

City of North Vancouver

COUNCIL POLICY

Policy Name: Recreational Cannabis Retail Policy

Policy Number: 7



POLICY

Recreational Cannabis Retail Policy

REASON FOR POLICY

The Government of Canada has announced the recreational use of cannabis will become legal in Canada on October 17, 2018. The federal Cannabis Act is the legal framework under which the production, distribution, sale and possession of cannabis, for both medical and non-medical (recreational) purposes, is regulated in Canada. Through legislation including the Cannabis Control and Licensing Act, the Province of British Columbia has created a legislative framework to supplement federal legislation and facilitate legal and controlled access to recreational cannabis in British Columbia following federal legalization.

In coordination with federal and provincial regulations, this Policy creates a framework under which recreational cannabis retail businesses will be established in the City, with a focus on the following:

1. Defining **locational criteria** for where businesses may be situated, based on land use requirements, separation from sensitive uses and geographical distribution;
2. Implementing the **application procedure** under which proposals for new cannabis retail businesses are to be submitted, assessed and approved to operate within the City.

Applicability

This policy is applicable to all rezoning applications to operate a recreational cannabis retail business in the City.

Authority to Act

The legislative framework of the Province of British Columbia, including the Community Charter, Local Government Act, and the Cannabis Control and Licensing Act, provides the basis upon which the City may regulate certain locational aspects of recreational cannabis retail businesses, as well as procedures for assessing and approving business proposals.

Policy Name: Recreational Cannabis Retail Policy

Policy Number: 7

Administration of this policy is delegated to the Planning Department.

PROVISIONS AND PROCEDURES

The following describes locational criteria for all recreational cannabis retail businesses in the City and outlines the procedure under which applications will be accepted, assessed and approved.

Locational Criteria

1. Recreational cannabis retail businesses may only be located on properties assigned with the following land use designations under the 2014 Official Community Plan (OCP) – Schedule A Land Use Map (see Schedule 1):
 - Mixed-Use Level 2 (Medium Density);
 - Mixed-Use Level 3 (Medium Density);
 - Mixed-Use Level 4A (High Density);
 - Mixed-Use Level 4B (High Density);
 - Harbourside Waterfront (Mixed-Use); and,
 - Commercial.

2. Recreational cannabis retail businesses may not be located within a 100-metre radii of the following sensitive uses (see Schedule 2):
 - Community and Recreational Centres;
 - North Shore Neighbourhood House;
 - North Shore Shelter;
 - North Vancouver School District Office; and,
 - Public elementary and secondary schools.

3. A maximum of six (6) retail businesses will be considered. Business locations are to be distributed throughout four areas in the City, in accordance with Schedule 3.

Application Procedure

1. Resources for application submission, including detailed instructions and links to the application form, submission requirements and other relevant information, will be posted on the City website at www.cnv.org/cannabis on October 1, 2018.

2. The City will accept applications between November 19, 2018 at 10:00 am (PST) and November 30, 2018 at 5:00 pm (PST). All applications must include the information identified in Schedule 4 to be considered complete. Initial evaluation will be based on whether required documentation has been submitted. Through the rezoning process, a more in-depth analysis will be completed, at which point additional documents may be required.

Applications will only be accepted online through the City's file transfer service. Submissions will be deemed successfully received once displayed as a new e-mail in the inbox of the City's e-mail address. The order of which applications are received in the City's inbox will be considered the official register of applications received by the City. The City will not be liable for any application submission delay for any reason, including technological delays, or issues with either party's network or e-mail program. The City will also not be liable for any damages associated with submissions not received. The link to the file transfer service will be posted at www.cnv.org/cannabis.

The following rules apply to submissions:

- Only one submission per business/operator per area will be accepted;
 - Should the City receive multiple submissions from the same business/operator for the same location, only the first received submission will be considered;
 - A submission containing more than one application will not be considered and will be disqualified; and,
 - A submission containing more than one proposed location will not be considered and will be disqualified;
3. After the intake period, staff will review applications on a "first-come, first-serve" basis for application completeness. Applications that are deemed incomplete will not be further considered and disqualified.
 4. The City will consider a total of up to six (6) business locations, distributed throughout areas of the City in accordance with Schedule 3. The first two (2) complete applications received in Areas 1 and 2 and the first complete applications received in Areas 3 and 4 will be eligible to submit a rezoning application.
 5. All applications that proceed to the rezoning stage must submit an application fee of \$4,026.25.

Policy Name: Recreational Cannabis Retail Policy

Policy Number: 7

6. Staff will process the first set of rezoning applications as a single batch if possible. All rezoning applicants must follow standard procedures for the rezoning process, including the following:
 - a. Responding to feedback and comments from staff, applicable advisory bodies, and the public;
 - b. Organizing an open house session and conducting other applicable public notification and consultation measures; and,
 - c. Attending standard Council proceedings, including a Public Hearing, when scheduled.

Should an applicant withdraw from the rezoning process during this stage, the applicant(s) who had submitted the next complete application in the same area, as defined in Schedule 3, will be eligible to submit a rezoning application.

