Corporation of the City of
NEW WESTMINSTER

REPORT

To:	Mayor Coté and Members of Council	**Date**:	8/27/2018
From:	Emilie K. Adin, MCIP Director of Development Services	**File**:	06.2680.20
		Item #:	325/2018

Subject: **Recreational Cannabis: Consideration of Bylaws for Implementation of Cannabis Regulatory Framework**

RECOMMENDATION

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 for three Readings and forward it to an Opportunity to be Heard;*

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.*

EXECUTIVE SUMMARY

The Cannabis Act has been proposed by the Federal Government which would create a legal framework for controlling the lawful production, distribution, sale and possession of non-medical cannabis across Canada on October 17, 2018.

Each Province and Territory would have the authority to regulate certain aspects such as distribution, retail and a range of other matters, in a manner similar to that of tobacco and liquor. Municipalities would have authority to further regulate certain aspects such as retail (through land use and business licensing regulations) and public use (through smoking regulations).

A municipal cannabis regulatory framework was supported in principle by Council on July 9, 2018. Staff was directed to revise the Cannabis Retail Rezoning Policy, to explore a process to accelerate and simplify the initial intake of applications for retail cannabis locations and to bring forward the neccessary amending bylaws to implement the framework for Council's consideration.

This report outlines the changes to the Cannabis Retail Rezoning Policy and the process for the initial intake of cannabis retail applications and provides six amendment bylaws to implement the regulatory framework for Council's consideration.

PURPOSE

The purpose of this report is to propose revisions to the Cannabis Retail Rezoning Policy and a revised process for the initial intake of applications, and to request Council consideration of six amendment bylaws to implement the cannabis regulatory framework.

POLICY AND REGULATIONS

Current Federal Cannabis Regulations

Cannabis remains a Schedule II drug under the Controlled Drug and Substances Act under which producing, possessing and distributing cannabis is currently illegal everywhere in Canada. Production, possession and distribution of cannabis for medical purposes are authorized and regulated under the Access to Cannabis for Medical Purposes Regulations. Storefront operations selling cannabis (either for medical or non-medical purposes),

commonly known as "dispensaries" and "compassion clubs", are not licensed by Health Canada under the current law and are currently illegal.

Zoning Bylaw

Retail Sale of Cannabis

Council adopted Zoning Amendment Bylaw No. 7966, 2018 on February 19, 2018. This bylaw provided clarity that the retail sale of cannabis is not a permitted use until the regulatory framework for cannabis in New Westminster is implemented.

Medical Cannabis Production Facilities

The production, but not retail sale, of medical cannabis is permitted in the M-2 Heavy Industrial District, subject to the following conditions:

1. that all operations related to the production, storage and processing of medical marihuana must occur within a completely enclosed building; and
2. that the site on which the production facility is located must be at least 60.9 metres (200 feet) from any site used for a school or for any residential use.

Business Licence Bylaw

Section 15 of the Business Licence Bylaw requires that every person applying for a business licence must comply with all federal, provincial and municipal laws, bylaws, regulations and rules applicable to that type or class of business. Currently section 33(1) of the bylaw specifically restricts retail stores from selling cannabis or any other controlled substance products related to use or production of such substance.

Given the retail sale of cannabis is currently illegal, the City's current practice is to deny business licence applications for the purpose of retail sale of cannabis and to enforce against those businesses which engage in the retail sale of cannabis without a licence.

Smoking Control Bylaw

Section 3 of the Smoking Control Bylaw prohibits smoking in most enclosed public places and within 7.5 metres of any opening into a building, including any door or window that opens and any air intake. This protects against emissions entering these places and protects people as they enter or exit. The bylaw also prohibits smoking within 15 metres of an outdoor field, skate park, playground lacrosse box, bowling green, stadium, picnic area, water park wading pool, swimming pool or off leash dog area.

BACKGROUND

Proposed Federal Non-Medical Cannabis Regulations

The Government of Canada intends to bring 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.

Upon these bills coming into force, adults would be 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 would be able to purchase non-medical cannabis directly from a federally licenced producer by ordering online with secure delivery at home by mail.

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

The enactment of the Cannabis Act would 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 would continue 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.

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 adopted the following resolutions:

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, 10th 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.

DISCUSSION

Revised Criteria for Evaluation of Initial Intake of Applications

It is expected that there will be a high number of initial applications immediately after implementation of the cannabis regulatory framework and an approach to the initial intake of applications was proposed to Council in the staff report on July 9, 2018. Council endorsed the approach proposed by staff in principle and directed staff to find an alternative to the lottery system and to create refined criteria for use in consideration of establishing application priority for retail cannabis locations. A proposed Cannabis Rezoning Application Evaluation Checklist for the evaluation of the initial intake of applications is attached in Appendix A.

The criteria on this checklist are divided into three categories: 1) Location and Land Use; 2) Business Operations, Nuisance and Security; and 3) Aesthetics. Each criteria on the evaluation includes a score and weight. A principal objective in creating the checklist was to limit subjectivity and increase transparency of the evaluation as much as possible As such, most points on the checklist are received on a yes / no basis – if a requirement is met a point

is received, if a requirement is not met, a point is not received. A weighting (multiplier) is then applied based on the relative importance of the criteria.

