

AGENDA

SPECIAL MEETING OF COUNCIL

Monday, July 27, 2020

**To follow the Public Hearing
scheduled to start at 6:00 p.m.**

**To be held virtually but 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



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AGENDA

CLOSED PUBLIC HEARING ITEMS NOT AVAILABLE FOR DISCUSSION

- Bylaw 8262 – OCP Amendment 1923 Purcell Way
- Bylaw 8263 – Rezoning 1923, 1935, 1947 and 1959 Purcell Way
- Bylaw 8428 – Rezoning 1629 Marine Drive
- Bylaw 8427 – Rezoning 1199 Marine Drive
- Bylaw 8419 – Rezoning 1520 Barrow Street

RESOLUTION TO HOLD PUBLIC MEETING WITHOUT THE PUBLIC IN ATTENDANCE

Recommendation:

WHEREAS:

- the Minister of Public Safety and Solicitor General has issued Order M192; and,
- Order M192 requires British Columbia municipalities to use best efforts to allow members of the public to attend open meetings of council in a manner that is consistent with the applicable requirements or recommendations of the *Public Health Act*; and,
- the District has assessed its ability to allow members of the public to attend open meetings of council in a manner that is consistent with the applicable requirements or recommendations of the *Public Health Act*; and,
- the District has taken into consideration its Covid-19 Safety Plan as required by Worksafe BC; and,
- the District has determined that, at this time, it cannot safely allow members of the public to attend open meetings of council in a manner that is consistent with the applicable requirements or recommendations of the *Public Health Act* or its Covid-19 Safety Plan;

THEREFORE, this meeting of the Council for the District of North Vancouver is to be held without members of the public being physically present;

AND THAT the principles of openness, transparency, accessibility and accountability are being ensured through:

- Providing an online subscription service for residents to sign up and be apprised of upcoming meetings and the post-meeting availability of meeting minutes and meeting videos;
- Providing advance notice of this meeting in accordance with the *Community Charter* and advising the public on how they may participate in the meeting by providing public input;
- Providing the availability of the agenda for this meeting on the District's webpage six days in advance of the meeting;
- The live streaming of this meeting via a link readily available on the District's webpage;
- Maintaining the thirty minute public input opportunity at each regular meeting and the discretionary public input opportunity at each workshop;
- The ability of the public to provide input on agenda items by full two-way audio and video means;
- Adhering the rules of procedural fairness and acting with respect and courtesy at all times when hearing the public;
- Conducting meetings in a manner that resembles in-person meeting as much as possible;
- And reminding the public that they may contact Mayor and Council at any time on any topic via its council@dnv.org email address.

1. **ADOPTION OF THE AGENDA**

1.1. **July 27, 2020 Special Meeting Agenda**

Recommendation:

THAT the agenda for the July 27, 2020 Special Meeting of Council for the District of North Vancouver is adopted as circulated, including the addition of any items listed in the agenda addendum.

2. **REPORTS FROM COUNCIL OR STAFF**

2.1. **Bylaw 8419: Rezoning to Add "Retail Cannabis Store" as a Permitted Use at 1520 Barrow Street** p. 9-27

File No. 09.3900.20/000.000

Report: Municipal Clerk, July 9, 2020

Attachment 1: Bylaw 8419

Attachment 2: Staff Report Dated January 17, 2020

Recommendation:

THAT "District of North Vancouver Rezoning Bylaw 1392 (Bylaw 8419)" is given SECOND and THIRD Readings.

3. ADJOURNMENT

Recommendation:

That the July 27, 2020 Special Meeting of Council for the District of North Vancouver is adjourned.

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REPORTS

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AGENDA INFORMATION	
<input checked="" type="checkbox"/> Special Meeting	Date: <u>July 27, 2020</u>
<input type="checkbox"/> Other:	Date: _____

Dept. Manager	GM/ Director	CAO Acting
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The District of North Vancouver REPORT TO COUNCIL

July 9, 2020
File: 09.3900.20/000.000

AUTHOR: James Gordon, Municipal Clerk

SUBJECT: Bylaw 8419: Rezoning to Add "Retail Cannabis Store" as a Permitted Use at 1520 Barrow Street

RECOMMENDATION:

THAT "District of North Vancouver Rezoning Bylaw 1392 (Bylaw 8419)" is given SECOND and THIRD Readings.

BACKGROUND:

Bylaw 8419 received First Reading on February 3, 2020.

A Public Hearing for Bylaw 8419 is scheduled for July 27, 2020, immediately preceding the Special Meeting of Council at which the bylaw may be considered for Second and Third Readings by Council. Following the close of the Public Hearing, the bylaw will be ready to be considered for Second and Third Reading by Council.

OPTIONS:

1. Give the bylaw Second and Third Readings;
2. Reject the application with the following resolution:

THAT the application for a Cannabis retail store at 1520 Barrow Street is rejected;

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

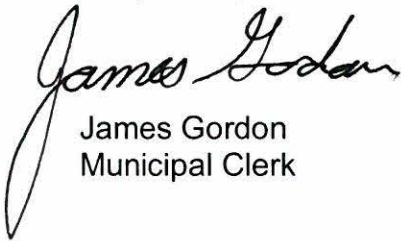
3. Debate possible amendments to the bylaw at Second Reading and return Bylaw 8419 to a new Public Hearing if required.

SUBJECT: Bylaw 8419: Rezoning to Add "Retail Cannabis Store" as a Permitted Use at 1520 Barrow Street

July 9, 2020

Page 2

Respectfully submitted,



James Gordon
Municipal Clerk

Attachments:

- Bylaw 8419
- Staff report dated January 17, 2020

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

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
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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

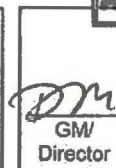
Municipal Clerk

APPROVED by the Ministry of Transportation and Infrastructure on

ADOPTED

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AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: <u>FEB. 3, 2020</u>
<input type="checkbox"/> Other:	Date: _____



ATTACHMENT 2

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

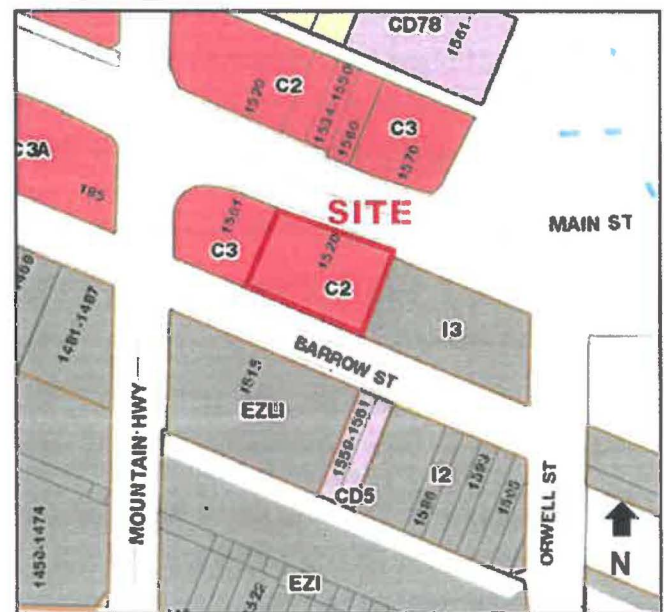
The subject property is zoned "Commercial Zone 2" (C2). The C2 zone permits "Cannabis Retail Store" use when the subject property is included on the table in Section 405B (1). Bylaw 8419 (Attachment A) proposes to amend Section 405B (1) of the Zoning Bylaw by adding 1520 Barrow Street to the list of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



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
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		<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

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



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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