Corporation of the City of
NEW WESTMINSTER

REPORT
Development Services

To: Mayor Coté and Members of Council **Date**: 4/8/2019

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

Item #: 134/2019

Subject: **Cannabis Retail Sales Locations: Consideration of First and Second Readings for Five Cannabis Retail Locations**

RECOMMENDATION

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.*

EXECUTIVE SUMMARY

The Federal Cannabis Act established a legal framework for controlling the lawful production, distribution, sale and possession of non-medical cannabis across Canada on October 17, 2018. Council endorsed the cannabis regulatory framework in August and September of 2018 for the City of New Westminster. This framework includes the Cannabis Retail Rezoning Policy as well as amendments to various bylaws including the Zoning and Business Licence Bylaw.

The initial retail rezoning application intake period was open from October 24 to December 5, 2018. Rezoning and Business Licence Applications for 22 locations across the City were received and have been reviewed as per the evaluation process for initial intake of

applications endorsed by Council on August 27, 2018. At the conclusion of this process on March 11, 2019, Council directed staff to prepare Zoning Amendment Bylaws for five of the applications received.

This report seeks Council consideration of first and second readings for five separate zoning amendment bylaws for each of the cannabis retail locations, which are attached in Appendix A.

PURPOSE

The purpose of this report is to seek Council consideration of first and second readings of Zoning Amendment Bylaws for five cannabis retail locations.

POLICY AND REGULATIONS

Federal and Provincial Cannabis Regulations

Background information on Federal and Provincial Cannabis Regulations has been attached in Appendix B.

Zoning Bylaw

The Zoning Bylaw 6680, 2001 was amended in September, 2018 and only permits the retail sale of cannabis on site specific basis. Only lots listed in section 190.48.1 of the Zoning Bylaw are permitted to conduct the retail sale of cannabis. In order for a property to be added to this list and be permitted to sell cannabis, an application for rezoning must be made to add the property to this list.

The Zoning Bylaw includes the following conditions relating to the retail sale of cannabis:

(a) consumption of cannabis is not permitted within the portion of the building used for the retail sale of cannabis;
(b) production growing or cultivation of cannabis is not permitted within the portion of the building used for the retail sale of cannabis;
(c) only cannabis, cannabis accessories and retail merchandise directly related to cannabis may be sold;
(d) is not be permitted within the same commercial unit as any other use, except for the retail sale of cannabis accessories; and
(e) is not permitted to sell edibles containing cannabis.

Business Licence Bylaw

Business Licence Bylaw No 5640, 1986 was amended in September, 2018 to permit business licences for cannabis retail locations. The bylaw includes a number of requirements including:

- hours of operation to be limited to 9am to 11pm;
- a licence from the Liquor and Cannabis Regulation Branch;
- operate in accordance with an approved security plan;
- a monitored security and fire alarm system;
- storing all cannabis and valuable in a secure location; and
- conditions related to employees including adequate training, and not less than two employees while the business is open.

City of New Westminster Cannabis Retail Rezoning Policy

This purpose of this policy is to provide transparency, clarity and flexibility in the City of New Westminster's consideration of rezoning applications to allow retail sale of cannabis. While full discretion regarding rezoning and land use decisions remains with Council, the guidelines outline the objectives of the City and community for the location, security, appearance, and neighbourliness of retail cannabis businesses in the City. A copy of this policy is attached as Appendix C.

BACKGROUND

Previous Council Direction

On January 29, 2018, staff provided a report to Council presenting the draft cannabis regulatory framework. Council provided feedback to staff at that meeting which was used to update the draft framework, prior to proceeding to public consultation.

On July 9, 2018, a report was presented to Council which 1) provided Council with a summary of the consultation conducted on the draft cannabis regulatory framework; 2) sought Council support for the cannabis regulatory framework as revised based on consultation; 3) sought Council direction to prepare the necessary amending bylaws to implement the cannabis regulatory framework; 4) sought Council support in principle for a draft Cannabis Retail Rezoning Policy which would provide guidelines for consideration of cannabis retail applications; and 5) sought Council support in principle for a process to consider an initial intake of applications for cannabis retail uses.

