

Zoning Amendment Bylaw No. 4141 for 985 Nicola Avenue – Rescind & Re-read Second Reading

RECOMMENDATIONS: (Motions to be given separately)

1. *That Council rescind Second Reading of Zoning Amendment Bylaw No. 4141.*
2. *That Council amend Zoning Amendment Bylaw No. 4141 by adding the following clause after “625 m²”:*
 - *“and one retail sales and display area not to exceed “247 m² within that floor area”; and*

That Council give Second Reading to Bylaw 4141 as amended.

PREVIOUS COUNCIL / COMMITTEE ACTION

At the October 8, 2019, Committee of Council meeting, Committee adopted the following resolution:

That Committee of Council recommend that Council:

- *Rescind second reading of Bylaw 4141;*
- *Amend Bylaw 4141 to limit retail area to 247 metre² and re-read second reading.*

OPTIONS (✓ = Committee Recommendation)

#	Description
1 	Rescind second reading of Bylaw 4141. Then amend Bylaw 4141 to include a maximum floor area for cannabis retail sales use and re-read second reading. (A new Public Hearing will then be scheduled)
2	Take no action. (A Public Hearing will be scheduled for Zoning Amendment Bylaw 4141 without amendments)

Attachment 1: Zoning Amendment Bylaw No. 4141 including recommended amendment shown in track changes

CITY OF PORT COQUITLAM
ZONING AMENDMENT BYLAW, 2019
Bylaw No. 4141

The Council of the Corporation of the City of Port Coquitlam enacts as follows:

1. CITATION

This Bylaw may be cited as “Zoning Bylaw, 2008, No. 3630, Amendment Bylaw, 2019, No. 4141”.

2. ADMINISTRATION

2.1 That "Zoning Bylaw, 2008, No. 3630" be amended in Table 3.3: Commercial Zones Permitted Uses, by adding the following location in numerical order to Note 34:

“Lot 38 Section 8 Block 6 North Range 1 East New Westminster District Plan 27244 (985 Nicola Avenue), not to exceed an interior floor area of 625 m² and one retail sales and display area not to exceed 247m² within that floor area”.

READ A FIRST TIME this	9 th day of	July, 2019
READ A SECOND TIME this	9 th day of	July, 2019
PUBLIC HEARING HELD this	23 rd day of	July, 2019
RESCINDED SECOND READING this		
RE-READ SECOND READING this		

Mayor

Corporate Officer

Rezoning Application – 985 Nicola Avenue (Additional Information)

RECOMMENDATIONS:

That Committee of Council direct staff to schedule a new Public Hearing for Zoning Amendment Bylaw 4141.

PREVIOUS COUNCIL/COMMITTEE ACTION

On July 23rd, 2019, following a Public Hearing held to consider Zoning Amendment Bylaw No. 4141 for 985 Nicola Avenue, Council referred the application back to staff to provide additional information on the size of the proposed retail outlet.

On June 25th, 2019, Committee of Council had passed the following motion:

That Committee of Council recommend to Council that:

1. *The Zoning Bylaw be amended to allow for a cannabis retail sales use at 985 Nicola Avenue; and,*
2. *Prior to adoption of the amending bylaw, the following community benefits be secured to the satisfaction of the Director of Development Services:*
 - a. *Dedication of road allowance along the property's Nicola Avenue frontage; and*
 - b. *Posting of signs within the interior and exterior buildings informing the public of the Smoking Bylaw.*

REPORT SUMMARY

At the Council meeting held July 23rd, 2019, Council considered the application to rezone 985 Nicola Avenue to permit a cannabis retail sales use and referred the application back to staff to address its concern with the size of the proposed outlet. The applicant has provided an interior layout to indicate how the space would be used for the sales operation. In addition, the report further explains why retail spaces in the Dominion Triangle are typically larger than other areas.

BACKGROUND

At the Public Hearing held in consideration of the proposal from the Liquor Distribution Branch to offer cannabis retail sales within an existing commercial complex at 985 Nicola Avenue, a concern was raised about the large size of the proposed outlet.

