

Refers Item No. 1
Public Hearing of June 10, 11, 13, and 22, 2015

MEMORANDUM

June 19, 2015

TO: Mayor Robertson and Councillors

COPY TO: P. Ballem, City Manager
S. A. Johnston, Deputy City Manager
J. MacKenzie, City Clerk
R. Kendall-Craden, Director, Corporate Communications
B. Jackson, Director of Planning and development Services
J. Dobrovolny, Acting General Manager of Engineering Services
F. Connell, Director of Legal Services
A. Toma, Chief Licence Inspector
I. Dixon, Assistant Director, Development and Real Estate, Legal Services

FROM: T. Hartman, Acting General Manager, Community Services

SUBJECT: Marijuana-Related Uses: Question Answers and a Correction

At a Public Hearing that commenced on June 10, 2015, Council began consideration of a report dated April 21, 2015 and entitled "Regulation of Retail Dealers - Marijuana-related Uses". In regard to this report, this memo: a) responds to questions posed by a Councillor to staff, and b) corrects a typographical error in the proposed by-law.

A) Questions from Council with staff response

1. Is it possible to have a two-tier licensing system for marijuana dispensaries, i.e., a reduced business license fee for a non-profit society?

Yes. Amendments to the proposed License By-law would be required. In the event that Council wishes to proceed with this approach, staff have prepared by-law amendments to:

- i) *define a separate business licence category called "Compassion Club" based on criteria and operational requirements regarding:*
 - *being a duly registered non-profit society,*
 - *serving only their members,*
 - *providing a minimum level of non-marijuana health services (e.g. massage therapy, acupuncture),*

- ensuring that all members may elect or be elected to society director or officer positions,
- holding membership in the Canadian Association of Medical Cannabis Dispensaries; and

ii) establish a business licence fee of \$1000.00 for Compassion Clubs.

An updated version of the draft License By-law amending by-law is attached (see Attachment 1). A proposed amendment to the by-law to amend the Zoning and Development By-law will also be required if Council wishes to proceed in this manner (Attachment 2).

2. Can we receive a map of the locations of the 19 or so non-profit society medical marijuana dispensaries including the BC Compassion Club, Healing Tree, Green Cross Society of BC?

We do not have the information on which outlets currently in operation are registered with the Society Act. Once the by-laws are enacted and this information is gathered during the application process, we will be able to provide this map. The 19 or so locations were referenced by a speaker based on his opinion and we don't have any mechanism to verify this information.

3. Is it possible to allow business license fees to be paid over a period of months?

This would be unprecedented and not recommended. We will examine what this process would look like and the impact on other businesses - we currently issue 60,000 licenses per year and it will establish a very difficult precedent.

4. Is there leeway within the proximity regulations to exempt a dispensary if a school moved within 300 m of the dispensary well after the dispensary was established (e.g., the Compassion Club)?

In the case of future outlets established with proper permits and a licence, they would be governed by the law concerning lawful non-conformity or grandfathering in the event that a school moves in afterward.

In the case of existing, unlicensed outlets, there is no legal construct to grandfather only select outlets that are too close to sensitive uses; the City would be compelled to grandfather all of them (about half the outlets in existence).

5. Is there any evidence that the \$30,000 fee or area restrictions (e.g., excluding DTES) will drive sales into the black market?

We have no evidence to indicate this will happen.

6. Could we direct a portion of business license fees for the joint VSB-Vancouver Coastal Health youth education and youth addiction support services program?

Yes - at the direction of Council, pending the identification of our own costs to implement and enforce the program.

7. Have staff reviewed the medical marijuana dispensary regulations used in San Francisco? Is there a difference in regulations to more “recreational” marijuana sales regulations?

California and San Francisco regulate for medical use of marijuana. They have only 20+ dispensaries, governed by strict planning requirements which include distancing, similar to our proposals regarding sensitive use, and stringent notification requirements (notification of all residents and occupants over 30 days within 300 feet) followed by a public hearing for each application.

With regard to edibles, the regulations are the mandate of the San Francisco Public Health Department and are currently under review. Our colleagues at Vancouver Coastal Health are currently reviewing their regulatory framework. There is increasing concern in the medical community in California regarding the impact of edibles on children and youth.

