

Proposed Cannabis Land Use Framework: What We Heard and What We Did

The City of Edmonton shared a proposed land use framework to accommodate cannabis stores with stakeholders from February 23 to March 21, 2018. The proposed framework was emailed to over 600 individuals who had signed up to be on the cannabis legalization stakeholder list. The proposed framework was also posted on the cannabis legalization webpage. In total the City received 57 individual submissions of feedback.

The below table summarizes the comments received during the circulation and identifies how those comments impacted the Zoning Bylaw changes presented to Urban Planning Committee on April 3, 2018.

WHAT WE HEARD	WHAT WE DID	
STAKEHOLDER COMMENTS ON ZONES	ZONING BYLAW CHANGES	RATIONALE
<p>4 comments stating that Cannabis Retail Sales should be permitted, rather than discretionary in mixed use zones</p> <ul style="list-style-type: none"> • If cannabis stores are not walkable from where people live they may have to drive to access them • Liquor stores are permitted in these zones so cannabis stores should be treated the same • More important to have good condo bylaws in place to manage mixed use buildings • Other tools such as management plans, like those used for liquor establishments, may be appropriate for cannabis stores 	<p>Circulated Version: Cannabis Retail Sales discretionary in (CB3) <i>Commercial Mixed Business Zone</i> (CMU) <i>Commercial Mixed Use Zone</i> (HA) <i>Heritage Area Zone</i></p> <p>Version Moving Forward: Cannabis Retail Sales permitted in (CB3) <i>Commercial Mixed Business Zone</i> (CMU) <i>Commercial Mixed Use Zone</i> (HA) <i>Heritage Area Zone</i></p>	<ul style="list-style-type: none"> • Provides more certainty for applicants, the development authority, and the general public about where cannabis stores are allowed • Streamlines the development process and decreases the number of potential development appeals • Separation distances will limit the possible locations of cannabis stores and ensure compatibility with nearby development



<p>8 comments that Cannabis Retail Sales should be included in direct control (DC) or special area zones:</p> <ul style="list-style-type: none"> • Many areas zoned DC or special area are suitable locations for cannabis stores • Having to rezone DC or special areas to add Cannabis Retail Sales as a use is expensive for applicants 	<p>Circulated Version: Cannabis Retail Sales included in <i>Strathcona Area Redevelopment Plan (ARP) Historical Commercial DC1</i></p> <p>Version Moving Forward: Strathcona ARP DC1 removed</p>	<ul style="list-style-type: none"> • Adding Cannabis Retail Sales use requires a rezoning process that includes notification to surrounding property owners and presentation to City Council at a public hearing. • Some changes to Direct Control Zones also require a plan amendment, or require a pre-consultation process. • There are over 1000 existing direct control and special area zones in Edmonton • It is not practical, due to the time constraints and complexity of such an exercise, to examine all existing DC and special area zones to determine if a cannabis store would be appropriate in specific locations. • Applicants can submit a rezoning application at any time to add Cannabis Retail Sales into a direct control or special area zone
<p>2 comments that Cannabis Retail Sales should be included in the (IB) Industrial Business Zone</p> <ul style="list-style-type: none"> • These areas often have good access to parking, are near other commercial uses and have plenty of space for monitoring and security 	<p>Circulated Version: Cannabis Retail Sales not included in <i>(IB) Industrial Business Zone</i></p> <p>Version Moving Forward: Cannabis Retail Sales added to <i>(IB) Industrial Business Zone</i></p>	<ul style="list-style-type: none"> • The purpose of the IB zone is to be compatible with non-industrial areas, to be located on the periphery of industrial areas, and to be accessible by main roadways • IB zoned areas are often near other commercial development and are not typically located near schools and parks • Including this zone increases opportunities for cannabis stores to locate in Edmonton
<p>1 comment that Cannabis Retail Sales should be discretionary, rather than permitted in the CB1 zone</p>	<p>Circulated Version: Cannabis Retail Sales permitted in <i>(CB1) Low Intensity Business Zone</i></p>	<ul style="list-style-type: none"> • Provides more certainty for applicants, the development authority, and the general public about where cannabis stores are allowed

