



POLICY REPORT
HEALTH

Report Date: April 21, 2015
Contact: Andreea Toma
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RTS No.: 10939
VanRIMS No.: 08-2000-20
Meeting Date: April 28, 2015

TO: Vancouver City Council

FROM: Chief Licence Inspector and the General Manager of Planning and Development Services

SUBJECT: Regulation of Retail Dealers - Medical Marijuana-Related Uses

RECOMMENDATION

- A. THAT the Director of Planning be instructed to make application to amend the Zoning and Development By-law, the Downtown District Official Development Plan, and the Downtown Eastside Oppenheimer District Official Development Plan regarding Retail Dealers - Medical Marijuana-Related Uses and that the application be referred to Public Hearing, together with the draft amendments as outlined in Appendices B, C and D to this report;

FURTHER THAT the Director of Legal Services be instructed to prepare the amending by-laws generally as set out in Appendices B, C and D for consideration at the Public Hearing.
- B. THAT subject to enactment of the proposed amendments to the Zoning and Development By-law, the Downtown District Official Development Plan, and the Downtown Eastside Oppenheimer District Official Development Plan, the License By-law be amended to allow, regulate and establish a fee for Retail Dealers - Medical Marijuana-Related Uses, generally as set out in Appendix E.
- C. THAT subject to enactment of the proposed amendments to the Zoning and Development By-law, the Downtown District Official Development Plan, and the Downtown Eastside Oppenheimer District Official Development Plan, the Ticket Offences By-law be amended to enable ticketing for related offences, generally as set out in Appendix F.

- D. THAT subject to enactment of the proposed amendments to the Zoning and Development By-law, the Downtown District Official Development Plan, and the Downtown Eastside Oppenheimer District Official Development Plan, the Zoning and Development Fees By-law be amended to set a fee for permits, generally as set out in Appendix G.
- E. THAT the Director of Legal Services be instructed to bring forward the amendments to the License By-law, Ticket Offences By-law and Zoning and Development Fees By-law at the time of enactment of the amendments to the Zoning and Development By-law, the Downtown District Official Development Plan, and the Downtown Eastside Oppenheimer District Official Development Plan.
- F. THAT subject to enactment of the proposed amendments to the Zoning and Development By-law, Council adopt the Guidelines for Retail Dealer - Medical Marijuana-related Uses near youth facilities, as set out in Appendix I, and instruct the General Manager of Planning and Development Services to apply them.

REPORT SUMMARY

This report recommends regulations for an emerging sector of retail businesses related to the provision of advice for medicinal marijuana. The regulations will ensure that availability of these services is sufficient to meet local needs and, as in all areas of business activity in the city, that business is conducted appropriately in the context of health, safety, and the public interest.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

The *Vancouver Charter* accords Council the authority to regulate land use and businesses such as retail shops (S. 272). The City has no authority to regulate the sale of controlled substances such as marijuana; accordingly, this report recommends land use and business regulations, and does not seek to regulate the product itself.

There are no previous Council decisions relevant to this matter.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

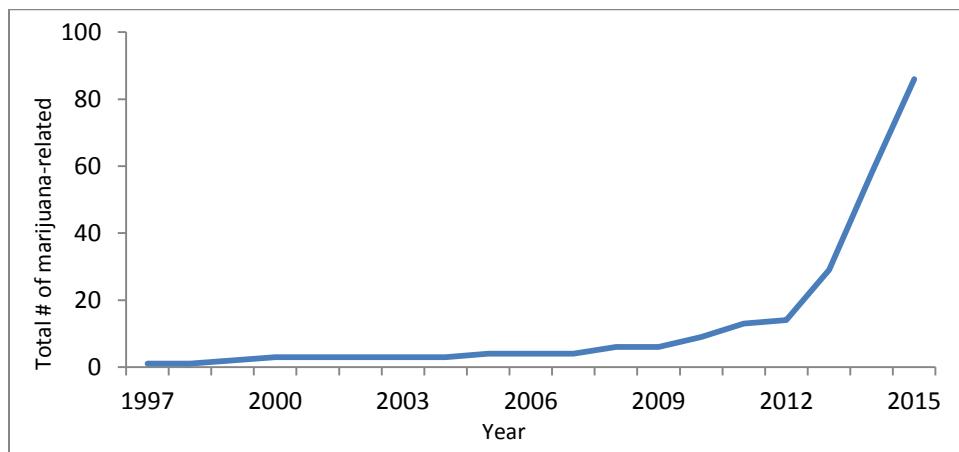
The City Manager, the acting General Manager of Community Services and General Manager of Planning and Development Services recommend APPROVAL of this report.

REPORT

Background/Context

The first marijuana-related business (the BC Compassion Club) opened in Vancouver around 1997. In the last three years the number of similar businesses has increased significantly. There are now over 80 confirmed marijuana-related businesses in the city operating without a business licence and the total number has grown at a rate of 100 percent per year for the past two years. Judging by the growth in the first quarter of this year, 2015 is poised to see a continuation in the high rate of growth as noted in Figure 1.

Figure 1 Number of marijuana-related businesses in the city over time



The distribution of these businesses across the city is illustrated below in figure 2.

Figure 2: Distribution of marijuana-related businesses across the city as of April 20, 2015



In 2001 the Federal government allowed possession and production of marijuana for medical purposes provided that several conditions were met:

- The patient is required to have a doctor's prescription
- The patient is required to procure the marijuana from an authorised source.
- Three sources of supply were allowed:
 - I. Health Canada,
 - II. personal growing, or
 - III. designated grower.

Between 2001 and 2014 the number of approved patients grew from 100 to nearly 40,000.

In 2013 the Federal government amended the rules to restrict the suppliers o f medical marijuana (i.e. they discontinued the previous accommodation of growing at home or by a designate). This provision was challenged in Court and subsequently stayed pending further Court consideration. It is in this context that there has been a rapid growth in the establishment of new marijuana -related businesses in the city.