Resolving Ties

Even with the use of this checklist for evaluation, there is still the possibility of applications which have tied scores. In the event of a tie, staff would provide further analysis and recommendation on the tied applications for Council consideration, where needed to establish application priority.

Updated Evaluation Process for Initial Intake of Applications

The revised evaluation process for the initial intake of applications, based on the above discussion, would be as follows:

1. Provide an application period of approximately one month for all interested retailers to submit their complete application. This period would start in the weeks after the adoption of the cannabis regulatory framework. Staff would be available to meet one-on-one with proponents to go over application requirements and process during this period;
2. Advertise the application process using methods most likely to reach potential cannabis retailers;
3. Upon the close of the one-month application period, reject any applications which are incomplete;
4. Applications reviewed by New Westminster Police;
5. Applications would be divided into the four geographic areas (Downtown, Uptown, Sapperton and all other locations);
6. Evaluate applications within the geographic areas and assigned priority based on the following:
    i. blend of public operators and private operators;
    ii. based on the overall score in the Cannabis Rezoning Application Evaluation Checklist;
7. Present the process and results to Council and provide further fine grained analysis for any applications which are tied;
8. Process the five prioritized applications as a single batch where possible and efficient;
9. Should prioritized applications be withdrawn from the process, they may be replaced with subsequent applicants in order of priority established above.

Review Process for Initial Intake of Applications

In considering the recent consultation completed as part of the process to establish the cannabis regulatory framework and the Cannabis Retail Rezoning Policy, there are

opportunities to streamline the overall application review process for the first cohort of cannabis retail locations.

Staff has identified three consultation requirements which could be removed from the application review process for cannabis retail locations which would not impact legislative or bylaw requirements associated with the rezoning, or steps required for the LCRB licensing process. The following consultation steps could be removed from the process: 1) applicant led open house; 2) a presentation to the residents' association; and 3) review by the Advisory Planning Commission.

Additionally, the LCRB allows more flexibility in addressing the requirements for gathering residents' views for cannabis retail locations. Several alternative methods have been identified, including the option to use a Public Hearing as a method. This flexibility would also reduce the amount of time needed to process cannabis retail applications.

Staff estimates that relaxing the City consultation requirements above and the additional flexibility in the LCRB consultation process would reduce the rezoning application processing time of the initial intake of applications by three to four months. Staff estimates that this would mean rezoning application processing timelines of approximately three months, provided applications are complete, applicants address feedback in a timely manner, and depending on approval timing of external agencies.

The revised application review process for the initial intake of applications, including the revised criteria for evaluation, would be as follows:

Initial Application Intake Submission Period

1. Advertising and notification period (October, 2018);
2. Applicants submit applications to LCRB (October, 2018);
3. Submit rezoning and business licence applications to the City within application period (October/November 2018);
4. Close of Initial Application Intake Submission Period (November, 2018);
5. City staff review and evaluate applications based on evaluation criteria; (November, 2018);
6. Report to Council to confirm the process and results and to resolve any ties (November / December, 2018);
7. Proceed with the prioritized applicants; (December, 2018);

Council Consideration:

8. Council consideration of First and Second Readings of Zoning Amendment Bylaw; (January / February, 2019);

9. Public Hearing for Zoning Amendment Bylaw, meeting LCRB consultation requirements (January / February, 2019);
10. Council consideration of Third Reading and adoption of Zoning Amendment Bylaw (January /February, 2019);
11. Council consideration of resolution for LCRB (February, 2018);
12. LCRB considers approval in principle (February, 2018);

Subsequent Approvals:

13. Application for City Building Permit (if required);
14. Issuance of City Business Licence;
15. LCRB finalizes application.

The prioritized applications in the initial intake could be grouped together and move through the process in tandem where feasible and where efficiencies are gained.

Proposed Revisions to the Cannabis Retail Rezoning Policy

Cannabis Retail Use Separation Guidelines

The separation guidelines within the Cannabis Retail Rezoning Policy have been revised to reflect Council direction received at the Council meeting on July 9, 2018. As per this direction, the separation requirements have been revised so that the area bounded by Front Street, Royal Avenue, Tenth Street and Church Street is exempt from the separation requirements. The revised Cannabis Retail Use Separation Guidelines Map is included in the Cannabis Retail Rezoning Policy attached as Appendix B.

Limitations on Number of Applications by a Single Applicant

Staff recommends that limitations be placed on the number of applications for a cannabis retail location submitted by a single applicant in the initial intake of applications. This would include applicants with common shareholders or directors. The following limitations are recommended to ensure equity and fairness in the application evaluation process.

- Only one application per applicant within a geographic area (e.g. Downtown, Uptown, etc.);
- Not more than three applications in total per applicant; and
- Not more than one application per commercial space.

Should an applicant exceed the numbers outlined above, the applicant would be encouraged to withdraw applications so as to be compliant with these limitations. Should applications not be withdrawn so as to be compliant with these limitations, staff would recommend Council consider rejection of the applications.

Submission Requirements

Revisions have been included in the submission requirements appendix of the Cannabis Retail Rezoning Policy in order to be consistent with the submission requirements recently released by the LCRB, and to be consistent with the requirements for other rezoning applications.