At that meeting, Council directed staff to prepare the necessary amending bylaw and endorsed the Cannabis Retail Rezoning Policy with revisions to 1) the separation distances in

the downtown; 2) find an alternative to a lottery system as method for the initial intake of applications; and 3) explore a process to accelerate and simplify the initial intake of applications.

On August 27, 2018 a report was presented to Council which 1) revised the Cannabis Retail Rezoning Policy to explore a process to accelerate and simplify the initial intake of applications for retail cannabis locations; 2) outlined an emerging discrepancy between the Provincial and Municipal regulation regarding window coverings; and 3) brought forward the necessary amending bylaws to implement the framework.

On September 17, 2018 Council adopted the necessary amending bylaws to implement the cannabis framework.

On March 11, 2019 Council directed staff to prepare Zoning Amendment Bylaws to permit the retail sale of cannabis at 71 Sixth Street, 532 Sixth Street, 451 E Columbia Street, 710 Twelfth Street and 540 Ewen Avenue. Council directed staff to report back on next steps for these remaining applicants and on revising the framework for future cannabis retail location applications.

A summary of the reports to Council and the links to those reports on the City website is attached in Appendix D.

DISCUSSION

Summary of Applications

City has received a total of 22 applications for retail cannabis locations during the initial application intake period. Council directed staff to prepare zoning amendment bylaws for five of the applications as summarized in the table below:

Civic Address	Geographic Area	Trade Name	Folder Number
SIXTH ST 71	Downtown	Maple Leaf Greenery	REZ00161
SIXTH ST 532	Uptown	Muse Cannabis	REZ00175
E COLUMBIA ST 451	Sapperton	The Herb Co. Cannabis Store	REZ00181
540 EWEN AVE	Queensborough	Queensborough Cannabis Co.	REZ00184
TWELFTH ST 710	Twelfth Street	Westcanna	REZ00160

Staff has prepared a separate Zoning Amendment Bylaw for each of the applications as a separate Public Hearing would be required for each application in order to meet the public feedback requirements of the Liquor and Cannabis Regulation Branch. Following support on

these items from the LCRB, a Public Hearing would be scheduled as soon as possible and as early as April 29th, 2019.

Next Steps For Remaining Applications

There are seventeen other applications which have been received and which have not been endorsed by Council to move forward. At this time, staff has advised these seventeen applicants that they may keep their applications on file to be brought forward for consideration should one of the five applications moving forward withdraw or not be supported. The applicants have also be advised that they would receive a refund of 25% of the Business Licence and Rezoning application fees should they choose to withdraw their application.

Future Cannabis Retail Location Applications

In respect to the direction received from Council to consider next step for the reaming applicants, staff recommends:

- Reduce evaluation period of the initial application period from approximately one year to approximately six months after the start of operation of the first locations;
- Report back to Council with a summary of the monitoring period and more detailed recommendations including number of applications to consider, locations, and any other revisions to requirements;
- Allow existing applicants to resubmit their applications at either the same location or a new location with the payment of 25% of the Business Licence and Rezoning application fees to cover staff costs to review any updated materials;
- New applicants could submit with the full application package and fees.

Revisions to Evaluation Criteria

As part of the consideration of future cannabis retail location applications staff recommends the continued use of the Cannabis Application Evaluation Criteria, with revisions. Recommended revisions would be informed by information received during the six month monitoring period as well as feedback already received during the initial application intake process to date including development of criteria to more adequately represent applications:

- within interior spaces (such as malls); and
- from BC Cannabis Store locations from the Liquor Distribution Branch.

Update on Transparent Windows

There are currently Federal and Provincial requirements that cannabis products within retail locations must not 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. The Liquor Control and Licensing Branch (LCRB) has advised that presently their interpretation of these requirements is that transparent windows would not be permitted in cannabis retail locations. The LCRB expects that all windows would have to be opaque.

Staff has advised the LCRB that this requirement would have negative impacts on business and public safety and on the aesthetics of pedestrian orient retail locations. The LCRB has indicated that, while they will not allow flexibility in this regulation at this time, there may be opportunities to revisit this requirement in the future.

Staff has been working 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 incorporated art, and engaging design in the window coverings.

