

# **WAIVER OF PUBLIC HEARING**

**Zoning Amendment Bylaw No. 8215, 2020  
regarding Allowing Cannabis Edibles to be  
Sold where Retail Sale of Cannabis is  
Permitted**

**\*Please note:** If you have any questions, please inquire with Development Services staff, or contact 604.527.4532.



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**Zoning Amendment Bylaw No. 8215, 2020  
regarding Allowing Cannabis Edibles to be Sold  
where Retail Sale of Cannabis is Permitted**

Reports to Council				
Report Author	Meeting/Document/Date	Public Hearing Date	#	
Clerks	Minutes Extracts	September 28, 2020	R-1	
<b>See Zoning Amendment Bylaw No. 8217, 2020 Public Hearing Information Binder for Reports R-2 through R-10:</b>	Development Services	Open Workshop, Report, October 30, 2017	September 28, 2020	R-2
	Development Services	Open Workshop, Presentation, October 30, 2017	September 28, 2020	R-3
	Development Services	Open Workshop, Report, January 29, 2018	September 28, 2020	R-4
	Development Services	Open Workshop, Presentation, January 29, 2018	September 28, 2020	R-5
	Development Services	Regular, Report, July 9, 2018	September 28, 2020	R-6
	Development Services	Regular, Presentation, July 9, 2018	September 28, 2020	R-7
	Development Services	Regular, Report, August 27, 2018	September 28, 2020	R-8
	Development Services	Regular, Report, March 11, 2019	September 28, 2020	R-9
	Development Services	Regular, Report, April 8, 2019	September 28, 2020	R-10
Development Services	Regular, Motion, August 10, 2020	September 28, 2020	R-11	
Development Services	Regular, Report, August 31, 2020	September 28, 2020	R-12	

Written Submissions			
Name	Correspondence Date	Date Received	#
	None received to date.		



**This advertisement will appear in the New West Record on September 17 and 24, 2020**

# **NOTICE OF WAIVER OF PUBLIC HEARING**

**Zoning Amendment Bylaw No. 8215, 2020**

## **NOTICE OF WAIVER:**

Notice is given under s. 464(2) of the Local Government Act that Council has waived the holding of a public hearing respecting Zoning Amendment Bylaw No. 8215, 2020. Zoning Amendment Bylaw No. 8215, 2020 to allow cannabis edibles products to be sold in locations where the retail sale of cannabis is permitted.

## **HOW DO I GET MORE INFORMATION?**

From September 14 to September 28, 2020, read the bylaw and related material online at [www.newwestcity.ca/publicnotices](http://www.newwestcity.ca/publicnotices).

Council will consider third reading and adoption of Zoning Amendment Bylaw No. 8215, 2020 at its Regular Council meeting on September 28, 2020. The meeting will be broadcast live on the City's website and can be viewed by going to <http://newwestcity.ca> and clicking on "Watch Event" on the meeting schedule page.

Jacque Killawee, City

CORPORATION OF THE CITY OF NEW WESTMINSTER  
ZONING AMENDMENT BYLAW (CANNABIS EDIBLES) NO. 8215, 2020

A Bylaw to Amend Zoning Bylaw No. 6680, 2001

WHEREAS the Local Government Act authorizes a local government to zone areas of a municipality and to make regulations pursuant to zoning.

NOW THEREFORE THE CITY COUNCIL of the Corporation of the City of New Westminster in open meeting assembled ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as “Zoning Amendment Bylaw (Cannabis Edibles) No. 8215, 2020.”
2. Zoning Bylaw No. 6680, 2001 is hereby amended by:
  - a) deleting section 190.48.2(e); and
  - b) Replacing sections 190.48.2 (c) and 190.48.2 (d) with the following:
    - “(c) only be permitted to sell cannabis, cannabis accessories and retail merchandise directly related to cannabis and no other product; and
    - (d) not be permitted within the same commercial unit as any other use, except for the retail sale of cannabis accessories.”

GIVEN FIRST READING this 31<sup>ST</sup> day of August, 2020.

GIVEN SECOND READING this 31<sup>ST</sup> day of August, 2020.

PUBLIC HEARING waived under section 464(2) of the Local Government Act

GIVEN THIRD READING this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
MAYOR JONATHAN X. COTE

\_\_\_\_\_  
JACQUE KILLAWEE, CITY CLERK

**Minutes Extract regarding Zoning Bylaw Amendment No. 8215, 2020 regarding Allowing Cannabis Edibles to be Sold where Retail Sale of Cannabis is Permitted**

**R-2 October 30, 2017 – Open Workshop – Report**

**R-3 October 30, 2017 – Open Workshop – Presentation**

**2. BC Cannabis Regulation - Online Feedback Form, Acting Director of Development Services**

**a. Report**

**b. Presentation**

Jackie Teed, Acting Director of Development Services, advised that in 2018, non-medical use of cannabis is expected to be legalized by the Federal government, and that a survey has been issued by the Province for municipalities to provide feedback.

Kim Deighton, Manager of Licensing and Integrated Services, commented that there is currently a lot of uncertainty, with the Provincial framework unknown at this point.

Council's response and discussions on the following survey questions:

*Question 1: How strongly does your organization support the legalization of cannabis?*

N/A because this is not a decision that Council can influence, this is a Federal decision.

*Question 2: Setting the minimum age to possess, purchase and consume cannabis in B.C. to 19:*

- 19 would be consistent with current age limits for consumption of alcohol;
- Not known at this time are: health impact for different ages; how age limits affect the criminality aspect; how the Federal government intends to address the black market from a legal and health perspective;
- Concerned that previously illegitimate sources could become legitimate.

Deputy Police Chief Dave Jansen noted that health professionals have recommended consistency with existing policies, with age 19 as the minimum age, and that education would be the most important factor, as fines may not be effective.

*Question 3: Do you support the proposed federal 30g possession limit?*

- The limit may not be relevant as possession for the purpose of selling is illegal, and there are currently no similar limits on alcohol and other medication;
- Need to distinguish between medical/prescription and recreational use;
- Council expressed support for the 30g limit.

Ms. Deighton noted that the limit would be in place province-wide, and not on a city by city basis.

Deputy Chief Jansen suggested that the challenge would be enforcement, including funding for enforcement. The Police Department has no position on the specific quantity.

**MOVED and SECONDED**

*THAT the City “strongly support” the federal 30g possession limit.*

**DEFEATED.**

Councillor Johnstone, McEvoy, and Trentadue voted in opposition.

*Question 4a: Adult usage of non-medical cannabis in some spaces outside homes*

– Somewhat Agree

- Parallel regulations with alcohol consumption and cigarette smoking;

*Question 4b: Limitations on public consumption of non-medical cannabis should be the same for any form of cannabis*

– Somewhat Disagree

- Council noted potential difficulties in enforcing edible consumption;

*Question 4c: Public smoking of non-medical cannabis should be allowed where tobacco smoking is currently allowed*

– Neither Agree nor Disagree

*Question 4d: B.C. should consider establishing licensed establishments*

– Neither Agree nor Disagree

- Council suggested that should be permissible locations for consumption if it is being legalized, otherwise high restriction defeats the purpose of

legalization. It will need to be first determined whether to regulate consumption like alcohol or like smoking.

Ms. Deighton suggested that most Provinces may be taking a “wait and see” approach.

*Question 5a: Do you think the legalization of non-medical cannabis will result in increased problems with cannabis-impaired driving in B.C.?*

– Strongly Agree

- Council suggested that feedback from Washington State and Colorado could help;
- Rely on measurable facts and not opinion;
- Should be dealt with the same way as alcohol, including with public education.

*Question 5b: Do you think the proposed Criminal Code penalties for drug-impaired driving are sufficient, or should B.C. consider additional actions to deter drug-impaired driving?*

– Yes. The proposed Criminal Code penalties for drug impaired driving are adequate.