	<p>Version Moving Forward: No change made</p>	<ul style="list-style-type: none"> Separation distances will limit the locations of cannabis stores in CB1 zoned areas and ensure compatibility with adjacent uses
<p>1 comment that Cannabis Retail Sales should be included in the CNC zone</p>	<p>Circulated Version: Cannabis Retail Sales not included in <i>(CNC) Neighbourhood Convenience Commercial Zone</i></p> <p>Version Moving Forward: No change made</p>	<ul style="list-style-type: none"> The purpose of the CNC zone is to provide convenience commercial within residential neighbourhoods Public engagement feedback indicated that most stakeholders did not want to see cannabis stores located in residential neighbourhoods The CNC zone also does not include liquor stores as an allowable use
<p>1 comment that Cannabis Retail Sales should not be included in the CSC, CO, CCA, JAMSC, UW, AED, CB3, CMU and HA zones to avoid too many stores</p>	<p>Circulated Version: Cannabis Retail Sales permitted in CSC, CO, CCA, JAMSC, UW, AED, Cannabis Retail Sales discretionary in CB3, CMU and HA Zones</p> <p>Version Moving Forward: No change made</p>	<ul style="list-style-type: none"> The zones chosen to include Cannabis Retail Sales will provide the opportunity for cannabis stores to locate across Edmonton If the number of zones are too limited it will be very difficult to have cannabis stores operate in Edmonton, which will impact the ability of legal cannabis businesses to compete with the illegal cannabis market
<p>STAKEHOLDER COMMENTS ON SEPARATION DISTANCES</p>	<p>ZONING BYLAW CHANGES</p>	<p>RATIONALE</p>
<p>32 comments against separation between liquor stores and cannabis stores:</p> <ul style="list-style-type: none"> Liquor stores are located in almost all commercial locations, including main streets, strip malls and shopping centers, so requiring a separation really limits options for cannabis stores 	<p>Circulated Version: <i>Any Cannabis Retail Sales shall not be located less than 100 m from Major Alcohol Sales or Minor Alcohol Sales.</i></p> <p>Version Moving Forward: Delete regulation - no separation</p>	<ul style="list-style-type: none"> Makes it too difficult to locate a cannabis store in Edmonton If the reason for separation is to prevent co-use of alcohol and cannabis, this is not a direct land use impact and should be dealt with through education and other tools rather than the Zoning Bylaw

<ul style="list-style-type: none"> • May end up resulting in more people having to drive to buy cannabis • No jurisdictions in the United States requires this separation • Research does not support this separation • Alcohol and cannabis will both be legal and adults can make decisions about their own use of these substances • Education campaigns about the risks of co-use of alcohol and cannabis will be more effective than a separation distance <p>10 comments of general support for the other separation distances from schools, parks and recreation centres</p>	<p>required between alcohol stores and cannabis stores</p>	<ul style="list-style-type: none"> • There is currently no requirement for a liquor store to be 200 m from a cannabis store and in order to avoid creating non-conforming uses the City would need to change change the zoning bylaw rules for liquor stores as well, which would complicate the application process • Separation distances based on public health considerations are not enforceable in the Zoning Bylaw
<p>4 comments requesting larger separation distances for health reasons and to protect children and youth</p> <ul style="list-style-type: none"> • Suggested separation distances from health organizations are 300-500 between cannabis retail outlets, 300 m between cannabis stores and schools, daycares and community centers, 100 m from tobacco and liquor retailers, and a square kilometer density, adjusted for population, at the onset of legalization • Prevent co-use of alcohol and cannabis and high risk consumption behaviour 	<p>Circulated Version: <i>200 m separation from schools and public libraries</i> <i>100 m separation from provincial health care facilities, parks, and City recreation centers</i></p> <p>Version Moving Forward: No Change made</p>	<ul style="list-style-type: none"> • The purpose of having separation distances between cannabis stores and “sensitive uses” is to manage the compatibility of cannabis stores with places that minors typically gather • At the same time these separation distances need to be balanced with still allowing opportunities for cannabis stores to locate in Edmonton • The best way to manage public health impacts is through provincial legislation and regulations, point of sale information in cannabis stores, and public education campaigns
<p>3 comments that the Development Officer should be able to vary (decrease) the separation distance between cannabis stores and parks</p>	<p>Circulated Version:</p>	<ul style="list-style-type: none"> • Since cannabis stores will be a new type of business in Edmonton we are not yet aware of what the land use impacts will be

	<p><i>A Development Officer shall not grant a variance to subsection 70(3) or 70(4). (sections that include parks separation)</i></p> <p>Version Moving Forward: No Change made</p>	<ul style="list-style-type: none"> • To ensure we are managing the impact of cannabis stores at the beginning of legalization it is important to maintain the integrity of the separation distances between cannabis stores and sensitive uses • If a development permit is refused based on a separation distance, the applicant does have the ability to appeal the Development Officer decision and present their case to the Subdivision Development and Appeal Board
<p>2 comments requesting a decrease in separation distance between cannabis stores</p> <ul style="list-style-type: none"> • Should be a 100 m separation • Separation between cannabis stores should be replaced with a density target per area 	<p>Circulated Version: <i>Any Cannabis Retail Sales shall not be located less than 200 m from any other Cannabis Retail Sales.</i></p> <p>Version Moving Forward: No Change made</p>	<ul style="list-style-type: none"> • A 200 m separation distance balances the desire from many stakeholders to prevent a cluster of cannabis stores opening up on one block, while still providing some choice in location for potential cannabis stores • This separation distance is a cautious measure to ensure that this new industry will not be concentrated in a given area at the beginning of legalization • This distance will help manage any unknown impacts associated with clustering of cannabis stores, given the high number of applications expected in a short period of time
<p>2 comments requesting a separation distance between cannabis stores and child care facilities/daycares/out of school programs</p>	<p>Circulated Version: No separation included between Cannabis Retail Sales and Child Care Services</p> <p>Version Moving Forward: No change made</p>	<ul style="list-style-type: none"> • Public engagement feedback indicated that stakeholders were most concerned about separation between cannabis stores and high schools • Day care aged children are not at an age where they are unaccompanied, able to visit cannabis stores, or at risk of having product sold to them