Applicants have been advised that should the LCRB relax the requirements regarding non-transparent windows in the future, that they would be required to bring their operation in compliance with the updated regulations.

NEXT STEPS

Staff is seeking Council consideration of First and Second readings for five Zoning amendment Bylaws which would allow cannabis retail sales at five locations within the City. Following consideration of First and Second readings, staff would schedule a public hearing once receiving the results of financial integrity and security program checks from the LCRB. The next steps are summarized as follows:

1. Council consideration of First and Second Readings of Zoning Amendment Bylaws; (April 8, 2019) (**This Report**);
2. Receive Results of financial integrity and security program checks from the LCRB;
3. Public Hearings for Zoning Amendment Bylaws, meeting LCRB consultation requirements;
4. Council consideration of Third Reading and adoption of Zoning Amendment Bylaws;
5. Council consideration of resolutions for LCRB;
6. LCRB considers approvals in principle.

Subsequent Approvals:

7. Application for City Building Permits, sign permits, etc. (as required);
8. Issuance of City Business Licence;
9. LCRB finalizes application.

INTERDEPARTMENTAL LIAISON

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

OPTIONS

There are three options for Council to consider:

1. 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;

2. 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.

3. That Council provide staff with alternative direction.

Staff recommends options 1 and 2.

ATTACHMENTS

Appendix A - Zoning Amendment Bylaws
Appendix B - Summary of Provincial and Federal Cannabis Regulations
Appendix C - Cannabis Retail Rezoning Policy
Appendix D - Summary of Reports to Council

This report has been prepared by:
Mike Watson, Planner
Kim Deighton, Manager, Licensing and Integrated Services

This report was reviewed by:
Jackie Teed, Manager of Planning

Approved for Presentation to Council

For:
Emilie K Adin, MCIP
Director of Development Services

Lisa Spitale
Chief Administrative Officer

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Appendix A:

Zoning Amendment Bylaws

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CORPORATION OF THE CITY OF NEW WESTMINSTER
ZONING AMENDMENT BYLAW (CANNABIS REGULATIONS) NO. 8107, 2019

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 Retail Location – 71 Sixth Street) No. 8107, 2019."

2. Zoning Bylaw No. 6680, 2001 is hereby amended by:

   a) adding the following into the table in section 190.48.1:

Maple Leaf Greenery	71 Sixth Street	200 sq. metres	008-209-448

3. Severability:

   If any part, section, sentence, clause, phrase or word of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction the invalid part, section, sentence, clause, phrase or word shall be severed and the decision that is invalid shall not affect the validity of the remainder which shall continue in full force and effect and be construed as if the Bylaw had been adopted without such invalid portions.

GIVEN FIRST READING this day of 2019.

GIVEN SECOND READING this day of 2019.

PUBLIC HEARING held this day of 2019.

GIVEN THIRD READING this day of 2019.

ADOPTED and the Seal of the Corporation of the City of New Westminster affixed this day of , 2019.

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MAYOR JONATHAN X. COTE

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JACQUE KILLAWEE, CITY CLERK

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CORPORATION OF THE CITY OF NEW WESTMINSTER
ZONING AMENDMENT BYLAW (CANNABIS REGULATIONS) NO. 8108, 2019

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 Retail Location – 540 Ewen Avenue) No. 8108, 2019."

2. Zoning Bylaw No. 6680, 2001 is hereby amended by:

   a) adding the following into the table in section 190.48.1:

Queensborough Cannabis Co.	540 Ewen Avenue	440 sq. metres	011-313-625

3. Severability:

   If any part, section, sentence, clause, phrase or word of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction the invalid part, section, sentence, clause, phrase or word shall be severed and the decision that is invalid shall not affect the validity of the remainder which shall continue in full force and effect and be construed as if the Bylaw had been adopted without such invalid portions.

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JACQUE KILLAWEE, CITY CLERK

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CORPORATION OF THE CITY OF NEW WESTMINSTER
ZONING AMENDMENT BYLAW (CANNABIS REGULATIONS) NO. 8109, 2019

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 Retail Location – 710 Twelfth Street) No. 8109, 2019."