Liquor & Cannabis Regulation Branch Discussion on Transparent Windows

Staff has been in discussions with the Liquor and Cannabis Regulations Branch (LCRB) and a potential incongruence between LCRB regulations and the City's regulatory framework has been identified.

There are Federal and Provincial requirements which ensure that cannabis products within cannabis retail locations are not visible from the street. These requirements align with the City's proposed cannabis regulatory framework to ensure youth are protected from the promotion of cannabis.

It has recently come to staff's attention that LCRB interpretation of these requirements are that in order to meet these requirements, transparent windows would not be permitted in cannabis retail locations. The LCRB expects that all windows would have to be opaque.

Staff has noted to the LCRB that this requirement would have a negative impact in at least the following areas:

- Business and Public Safety - a key principle in Crime Prevention Through Environmental Design is to reduce the opportunity for crime to occur. One of the primary ways to do this is to ensure areas are not secluded or hidden from view. Crimes are more likely to occur when there are no bystanders or witnesses. By having 'eyes-on-the-street' where people within buildings overlook public areas and people in public areas can see inside buildings, create witnesses and deters crime. Not adhering to the 'eyes-on-the-street" principle would likely increase the opportunity for crime and could have impacts on public safety and the safety of staff in the business.

- Aesthetics / Pedestrian Oriented Environments – Non-transparent shopfronts would detract from the aesthetic appearance of the storefronts and the building and would detract from the active nature of pedestrian oriented commercial streets.

- Non-Compliance with Official Community Plan Development Permit Area Design Guidelines – the Development Permit Area Design Guidelines in pedestrian oriented commercial districts specifically encourages transparent glazing to maximize connection with the public realm. Opaque glass would not comply with Development Permit Area Design Guidelines.

- Non-Compliance of Sign Bylaw – fully non-transparent storefronts windows would not comply with the requirements of the Sign Bylaw.

- Support from Cannabis Retailers – as part of the consultation process, staff met with a number of cannabis retailers. When meeting with this group, there was a specific conversation around ensuring transparent storefront glazing. The retailers were extremely supportive of this initiative as they saw the benefits to employee safety and business aesthetics.

Staff has provided a discussion of the benefits of transparent storefront windows to both the LCRB and to the Joint Provincial-Local Government Committee on Cannabis Regulation (JCCR). The JCCR is a committee established specifically to provide a forum for timely and effective communication and consultation between local governments and the Province to ensure that local government perspectives and input are considered by the Province in the development of the provincial regulatory framework for legalized cannabis. The JCCR consists of elected officials, municipal staff, UBCM representatives and Provincial staff.

Staff has asked that this matter be discussed by the JCCR and it is anticipated to be on the agenda within the next few weeks.

Summary of Amending Bylaws

There are six amending bylaws for Council's consideration. The changes in each of the bylaws are summarized below.

Zoning Amendment Bylaw No. 8043, 2018

Zoning Amendment Bylaw No. 8043, 2018 is attached in Appendix C for Council consideration of First and Second Readings. The changes proposed in this amending bylaw are summarized as follows:

- adding several defined terms including 'cannabis', 'cannabis accessory', and 'cannabis production facility';
- revising the definition of 'retail sale of cannabis' to allow cannabis retail sales in accordance with Provincial regulations;
- adding conditions of use for the retail sale of cannabis consistent with the regulatory framework endorsed by Council and Provincial regulations.
- adding a section that explicitly states personal cultivation is permitted for clarity and ease of use by the public. It also explicitly states that any retail sale or any processing or manufacturing activities are not permitted; and
- adding cannabis production facilities as a permitted principal use to the Heavy Industrial Districts (M-2). This use requires all activities be conducted indoors and the facility be located 60.9 metres (200 feet) from residential uses and schools.

Business License Bylaw Amendment Bylaw No. 8044, 2018

Business Licence Bylaw Amendment Bylaw No. 8044, 2018 is attached in Appendix D for Council consideration of three Readings. The changes proposed in this amending bylaw are summarized as follows:

- adding several defined terms including 'cannabis', 'cannabis accessory', 'cannabis production facility', 'controlled substance paraphernalia' and 'retail sale of cannabis';
- removing references to cannabis in the section prohibiting the sale of controlled substances and paraphernalia associated with the consumption of controlled substances;
- adding the submission requirements as set out in the Cannabis Retail Rezoning Policy as submission requirements in all cannabis retail business licenses applications; and
- adding business license conditions associated with cannabis retail uses as consistent with the regulatory framework endorsed by Council and Provincial regulations.

Development Services Fees and Rates Amendment Bylaw No. 8047, 2018

Development Services Fees and Rates Amendment Bylaw No. 8047, 2018 is attached in Appendix E for Council consideration of three Readings. The changes proposed in this amending bylaw are summarized as follows:

- adding an application fee of $5,400 for all cannabis retail business licence applicants; and
- adding an annual renewal fee of $2,698.67 for all cannabis retail business licences.