Table 1: Marijuana Policy in US

<i>US jurisdictions that allow marijuana</i>	<i>Medical</i>	<i>Recreational</i>
<i>Alaska</i>	✓	✓ (underway)
<i>Arizona</i>	✓	
<i>California</i>	✓	
<i>Colorado</i>	✓	✓
<i>Delaware</i>	✓	
<i>Georgia</i>	✓	
<i>Hawaii</i>	✓	
<i>Illinois</i>	✓	
<i>Maine</i>	✓	
<i>Maryland</i>	✓	
<i>Massachusetts</i>	✓	
<i>Michigan</i>	✓	
<i>Minnesota</i>	✓	
<i>Montana</i>	✓	
<i>Nevada</i>	✓	
<i>New Hampshire</i>	✓	
<i>New Jersey</i>	✓	
<i>New Mexico</i>	✓	
<i>Oregon</i>	✓	✓ (underway)
<i>Rhode Island</i>	✓	
<i>Vermont</i>	✓	
<i>Washington</i>	✓	✓

8. What are the implications for the proposed prohibition of edibles in our regulations of the recent Supreme Court of Canada decision on patients’ right of access to edible medical marijuana products?

The current federal regulations on medical marijuana allow for the possession of dried marijuana and no other forms of cannabis by those who hold medical authorizations to possess cannabis. The Supreme Court of Canada's recent decision on edibles declares that the restriction of access to the dried form of cannabis under the Health Canada program for medical purposes is unconstitutional.

It is beyond the City's jurisdiction to regulate the sale or possession of marijuana and, as a result, the City's proposed regulations do not regulate the sale or possession of marijuana. The City's proposed regulations prevent any medical marijuana-related business from selling any edible products, except oils, regardless of whether they contain cannabis or not. As a result, the recent decision in R v. Smith does not directly impact the proposed land use and business licensing based regulatory framework as proposed by staff.

9. If the Vancouver Charter limits the City from regulating products, could we work with Vancouver Coastal Health to regulate products and develop standards? If so, could we involve people within the industry (e.g., producers of cannabis edibles) to develop those standards?

No, neither the City nor Vancouver Coastal Health has the authority to regulate the handling or sale of marijuana. The responsible authority is Health Canada. Accordingly, the proposal before Council does not include regulations or standards for marijuana.

In their advice to City staff, VCH does not support edibles, noting that even if they are prepared following excellent hygiene and food handling practices, it would not diminish the risk of these products because the risk is due to the presence of a psychoactive drug in high concentrations in a form that is attractive and palatable to everyone, including young children.

10. Is it possible to require standards such as the Certification of Medical Cannabis Dispensaries (CMCD) standards as part of the medical marijuana business licence?

Yes. This has been included in the attached draft by-law. It should be noted, these standards are a first step in good governance and the concept of quality control in this sector but they lack the usual specificity found in an accreditation or certification program in the health sector and therefore cannot substitute for regulation.

11. Mayor and Council has received correspondence from Pamela McColl on behalf of an organization called Smart Approaches to Marijuana Canada. The correspondence raises a number of points I'd like staff to provide responses to:

- a. Is it true that the business community stated that they are not in support of these regulations?

Only three BIA's provided feedback and they stated they are not in support of the regulatory approach (Downtown Vancouver, Hastings North and Mount Pleasant). Beyond that there has been no response from other business community interests in the proposed regulatory framework and staff have no information to suggest that they do not support the regulations.

- b. Is it true that 93% of Canadians do not use recreational marijuana?

Staff were not able to find data to confirm this number.

- c. Is it true that the \$30,000 licensing fee cannot be legally used for education programs such as Dr. Day suggested?

The City does have the authority to use licensing revenues on an education program, either partnered with Vancouver Coastal Health or on its own.

- d. Is it true that there is a correlation between criminal activity and homelessness and regular marijuana uses?

There has been anecdotal data which suggests that homelessness rose in Denver after legalization, staff were not able to find reliable data that establishes or disproves a correlation.

There is some discussion on the question of whether legalized marijuana results in crime: a recent study¹ found no correlation with increased crime levels and a possible correlation with reduced homicide and assault rates.

- e. Did Seattle stop issuing licenses to dispensaries in 2013? If so, why?