2. Zoning Bylaw No. 6680, 2001 is hereby amended by:

   a) adding the following into the table in section 190.48.1:

Westcanna	710 Twelfth Street (706 Twelfth Street)	385 sq. metres	009-124-411

3. Severability:

   If any part, section, sentence, clause, phrase or word of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction the invalid part, section, sentence, clause, phrase or word shall be severed and the decision that is invalid shall not affect the validity of the remainder which shall continue in full force and effect and be construed as if the Bylaw had been adopted without such invalid portions.

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MAYOR JONATHAN X. COTE

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CORPORATION OF THE CITY OF NEW WESTMINSTER
ZONING AMENDMENT BYLAW (CANNABIS REGULATIONS) NO. 8110, 2019

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 Retail Location – 451 East Columbia Street) No. 8110, 2019."

2. Zoning Bylaw No. 6680, 2001 is hereby amended by:

   a) adding the following into the table in section 190.48.1:

Herbs Cannabis Store	451 East Columbia Street	175 sq. metres	001-098-802

3. Severability:

   If any part, section, sentence, clause, phrase or word of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction the invalid part, section, sentence, clause, phrase or word shall be severed and the decision that is invalid shall not affect the validity of the remainder which shall continue in full force and effect and be construed as if the Bylaw had been adopted without such invalid portions.

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ADOPTED and the Seal of the Corporation of the City of New Westminster affixed this day of , 2019.

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MAYOR JONATHAN X. COTE

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JACQUE KILLAWEE, CITY CLERK

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CORPORATION OF THE CITY OF NEW WESTMINSTER
ZONING AMENDMENT BYLAW (CANNABIS REGULATIONS) NO. 8111, 2019

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 Retail Location – 532 Sixth Street) No. 8111, 2019."

2. Zoning Bylaw No. 6680, 2001 is hereby amended by:

   a) adding the following into the table in section 190.48.1:

Muse Cannabis	532 Sixth Street (607 Belmont St)	210 sq. metres	015-226-352

3. Severability:

   If any part, section, sentence, clause, phrase or word of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction the invalid part, section, sentence, clause, phrase or word shall be severed and the decision that is invalid shall not affect the validity of the remainder which shall continue in full force and effect and be construed as if the Bylaw had been adopted without such invalid portions.

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Appendix B:

Summary of Provincial and Federal Cannabis Regulations

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Federal Non-Medical Cannabis Regulations

The Government of Canada intends to brought the proposed Cannabis Act (Bill C-45) as well as supporting amendments to the Criminal Code of Canada (Bill C-46) into force on October 17, 2018.

Adults are permitted to purchase non-medical cannabis from a retailer that has been authorized by the Province to sell and distribute non-medical cannabis. In those Provinces or Territories that have yet to authorize retailers, adults are able to purchase non-medical cannabis directly from a federally licenced producer by ordering online with secure delivery at home by mail.

Adults are permitted to grow up to four cannabis plants for non-medical use per residence.

The enactment of the Cannabis Act does not permit cannabis edible products and cannabis concentrates for retail sale. However, the Federal Government has indicated that it intends to authorize the sale of these, subject to restrictions, within the year following the legalization of the Cannabis Act.

Existing Federal Access to Cannabis for Medical Purposes Regulations

The Access to Cannabis for Medical Purposes Regulation (ACMPR) program continues to allow individuals with a medical need, with the authorization of a health care practitioner, to access quality-controlled dried cannabis through producers licenced by Health Canada following the enactment of the Cannabis Act.

BC Provincial Regulatory Framework

Cannabis Control and Licensing Act

The Cannabis Control and Licensing Act (CCLA) was given Third Reading by the Legislative Assembly of British Columbia on May 17, 2018. The CCLA:

- Sets 19 as the provincial minimum age to purchase, sell, or consume cannabis;
- Allows adults to possess up to 30 grams of cannabis in a public place;
- Establishes a cannabis retail licensing regime for public and private retail locations similar to the current licensing regime for liquor. The Liquor and Cannabis Regulation Branch (LCRB – formally the Liquor Control and Licensing Branch) will be responsible for licensing non-medical cannabis private stores and monitoring the non-medical cannabis retail sector;

- Prohibits cannabis smoking and vaping everywhere tobacco smoking and vaping are prohibited, including outdoor areas established by the City for the purposes of community recreation such as playgrounds, sports fields, skate parks, skating rinks, swimming pools, and other places where children commonly gather;
- Prohibits the use of cannabis on school properties and in vehicles;
- Authorizes adults to grow up to four cannabis plants per household, but the plants must not be visible from public spaces off the property, and home cultivation will be banned in homes used as child cares;
- Provides enforcement authority to deal with illegal sales;
- Creates a number of provincial cannabis offences which may result in fines or imprisonment; and
- Provides necessary exemptions for medical cannabis considerations.

