



COUNCIL AGENDA

Date: September 23, 2024 Item: 6.



DISTRICT OF WEST VANCOUVER
750 17TH STREET, WEST VANCOUVER BC V7V 3T3

COUNCIL REPORT

| | |
|----------|---|
| Date: | September 3, 2024 |
| From: | Megan Roberts, Assistant Planner |
| Subject: | Interim Non-Medical Cannabis Retail Policy Review |
| File: | 13-2500-01-2024 |

RECOMMENDATION

THAT

1. "Interim Non-Medical Cannabis Retail Policy 0137", attached as **Appendix A**, that was approved on May 31, 2021, be rescinded; and
2. proposed "Cannabis Retail Policy 0179", attached as **Appendix B** to the September 3, 2024 report titled "Interim Non-Medical Cannabis Retail Policy Review" be approved.

RECOMMENDATION

That proposed "Fees and Charges Bylaw No. 5251, 2023 Amendment Bylaw No. 5363, 2024" attached as **Appendix C** be read a first, second and third time.

RECOMMENDATION

That proposed "Fees and Charges Bylaw No. 5334, 2024 Amendment Bylaw No. 5364, 2024" attached as **Appendix D** be read a first, second and third time.

1.0 Purpose

The purpose of this report is to provide a review of the Interim Non-Medical Cannabis Retail Policy and make recommendations for introducing a revised policy along with reduction to the business licence fee for Cannabis Retail establishments.

2.0 Legislation/Bylaw/Policy

Federal Legislation

The Federal Government of Canada legalized recreational cannabis across the country with the adoption of the *Cannabis Act* on October 17, 2018. The *Cannabis Act* has created a framework for cannabis production and distribution, as well as regulates and enforces criminal offences - including measures to protect youth. On October 17, 2019, the *Cannabis Act* was updated to legalize edibles, topical applications and extracts.

Provincial Legislation

Through legislation including the *Cannabis Control and Licensing Act*, the Province of British Columbia established the legal framework for the

possession, use, and retail licensing of cannabis while the *Cannabis Distribution Act* established the Liquor and Cannabis Regulation Branch (LCRB) as the wholesale distributor of non-medical cannabis in the province and regulator of BC cannabis stores. Local governments retain the power to regulate land use, smoking bylaws and business licensing regarding cannabis sales and production in their municipality.

Section 194 of the *Community Charter* authorizes a municipality to impose fees by bylaw in respect of services or for the provision of information.

Bylaws

Section 120.01(6) of the *Zoning Bylaw* prohibits Cannabis Sales and Production in every zone across the District. The *Fees and Charges Bylaw* includes annual business licence fees based on business type.

Policy

The *Interim Non-medical Cannabis Retail Policy* (the 'Policy') guides the geographical distribution and evaluation of cannabis retail stores in the District. Criteria in the Policy requires a minimum distance from schools of 100 m, a maximum of one store per shopping area (Horseshoe Bay, Dundarave, Ambleside and the Marine Drive Local Area Plan commercial area), and a maximum store frontage of 8 m.

3.0 Council Strategic Objective(s)/Official Community Plan

The Official Community Plan supports economic diversification and encourages job creation to promote a more resilient and vital economy.

Council's Strategic Plan 2024-2025 includes enhancing our vital and vibrant commercial centres and the following objectives regarding the Local Economy:

Objective 3.1: Collaborate with business improvement associations and Squamish Nation to provide economic development support.

Deliverable 3.1.1: Support existing businesses. (2024-2025+)

4.0 Financial Implications

The Fees and Charges Bylaw includes an annual \$5,100.00 business licence fee for cannabis retail businesses. The fee is reduced to \$2,550.00 for businesses that come into existence after July 31 of each year. The annual fee is proposed to be reduced to an annual fee of \$300 in response to evaluation of staffing and resource implications for existing Cannabis Retail businesses.

5.0 Background

5.1 Previous Decisions

At its July 23, 2018 regular meeting, Council passed the following resolution that defined and prohibited cannabis sales and production in the District of West Vancouver:

THAT proposed “Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 4982, 2018” be adopted.

At its May 31, 2021 regular meeting, Council passed the following resolutions regarding an Interim Non-Medical Cannabis Retail policy to evaluate the distribution and consideration of cannabis retail applications across the District and introduced a cannabis retail business licence fee:

THAT Corporate Policy #0137 (Interim Non-medical Cannabis Retail Policy) attached as Appendix A to the report from the Senior Manager of Current Planning & Urban Design and Planning Technician dated May 12, 2021, be approved.

THAT proposed "Fees and Charges Bylaw No. 5025, 2019, Amendment Bylaw No. 5119, 2021" be read a first, second and third time.

