

**AGENDA INFORMATION**

- Council Workshop
- Finance & Audit
- Advisory Oversight
- Other:

Date: March 11, 2019  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_

  
Dept.  
Manager

  
GM/  
Director

  
CAO

**The District of North Vancouver**  
**REPORT TO COMMITTEE**

March 6, 2019  
File: 13.6410.01/000.000

**AUTHOR:** Shazeen Tejani, Planner, Community Planning Department  
Karen Rendek, Senior Planner, Community Planning Department

**SUBJECT:** **Regulating Non-Medical Cannabis – District of North Vancouver**

**RECOMMENDATION:**

THAT the March 6, 2019, report entitled “Regulating Non-Medical Cannabis – District of North Vancouver” report, from the Community Planner and Senior Community Planner be received for information.

**REASON FOR REPORT:**

On June 11, 2018 Council directed staff to:

Proceed with the public engagement described in the report dated May 30, 2018, entitled “Cannabis Regulation”, regarding draft amendments to the Zoning Bylaw 3210, Business Licence Bylaw 4567, Fees & Charges Bylaw 6481, Bylaw Notice Enforcement Bylaw 7458 and Smoking Regulation Bylaw 7792; and,

To bring the bylaw amendments back to Council for Introduction and First Reading after completion of the public engagement process.

On September 17, 2018, staff brought forward amendments to the District of North Vancouver Smoking Regulation Bylaw 7792 for Council consideration in advance of the other bylaw amendments as it became legal to possess and consume non-medical cannabis products as of October 17, 2018 and a regulatory approach to govern smoking/vaping in public was required by this time. The report dated, June 11, 2018, has been included for reference (**Attachment 1**).

This report summarizes the results of the public engagement on proposed cannabis regulations, held from July to September 2018, outlines the provincial process for private retail licensing, and provides options for Council to consider to regulate non-medical cannabis in the District.

**BACKGROUND:**

In anticipation of federal legalization, the Province passed legislation to provide for the legal, controlled access to non-medical cannabis in British Columbia. In February 2018, the Province released the B.C. Cannabis Private Retail Licensing Guide, outlining the provincial cannabis private retail framework. This framework is similar to the current licensing regime for private liquor stores in BC (**Attachment 2**).

Subsequently, the Province has released a handbook outlining the requirements of the *Cannabis Control and Licensing Act*, regulations and terms and conditions that relate to owners and operators of non-medical cannabis retail stores in B.C. It is the responsibility of the licensee to be aware of and to operate in compliance with these rules (**Attachment 3**).

**Application Procedure**

In B.C., the Liquor and Cannabis Regulation Branch (LCRB) is responsible for licensing private stores and monitoring the retail sector. Applicants for a non-medical cannabis store must submit a licence application to the LCRB. When an application is received, the LCRB will notify the local government of the area where the proposed store is to be located. Local governments may influence the following aspects of cannabis retail stores:

- Location and separation criteria;
- Number of establishments, including prohibition of establishments;
- Store security; and,
- Hours of operation.

Online applications for private non-medical cannabis retail store licences are accepted on the Provincial Liquor and Cannabis Regulation Branch (LCRB) web site. Upon receipt of notification of a licence application, the LCRB will notify the District if an application is received within our jurisdiction. If the District chooses to provide a recommendation, the municipality must gather the views of residents. If the District recommends in favour of the application, the LCRB must consider the recommendation, however the LCRB has discretion whether or not to issue the licence. Alternatively, the LCRB cannot issue a licence unless a positive recommendation is received from the District. Only following a positive recommendation from the District will the LCRB conduct a full review of the licence application, including criminal record checks and a financial audit.

**EXISTING POLICY:**

The growing, harvesting, storage, packaging, dispensing, or sale of cannabis (marihuana) is prohibited in the District of North Vancouver Zoning Bylaw Part 403A. On October 17, 2018, non-medical cannabis became legal in Canada and regulations governing where and how cannabis is sold and consumed in the District of North Vancouver are needed.

**PLANNING PROCESS:**

The process to review and update the District’s cannabis regulations began in June, 2018, as shown below:



Figure1: Planning Process for Non-Medical Cannabis Regulation

As directed by Council, the public and stakeholders were asked for their feedback on a proposed draft approach as identified in the report to Council in June 11, 2018.

**Engagement Efforts**

Public engagement efforts for this initiative have focussed on gathering feedback from the public and stakeholders on the proposed land use regulations, business licence regulations and public consumption of non-medical cannabis use in the District as described in the report dated May 30, 2018, entitled “Cannabis Regulation”.

Engagement efforts have included:

- A dedicated web page, **DNV.org/cannabis**, to provide the public with background information on the *Cannabis Act*, roles and authority of each level of government and links to applicable Government of Canada and Province of BC web sites to find additional information;
- An online survey ran from July 20, 2018 to September 7, 2018 to collect input on proposed bylaw amendments to the District’s zoning, business licence and smoking bylaws. The survey was publicized through social media and advertised in the North Shore news on July 20, 25, and August 5, 2018. A total of 363 responses were received;
- A working session with the retail sector was held on August 28, 2018 at District hall. An invitation to sign up for the retail working session was posted on the District web site on August 9, 2018. A total of 10 retail sector representatives attended the event;
- A stakeholder meeting with representatives from the City of North Vancouver, District of West Vancouver, VCH, RCMP, School District SD44, First Nations, and, Chamber of Commerce was held on September 7, 2018. A total of 10 stakeholders attended this event.