Cannabis Distribution Act

The Cannabis Distribution Act (CDA) was given Third Reading by the Legislative Assembly of British Columbia on May 15, 2018. The CDA establishes:

- A public wholesale distribution monopoly; and
- Public (government-run) retail sales, both in stores and online.

The BC Liquor Distribution Branch (LDB) will be the sole wholesale distributor of non-medical cannabis for the province and will operate standalone, public retail stores, and provide online sales.

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NEW WESTMINSTER

Appendix C:

Cannabis Retail Rezoning Policy

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NEW WESTMINSTER

Cannabis Retail Rezoning Policy

September 2018

1.0 PURPOSE

1.1 This purpose of this policy is to provide transparency, clarity and flexibility in the City of New Westminster's consideration of rezoning applications to allow retail sale of cannabis. The guidelines provided in this document outline the expectations of the City and community for the location, security, appearance, and neighbourliness of retail cannabis businesses in the City.

2.0 SCOPE

2.1 This policy applies to all rezoning applications which would allow for retail cannabis uses within New Westminster.

3.0 APPLICATION MATERIALS

3.1 In addition to submission materials required for rezoning applications by other City policy, practice or bylaw, applications for retail cannabis uses shall provide the information outlined in Appendix A of this policy as part of any application to rezone land.

3.2 An application for a business license shall be submitted at the time of application for rezoning.

3.3 An application for a non-medical cannabis private retail store licence with the Liquor and Cannabis Regulations Branch (LCRB) shall be submitted prior to an application for rezoning.

3.4 Subsequent applications to the City, such as building permit, sign permit and / or development permits applications, with further submission materials may be required should the subject rezoning application be approved.

3.5 The applicant is solely responsible for meeting the necessary application requirements for other jurisdictions such as provincial licensing requirements.

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4.0 REZONING APPLICATION PROCESS

4.1 An application for rezoning would be required to be submitted and approved by Council before a cannabis retail use is permitted.

4.2 The review and approval process with the LCRB would run concurrently with the City's review process for Rezoning and Business Licence applications. Following deliberation on the Zoning Amendment Bylaw, Council would consider a resolution to the LCRB.

4.3 The consultation requirements in association with the rezoning application would be determined by Council and would be streamlined and combined with the LCRB consultation process where possible.

5.0 LAND USE AND LOCATION EVALUATION GUIDELINES

Commercial Retail Location Guidelines

Intent

5.1 The intent of the guidelines for commercial retail location is to ensure that cannabis retail stores are located in areas where other retail commercial uses are located or intended to be located in the future.

Guidelines

5.2 Cannabis retail uses should be located in areas zoned or designated in the Official Community Plan for commercial retail uses.

Separation from Other Retail Cannabis Locations

Intent

5.3 The intent of the guidelines for separation from other retail cannabis locations is to encourage access throughout the city and discourage clustering.

Guidelines

5.4 Retail cannabis locations should be separated by a distance of 200 metres from other cannabis retail locations.

5.5 Distance between cannabis retail locations should be measured as the crow flies from the front door of each location.

Separation from Places Youth Gather

Intent

5.6 The intent of the separation from places youth gather guidelines is to encourage operation consistent with other Federal and Provincial regulations to help protect youth from promotions or enticements to use cannabis.

Guidelines

5.7 Distance between cannabis retail locations should be 150 metres to the following:

- schools teaching academic subjects to students from kindergarten to grade twelve;
- community facilities in which a large majority of the programing is focused on youth (e.g. New Westminster Youth Centre); and
- public playgrounds.

