



Legislation Text

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Cannabis Project Update

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RECOMMENDATION(S)

That the April 23, 2018 agenda report entitled "Cannabis Project Update - Public Participation" be received as information.

That Administration use Option 2(b), from the document entitled "Cannabis Options - Smoking Bylaw", provided as an attachment to the April 23, 2018 agenda report entitled "Cannabis Project Update - Public Participation", as a basis for drafting amendments to the Smoking bylaw, for consideration by Council on June 25, 2018.

That Administration use Option 2, from the document entitled "Cannabis Options - Business Licensing and/or Tobacco Retail Licensing Bylaw", provided as an attachment to the April 23, 2018 agenda report entitled "Cannabis Project Update - Public Participation" as a basis for drafting amendments to the Business Licensing Bylaw and/or Tobacco Retail Licensing Bylaw, for consideration by Council on June 25, 2018.

That Administration use Option 2, from the document entitled "Cannabis Options - Land Use Bylaw", provided as an attachment to the April 23, 2018 agenda report entitled "Cannabis Project Update - Public Participation" as a basis for drafting amendments to the Land Use Bylaw, for consideration by Council on May 28, 2018.

PURPOSE OF REPORT

Present the results of the public participation activities and bylaw amendment options with incorporated public input.

COUNCIL DIRECTION

On March 5, 2018, Council passed the following motion:

"That up to \$50, 000 be committed from the Stabilization fund for one-time public engagement and awareness expenses related to the legalization of cannabis."

BACKGROUND AND DISCUSSION

As a part of the Cannabis Legalization Initiative, Administration developed a Public Participation Plan to gather input from residents and businesses and industry stakeholders.

Two surveys were available, one by invitation to 4,000 randomly selected households and one open to all stakeholders in the community.

The purpose of the survey was to:

- Provide information to residents on cannabis legalization in St. Albert and City's responsibilities.
- Help better understand residents' perspectives on potential impacts to the community including concerns which will help gauge information and service needs in the future.
- Seek input from residents that will help shape future bylaws and practices regarding store locations, smoking and vaping of cannabis in public and considerations for business licensing applications.

Both surveys were conducted online from March 20, 2018 until April 4, 2018.

In total, 2,385 people responded to the survey open to all stakeholders in the community. This survey was set up as public engagement tool; allowing more than one person in the household to complete the survey.

In total, 734 residents responded from the invitation letters that were sent out to randomly selected households. This survey was set up to accept only one participant per household.

For both surveys, this is significantly higher than usual participation, which indicates community's interest in providing input on how legalization of cannabis should be managed in St. Albert.

The following are some key findings from the surveys:

- Smoking and vaping of cannabis should be more restricted in public.
- Smoking and vaping of cannabis is appropriate on private property.
- Similar expectations for regulating cannabis stores and liquor stores.
- Strong preference for separation distance between cannabis retail stores and places where children gather (e.g. schools, community centres, parks and playgrounds) and public facilities (community centres, skateparks and water play parks).
- Preference for higher licensing cost for cannabis retail stores.
- Importance of public education for responsible use of cannabis.
- Concerns regarding tax increase to cover enforcement and costs resulting from cannabis legalization.

Attached are two reports that provide a summary of key findings from both surveys:

- Cannabis Survey Public Engagement Final Report
- Cannabis Survey Mail Recruit Final Report
- Cannabis Research Appendix Report (Methodology and Survey used)

In addition, in mid-April, World Café style discussions were held with randomly selected residents that completed the survey to further understand residents' perceptions and concerns and the separate sessions with local businesses and industry stakeholders to understand their perspective

and concerns.

Key input themes from the World Café Discussions will be shared with Council during the April 23, 2018 presentation due to scheduling of two sessions and submission timelines of this report.

Input received from public participation activities was considered and incorporated, as appropriate, into bylaw options being presented to Council on April 23, 2018, together with Council input received during the April 9, 2018 meeting:

Smoking Bylaw

Based on the community input, respondents feel that it is acceptable to smoke cannabis in backyards (84% open, 77% invite) and on front porches or balconies (73% open, 62% invite). The Smoking Bylaw currently does not restrict smoking in these places, which is in line with community preference.

Based on community input respondents strongly agree (44% of open and 59%) that smoking and vaping of cannabis should be banned in all public places in St. Albert. The main places that survey respondents feel are not acceptable to smoke cannabis are at public transit stops (80% open, 90% invite), on restaurant or bar patios (78% open, 87% invite), in public parks (64% open, 75% invite) and trail system (55% open, 68% invite). The Smoking Bylaw currently does not permit smoking in bus shelters or on patios, which is in line with community preference; however, the Smoking Bylaw does currently permit smoking in parks.

