

# City of Kelowna

## Regular Council Meeting

### AGENDA



Monday, October 30, 2017

9:00 am

Knox Mountain Meeting Room (#4A)

City Hall, 1435 Water Street

Pages

1. **Call to Order**

2. **Confirmation of Minutes**

2 - 3

Regular AM Meeting - October 23, 2017

3. **Reports**

3.1 **Feedback to the Province of BC on the Legalization of Marihuana**

15 m

4 - 28

The purpose of this report is to consider the impacts of the legalization of marihuana from a local government and community perspective and provide feedback to the Provincial Government of British Columbia.

3.2 **Downtown Streetscape Guidelines and Lawrence and Leon Mobility Study**

45 m

29 - 61

The purpose of this report is to update Council on the Downtown Streetscape Guidelines and the recommended public engagement process for the Lawrence and Leon Mobility Study.

4. **Issues Arising from Correspondence & Community Concerns**

4.1 **Mayor Basran, re: Issues Arising from Correspondence**

30 m

5. **Termination**



## City of Kelowna Regular Council Meeting Minutes

Date: Monday, October 23, 2017  
 Location: Knox Mountain Meeting Room (#4A)  
 City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given Tracy Gray, Charlie Hodge\*, Brad Sieben, Mohini Singh and Luke Stack

Staff Present Acting City Manager, Doug Gilchrist; City Clerk, Stephen Fleming, Divisional Director, Active Living & Culture, Jim Gabriel\*; Sport & Event Services Manager, Doug Nicholas\*; Legislative Coordinator (Confidential), Arlene McClelland\*

Guest Gabi Haas, Project Consultant, GDH Solutions\*

(\* denotes partial attendance)

### 1. Call to Order

Mayor Basran called the meeting to order at 10:38 a.m.

### 2. Confirmation of Minutes

Moved By Councillor Gray/Seconded By Councillor DeHart

R854/17/10/23 THAT the Minutes of the Regular AM Meeting of October 16, 2017 be confirmed as circulated

Carried

Councillor Hodge joined the meeting at 10:43 a.m.

### 3. Reports

#### 3.1 Community Sport Plan Progress Report

Staff:

- Displayed a PowerPoint Presentation summarizing the activities and focus areas of the progress report.
- Introduced Gabi Haas, Project Consultant.
- Will bring forward to Council a Draft Community Sport Plan this fall.
- Responded to questions from Council.

Council

- Provided individual comments.

Moved By Councillor Stack/Seconded By Councillor Hodge

**R855/17/10/23** THAT Council approves in principle the proposed focus areas as outlined in the report from the Sport and Event Services Manager, dated October 23, 2017 in developing the draft Community Sport Plan.

**Carried**

Moved By Councillor Given/Seconded By Councillor Sieben

**R856/17/10/23** THAT Council direct staff to include the Community Sport Plan update and the opportunity to work together with School District 23 as an agenda item for the next Council and School District 23 Board Meeting.

**Carried**

The meeting adjourned at 12:18 p.m.

The meeting will reconvene once the afternoon meeting is adjourned.

The meeting reconvened at 4:03 p.m.

**4. Resolution Closing the Meeting to the Public**

Moved By Councillor Hodge/Seconded By Councillor Singh

**R857/17/10/23** THAT this meeting be closed to the public pursuant to Section 90(1) (g) of the Community Charter for Council to deal with matters relating to the following:

- Acquisition, Disposition, or Expropriation of Lands or Improvements

**Carried**

**5. Adjourn to Closed Session**

The meeting adjourned to a closed session at 4:03 p.m.

**6. Reconvene to Open Session**

The meeting reconvened to an open session at 4:26 p.m.

**7. Issues Arising from Correspondence & Community Concerns**

There were no issues arising.

**8. Termination**

The meeting was declared terminated at 4:26 p.m.

\_\_\_\_\_  
Mayor

/acm/sf

\_\_\_\_\_  
City Clerk

# Report to Council



**Date:** October 30, 2017  
**File:** 1250-04  
**To:** City Manager  
**From:** Community Planning and Strategic Investments Division  
Corporate and Protective Services Division  
**Subject:** Feedback to the Province of BC on the Legalization of Marihuana

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## **Recommendation:**

THAT Council receives, for information, the report from the Community Planning Division/Corporate and Protective Services Division dated October 30, 2017 with respect to local government feedback on Provincial Government Marihuana Regulations and Policies;

AND THAT Council direct staff to provide the feedback contained in "Appendix B" related to the Provincial Governments Discussion paper – Cannabis Legalization and Regulation in BC to the Provincial Government Task Force prior to 4pm, November 1, 2017;

## **Purpose:**

The purpose of this report is to consider the impacts of the legalization of marihuana from a local government and community perspective and provide feedback to the Provincial Government of British Columbia.

## **Background:**

In the year 2000 a Federal Court ruled that Canadians have a constitutional right to use marijuana as a medicine. One year later Canadian Medical Marihuana Access Regulation granted legal access to marijuana for individuals with certain illnesses.