At its June 14, 2021 regular meeting, Council passed the following resolution regarding a cannabis retail business licence fee:

THAT proposed “Fees and Charges Bylaw No. 5025, 2019, Amendment Bylaw No. 5119, 2021” be adopted.

5.2 History

At the time that the Policy was approved, Council directed staff to bring forward all Cannabis Retail applications received by June 30, 2021 in a batch for consideration. The District received a total of 10 temporary use permit (TUP) applications for cannabis retail. Applicants had the choice to either apply for a TUP or a zoning amendment to permit cannabis sales, however, only TUP applications were received. The cannabis retail stores at 6609 Royal Avenue (Horseshoe Bay) and 1453 Bellevue Avenue (Ambleside) were the successful candidates in receiving a TUP on December 15, 2021. The two commercial areas in the District that remain available for consideration of a Cannabis Retail business in the current Policy are Dundarave and the Marine Drive Local Area Plan (LAP) commercial areas.

At the time the Policy was created, District staff indicated that they would report back to Council after two years, providing an evaluation of the approved businesses along with recommendations to update and/or confirm the policy. The two existing cannabis retail businesses have now applied for a zoning amendment to their sites to permit Cannabis Retail at those locations in perpetuity. Those applications are the subject of separate reports being considered by Council concurrently with the policy review.

6.0 Analysis

6.1 Discussion

Review of the Interim Policy and Existing Businesses

The two existing cannabis retail businesses in Ambleside and Horseshoe Bay have been in operation for over two years. Based on review with staff from business licences, bylaw enforcement and West Vancouver Police, the existing cannabis retail businesses have operated without any specific negative issues arising that would be considered atypical for retail businesses generally. Staff have not received applications for cannabis retail businesses in the two remaining commercial areas although staff have received enquiries from time to time. With Council's consideration of the Cypress Village neighbourhood a new shopping area is anticipated and the one material change that staff are proposing is to add Cypress Village as an eligible shopping area once it is developed.

Proposed Cannabis Retail Business License Fee Reduction

Licence fees are primarily used to fund the District's licensing operations, including bylaw enforcement. On an annual basis, staff recommend an adjustment to the licence fees to ensure fee revenue remains consistent with increased expenses to the District and inflation. An initial \$5,000 annual cannabis retail business licence fee was introduced to 1) offset the cost of policy development; 2) to provide a fee that was generally consistent with other municipalities; and 3) to offset the potential unknown costs related to enforcement issues for a new legal industry. Currently, the cannabis retail business licence fee is \$5,100 annually (it was incrementally increased annually since 2021). As the District of West Vancouver does not have any illegal cannabis retail stores and the existing cannabis retail operators have not had any bylaw infractions, staff note that the current \$5,100 business licence fee exceeds bylaw enforcement costs associated with cannabis regulation.

A recent review of cannabis business licence fees in the Lower Mainland show that the fees charged by nearby municipalities vary from \$125 up to \$5,785. Moreover, the cannabis business licence fee is significantly higher than other types of business licence fees in the District. In order to better align the Cannabis Retail business licence fee with other similar business licence fees (liquor stores) in the District, staff are proposing to reduce the annual fee to \$300 per year.

The main difference between processing a cannabis retail store business license and a liquor store business license is that the cannabis retail store requires that the District of West Vancouver provide comment on the LCRB licence application. Specifically, the LCRB requires a recommendation of support from the municipality before they will issue the cannabis retail licence. In comparison, a liquor store does not require any recommendation to the LCRB. While there is a process difference between a liquor store versus a cannabis retail application, the necessity to provide comment to the LCRB only applies one time and is completed

by planning staff as part of the process for reviewing a TUP or zoning amendment application.

6.2 Climate Change & Sustainability

If adopted, the updated Cannabis Retail Policy will allow for the expansion of a limited number of Cannabis retail stores to locate in the District's primary commercial areas. This would add employment opportunities, provide a greater range of services to residents, and be a potential facilitator and contributor to economic growth.

6.3 Public Engagement and Outreach

Should the updated policy be approved, staff would update the District's webpage to inform the public and applicants of the policy changes.

6.4 Other Communication, Consultation, and Research

Staff from Bylaws and Licencing, and the West Vancouver Police Department were consulted on the updated policy and proposed fee reduction.

7.0 Options

7.1 Recommended Option

It is recommended that the updated Cannabis Retail Policy be approved and that Council give first, second and third reading to the proposed Fees and Charges amendment bylaws.

7.2 Considered Options

Request further information (to be specified) or provide staff with alternative direction.