DISCUSSION

The total size of the commercial unit to be leased by the applicant is approximately 6,000 sq.ft. However, the retail floor area at the front of this unit is only 2,664 sq. ft., as shown by the floor plan. This space is designed to be large enough to accommodate the retail sales as well as future expansion for the sale of products such as edibles, beverages and topicals once permitted. The applicant advises that the back portion of the unit is intended to be used as a training centre to provide education to BC Cannabis Store employees across the province and office space for regional managers.

Rezoning Application – 985 Nicola Avenue (Additional Information)



Preliminary floor plan for the proposed cannabis retail outlet at 985 Nicola Avenue

For further information, the proposed size of this retail area compares to the size of the three sites approved by Council last month as follows:

- 2755 Lougheed Highway (Burb Cannabis) – retail area is approximately 500 sq. ft.
- 1502 Broadway Street (Burb Cannabis) – retail area is approximately 2000 sq. ft.
- 1971 Lougheed Highway (BC Cannabis Store) – retail area is approximately 1750 sq. ft.

The larger size of retail units within the PoCo Power Centre at 985 Nicola Avenue is in accordance with policies of the Official Community Plan which promote large commercial spaces with an automobile orientation to be located in the Dominion Triangle area. This policy and the site's Highway Commercial land use designation in the Plan reflect the City's intent that smaller community commercial uses would be concentrated in the Downtown and Northside Centre and that larger, automobile-oriented premises would be located within the Dominion Triangle. To implement the policy, the site's zoning is District Commercial, a zone which is specifically intended "to accommodate and regulate auto-oriented commercial uses and a range of commercial uses located in large premises".

In summary, the additional information provided by the applicant indicates that the size for the retail space would not utilize the full size of the unit or result in a "big box cannabis store". Proceeding with further consideration of the Bylaw 4141 as given first two readings is recommended.

FINANCIAL IMPLICATIONS

None.

Rezoning Application – 985 Nicola Avenue (Additional Information)

OPTIONS

	Description
1 	Direct staff to schedule a new Public Hearing for Zoning Bylaw 4141. If this recommendation is approved, a new public hearing would be held in November.
2	Request an amendment to Zoning Bylaw 4141. For example, Committee may wish to set a maximum floor area that may be used for a retail sales use within the unit.
3	Determine that Committee wishes to change its former recommendation to Council and refuse the rezoning application.

ATTACHMENTS

Attachment #1: Report to Committee of Council June 25th, 2019

Attachment #2: Bylaw 4141

Rezoning Application RZ000190 – 985 Nicola Avenue – Further Information

RECOMMENDATIONS:

That Committee of Council recommend to Council that Zoning Amendment Bylaw 4141 be further considered.

PREVIOUS COUNCIL/COMMITTEE ACTION

On July 23rd, 2019, Council passed the following motion:

That Bylaw 4141 be referred back to staff to provide additional information on the size of the proposed retail outlet.

On July 9th, 2019, Council had passed the following motion:

That Council give Zoning Amendment Bylaw No. 4141 for 985 Nicola Avenue first two readings.

On June 25th, 2019, Committee of Council had passed the following motion:

1. *The Zoning Bylaw be amended to allow for a cannabis retail sales use at 985 Nicola Avenue; and,*
2. *Prior to adoption of the amending bylaw, the following community benefits be secured to the satisfaction of the Director of Development Services:*
 - a. *Dedication of road allowance along the property's Nicola Avenue frontage; and*
 - b. *Posting of signs within the interior and exterior buildings informing the public of the Smoking Bylaw.*

REPORT SUMMARY

At the Council meeting held July 23rd, 2019, Council considered the application to rezone 985 Nicola Avenue to permit a cannabis retail sales use and referred the application back to staff to address its concern with the size of the proposed outlet. The applicant has provided an interior layout to indicate how the space would be used for the sales operation. In addition, the report further explains why retail spaces in the Dominion Triangle are typically larger than other areas.