*Question 5c: Level of agreement with actions to reduce drug-impaired driving*

– Strongly Agree

- Youth are more likely to drive impaired from drugs than alcohol; need greater public education campaign; (DAVE: standard field sobriety test – officer training as a major component with cost) Questions around Zero Tolerance;

*Question 6: Additional restrictions on where and how non-medical cannabis can be grown for personal use at home*

– Strongly Agree

- Council expressed concerned about safety and fire hazards.

Fire Chief Tim Armstrong acknowledged that the fire risk exists, and that employees working under the influence are also a concern.

Ms. Deighton noted children having access as an additional concern, and suggested that legalization could mitigate some fire risk issues.

*Question 7a: Who should be responsible for distributing non-medical cannabis products?*

- Government operated distribution organization.
  - Council suggested that government operated distribution could be an issue in remote areas; However, distribution should parallel the alcohol model where possible, and that there should be oversight of potency levels. Private distributors could be controlled, but it is not currently known as to who will be responsible.

*Question 7b: Where should non-medical cannabis be sold?*

- Mixed of government and private retail stores
  - More information and discussion needed on retail component and what this could look like.

Ms. Deighton suggested that liquor and cannabis would not be sold within the same retail store fronts.

*Question 7c: Support selling non-medical cannabis in liquor stores?*

- Neither Support nor Oppose
  - Supports selling in stores that are already regulated; there should be separate sales streams so as to not encourage consumption of both concurrently.

*Question 7d: If sold in retail stores, which requirements should be considered for regulating retail regardless of who operates the stores?*

- Support Staff Recommendation.

Council directed staff to complete the Provincial questionnaire as directed by Council.

#### **R-4 Open Workshop, January 29, 2018 – Report**

#### **R-5 Open Workshop, January 29, 2018 – Presentation**

##### **1. Cannabis Workshop: Implementation of Cannabis Legislation, Acting Director of Development Services**

Jackie Teed, Acting Director of Development Services, summarized the staff report dated January 29, 2018, noting that the proposed cannabis regulation framework accounts for the different approaches that the province could take; staff is seeking

Council's endorsement of the draft framework for the purposes of public consultation.

Kim Deighton, Manager of Licensing and Integrated Services, reviewed the features of the Federal Cannabis Act and Provincial jurisdiction under the Act, noting that the minimum age to possess, purchase and consume non-medical cannabis has been set at 19.

Draft regulatory framework for cannabis regulation:

**1. Land use regulations for retail and consumption;**

Council noted the following:

- Requiring a rezoning process to sell a product which will be legal may be problematic, as it could create barriers and put additional work on staff;
- Municipal approach to retail regulation should project to what the retail scene may be like in five years, as corporations could make significant investments into this retail sector;
- Regulations for private liquor stores have worked well in the city; outlets have fit well into retail districts.

In response to questions from Council, Ms. Teed and Mike Watson, Planner, noted the following:

- The timeline for rezoning applications would be similar to most rezoning applications processed by the City, with community/public consultation, a presentation to the Residents' Association, and final consideration by Council after a public hearing;
- Guidelines would form a key piece of the regulatory framework; staff would bring draft guidelines for Council endorsement and then to community consultation; a research phase is needed to develop the guidelines;
- As cannabis is currently not lawful to sell, the list of permitted properties will initially contain no properties;
- Further information from the Province is expected in the Spring;
- The timing of the enactment of the Cannabis Act could result in a small gap between enactment of Provincial regulations and legalization; the City is working ahead to mitigate the gap in regulation;
- Cannabis would continue to be a controlled substance under the Cannabis Act; using the same regulations as for the control of liquor distribution could be an effective approach for cannabis;

- Medical access would still be available; it is currently not known if these will be available in retail locations; and,
- The City aims to set retail regulations ahead of time to direct businesses to specific areas.

**MOVED and SECONDED**

*THAT Council support the following approach to land use regulations for cannabis retail and consumption for the purposes of public consultation.*

- *Land use regulations consistent with the City’s current method used for the retail sale of liquor. For this approach a list of properties permitting retail sale and consumption establishments would be included within the Zoning Bylaw;*
- *Rezoning applications would be required to add a property to this list; and*

**CARRIED.**

All members of Council present voted in favour of the motion.

**2. Non-Medical Cannabis Production Facilities**

Mr. Watson noted that non-medical cannabis production facilities would have the same regulations as for medical cannabis production; additions to the regulations could be made depending on federal and licensing requirements.

In response to questions from Council, Mr. Watson noted the following:

- Distribution centres would fit under the Heavy Industrial (M-2) districts that production facilities would also fall under;
- There are M-2 zoned properties currently in the Sapperton industrial area as well as in Queensborough;
- Through medical regulations, production and distribution facilities would have similar security requirements as other M-2 facilities; and
- Staff would touch base with Metro Vancouver regarding air quality measurements;

Ms. Teed noted that an operation of this scale would likely be a provincial distribution operation.

Council noted the history of liquor distributors in the City, and suggested that strict quality control and security requirements would be necessary for warehouses and distribution operations. Council also suggested that staff could investigate the viability of Light Industrial (M-1) districts for this purpose.

**MOVED and SECONDED**

*THAT Council support the following approach with regards to non-medical cannabis production facilities for the purposes of public consultation:*

- *Non-medical cannabis production facilities permitted within Heavy Industrial Districts (M-2) with the same Zoning Bylaw conditions as medical cannabis production facilities:*
  - *must occur within a completely enclosed building; and*
  - *must be located at least 60.9 meters (200 feet) from any site used for a school or for any residential use.*
- *Additional conditions may need to be considered depending on the Federal requirements which may be included in the future; and*

*THAT staff evaluate the feasibility of Light Industrial Districts (M-1) for non-medical cannabis production facilities and report back to Council.*

**CARRIED.**

All members of Council present voted in favour of the motion.

**3. Business License Regulations**

Ms. Deighton noted that the City’s approach would mirror what is currently in place for beer and wine stores, and that training and education materials are being developed by senior levels of government.

Ms. Teed noted that the Province has not advised as to whether criminal legislation would change with regards to driving while under influence.

Police Chief Dave Jones advised that under the Criminal Code, impairment includes both drugs and alcohol; no “legal” limit has been set for marijuana, and that scientifically and legally upholding drug-impaired DUI could be a challenge and could take time.

Council expressed concerns regarding restrictions on paraphernalia sale, suggesting that the bylaw could be susceptible to challenge after legalization. Council suggested removing conflicting elements within the bylaw, or elements that would likely be challenged.

Ms. Deighton noted the goal of limiting paraphernalia retail to specialty stores is to limit access to youth.

Ms. Teed suggested that the restrictions could be more specific to permit cannabis-specific paraphernalia to be sold, but not items for other unlawful drug use.

Chief Jones noted that some paraphernalia could be used to multiple types of drugs, thus making it difficult to evaluate and define cannabis-specific paraphernalia.

Council noted the following:

- Concealing of tobacco products in retail is to discourage youth consumption;
- The Provincial government should enact cannabis regulations similar to the selling of tobacco products;
- If the bylaw is challenged, seek guidance from senior levels of government; and,
- Educational programs could be more successful than restrictions through regulations.

**MOVED and SECONDED**

*THAT Council support the following approach with regards to business licence regulations for the purposes of public consultation:*

- *That business license regulations for the retail sale of non-medical cannabis be established similar to the regulations currently in place for liquor sales.*

**CARRIED.**

All members of Council present voted in favour of the motion.

**4. Public Consumption – Smoking Control Regulations**

Council expressed a preference for Provincial regulations which are consistent across all of BC.

Ms. Teed noted edibles would be available for legal sale, with Chief Jones suggesting that the risk regarding edibles is improper labelling, and edibles that resemble other types of food items.

Regarding consumption through smoking, Ms. Deighton noted that New Westminster currently has more stringent proximity requirements at 7.5 meters, where the Provincial requirement is 6 meters. The City could advocate for a Provincially consistent regulatory approach at 7.5 meters.