8.0 Conclusion

The revised Policy proposes to allow for consideration of a cannabis retail store in the future Cypress Village commercial area. The proposed update to business licence fee would align the fee for Cannabis Retail businesses with other similar retail businesses.

Date: September 3, 2024
From: Megan Roberts, Assistant Planner
Subject: Non-Medical Interim Cannabis Retail Policy Review

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Author: 
Megan Roberts, Assistant Planner

Concurrence 
Michelle McGuire, Senior Manager of Current Planning and Urban Design

Appendices:

- A. Interim Non-medical Cannabis Retail Policy
- B. Cannabis Retail Policy
- C. Fees and Charges Bylaw No. 5251, 2023 Amendment Bylaw No. 5363, 2024
- D. Fees and Charges Bylaw No. 5334, 2024 Amendment Bylaw No. 5364, 2024

District of West Vancouver
POLICY

Title: Interim Non-Medical Cannabis Retail
Division: Planning & Development Services
Policy Number: 0137
File Number: 0282-20-0137

1. Purpose

- 1.1. To establish an interim non-medical cannabis retail policy to guide the location and geographical distribution of retail cannabis uses.

2. Scope

- 2.1. The District of West Vancouver.

3. Definitions

- 3.1. **Cannabis** as defined in the Cannabis Act and includes any products containing cannabis.
- 3.2. **Cannabis** retail means the use of land, buildings or structures for storing, distributing, dispensing, trading or selling of Cannabis, but does not include sales by a British Columbia Registered Pharmacist in a British Columbia regulated pharmacy.
- 3.3. **Sensitive use** means a land use including a public or private elementary or high schools.
- 3.4. **Buffer** means the distance in metres that separates the property line of a recreational retail cannabis use to the property line of a sensitive use.


4. Policy Statement

- 4.1. Policies for evaluating a rezoning or temporary use permit application for retail cannabis use will include the following locational criteria and guidelines:
 - 4.1.1. Retail cannabis uses may not be located within a 100 metre buffer from sensitive uses.
 - 4.1.2. A retail cannabis business may have a maximum 8 metre store frontage.
 - 4.1.3. A maximum of 1 store in each of the following town centres/commercial nodes: Ambleside Village Centre, Horseshoe Bay Village Centre, Dundarave Village Centre and Marine Drive Local Area Plan.

5. Authority

- 5.1. 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 District may regulate certain locational aspects of recreational cannabis retail businesses, as well as procedures for assessing and approving business proposals.

6. Approval

| | | |
|--|---|---|
| Approved by | <input type="checkbox"/> CAO | <input checked="" type="checkbox"/> Mayor and Council |
| Approval date | 2021/05/31 | |
| Council minutes eDocs # (Council Policies only) | 4256150 | |
| Council report eDocs # (Council Policies only) | 4243751 | |
| Signature |  | |

7. Additional Information

| | | |
|----------------------------|---|---|
| Category | <input checked="" type="checkbox"/> Council | <input type="checkbox"/> Administrative |
| Related procedure | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Date of last review | n/a | |

District of West Vancouver
POLICY

Title: Cannabis Retail
Division: Planning & Development Services
Policy Number: 0179
File Number: 0282-20-0179

1. Purpose

- 1.1. To guide the location and geographical distribution of retail cannabis.

2. Scope

- 2.1. The District of West Vancouver.

3. Definitions

- 3.1. **Cannabis** as defined in the *Cannabis Act* and includes any products containing cannabis.
- 3.2. **Cannabis** retail means the use of land, buildings or structures for storing, distributing, dispensing, trading or selling of Cannabis, but does not include sales by a British Columbia Registered Pharmacist in a British Columbia regulated pharmacy.
- 3.3. **Sensitive use** means a land use including a public or private elementary or high schools.
- 3.4. **Buffer** means the distance in metres that separates the property line of a recreational retail cannabis use to the property line of a Sensitive use.


4. Policy Statement

- 4.1. The following locational criteria and guidelines will be used for evaluating a rezoning or temporary use permit application for retail cannabis use:
 - 4.1.1. Retail cannabis uses may not be located within a 100 metre buffer from Sensitive uses.
 - 4.1.2. A retail cannabis business may have a maximum 8 metre store frontage.
 - 4.1.3. A maximum of 1 store in each of the following town centres/commercial nodes: Ambleside Village Centre, Horseshoe Bay Village Centre, Dundarave Village Centre, Marine Drive Local Area Plan Commercial Area, and Cypress Village Commercial Area.

