

6. STAFF REPORTS

6.1 Regulations for Medical Marijuana-Related Businesses

Committee received a report dated April 28, 2016, regarding the most recent public engagement information and making further recommendations to Council on regulations for medical marijuana-related businesses.

Committee discussed:

- Enforcement and compliance of the proposed regulations for medical marijuana-related businesses.
- The potential need for stronger language in relation to the businesses' proximity to minors in places such as youth facilities, daycares and schools.
- The medical advice received on edibles.

Councillor Young withdrew from the meeting at 12:04 p.m. and returned at 12:06 p.m.

- The effect that licencing medical-marijuana related businesses may have for the City's resources with staff and enforcement.
- The importance of clearly defining the difference between a non-profit group versus a compassion club.

Motion: It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that Council:

1. Direct staff to bring forward for Council consideration amendments to the Zoning Regulation Bylaw that will prohibit the following uses in any zone of the City unless expressly permitted:
 - a) storefront marijuana retailers, and
 - b) businesses that allow consumption of marijuana on site.
2. Direct staff to bring forward for Council consideration a proposed new Medical Marijuana-Related Business Regulation Bylaw that includes the following regulations:
 - a) Medical marijuana-related businesses must not allow individuals under the age of 19 on the premises.
 - b) Medical marijuana-related businesses must not advertise or promote the use of marijuana to a minor, including through product displays, names, logos or other signage.
 - c) Storefront medical marijuana retailers must post health and safety warning signs on the premises.
 - d) Medical marijuana-related businesses must not allow consumption of marijuana on the premises.
 - e) Any business that keeps marijuana on the premises must install and maintain an air filtration system to ensure odour impacts on neighbouring properties are minimized.
 - f) Storefront medical marijuana retailers must not be open for business between 8 p.m. and 7 a.m.

- g) The premises of a storefront medical marijuana retailer can only be used for the sale of medical marijuana and accessory uses.
 - h) Any business that keeps marijuana on the premises must submit the following information as part of their initial business licence application and on each renewal:
 - a security plan
 - police information checks for the applicant and every on-site manager
 - proof of a security alarm contract, and
 - proof of ownership or legal possession of the premises, including the written consent of the landlord if the premises are leased.
 - i) Storefront medical marijuana retailers must implement the following measures to deter criminal activity while the business is open to the public:
 - at least two employees must be on duty, and
 - windows must not be blocked.
 - j) Any business that keeps marijuana on the premises must implement the following security measures:
 - video surveillance cameras must be installed and monitored
 - a security and fire alarm system must be installed and monitored at all times, and
 - valuables must 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.
 - k) The payment of business licence fees that reflect the costs required to administer the Council-approved regulations and compliance and enforcement strategy.
3. Direct staff to bring forward for Council consideration proposed amendments to the Ticket Bylaw that will establish penalties for contravention of the proposed new Medical Marijuana-Related Business Regulation Bylaw that are in keeping with the Council approved policy on the establishment of municipal ticket fines.
4. Direct staff to provide further details on additional staff resources in the Sustainable Planning and Community Development Department and Bylaw and Licensing Services once Council policy decisions have been confirmed in connection with the suite of regulations under consideration.

Councillor Loveday withdrew from the meeting at 12:28 p.m. and returned at 12:29

Amendment: It was moved by Councillor Young, seconded by Councillor Thornton-Joe, that the motion be amended by adding a point five (5), as follows:

5. **Staff prepare an amendment to prohibit advertising, except for minimal store front signage.**

On the amendment:
CARRIED UNANIMOUSLY 16/COTW

Amendment: It was moved by Councillor Young, seconded by Councillor Thornton-Joe, that the regulation of a 200 meter distance between store fronts be removed from the zoning regulations.

Committee discussed:

- How zoning applications will be processed.

On the amendment:
DEFEATED 16/COTW

For: Councillors Coleman and Young
Against: Mayor Helps, Councillors Alto, Loveday, Lucas, Madoff, and Thornton-Joe

Amendment: It was moved by Councillor Young, seconded by Councillor Lucas, that staff prepare amendments to the edible product regulations to address the health impacts identified from the provincial health officer.

Committee discussed:

- That regulations regarding edibles should be provided by Island Health.

On the amendment:
DEFEATED 16/COTW

For: Councillors Coleman and Young
Against: Mayor Helps, Councillors Alto, Loveday, Lucas, Madoff, and Thornton-Joe

Postpone: It was moved by Mayor Helps, seconded by Councillor Young, that the motion be postponed.