**MOVED and SECONDED**

*THAT Council support the following approach with regards to public consumption of cannabis for the purposes of public consultation:*

- *Maintain existing smoking control regulations and apply them to cannabis;*
- *Update smoking control regulations to apply to vaping of all products, including cannabis.*

**CARRIED.**

**MOVED and SECONDED**

*THAT staff develop a resolution advocating for a provincially consistent approach to public consumption regulations for cannabis, and that, upon Council's approval, the resolution be forwarded to UBCM and LMLGA for consideration.*

**CARRIED.**

All members of Council present voted in favour of the motion.

**5. Personal Cultivation**

Council expressed concerns regarding safety issues.

Chief Jones noted the following:

- There are safety and health risks associated with indoor hydroponic growth; there may be less risk with organic growing;
- Health issues include mould as a result of high humidity;
- Enforcement on a complaint-based or discretionary basis; and,
- Would solicit advice from the Fire Chief on whether further regulations would be required.

Council noted that clarity is needed on potential gaps between cannabis regulations and the Residential Tenancy Act and Strata Act, and potential impact to multi-family residential units.

**MOVED and SECONDED**

*THAT Council supports the following approach with regards to personal cultivation of cannabis for the purposes of public consultation:*

- *No additional restrictions for personal cannabis cultivation above those which would be put in place through Federal or Provincial regulations.*

**CARRIED.**

All members of Council present voted in favour of the motion.

## **B. Interim Zoning Bylaw Amendment**

Ms. Teed noted that the following:

- The Zoning Bylaw currently does not address or regulate the sale of cannabis and where it can occur, as cannabis is currently not legal.
- At this time, the City's Bylaw Enforcement work with Police to shut down any open retail outlets selling cannabis products; and
- There are concerns regarding the regulation gap due to the short time frame between legalization and when regulations would be in place.

Council expressed concerns that the interim bylaw may send the wrong message to the community, and that business licensing is currently used as a tool to regulate retail shops.

Chief Jones noted that the interim bylaw is not a new approach, and that it would extend the City's legal protection until the regulatory framework is in place. The City aims to avoid future enforcement issues that could become lengthy civil litigation matters.

Ms. Teed further noted the following:

- An external consultant would be engaged for public consultation work, including an online survey and a townhall-style meeting with Council to receive feedback on the proposed framework;
- The intention is to have the consultation and draft framework completed by July 1; the final bylaw steps would follow;
- Province regulations are expected around late May or early June; staff would continue with consultation work in the interim; and
- A September public hearing is the target, as the City's practice is not to hold public hearings during the summer.

Council noted the following:

- The interim bylaw is important to assist with interim enforcement measures;
- The public hearing timeline is concerning, as the industry could be ready sooner and it could be important for economic development in the City.

**MOVED and SECONDED**

*THAT the draft framework for the regulation of cannabis be presented to Council in early Fall.*

**CARRIED.**

All members of Council present voted in favour of the motion.

**MOVED and SECONDED**

*THAT Council consider first and second readings to Zoning Amendment Bylaw No. 7966, 2018 and forward the bylaw to Public Hearing on February 19, 2018.*

**CARRIED.**

Councillors Harper and McEvoy voted in opposition.

Staff noted that the next steps would be to engage specific stakeholders, as well as drafting guidelines for rezoning applications.

**R-6 Regular, July 9, 2018 – Report**

**R-7 Presentation, July 9, 2018 – Report**

- 9. Recreational Cannabis: Summary of Consultation, Proposed Regulation Framework, and Next Steps**
  - a. Staff Report**
  - b. Staff Presentation**

Mike Watson, Planner, and Kim Deighton, Manager of Licensing & Integrated Services, provided a PowerPoint presentation to Council regarding the proposed Cannabis Regulatory Framework and staff recommendations for each section.

**Retail Land Use Requirements**

Mr. Watson reported that no changes had been made to this section from the initial draft framework recommendation to use rezoning applications on a site by site basis, and noted that the advantages of the approach included consistency with consultation feedback and existing liquor regulations.

Council made no comments on this section.

**Retail Cannabis Separation Guidelines**

Mr. Watson noted that the separation requirements proposed, of 200 metres between retail stores and 150 metres from schools, public community centres and parks, took consultation feedback into consideration in regards to proximity of stores to the City's youth population. He also noted the advantages to this approach included the following:

- Supports Federal and Provincial requirements;
- Balances separation with the provision of business opportunity;
- Consistency with feedback in terms of separations between businesses; and,
- Allows businesses to be located in each commercial area of city, allowing accessibility.

In response to questions from Council, Mr. Watson provided the following information:

- With the proposed separation guidelines, cannabis retail stores could technically be located on every other block;
- The Provincial Government has not capped the number of retail locations, but no criteria has been provided yet;
- The two private schools that are currently under construction at Third and Twelfth and Braid and Rousseau should be included and the map will be updated to indicate their locations;
- The future cannabis retail locations would not limit future school locations;
- The green areas near Pier Park have been cut off by the rail track, as walking distances have been applied from the pedestrian overpasses;
- The two downtown school locations on the map which require separations are near the Anvil Centre and Douglas College and impact Eighth street; and,
- Businesses requesting a variance to the separations would do so as part of a rezoning application, and Council would have the discretion to decide whether the separation would apply to the application.

Council noted the following:

- As the City will have the ability to limit licenses, there should be little concern that there will be too many licenses available;
- A lack of retail space may be a limiting factor in the number of licenses the City may issue;
- Concern that the private schools in the downtown area may limit the area available for retail locations; and,
- The proposed separations are appropriate city-wide, however they may need to be reduced in the downtown commercial zone so as not to restrict legal commercial activity in the downtown area.

### Draft Business License Regulations

Ms. Deighton outlined the recommended business license regulations, including details on business hours, applicant requirements, security plan, appearance of

shopfronts, and employee requirements, noting that this area is what the Municipality has the authority to regulate, and the advantages of this approach which include consistency with consultation feedback and liquor regulations.

In response to questions from Council, Ms. Deighton provided the following information:

- While the windows of the potential locations would be required to be transparent, retailers would be permitted to have an opaque display case on the inside of the store; and,
- A security company providing services to a potential retailer would need to have a business license issued by the City.

Ms. Deighton further outlined the additional recommended business license regulations which support the provincial regulations, including details on police information checks, staff training, and business operations such as advertising, and the advantages of this approach which include support of the Provincial regulations, consistency with consultation feedback, and the ability for Bylaw Services and New Westminster Police Services to regulate and enforce when necessary.

In response to questions from Council, Ms. Deighton and Deputy Chief of Police Dave Jensen provided the following information:

- The details of permitted signage and advertising methods are still not clear from the Federal and Provincial government, however these regulations would be specific to cannabis retailers and fall under business bylaw regulations;
- A police information check is a basic criminal record check;
- It is predicted that the Federal Government will be allowing edible cannabis products within the year; and,
- Including edible products in the Bylaw would allow the City to ticket any businesses attempting to sell edibles until such time that the Federal law changes.

### Cultivation, Processing and Warehousing

Mr. Watson noted that few changes had been made on this section from the initial draft framework recommendations about location of production facilities, noting that the only addition was the use of filters in ventilation systems. Mr. Watson noted that the advantages of this approach were consistency with consultation feedback and the current approach for medical cannabis facilities.

In response to questions from Council, Mr. Watson provided the following information:

- The Heavy Industrial Districts in the City are located in the east end of Queensborough and the Braid and Brunette Street areas, therefore the private school being built on lower Twelfth Street would not have impacts on this area of regulation; and,
- Staff will look further at the impacts that this regulation would have on Metro Vancouver's regulation of air quality.

### Public Consumption

Ms. Deighton outlined the recommended public consumption regulations, which would mirror tobacco smoking regulations, and would update the Bylaw to include vaping. Ms. Deighton noted the advantages of this approach were consistency with consultation feedback, and the current approach to regulating public smoking, and noted that this area of regulation may require further amendment once the Province releases the Cannabis Control and Licensing Regulation.