7. All applications will be held at Third Reading pending confirmation of approval for a Provincial Non-Medical Cannabis Retail License. Should an application at Third Reading not receive Provincial approval, the next complete application in the same area, as defined in Schedule 3, will be eligible to submit a rezoning application.
8. Upon rezoning approval, applicants may submit a business license application and, if applicable, a building permit application to the City.
9. Once operational, staff will monitor businesses to keep Council informed on the state of recreational cannabis retail in the City. After a period of two years, staff will reassess the Policy to determine whether amendments are warranted and/or if additional stores should be considered in the City, and return to Council with a recommendation for next steps. Council may request an alternative timeline for staff reassessment of the Policy at their discretion.
10. Should the City not receive the appropriate number of complete applications for each area, as defined in Schedule 3, during the timeframe outlined above in the Policy, future applications will be accepted on a 'first come, first serve' basis that are consistent with the requirements of this Policy.

Approval date:	September 24, 2018	Approved by:	Council
Effective date:		Revision date:	

Policy Name: Recreational Cannabis Retail Policy




Policy Number: 7

Schedule 1

Permitted OCP Land Use Designations for Recreational Cannabis Retail Business Locations



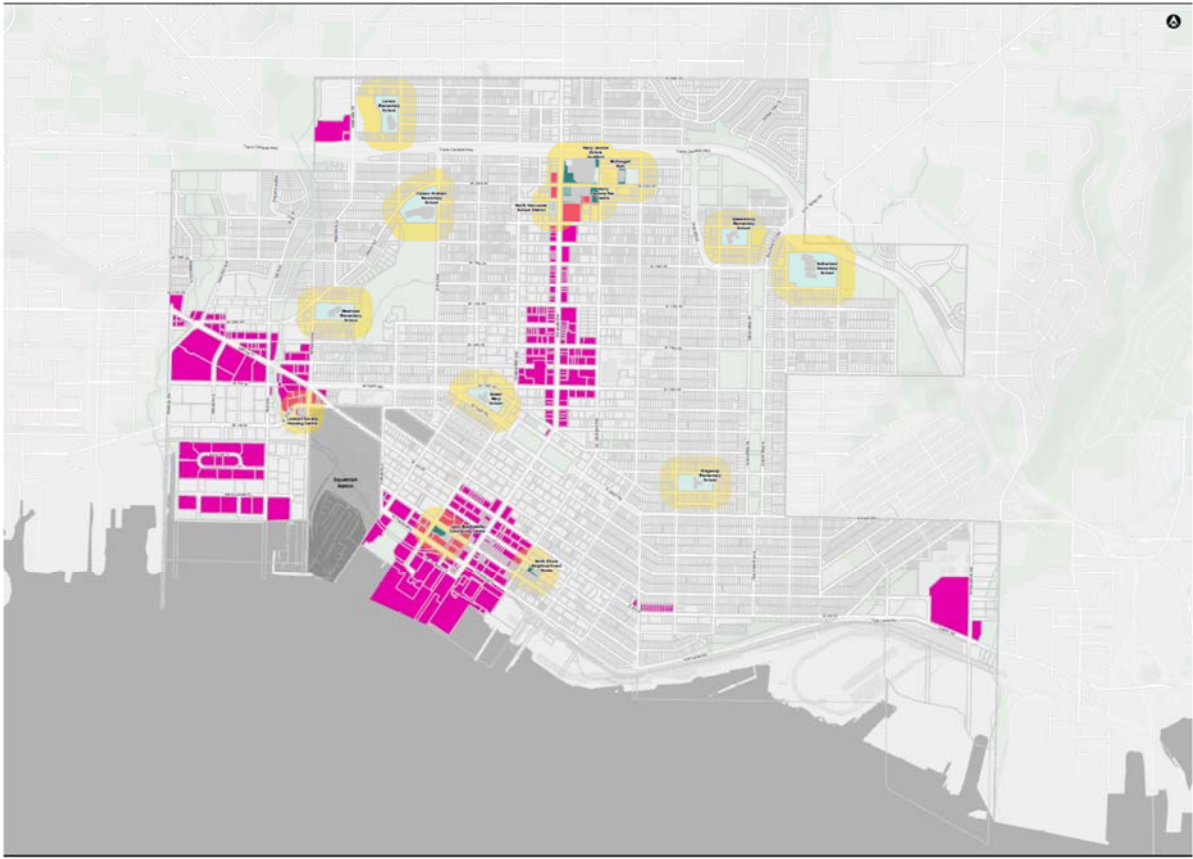
Legend

-  Permitted OCP Land Use Designations
-  Legal Parcels
-  City Boundary






Policy Name: Recreational Cannabis Retail Policy

Policy Number: 7

Schedule 2
Recreational Cannabis Retail Businesses
100-metre Radius Separation Requirement from Sensitive Uses