On the motion to postpone:
CARRIED UNANIMOUSLY 16/COTW

Motion: It was moved by Mayor Helps, seconded by Councillor Young, that Council direct the Mayor to write to the Chief Medical Officer to request that Island Health ensure that food safe requirements and medical concerns are met for the sale of edible marijuana products.

CARRIED UNANIMOUSLY 16/COTW

Motion: It was moved by Mayor Helps, seconded by Councillor Young, that the motion on Regulations for Medical Marijuana-Related Businesses be lifted from the table.

CARRIED UNANIMOUSLY 16/COTW

Amendment: It was moved by Councillor Thornton-Joe, seconded by Mayor Helps, that the motion be amended by adding a point six (6), as follows:

6. That staff prepare an amendment to include licenced child-care facilities in the list of those places requiring a 200 meter buffer zone.

On the amendment:
CARRIED UNANIMOUSLY 16/COTW

Main motion as amended:

That Council:

1. Direct staff to bring forward for Council consideration amendments to the Zoning Regulation Bylaw that will prohibit the following uses in any zone of the City unless expressly permitted:
 - a) storefront marijuana retailers, and
 - b) businesses that allow consumption of marijuana on site.
2. Direct staff to bring forward for Council consideration a proposed new Medical Marijuana-Related Business Regulation Bylaw that includes the following regulations:
 - a) Medical marijuana-related businesses must not allow individuals under the age of 19 on the premises.
 - b) Medical marijuana-related businesses must not advertise or promote the use of marijuana to a minor, including through product displays, names, logos or other signage.
 - c) Storefront medical marijuana retailers must post health and safety warning signs on the premises.
 - d) Medical marijuana-related businesses must not allow consumption of marijuana on the premises.
 - e) Any business that keeps marijuana on the premises must install and maintain an air filtration system to ensure odour impacts on neighbouring properties are minimized.
 - f) Storefront medical marijuana retailers must not be open for business between 8 p.m. and 7 a.m.
 - g) The premises of a storefront medical marijuana retailer can only be used for the sale of medical marijuana and accessory uses.
 - h) Any business that keeps marijuana on the premises must submit the following information as part of their initial business licence application and on each renewal:
 - a security plan
 - police information checks for the applicant and every on-site manager
 - proof of a security alarm contract, and
 - proof of ownership or legal possession of the premises, including the written consent of the landlord if the premises are leased.

- i) Storefront medical marijuana retailers must implement the following measures to deter criminal activity while the business is open to the public:
 - at least two employees must be on duty, and
 - windows must not be blocked.
 - j) Any business that keeps marijuana on the premises must implement the following security measures:
 - video surveillance cameras must be installed and monitored
 - a security and fire alarm system must be installed and monitored at all times, and
 - valuables must 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.
 - k) The payment of business licence fees that reflect the costs required to administer the Council-approved regulations and compliance and enforcement strategy.
3. Direct staff to bring forward for Council consideration proposed amendments to the Ticket Bylaw that will establish penalties for contravention of the proposed new Medical Marijuana-Related Business Regulation Bylaw that are in keeping with the Council approved policy on the establishment of municipal ticket fines.
4. Direct staff to provide further details on additional staff resources in the Sustainable Planning and Community Development Department and Bylaw and Licensing Services once Council policy decisions have been confirmed in connection with the suite of regulations under consideration.
5. That staff prepare an amendment to prohibit advertising, except for minimal store front signage.
6. That staff prepare an amendment to include licenced child-care facilities in the list of those places requiring a 200 meter buffer zone.

On the main motion as amended:
CARRIED UNANIMOUSLY 16/COTW

Committee recessed from 1:25 p.m. until 1:55 p.m.

Mayor Helps advised that agenda item #12 – Councillors Overview of Current Issues would be deferred to the May 12, 2016 Committee of the Whole Meeting.

6.2 Review of Pedicab Regulations

Committee received a report dated April 28, 2016, presenting results of a review of selected pedicab-related regulations.