5.8 Separation distances should be measured from the centre point of the main entrance of the proposed retail cannabis location, as the crow flies, to:

- the nearest property line of a parcel containing a school site which includes play or sports fields;
- the centre point of the main public entrance of a school building on a site which does not include play or sports fields;
- the centre point of the main entrance of community facilities in which a majority of the programing is focused on youth; and
- the edge, as determined by the City, of an area used for a public playground.

5.9 Despite the guidelines in this section regarding separation from places youth gather, within the area bounded by Front Street, Royal Avenue, 10th Street and Church Street, the separation distance guidelines shall not apply.

5.10 An explanatory map showing the separation guidelines from places youth gather at time of the preparation of this policy is attached in Appendix C.

6.0 BUSINESS AND NEIGHBOURHOOD SECURITY

Intent

6.1 The intent of the guidelines for business and neighbourhood security is to reduce the opportunity for crime and to ensure the safety and security of employees and the general public.

Guidelines

6.2 In addition to the security requirements required through the Business License Bylaw, the applicant shall provide a security plan prepared by trained security profession who is either:

(a) a Certified Protection Professional (CPP); or
(b) a Physical Security Professional (PSP); and

holds a valid business license or is the employee of a company with a valid business license in the City of New Westminster.

6.3 The security plan prepared by the security professional shall be provided as outlined in Appendix B of this policy.

6.4 The security plan prepared by the security professional may, prior to adoption of a zoning amendment bylaw, be required to be registered on the title of the property with a Land Title Act Section 219 Covenant to ensure adherence to the security the requirements of the plan.

7.0 BUSINESS AESTHETICS

Intent

7.1 The intent of the guidelines for business aesthetics is to ensure high quality store fronts in commercial environments, which are consistent with City policies and regulations such as Development Permit Guidelines, Sign Bylaw requirements and Great Street objectives.

7.2 Business aesthetics are closely linked to business and neighbourhood security and the further intent of these guidelines is to balance aesthetics and security through Crime Prevention through Environmental Design (CPTED) principles.

Guidelines

7.3 The applicant shall include with their application graphical representation of proposed interior and exterior design of the proposed retail store (e.g. architectural drawings, renderings). This submission shall include all information needed to illustrate how the proposal meet all related regulations, policies and guidelines including provincial and municipal. This submission shall also include a sign plan which details the proposed locations, sizes and construction of all signage.

7.4 The applicant shall include with their application a Crime Prevention Through Environmental Design (CPTED) analysis prepared by a qualified CPTED practitioner.

7.5 All glazing on the primary street frontage or front of the retail area should be fully transparent and not covered by signage or other opaque or translucent coverings unless authorized by the sign bylaw. Opportunities for additional glazing should be considered.

7.6 Retail areas should be visible from the primary street or from directly outside the front of the retail area.

7.7 Notwithstanding the requirements of a security plan, retractable security gates, such as scissor security gates (illustrated below), which are opened during operating hours and which allow visibility into the store when closed after operating hours, should be provided.





7.8 Adequate lighting within the retail space, both during and outside of operating hours, should be provided.

7.9 The proposed retail store shall be in compliance with relevant Development Permit Area Design Guidelines, Sign Bylaw requirements and any other design guidelines in respect to streetscape character.

8.0 NUISANCE ACTIVITY

Intent

8.1 The intent of the guidelines for nuisance activity is to limit the potential for, and impact of, nuisance activities to businesses and residents in the surrounding area which may result from operation of a cannabis retail use.

Guidelines

8.2 The applicant shall include with their application a detailed description of how nuisance behavior, such consumption outside the store, odors from ventilations, etc. is to be mitigated (e.g. location of venting, carbon filters, etc.).

8.3 The submission shall include information on venting with the proposed retail store and venting locations onto the street. The applicant will provide information on ventilation within the proposed retail store and how odors from the business would be addressed (e.g. location of venting, carbon filters, etc.).

8.4 The applicant may be required to, prior to adoption of a zoning amendment bylaw, enter into a Land Title Act Section 219 Covenant or good neighbour agreement addressing commitments to mitigate nuisance.

9.0 COUNCIL DISCRETION

9.1 While this policy is intended to establish a framework which would apply to all rezoning applications for retail cannabis uses, Council maintains full discretion in consideration of applications for rezoning to allow cannabis retail uses and may, at is sole discretion, exempt applications from this policy.