Smoking Control Bylaw Amendment Bylaw No. 8048, 2018

Smoking Control Bylaw Amendment Bylaw No. 8048, 2018 is attached in Appendix F for Council consideration of three readings. The changes proposed in this amending bylaw are summarized as follows:

- updating the definition of "smoke or smoking" to include vaping, the use of electronic vaping equipment for consumption of e-substance;
- adding the definition of "e-substance"; and
- deleting sections and references that were related to designated smoking areas within enclosed public spaces that were at one time permitted by the Provincial Government.

Bylaw Notice Enforcement Bylaw Amendment Bylaw No. 8049, 2018

Bylaw Notice Enforcement Bylaw Amendment Bylaw No. 8049, 2018 is attached in Appendix G for Council consideration of three Readings. The changes proposed in this amending bylaw are summarized as follows:

- updating the Bylaw Notice Enforcement Bylaw to allow the City to issue fines as a method of enforcement for non-compliance with Zoning and Business License regulations related to Cannabis Retail Uses.

Municipal Ticketing Information Bylaw Amendment Bylaw No. 8050, 2018

Municipal Ticketing Information Bylaw Amendment Bylaw No. 8050, 2018 is attached in Appendix H for Council consideration of three Readings. The changes proposed in this amending bylaw are summarized as follows:

- updating the Municipal Ticketing Information Bylaw to allow the City to issue fines as a method of enforcement for non-compliance with Zoning and Business License regulation related to Cannabis Retail Uses.

NEXT STEPS

Should Council give the bylaws the necessary First and Second Readings, a Public Hearing for the Zoning Amendment Bylaw and an Opportunity to be Heard for the Business Licence Bylaw Amending Bylaw would be scheduled for September 17, 2018.

Preparation of materials for the initial intake of applications such as guides, FAQs and submission checklists would be completed in anticipation of adoption of the cannabis regulatory framework.

Should the framework be adopted, the initial intake of application process would begin as outlined in the Discussion section of this report.

INTERDEPARTMENTAL LIAISON

The Development Services Department has consulted staff from the Police Department, Fire and Rescue Services and the City Solicitor regarding this matter.

OPTIONS

There are six options for Council to consider:

1. 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;

2. That Council support the revised process for considering the initial intake of applications for retail cannabis locations as outlined in this report;

3. 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;

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

5. That Council consider Business Licence Bylaw Amendment Bylaw No. 8044, 2018 for three Readings and forward it to an Opportunity to be Heard;

6. 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.

7. That Council provide staff with alternative direction.

Staff recommends options 1, 2, 3, 4, 5 and 6.

ATTACHMENTS

Appendix A - Cannabis Rezoning Application Evaluation Checklist
Appendix B - Cannabis Retail Rezoning Policy
Appendix C - Zoning Amending Bylaw No 8043, 2018
Appendix D - Business License Bylaw Amending Bylaw No 8044, 2018
Appendix E - Development Services Fees and Rates Bylaw Amendment Bylaw No 8047, 2018
Appendix F - Smoking Control Amendment Bylaw No 8048, 2018
Appendix G - Bylaw Notice Enforcement Bylaw Amendment Bylaw No 8049, 2018
Appendix H - Municipal Ticketing Information Bylaw Amendment Bylaw No 8050, 2018

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

This report has been reviewed by:
John Stark, Acting Manager of Planning

Approved for Presentation to Council

Emilie K. Adin, MCIP
Director of Development Services

Lisa Spitale
Chief Administrative Officer

Back to Agenda

Corporation of the City of
NEW WESTMINSTER

Appendix A:

Cannabis Application Evaluation Checklist

Back to Agenda

Cannabis Rezoning Application Evaluation Checklist (Initial Intake)

CRITERIA	SCORE	WEIGHT	TOTAL	COMMENTS
Location & Land Use				
Located on a site which is zoned or designated for commercial retail uses.	/1	2	/2	
Located 150 metres from schools teaching academic subjects to students from kindergarten to grade 12, as per Cannabis Retail Rezoning Policy.	/1	4	/4	
Located 150 metres from community facilities in which a large majority of the programing is focused on youth (i.e. New Westminster Youth Centre), as per Cannabis Retail Rezoning Policy.	/1	4	/4	
Located 150 metres from public playgrounds, as per Cannabis Retail Rezoning Policy.	/1	4	/4	
Not located directly adjacent to or within 50 metres of uses which would serve vulnerable populations (e.g. daycares, recovery services, etc.)	/1	2	/2	
Score for Location and Land Use	-	-	**/16**	
Business Operations, Nuisance & Security				
Provides a comprehensive business plan which details the operation of the proposed business.	/1	2	/2	
Provides detailed description of the hours of operation of the business and staffing of the business with description of roles and the respective responsibilities;	/1	4	/4	
Provides a detailed description of and implementation plan for the operation's legal age and impaired patron identification policies.	/1	4	/4	
Provides a detailed description of and implementation plan for how nuisance behaviour (including consumption outside the location, odours from ventilation, noise, etc.) would be addressed.	/1	4	/4	
Provides a detailed description of and implementation plan for the safe and secure disposal, destruction and/or return of cannabis products.	/1	2	/2	
Provides a security plan prepared by a Certified Protection Professional (CPP) or a Physical Security Professional (PSP);	/1	2	/2	