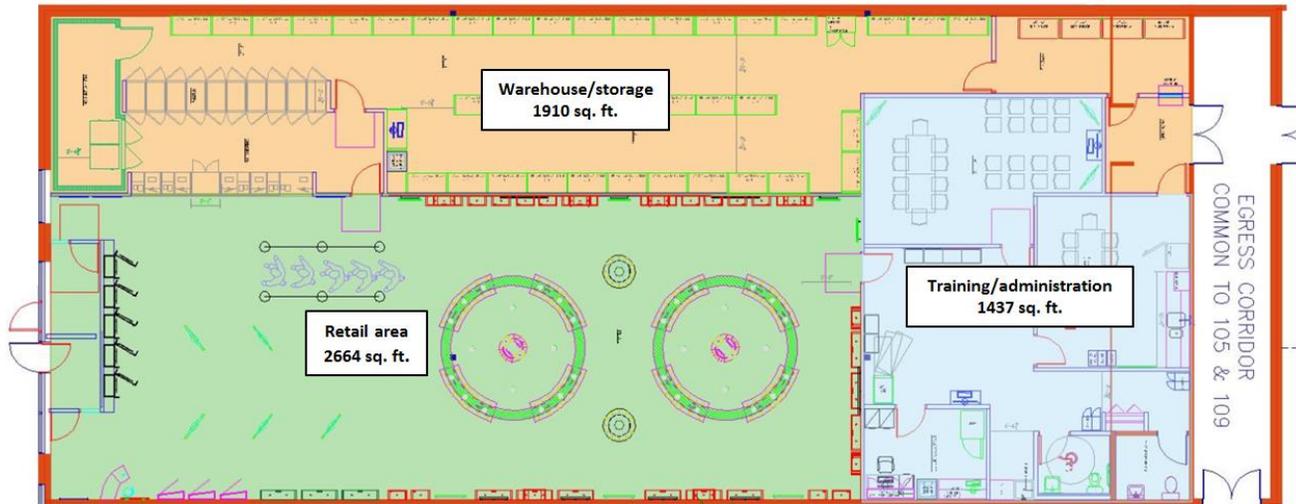
BACKGROUND

At the Public Hearing held in consideration of the proposal from the Liquor Distribution Branch to offer cannabis retail sales within an existing commercial complex at 985 Nicola Avenue, a concern was raised about the large size of the proposed outlet.

DISCUSSION

The total size of the commercial unit to be leased by the applicant is approximately 6,000 sq.ft. However, the retail floor area at the front of this space is only 2,664 sq. ft., as shown by the floor plan. This space is designed to be large enough to accommodate future expansion for the sale of products such as edibles, beverages and topicals. The applicant advises that the back portion of the unit is intended to be used as a training centre to provide education to BC Cannabis Store employees across the province and office space for regional managers.

Rezoning Application RZ000190 – 985 Nicola Avenue – Further Information



Preliminary floor plan for the proposed cannabis retail outlet at 985 Nicola Avenue

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The larger size of retail units within the PoCo Power Centre at 985 Nicola Avenue is in accordance with policies of the Official Community Plan which promote large commercial spaces with an automobile orientation to be located in the Dominion Triangle area. This policy and the site's Highway Commercial land use designation in the Plan reflect the City's intent that smaller community commercial uses would be concentrated in the Downtown and Northside Centre and that larger, automobile-oriented premises would be located within the Dominion Triangle. To implement the policy, the site's zoning is District Commercial, a zone which is specifically intended "to accommodate and regulate auto-oriented commercial uses and a range of commercial uses located in large premises".

In summary, the additional information provided by the applicant indicates that the size for the retail space would not utilize the full size of the unit or result in a "big box cannabis store". Proceeding with further consideration of the Bylaw 4141 as given first two readings is recommended.

Rezoning Application RZ000190 – 985 Nicola Avenue – Further Information

OPTIONS

	Description
1 	Recommend to Council that further consideration be given to Zoning Bylaw 4141. If this recommendation is approved, a new public hearing must be held and the earliest date would be October 10 th , 2019.
2	Request an amendment to Zoning Bylaw 4141, if Committee wishes to set a defined amount of space that may be used for a retail sales outlet purposes by bylaw.
3	Determine that Committee wishes to change its former recommendation to Council and recommend that the rezoning application be refused.