In response to questions from Council, Ms. Deighton provided the following information:

- Currently, Fraser Health does the education component of enforcement for smoking bylaws, and the City bylaws enforce in terms of physical location; and,
- Future response to complaints about public consumption of cannabis will likely depend on the location, in that Parks staff would likely deal with enforcement in City parks and community buildings, Bylaw officers would deal with business locations, and Mall security would respond to enforcement needs in retail locations such as malls.

### Personal Cultivation

Mr. Watson reported that no changes had been made to this section from the initial draft framework recommendation, in that no additional requirements above the Federal and Provincial framework would be required.

Council made no comments on this section.

### Rezoning and Business License Fees

Ms. Deighton outlined the staff recommendations on fees, which includes that the current rezoning fee be applied to all applications, as well as fees for setting up a

retail cannabis store and an annual licensing fee be applied. She also noted this would be consistent with current fees, would cover staff costs, and would be subject to annual review.

Council made no comments on this section.

#### Amenity contributions and tax revenue

Mr. Watson noted that staff had held discussions with land economists who have indicated that no likely increase to land value would occur with the prospect of cannabis retail stores and therefore amenity contributions would be difficult to justify. He outlined the staff recommendation to continue lobbying for a fair and equitable distribution of tax revenue associated with cannabis to host municipalities.

Council made no comments on this section.

#### Retail Rezoning Policy

Mr. Watson outlined the 10 sections contained within the policy document which include sections that provide context, describe the applicant process and guidelines for application evaluation, the boundaries of Council's discretion, and the possible effective date for the policy. Mr. Watson noted that the document is still in a draft stage and staff are still waiting on further confirmation about the LCLB license process and how this would intersect with the municipal process.

In response to questions from Council, Mr. Watson provided the following information:

- It is proposed that cannabis store applications would follow the same application process as the current liquor primary location process; and,
- The initial intake process outlined in the policy document does not currently explore bundling the initial intake of applications and moving them all through a single process, however this idea could be a worthwhile consideration if given Council direction to do so.

Council noted the following:

- Given that a city-wide public consultation process has occurred which has helped to guide the process, it may be a repetitive and onerous prospect, in terms of staff time and public tolerance, to ask potential applicants to go through this process again in multiple iterations;

- It may be a better use of staff time and resources to identify an initial cohort of applications to streamline through a single initial process, similar to the HCA; and,
- It may be limiting to only allow five initial retail locations and may be worthwhile to evaluate the number of licenses that will be made available once applications begin to be received.

### Initial Application Process

Mr. Watson noted that while it is impossible to anticipate demand, staff have received a large amount of interest in the application process and do anticipate applicants once the process opens. Based on the number of liquor retail stores in the City, it is estimated that approximately 11 retail cannabis stores could be expected across the City.

Mr. Watson further discussed the recommendations for the initial application process, including a gradual phasing in of the retail applications to be accepted and consideration of up to five public and private locations in the commercial areas across the city, noting that the advantage of this process would allow a phased approach to integration into the community and the opportunity for staff and Council to evaluate the regulatory framework.

Mr. Watson also outlined the recommended process and prioritization methods that would be applied to the applications, as well as the monitoring of the process that would take place.

In response to questions from Council, Mr. Watson provided the following information:

- The current information from the Province is that public retail stores would respect municipal land use regulations and would be required to apply for one of the initial five licenses;
- The City would attempt to strike a balance between private and public locations, however it may be that a public application receives priority if there is a mixture of applications in one commercial zone;
- Publically-operated retail stores refer to those that would be government-owned;
- Large, existing retailers would not be permitted to open cannabis operations within their existing stores, but would have to go through the application process like all applicants;
- Staff anticipate launching the application window within one month after Council's adoption of bylaws; and,

- A typical timeframe for a liquor primary application is 4-6 months, and this same timeframe would be anticipated for cannabis retail applications.

Jackie Teed, Acting Director of Development Services, noted that the timeframe for processing applications would also depend on the number of applications received, and that this would be a concurrent process, and have the same impact on staff time, as the ongoing development application process. Depending on the model Council decides to approve, processing these applications could take longer than six months, unless an outside consultant is hired to perform the work.

In response to a question, Ms. Teed also noted that it would not be advisable to open the application process until cannabis is lawful.

Council noted the following:

- Concern that a lottery could create risk for smaller retailers in terms of time and money invested in setting up their business and going through the application process, only to be unsuccessful;
- It would be important to ensure that all applicants are given equal prioritization, and an evaluation process may be a more equitable solution than a lottery.

Ms. Deighton reviewed the steps in the process, noting that the next steps will be for Council to consider First and Second Reading on August 27, 2018, and reminded Council of the recommendations in the staff report.

**MOVED and SECONDED**

*THAT Council direct staff to prepare the necessary amending bylaws for Council consideration in order to implement the cannabis regulatory framework as outlined in the July 9, 2018 staff report;*

*THAT Council support in principle the draft Cannabis Retail Rezoning Policy document for use in consideration of applications for retail cannabis locations as outlined in the July 9, 2018 staff report and direct staff to make final revisions to reflect future application process information from the Liquor Control and Licensing Branch; and,*

*THAT Council support in principle the process for considering the initial intake of applications for retail cannabis locations as outlined in the July 9, 2018 staff report.*

**AMENDMENT TO MOTION  
MOVED and SECONDED**

*THAT the first motion be revised to include the following amendment:*

- *THAT the 150 metre buffer be removed from within the commercial area bounded by Front Street, Royal Avenue, 10th Street and Church Street;*

**AMENDMENT CARRIED.**

All members of Council present voted in favour of the motion.

**AMENDMENT TO MOTION  
MOVED and SECONDED**

*THAT the second motion be revised as follows:*

*THAT Council support in principle the draft Cannabis Retail Rezoning Policy document with the following amendment:*

- *THAT Council direct staff to find an alternative to the lottery system as proposed in the draft Cannabis Retail Rezoning Policy document, and make a refined criteria for use in consideration of applications for retail cannabis locations; and,*

Council noted following in discussion:

- Recommend the consideration of a graded criteria or scoring system where advantages of the applications are evaluated for quality of applications;
- There may already be a set of criteria available to use, such as that used when issuing business licenses or liquor primary licenses; and,
- Perhaps a first come, first served method should be used, as those who are applying would need to have all the requirements met, such as location, supply etc., which could take some time.

In response to a question from Council, Mr. Watson noted that staff had veered away from a first come, first served model in order to maintain an equitable process and allow applicants to submit within a pre-defined window. This would allow applications to be evaluated on the merits and quality of the content rather than speed.

Mr. Watson also noted that this is a new industry that is coming into play and it is an instance where the City has no set procedure to deal with the influx of applications that may come in all at once. Therefore, staff have proposed setting up an initial process, which includes an evaluation of applications through specific guidelines and applying a lottery only once several applications are equal in quality and completeness.

Ms. Teed noted that it would be important to have an approved process in place before the application timeframe window is opened, otherwise the City could be at risk of operating an unfair process. She noted that it is clear from Council's feedback that the lottery system is not preferred and staff would bring forward a different process for approval by Council, as well as any requests for increased resourcing if necessary.

In response to a question from Council, the First and Second readings would not need to be delayed while staff finds an alternative to the lottery system, as it is a policy that could be approved either prior to or following adoption of the Bylaw.

**AMENDMENT CARRIED.**

All members of Council present voted in favour of the motion.

**AMENDMENT TO MOTION**

**MOVED and SECONDED**

*THAT the third motion be revised as follows:*

*THAT Council direct staff to explore a process to accelerate and simplify the first cohort of applications for retail cannabis locations to reduce redundancy and delay, given the extensive public and stakeholder consultation that has been completed.*

**AMENDMENT CARRIED.**

All members of Council present voted in favour of the motion.