		<ul style="list-style-type: none"> • Child care facilities are less permanent than parks, schools and municipal recreation centers and it is therefore more difficult to map and track these places to ensure separation is maintained, which creates more uncertainty for all stakeholders
<p>1 comment requesting the removal of the separation between cannabis stores and public libraries to be consistent with how alcohol sales is treated</p>	<p>Circulated Version: <i>Any Site containing a Cannabis Retail Sales shall not be located less than 200 m from any Site being used for a public library</i></p> <p>Version Moving Forward: No change made</p>	<ul style="list-style-type: none"> • The purpose of having separation distances between cannabis stores and “sensitive uses” is to manage the compatibility of cannabis stores with places that minors typically gather • Public libraries receive a large amount of young visitors (Edmonton Public Libraries estimates that approximately 200 children visit each library per day) • Although this separation is not required for liquor stores, cannabis stores will be a new type of business in Edmonton that may require a more cautious approach until we know what the land use impacts will be
<p>1 comment requesting that the separation between cannabis stores and schools should be 100 m to be consistent with the provincial regulations</p>	<p>Circulated Version: <i>Any Site containing a Cannabis Retail Sales shall not be located less than 200 m from any Site being used for public or private education</i></p> <p>Version Moving Forward: No change made</p>	<ul style="list-style-type: none"> • Public engagement feedback indicated that it was most important to have a large separation between cannabis stores and schools (many suggested 300 m) • A 200 m separation was chosen because, in most cases, it will move potential cannabis stores out of sight of a school building • This separation is a balance between separating cannabis stores from where minors typically gather, while still providing possible locations for cannabis stores to open in Edmonton

ADDITIONAL STAKEHOLDER COMMENTS	RESPONSE
<p>2 comments that impacts should be monitored as Zoning Bylaw changes are implemented</p>	<ul style="list-style-type: none"> Adapting to cannabis legalization will be ongoing and the City will monitor how Zoning Bylaw changes are working The City will return to City Council in coming years to provide updates on cannabis and potentially present changes to the Zoning Bylaw where needed Any future changes to rules around cannabis stores or production facilities will include engagement and communication with the public
<p>2 comments about cannabis lounges and edibles being allowed</p> <ul style="list-style-type: none"> Suggest a safe, indoor location for customers to smoke in stores Edmonton should permit the sale of edibles 	<ul style="list-style-type: none"> In order for the City of Edmonton to permit cannabis lounges or smoke rooms in stores the federal government needs to set servicing sizes and potency for edibles, and the provincial government needs to allow the sale of cannabis edibles and allow consumption in cannabis stores The federal government has indicated that looking at cannabis edibles will be the next phase of cannabis legalization There will be future discussions with Edmontonians about this new component of cannabis legalization in coming years
<p>1 comment expressing concern about advertising</p>	<ul style="list-style-type: none"> The City of Edmonton has not suggested any specific rules regarding cannabis advertising in the Zoning Bylaw The Zoning Bylaw does not regulate the content of specific business signs The federal and provincial governments have created rules around how cannabis can be advertised, including that advertising about cannabis cannot appeal to minors or make health claims View the Alberta Gaming, Liquor and Cannabis Commission (AGLC) restrictions on store names and signs on the AGLC website
<p>1 comment that Edmonton should have their own employee training program for cannabis store employees to deal with irresponsible store operators.</p>	<ul style="list-style-type: none"> The AGLC has a mandatory certification program for retail cannabis store staff and more information is available online - SellSafe cannabis staff training This City of Edmonton is not providing any additional training for cannabis staff, however information session will be available shortly for those wanting to learn everything needed to submit an application for a cannabis store in Edmonton

<p>1 comment that the City should license local companies first, to prevent large company monopolies.</p>	<ul style="list-style-type: none"> • This City of Edmonton does not regulate any specific business type in order to control monopolies • Once the application process is confirmed for cannabis stores, the City of Edmonton will be hosting information sessions to ensure all interested stakeholders get their questions answered and are able to submit a complete application • The AGLC has stated that no person(s) or entity can hold more than 15 percent of retail cannabis licences in the province
<p>1 comment that cannabis stores should have high standards of waste management and recycling.</p>	<ul style="list-style-type: none"> • The Waste Management Bylaw will be updated to ensure safe handling of cannabis waste at cannabis stores • The City of Edmonton continues to look at improving waste management practices and cannabis businesses will be held to the same standard as all other types of development in Edmonton