In their initial move to regulate activity, Washington State accepted licence applications (grower, producer and retailer) between November 18 and December 20, 2013. Washington State staff have advised staff that they are not presently accepting any more applications in order to assess the market and consider what changes may be needed with respect to the number of licences they issue. They retain the discretion to open the application process at any time.

12. Is it possible to include date of establishment of a dispensary as a criteria for licensing?

No. Because business licences have not been issued for this new use, it would not be possible to implement a date of establishment as a licencing criterion.

¹ Morris RG, TenEyck M, Barnes JC, Kovandzic TV (2014) The Effect of Medical Marijuana Laws on Crime: Evidence from State Panel Data, 1990-2006. PLoS ONE 9(3): e92816. doi:10.1371/journal.pone.0092816

13. Is it possible to exempt a dispensary from distancing regulations in cases where there have been no complaints?

No, this is not possible due to the need to withstand a legal challenge to our regulatory framework.

14. Does the term “marijuana-related use” (e.g., for district schedules) include recreational sales and sale of bongs etc., or just dispensing medical marijuana?

“Medical marijuana-related use” includes retail businesses in which the use of marijuana for medicinal purposes is advocated and may include retail of pipes and/or bongs. Shops that only retail pipes and/or bongs without the medicinal marijuana, would be considered retail stores, and are not subject to this regulatory framework.

15. What are the specific harms regarding being located within 300 metres of a school or community centre especially in comparison to liquor establishments?

The 300 m distancing recommendation addresses risks and impacts by:

- i. making it more difficult for youth to access marijuana-related uses*
- ii. reducing the visibility of marijuana messaging to youth*
- iii. addressing parents’ and schools’ desire to provide a buffer between marijuana-related uses and youth*
- iv. capping the total number of marijuana-related uses in Vancouver to a reasonable level*

Liquor-retailing establishments are required to be 150 meters away from schools and community centres and 1 kilometer away from other liquor-retailing establishments.

16. Expand on the rationale for area prohibitions in the DTES, Chinatown (Pender Street) and Granville Entertainment District, especially related to possible increase in “black market” supply if dispensaries aren’t allowed.

Staff are recommending two “no-go” areas for marijuana-related uses: The GED and DTES (except for Hastings and Main Streets). The rationale is as follows:

- i. both areas are sensitive, contain vulnerable populations and are slowly revitalizing: until the effects of allowing this new use are better understood, staff recommend disallowing them in such areas,*
- ii. business organizations in both areas were supportive of the ban,*
- iii. although the ban will reduce access to marijuana-related outlets, the reduction in access will be very slight. For example, in the worst case scenario, a DTES resident would need to walk about three blocks (i.e. to reach Hastings or Main Streets). Under these conditions, it is difficult to conclude that a black market would arise for purposes of serving unmet, local-area demand.*

B) Correction of error in by-law

On June 10, 2015 Council received a Yellow Memo from staff dated June 8, 2015 and entitled "Marijuana-Related Uses: Clarification and Correction". This memo recommended that Council consider an updated draft by-law with corrected and clarified language. Upon subsequent review of this updated by-law, however, staff discovered that one line had been erroneously deleted. Accordingly, this memo recommends that in Paragraph 4 with reference to Section 24.5 (17) after the words "No person shall carry on the business of a Retail Dealer - Medical" the following words be inserted:

"Marijuana-related between the hours of 10 p.m. and"

This will correct an inadvertent deletion of these words in the Yellow Memo.

Thank you

for. 

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for. 

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TK/tk

Attach. (2)

**Attachment 1: Revised Appendix E to the Report
By-law to amend the License By-law (By-law No. 4450)**

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:

“Compassion Club” means any person not otherwise herein defined who carries on a retail business in which the use of marijuana for medicinal purposes is advocated, in conjunction with the services described in, and pursuant to the provisions of, section 12.2 of this by-law.”

“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. In Section 4 (5), Council strikes out “section” and substitutes “by-law”.
4. After Section 12.1, Council adds:

“COMPASSION CLUB

- 12.2 (1) The provisions of this section apply to all persons carrying on business as a Compassion Club.
- (2) No person shall carry on business as a Compassion Club, without having first obtained a licence to do so from the Chief Licence Inspector.
 - (2) Only a society registered under the Society Act may carry on the business of a Compassion Club.
 - (3) A Compassion Club must only provide services to persons who are members in good standing of the society that is licensed to operate the Compassion Club.
 - (4) A Compassion Club must have a Trade Association Membership in the Canadian Association of Medical Cannabis Dispensaries.