5. Enhanced Bike Network and Proposed Implementation

It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council:

1. Approve the recommended bike network as outlined in this report, subject to further refinement of the Government/Gorge and Harbour corridors (Figure 13).
2. Direct staff to proceed with developing detailed designs and the associated consultation and work plans for constructing All Ages and Abilities protected bike lanes on the following corridors and neighbourhood connections by the end of 2018:
 - 1) Fort Street (Wharf Street to Cook Street)
 - 2) Government Street (Pandora Avenue to Humboldt Street) or Wharf Street (Pandora Avenue to Government Street), and Humboldt/Pakington (Government Street to Cook Street), based on targeted engagement with the Downtown, James Bay and Burnside-Gorge neighbourhood associations, and Government Street and Wharf merchants and property owners;
 - 3) Cook Street (Pandora Avenue to Pakington Street)
 - 4) Pedestrian and cyclist-controlled signalized crossings at the intersections of Haultain Street/Cook Street, Hillside Avenue/Graham Street and Blanshard Street/Kings Road, to provide near-term safety improvements pending completion of these Phase 2 corridors (Haultain/Kings and Vancouver/Graham).
3. Direct staff to undertake value-engineering on the identified corridors and identify resourcing strategies and timelines for completion of detailed design, associated consultation, and construction of remaining identified corridors in the bike network by the end of 2018, and report back to Council on a priority basis with options, recommendations and next steps and direct staff to undertake further consultation with stakeholders on network segments requiring further consideration identified in the staff report including Oak Bay Avenue Village, or an alternative route, Cook Street Village, North Park Village, and corridor identification in James Bay.

Carried Unanimously

6. Regulations for Medical Marijuana-Related Businesses

It was moved by Councillor Isitt, seconded by Councillor Loveday, that Council:

1. Direct staff to bring forward for Council consideration amendments to the *Zoning Regulation Bylaw* that will prohibit the following uses in any zone of the City unless expressly permitted:
 - a) storefront marijuana retailers, and
 - b) businesses that allow consumption of marijuana on site.
2. Direct staff to bring forward for Council consideration a proposed new Medical Marijuana-Related Business Regulation Bylaw that includes the following regulations:
 - a) Medical marijuana-related businesses must not allow individuals under the age of 19 on the premises.
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 - f) Storefront medical marijuana retailers must not be open for business between 8 p.m. and 7 a.m.
 - g) The premises of a storefront medical marijuana retailer can only be used for the sale of medical marijuana and accessory uses.
 - h) Any business that keeps marijuana on the premises must submit the following information as part of their initial business licence application and on each renewal:
 - a security plan
 - police information checks for the applicant and every on-site manager
 - proof of a security alarm contract, and
 - proof of ownership or legal possession of the premises, including the written consent of the landlord if the premises are leased.
 - i) Storefront medical marijuana retailers must implement the following measures to deter criminal activity while the business is open to the public:
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 - video surveillance cameras must be installed and monitored
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 - k) The payment of business licence fees that reflect the costs required to administer the Council-approved regulations and compliance and enforcement strategy.
3. Direct staff to bring forward for Council consideration proposed amendments to the Ticket Bylaw that will establish penalties for contravention of the proposed new Medical Marijuana-Related Business Regulation Bylaw that are in keeping with the Council approved policy on the establishment of municipal ticket fines.
4. Direct staff to provide further details on additional staff resources in the Sustainable Planning and Community Development Department and Bylaw and Licensing Services once Council policy decisions have been confirmed in connection with the suite of regulations under consideration.
5. That Staff provide an amendment to prohibit advertising, except for minimal store front signage.
6. That staff provide an amendment to include licenced child-care facilities in the list of those places requiring a 200 meter buffer zone.

Amendment:

It was moved by Councillor Loveday, seconded by Councillor Madoff, that the motion be amended:

Direct staff to report back with a list of licenced child care facilities in the City and implications of the amendment to include licenced child cares requiring a 200 meter buffer zone.

Amendment to amendment:

It was moved by Councillor Isitt, seconded by Councillor Madoff, that the amendment be amended:

That staff provide a list and map of licenced child care facilities in the City of Victoria when the Bylaw comes forward as well as suggested language relating to a 200 meter buffer zone around child care facilities.

Council discussed with staff the process for the bylaw and report coming to Committee of the Whole before the bylaw receives readings at Council.

On the amendment to the amendment:
Carried Unanimously

On the amendment:
Carried Unanimously

Council discussed issues related to edible marijuana products.

