

## **NORTH PARK NEIGHBOURHOOD ASSOCIATION**

### **Minutes of June 7, 2017 Special Meeting**

#### **Present:**

Board members: Jenny Farkas (Chair), Penny Bond (Secretary), Chris Fleming, Daniel Ferguson, Allison Ashcroft, Katie Fillion

Individual Members: Lorna Rennie, Anne Moon, Charles Joerin, Omar Azim

Business Members: Trees Dispensary - Alex Robb, Alaina Trenholm, Scott Li, Matthew Kolabinski, Liz Lampard, Samantha Holtner, Alicia Zigay; Shatterbox Coffee - Kalen Harris

City Liaison: Coun. Jeremy Loveday

Guests: VicPD - Cst. Sean Hand; City Planning Dept. - Michael Angrove; Downtown Residents Association - Wendy Bowkett, Ian Sutherland; Inter-Cultural Association - Jean McRae; Cubbon - Sue Moyes; K. Willow, Sharon S., Thomas H., Monica McArthur, Guillaume Girard, Scott Cowman, Bill Colours, Katie Nielsen, Brockton Simpson, Linda Hughes, Gwyn Hughes, Jen Kyffin, M. Groves, Jeff Weightman, Shannon Clarke, Sergei Babakauff

Regrets: Alastair McCollum, Jessie Rucker, Pam Hartling, Paul Noble, Michael Hill

**Call to Order:** Jenny called the meeting to order at 7:05 p.m.

#### **Opening Comments:**

- Lekwungen territorial acknowledgment given.
- Introductions: Jenny introduced Michael Angrove, City of Victoria Planner, Sustainable Planning and Community Development, and Cst. Sean Hand, VicPD.
- The agenda was reviewed: the first hour of the meeting is for the purpose of a discussion on *Storefront cannabis retailers How many & where?* Beginning with an introduction of the subject by Jenny Farkas, a Q&A session will follow, concluding with feedback which will be shared with City Council, who have indicated that they will take these opinions into consideration.
- Following the special meeting, the second hour will be a shortened version of NPNA's regular monthly meeting.
- NPNA's voting procedures were reviewed.

#### **Agenda:**

Motion: to adopt the agenda.

Chris Fleming/Katie Fillion/carried

#### **Discussion: Storefront cannabis retailers How many & where?**

##### **1. Introduction — Jenny Farkas**

- See pages 1 - 3 of attached document "cannabis special mtg introduction".

##### **2. Q&A**

Q: Where did the medical vs. recreational use statistics come from?

A: Report from accounting firm KPMG re: business opportunities for cannabis retailers.

Comments:

- Medical cannabis users can register and the cannabis will be delivered to their homes.
- Many seniors use cannabis for a variety of medical conditions. If they do not have a legal permit they will use it with or without licensing.

Q: Other municipalities in the Capital Region are waiting for government regulations to be established before considering any licensing of cannabis dispensaries. Is Victoria in conversation with these municipalities?

A: No. These municipalities have taken a strong stance and are not deviating from it.

Comment: Other BC municipalities have proceeded with licensing. Before proceeding to licensing, Victoria wrote to the federal and provincial governments but received no response.

- Union of BC Municipalities (UBCM) passed resolution B98, which allows municipalities to license cannabis dispensaries. Only a few municipalities, including Victoria, have proceeded.

Q: Our neighbourhood has “massing” of dispensaries. North Park has one pharmacy within its boundaries and two or three bordering it; this seems reasonable. Why do we need so many cannabis dispensaries?

Comments:

- There are no guidelines to cap the number and they are taking up a lot of retail space. This decreases opportunity for other types of businesses.
- Inter-Cultural Association (ICA) has been located in North Park for a long time loves being in this neighbourhood. ICA works with vulnerable youth, and also has a childcare component. There are several dispensaries nearby; some are good neighbours, others less so. Because of this dispensary density ICA is looking at re-location.
- Numerous people voiced the opinion that losing ICA would be terrible.
- As a worker with people who have mental health and/or addiction issues, the speaker understands community concerns, but people need their medication to be accessible near where they live (e.g. transitional housing, shelters). The current situation seems fair.