ATTACHMENTS

Attachment #1: Report to Committee of Council June 25th, 2019

Attachment #2: Bylaw 4141

Zoning Amendment Bylaw No. 4141 for 985 Nicola Avenue - Third Reading and Adoption

RECOMMENDATION:

That Council give Zoning Amendment Bylaw No. 4141 for 985 Nicola Avenue third reading and adoption.

REPORT SUMMARY

Upon conclusion of a public hearing scheduled for July 23, 2019, Zoning Amendment Bylaw No. 4141 for 985 Nicola Avenue will be available for Council to give third reading and adoption.

Note: Section 480 of the Local Government Act permits Council to adopt a zoning bylaw at the same meeting at which the bylaw received third reading.

OPTIONS

(Check = Staff Recommendation)

#	Description
1 	Give third reading and adoption to the bylaw.
2	Give only third reading to the bylaw.
3	Request that additional information be received and determine next steps after receipt of that information.
4	Fail third reading of the bylaw.

Zoning Amendment Bylaw No. 4141 for 985 Nicola Avenue - First Two Readings

RECOMMENDATION:

That Council give Zoning Amendment Bylaw No. 4141 for 985 Nicola Avenue first two readings.

PREVIOUS COUNCIL / COMMITTEE ACTION

At the June 25, 2019, Committee of Council meeting, Committee recommended to Council that:

1. *The Zoning Bylaw be amended to allow for a cannabis retail sales use at 985 Nicola Avenue; and,*
2. *Prior to adoption of the amending bylaw, the following community benefits be secured to the satisfaction of the Director of Development Services:*
 - a. *Dedication of road allowance along the property's Nicola Avenue frontage; and*
 - b. *Posting of signs within the interior and exterior buildings informing the public of the Smoking Bylaw.*

OPTIONS

(Check = Staff Recommendation)

#	Description
1 	Give first two readings to the bylaw.
2	Delay first two readings and request staff to provide additional information.
3	Deny first two readings of the bylaw.

RECOMMENDATIONS:

That Committee of Council recommend to Council that:

1. The Zoning Bylaw be amended to allow for a cannabis retail sales use at 985 Nicola Avenue; and,
2. Prior to adoption of the amending bylaw, the following community benefits be secured to the satisfaction of the Director of Development Services:
 - a. Dedication of road allowance along the property's Nicola Avenue frontage; and
 - b. Posting of signs within the interior and exterior buildings informing the public of the Smoking Bylaw.

PREVIOUS COUNCIL/COMMITTEE ACTION

April 16, 2019: Committee of Council resolved to give further consideration to a rezoning application for a cannabis retail sales use at 970 Dominion Avenue.

REPORT SUMMARY

The Liquor Distribution Branch is proposing to locate a cannabis retail sales use within an existing commercial development at 985 Nicola Avenue (former address 970 Dominion Avenue). This report describes how the proposal complies with the City's *Cannabis Establishment Policy* and recommends the bylaw amendment, subject to securing the proposed community benefit as a condition of approval.

BACKGROUND

In 2018, the City conducted a comprehensive review process that included consultation with cannabis industry representatives, local businesses and the broader community to determine the appropriate regulations and policies to be applied to land use decisions related to the production and retail sale of cannabis in Port Coquitlam. Following the completion of this review, Council adopted an approach that would allow for its consideration of cannabis retail outlets on a site-specific basis and approved the *Cannabis Establishment Policy* to guide this future consideration through the rezoning process. Anticipating multiple applications, Council further directed that it would provide a 30-day window during which applications would be received in order to provide for their concurrent evaluation. The site at 985 Nicola is one of four sites selected to be given further consideration at this time.

The Liquor Distribution Branch is proposing to offer cannabis retail sales in a large unit within an existing commercial complex, the PoCo Power Centre at 985 Nicola (formerly 970 Dominion Avenue). The unit is located on the north portion of the building, shown in the image below. The Liquor Distribution Branch has confirmed that, as a Provincial agency, a cannabis retail sales licence from the Liquor and Cannabis Licensing Branch would not be required.

Rezoning Application RZ000190 – 985 Nicola Avenue



Shown above is the subject property (top left), proposed storefront design (top right), and an elevation drawing of the commercial frontage (PoCo Power Centre).