Health Canada Marihuana for Medical Purposes Regulations (MMPR) came into effect on July 19, 2013 and full effect on April 1, 2014 and replaced the current Marihuana Medical Access Regulations (MMAR), which was repealed on March 31, 2014. Obtaining a license through MMPR became the only legal access to marihuana for medical purposes, even if someone had had an authorization to possess or a license to produce that had a later date.

In the Summer of 2016, the Federal Government began taking steps towards legalizing the recreational use of marijuana. Federal Government officials were selected to form a task force that will use what they have heard to advise the government on the design of the legislation and the regulatory framework that will include a new system of strict marijuana sales and distribution. The task force provided their recommendations to the Federal Government (December 2016). On April 13, 2017, the Federal Government introduced two bills that will legalize cannabis use in Canada. It is expected that the Federal Government will legalize cannabis in July of 2017. The Federal Government has referred a number of implementation issues related to cannabis legalization to Provinces to manage.

The BC Provincial Government has set a deadline of November 1, 2017 to receive Local Government input under the headings of:

- Minimum Age
- Personal Possession – Adults
- Personal Possession – Youths
- Public Consumption
- Drug Impaired Driving
- Personal Cultivation
- Distribution Model
- Retail

Further details related to these headings can be found in the attached Provincial Discussion Paper labelled “Appendix A”. Relevant staff have provided their feedback with regard to the discussion papers as “Appendix B”.

### **Existing Policy:**

#### Municipal Land Use - Current Regulation:

The City of Kelowna’s Zoning Bylaw currently does not allow retail marijuana dispensaries in any zone in Kelowna. The production of medical marijuana is permitted in most of the City’s industrial zones and the A1 – Agriculture 1 zone.

### **Internal Circulation:**

Communications Advisor, Bylaw Enforcement Manager, Business Licensing Manager

### **Financial/Budgetary Considerations:**

None related to this report although there may be budgeting implications in 2019; the impacts of which depend on the results of the direction the provincial government takes on the legalization of marijuana.

**Personnel Implications:**

None related to this report although there may be budgeting implications in 2019; the impacts of which depend on the results of the direction the provincial government takes on the legalization of marijuana.

**Considerations not applicable to this report:**

**Communications Comments:**

**Legal/Statutory Authority:**

**Legal/Statutory Procedural Requirements:**

**External Agency/Public Comments:**

**Communications Comments:**

**Alternate Recommendation:**

**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager  
David Gazley, Bylaw Services Manager  
Greg Wise, Business License Manager

# Cannabis Legalization and Regulation in British Columbia

## Discussion Paper



Ministry of  
Public Safety and  
Solicitor General



# Introduction

In 2015, the federal government committed to legalizing non-medical cannabis in Canada. On June 30, 2016, it established the Task Force on Cannabis Legalization and Regulation (the Task Force) to consult and advise on the design of a new legislative and regulatory framework. The [Task Force report](#) was released on December 13, 2016, and provides a comprehensive set of recommendations for governments to consider.

On April 13, 2017, the federal government introduced Bill C-45, the *Cannabis Act* and Bill C-46 (the Act to amend the *Criminal Code*), in the House of Commons. The Bills are currently making their way through the parliamentary process. Bill C-46 amends the *Criminal Code* to simplify and strengthen its approach to alcohol and drug impaired driving, and the federal government plans to move quickly to bring the amendments into force once the Bill receives Royal Assent.

The federal government plans to bring Bill C-45 into force in July 2018; this will make non-medical cannabis legal in Canada as of that date. Bill C-45 is largely based on the recommendations of the Task Force. It seeks to balance the objectives of providing access to a regulated supply of cannabis, implementing restrictions to minimize the harms associated with cannabis use, and reducing the scope and scale of the illegal market and its associated social harms.

The federal government's decision to legalize cannabis creates a corresponding need for provincial and territorial governments to regulate it. While the federal government intends to assume responsibility for licensing cannabis producers and regulating production and product standards, provinces and territories will be responsible for many of the decisions about how non-medical cannabis is regulated in their jurisdictions. These include, but are not limited to: distribution and retail systems; compliance and enforcement regimes; age limits; restrictions on possession, public consumption and personal cultivation; and amendments to road safety laws.

As it considers these important decisions, the BC Government wants to hear from local governments, Indigenous governments and organizations, individual British Columbians, and the broad range of other stakeholders that will be affected by cannabis legalization.

This discussion paper has been prepared to help inform this public and stakeholder engagement. It addresses a number of key policy issues for BC, including minimum age, public possession and consumption, drug-impaired driving, personal cultivation, and distribution and retail. It draws heavily from the analysis of the Task Force, and identifies policy options to consider in developing a BC regulatory regime for non-medical cannabis.

Note that this paper does not address regulation of medical cannabis. For now, the federal government has decided to maintain a separate system for medical cannabis. The Province has a more limited role in the medical cannabis system, and the policy issues and policy choices available are very different, in part because of a history of court cases related to the *Canadian Charter of Rights and Freedoms*.