Regarding smoking of cannabis at festivals and events, the majority of survey respondents felt that cannabis use should only be allowed in designated areas at these events (60% open, 58% invite), as opposed to banning use of cannabis entirely at these events (30% open, 38% invite). The Smoking Bylaw currently provides that there is no smoking at outdoor markets, festivals, or concerts, except in parking areas or areas specifically reserved for smoking; therefore, the Smoking Bylaw is in line with community preference in this regard.

Bearing all this in mind, Administration recommends that Committee proceed with option 2(b), as outlined in the attachment entitled Cannabis Smoking Bylaw. This means that changes would be made to the Smoking Bylaw to further restrict smoking and vaping of both tobacco and cannabis in parks and on trails. Trails and trail systems are considered distinct from sidewalks (except where a trail system incorporates portions of sidewalk), so smoking would still be permitted on sidewalks, as well as in parking lots as long as it is outside the prescribed minimum distance from a doorway.

Should Committee decide to proceed with these increased restrictions, consideration should be given to the ability to enforce these restrictions and the cost of enforcement. Service levels may be disrupted or may need to be adjusted depending on the volume of cannabis-consumption related calls received.

It will be important to continue to monitor the situation post-legalization to determine if further changes to the Smoking Bylaw are needed in the future.

Business Licensing

A majority of the survey respondents agreed that the City should charge a higher licensing fee for cannabis retail stores (higher than \$140.76). Respondents also indicated that cannabis stores operating in St. Albert should have the same operating hours as liquor stores, which is the standard set by provincial regulations. Survey respondents and provincial/federal government priorities also indicate that limiting exposure and access to cannabis for minors is a priority.

Administration has reviewed the operational requirements set by the provincial government and AGLC, and is satisfied that these regulations are comprehensive and thorough; it would be difficult for administration to recommend any operational requirements for cannabis retail stores that would not be duplications of existing AGLC requirements.

As a result, Administration recommends Committee proceeds with Option 2, as outlined in the attachment entitled Cannabis Business Licence and Retail Tobacco Licencing Bylaws, with the following suggestion:

- The addition of a licensing fee applicable for businesses selling restricted product in the Business Licence Bylaw; this could further be limited to apply only to businesses that sell cannabis, as opposed to any business selling a “restricted product”

Administration believes that this approach fits with our current best practices for business licensing, aligns with proposed licensing requirements for municipalities in the capital region, and is a fiscally responsible approach that would require minimal increases in operational costs. The addition of a higher licensing fee for cannabis retail stores would cover some of the costs associated with implementing licensing policies for cannabis retail stores, monitoring the stores and responding to resident/business complaints.

Administration will monitor the operation of cannabis retail stores, the evolution of the legal cannabis industry, and changes to AGLC regulatory policies post-legalization to determine if further amendments to the Business Licence Bylaw are required.

Land Use Bylaw

Based on community input, 59% of public survey respondents, and 48% of by invitation survey respondents, indicated that there was no need for a minimum separation distance between a cannabis retail store and a liquor store. When questioned regarding a minimum separation distance between a cannabis retail store, and “*places where children and youth gather*”, the majority response of both survey groups was that a separation distance of 200m or greater, would be appropriate. Thus, in keeping with the legislated separation distance requirements of the Alberta Gaming and Liquor Corporation (AGLC), which may be varied by a municipality through its land use bylaw, survey respondents confirmed the principle of a separation distance between a cannabis retail store, and other ‘uses’.

Land use bylaw regulations have both immediate and long-term implications for a community. By employing a ‘*separation distance*’, or ‘*buffer*’, to achieve a desired outcome of maintaining a minimum distance between uses, the converse should also be considered. How are other uses potentially affected, and by how much?

A land use bylaw divides the entire municipal area into land use districts (residential, commercial,

industrial), and for each land use district, it must list the '*permitted uses*' and the '*discretionary uses*'. Should a proposed development comply with all requirements of a land use bylaw, the application must be approved. The underlying principle with a permitted use is that it (the 'use') is entirely appropriate and compatible with the other 'uses' in the district. No conditions other than perhaps complying with design standards, or requiring payment for services provided by the City, need to be added. In the case of a permitted use, no '*radius notification*' to adjoining neighbours is required, and the decision cannot be appealed to the Subdivision and Development Appeal Board (SDAB).