Strategic Analysis

The number of marijuana-related business suggests a significant demand for marijuana-related services in numerous areas of the city. This may be due to various studies that have found that marijuana provides health benefits including relief from chronic pain^{1 2}, mitigation of antiretroviral therapy-related nausea³, benefits to those suffering from multiple sclerosis⁴, and to control symptoms of bipolar disorder and Attention Deficit Hyperactivity Disorder⁵. Some studies also attest to the efficacy of marijuana as a form of harm reduction:

- i. as a substitute for more harmful drugs (e.g. alcohol, tobacco, prescription opiates and some illegal drugs such as heroin or cocaine)^{6 7};
- ii. as a means to reduce the rates of opioid overdose deaths and opioid-related morbidity⁸;

¹ Smoked cannabis for chronic neuropathic pain: a randomized controlled trial. CMAJ October 5, 2010 vol. 182 no. 14. First published August 30, 2010, doi: 10.1503/cmaj.091414.

² Treatments for Chronic Pain in Persons With Spinal Cord Injury: A Survey Study. J Spinal Cord Med. 2006;29:109-117.

³ Marijuana Use and Its Association With Adherence to Antiretroviral Therapy Among HIV-Infected Persons With Moderate to Severe Nausea. Journal of Acquired Immune Deficiency Syndromes: 1 January 2005 - Volume 38 - Issue 1 - pp 43-46.

⁴ Delta-9-THC in the Treatment of Spasticity Associated with Multiple Sclerosis. Advances in Alcohol & Substance Abuse, Volume 7, Issue 1, 1988.

⁵ Cannabinoids in Bipolar Affective Disorder: A Review and Discussion of their Therapeutic Potential. J Psychopharmacol. 2005 May;19(3) <http://www.ncbi.nlm.nih.gov/pubmed/15888515?dopt=Abstract&holding=f1000,f1000m,isrcn>

⁶ Cannabis as a Substitute for Alcohol and Other Drugs. Harm Reduction Journal 2009, 6:35 <http://www.harmreductionjournal.com/content/6/1/35>

⁷ Concurrent Cannabis Use During Treatment for Comorbid ADHD and Cocaine Dependence: Effects on Outcome. Am J Drug Alcohol Abuse. 2006;32(4)

⁸ Cannabis in Palliative Medicine: Improving Care and Reducing Opioid-Related Morbidity. American Journal of Hospice and Palliative Medicine, 2011, 28 <http://ajh.sagepub.com/>

- iii. to relieve withdrawal symptoms during detox and to increase retention rates during treatment^{9 10}.

Marijuana-related uses have also generated some concerns:

1. Studies on marijuana use have linked its use to health harms such as impairment of memory (in adolescents) and psychomotor performance; schizophrenia; cancer of mouth, jaw, tongue and lung (in younger people); fetotoxicity; and leukemia in children^{11 12}.
2. The VPD has expressed concern about crime in, or targeted at, marijuana-related uses in Vancouver.
3. The rapid growth in marijuana-related businesses over the past two years has also generated some community feedback. The City has received some citizen feedback in support of a permissive approach, but also concerns. The majority of concerns are related to the impact on youth, with other areas of concern including criminality, declining area character and lack of fairness in the regulatory framework for marijuana-related businesses in contrast to other licensed retail businesses.

Over this period of growth, the City has taken an interdisciplinary approach to monitoring and intervention involving:

- Vancouver Police Department
- Vancouver Fire and Rescue Services
- Property Use Inspectors
- Vancouver Coastal Health Authority's public and environmental health officers
- Legal Services branch

The City's approach has been to prioritise enforcement action against life safety violations and zoning non-compliance; concerns about sale of edible products are referred to the Health Authority, and concerns about criminality are referred to the Police (who have conducted several enforcement projects). Issues such as non-life threatening work without permit, or lack of a business licence, have been assigned a lower enforcement priority and the City has been working with businesses to push them to comply with the appropriate bylaws.

In developing the regulatory framework, it is clear that the City has no authority to regulate the sale of marijuana, but has clear jurisdiction in the area of running a business and appropriate land use decisions. In considering an appropriate approach, we have built on best practice from other jurisdictions and endeavoured to achieve a

⁹ Cannabis as a Substitute for Alcohol and Other Drugs: A Dispensary-based Survey of Substitution Effect in Canadian Medical Cannabis Patients. *Addiction Research and Theory* 2013, Vol. 21, No. 5

¹⁰ Intermittent Marijuana Use is Associated with Improved Retention in Naltrexone Treatment for Opiate-dependence. *Am J Addict.* 2009 Jul-Aug;18(4)

¹¹ The human toxicity of marijuana. *The Medical Journal of Australia* [1992, 156(7):495-497].

¹² Marijuana use and risk of lung cancer: a 40-year cohort study. *Cancer Causes & Control*. October 2013, Volume 24, Issue 10, pp 1811-1820

careful balance between ensuring adequate availability for those in need and ensuring community health, safety, security, aesthetics, equity and enjoyment of property.

Research and Consideration

A review was commenced with key stakeholders at the Vancouver School Board (staff), Vancouver Coastal Health and Vancouver Police Department. These stakeholders have advised the City to take a cautious approach toward marijuana-related business in order to protect youth and other vulnerable people. Analysis of best practices has been conducted in two key jurisdictions where marijuana is currently being sold legally. Listed below are key areas of regulation which are being implemented in Washington State and Colorado:

Best Practice	Washington State/Seattle	Colorado State/Denver & Boulder
Require criminal record check	✓	✓
Define allowed zoning districts	✓	✓
Minimum distancing from sensitive uses	✓	✓
Ban on co-location	✓	
Ban in downtown transit mall		✓
Declustering requirements		✓
Ban minors (18 or under)	✓	✓
Limited operating hours	✓	✓
Disallow sampling	✓	
Require security features	✓	✓
Cap on total number	✓	
Limit number of licences per person	✓	
Require liability insurance	✓	

Note: for further details on these best practices, see Appendix A.

Based on the research, as well as an assessment of current City practices for similar, potentially-impactful land uses (e.g. massage services, liquor retailers, methadone pharmacies), key principles for the City's approach to this issue have been prepared:

- A. Regulate marijuana-related businesses to reduce risks and impacts in the following areas:
 - Youth exposure
 - Serious crime (organized crime, property crime)
 - Health and safety risks
 - Nuisance
 - Aesthetics and impact on local economy (clusters of marijuana-related business, unkempt shopfronts)
 - Protection of job-producing industrial sites

B. Treat all businesses consistently and fairly

The recommended process and regulations are based on these principles.

