

UNFINISHED BUSINESS

1. TEXT AMENDMENT: Regulation of Retail Dealers - Medical Marijuana-Related Uses

On June 10, 11, 13 and 22, 2015, Vancouver City Council concluded a Public Hearing on the above-noted application and referred discussion and decision to the Regular Council meeting following the Standing Committee on Planning, Transportation and Environment meeting on Wednesday, June 24, 2015, as Unfinished Business.

MOVED by Councillor Jang

- A. THAT the amendments to the Zoning and Development By-law regarding Retail Dealers - Medical Marijuana-related Uses, generally as set out in Attachment 2: Revised Appendix B of the Memorandum dated June 19, 2015, from the Acting General Manager of Community Services, and the General Manager of Planning and Development Services, be approved, and which includes the housekeeping corrections put forward in the Memorandum dated June 8, 2015 from the Acting General Manager of Community Services and the General Manager of Planning and Development Services.
- B. THAT the amendments to the Downtown Official Development Plan regarding Retail Dealers - Medical Marijuana-related Uses, generally as set out in Appendix C of the Policy Report dated April 21, 2015, entitled "Regulation of Retail Dealers - Medical Marijuana-Related Uses", be approved.
- C. THAT the amendments to the Downtown-Eastside/Oppenheimer Official Development Plan regarding Retail Dealers - Medical Marijuana-related Uses, generally as set out in Appendix D of the Policy Report dated April 21, 2015, entitled "Regulation of Retail Dealers - Medical Marijuana-Related Uses", be approved.
- D. THAT, subject to enactment of the amendments to the Zoning and Development By Law, the Downtown Official Development Plan and the Downtown-Eastside/ Oppenheimer Official Development Plan, the Director of Legal Services be instructed to bring forward the amendments to the License By-Law to allow, regulate and establish a fee for Retail Dealers - Medical Marijuana-related Uses and Compassion Club, generally as set out in Attachment 1: Revised Appendix E of the Memorandum dated June 19, 2015, from the Acting General Manager of Community Services and the General Manager of Planning and Development Services, and which includes the corrections and changes put forward in the Memorandum dated June 8, 2015, from the Acting General Manager of Community Services and the General Manager of Planning and Development Services, and which includes the correction of error in by-law outlined in the Memorandum of June 19, 2015, but with the exception that:

- i) the reference to Section 12.2 in paragraph 4 of Attachment 1: Revised Appendix E be renumbered in correct sequential order starting at S. 12.2 (2) to correct a numbering error;
- ii) the reference to renumbered Section 12.2 (6) in Paragraph 4 of Attachment 1: Revised Appendix E be replaced with the following:
 - (6) A Compassion Club must 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) may consist of, but are not limited to, 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 60 percent of the time that the Compassion Club is open for business.
- iii) the reference to renumbered Section 12.2 (30)(b) of paragraph 4 of Attachment 1: Revised Appendix E be replaced with the following:
 - (b) if the proposed location contravenes Section 11.28.2(a) of the Zoning and 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
Non-Compassion Club Use	10
>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

- iv) the reference to renumbered Section 12.2 (18) in Paragraph 4 of Attachment 1: Revised Appendix E be replaced with the following:

No person shall sell food on the business premises of a Compassion Club, except that this provision does not apply to the sale of tinctures, capsules or edible oils, in sealed containers.

- v) the reference to Section 24.5(12) in paragraph 5 of Attachment 1: Revised Appendix E be replaced with the following:

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 tinctures, capsules or edible oils, in sealed containers.

- vi) the reference to Section 24.5 (24)(b) of paragraph 5 of Attachment 1: Revised Appendix E be replaced with the following:

(b) if the proposed location contravenes Section 11.28.2(a) of the Zoning and 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
Non-Compassion Club Use	10
>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

- E. THAT, subject to enactment of the amendments to the Zoning and Development By Law, the Downtown Official Development Plan and the Downtown-Eastside/ Oppenheimer Official Development Plan, the Director of Legal Services be instructed to bring forward the amendments to the Ticket Offences By-Law to enable ticketing for related offences, generally as set out in Appendix F of the Policy Report dated April 21, 2015, entitled "Regulation of Retail Dealers - Medical Marijuana-Related Uses".

- F. THAT, subject to enactment of the amendments to the Zoning and Development By Law, the Downtown Official Development Plan and the Downtown-Eastside/ Oppenheimer District Official Development Plan, the Director of Legal Services be instructed to bring forward the amendments to the Zoning and Development Fee By Law to set a fee for permits, generally as set out in Appendix G of the Policy Report dated April 21, 2015, entitled "Regulation of Retail Dealers - Medical Marijuana-Related Uses".
- G. THAT, subject to enactment of the amendments to the Zoning and Development By law, the Guidelines for Retail Dealer - Medical Marijuana-related Uses near youth facilities, generally as set out in Appendix I of the Policy Report dated April 21, 2015, entitled "Regulation of Retail Dealers - Medical Marijuana-Related Uses" be adopted and the General Manager of Planning and Development Services be instructed to apply them.
- H. THAT, upon Council enactment of the regulations, all known businesses under the category of Marijuana-Related Retail Uses are notified and requested to make application for a Development Permit within 60 days of enactment.

CARRIED
(Councillors Affleck, Ball and De Genova opposed)