




AGENDA INFORMATION	
<input checked="" type="checkbox"/> Regular Meeting	Date: <u>Oct 7, 2019</u>
<input type="checkbox"/> Other:	Date: _____

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

September 25, 2019
File: 13.6440.50/000.000

AUTHOR: Shazeen Tejani, Community Planner

SUBJECT: Non-Medical Retail Cannabis Bylaw and Policy Amendments

RECOMMENDATION:

THAT "District of North Vancouver Rezoning Bylaw 1379, (Bylaw 8340)" is given FIRST Reading;

AND THAT "Business Licence Bylaw 4567, 1974 Amendment Bylaw 8341, 2019 (Amendment 50)" is given FIRST Reading;

AND THAT "District of North Vancouver Fees and Charges Bylaw 6481, 1992, Amendment Bylaw 8343, 2019 (Amendment 59)" is given FIRST, SECOND, and THIRD Readings;

AND THAT "Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8346, 2019 (Amendment 40)" is given FIRST, SECOND, and THIRD Readings;

AND THAT "District of North Vancouver Rezoning Bylaw, 1379 (Bylaw 8340)" is referred to a Public Hearing;

AND THAT pursuant to Section 59 (2)(b) of the *Community Charter*, "Business Licence Bylaw 8341, 2019 (Amendment 50)" is referred to a Public Meeting to provide an opportunity for persons who consider they are affected by the bylaw to make representations to Council;

AND THAT pursuant to Sections 59 (2)(a) and (3) of the *Community Charter*, Council direct staff to give notice of its intention to hold a Public Meeting as follows:

1. The notice shall state the following:
 - a. the time and date of the Public Meeting;
 - b. the place of the Public Meeting;
 - c. in general terms the purpose of the bylaw; and
 - d. the place and the times and dates when copies of bylaw may be inspected.

2. The notice shall be published in at least 2 consecutive issues of a newspaper, the last publication to appear not less than 3 days and not more than 10 days before the Public Meeting.

AND THAT the revised Non-Medical Retail Cannabis Policy as attached to the September 25, 2019 report of the Community Planner entitled Non-Medical Retail Cannabis Bylaw and Policy Amendments is approved;

AND THAT the revised Non-Statutory Public Consultation Policy for Development Applications as attached to the September 25, 2019 report of the Community Planner entitled Non-Medical Retail Cannabis Bylaw and Policy Amendments is approved.

REASON FOR REPORT:

At the July 22, 2019, Regular Meeting of Council, Council approved the Non-Medical Retail Cannabis Policy and directed staff to draft amendments to the Zoning Bylaw 3210, Business Licence Bylaw 4567, Fees and Charges Bylaw 6481, and, the Bylaw Notice Enforcement Bylaw 7458 to create the ability for approval of cannabis retailing, manufacturing, and warehousing.

Minor amendments to the Non-Medical Retail Cannabis Policy are proposed to clarify the application process. An amendment to the Non-Statutory Public Consultation for Development Applications Policy is also proposed to add a notification delivery area for Cannabis Retail Licence applications.

SUMMARY:

Under the Non-Medical Retail Cannabis Policy, retail cannabis stores are subject to the following regulations:

- Site must be zoned to permit a liquor store;
- Must be located at least 200 m from the property line of any elementary or high school;
- Does not exceed a maximum of one (1) business in each in the following growth centres: Maplewood Village Centre, Lions Gate Village Centre and Marine Drive, Lynn Valley Town Centre, and Lynn Creek Town Centre;
- Requires an individual rezoning of the property; and
- Complies with all the requirements of the Provincial *Cannabis Licensing Regulation*.

Implementation of the District's cannabis framework requires amendments to four bylaws and two related policies. Each is summarized below and described in more detail further in this report.

These amendments are intended to precede any rezoning applications being considered by Council for a retail cannabis store.

1. **Zoning Bylaw 3210:** to define cannabis related uses and add relevant zones for future site-specific rezoning.
2. **Fees and Charges Bylaw 6481:** to include a cannabis retail store business licence fee and application fee.

3. **Business Licence Bylaw 4567:** to include a cannabis retail store as an allowable licenced business and to regulate nuisances.
4. **Bylaw Notice Enforcement Bylaw 7458:** to add ticketable offences for breach of bylaws or operating outside of permitted hours.
5. **Non-Medical Retail Cannabis Policy:** to make minor amendments to the policy to align definitions between bylaws and policies and clarify the review process for Provincial store applications.
6. **Non-Statutory Public Consultation For Development Applications Policy:** to include a public notification area for a Cannabis Retail Store.