10.0 EFFECTIVE DATE

10.1 This policy shall come into force on the date of adoption of Zoning Amendment Bylaw No. 8043, 2018.

Appendix A: Application Submission Requirements for Cannabis Retail Use

Applications for a rezoning to allow a retail cannabis location shall provide all the following required information:

Applicant Information

1. Name of applicant(s); and,

   a. Where the applicant is a corporation:
      - Contact information (mailing address, email, phone number);
      - Incorporation number;
      - Date of incorporation;
      - Business Number (nine-digit number issued by the Canada Revenue Agency);
      - Register of current directors and officers by:
        - Full legal name;
        - Contact information;
        - Photo identification;
        - Position; and
        - Date of appointment;
      - List of voting shareholders by:
        - Full legal name;
        - Contact information;
        - Photo identification; and
        - Number of voting shares
      - Central Securities Register;
      - If one of the shareholders is a private corporation, a public corporation, a society or a partnership, you must submit all the required information for that type of organization; and
      - Where the applicant is a public corporation, all Shareholders with a 10% or greater interest in the company.

   b. Where the applicant is sole proprietor:
      - Full legal name;
      - Contact information (mailing address, email, phone number);
      - Photo identification;
      - Date of birth; and
      - Business Number (nine-digit number issued by the Canada Revenue Agency).

   c. Where the applicant is a partnership:
      - Name of the partnership
      - Contact information (mailing address, email, phone number)
      - Business Number (nine-digit number issued by the Canada Revenue Agency)
      - Partnership Agreement
      - List of partners identifying:

    - Type of partner;
    - Full legal name;
    - Photo identification;
    - Contact information;
  - If one of the partners is a private corporation, public corporation or society, you must submit all of the required information for that type of organization

d. Where the applicant is a society:
  - Contact information (mailing address, email, phone number);
  - Business Number (nine-digit number issued by the Canada Revenue Agency);
  - Register of all current directors, officers and senior management by:
    - Full legal name;
    - Contact information;
    - Photo identification;
    - Position; and
    - Date of appointment;
  - Society incorporation number;
  - Date of incorporation; and
  - Society's membership lists.

2. Vulnerable Sector Criminal Record Check for all individuals listed in the subsection relevant to the proposed business in Section 1.

3. A detailed description of the applicant's current business undertakings, including a description of the applicant's experience in retail sales in a commercial sector regulated by Canada or Provinces and Territories (i.e. age restricted sales and/or controlled substance sales);

4. A detailed description of any enforcement actions or proceedings brought by Canada, Provinces or Territories, a local government, or an agent or branch of either of them against the applicant in relation to the past or current business undertakings of all individuals listed in the subsection relevant to the proposed business in Section 1.

5. A listing and detailing of current and previous businesses licenses held or applied for by all individuals listed in the subsection relevant to the proposed business in Section 1 with the City of New Westminster;

6. Proof of application to the Liquor and Cannabis Regulation Branch (LCRB) for a Non-Medical Cannabis Retail Licence;

Property Information

7. A current title search, including a copy of any 'legal notations' or 'legal encumbrances' documents registered on title which may affect the development of the site such as restrictive covenants, right of ways, easements, and other documentation;

8. if an applicant has been assigned to apply on behalf of the owner, a Letter of Authorization signed by the owner(s) is required;

9. Proof and declaration of ownership or of an interest in the subject property including that the applicants either:

   - own the property or have an agreement to buy it if a rezoning is approved;
   - have a lease on the property or have an agreement to lease it if a rezoning is approved; or
   - have a different property arrangement in place (for example, a sublease or a property owned or leased in the name of one of the applicant's business partners)

Business Operation Details

10. A detailed description of the applicants proposed business plan for undertaking the retail sale of Cannabis Products for non-medicinal use including a detailed description of the following:

    a. Proposed hours of operation;
    b. Staffing roles and responsibilities;
    c. Proposed plan for ensuring that the retail sale of Cannabis Products for non-medicinal use is in compliance with Federal, Provincial and City regulatory requirements, and any applicable City bylaws; and
    d. a detailed description of how nuisance behavior, such consumption outside the store, odors from ventilations, etc. is to be mitigated;