Q: Because other municipalities will not consider licensing, Victoria is serving the whole region, mainly in only a few neighbourhoods. When other cities have a larger buffer, why is 200 m. Victoria’s distance for proximity? Liquor stores have a larger buffer and must behave responsibly. When other municipalities pick up the slack, what will happen when demand within Victoria decreases (e.g. re: zoning)?

A: Victoria’s Director of Sustainable Planning and Community Development, Jonathan Tinney, has told Jenny that down-zoning could be done.

Comment: City representatives present could not offer examples of recent down-zoning and/or whether it is an easy-to-use or little-used tool; they could only comment that down-zoning is possible. The Mayor has indicated that the Compassion Club on Cormorant Street will be rezoned and licensed regardless of North Park opinion. Another option is to suggest to the City that the other cannabis storefronts in North Park (i.e. all but the Compassion Club) instead be given 3-year Temporary Use Permits (TUP). This would allow the storefronts to continue to operate while the Federal and Provincial Governments get their regulations and policies in place. When asked why the City didn't opt for the TUP tool in their Cannabis Regulations, Director Jonathan Tinney said they preferred a Rezoning Process because of the public input process required in a rezoning. Michael Angrove responded to a question on this point by stating that there is also public input component to TUPs, but perhaps one that isn't as robust as for a re-zoning.

Q: North Park is affordable and has a diversity of cultures. Due to the number of dispensaries, business diversity is being lost. It appears that dispensaries now are not respecting the 200 m. buffer, which has caused greater density of dispensaries.

A: Not all dispensaries are licensed yet, therefore they do not yet have to comply.

Comment: We are not anti-dispensary so much as we are concerned about the opportunity loss of having such a high number of our very limited retail storefronts occupied by dispensaries, to the detriment of small independent entrepreneurs, non-profits, and arts and culture organizations who traditionally have found affordable rents and a receptive community for their work/wares. Our village centre doesn't have a butcher serving the neighbourhood, for example — why should it have 12+ dispensaries serving the region? What amenities/services are we giving up in our neighbourhood to house these dispensaries?

- Examples of the loss of arts organizations in our neighbourhood are:
  - Gallery1580, Cook and Mason St., moved due to rent increase, replaced by (now closed) dispensary; currently vacant and available for a very high rent for the size, location, and functionality of the space.
  - Ministry of Casual Living, on 1000 block North Park St., moved; replaced by two dispensaries in succession.

Q: Why is City staff waiting?

A: Council, not staff, will shut down those not complying with the 200 m. buffer.

Q: Will currently operating dispensaries be grandfathered in?

A: Zoning can be changed. The City has the legal right to down-zone. Some different types of business can fit into the cannabis zoning.

Q: Are drivers being tested for cannabis impairment?

A: From a recent conference in Vancouver, at which VicPD was represented, it was learned that there is no tool yet for testing for cannabis; research is lacking on what constitutes THC impairment. Currently, THC impairment charges will not stick.

Q: The 200 m. buffer is firm. What happens if dispensaries don't apply for licensing?

A: Fines can be up to \$1,000/day. This is a Bylaw Services matter.

Comment: Bylaw enforcement is not happening for cannabis storefronts that have not submitted rezoning/licensing applications. This is contrary to what the NPNA Board thought would happen after the 60-day deadline passed earlier this year. Fines are being issued on a smaller scale for non-compliance around issues such as signage, security and ventilation, with no real sense as to whether any of these fines are being paid.

Q: A Victoria police constable speaks in support of non-prohibition of drugs, through Law Enforcement Action Partnership (LEAP). Will there be more similar voices?

A: LEAP looks at the medical aspect of all drugs. It is a personal opinion, not on behalf of the police department.

Q: What are VicPD's interactions with dispensaries?

A: VicPD has met with all dispensaries and discussed activities that will get them on the police radar.

