



jbna@vcn.bc.ca

September 8<sup>th</sup>, 2016

Mayor and Council,  
City of Victoria.

**Re: Marijuana-related businesses: Policies and Proposed Bylaw**

Dear Mayor Helps and Council,

We wish to reiterate concerns previously stated with regards to the approach the City is taking regarding the legitimizing of the marijuana operations and activities in Victoria.

Many of these concerns, and positions, were raised by several CALUC representatives at a discussion hosted by Alison Meyers during the recent CALUC process review.

- Any rezoning bylaw to permit marijuana operations is premature while the sale of marijuana, under federal statute, is not permitted. Indeed, the legality of the City's proposal may be in question.
- Forwarding a rezoning prior to the establishment of federal, and perhaps provincial regulations and guidelines, may set the City onto a path that could not be easily reversed. Once rezoning takes place, it is very difficult, and usually very costly, to down-zone a property.
- Although we appreciate the attention paid to daycares and schools, we believe that if and when federal and provincial governments legalize and regulate the distribution and sale of marijuana, that more restrictive "buffer" zones will be obligatory.
- Recent national "surveys" undertaken by higher levels of government have suggested that an approach taken to the legalization of marijuana may follow the framework used for the distribution of alcohol and or prescription drugs.

The staff report identifies several concerns, and identifies problems experienced with the marijuana outlets that have sprung up throughout the city. But it does not adequately describe the social cost to our society, to residents who are being asked to pay the unintended costs of the normalization of drug use that is being proposed. On September 2<sup>nd</sup>, at the Mayor's Friday Drop-in, participants were introduced to a young couple's awful – awful – experience with a

marijuana business. They described being harassed and threatened, and how they now live in fear. Another resident spoke of parents who are worried, and need to decide whether they should continue living in Victoria; and whether they are introducing their children to a debilitating way of life, to drug culture.

JBNA recognizes its role in the CALUC process. The licensing, and rezoning of property to accommodate the distribution and sale of marijuana may greatly affect any neighbourhood; hence JBNA does not support the staff recommendation that the CALUC process, with the requirement for a local community meeting, be waived. Any rezoning would be a significant departure or change in use and demands full community review, at the neighbourhood level.

We suggest that, if Council wishes to continue on its path of liberalizing the use of drugs, it should support the position suggested at the CALUC-City discussions, namely one of "Temporary Use Permits" as a band-aid, providing the City the flexibility which may be needed months or years from now when the Federal and Provincial governments complete their review of the distribution and sale of marijuana.

Rather than discuss "mitigation" of the negative consequences of Council supporting this liberalization of drug use, we ask Council to apply the *Precautionary Principle*. There is no immediate need to legalize the distribution of marijuana, but there is a need to protect our residents who are already feeling the negative impacts of the City's approach to date.

Respectfully submitted,

A handwritten signature in blue ink, consisting of a stylized 'M' followed by a horizontal line.

Marg Gardiner  
President, JBNA



1715 Government Street  
Victoria, BC  
V8W 1Z4

Mayor and Council  
City of Victoria  
No.1 Centennial Square  
Victoria, BC  
V8W 1P6

September 7, 2016

**Re: Bylaws for Marijuana-Related Businesses**

Dear Mayor Helps and Council,

The federal government made public plans to legalize marijuana and subsequently the Provincial Government will be responsible for providing regulations regarding licensing for its distribution and sale. It would be reasonable to expect that a regulatory framework will be put in place that resembles the current Liquor Distribution and Licensing regulations.

The DRA LUC has reviewed the drafts for the proposed Bylaws for Marijuana related businesses and have made the following observations and recommendations:

- A rezoning bylaw at this point in time that prohibits the sale of marijuana in all zones in preparation for legalization and the establishment of a regulatory framework by senior government would be good public policy;
- Proceeding with rezoning of specific properties or accepting applications for such prior to legalization would be poor public policy;
- Until the Federal Government actually repeals the prohibition, the distribution and sale of Marijuana remains illegal. There is a strong indication that organized crime may be involved with some of these operations and there is currently no regulatory body or framework that administers criminal record checks for the operators;
- Proposed City bylaw may be offside with forthcoming regulations from Province particularly the proposed proximity of 200m;
- Liquor retailers are justifiably subject to proximity rules of 1000m and it is conceivable that this rule would not be different for future Marijuana regulations. The proposed proximity of 200m would adversely effect the Downtown and Harris Green

Neighbourhood by allowing a Marijuana retailer on every city block in the East West direction and every second block in the North South direction allowing for a total of well over 25 retailers within this single neighbourhood. The DRA strongly recommends the proposed proximity rules be amended to be more in line with current liquor retail proximity rules;

- DRA members feel uneasy creating a special zoning bylaw that allows this use in perpetuity before provincial regulations are established; and,
- Suggest that zoning bylaw prohibiting the sale of Marijuana be enacted but refrain from rezoning of properties until the Province creates regulations. "Temporary Use Permits" can be issued in the interim to achieve what Council intends until the Province acts.

The DRA recognizes the need for immediately implementing an amendment to the Zoning Regulation Bylaw that provides a definition of "storefront marijuana retailer" and corresponding restrictions on that use so as to not "Grandfather" the current operations contrary to future Provincial regulations. We strongly urge Council not to proceed with the actual rezoning of individual properties until the sale of Marijuana is legal and a regulatory system that includes criminal record checks are in place for the operators.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ian Sutherland', with a stylized, flowing script.

Ian Sutherland  
Chair Land Use Committee  
Downtown Residents Association

cc COV Planning