11. A security plan as outlined in Section 6 of the Cannabis Retail Rezoning Application Policy prepared by trained security professional who is either:

    a. a Certified Protection Professional (CPP); or
    b. Physical Security Professional (PSP);

12. A Crime Prevention Through Environmental Design (CPTED) analysis prepared by a qualified practitioner.

13. Evidence of the applicant’s ability to obtain bonding and insurance coverage.

Plans and Drawings

14. Architectural drawings, renderings or some other graphical representation of the proposed form, character and design of the proposed retail store. These materials will be required to demonstrate that the business would meet requirements regarding the visibility of cannabis products as well as compliance with City design guidelines and bylaws.

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15. Site plan of proposed building, prepared by a qualified professional which includes the following information:

    a. The location of the building and where it is located on the property
    b. The location of all entrances to the store;
    c. The locations of other buildings and businesses nearby, the entrances to those buildings, and their names or a description of what they are (e.g. gas station, office building);
    d. Relevant street names nearby; and
    e. Road access to the property, including the locations of any driveways and parking spots;

16. Floor plans of proposed unit, prepared by a qualified professional which includes the following information:
    a. All doors leading into/out of the sales area;
    b. All entrances to the store (including back doors);
    c. The locations of all fixed shelving or display cases;
    d. The locations of all cash registers;
    e. Areas open to the public and those designated for staff only; and
    f. The locations of all storage areas;

17. Any other information which may be necessary for reviewing the application as determined by the Director of Development Services;

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Appendix B: Security Plan Requirements

The security plan shall:

1. be based on the results of a Security Threat Risk Assessment that includes:

    - identification of assets;
    - specification of loss events;
    - assessment of frequency of loss events;
    - assessment of impact of loss events;
    - identification of mitigation options;
    - consideration of feasibility of options; and
    - implementation of risk mitigation strategies.

2. provide written guidance on the operational security strategies (i.e. policies, procedures) and physical security strategies (i.e. cameras, access control, safes and storage systems) in place at the business, both during and after operating hours, and must include the following:

    - opening and closing procedures;
    - the location and viewing angles of cameras that monitor all entrances and exits of the business premises;
    - the location and viewing angles of cameras that monitor operational areas inside the business premises;
    - the operating procedures for the security (e.g. after hours and duress alarms) and fire alarm system;
    - the procedures for retrieving video images and the identification of video retention periods, with a minimum of 30 days;
    - the operational procedures for securing valuables and other assets;
    - descriptions of access control systems and associated procedures;
    - the operational procedures for responding to security related incidents (i.e. robbery, theft, vandalism);
    - security incident response procedures (i.e. theft, robbery, unruly patron, threats) with respect to people, property; and
    - Implementation of risk mitigation strategies.

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Appendix C: Cannabis Retail Use Separation Distance Guidelines Map

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Cannabis Retail Use Separation Distance Guidelines





1:20,000

0 0.25 0.5 1 1.5 2 Miles

Legend

- 150 Metre Separation Guidelines
- School Public
- School Private
- School Properties
- Youth Centre
- Playgrounds
- Commercial Zones
- Commercial OCP

While best efforts have been made, the City accepts no responsibility for the accuracy and completeness of information on this map.

Date: 08/07/2018

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Corporation of the City of
NEW WESTMINSTER

Appendix D:

Summary of Reports to Council

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Summary of Recent Reports to Council Related to Cannabis

March 11, 2019	Cannabis: New Retail Store Application Evaluation	Available through Hyperlink
August 27, 2018	Council Report - Recreational Cannabis: Consideration of Bylaws for Implementation of Cannabis Regulatory Framework	Available through Hyperlink
July 9, 2018	Council Report - Summary of Consultation, Proposed Regulatory Framework, and Next Steps	Available through Hyperlink
June 18, 2018	Council Workshop / Town Hall Meeting: Cannabis Regulations	Available through Hyperlink
February 19, 2018	Interim Cannabis Amendment Bylaw Adopted	Available through Hyperlink
January 29, 2018	Cannabis Workshop: Implementation of Cannabis Legislation	Available through Hyperlink