Legend

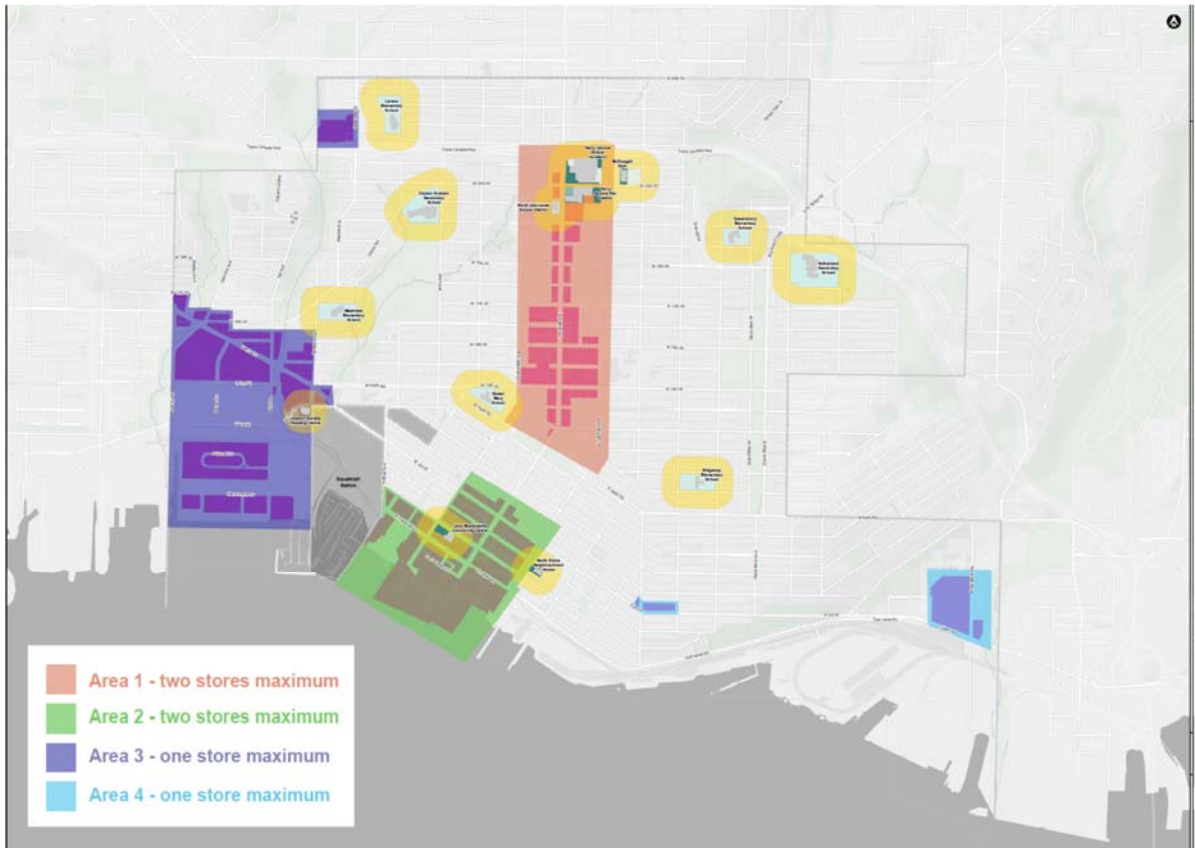
-  Sensitive Use Buildings
-  School/ School District
-  Lookout Society
-  Community/ Recreation Centres
-  100m exclusion buffer *
-  OCP Land Use Designation
-  Legal Parcels
-  City Boundary

* buffers have been measured from legal parcel boundaries

Policy Name: Recreational Cannabis Retail Policy

Policy Number: 7

Schedule 3
Recreational Cannabis Retail Businesses
Areas of Consideration



Policy Name: Recreational Cannabis Retail Policy

Policy Number: 7

Schedule 4
Recreational Cannabis Retail Businesses - Submission Requirements

REQUIRED INFORMATION / DOCUMENTATION	YES	NO
Name and contact information of applicant(s)		
Civic address and legal description of property where the proposed business is to be located		
Letter of consent signed by the subject property strata corporation or registered owner(s) authorizing application submission and proof of an option for lease or purchase of the subject property; or a State of Title Certificate confirming the ownership of the subject property		
Confirmation that the proposed location complies with all locational requirements as per this policy		
Full description of the proposed business operation, including, at minimum, the following information: <ul style="list-style-type: none">• past business experience• corporate structure• number of staff, products sold, target market, and hours of operation• other general business information		
Letter confirming that all individuals/corporate entities associated with the proposed business are <u>not</u> currently operating any illegal recreational cannabis operations in the City of North Vancouver		
Description of the expected time frame for commencing business activities within the City, if approved		
A Community Impact Statement outlining the following: <ul style="list-style-type: none">• Potential positive and negative economic, social and environmental impacts the business may have on the immediate neighbourhood and wider community• Strategies for mitigating potential negative impacts		
A Security Plan demonstrating security features that comply or exceed Provincial requirements		
Provincial licensing referral from Liquor and Cannabis Regulation Branch (required to be received from Province)		