**FINAL MOTION**

**MOVED and SECONDED**

*THAT Council direct staff to prepare the necessary amending bylaws for Council consideration in order to implement the cannabis regulatory framework as outlined in the July 9, 2018 staff report with the following amendment:*

- *THAT the 150 metre buffer be removed from within the commercial area bounded by Front Street, Royal Avenue, 10<sup>th</sup> Street and Church Street; and,*

*THAT Council support in principle the draft Cannabis Retail Rezoning Policy document with the following amendment:*

- *THAT Council direct staff to find an alternative to the lottery system as proposed in the draft Cannabis Retail Rezoning Policy document, and make a refined criteria for use in consideration of applications for retail cannabis locations; and,*

*THAT Council direct staff to make final revisions to the draft Cannabis Retail Rezoning Policy document to reflect future application process information from the Liquor Control and Licensing Branch; and,*

*THAT Council direct staff to explore a process to accelerate and simplify the first cohort of applications for retail cannabis locations to reduce redundancy and delay, given the extensive public and stakeholder consultation that has been completed.*

**CARRIED.**

All members of Council present voted in favour of the motion.

## **R-8 Regular, August 27, 2018 – Report**

### **22. Recreational Cannabis: Consideration of Bylaws for Implementation of Cannabis Regulatory Framework**

Jacque Killawee, City Clerk, advised that minor amendments to Business Licence Bylaw Amendment No. 8044, 2018 had been provided with the agenda material and that a replacement had been provided on-table for consideration of Item 47.

#### **MOVED and SECONDED**

*THAT Council approve the updated Cannabis Retail Rezoning Policy as outlined in and attached to this report for use in consideration of applications for retail cannabis locations*

*THAT Council support the revised process for considering the initial intake of applications for retail cannabis locations as outlined in this report*

*THAT Council support the use of CPTED principles, including ensuring transparent storefronts, in cannabis retail locations and direct staff to continue to work with the Province and the Joint Provincial-Local Government Committee on Cannabis Regulation to ensure these principles are achieved;*

*THAT Council consider Zoning Amendment Bylaw No 8043, 2018 for First and Second readings and forward it to Public Hearing;*

*THAT Council consider Business Licence Bylaw Amendment Bylaw No. 8044, 2018 as amended on-table for three Readings and forward it to an Opportunity to be Heard; and*

*THAT Council consider the following bylaws for three Readings:*

- *Development Services Fees and Rates Bylaw Amendment Bylaw No. 8047, 2018;*
- *Smoking Control Bylaw Amendment Bylaw No. 8048, 2018;*
- *Bylaw Notice Enforcement Bylaw Amendment Bylaw No. 8049, 2018; and*
- *Municipal Ticketing Information Bylaw Amendment Bylaw No. 8050, 2018.*

**CARRIED.**

All members of Council present voted in favour of the motion.

## **R-9 Regular, March 11, 2019 – Report**

### **14. Cannabis: New Retail Store Application Evaluation**

In response to questions from Council, Mike Watson, Planner, provided the following information:

- The cannabis retail stores that are approved in this March 11 staff report would progress to Public Hearing at a future date; and,
- Initially, the plan was to evaluate the process and resulting retail outlets over one year before accepting a new batch of applications.

Council noted the following comments in discussion:

- It is evident that all applications received had a high degree of quality, and conducting the independent evaluation process was undoubtedly a challenging process for staff;
- While there would be value in approving a mix of public and private retail outlets, it would be important to respect the evaluation process as set out by Council in order to satisfy the public process;
- While an initial aim was for a combination of public and private cannabis stores to open in the City, the BC Cannabis Store application has scored lower compared to the other location proposed in Queensborough and the value of a public store may not be a strong enough proposition to outscore an independent store;
- Council should support the private licenses, however not in exchange for the Government cannabis store, which would provide a reliable degree of business legitimacy and confidence;
- There may be value in speeding up the timeline for more outlets to apply; and,
- In future, it may be beneficial for public stores to be evaluated within a separate application stream.

#### **MOVED and SECONDED**

*THAT Council direct staff to prepare a Zoning Amendment Bylaw to permit the retail sale of cannabis at the following locations, 71 Sixth Street, 532 Sixth Street, 451 E Columbia Street, and 710 Twelfth Street as identified in the Recommended Applications Section of the March 11, 2019 staff report; and,*

*THAT Council direct staff to include in the Zoning Amendment Bylaw that permits the retail sale of cannabis, the address of 540 Ewen Avenue, instead of Unit L110 805 Boyd Street; and,*

*THAT Council authorize the return of 25% of the Business License and Rezoning fees for applications which have not been selected to move forward.*

**CARRIED.**

Councillors Das, McEvoy and Puchmayr voted in opposition.

Council directed staff to ensure that all applicants are provided with an opportunity to meet with staff and given guidance about next steps for future applications.

## **R-10 Regular, April 8, 2019 – Report**

### **22. Cannabis Retail Sales Locations: Consideration of First and Second Readings for Five Cannabis Retail Locations**

In response to questions from Council, Emilie Adin, Director of Development Services, advised that the Provincial Government will be giving further consideration to concerns regarding opaque windows.

#### **MOVED and SECONDED**

*THAT Council give Zoning Amendment Bylaws Nos. 8107, 8108, 8109, 8110 and 8111, 2019 First and Second Readings and direct staff to schedule a public hearing;*

*THAT Council support the continued use of the Cannabis Application Evaluation Criteria for future applications, subject to staff reporting back with revisions, including those to better address evaluation of atypical applications located with the interior of shopping malls, and those for BC Cannabis Store locations from the Liquor Distribution Branch.*

**CARRIED.**

All members of Council present voted in favour of the motion.

## **R-11 Special Regular, August 10, 2020 – Motion**

### **4. Cannabis and Edibles**

Councillor Johnstone noted that when the City adopted the bylaws allowing cannabis to be sold in the City, edible cannabis products were not yet legal in Canada, but have since become legal, and therefore cannabis retailers in the City should be able to sell products these products.

#### **MOVED and SECONDED**

*THAT Council direct staff to bring forward the necessary amending bylaws to allow cannabis retail stores to sell edible cannabis products for off-site consumption and that staff not enforce the local prohibition of the sale of cannabis edibles for off-site consumption pending a decision of Council regarding such amending bylaws.*

**CARRIED.**

All members of Council present voted in favour of the motion.

*The following minutes are at draft stage only and have not been adopted:*

## **R-12 Regular, August 31, 2020 – Report**

### **22. Cannabis Retail Locations: Updates and Bylaws for Readings**

In response to Council questions and comments, Emilie Adin, Director of Development Services, and Mike Watson, Senior Planner, provided the following information:

- The application for 320 Sixth Street is a new business in the selection process;
- The removal of cannabis sales at 532 Sixth Street does not require Liquor and Cannabis Licensing Branch approval;
- The applicant for 320 Sixth Street was on the original list of applicants; and,
- The process followed is aligned with Council's direction of one cannabis store in each neighbourhood; should Council wish, that direction can be changed.

#### **MOVED and SECONDED**

*THAT Council consider Zoning Amendment Bylaw No. 8215, 2020 (to allow cannabis edibles to be sold where the retail sale of cannabis is permitted) for two*

*readings and waive the holding of a Public Hearing as the Bylaw is consistent with the City's Official Community Plan;*

*THAT Council consider Business License Bylaw Amendment Bylaw No. 8216, 2020 (to allow cannabis edibles to be sold where the retail sale of cannabis is permitted) for three readings and provide notice that Council will be considering an amendment at an upcoming Opportunity to Be Heard in accordance with Community Charter requirements.*

*THAT Council consider Zoning Amendment Bylaw No. 8217, 2020 to allow the retail sale of cannabis at 320 Sixth Street for two readings and direct staff to schedule a Public Hearing;*

*THAT Council consider Zoning Amendment Bylaw No. 8218, 2020 to remove the retail sale of cannabis at 532 Sixth Street for two readings and waive the holding of a Public Hearing as the Bylaw is consistent with the City's Official Community Plan.*

**CARRIED.**

Councillor Puchmayr opposed.

See Zoning Amendment Bylaw No. 8217, 2020 Public Hearing Information Binder for Reports R-2 through R-10.