- (5) At least 50 per cent of the floor area of a Compassion Club must be used to provide health care services to society members except that the health care services:
- (a) must not be related to the use of marijuana for medicinal purposes;
 - (b) must consist of at least two of the following:
 - (i) Reiki provided by a Registered Practitioner of Reiki,
 - (ii) nutritional counselling provided by a Registered Dietician,
 - (iii) psychological counselling provided by a Registered Psychologist,
 - (iv) Chinese medicine provided by a Registered Traditional Chinese Medicine Practitioner,
 - (v) cranial-sacral therapy provided by a Registered Craniosacral Therapist, or
 - (vi) massage provided by a Registered Massage Therapist; and
 - (c) must be provided for at least 200 hours per month.
- (6) A society that carries on business as a Compassion Club must make available to the Chief Licence Inspector its records related to the number of hours of health care services provided to society members per month, if requested to do so by the Chief Licence Inspector.
- (7) All persons who provide health care services in a Compassion Club must be registered members in good standing of any applicable professional association.
- (8) A society that carries on business as a Compassion Club must have a constitution and by-laws that provide:
- (a) all society members are entitled to advance notice of any general meeting of the society;
 - (b) all society members are entitled to attend any general meeting of the society;
 - (c) all society members in good standing who have been members for a year are entitled to vote at any meeting of the society at which the adopted rules of procedure require a vote;
 - (d) all society members in good standing who have been members for a year are entitled to become a director or officer of the society;

- (e) the quorum at a general meeting is at least 30 voting members present;
 - (f) corporations are not eligible for membership in the society; and
 - (g) membership in the society is not transferrable.
- (9) No person shall hold more than one licence as a Compassion Club.
- (10) No person shall hold a licence as a Compassion Club unless the person is the registered owner or lessee of the licensed premises.
- (11) A person who has been granted a license as a Compassion Club must not transfer, or transfer control of that license to another person.
- (12) A person who applies for a licence to carry on business as a Compassion Club, shall submit, together with an application in a form acceptable to the Chief Licence Inspector and the requisite fees, the following documents:
- (a) a copy of its constitution and by-laws;
 - (b) a security plan acceptable to the Chief Licence Inspector;
 - (c) contact information for a responsible person or persons available to be contacted at any time;
 - (d) a list of the names of all staff, together with a copy of photo identification for each staff member;
 - (e) a police information check for the applicant and for every employee;
 - (f) proof of a security alarm contract providing for monitoring at all times;
 - (g) proof of the professional qualifications of any health care practitioners that provide health care services for society members in the licensed premises;
 - (h) the certificate of title or the lease for the business premises;
 - (i) proof of Trade Association Membership of the applicant society in the Canadian Association of Medical Cannabis Dispensaries; and
 - (j) such other documents as may be required by the Chief Licence Inspector.

- (13) Notwithstanding the provisions of Section 4 of this By-law, the Chief Licence Inspector may impose conditions on a business licence for a Compassion Club, 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, including conditions regarding the posting of signage informing the public of potential health risks associated with medical marijuana use;
 - (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.
- (14) No person shall permit, suffer or allow a person to work in a Compassion Club without having first submitted a police information check for that employee to the Chief Licence Inspector.
- (15) No person shall carry on any business other than a Compassion Club on the business premises.
- (16) 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 a Compassion Club.
- (17) No person shall sell food on the business premises of a Compassion Club, except that this provision does not apply to the sale of edible oils in sealed containers.

- (18) No person shall permit, suffer or allow a minor to enter or remain on the business premises of a Compassion Club.
- (19) No person shall directly or indirectly advertise or promote the use of marijuana to a minor, in or from the business premises of a Compassion Club.
- (20) 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 Compassion Club.
- (21) 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 Compassion Club.
- (22) No person shall carry on the business of a Compassion Club between the hours of 10 p.m. and 8 a.m. the following day.
- (23) No person shall block the windows of the business premises of a Compassion Club-with translucent or opaque material, artwork, posters, shelving, display cases or similar elements.
- (24) No person shall install, or permit, suffer or allow the installation of an ATM (Automated teller machine) on the business premises of a Compassion Club.
- (25) No person shall install security bars that are located within one meter of the front windows of the business premises of a Compassion Club.
- (26) No person shall install roll down shutters on the business premises of a Compassion Club.
- (27) The following security measures shall be installed and maintained on the business premises of a Compassion Club:
 - (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.