Recommended Regulations

The City has a range of regulatory tools at its disposal:

- a. Building By-law and Fire By-law to protect life safety
- b. Zoning and Development By-law to regulate land use and location
- c. The Licence By-law to regulate the manner in which businesses may operate, and how many may be allowed
- d. Health By-law to regulate where people may smoke (or vapourize)

The recommended regulations will use these regulatory powers to protect and enhance the public interest. Subsequent sections describe the proposed regulations, while Appendices B through G set out the by-law amendments required to implement them.

Note: given the significant number of existing, and non-compliant, marijuana-related uses, an implementation process has been prepared and is discussed later in this report.

1. Permitting Process - Zoning and Development By-law and License By-law

A new conditional land use (Zoning and Development By-law) and business category (License By-law) will be created: Retail Dealer - Medical Marijuana-Related Use (hereafter "Marijuana-Related Use"). Proponents wishing to conduct such a business will be allowed to do so, provided that they first apply for, and obtain:

- a) Development Permit (time-limited and renewable annually, as is typical for higher-risk uses), including a standard community notification process (i.e. sign, letters to immediate area) plus notification to any school located in the vicinity¹³. Development Permits would be approved by the Director of Planning unless he sees fit to refer the application to the Development Permit Board
- b) Building Permit for any construction work to be done
- c) Business Licence which will require:
 - a. standard application information (i.e. names, contact information)
 - b. annual Police Information Check for the applicant and all employees
 - c. a fee of \$30,000 per year (based on cost recovery for regulation)
 - d. a Good Neighbour Agreement

2. Land Use and Distancing Regulations

A Marijuana-Related Use would be allowed to establish in any commercial-retail district (i.e. C-1, C-2, C-2B, C-2C, C-2C1, C-3A, C-5, C-5A, C-6, C-7, C-8, Downtown District ODP, Downtown Eastside Oppenheimer District ODP, FC-1, HA-1, HA-1A, HA-2, HA-3) provided that the site is not:

- within 300 metres of a school or community centre;

¹³ According to their policy "Incompatible Land Uses Near Schools" the Vancouver School Board has requested that the City notify them of proposed land uses which may pose a risk to students.

- within 300 metres of another Marijuana-Related Use;
- located in the Downtown Eastside other than on sites located on Hastings Street or Main Street;
- located in the Granville Entertainment District; or
- located on a minor street(defined as any street that does not contain a painted center line).

See Appendix H for a map of all affected zoning districts.

The City will also take into consideration whether a Marijuana-Related Use is located within 300 metres of a youth-serving facility, and if so will evaluate the appropriateness of that based on a number of considerations including: the proximity to the facility, the facility's function (e.g. whether at-risk youth are present), the hours of the facility, input from the operators of the youth programs and any other relevant criteria (see Appendix I for proposed Guidelines).

The above location and distance criteria reflect benchmarks from other jurisdictions, advice from the Vancouver School Board, staff evaluation of sensitive locations (e.g. Downtown Eastside, Granville Entertainment district), and good planning practice (i.e. commercial uses in commercial districts, minimizing economic impact on area character).

Both Colorado and Washington State require a 300 meter buffer between a marijuana store and sensitive uses; Colorado also requires a 300 meter separation between the retail outlets. In addition Washington State sets a cap (based on location and a per capita formula) for retail outlets which are in addition to the distancing from sensitive uses criteria: at three to five outlets per 100,000 people. With our recommended distancing from sensitive uses and between outlets in retail commercial zones as noted above, the natural capacity available will align reasonably well with the per capita ratio in Colorado (15 outlets/100,000 population). Vancouver would be allowing significantly more outlets than Seattle.

3. Operational Regulations

Once a Marijuana-Related Use finds a suitable location (as noted above), the proponent will need to ensure that the business meets operational regulations as described in Table 1, below:

Table 1

Rationale	Business Licence Regulation
Protect Youth	<p>Disallow minors from entering or working in the Marijuana-Related Use, and post signage to this effect</p> <p>Prohibit displays of wares or advertising to minors</p>
Prevent Crime (e.g. discourage gang involvement)	<p>Require a police information check for the applicant and for all staff on an annual basis</p> <p>Limit of one Business Licence per person, and disallow corporate ownership</p> <p>Prohibit transfers of licences to another party</p> <p>Require that Business Licence applications must be made by the property owner or lease holder</p>

Rationale	Business Licence Regulation
	Disallow sharing of space with any other land use (e.g. cheque cashing, massage, liquor, ATM, etc.)
Prevent Crime	<p>Require use of a monitored security and fire alarm system, including video surveillance</p> <p>Require removal or storage of valuables in a safe when business is closed</p> <p>Require a security plan</p> <p>Require provision of a list all staff and 24/7 contact information for a responsible person</p> <p>Disallow staff from working alone</p> <p>Require a transparent shopfront (e.g. no translucent or opaque window covering, shutters)</p>
Safeguard Health	Disallow sale of food products with the exception of cooking oils (either pre-packaged or freshly-prepared)
Mitigate Nuisance	<p>Limit hours of operation between 8:00 am and 10:00 pm</p> <p>Require management of community impacts such as noise, odour, and patron conduct</p> <p>Disallow mail or delivery of products</p>
Support Aesthetics	security bars must be on the interior and set back from the window

Complete compliance with existing regulations and laws will continue to be expected, including but not limited to:

- a) Criminal Code¹⁴
- b) Health By-law (i.e. smoking rules)
- c) Building By-law
- d) Fire By-law
- e) Zoning and Development By-law
- f) Sign Bylaw
- g) License By-law

4. Implementation Process

The implementation process requires careful consideration as these businesses constitute a sensitive use that is well-established without City approvals. The process which will be required of existing businesses will conform to the key principles:

- i. Public good (e.g. ensure safety, reduce community impacts)
- ii. Equity/fairness
- iii. Clarity and transparency
- iv. Simplicity
- v. Timeliness

¹⁴Although the City may not enforce the Criminal Code directly, the License Bylaw allows a process to suspend or revoke a Business Licence in the event that gross misconduct has taken place. Criminal Code violations would reasonably be considered gross misconduct.

a) Existing Marijuana-Related Uses

None of the businesses under the category of Marijuana-Related Uses has the requisite permits or licences to operate as proposed above. A significant challenge will be to ensure that all become compliant within a reasonable period of time. The process will resemble a series of sequential review stages, as follows.

Stage One: upon Council enactment of the regulations, all known businesses under the category of Marijuana-Related Uses will be notified and requested to make application for a Development Permit within 30 days. A robust notification approach will make use of the City's media contacts, social media outlets and direct mail to known businesses.