[Click here to Access the Public Hearing Package](#)



*A vibrant, compassionate, sustainable city that includes everyone.*

## **SPECIAL REGULAR MEETING OF CITY COUNCIL**

August 10, 2020 at 2:00 p.m.

Meeting held electronically under Ministerial Order No. M192

### **MINUTES - Extract**

#### **MOTION**

#### **4. Cannabis and Edibles**

Councillor Johnstone noted that when the City adopted the bylaws allowing cannabis to be sold in the City, edible cannabis products were not yet legal in Canada, but have since become legal, and therefore cannabis retailers in the City should be able to sell products these products.

#### **MOVED and SECONDED**

*THAT Council direct staff to bring forward the necessary amending bylaws to allow cannabis retail stores to sell edible cannabis products for off-site consumption and that staff not enforce the local prohibition of the sale of cannabis edibles for off-site consumption pending a decision of Council regarding such amending bylaws.*

**CARRIED.**

All members of Council present voted in favour of the motion.



## REPORT

### *Development Services*

**To:** Mayor Côté and Members of Council      **Date:** 8/31/2020

**From:** Emilie K Adin, MCIP      **File:** 13.2680.20  
 Director of Development Services

**Item #:** 291/2020

**Subject:** **Cannabis Retail Locations: Updates and Bylaws for Readings**

#### **RECOMMENDATION**

***THAT** Council consider Zoning Amendment Bylaw No. 8215, 2020 (to allow cannabis edibles to be sold where the retail sale of cannabis is permitted) for two readings and waive the holding of a Public Hearing as the Bylaw is consistent with the City's Official Community Plan;*

***THAT** Council consider Business License Bylaw Amendment Bylaw No. 8216, 2020 (to allow cannabis edibles to be sold where the retail sale of cannabis is permitted) for three readings and provide notice that Council will be considering an amendment at an upcoming Opportunity to Be Heard in accordance with Community Charter requirements.*

***THAT** Council consider Zoning Amendment Bylaw No. 8217, 2020 to allow the retail sale of cannabis at 320 Sixth Street for two readings and direct staff to schedule a Public Hearing;*

***THAT** Council consider Zoning Amendment Bylaw No. 8218, 2020 to remove the retail sale of cannabis at 532 Sixth Street for two readings and waive the holding of a Public Hearing as the Bylaw is consistent with the City's Official Community Plan.*

## **EXECUTIVE SUMMARY**

This report provides three updates relating to cannabis retail:

1. General Update on the Status of Cannabis Retail Locations: Two locations are now operating with two more expected to open soon.
2. Monitoring Period and Subsequent Applications: Update on the monitoring period of cannabis retail locations and the potential next steps in consideration of subsequent applications; and
3. Transparent Windows: The Liquor and Cannabis Regulations Branch has now allowed cannabis retail locations to have transparent windows improving safety, security and aesthetics for these businesses.

This report also seeks Council consideration of bylaws that address the two following items:

1. New Application Received in the Uptown Area: As the previous application in the Uptown is unable to proceed, amending bylaws are being brought forward:
  - for a new application Uptown (Reel Reef at 320 Sixth Street) and
  - to remove cannabis retail sale as an approved use at 532 Sixth Street;
2. Edible Cannabis Product, Cannabis Extracts and Cannabis Topicals: Zoning and Business License Amendment Bylaws are being brought forward which would permit the sale of cannabis edible products at cannabis retail locations.

## **BACKGROUND**

In January 2018, the City initiated the process of developing the Cannabis Regulatory Framework. On August 27, 2018 and September 17, 2018 Council adopted the necessary amending bylaws and endorsed the Cannabis Retail Rezoning Policy and the Cannabis Application Evaluation Criteria.

Twenty-two applications were received between October 24 and December 5, 2018 as part of the initial application period. Six applications, including one from BC Cannabis Stores, the Provincial public operator, were endorsed by Council to proceed for further consideration and all applications received first and second readings on the respective Zoning Amendment Bylaws.

## **DISCUSSION**

### **Update on Applications**

Six cannabis retail location applications were selected to move forward for additional consideration, as directed by Council following a [report on March 11, 2019](#) and a [report on May 27, 2019](#). The six applications recommended to move forward, and their current status, are summarized in the table below.

<b>Business Location</b>	<b>Location</b>	<b>Status</b>
Queensborough	540 Ewen Avenue	Operating
Downtown	71 Sixth Street	Operating
Queensborough	805 Boyd Street	Building Permit Issued
Twelfth Street	710 Twelfth Street	Rezoning Completed
Sapperton	451 East Columbia Street	Awaiting LCRB Review
Uptown	532 Sixth Street	Application Withdrawn

Two locations are now operating with two more expected to open soon, however timing depends largely on external agency review timelines. Of those remaining, one application is awaiting reviews from the Liquor and Cannabis Regulation Branch (LCRB) and will be forwarded to Public Hearing once those reviews have been completed. The other application is in the uptown area and has been unable to proceed, and as such, has been withdrawn.

### **Uptown Location**

Despite the time, investment and the best efforts made by the applicant, the cannabis retail location at 532 Sixth Street in the Uptown area has been unable to proceed due to unforeseen concerns regarding the proposed business from the property owner and/or registered interests on title of the property.

As such, consistent with the initial application intake process endorsed by Council, staff has contacted the applicants in the Uptown area which were not selected by Council to proceed ('remaining applications') in order of prioritization based on the Cannabis Rezoning Application Evaluation Checklist (Initial Intake). Two were unable to proceed as one had withdrawn and the other was no longer able to lease the space. As such the applicant at 320 Sixth Street (Reel Reef) was the remaining application in the Uptown area able to proceed at this time.

The Reel Reef cannabis store is proposed to be located on the same property as the Rivers Reach Pub and Liquor Store at the north-west corner of Sixth and Blackford Streets and would be under the same ownership and management. The owner is locally based and has experience with the retail sales of controlled substances. The location would share a vestibule entry with the existing liquor store on site and would include updated signage and

minor façade revisions. The location is relatively small with a publically accessible retail area of 37.2 square metres (400 sq. ft.), a secured storage area, and shared office/management space with the pub and retail liquor store.

The application completed the required security and financial background checks with LCRB on May 21, 2020, and as such, Council is able to direct staff to schedule a Public Hearing for the application. Although the proposed Zoning Amendment Bylaw would be consistent with the OCP and a Public Hearing could be waived, the LCRB requires that feedback from the public be gathered regarding the cannabis location. As with the previous cannabis retail applications, the Public Hearing is the method by which this public feedback has been gathered.

As with other applications selected to move forward for additional consideration, staff would work with the applicant on refining the application to achieve further consistency with relevant design guidelines. Staff recommend that Zoning Amendment Bylaw No. 8217, 2020 to allow the retail sale of cannabis at 320 Sixth Street be considered for first and second readings and be referred to Public Hearing.

As the previously approved application is no longer able to proceed at 532 Sixth Street, the retail sale of cannabis should be removed as a permitted use on this site. As such staff recommend that Zoning Amendment Bylaw No. 8218, 2020, which would remove the retail sale of cannabis at this location, be considered for First, Second and Third Readings and, as this bylaw would be consistent with the Official Community Plan, it is recommended that the Public Hearing for this amendment bylaw be waived.

### **Cannabis Edibles**

When the City's Cannabis Regulation Framework was endorsed by Council, edible cannabis products (which includes cannabis infused products such as candies, gummies, baked goods and beverages), cannabis extracts and cannabis topicals were not permitted by Federal or Provincial regulations. Both levels of government acknowledged at the time of the initial effective date of the Cannabis Act that additional consideration was required for cannabis in these forms. In particular consideration was needed with regards to the potential for unintended over-consumption (potency and delay in effect) and in ensuring the protection of youth and children from accidental ingestion, as many of these products (such as candy or baked good formats) may appear indistinguishable from their non-cannabis counterparts.