DRAFT

Back to Agenda

Cannabis Rezoning Application Evaluation Checklist (Initial Intake)

Applicant does not have a history of infractions related to business operation within the City of New Westminster.	/1	4	/4	
Provides documentation indicating that the proponent intends to commence operation as soon as rezoning is complete [immediately - score 2; within 4 months - score 1].	/2	1	/2	
Score for Business Operations, Nuisance & Security	-	-	**/24**	
Aesthetics				
Provides a summary by of how the building and/or storefront is consistent with the Development Permit Area Design Guidelines within the Official Community Plan for the subject site.	/1	4	/4	
The proposed building would be consistent with the Development Permit Area Design Guidelines within the Official Community Plan.	/2	2	/4	
Provides the following information on the proposed signage as outlined on the sign permit application form: the completed application form; sign graphics; and the site plan. (Note: submission of application for sign permit is not required at this point).	/1	2	/2	
Variances to the Sign Bylaw are not required.	/1	2	/2	
All glazing on the primary street frontage or front of the retail area is fully transparent and not covered by signage or other opaque or translucent coverings unless authorized by the sign bylaw.	/1	2	/2	
Retractable security gates, such as scissor security gates, which are opened during operating hours and which allow visibility into the store when closed after operating hours, are to be provided.	/1	2	/2	
Score for Aesthetics	-	-	**/16**	
Total Score			**/56**	

DRAFT

Back to Agenda

Corporation of the City of
NEW WESTMINSTER

Appendix B:

Cannabis Retail Rezoning Policy

NEW WESTMINSTER

Cannabis Retail Rezoning Policy

August 2018

DRAFT

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.

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.

A T

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

DRAFT

Back to Agenda

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.

AT

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.).

DRAFT

Back to Agenda

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 Bylaw No. XXXX, 2018 or the date of related Federal and Provincial regulations, whichever date is later.

DRAFT

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:

DRAFT

- 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;

DRAFT

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.

DRAFT

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;

DRAFT

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.

DRAFT

Back to Agenda

Appendix C: Cannabis Retail Use Separation Distance Guidelines Map

DRAFT

Back to Agenda

Corporation of the City of
NEW WESTMINSTER

Appendix C:

Zoning Amendment Bylaw No. 8043, 2018

Back to Agenda

CORPORATION OF THE CITY OF NEW WESTMINSTER
ZONING AMENDMENT BYLAW (CANNABIS REGULATIONS) NO. 8043, 2018

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 Regulations) No. 8043, 2018."

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

a) adding the following definition as section 120.29.1:

"**CANNABIS** has the same meaning as in the Cannabis Act (Canada), and despite changes to the meaning in the Cannabis Act (Canada) over time."

b) adding the following definition as section 120.29.2:

"CANNABIS ACCESSORY has the same meaning as in the Cannabis Act (Canada)."

c) adding the following definition as section 120.29.3:

"CANNABIS PRODUCTION FACILITY means a facility providing for the production, storage, processing and distribution of cannabis and which is owned or operated by a licensed cannabis producer or distributor as per the *Cannabis Act* (Bill C-45) as amended and replaced from time to time."

d) Deleting section 120.132.1;

e) replacing the definition of retail sale of cannabis in section 120.159.3 with:

"**RETAIL SALE OF CANNABIS** means the use of a site or portion of a site only for the retail sale or distribution of *cannabis*, including any products containing *cannabis*, directly to a consumer for which a license has been issued under the Provincial *Cannabis Control and Licensing Act* (Bill 30) as amended and replaced from time to time."

f) deleting section 680.12.1;

g) inserting the Heading "Liquor Primary Licensed Premises" prior to section 190.47;

h) inserting the following after section 190.48:

"Retail Sale of Cannabis

190.48.1 Notwithstanding any other provision of this Bylaw, *Retail Sale of Cannabis* is only permitted in the locations, and to be maximum gross floor area, listed in the following table, as amended:

Business Name	Address	Max Gross Floor Area	Legal Description

190.48.2 *Retail Sale of Cannabis* shall:

(a) not permit consumption of *cannabis* within the portion of the building used for the *retail sale of cannabis*;
(b) not permit production, growing or cultivation of *cannabis* within the portion of the building used for the *retail sale of cannabis*;
(c) only be permitted to sell *cannabis*, *cannabis accessories* and retail merchandise directly related to *cannabis* and no other product;
(d) not be permitted within the same commercial unit as any other use, except for the retail sale of cannabis accessories; and
(e) not sell edibles containing cannabis.

Personal Cultivation of Cannabis

190.48.3 Growing and cultivation of *cannabis* for personal use is permitted on a site which is zoned for residential uses provided:

(a) all laws, regulations and requirements of other jurisdictions are met and all required permits, such as but not limited to Building and Electrical Installation Permits, have been obtained;
(b) does not include any processing or manufacturing of *cannabis* unless for medical purposes in accordance with a prescription from a medical practitioner*;*
(c) does not include the retail sale of *cannabis*; and
(d) for sites containing *multiple dwellings*, it is located on a portion of the property under private occupancy, such as, but not limited to areas within a dwelling or on limited common property."

i) deleting section 720.21.1.

j) inserting the following as section 720.6.1:

"Cannabis productions facilities provided that:

(a) all operations related to the production, storage and processing of cannabis must occur within a completely enclosed building; and

(b) the site on which the cannabis production facility is located must be at least 60.9 metres (200 feet) from any site used for a school or for any residential use. This distance shall be measured in a straight line from the property lines of each site."

k) making such consequential changes as are required to reflect the foregoing amendments, including without limitation changes in the numbering, ordering of alphabetical lists, and the table of contents of the bylaw.