Evaluation of 985 Nicola Avenue Rezoning Application RZ000190	
Cannabis Establishment Policy - Siting Criteria	
i. Designated as Downtown Commercial, Neighbourhood Commercial, Highway Commercial or Transit Corridor Commercial the Official Community Plan;	Complies with Highway Commercial land use designation
ii. Located at least 1 kilometre from a property zoned to permit a cannabis retail sales use;	No sites are zoned and no proposals are under consideration for this use within 1km
iii. Located at least 250 metres from a school, playground, community centre or sports field.	Complies
Cannabis Establishment Policy - Evaluation Factors	
i. Distance to other uses, such as child care facilities, community gathering spaces, recovery	None within the vicinity

Rezoning Application RZ000190 – 985 Nicola Avenue

Evaluation of 985 Nicola Avenue Rezoning Application RZ000190	
homes and emergency shelters;	
ii. Potential impacts to residents, if in a building with a mix of commercial and residential uses;	Not applicable
iii. Access for vehicles, including potential traffic impacts and parking availability;	Access through 1069 Nicola Avenue (Home Depot)
iv. Access for pedestrians and cyclists, including proximity to public transit;	Accessible via bicycle and bus route along Dominion Avenue
v. The proposed size of the outlet is appropriate to the site's context;	Proposal is appropriate at 618 m ²
vi. The proposed interior layout does not include space that could accommodate product sampling;	No space identified
vii. The proposed exterior design is sensitive to the design and character of surrounding land uses, discreet location and design of signage, overall design character is visually appealing; and	Signage and exterior character is sensitive to the overall design of the site
viii. Storefronts do not include opaque window coverings, bars on windows, metal shutters or signage in windows.	In accordance with Provincial regulations, the storefront uses a light grey, opaque window cover, with a layered white window graphic depicting trees
Additional Information relevant to the proposed Cannabis Retail Sales Use	
i. Site Zoning	District Commercial (DC)
ii. Proposed hours of operation	10am-10pm
iii. Potential for odour	Filtration system and vacuum sealed air-tight products
iv. Security considerations	Security plan provided to satisfy provincial and federal legislative requirements
v. Staffing	Estimate 13 employees, with an additional 4-6 auxiliary staff (all union members)
vi. Public Consultation with surrounding residents and businesses	The applicant has provided documentation of consultation with the commercial tenants

The applicant notes that, as a government store, revenues would be directed back to the Province to support public services. Liquor Distribution Branch employees, who would be union members, also undertake fundraising and education campaigns. In keeping with the *Cannabis Establishment Policy*, the applicant would be required to post signs within the interior and exterior of the building providing information to the public on the City's Smoking Bylaw.

Nicola Avenue, to the south of the property, is being developed as a collector route linking the Fremont Connector with Ottawa Street but the road has not been constructed to meet City standards where adjacent to the subject property. It is recommended that, as an additional public benefit, the property owner be required to dedicate approximately 5 metres along the Nicola frontage to allow the City to complete construction of the road and improve traffic flow through the area.

Rezoning Application RZ000190 – 985 Nicola Avenue

DISCUSSION

The rezoning application meets the criteria set by the *Cannabis Establishment Policy* and would provide community benefit through completion of Nicola Avenue, as well as public employment, education and revenues. Approval is recommended.

FINANCIAL IMPLICATIONS

None.

PUBLIC CONSULTATION

A rezoning sign is posted on the property. To date, staff have not received any comments pertaining to a cannabis retail sales use at this location.

OPTIONS

	Description
1 	Recommend to Council that the Zoning Bylaw be amended to allow for cannabis retail sales at 985 Nicola Ave (formerly 970 Dominion Ave) subject to a commitment to secure the proposed community benefits.
2	Request additional information or amendments to the application to address specified issues prior to making a decision on the application.
3	Recommend to Council that the rezoning application be refused.

ATTACHMENTS

Attachment #1: Location Map

Lead author(s): Graeme Muir, Jennifer Little

CITY OF PORT COQUITLAM
REZONING APPLICATION LOCATION

PROJECT ADDRESS: 985 Nicola Avenue

FILE NO: RZ000190