Considering this work was unresolved, City regulations deliberately excluded cannabis edible products from being sold at retail cannabis locations through both the Zoning Bylaw and the Business Licence Bylaw. This allowed the City the opportunity to purposefully consider the Federal and Provincial approach for cannabis edibles, extracts and topicals before including these products in local regulations.

On August 10, 2020 Council passed the following motion regarding edible cannabis products:

***THAT** Council direct staff to bring forward the necessary amending bylaws to allow cannabis retail stores to sell edible cannabis products for off-site consumption and that staff not enforce the local prohibition of the sale of cannabis edibles for off-site consumption pending a decision of Council regarding such amending bylaws*

The Federal Cannabis Act was amended to include regulations to allow the legal production and sale of edible cannabis, cannabis extracts and cannabis topicals came in to effect on October 17, 2019. Licensing and production of these types of cannabis goods began in late 2019 / early 2020 and these products have started to slowly make their way into the cannabis retail marketplace.

The Cannabis Act includes a number of regulations including the following:

- Plain packaging which would not be attractive or enticing for children and youth;
- Child-resistant packaging making it more difficult for children to open;
- Products must not be appealing to youth;
- THC limit to 10 mg per package;
- No added vitamins, minerals, nicotine or alcohol and limits to amounts and source of caffeine;
- Label must include standardized symbols, health warnings, THC/CBC content, possession limits (equivalent to dried cannabis) and list of ingredients and allergens; and
- Products must not make health, cosmetic or dietary claims.

The Canadian regulations are seen as more restrictive, especially when it comes to protecting children and youth, than in other jurisdictions such as Washington, California and Colorado states. A detailed table of the regulations from the Government of Canada is included in Appendix A.

Other local municipalities that have allowed cannabis retail uses include the City of Vancouver, City of Port Moody, Langley Township, District of North Vancouver and the City of North Vancouver have not restricted the sale of edibles, extracts or topicals.

Considering the regulations and protections put in place through the Federal Cannabis Act, staff do not anticipate any additional land use impacts from the retail sale of cannabis edibles, extracts or topicals. As such, staff recommend that Council consider Zoning Amendment Bylaw No. 8215, 2020 and Business Licence Amendment Bylaw No. 8216, 2020 to make the necessary changes to allow existing and future cannabis retail uses to sell edibles, extracts or topicals.

## **Update on Transparent Windows**

There are currently Federal and Provincial requirements that cannabis products within retail locations must not be visible from the street. The intent of these requirements is consistent with the City's cannabis regulatory framework which seeks to ensure youth are protected from the promotion of cannabis.

Previously the Liquor and Cannabis Regulation Branch (LCRB) had interpreted these requirements to mean transparent windows would not be permitted in cannabis retail locations. Despite concerns raised by City staff regarding the impact on the safety and improved aesthetics of the city's pedestrian oriented commercial areas, the LCRB indicated that they expected that all windows would have to be opaque, but would continue to work with municipalities on potential future revisions.

Staff worked directly with the applicants to mitigate the impacts of non-transparent window coverings by ensuring that the design of their coverings is as pedestrian scaled and friendly as possible. Applicants have been asked to look for opportunities to incorporate art, and engaging design in the window coverings and were advised that if the requirements regarding nontransparent windows were relaxed in the future that they would be expected to work towards bringing their operation in compliance with the updated regulations.

LCRB policy directive [20-15](#) was released on June 18, 2020 which now allows cannabis retail locations to have transparent windows, provided all cannabis, cannabis accessories, and packaging and labelling of cannabis and cannabis accessories must not be visible from outside the cannabis retail store.

Staff has begun working with all applicants to update their locations to incorporate the changes from the LCRB. It is anticipated that operators who have recently finished relatively costly building improvements and who are open would be less able to accommodate such change and that applications earlier in the process would have more ability to be refined.

## **Monitoring Period and Subsequent Applications**

As part of the Cannabis Regulatory Framework endorsed by Council on July 9, 2018, staff were directed to monitor the cannabis retail locations for a period of one year following the opening of the first locations. During this period, no additional applications for cannabis retail uses would be recommended. Following this period, staff would report back to Council with any recommended updates to the regulations and policy, and next steps regarding new applications.

The City is sensitive to the impacts on applicants who were not selected to proceed as an initial cannabis retail location and as such on April 8, 2019 Council endorsed the availability of the following supports for these applicants:

- Partial refund of application fees;
- Reduction in the monitoring period from approximately one year to approximately six months after the start of operation of the first locations; and
- If Council supports exploring new applications at that time, allow existing applicants to resubmit their applications at either the same location or a new location with a reduced application payment.

As two locations are currently operating, staff expect to report back to Council in the first quarter of 2021 on whether additional applications should be considered, and if so, the number, locations, and any other revisions to requirements that may be needed.

### **NEXT STEPS**

The next steps in reviewing the rezoning application for 320 Sixth Street are summarized as follows:

1. Council consideration of First and Second Readings of Zoning Amendment Bylaw; (**we are here**);
2. Public Hearings for Zoning Amendment Bylaws, meeting Local Government Act as well as and LCRB consultation requirements; (September 28, 2020);
3. Council consideration of Third Reading and Adoption of Zoning Amendment Bylaws. (September 28, 2020)

### **Subsequent Approvals:**

4. Application for City Building Permits, sign permits, etc. (as required);
5. Applicant to received final approvals from the Liquor and Cannabis Regulation Branch;
6. Issuance of City Business Licence.

Following Council consideration of the Zoning Amendments Bylaw to 1) remove retail sale of cannabis at 532 Sixth Street and 2) to permit the sale of edible cannabis products, notice of the waiver of the Public Hearing would be provided and then the bylaws would return to Council for consideration of third and final readings, once that notification is complete.

In regard to the Business License Bylaw amendment, an Opportunity to be Heard would be scheduled, following which the bylaw would return to Council for consideration of adoption.

**INTERDEPARTMENTAL LIAISON**

The Development Services Department has consulted the City Solicitor regarding this report.

**OPTIONS**

The following options are available for Council's consideration:

1. That Council consider Zoning Amendment Bylaw No. 8215, 2020 (to allow cannabis edibles to be sold where the retail sale of cannabis is permitted) for two readings and waive the holding of a Public Hearing as the Bylaw is consistent with the City's Official Community Plan;
2. That Council consider Business License Bylaw Amendment Bylaw No. 8216, 2020 (to allow cannabis edibles to be sold where the retail sale of cannabis is permitted) for three readings and provide notice that Council will be considering an amendment at an upcoming Opportunity to Be Heard in accordance with Community Charter requirements.
3. That Council consider Zoning Amendment Bylaw No. 8217, 2020 to allow the retail sale of cannabis at 320 Sixth Street for two readings and direct staff to schedule a Public Hearing;
4. That Council consider Zoning Amendment Bylaw No. 8218, 2020 to remove the retail sale of cannabis at 532 Sixth Street for two readings and waive the holding of a Public Hearing as the Bylaw is consistent with the City's Official Community Plan.
5. That Council provide staff with alternative direction.

Staff recommends options 1, 2, 3 and 4.