Applications submitted on time will be processed; any who do not meet this deadline will be considered an illegal use subject to enforcement (see section on enforcement, below). Stage One applications will be evaluated solely to determine whether they comply with the Zoning regulations (e.g. commercial districts, distancing from sensitive uses).

Stage Two: all applicants that pass Stage One will undergo a special evaluative process that assigns demerit points as follows:

Evaluation Criteria for Each Cluster	Demerit Points
Is the business considered a problem premises by Vancouver Police Department?	-4
Does the premises contain work conducted without a Building Permit?	-3
Has the premises been the subject of complaints from more than one complainant in the community?	-2
Is the enterprise operated for profit (i.e. not a non-profit society)?	-1

Where clusters of Marijuana-Related Uses exist, the demerit tally will be considered. Within each cluster, the applicant with the highest points will be allowed to proceed to Stage Three using their current location. The other applicant will be required to close or relocate to a zoning-compliant site and reapply. In the case of a tie, a lottery will be used to determine the successful applicant.

Stage Three: applicants will be required to comply with all Building Bylaw and Licensing Bylaw regulations. Furthermore a community notification process will be conducted for the Development Permit (e.g. notification by site sign and letters about the opportunity to provide feedback).

If the applicant complies with all regulations, a time-limited Development Permit and Building Permit (if necessary) may be issued, and once the City has determined by inspection that all regulations have been met and the licence fee paid, a Business Licence may be issued.

During all three stages of the application process, if a Marijuana-Related Use chooses to continue operating, it will be expected to meet basic health and life safety standards; inspectors will conduct a Special Inspection to ensure this standard is met, and take immediate enforcement action against any unsafe conditions on a priority basis.

After final approval, follow-up inspections will be regularly conducted to ensure ongoing compliance. Complaints about approved Marijuana-Related Uses will be treated on a priority basis.

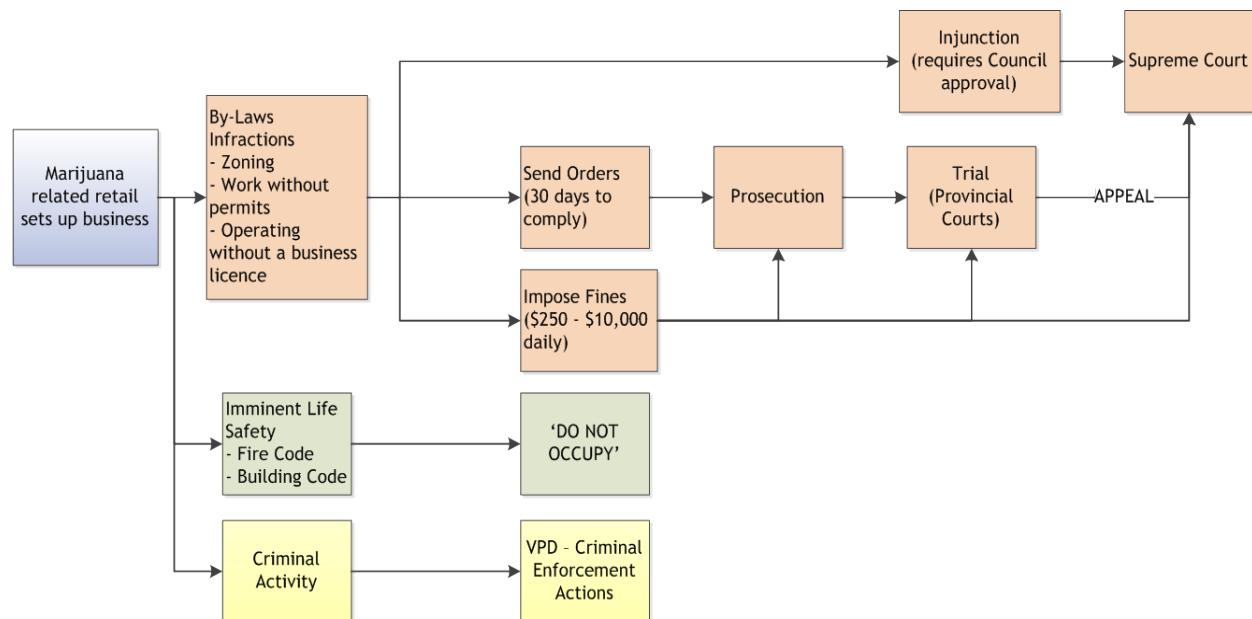
b) New Marijuana-Related Uses

Initially the City's emphasis will be on addressing the existing businesses under the category of Marijuana-Related Uses. In order to allow for processing these applications, once the Stage One process has closed, the City will not support any applications for new Marijuana-Related Uses. However, once the process for existing applications is complete, applications for new Marijuana-Related Uses will be processed. The review process will mimic the three stage process for existing Marijuana-Related Uses: first, determine compliance with land use and distancing regulations, and then the operational regulations.

c) Enforcement Against Non-compliance

Marijuana-Related Uses that open without permit will be subject to enforcement action. Those that fail to meet the City's deadlines (e.g. application deadlines, closure upon request), or do not meet the regulations (i.e. locational or operational) or Good Neighbour Agreement will be the subject of enforcement measures. The City uses ticketing with fines, denial of Development Permit renewal, Business Licence suspension/revocation, Orders, prosecution and finally injunctions and resulting court action to enforce its bylaws against non-compliance (see enforcement process in Figure 3).

Figure 3



d) Monitoring

Following the implementation of the regulatory framework, and processing of existing businesses, ongoing monitoring and examination of key metrics (number of Marijuana-Related Uses, compliance rates, complaints) for Marijuana-Related Uses will be conducted.

Stakeholder Communication

Prior to preparation of the proposed policy, representatives from the VPD, Vancouver School Board, Vancouver Coastal Health, business improvement areas and several key stakeholders in the industry were consulted. Furthermore, notification for the upcoming public hearing will be made broadly: notice will be printed in the newspapers, letters will be sent to known existing businesses and societies, and our partners at the school board and health region will be invited to participate. The staff will continue to work with the sector over the coming weeks to ensure an understanding of the regulatory framework prior to enactment and implementation.

Financial

Applicants will pay a flat rate preliminary Development Permit fee, plus the standard area-based fee. As well, an annual Business Licence fee of \$30,000 must be paid.