**Attachment 4** provides a summary of public and stakeholder feedback received to date.

**What We Heard**

The following summarizes key feedback received:

- 69% of survey respondents and 69% of stakeholders and retail sector representatives agreed with allowing cannabis stores in zones that allow liquor stores, with a 200-metre buffer from elementary and high schools;
- 65% of survey respondents and 81% of stakeholders and retail sector representatives agreed with the proposed hours of operation (9 am to 9 pm) and the additional fee for cannabis business licences;
- 81% of survey respondents and 86% of stakeholders and retail sector representatives agreed with amending the District’s Smoking Regulation Bylaw to add vaping and cannabis to the smoking definition, and prohibit smoking in areas frequented by children, including transit stops, parks, playgrounds, beaches, Lynn Valley Village and Maplewood Farm;

For those who disagreed with the proposed amendments, overall themes included:

- Wanting to see fewer barriers to the sale and use of non-medical cannabis, and regulations that matched the provincial guidelines for cannabis and current regulations for the sale and use of alcohol more closely
- Did not want to see the sale or use of cannabis in the District be allowed in any areas or wanted the number of locations limited
- Against the legalization of non-medical cannabis entirely
- Wanted to see more education and awareness about the new regulations and the health risks of using cannabis

**Recommendation**

Based on feedback received from the public and stakeholders, staff recommend Council consider case by case rezoning applications for cannabis retail stores in order to control the specific location of each store.

This option would include that Council:

1. Consider the dispensing or sale of cannabis in the District of North Vancouver on a case-by-case basis
  - a. Would continue to be prohibit except for where Council has approved a rezoning (text amendment) and a business licence for a non-medical cannabis retail store;
  - b. Eligibility criteria would limit locations to be permitted only in zones which currently permit the retail sale of liquor (CD4, CD21, CD45, CD47, Lot B at 1515 Barrow, CD68, CD80, C1L, C2, C9, C10, CD90, CD 94, but not the Public House C6 zone);
  - c. Would limit the number of stores in the District to four (4), focusing on Town and Village Centres.
  - d. Would have a minimum 200 metre buffer around elementary and high schools to provide separation and limit exposure to children and youth;

e. Would operate only between the hours of 9am – 9pm.

**Timing/Approval Process:**

Non-medical cannabis became legal in Canada on October 17, 2018. The Provincial Liquor and Cannabis Regulation Branch (LCRB) are accepting online applications for private non-medical cannabis retail stores licences.

**Conclusion:**

Based on feedback received from this Council workshop, if Council chooses to proceed with the recommended approach, staff will return with a draft policy that outlines locational and evaluation criteria, licence requirements, application procedures and the public consultation process to regulate the distribution and consumption of non-medical cannabis.

**Options:**

- 1. Consider the dispensing or sale of cannabis (marihuana) in the District of North Vancouver on a case-by-case basis through a rezoning (text amendment) process;

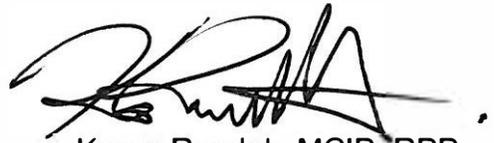
OR

- 2. Continue to prohibit the growing, harvesting, storage, packaging, dispensing, or sale of cannabis (marihuana) in the District of North Vancouver as per Zoning Bylaw Part 403A.

Respectfully submitted,



Shazeen Tejani  
Community Planner



Karen Rendek, MCIP, RPP  
Senior Community Planner

**Attachment 1: Report to Council – Cannabis Regulation, June 11, 2018**

**Attachment 2: B.C. Cannabis Private Retail Licensing Guide**

**Attachment 3: Cannabis Control and Licensing Act**

**Attachment 4: Cannabis Regulation: Phase 2 Public Engagement Summary Report**

**Attachment 5: Map of Potential Cannabis Zones**

**Attachment 6: Non-Medical Cannabis Retail Regulation Presentation, March 11, 2019**

REVIEWED WITH:		
<input type="checkbox"/> Community Planning	_____	<input type="checkbox"/> Clerk's Office
<input type="checkbox"/> Development Planning	_____	<input type="checkbox"/> Communications
<input type="checkbox"/> Development Engineering	_____	<input type="checkbox"/> Finance
<input type="checkbox"/> Utilities	_____	<input type="checkbox"/> Fire Services
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<input type="checkbox"/> Parks	_____	<input type="checkbox"/> Solicitor
<input type="checkbox"/> Environment	_____	<input type="checkbox"/> GIS
<input type="checkbox"/> Facilities	_____	<input type="checkbox"/> Real Estate
<input type="checkbox"/> Human Resources	_____	<input type="checkbox"/> Bylaw Services
		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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