560 Main St.) |
| 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. |
| Other Evaluation Criteria | |
| Access for vehicles, potential traffic impacts and parking availability | Existing vehicle access is provided via two driveways from Barrow Street, and no traffic impacts are anticipated. The existing 26 surface parking spaces on the property meet the minimum parking requirement of the Zoning Bylaw. |

| | |
|---|---|
| Access for pedestrians and cyclists | Excellent access for pedestrians, cyclists and those using alternate modes of transportation. Site is located on a RapidBus route and in close proximity to Phibbs Exchange. Barrow Street has a marked east-west cycling route with direct access to Ironworkers Memorial Bridge and on-site bicycle parking is available. |
| 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 | A Development Permit was issued for this relatively new building in 2013 and no major façade changes are proposed. The windows are to be obscured with decorative film, in accordance with provincial requirements. |
| Signage in accordance with the District of North Vancouver Sign Bylaw | Proposed signage on the north and south elevations 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 expressed.

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 8419.

The site is located within 800m of a controlled access intersection and therefore approval by the Provincial Ministry of Transportation and Infrastructure will be required prior to the adoption of a rezoning bylaw, should the proposal proceed.

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 293 notices were delivered, and 5 responses were received. Of those responses, 3 were in support and 2 were opposed.

Positive comments received include:

- Small businesses should be supported with the recent legislative changes regarding sale of cannabis
- The proposed cannabis retail store would be a good addition to the neighbourhood

Comments expressing concerns include:

- Potential for sales to occur to minors
- Impacts on the neighbourhood and concern regarding prevalence of pubs, breweries and similar uses in area
- General concerns regarding the legalization of cannabis and the health impacts of cannabis use

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 1520 Barrow Street.

Bylaw 8419 (Attachment A) amends Section 405B (1) of the Zoning Bylaw by adding 1520 Barrow Street to the list of properties permitted to have one cannabis retail store.

CONCLUSION

The proposal for a cannabis retail store on the property generally complies with the Cannabis Policy. The Zoning Bylaw text amendment is now ready for Council's consideration.

OPTIONS

The following options are available for Council's consideration:

1. Give Bylaw 8419 First Reading, and refer Bylaw 8419 to a Public Hearing (staff recommendation); or
2. Reject the application and inform the Liquor and Cannabis Regulation Branch of this decision.

Respectfully submitted,



Emel Nordin
Development Planner

Attachments:

- A. Bylaw 8419 – Zoning Bylaw Text Amendment
- B. Non-medical Retail Cannabis Policy

| 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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READ a first time

PUBLIC HEARING held

READ a second time

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Certified a true copy of "Bylaw 8419" as at Third Reading

Municipal Clerk

APPROVED by the Ministry of Transportation and Infrastructure on

ADOPTED

Mayor

Municipal Clerk

Certified a true copy

Municipal Clerk



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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VIRTUAL PUBLIC HEARING ZONING BYLAW AMENDMENT

What: A Public Hearing for Bylaw 8419, a proposed amendment to the Zoning Bylaw to add "Cannabis Retail Store" as a permitted use for the property located at 1520 Barrow Street in the Lynn Creek Town Centre.

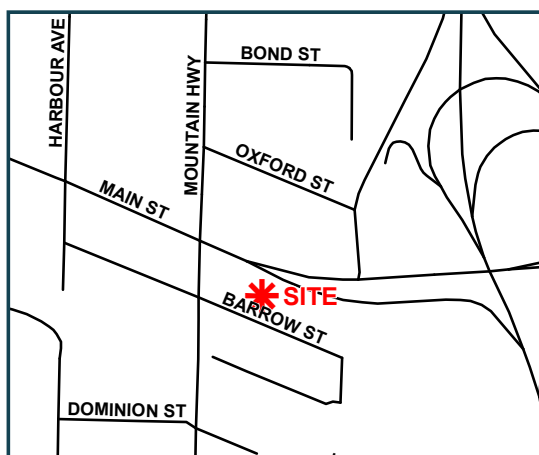
When: Monday, July 27, 2020 at 6pm

Where: 355 West Queens Road, North Vancouver, BC

How: This Public Hearing will be held virtually, with participation by electronic means only. The hearing will be streamed over the internet at app.dnv.org/councillive

When and How can I provide input?

We welcome your input on July 27, 2020 at 6pm. You may sign up in advance to speak at the hearing by contacting the Municipal Clerk at gordonja@dnv.org prior to noon, Monday, July 27, 2020. You may also provide a written submission at any time prior to the close of the hearing by sending it to the Municipal Clerk at input@dnv.org or by mail to Municipal Clerk, District of North Vancouver, 355 West Queens Road, North Vancouver, BC, V7N 4N5. After the speakers list has



Proposed*



Proposed store front

been exhausted, there will be an opportunity for additional speakers to make submissions by telephone. Dial-in information will be provided at the meeting over the internet to those viewing the video stream.

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 online at [DNV.org/public_hearing](https://dnv.org/public_hearing) until July 27.

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