Revenues will contribute to cost recovery for the additional time spent by Property Use Inspectors, Licencing staff, development review staff, Police, Fire Inspectors and Communications Coordinators in regulating this sector.

Human Resources/Labour Relations

There will be a considerable additional workload to process Business Licence applications, development permit applications, inspection of construction work and compliance with bylaws through an inspection schedule by bylaw enforcement and police monitoring. Staff will work with the City Manager to develop a human resourcing plan to manage the workload. Departments impacted by this new regulatory framework include: Planning and Development Services, Licences and Inspections, Legal Services, Vancouver Fire and Rescue Services and Vancouver Police Department.

CONCLUSION

The rapid growth of marijuana-related businesses over the last few years presents a significant problem for the City. Continuing to have a proliferation of unregulated businesses poses a significant risk to youth, public health and general quality of life as well as an impact on the local economy and health of our community. If, however, they are carefully managed and regulated, these businesses can play a role in ameliorating health conditions that affect numerous people. Accordingly, a carefully-balanced and transparent approach is recommended to regulating the location and operations of businesses that are related to the consumption of marijuana.

Best Practice	Location
Require criminal record check	<p>Washington requires for applicant and financiers</p> <p>Colorado requires for applicant</p>
Define allowed zoning districts	<p>Seattle and Denver allow in retail zones only (not residential or historic districts)</p> <p>Vancouver allows small scale pharmacies, liquor retail, pawn shops and liquor primaries in commercial zones only</p>
Minimum distancing from sensitive uses	<p>Washington State requires 1,000 ft. (300 m) from school, playground, recreation center, child care, public park, public transit center, library, or game arcade</p> <p>Colorado requires 1,000 ft. (300 m) from school, pre-school, child care establishment, medical marijuana center, or alcohol or drug treatment facilities.</p> <p>Amsterdam requires 250 m between a school (for marijuana cafes)</p> <p>City of Vancouver requires 150 m between liquor retail and a church, park , school, community centre, or neighbourhood house.</p>
Ban on co-location	Seattle disallows co-location with another business
Ban in downtown transit mall	Denver, CO
Declustering requirements	<p>Colorado requires minimum of 1,000 ft. (300 m) between retail marijuana stores</p> <p>City of Vancouver requires minimum distancing between small scale pharmacies selling methadone (400 m), liquor retail (variable), pawn shops (300 m) and liquor primaries (varies based on size)</p>
Ban minors	<p>Washington State and Colorado ban minors from working or entering the premises. Amsterdam bans sales to minors</p> <p>Vancouver bans minors from working in health enhancement centres and pawn shops</p>
Limit operating hours	<p>Seattle allows 8 am to midnight</p> <p>Denver allows 8 am to 7 pm</p> <p>Vancouver allows 6 am to 2 am (following day) for certain uses (i.e. pawn shops, small scale pharmacies) in Downtown Eastside, and 8 am to midnight for health enhancement centres.</p>

Disallow sampling	Washington bans practice
Require security features	Washington requires an alarm and surveillance video Colorado requires the same, plus monitored security
Cap on total number	Washington State
Limit number of licences per person	Washington limits to three
Require liability insurance	Washington require commercial liability insurance

Appendix B: Zoning and Development By-law Amendments

Note: An amending by-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

Amendments to
Zoning & Development By-law regulations
Regarding Medical Marijuana-related Use

Draft for Public Hearing

BY-LAW NO. _____

**A By-law to amend
Zoning and Development By-law No. 3575
Regarding Medical Marijuana -related Use**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

Zoning District Plan Amendment

1. This By-law amends the indicated provisions of By-law No. 3575.
2. In section 2, under "Retail Uses", Council adds:

" "Medical Marijuana-related Use", means a retail use in which the use of marijuana for medicinal purposes is advocated."
3. In section 11, Council adds:

"11.28 Medical Marijuana-related Use

11.28.1 Before granting a development permit, the Director of Planning shall:

 - (a) notify surrounding property owners and residents and have regard to their opinions;
 - (b) have regard to the liveability of neighbouring residents; and
 - (c) consider all applicable council policies and guidelines.

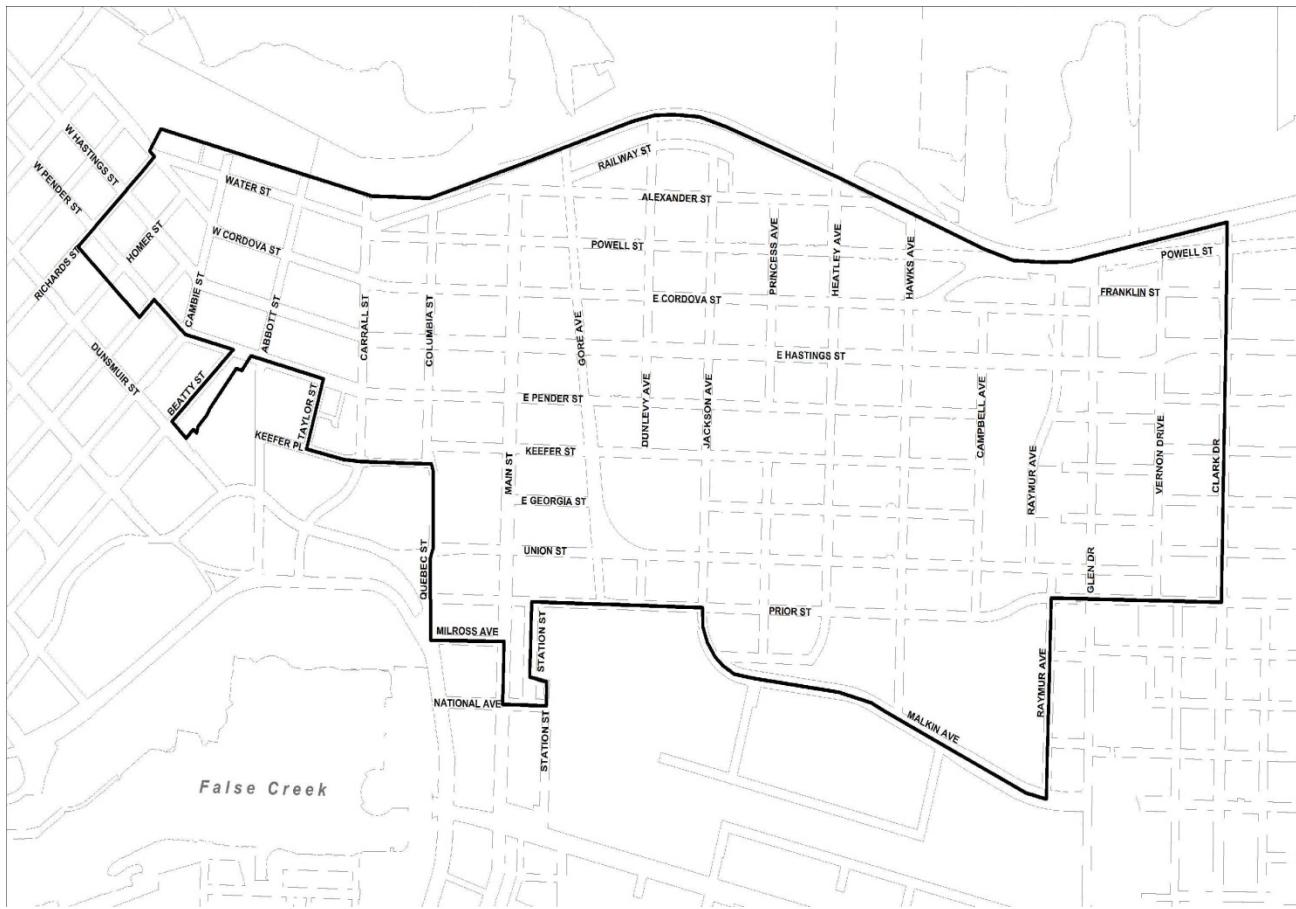
11.28.2 A Medical Marijuana-related Use is not permitted within 300 metres of the nearest property line of a site containing another Medical Marijuana-related Use.