- (28) The Chief License Inspector must not issue any business license for a Compassion Club or Retail Dealer - Medical Marijuana-related prior to [x date].
- (29) The Chief License Inspector must review all license applications for a Compassion Club or Retail Dealer - Medical Marijuana-related received prior to [x date] on the following basis:
 - (a) if the proposed location contravenes Section 11.28.2(b) of the Zoning & Development By-law, the Chief License Inspector must refuse to issue the license;
 - (b) if the proposed location contravenes Section 11.28.2(a) of the Zoning & Development By-law, the Chief License Inspector must:
 - (i) evaluate the applications for that location and assign points to each application, based on the criteria set out in the following table:

Criteria	Points
Individual applicant	1
>1 complaint by >1 complainant in previous 12 months	2
Existing work without permit	3
History of poor business practices	4

and the Chief License Inspector must issue the license to the applicant with the lowest number of points, and

- (ii) in the event of a tie, the Chief License Inspector must issue the license based on a random draw, after prior notification to all affected applicants, who may attend in person to witness the random draw.”

5. 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 five licences 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) 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 impose conditions on a business licence for a Retail Dealer - Medical Marijuana-related business, 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, including conditions regarding the posting of signage informing the public of potential health risks associated with medical marijuana use;
 - (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.
- (23) The Chief License Inspector must not issue any business license for a Compassion Club or Retail Dealer - Medical Marijuana-related prior to [x date].

(24) The Chief License Inspector must review all license applications for a Compassion Club or Retail Dealer - Medical Marijuana-related received prior to [x date] on the following basis:

- (a) if the proposed location contravenes Section 11.28.2(b) of the Zoning & Development By-law, the Chief License Inspector must refuse to issue the license;
- (b) if the proposed location contravenes Section 11.28.2(a) of the Zoning & Development By-law, the Chief License Inspector must:
 - (i) evaluate the applications for that location and assign points to each application, based on the criteria set out in the following table:

Criteria	Points
Individual applicant	1
>1 complaint by >1 complainant in previous 12 months	2
Existing work without permit	3
History of poor business practices	4

and the Chief License Inspector must issue the license to the applicant with the lowest number of points, and

- (ii) in the event of a tie, the Chief License Inspector must issue the license based on a random draw, after prior notification to all affected applicants, who may attend in person to witness the random draw. ”

6. In Section 30, Council:

- (a) re-numbers sections 30(2), (3) and (4) as sections 30(3), (4) and (5) respectively;
- (b) 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.”; and
- (c) in re-numbered Section 30(5), strikes out “(2)” and substitutes “(3) and (4)”.

7. To Schedule A, in alphabetical order, Council adds:

"COMPASSION CLUB.....\$1000.00

RETAIL DEALER - MEDICAL MARIJUANA -RELATED.....\$30,000.00"

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

EXPLANATION

License By-law amending By-law Re: Retail dealer - medical marijuana-related

The attached By-law will implement Council's resolution of _____, 2015 to amend the License By-law to create two new business licence classes and regulations regarding the new business license classes called Compassion Club and Retail Dealer - Medical Marijuana-related.

Director of Legal Services
_____, 2015

**Attachment 2: Revised Appendix B to the Report
By-law to amend the Zoning and Development By-law (By-law No. 3575)**

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 in correct alphabetical order:

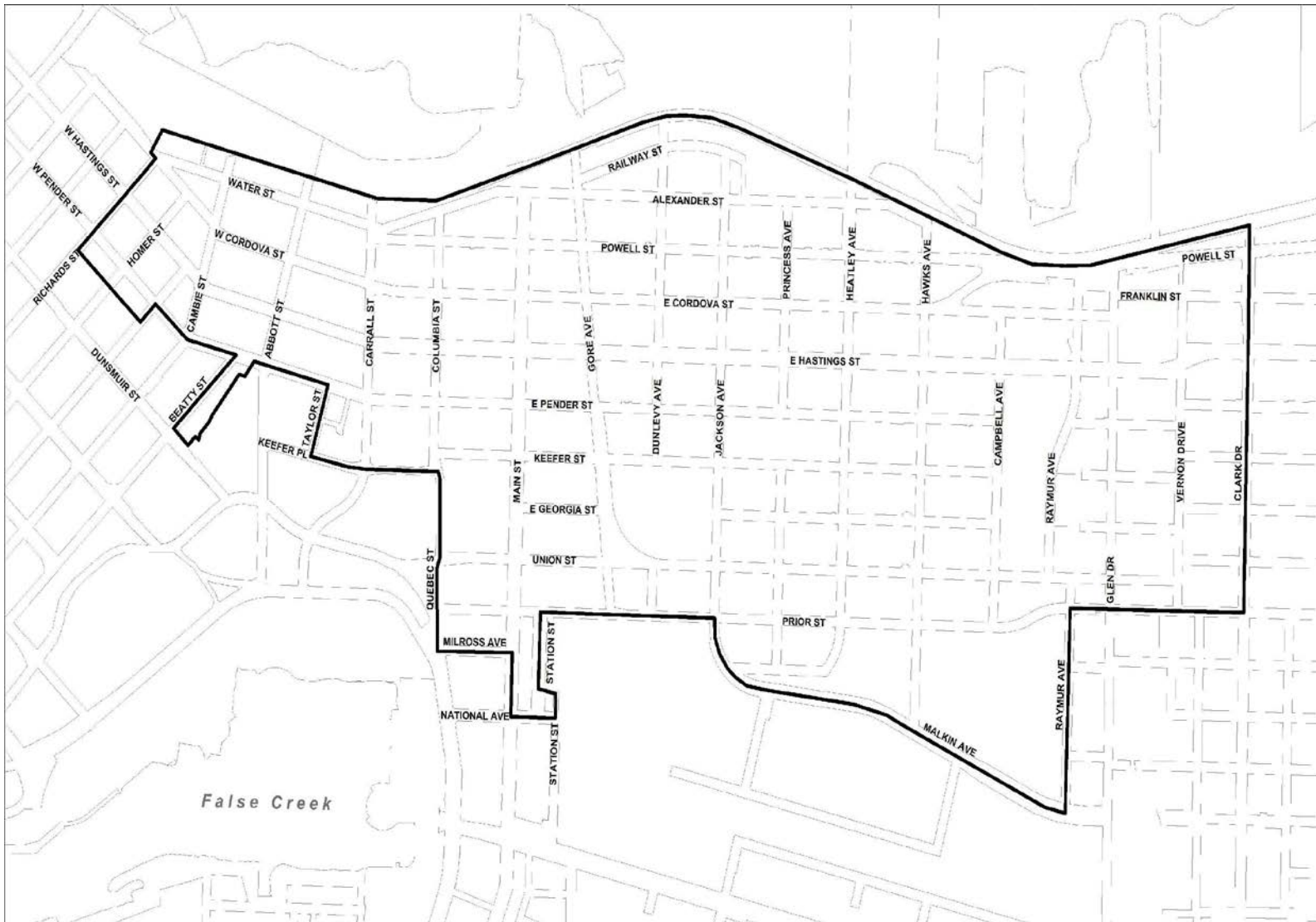
“**Medical Marijuana-related Use**, means a retail use in which the use of marijuana for medicinal purposes is advocated, and includes a Compassion Club as defined in the License By-law;”
3. In section 11, Council adds:

“**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:
 - (a) within 300 metres of the nearest property line of a site containing another Medical Marijuana-related Use;

- (b) within 300 metres of the nearest property line of a site containing a School - Elementary or Secondary, Community Centre or Neighbourhood House;
- (c) within the area outlined on Figure 1 below, except for sites with a property line on Hastings Street or Main Street;

Figure 1



- (d) on any site with a property line on Granville Street between Robson Street and Pacific Boulevard;
- (e) on any site other than a site adjacent to a street that has a painted center line;
- (f) in conjunction with any other use; or
- (g) in conjunction with an automated banking machine.”

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, under section 2.2.R, 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