BACKGROUND:

Public and stakeholder consultation in 2018 informed the locational and operational guidelines to regulate cannabis retail stores in the District. While the policy approved by Council on July 22, 2019 sets out the framework for where cannabis retail stores may be considered, retail cannabis as a use is still prohibited in the District's Zoning Bylaw 3210. Council directed staff to amend the Zoning Bylaw 3210, the Business Licence Bylaw 4567, the Fees and Charges Bylaw 6481, and the Bylaw Notice Enforcement Bylaw 7458 to define cannabis and put in place the mechanisms through which retail stores could be regulated. A consequential amendment to the Non-Statutory Public Consultation for Development Applications Policy is needed to provide staff with direction on consultation associated with application review. Specifically, staff propose to amend the policy to include a minimum notification delivery area for all Cannabis Retail Licences.

EXISTING POLICY:

On October 29, 2018 Council adopted an amendment to the Smoking Regulation Bylaw 7792 in light of cannabis legalization, to ensure that smoking of cannabis would be regulated in the same way as cigarettes, cigars, or other lighted smoking equipment. These regulations prohibit smoking inside buildings (except where privately owned and not publicly accessible), in vehicles for hire, on public transit, or within close proximity to doors and windows. These regulations further prohibit smoking tobacco or cannabis within 6 metres of a park or other municipal property.

The Non-Medical Retail Cannabis Policy provides the framework to consider applications to amend the Zoning Bylaw to permit a cannabis retail stores.

ANALYSIS:

The proposed amendments to the individual bylaws and policies are described in detail below.

Zoning Bylaw 3210 Amendments (Attachment 1):

1. Adds definitions for cannabis, non-medical cannabis, cannabis accessory, cannabis retail store, and cannabis warehouse. Cannabis warehouses will be permitted in all zones that allow a warehouse use.
2. Amends ten zones where the retail sale of cannabis is specifically permitted on properties listed in a table located in Part 4: General Regulations. Specific properties may be added to this table once successfully rezoned to permit a cannabis retail store.

In accordance with Council's Non-Medical Retail Cannabis Policy, a cannabis retail store will only be considered in those zones which currently permit a liquor store use.

3. Continues a prohibition of commercial growing and harvesting.

Fees and Charges Bylaw 6481 (Attachment 2):

1. Adds a cannabis licence application fee of \$2,040. The proposed fee is the same as liquor licence applications, as it has similar costs associated with the administration, processing, and public engagement.
2. Adds an annual business licence fee of \$5,000. This fee is similar to liquor licence applications and reflects the administrative and policing costs anticipated with this new retail business, which was formerly a controlled substance prior to legalization.

Business Licence Bylaw 4567 (Attachment 3):

1. Adds definitions for cannabis, non-medical cannabis, cannabis accessory, cannabis retail store, and cannabis warehouse.
2. Adds licence conditions for a retail store including prevention of nuisances, minimizing negative impacts on neighbours, and hours of operation.
3. Outlines conditions of operating the cannabis retail store, including but not limited to not operating any other business from the cannabis retail store and only operating the store between the hours of 9:00 am to 9:00 pm, seven days a week.

Bylaw Notice Enforcement Bylaw 7458 (Attachment 4):

1. Adds offences for non-compliance with the applicable regulations in the Business Licence Bylaw 4567, the terms of conditions of the cannabis licence, operating another business from the store, or operating outside of the designated store hours.

Non-Medical Retail Cannabis Policy (Attachment 5):

1. Changes 'Retail Cannabis Business' under 'Definitions' to 'Cannabis Retail Store' to align with the Zoning Bylaw 3210 definition.
2. Adds a 15-day window, from the date a referral is received from the Provincial Liquor and Cannabis Regulation Branch (LCRB), for an applicant to submit an application to the District.
3. Adds greater clarity on the processing of Provincial applications. Provincial stores are not required to have a referral from the LCRB, as stated by the Attorney General of British Columbia. As such, the date that an application for a Provincial cannabis retail store is submitted to the District will be considered the date of the referral.

Non-Statutory Public Consultation for Development Applications Policy (Attachment 7):

1. Adds a line in the 'Procedures' table in the 'Other Permit and Approvals' category that includes 'Cannabis Retail Licence' with a notification delivery area of 100m and the

requirement to add a sign on the site, to be consistent with the notice requirements for liquor licence applications.