11.28.3 A Medical Marijuana-related Use is not permitted within 300 metres of the nearest property line of a site containing a school - elementary or school - secondary or a community centre or neighbourhood house.

11.28.4 A Medical Marijuana-related Use is not permitted:

- (a) within the area outlined on Figure 1 below, except for sites with a property line on Hastings Street or Main Street;

Figure 1



- (b) on any site with a property line on Granville Street between Robson street and Pacific Boulevard; or
(c) on any site other than a site with a property line on a street with a painted center line, except that the painted center line must be in the same block as the site.

11.28.5 A Medical Marijuana-related Use is not permitted in conjunction with any other use.

11.28.6 A Medical Marijuana-related Use is not permitted in conjunction with an Automated Teller Machine (ATM) use."

4. In the C-1 District Schedule, under section 3.2.R, Council adds, in alphabetical order:

"

- Medical Marijuana-related Use, subject to the provisions of section 11.28 of this By-law."

5. In the C-2 District Schedule, under section 3.2.R, Council adds, in alphabetical order:

"

- Medical Marijuana-related Use, subject to the provisions of section 11.28 of this By-law."

6. In the C-2B District Schedule, under section 3.2.R, Council adds, in alphabetical order:

"

- Medical Marijuana-related Use, subject to the provisions of section 11.28 of this By-law."

7. In the C-2C District Schedule, under section 3.2.R, Council adds, in alphabetical order:

"

- Medical Marijuana-related Use, subject to the provisions of section 11.28 of this By-law."

8. In the C-2C1 District Schedule, under section 3.2.R, Council adds, in alphabetical order:

"

- Medical Marijuana-related Use, subject to the provisions of section 11.28 of this By-law."

9. In the C-3A District Schedule, under section 3.2.R, Council adds, in alphabetical order:

"

- Medical Marijuana-related Use, subject to the provisions of section 11.28 of this By-law."

10. In the C-5, C-5A and C-6 Districts Schedule, under section 3.2.1.R, Council adds, in alphabetical order:

"

- Medical Marijuana-related Use, subject to the provisions of section 11.28 of this By-law."

11. In the C-7 and C-8 Districts Schedule, under section 3.2.1.R, Council adds, in alphabetical order:

"

- Medical Marijuana-related Use, subject to the provisions of section 11.28 of this By-law."

12. In the FC-1 District Schedule, Council adds, in alphabetical order:

"

- Medical Marijuana-related Use, subject to the provisions of section 11.28 of this By-law."

13. In the HA-1 and HA-1A Districts Schedule, under section 3.2.R, Council adds, in alphabetical order:

"

- Medical Marijuana-related Use, subject to the provisions of section 11.28 of this By-law."

14. In the HA-2 District Schedule, under section 3.2.R, Council adds, in alphabetical order:

"

- Medical Marijuana-related Use, subject to the provisions of section 11.28 of this By-law."

15. In the HA-3 District Schedule, under section 3.2.R, Council adds, in alphabetical order:

"

- Medical Marijuana-related Use, subject to the provisions of section 11.28 of this By-law."

16. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

17. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2015

Mayor

City Clerk

Appendix C: Downtown District OPD Amendments

Downtown Official Development Plan
Re: Medical marijuana-related use

Draft for Public Hearing

BY-LAW NO._____

A By-law to amend Downtown
Official Development Plan By-law No. 4912

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the Downtown Official Development Plan By-law.
2. Under Definitions, Council strikes out the definition of "Retail commercial" and substitutes:

"Retail commercial" means Retail Use, retail type service activity, or restaurant (excluding a drive-in)..
3. In Section 1-Land Use, in chronological order, Council adds:

"17. Medical marijuana-related use is subject to the provisions of section 11.28 of the Zoning & Development By-law."
4. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
5. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2015

Mayor

City Clerk

Appendix D: Downtown Eastside Oppenheimer District ODP Amendments

Downtown Eastside Oppenheimer
Official Development Plan
Re: Medical marijuana-related use

Draft for Public Hearing

BY-LAW NO. _____

A By-law to amend Downtown
Eastside Oppenheimer Official Development Plan By-law No. 5532 regarding medical
marijuana-related use

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

6. This By-law amends the indicated provisions of the Downtown Eastside Oppenheimer Official Development Plan By-law.
7. In section 4.2, Council:
 - (a) renames subsection(j) as (k); and
 - (b) after subsection (i), adds:
“(j) Medical Marijuana-related Use, subject to section 11.28 of the Zoning and Development By-law.”
8. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
9. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2015

Mayor

City Clerk

Appendix E: License By-law Amendments

BY-LAW NO. _____

**A By-law to amend License By-law No. 4450
regarding Retail Dealer - Medical Marijuana-related**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the License By-law.
2. In Section 2, in alphabetical order, Council adds:

"Retail Dealer - Medical Marijuana-related" means any person not otherwise herein defined who carries on a retail business in which the use of marijuana for medicinal purposes is advocated."

