

Background

Land Use Districts

On 2018 April 5 Council gave first reading to the Land Use Bylaw amendments in Bylaw 26P2018 (shown in Attachment 2) and withheld second and third reading until the date of cannabis legalization was known.

Bylaw 26P2018 listed a new use definition called “Cannabis Store” as a discretionary use in the same districts where Liquor Store is also listed use, as follows:

Chart 1: Districts that will include Cannabis Store as a Discretionary Use

| Commercial | Industrial | Centre City | Commercial Residential | Centre City East Village | Mixed Use |
|-------------------|-------------------|--------------------|-------------------------------|---------------------------------|------------------|
| C-N1 | I-G* | CC-X | CR20-C20/R20 | CC-ET | MU-1 |
| C-N2 | I-E | CC-COR | | CC-EIR | MU-2 |
| C-C1 | I-C | CC | | CC-EMU | |
| C-C2 | | | | CC-EPR | |
| C-COR1 | | | | | |
| C-COR2 | | | | | |
| C-COR3 | | | | | |
| C-R1 | | | | | |
| C-R2 | | | | | |
| C-R3 | | | | | |

* = A discretionary use only in conjunction with a Cannabis Facility.

Cannabis legalization will occur on 2018 October 17. Accordingly, second and third readings can now be given to Bylaw 26P2018 to allow Administration to be able to render decisions on applications. This will allow for Cannabis Store applicants to complete the work necessary to be able to open their business on or after the date of legalization.

Bylaw 26P2018 should be amended prior to second and third reading to delete subsection (I) which listed Cannabis Store in the Industrial Business (I-B) District in error. The intent of PUD2018-0056 (Enabling Cannabis Retail Stores and Facilities) was to list Cannabis Stores as a discretionary use in all districts where Liquor Stores are listed. As Liquor Stores are not listed in the Industrial – Business (I-B) District, this subsection (I) should be deleted. This amendment ensures that the amending bylaw now aligns with the chart above.

Screening

On 2018 April 5, a motion arising was carried by Council, moved by Councillor Chahal and Seconded by Councillor Farrell “That Council request that the Mayor write to the Provincial Cannabis Secretariat to review signage and screening of retail cannabis stores to promote exterior visibility, viewing and safety.” This letter is shown below in this attachment as Schedule A (Letter from Mayor Nenshi to the Alberta Cannabis Secretariat).

The Retail Cannabis Store Handbook (a business operating guide for cannabis store operators published by the Alberta Gaming and Liquor Commission) has been amended so that now only cannabis products, accessories and related items must not be visible from the exterior of the premises. This resolves Council’s concern that there would be no site lines or visibility into/out of

the store, while still ensuring that cannabis related products are not on display for the general public.

Separation Distances

On 2018 June 25 Council adopted a 30 metre separation distance from Cannabis Stores to Places of Worship, Pawn Shops and Payday Loans. This was in response to the motion arising made on 2018 April 5, moved by Councillor Carra, seconded by Councillor Davison, "That Council direct administration to consider amendments to the bylaw and/or district and/or use rules for cannabis stores to consider the pros and cons of separation distances from pay day lending operations and/or pawn shops and/or places of worship and report back to Council through the SPC on Planning and Urban Development, no later than 2018 June".

The goal of these amendments was to maintain broad opportunities for cannabis retailing balanced by guidelines to manage the impacts that grouping these uses may have on a community in terms of aesthetics, public perceptions, and ensuring opportunities for a variety of commercial uses.

Schedule A: Letter from Mayor Nenshi to the Alberta Cannabis Secretariat



April 17, 2018

Alberta Cannabis Secretariat
10123 99 St SW
Edmonton, AB T5J 3C6

Dear Secretariat Members,

Re: Cannabis Retail Store Permeability

Our respective governments are working diligently to prepare for the legalization of recreational cannabis. On April 5, Calgary's City Council passed new regulations that solidify The City of Calgary's ("The City") approach to regulating the sale and consumption of cannabis. The City's approach, much like that of the Government of Alberta, is to enable recreational use in ways that are safe for consumers and the general public.

Council also unanimously approved a motion to continue dialogue with the Alberta Cannabis Secretariat ("Secretariat") on cannabis retail requirements to better align provincial and municipal objectives. Specifically, The City requests that the Secretariat review signage and screening of retail cannabis stores to promote exterior visibility, viewing and safety. Currently, the *Retail Cannabis Store Handbook* ("Handbook"), Section 3.2.6, prohibits visibility into cannabis stores from the outside. Council is concerned this requirement will lead to unintended consequences.

Crime Prevention Through Environmental Design best practices promote clear sightlines and "eyes on the street" as some of the best ways to reduce crime and social disorder. Requiring obscured windows will make it impossible for passersby or first responders to see emergency situations inside a cannabis store. It will further create the perception of illicit activity, which does not support cannabis retail sales being perceived as a safe and legal activity.

Calgary planning objectives encourage active, vibrant, and pedestrian-oriented retail areas. In order to achieve these outcomes, many of our policies, guidelines, and land uses explicitly require permeable windows and views into retail spaces. This may result in the Planning department being unable to approve cannabis stores, even where they meet all other provincial and municipal regulations. Section 3.2.4 of the Handbook also requires that designs of cannabis stores must meet municipal zoning requirements, which is problematic as section 3.2.6 of the Handbook is in conflict with said requirements in Calgary.

Working with our Planning department, we are suggesting ways that this inconsistency could be resolved:

- Instead of obscuring views into cannabis stores entirely, the Handbook could require that cannabis itself not be viewable from the outside. This could be done by providing opaque displays or other internal space configurations that restrict views of cannabis from outside, while still allowing transparent windows.
- Amend the wording in the Handbook to defer to local authorities' regulations on window permeability, where they exist. This would ensure that provincial rules do not contradict municipal urban design bylaws and policies.

Thank you for reviewing these issues. Our respective governments have an excellent opportunity to continue working collaboratively on cannabis regulations to ensure the best results for Calgarians and Albertans. Both my office and the City's Planning department are available to discuss this matter further.

Sincerely,



Naheed K. Nenshi
MAYOR

Thank you for your attention to this matter.

cc: **Calgary City Council**
Jeff Fielding, City Manager, The City of Calgary
Honourable Kathleen Ganley, Minister of Justice and Solicitor General
Honourable Joe Ceci, President of the Treasury Board and Minister of Finance
David Berry, Vice President of Regulatory Services - Alberta Gaming and Liquor Commission