Timing/Approval Process:

Non-medical cannabis became legal in Canada on October 17, 2018. The District of North Vancouver began the process of reviewing non-medical cannabis regulations in June 2018, as indicated in the timeline below.

DATE	DECISION POINT	OUTCOME
JUNE 2018	START OF PROCESS	<ul style="list-style-type: none"> • Cannabis use prohibited • Report to Council outlining proposed approaches to regulate businesses & land uses following legalization
JULY - SEPT 2018	COMMUNITY CONSULTATION	<ul style="list-style-type: none"> • Online survey • Stakeholder consultations
OCTOBER 2018	COUNCIL APPROVAL	<ul style="list-style-type: none"> • Council approved amendments to the smoking bylaw to regulate smoking of cannabis like tobacco
MARCH 2019	COUNCIL CONSIDERATION	<ul style="list-style-type: none"> • Report to Council recommending an approach to regulating retail stores based on feedback received
JULY 2019	COUNCIL APPROVAL	<ul style="list-style-type: none"> • Council approved Non-Medical Retail Cannabis Policy
OCTOBER 2019	COUNCIL CONSIDERATION	<ul style="list-style-type: none"> • Introduction of bylaw amendments and policy amendments



Figure 1: Planning Process for Non-Medical Retail Cannabis Regulation

On July 22nd, 2019, Council approved the Non-Medical Retail Cannabis Policy and as of July 23rd, 2019, the District began accepting referrals for cannabis retail stores from the LCRB.

As of September 25th, 2019, staff have received seven referrals for cannabis retail stores, four of which have active rezoning applications with the District. The bylaw and policy amendments proposed in this report seek to implement the administrative elements of the cannabis framework in advance of the individual rezoning applications proceeding to first reading. Each rezoning application will be forwarded to Council for consideration of Bylaw Introduction and referral to a Public Hearing.

Concurrence:

The proposed bylaw amendments have been reviewed by Legal, Development Planning, Bylaw Services and the Clerks Department. The District of North Vancouver Rezoning Bylaw 8340 affects land lying within 800m of a controlled access intersection and therefore has a signature block for the required approval by the Provincial Ministry of Transportation and

Infrastructure, which will be attained following third reading of the bylaw and prior to bylaw adoption.

Public Input:

Between July and September of 2018, District staff conducted public and stakeholder consultation on non-medical cannabis, including locational and operational requirements for cannabis retail stores. The policy adopted by Council in July 2019 reflects the public's interest in locating cannabis retail stores with appropriate buffers from schools. The public will have an opportunity to comment on the Zoning Bylaw amendments proposed in this report at the required Public Hearing and on the proposed amendment to the Business License Bylaw at a Public Information Meeting.

Each application for a new cannabis retail store will require a separate rezoning application, including notice in accordance with the Non-Statutory Public Consultation for Development Applications Process, the Development Procedures Bylaw 8144, and the *Local Government Act*.

Conclusion:

The bylaw and policy amendments proposed in this report establish a regulatory framework for non-medical cannabis retail stores and warehouses in the District of North Vancouver. These amendments are based on the Non-Medical Retail Cannabis Policy adopted by Council on July 22, 2019. The proposed amendments establish the zoning, licensing, enforcement, and notification requirements related to cannabis uses in the District. If approved, the framework will facilitate Council's review and consideration of individual cannabis retail stores through separate rezoning applications.

Respectfully submitted,



Shazeen Tejani
Community Planner

- Attachment 1:** District of North Vancouver Rezoning Bylaw 1379, (Bylaw 8340).
- Attachment 2:** District of North Vancouver Fees and Charges Bylaw 6481, 1992, Amendment Bylaw 8343, 2018 (Amendment 59)
- Attachment 3:** Business Licence Bylaw 4567, 1974 Amendment Bylaw 8341, 2018 (Amendment 50)
- Attachment 4:** Bylaw Notice Enforcement Bylaw 7458, 2004, Amendment Bylaw 8346, 2018 (Amendment 40)
- Attachment 5:** Proposed Non-Medical Retail Cannabis Policy
- Attachment 6:** Red-lined Non-Medical Retail Cannabis Policy
- Attachment 7:** Proposed Non-Statutory Public Consultation for Development Applications Policy
- Attachment 8:** Red-lined Non-Statutory Public Consultation for Development Applications Policy

			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		
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<input type="checkbox"/> Environment			<input type="checkbox"/> GIS			<input type="checkbox"/> Other:		
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<input type="checkbox"/> Human Resources			<input checked="" type="checkbox"/> Bylaw Services					

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