3. After Section 24.4, Council adds:

"RETAIL DEALER - MEDICAL MARIJUANA-RELATED

- 24.5 (1) The provisions of this section apply to all persons carrying on business as a Retail Dealer - Medical Marijuana-related.
- (2) No person shall carry on business as a Retail Dealer - Medical Marijuana-related, without having first obtained a licence to do so from the Chief Licence Inspector.
- (3) No corporation shall carry on the business of a Retail Dealer - Medical Marijuana-related, except that a society registered under the Society Act may carry on the business of a Retail Dealer - Medical Marijuana-related.
- (4) No person shall hold more than one licence as a Retail Dealer - Medical Marijuana-related.
- (5) No person shall hold a licence as a Retail Dealer - Medical Marijuana-related unless the person is the registered owner or lessee of the licensed premises.
- (6) A person who has been granted a license as a Retail Dealer - Medical Marijuana-related must not transfer, or transfer control of that license to another person.
- (7) Notwithstanding the provisions of Section 4(1) of this By-law, a person who applies for a Licence to carry on business as a Retail Dealer - Medical Marijuana-related, shall submit, together with an application in

a form acceptable to the Chief Licence Inspector and the requisite fees, the following documents:

- (a) a security plan acceptable to the Chief Licence Inspector;
 - (b) contact information for a responsible person or persons available to be contacted at any time;
 - (c) a list of the names of all staff, together with a copy of photo identification for each staff member;
 - (d) a police information check for the applicant and for every employee;
 - (e) proof of a security alarm contract providing for monitoring at all times;
 - (f) the certificate of title or the lease for the business premises; and
 - (g) such other documents as may be required by the Chief Licence Inspector.
- (8) Notwithstanding the provisions of Section 4 of this By-law, the Chief Licence Inspector may issue a Retail Dealer - Medical Marijuana-related business licence subject to conditions, including:
- (a) conditions related to safety and security on and about the licenced premises;
 - (b) conditions requiring that the applicant submit consents to police information checks for the applicant and every employee;
 - (c) conditions requiring that a minimum of two employees be present on the business premises at all times while the business is open to the public;
 - (d) conditions requiring that the applicant promptly bring to the attention of the Chief Licence Inspector any criminal charges brought against the licence holder or any employees of the licensed business;
 - (e) conditions related to the protection of minors, including but not limited to conditions regarding signage and patron identification;
 - (f) conditions related to public health and safety in relation to the licenced premises;
 - (g) conditions related to prevention of nuisances, including but not limited to conditions intended to reduce noise, odours, and patron misconduct on and about the licenced premises; and
 - (h) such other conditions as the Chief Licence Inspector may require to ensure that the business does not have a negative impact on the public, the neighbourhood or other businesses in the vicinity.

- (9) No person shall permit, suffer or allow a person to work in a Retail Dealer - Medical Marijuana-related business without having first submitted a police information check for that employee to the Chief Licence Inspector.
- (10) No person shall carry on any business other than Retail Dealer - Medical Marijuana-related on the business premises.
- (11) No person shall permit, suffer or allow, or facilitate the mailing or delivery of any produce or products from a business premise that is licensed as Retail Dealer - Medical Marijuana-related.
- (12) No person shall sell food on the business premises of a Retail Dealer - Medical Marijuana-related, except that this provision does not apply to the sale of edible oils in sealed containers.
- (13) No person shall permit, suffer or allow a minor to enter or remain on the business premises of a Retail Dealer - Medical Marijuana-related.
- (14) No person shall directly or indirectly advertise or promote the use of marijuana to a minor, in or from the business premises of a Retail Dealer - Medical Marijuana-related.
- (15) No person shall display items related to the consumption of marijuana in any manner by which the display may reasonably be seen by a minor who is outside the business premises of a Retail Dealer - Medical Marijuana-related.
- (16) No person shall advertise or promote the use of marijuana in any manner by which the advertising or promotion may reasonably be seen or heard by a minor who is outside the business premises of a Retail Dealer - Medical Marijuana-related.
- (17) No person shall carry on the business of a Retail Dealer - Medical Marijuana-related between the hours of 10 p.m. and 8 a.m. the following day.
- (18) No person shall block the windows of the business premises of a Retail Dealer - Medical Marijuana-related with translucent or opaque material, artwork, posters, shelving, display cases or similar elements.
- (19) No person shall install, or permit, suffer or allow the installation of an ATM (Automated teller machine) on the business premises of a Retail Dealer - Medical Marijuana-related.
- (20) No person shall install security bars that are located within one meter of the front windows of the business premises of a Retail Dealer - Medical Marijuana-related.

- (21) No person shall install roll down shutters on the business premises of a Retail Dealer - Medical Marijuana-related.
 - (22) The following security measures shall be installed and maintained on the business premises of a Retail Dealer - Medical Marijuana-related:
 - (a) video surveillance cameras that monitor all entrances and exits and the interior of the business premises at all times;
 - (b) video camera data shall be retained for at least 21 days after it is gathered;
 - (c) a security and fire alarm system that is monitored at all times; and
 - (d) valuables shall be removed from the business premises or locked in a safe on the business premises at all times when the business is not in operation."
4. Council renumbers sections 30(2), (3) and (4) as sections 30(3), (4) and (5) respectively and inserts, in chronological order:
- (2) Every person who fails to comply with a condition of a business licence commits an offence against this by-law that is punishable on conviction by a fine of not less than \$250.00 and not more than \$10,000.00 for each offence."
5. To Schedule A, in alphabetical order, Council adds:
- "RETAIL DEALER - MEDICAL MARIJUANA -RELATED.....\$30,000.00"
6. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
7. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2015

Mayor

City Clerk

Appendix F: Ticket Offences By-law

BY-LAW NO. _____

**A By-law to amend Ticket Offences By-law No. 9360
regarding failure to comply with licence conditions under the License By-law**

The Council of the City of Vancouver, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions and schedules of By-law No. 9360.
 2. Council strikes out Table3 of By-law No. 9360 and substitutes:

“Table 3 License By-law

Column 1	Column 2	Column 3	Column 4
Chief License Inspector	No business license	Section 3(1)	\$250.00
Chief License Inspector	Failure to comply with license conditions	Section 30(2)	\$250.00

3. This By-law is to come into force and take effect on the date of its enactment.

Mayor

City Clerk

Appendix G: Zoning and Development Fees By-law

BY-LAW NO. _____

**A By-law to amend
Zoning and Development Fee By-law No. 5585
regarding medical marijuana-related use**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. Council, in Schedule 1 of the Zoning and Development Fee By-law adds:

"Medical marijuana-related use

- 21 For an application for a development permit for a medical marijuana-related use:

(a) in a preliminary form only.....\$100.00

(b) following preliminary approval:

Each 100 m² of gross floor area or part thereof.....\$713.00

Maximum fee.....\$5100.00"

2. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

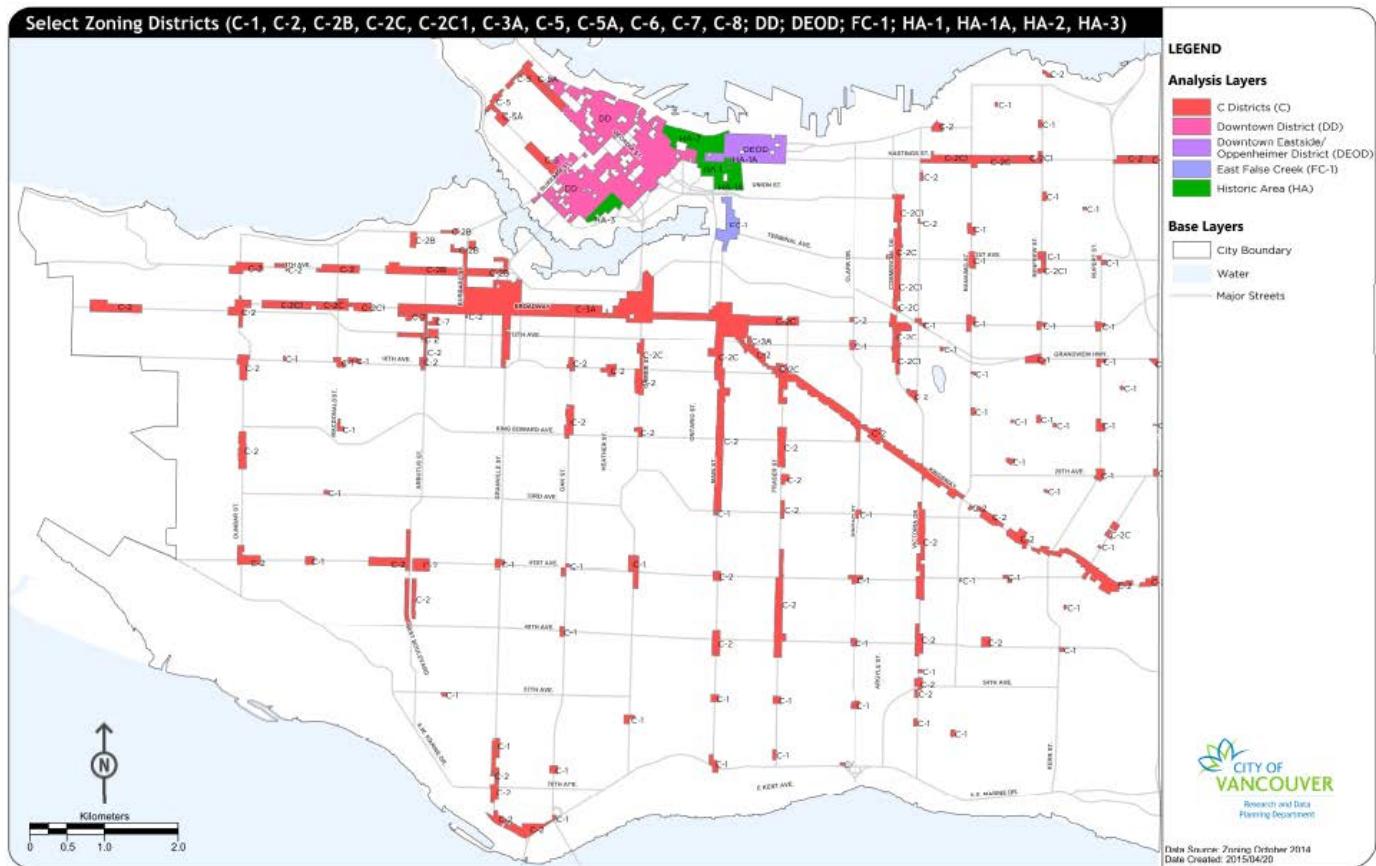
3. This By-law is to come into force and take effect on the date of enactment.

ENACTED by Council this _____ day of _____, 2015

Mayor

City Clerk

Appendix H: Map of Affected Zoning Districts



Appendix I: Guidelines for Retail Dealer - Medical Marijuana-related Uses near youth facilities

Application and Intent

These guidelines are to be used in conjunction with any district that allows Retail Dealer - Medical Marijuana-Related Use. The primary intent of these Guidelines is to protect youth from the potential health and social risks posed by the proximity of a Retail Dealer - Medical Marijuana-Related Use. In the event that a Retail Dealer - Medical Marijuana-Related Use is deemed to pose a risk to youth at a youth facility, it is the intent of these Guidelines that the Retail Dealer - Medical Marijuana-Related Use should not be permitted.

Note: These guidelines are organized under standard headings. As a consequence, there are gaps in the numbering sequence where no guidelines apply.

3. Uses

3.1 Retail Uses

(a) Retail Dealer - Medical Marijuana-Related Use should not locate within 300 metres of a youth facility unless, having given careful regard to:

- (i) the distance between the Retail Dealer - Medical Marijuana-Related Use and the youth facility;
- (ii) the role and function of the youth facility;
- (iii) the hours and days of operation of the youth facility; and,
- (iv) any other criteria deemed relevant to the protection of youth

the Director of Planning is satisfied that youth related to the facility will not be adversely affected by the Retail Dealer - Medical Marijuana-Related Use.

For purposes of these Guidelines, a youth facility is defined as a facility where there is a regular assembly of youth in the opinion of the Director of Planning.