On the main motion as amended:

That Council:

1. Direct staff to bring forward for Council consideration amendments to the Zoning Regulation Bylaw that will prohibit the following uses in any zone of the City unless expressly permitted:
 - a) storefront marijuana retailers, and
 - b) businesses that allow consumption of marijuana on site.
2. Direct staff to bring forward for Council consideration a proposed new Medical Marijuana-Related Business Regulation Bylaw that includes the following regulations:
 - a) Medical marijuana-related businesses must not allow individuals under the age of 19 on the premises.
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 - valuables must 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.
 - k) The payment of business licence fees that reflect the costs required to administer the Council-approved regulations and compliance and enforcement strategy.
3. Direct staff to bring forward for Council consideration proposed amendments to the Ticket Bylaw that will establish penalties for contravention of the proposed new Medical Marijuana-Related Business Regulation Bylaw that are in keeping with the Council approved policy on the establishment of municipal ticket fines.
4. Direct staff to provide further details on additional staff resources in the Sustainable Planning and Community Development Department and Bylaw and Licensing Services once Council policy decisions have been confirmed in connection with the suite of regulations under consideration.
5. That Staff provide an amendment to prohibit advertising, except for minimal store front signage.
6. That staff provide an amendment to include licenced child-care facilities in the list of those places requiring a 200 meter buffer zone.
7. That staff provide a list and map of licenced child care facilities in the City of Victoria when the Bylaw comes forward as well as suggested language relating to a 200 meter buffer zone around child care facilities.

On main motion as amended:
Carried Unanimously

7. Regulations for Medical Marijuana-Related Businesses

It was moved by Councillor Young, seconded by Councillor Coleman, that Council direct the Mayor to write to the Chief Medical Officer to request that Island Health ensure that food safe requirements and medical concerns are met for the sale of edible marijuana products.

Carried Unanimously

8. Regulations for Medical Marijuana-Related Businesses

It was moved by Councillor Young, seconded by Councillor Coleman, that Council direct the Mayor to write the Prime Minister and other appropriate Federal Ministers to request an update regarding the progress towards the legalization of marijuana in Canada and to request an ongoing intergovernmental dialogue on this issue to allow the City of Victoria to make decisions regarding the regulation of medical marijuana dispensaries.

Carried Unanimously

9. Review of Pedicab Regulations

It was moved by Councillor Alto, seconded by Councillor Lucas, that Council:

1. Direct staff to bring forward amendments to the *Vehicles for Hire Bylaw* that would:
 - a) increase the total number of pedicab licences to 35,
 - b) limit the total number of pedicabs that a person can operate to 28,
 - c) require an applicant for a pedicab licence to demonstrate to the satisfaction of the Licence Inspector that the person has procedures in place to ensure that persons operating the pedicab will do so in a safe manner,
 - d) that the name of the company be clearly displayed on the pedicab, and
 - e) that the current licence holders can hold 28 pedicab licences, but the cap for any individual licence holder to hold or operate in the future would be 15 pedicabs licences.
2. Direct staff to invite comments from pedicab operators in the City on the proposed bylaw amendments as outlined in the November 12, 2015 Council motion.

Council discussed the option of removing a cap on the number of licences permitted.

Amendment:

It was moved by Councillor Isitt, seconded by Councillor Loveday, that the motion be amended:

That subsection 1(a) be amended to read: “remove the restriction on the total number of pedicab licenses” and

That sub-section 1 (b) be deleted and sub-sections 1(c), 1(d) and 1 (e) be renumbered to 1(b), 1(c) and 1(d).

Council discussed the following:

- *The possibility that an absence of a cap on licences would result in poor behaviour and if licences could then be revoked.*
- *Noting that there is a cap on motorized taxicabs in the region.*
- *Concerns that this amendment brings an entirely different proposal for Council and the public to consider.*

Motion to Refer:

It was moved by Councillor Young, seconded by Councillor Isitt, that the matter be referred back to staff for a further report on the implications of removing the cap on pedicab licences.

Carried Unanimously

10. My Great Neighbourhood Grant Policy

It was moved by Councillor Coleman, seconded by Councillor Loveday, that Council approve the My Great Neighbourhood grant policy and outlined program approach.

Council discussed with staff the timeframe to complete the projects.

Amendment:

It was moved by Councillor Loveday, seconded by Councillor Isitt, that the motion be amended:

That the timeframe to complete projects be amended to one year from six months.

On the amendment:
Carried Unanimously

Council discussed with staff the timeline for the intake period for applications.

Amendment:

It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that the motion be amended:

That the intake period be extended from one month to two months.

On the amendment:
Carried Unanimously