**ATTACHMENTS**

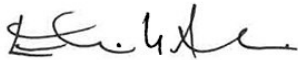
Appendix A: Federal Regulations Summary Table

Appendix B: Amending Bylaws

This report has been prepared by:  
Mike Watson, Senior Development Planner

This report was reviewed by:  
Rupinder Basi, Supervisor Of Development Planning

Approved for Presentation to Council



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Emilie K Adin, MCIP  
Director of Development Services



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Lisa Spitale  
Chief Administrative Officer

Appendix A:  
*Federal Government Regulations Summary  
Table*



# FINAL REGULATIONS: EDIBLE CANNABIS, CANNABIS EXTRACTS, CANNABIS TOPICALS

	<b>EDIBLE CANNABIS</b> <i>(EATING OR DRINKING)</i>	<b>CANNABIS EXTRACT</b> <i>(INGESTING)</i>	<b>CANNABIS EXTRACT</b> <i>(INHALING)</i>	<b>CANNABIS TOPICAL</b> <i>(APPLYING TO SKIN, HAIR, NAILS)</i>
<b>THC LIMIT</b>	<ul style="list-style-type: none"> <li>▶ 10 mg of THC per package</li> </ul>	<ul style="list-style-type: none"> <li>▶ 10 mg of THC per unit (such as a capsule) or dispensed amount</li> <li>▶ 1000 mg of THC per package</li> </ul>	<ul style="list-style-type: none"> <li>▶ 1000 mg of THC per package</li> </ul>	<ul style="list-style-type: none"> <li>▶ 1000 mg of THC per package</li> </ul>
<b>PRODUCT RULES</b>	<ul style="list-style-type: none"> <li>▶ No added vitamins or minerals</li> <li>▶ No nicotine or added alcohol</li> <li>▶ Limits on caffeine</li> </ul>	<ul style="list-style-type: none"> <li>▶ No added vitamins or minerals</li> <li>▶ No nicotine</li> <li>▶ No caffeine</li> <li>▶ No added sugars, sweeteners or colours</li> </ul>	<ul style="list-style-type: none"> <li>▶ No added vitamins or minerals</li> <li>▶ No nicotine or alcohol</li> <li>▶ No caffeine</li> <li>▶ No added sugars, sweeteners or colours</li> </ul>	<ul style="list-style-type: none"> <li>▶ No nicotine or alcohol</li> <li>▶ For use only on skin, hair and nails</li> <li>▶ Not for use in eyes or on damaged skin</li> </ul>
<b>PACKAGING</b>	<ul style="list-style-type: none"> <li>▶ Child-resistant</li> <li>▶ Plain</li> </ul>	<ul style="list-style-type: none"> <li>▶ Child-resistant</li> <li>▶ Plain</li> <li>▶ Maximum package size of 90 mL for liquid extracts if under 3% THC</li> <li>▶ Must include dispensing device if a liquid and not in unit form</li> <li>▶ Maximum package size of 7.5 g for extracts if over 3% THC</li> </ul>	<ul style="list-style-type: none"> <li>▶ Child-resistant</li> <li>▶ Plain</li> <li>▶ Maximum package size of 90 mL for liquid extracts if under 3% THC</li> <li>▶ Maximum package size of 7.5 g for extracts if over 3% THC</li> </ul>	<ul style="list-style-type: none"> <li>▶ Child-resistant</li> <li>▶ Plain</li> </ul>
<b>LABEL</b>	<ul style="list-style-type: none"> <li>▶ Standardized cannabis symbol for products containing THC</li> <li>▶ Health Warning Message</li> <li>▶ THC/CBD content</li> <li>▶ Equivalency to dried cannabis to determine public possession limit</li> <li>▶ Ingredient list</li> <li>▶ Allergens</li> <li>▶ Nutrition Facts Table</li> </ul>	<ul style="list-style-type: none"> <li>▶ Standardized cannabis symbol for products containing THC</li> <li>▶ Health Warning Message</li> <li>▶ THC/CBD content</li> <li>▶ Equivalency to dried cannabis to determine public possession limit</li> <li>▶ Ingredient list</li> <li>▶ Allergens</li> <li>▶ Intended use</li> </ul>	<ul style="list-style-type: none"> <li>▶ Standardized cannabis symbol for products containing THC (and directly on accessories such as vape cartridges)</li> <li>▶ Health Warning Message</li> <li>▶ THC/CBD content</li> <li>▶ Equivalency to dried cannabis to determine public possession limit</li> <li>▶ Ingredient list</li> <li>▶ Allergens</li> <li>▶ Intended use</li> </ul>	<ul style="list-style-type: none"> <li>▶ Standardized cannabis symbol for products containing THC</li> <li>▶ Health Warning Message</li> <li>▶ THC/CBD content</li> <li>▶ Equivalency to dried cannabis to determine public possession limit</li> <li>▶ Ingredient list</li> <li>▶ Intended use</li> </ul>
<b>OTHER</b>	<ul style="list-style-type: none"> <li>▶ Must not be appealing to youth</li> <li>▶ Must not make health claims</li> <li>▶ No elements that would associate the product with alcoholic beverages, tobacco products, or vaping products</li> <li>▶ Must not make dietary claims</li> <li>▶ Must not make cosmetic claims</li> </ul>	<ul style="list-style-type: none"> <li>▶ Must not be appealing to kids</li> <li>▶ Must not make health claims</li> <li>▶ No elements that would associate product with alcoholic beverages, tobacco products, or vaping products</li> <li>▶ Must not make cosmetic claims</li> </ul>	<ul style="list-style-type: none"> <li>▶ Must not be appealing to youth</li> <li>▶ Must not make health claims</li> <li>▶ No elements that would associate product with alcoholic beverages, tobacco products, or vaping products</li> <li>▶ Must not make cosmetic claims</li> </ul>	<ul style="list-style-type: none"> <li>▶ Must not be appealing to youth</li> <li>▶ Must not make health claims</li> <li>▶ No elements that would associate product with alcoholic beverages, tobacco products, or vaping products</li> <li>▶ Must not make cosmetic claims</li> </ul>

**Disclaimer:** This is not a complete list of the regulatory rules for each class of cannabis. It is also not a complete list of product examples. For more information on the amendments to the *Cannabis Regulations*, please visit [Canada.ca/Cannabis](https://Canada.ca/Cannabis).

## Appendix B:

*Amending Bylaws No. 8215, 8216, 8217 and  
8218*

CORPORATION OF THE CITY OF NEW WESTMINSTER  
ZONING AMENDMENT BYLAW (CANNABIS EDIBLES) NO. 8215, 2020

A Bylaw to Amend Zoning Bylaw No. 6680, 2001

WHEREAS the Local Government Act authorizes a local government to zone areas of a municipality and to make regulations pursuant to zoning.

NOW THEREFORE THE CITY COUNCIL of the Corporation of the City of New Westminister in open meeting assembled ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as “Zoning Amendment Bylaw (Cannabis Edibles) No. 8215, 2020.”
2. Zoning Bylaw No. 6680, 2001 is hereby amended by:
  - a) deleting section 190.48.2(e); and
  - b) Replacing sections 190.48.2 (c) and 190.48.2 (d) with the following:
    - “(c) only be permitted to sell cannabis, cannabis accessories and retail merchandise directly related to cannabis and no other product; and
    - (d) not be permitted within the same commercial unit as any other use, except for the retail sale of cannabis accessories.”

GIVEN FIRST READING this	day of	2020.
GIVEN SECOND READING this	day of	2020.
PUBLIC HEARING held this	day of	2020.
GIVEN THIRD READING this	day of	2020.

ADOPTED this                      day of    , 2020.

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MAYOR JONATHAN X. COTE

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JACQUE KILLAWEE, CITY CLERK

CORPORATION OF THE CITY OF NEW WESTMINSTER  
BUSINESS LICENCE BYLAW AMENDMENT BYLAW NO. 8216, 2020

A Bylaw to Amend Business Licence Bylaw No. 5640, 1986

WHEREAS the Council of the Corporation of the City of New Westminster has adopted Business Licence Bylaw No. 5640, 1986;

AND WHEREAS Council wishes to amend Business Licence Bylaw No. 5640, 1986 to regulate the retail sale of cannabis as defined herein within the City of New Westminster;

NOW THEREFORE the Council in open meeting assembled ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as “Business License Bylaw Amendment Bylaw (Cannabis Regulations) No. 8216, 2020.”
2. Business Licence Bylaw No. 5640, 1986 is hereby amended by deleting “, and despite changes to the meaning in the Cannabis Act (Canada) over time, shall not include edible products” from the definition of CANNABIS in section 3;

GIVEN FIRST READING this                      day of                      2020.

GIVEN SECOND READING this                      day of                      2020.

GIVEN THIRD READING this                      day of                      2020.

ADOPTED and the Seal of the Corporation of the City of New Westminster affixed  
this                      day of                      , 2020.

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Mayor

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Jacque Killawee, City Clerk