5. Authority

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

6. Approval

| | | |
|--|---|--|
| Approved by | <input type="checkbox"/> CAO | <input type="checkbox"/> Mayor and Council |
| Approval date | Click here to enter a date. | |
| Council minutes eDocs # (Council Policies only) | | |
| Council report eDocs # (Council Policies only) | 5756698 | |
| Signature | <div style="text-align: center;">  </div> | |

7. Additional Information

| | | |
|----------------------------|---|---|
| Category | <input checked="" type="checkbox"/> Council | <input type="checkbox"/> Administrative |
| Related procedure | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Date of last review | Click here to enter a date. | |



District of West Vancouver

**Fees and Charges Bylaw No. 5251, 2023
Amendment Bylaw No. 5363, 2024**

Effective Date:

Fees and Charges Bylaw No. 5251, 2023 Amendment Bylaw No. 5363, 2024

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District of West Vancouver

Fees and Charges Bylaw No. 5251, 2023 Amendment Bylaw No. 5363, 2024

A bylaw to reduce the fees for a cannabis retail business license.

Previous amendments: Amendment bylaws 5278, 5285, 5319 and 5343.

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for fees and charges for services and information;

AND WHEREAS section 194 of the Community Charter authorizes municipalities by bylaw to impose fees in respect of services or for the provision of information;

AND WHEREAS Council deems it necessary and desirable to exercise the authority provided by the Community Charter to cover costs of providing services and information where appropriate;

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

Part 1 Citation

- 1.1 This bylaw may be cited as Fees and Charges Bylaw No. 5251, 2023 Amendment Bylaw No. 5363, 2024.

Part 2 Severability

- 2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Part 3 Amends Schedule C – Licensing

Fees and Charges Bylaw No. 5251, 2023 Schedule C - Licensing is amended by:

3.1 Deleting the ‘Non-medical Cannabis Retail’ table:

| Non-medical Cannabis Retail | | |
|---|------------|--|
| Application for a cannabis retail licence | \$5,100.00 | Effective January 1. |
| | \$2,550.00 | Effective August 1. Businesses that come into existence after July 31 pursuant to Business Licence Bylaw 4455 Section 5.2.2 |

3.2 Adding the ‘Cannabis Retail Store’ table as follows:

| Cannabis Retail Store | | |
|---|-------|--|
| Application for a cannabis retail license | \$300 | Effective January 1. |
| | \$150 | Effective August 1. Businesses that come into existence after July 31 pursuant to Business License Bylaw 4455 Section 5.2.2 |

READ A FIRST TIME on [Date]

READ A SECOND TIME on [Date]

READ A THIRD TIME on [Date]

ADOPTED by the Council on [Date].

Mayor

Corporate Officer

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District of West Vancouver

Fees and Charges Bylaw No. 5334, 2024, Amendment Bylaw No. 5364, 2024

Effective Date:

Fees and Charges Bylaw No. 5334, 2024 Amendment Bylaw No. 5364, 2024

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District of West Vancouver

Fees and Charges Bylaw No. 5334, 2024 Amendment Bylaw No. 5364, 2024

A bylaw to reduce the fees for a cannabis retail business license.

Previous amendments: None

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for fees and charges for services and information;

AND WHEREAS section 194 of the Community Charter authorizes municipalities by bylaw to impose fees in respect of services or for the provision of information;

AND WHEREAS Council deems it necessary and desirable to exercise the authority provided by the Community Charter to cover costs of providing services and information where appropriate;

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

Part 1 Citation

- 1.1 This bylaw may be cited as Fees and Charges Bylaw No. 5334, 2024 Amendment Bylaw No. 5364, 2024.

Part 2 Severability

- 2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Part 3 Amends Schedule C – Licensing

Fees and Charges Bylaw No. 5334, 2024 Schedule C – Licensing is amended by:

3.1 Deleting the ‘Non-medical Cannabis Retail’ table:

| Non-medical Cannabis Retail | | |
|---|------------|--|
| Application for a cannabis retail licence | \$5,100.00 | Effective January 1. |
| | \$2,550.00 | Effective August 1. Businesses that come into existence after July 31 pursuant to Business Licence Bylaw 4455 Section 5.2.2 |

3.2 Adding the ‘Cannabis Retail Store’ table as follows:

| Cannabis Retail Store | | |
|---|-------|---|
| Application for a cannabis retail license | \$300 | Effective January 1, 2025 |
| | \$150 | Effective August 1, 2025 Businesses that come into existence after July 31 pursuant to Business License Bylaw 4455 Section 5.2.2 |

Part 4 Effective Date

4.1 Fees and Charges Bylaw No. 5334, 2024, Amendment Bylaw No. 5364, 2024 will be effective on January 1, 2025.

READ A FIRST TIME on [Date]

READ A SECOND TIME on [Date]

READ A THIRD TIME on [Date]

ADOPTED by the Council on [Date].

Mayor

Corporate Officer

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