'*Discretionary uses*' are those uses which either may, or may not, be compatible with neighbouring uses. In applying discretion, the development officer will either issue a development permit, or refuse to issue a permit. A development officer may apply conditions to the permit, which conditions must be met by the applicant. Notification to adjoining owners is mandatory and the decision may be appealed to the SDAB.

Administration recommends that Council proceed with 'Option 2' in the attachment entitled Cannabis Land Use Bylaw, and some additional regulations, if deemed appropriate, as is more fully explained here below:

- Create a separate use and definition for '*cannabis retail store*';
- Create additional uses and definitions in preparation of possible future trends which may require regulation through the Land Use Bylaw; for example, '*cannabis lounge*';
- List '*cannabis retail store*' as a discretionary use in all land use districts where liquor stores are currently a permitted or discretionary use, thereby allowing for a development permit decision to be appealed;
- Regarding the imposition of separation distances, limit the variance capacity of a development officer to grant a variance;
- Proposed separation distances:
 - 100m between the premises of a cannabis retail store and the premises of another cannabis retail store, to facilitate a more evenly spaced/ distribution of these stores within the land use districts where they will be a discretionary use. Public input indicates support for at least 100m separation (58% open, 53% invite).
 - 150m between the premises of a cannabis retail store and the boundary of a parcel on which a school is located, to give recognition to the majority opinion expressed in both the public survey (78% open, 86 invite%) that a separation distance be introduced between cannabis retail stores and locations where children and youth gather. The recommended 150m separation would address that public preference while maintaining opportunity for cannabis related businesses to locate.
 - 150m between the premises of a cannabis retail store and the boundary of a parcel on which a '*public facility*' is located. This includes a community hall; an indoor recreation service; or an outdoor recreation service, thereby recognizing the majority opinion expressed in both the public survey (68% open, 80% invite) that a separation distance be introduced between cannabis retail stores and locations where children and youth gather.

- 100m between the premises of a cannabis retail store and the boundary of a parcel on which a provincial health care facility (hospital) is located, which is aligned with the minimum distance suggested by the AGLC.
- 150m between the premises of a cannabis retail store and the premises of a licensed day care/ nursery/ pre-school, to give recognition to the majority opinion expressed in the survey that a separation distance be introduced between cannabis retail stores and locations where children and youth gather. This proposed separation distance also aligns with a similar provision (150m separation distance) which was imposed by Council in 2014 when the use and definition of a 'Medical Marijuana Production Facility' ('MMPF') was added to the Land Use Bylaw.
- 0m between the premises of a cannabis retail store and a liquor store.
- Maintain the 150m separation distance between a cannabis production facility and a day care.

By monitoring the impact of the legalization of cannabis on land uses, and any future impact(s) such as changing trends in the cannabis industry, and possible provincial legislative and policy changes, Administration will be in a position to advise Council whether further amendments to the Land Use Bylaw will be required. The impact of the proposed amendments requires minimal, if any, increases in operational costs.

Community Standards Bylaw

Based on the community input community supports smoking of cannabis “in their backyards” (84% open, 77% invite) and “on their front porch or balcony”, which is the only area of concern that could potentially be applicable to the Community Standards Bylaw. Based on the current bylaw, residents are allowed to smoke tobacco on their private property, which would be consistent with cannabis. As a result, Administration doesn't recommend changes to this bylaw at this time. The impact on this bylaw will be assessed over the next 6 months of cannabis legalization. Any recommended amendments will be brought to Council for consideration at that time.

STAKEHOLDER COMMUNICATIONS OR ENGAGEMENT

Two online surveys were conducted, one open for all community members and one for randomly selected households invited to participate in a survey. In addition, World Café style discussions were held with residents, business and industry stakeholders.

Public Hearing for the Land Use Bylaw, scheduled for May 28, 2018, will provide community additional opportunity to provide input for Council's consideration.

Input received for all public participation activities was shared with Council for their consideration prior to finalizing and approving amended bylaws.

IMPLICATIONS OF RECOMMENDATION(S)

Financial: N/A

Legal / Risk: N/A

Program or Service: N/A

Organizational: N/A

ALTERNATIVES AND IMPLICATIONS CONSIDERED

None at this time.

STRATEGIC CONNECTIONS

Corporate Business Plan Administration Priority A.3.1 - Mandated Services - Legislative Change.

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