GIVEN FIRST READING this day of 2018.

GIVEN SECOND READING this day of 2018.

PUBLIC HEARING held this day of 2018.

GIVEN THIRD READING this day of 2018.

ADOPTED and the Seal of the Corporation of the City of New Westminster affixed this day of , 2018.

_____

Mayor

_____

Jacque Killawee, City Clerk

Back to Agenda

Corporation of the City of
NEW WESTMINSTER

Appendix D:

Business Licence Bylaw Amendment Bylaw No. 8044, 2018

Back to Agenda

CORPORATION OF THE CITY OF NEW WESTMINSTER
BUSINESS LICENCE BYLAW AMENDMENT BYLAW NO. 8044, 2018

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. 8044, 2018."

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

a) adding the following definitions in appropriate alphabetical order to section 3:

"**CANNABIS** has the same meaning as in the Cannabis Act (Canada), and despite changes to the meaning in the Cannabis Act (Canada) over time, shall not include edible products.

CANNABIS ACCESSORY has the same meaning as in the Cannabis Act (Canada).

CANNABIS PRODUCTION FACILITY means a facility providing for the production, storage processing and distribution of cannabis and which is owned or operated by a licensed cannabis producer or distributor as per the Cannabis Act (Bill C-45) as amended and replaced from time to time".

CONTROLLED SUBSTANCE means a substance as defined in the *Controlled Drugs and Substances Act* S.C. 1996, c. 19, where the possession, trafficking, production, import or export of such controlled substance is prohibited by that Act.

CONTROLLED SUBSTANCE PARAPHERNALIA means paraphernalia, equipment, supplies, merchandise or any other thing which is designed, ordinarily used or intended to be used for the purpose of or in connection with the use, possession, production, cultivation, manufacture, import, export, storage, preparation or ingestion of any *controlled substance.*

RETAIL SALE OF CANNABIS means the use of a site or portion of a site only for the retail sale or distribution of *cannabis*, including any products containing *cannabis*,

directly to a consumer for which a license has been issued under the Provincial *Cannabis Control and Licensing Act* (Bill 30) as amended and replaced from time to time."

b) adding the following as section 13(4):

"Applications will only be deemed complete when the appropriate application fee as set out in the Development Services Fees Bylaw No. 7683, 2014 has been paid".

c) replacing section 33(1) with the following:

"33. (1) Retail Stores

No person or individual carrying on the business of operating a retail store or other business shall set or offer for sale, trade, exchange or barter any *controlled substance, controlled substance paraphernalia, cannabis* or *cannabis accessories*."

d) adding the following as section 33(5):

"33(5) Retail Sale of Cannabis

Applications for Business Licenses for the Retail Sale of Cannabis shall provide, in addition to requirements elsewhere in this bylaw, the information listed in Appendix A.

e) adding Schedule 1 of this amending bylaw as Appendix A of Business Licence Bylaw No. 5640, 1986.

f) adding the following as section 33(6):

"33.(6) A business licence for the *Retail Sales of Cannabis* shall only be issued or granted to an applicant who is the property owner of, or an applicant who holds valid lease for, the subject property."

g) adding the following as section 33(7):

"33.(7) Every business permitted to undertake the *Retail Sale of Cannabis* shall:

(a) be permitted to sell *cannabis* and *cannabis accessories*, despite provisions elsewhere in this bylaw;
(b) have a cannabis retail store licence from the Liquor and Cannabis Regulation Branch;
(c) remain closed between the hours of 11:00 p.m. and 9:00 a.m.;

(d) operate in accordance with the security plan submitted to and approved by the City as outlined in Appendix A of this bylaw;
(e) be required to maintain a transparent store front which is in compliance with the materials submitted by the applicant to, and approved by, the City as outlined in Appendix A of this bylaw;
(f) provide a monitored security and fire alarm contract, including video surveillance which includes retention of video data in a secure location for at least 30 days, satisfactory to the Licence Inspector;
(g) store all *cannabis* and other valuables in a secured location or safe when business is closed;
(h) have a minimum of two employees on site when the business is open;
(i) only be operated by staff who:
    i. are at least 19 years of age;
    ii. have provided a Vulnerable Sector Criminal Record Check to the Licence Inspector and who is supported by New Westminster Police Department;
    iii. are registered with the Liquor and Cannabis Regulation Branch; and
    iv. have successfully completed all training required by the Liquor and Cannabis Regulation Branch.
(j) keep a record of, and provide to the City upon request of the Licence Inspector, all employee registration numbers with the Liquor Control and Cannabis Regulation Branch including the dates the registration numbers expire;
(k) not permit individuals under 19 years of age on the premises*;*
(l) not permit consumption of cannabis on the premises, including sampling of products*;*
(m) not be permitted online sales or home delivery services*;* and
(n) not be permitted to advertise in any form, or at any locations, targeted at individuals under 19 years of age."

h) adding the following as section 33(8):

"33.(8) <u>Cannabis Production Facility</u>

A Cannabis Production Facility shall:

(a) have all activities related to the production, storage and processing of cannabis occur within a completely enclosed building; and
(b) be a licensed producer as per the Cannabis Act (Bill C-45) and operate in accordance with all conditions of that license."