- These activities are organized crime, sales to minors, re-sale outside the storefront.
- There have been a few observations of sales to minors; there have been some B&Es at dispensaries.
- How it is managed is a conscious choice of City Council.
- Police work with the dispensaries on security needs.

Q: Can City Council cancel TUPs within the 3-year period for which they are issued?

A: They cannot be cancelled. [It was noted that the cost of staff time for this is high.]

Comment: It seems the barrier to using TUPs is merely a financial one – the City's fee for these permits is very low because in the past they have been used primarily for allowing vacant land awaiting redevelopment to be used for surface parking lots by the owner. The fact that TUP fees would not adequately recoup costs for licensing these dispensaries is a problem with an easy fix – amend the fees to account for the true cost of administering these permits (similar to how rezoning fees for dispensaries were specifically increased to \$7,500 from \$3,000).

### **3. Feedback**

See page 4 on attached document "cannabis special mtg introduction".

There was consensus that:

- NPNA should develop and submit guidelines to the City based on input from tonight's meeting.
- North Park should have its own buffer, which should be expanded to include buffering in proximity to locations where there are vulnerable populations (e.g. youth programs, daycare facilities).
- Dispensaries should be able to apply for TUPs. This could require a higher fee than currently, in order for the City to recoup costs related to staff time.

Comments:

- Dispensary representatives at this meeting are supportive of the idea of TUPs instead of licensing. Licensing, with re-zoning, benefits only the property owner, not the business leasing the space.
- TUPs achieve the goals of licensing in that they provide certainty in the interim for both residents and dispensary operators while we await federal regulations. Re-zonings, conversely, provide certainty to landowners/businesses, but increase uncertainty to residents regarding how these properties will be treated after federal regulations come in, and whether this new use granted by re-zoning can/will be reversed at that time. Inadequate fees are not a reason to favour time-consuming and permanent re-zonings over quick and clear TUPs, given that both mechanisms allow for public comment.

#### 4. Final Comments

- There is a moratorium on new dispensaries opening after June 23, 2017. People are being fined if they do not comply.
  - Michael Angrove agreed to find out about an amendment referred to by Bylaw Services re: \$1,000/day fines.
- There is concern about the piecemeal, seemingly "first come, first served" approach to Victoria's licensing process.
- It seems that TUPs would make more sense in this instance because:
  - TUPs are impermanent in nature. They are good for three years by which time we would expect federal and provincial legislation to have come into effect. Re-zonings are permanent and bestow new value and uses on the land that would require down-zoning to change later. Staff and Council representatives at this meeting were unable to comment on when down-zoning has occurred at the City, but clearly it doesn't happen frequently and would entail another process at a later date. Presumably the landowner subject to a proposed down-zoning would oppose because any restriction on use could adversely effect the value of the land and rents attainable.
  - TUPs deliver certainty to both the neighbourhood and to dispensary businesses. TUPs more appropriately bestow a temporary benefit of certainty to the operator of these dispensaries, which was Council's stated intent with undertaking licensing in the absence of federal regulations and provincial legislation.

- The City can administer policy restrictions more absolutely and cost/time effectively; TUPs can also include restrictions regarding buffering around schools, day care centres, etc. Furthermore, administering/enforcing the restrictions of these TUPs is delegated to City staff without the need for consideration by Council. This may help to ensure that these rules are applied objectively and absolutely since staff are not permitted to bend/interpret policies; they can only check for compliance and issue permits on that basis.
- Victoria Community Associations Network (VCAN) has discussed cannabis dispensaries and their regulation in the past. If people want VCAN to be more vocal about this concern, they should contact VCAN Chair, Chris Fleming, at [npna@npna.ca](mailto:npna@npna.ca). VCAN does not meet again until September; items could be added to the October agenda.
- Thank you to Michael Angrove and Cst. Sean Hand for accepting NPNA's invitation to attend this meeting.
- Kalen Harris thanked Coun. Jeremy Loveday for his diligence in attending meetings such as this one and taking community concerns to City Council.