Back to Agenda

i) making such consequential changes as are required to reflect the foregoing amendments, including without limitation changes in the numbering, ordering of alphabetical lists of the bylaw.

GIVEN FIRST READING this day of 2018.

GIVEN SECOND READING this day of 2018.

PUBLIC HEARING held this day of 2018.

GIVEN THIRD READING this day of 2018.

ADOPTED and the Seal of the Corporation of the City of New Westminster affixed this day of , 2018.

_____
Mayor

_____
Jacque Killawee, City Clerk

Schedule 1: Business Licence Bylaw Amendment Bylaw No. 8044, 2018

Appendix A: Application Submission Requirements for the Retail Sale of Cannabis

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.

Back to Agenda

Corporation of the City of
NEW WESTMINSTER

Appendix E:

Development Services Fees and Rates Bylaw Amendment Bylaw No. 8047, 2018

Back to Agenda

CORPORATION OF THE CITY OF NEW WESTMINSTER

DEVELOPMENT SERVICES FEES AND RATES AMENDMENT BYLAW NO. 8047, 2018

ADOPTED _____

A Bylaw to Amend Development Services Fees and Rates Bylaw No. 7683, 2014

The Municipal Council of the City of New Westminster, in open meeting assembled, ENACTS AS FOLLOWS:

(1) This Bylaw may be cited for all purposes as "Development Services Fees and Rates Bylaw Amendment Bylaw No. 8047, 2018."

(2) The City of New Westminster Development Services Fees and Rates Bylaw No. 7683, 2014 is hereby amended as follows:

a) By replacing the wording "Fee set by business type" in Section 1 of Schedule B with the following: "Annual Licensing Fees Set by Business Type".

b) By adding as Section VI of Schedule B, Appendix 1 attached to this amending bylaw.

c) By adding the following row within the table in Section I of Schedule B and sequentially renumbering all subsequent rows in the table:

30	Retail Sale of Cannabis	from any person carrying on the business involving the retail sale of cannabis.	$2,698.67

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.

READ A FIRST TIME this ___ day of _____, 2018.

READ A SECOND TIME this ___ day of _____, 2018.

READ A THIRD TIME this ___ day of _____, 2018.

ADOPTED this ___ day of _____, 2018.

_____
MAYOR

_____
CITY CLERK

Appendix 1

Bylaw No. 8047, 2018

SECTION VI

Business Licence Application Fees

The business types listed in the table below, shall be required to pay the corresponding application fee upon submission of an application for a business licence.

Business Type	Fee
Retail Sale of Cannabis	$5,400

Back to Agenda

Corporation of the City of
NEW WESTMINSTER

Appendix F:

Smoking Control Bylaw Amendment Bylaw No. 8048, 2018

Back to Agenda

CORPORATION OF THE CITY OF NEW WESTMINSTER
BYLAW NO. 8048, 2018

A Bylaw to Amend New Westminster
Smoking Control Bylaw No. 6263, 1995

WHEREAS the Council of the Corporation of the City of New Westminster has adopted Smoking Control Bylaw No. 6263, 1995;

AND WHEREAS the Council of the Corporation of the City of New Westminster wishes to amend Smoking Control Bylaw No. 6263, 1995;

NOW THEREFORE the 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 "Smoking Control Bylaw Amendment Bylaw No. 8048, 2018".

2. Smoking Control Bylaw No. 6263, 1995 is hereby amended by:

   a) Replacing section 2 (c) with the following:

   "place of public assembly" means a building or portion thereof used for the gathering together of persons for the purpose of deliberation, education, worship, entertainment, recreation, business, professional seminars or amusement.

   b) Replacing section 2 (e) with the following:

   "restaurant" means any food service establishment as defined in the Food premises regulation enacted pursuant to the Public Health Act SBS 2008 as amended from time to time.

   c) Replacing section 2(f) with the following:

   "*Smoke or smoking*" includes inhaling, exhaling, burning, vapourizing or carrying of a lighted cigar, cigarette, pipe or lighted smoking or electronic vaping equipment of tobacco or any other weed, plant or e-substance.

   d) Adding a definition to section 2 (a) as follows and renumbering all subsequent definitions in section 2 sequentially:

   "*E-substance*" is a gas, liquid or solid that, upon being heated, produces a vapour for inhalation in an e-cigarette or other device.

   e) Correcting typo in section 7.2 by changing "Building owners hall…" to "Building owners shall…"

f) Deleting sections 5, 6, 7, and 10.

g) making such consequential changes as are required to reflect the foregoing amendments, including without limitation changes in the numbering, ordering of alphabetical lists of the bylaw.

READ A FIRST TIME this _____ day of _____, 2018.

READ A SECOND TIME this _____ day of _____, 2018.

READ A THIRD TIME this _____ day of _____, 2018.

ADOPTED this _____ day of _____, 2018.

_____

MAYOR

_____

CITY CLERK

Back to Agenda

Corporation of the City of
NEW WESTMINSTER

Appendix G:

Bylaw Notice Enforcement Bylaw Amendment Bylaw No. 8049, 2018

Back to Agenda

CORPORATION OF THE CITY OF NEW WESTMINSTER
BYLAW NO. 8049, 2018

A Bylaw to amend New Westminster
Bylaw Notice Enforcement Bylaw No. 7318, 2009

WHEREAS the Council of the Corporation of the City of New Westminster has adopted Bylaw Notice Enforcement Bylaw No. 7318, 2009;

AND WHEREAS the Council of the Corporation of the City of New Westminster wishes to amend Bylaw Notice Enforcement Bylaw No. 7318, 2009;

NOW THEREFORE the 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 "Bylaw Notice Enforcement Housekeeping Amendment Bylaw No. 8049, 2018".

2. Bylaw Notice Enforcement Bylaw No. 7318, 2009 is hereby amended by:

   a) Adding the following lines to the table within Schedule A, under the Zoning Bylaw No. 6680, 2001 heading:

6680, 2001	190.48.1	Unpermitted retail sale of cannabis	1,000.00	900.00	1,250.00	NO
6680, 2001	190.48.2	Non-compliance with conditions for retail sale of cannabis	1,000.00	900.00	1,250.00	NO

   b) Adding the following lines to the table within Schedule A, under the Business License Bylaw No. 5640, 1986 heading:

5640, 1986	33(7)	Non-compliance with conditions for retail sale of cannabis	1,000.00	900.00	1,250.00	NO
5640, 1986	33(8)	Non-compliance with conditions for cannabis	1,000.00	900.00	1,250.00	NO

		production facility				

c) Replacing the line of the table pertaining to section 33(1) under the Business License Bylaw No. 5640, 1986 heading with the following:

5640, 1986	33(1)	Selling drug paraphernalia or cannabis accessories	200.00	150.00	225.00	NO

GIVEN FIRST READING this _____ day of _____ , 2018.

GIVEN SECOND READING this _____ day of _____ , 2018.

GIVEN THIRD READING this _____ day of _____ , 2018.

ADOPTED this _____ day of _____ , 2018.

_____
MAYOR

_____
CITY CLERK

Back to Agenda

Corporation of the City of
NEW WESTMINSTER

Appendix H:

Municipal Ticketing Information Bylaw Amendment Bylaw No. 8050, 2018

Back to Agenda

CORPORATION OF THE CITY OF NEW WESTMINSTER
BYLAW NO. 8050, 2018

A Bylaw to amend New Westminster

Municipal Ticketing Information Bylaw No. 6482, 1998

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

1. This Bylaw may be cited for all purposes as "Municipal Ticketing Information Amendment Bylaw No. 8050, 2018".

2. Municipal Ticketing Information Bylaw No. 6482, 1998 is hereby amended as follows:

    a) Deleting Schedule "10" and replacing it with the Schedule "10" attached to and forming part of this bylaw.

GIVEN FIRST READING this day of , 2018.

GIVEN SECOND READING this day of , 2018.

GIVEN THIRD READING this day of , 2018.

ADOPTED and the Seal of the Corporation of the City of New Westminster affixed this day of , 2018.

MAYOR

CITY CLERK

SCHEDULE 10

BUSINESS LICENCE BYLAW NO. 5640, 1986

COLUMN 1	COLUMN 2	COLUMN 3
OFFENCE	SECTION	FINE
No Business Licence	4 (1)	$200
Rave Performance	14A	$500
Permit Miner in Adult Entertainment Store	15 (a)	$200
Display Sexual Material	15 (c)	$250
Improper Display of Adult Publication	15.1	$200
Selling Alcohol Beyond Permitted Hours	15A (1)	$200
Selling Alcohol Beyond Permitted Hours	15A (2)	$200
More Than 12 Amusement Machines	16 (1) (a)	$200
Operating Amusement Centre Beyond Permitted Hours	16 (1) (f)	$200
Operating Pool Hall Beyond Permitted Hours	16 (2) (a)	$200
Fail to Provide List of Post Boxes	19 (a)	$200
Selling controlled substance paraphernalia, cannabis, or cannabis accessories	33 (1)	$1000
Operating outside of permitted hours	33.7 (c)	$1000
Not operating in accordance within approved security plan	33.7 (d)	$750
No valid alarm contract/ retention of video less than 30 days	33.7 (f)	$750
Improper storage	33.7 (g)	$750
Insufficient staffing	33.7 (h)	$1000
Unqualified employee	33.7 (i)	$1000
Failure to provide record	33.7 (j)	$750
Permitting minors in premises	33.7 (k)	$1000

Permitting consumption on premises/providing sampling	33.7 (l)	$1000
Selling on line/providing home delivery	33.7 (m)	$1000
Advertising to minors	33.7 (n)	$1000