## Minimum Age

While Bill C-45 establishes a minimum age of 18 years to buy, grow, and publicly possess up to 30 grams of non-medical cannabis, provinces and territories can choose to establish a higher minimum age in their jurisdictions. This is consistent with the Task Force recommendations.

- BC could accept the federal minimum age of 18. However, the minimum age to buy tobacco and alcohol in BC is 19. 19 is also the BC age of majority, when minors become legal adults. In addition, since significant numbers of high school students turn 18 before they graduate, a minimum age of 18 could increase the availability of cannabis to younger teens.
- BC could set the minimum age at 19. This would be consistent with the minimum ages for tobacco and alcohol, and with the BC age of majority.
- BC could set the minimum age at 21 or higher. Emerging evidence suggests that cannabis use could affect brain development up to age 25. As a result, many health professionals favour a minimum age of 21.

However, as the Task Force recognized, setting the minimum age too high could have unintended consequences. Currently, persons under 25 are the segment of the population most likely to use cannabis. The greater the number of young users who cannot buy legal cannabis, the more likely that there will continue to be a robust illegal market where they can continue to buy untested and unregulated cannabis.

Finally, it's important to note that a legal minimum age is not the only tool to discourage cannabis use by young persons. As an example, public education campaigns that provide information about how cannabis use can limit academic performance and future opportunities have been found to be effective.

## Personal Possession - Adults

Bill C-45 establishes a 30 gram limit on public possession of dried cannabis. Practically, this means that this is the maximum amount that an adult could buy and take home at any one time (for context, one joint typically contains between .33g to 1g of cannabis). The legislation also sets possession limits for other forms of cannabis (e.g. oils, solids containing cannabis, seeds) and the federal government intends to add other types of cannabis products (e.g. edibles) by regulation at a later date.

The 30 gram limit is consistent with the Task Force recommendation and with public possession limits in other jurisdictions that have legalized non-medical cannabis. The reason for public possession limits is that possession of large amounts of cannabis can be an indicator of intent to traffic, so a public possession limit can help law enforcement to distinguish between legal possession for personal use, and illegal possession for the purpose of trafficking.

Provinces and territories cannot increase the public possession limit, but they can set a lower limit. However, a consistent possession limit across the provinces and territories would be easier for the public to understand and comply with.

## Personal Possession – Youths

While persons under 18 will not be able to buy or grow cannabis under Bill C-45, they are not prohibited from possessing up to 5 grams of dried cannabis or equivalent amounts for other cannabis products. This is consistent with the Task Force report, which took the position that youth should not be criminalized for possession of relatively small amounts of cannabis. However, provinces and territories can establish laws that prohibit possession by persons under an established provincial minimum age. Such a provincial law would not result in a criminal conviction and would be similar to how BC deals with alcohol – persons under 19 are prohibited from possessing alcohol, and a law enforcement officer can confiscate it and has the option of issuing a ticket.

## Public consumption

Bill C-45 will amend the federal *Non-smokers' Health Act* to prohibit cannabis smoking and vaping in certain federally-regulated places (e.g. planes, trains), but regulation of public consumption of cannabis will otherwise fall within provincial and territorial jurisdiction.

BC can restrict where non-medical cannabis can be consumed, and can place different restrictions on different types of consumption (e.g. smoked, eaten). If BC does not legislate restrictions on public consumption by the time Bill C-45 comes into force, it will be legal to smoke, vape, and otherwise consume cannabis in public, including in places where tobacco smoking and vaping are forbidden.

For the purpose of considering potential restrictions on public consumption, it may be helpful to consider cannabis smoking and vaping separately from other forms of consumption.

### *Cannabis Smoking and Vaping*

The Task Force recommended that current restrictions on public tobacco smoking be extended to cannabis. In BC, both tobacco smoking and vaping are currently prohibited in areas such as workplaces, enclosed public spaces, on health authority and school board property, and in other prescribed places such as transit shelters, and common areas of apartment buildings and community care facilities.

BC has a number of options to consider:

- BC could extend existing restrictions on tobacco smoking and vaping to cannabis smoking and vaping – under provincial law, adults would then be allowed to smoke or vape cannabis anywhere they can smoke or vape tobacco. Depending on the regulatory scheme established by the Province, local governments may also be able to establish additional restrictions, such as prohibiting cannabis smoking and vaping in public parks.
- BC could prohibit public cannabis smoking altogether, but allow cannabis vaping wherever tobacco smoking and vaping are allowed. Compared to smoking, vaped cannabis has a reduced odour and is less likely to be a nuisance to passersby. In addition, banning public cannabis smoking could help avoid normalizing cannabis use.

- BC could also prohibit public cannabis smoking and vaping altogether and establish a licensing scheme to allow designated consumption areas, e.g. cannabis lounges. However, it is unlikely that such a licensing scheme could be implemented in time for legalization.

### *Other forms of consumption:*

While edible, drinkable, and topical forms of cannabis will not be commercially available immediately upon legalization, the federal government intends to regulate the production and manufacturing of these products for sale at some point. In addition, adults will be allowed to make their own edible and other products at home.

Public consumption of non-inhaled forms of cannabis would be very difficult to detect and enforce. While BC could legislate restrictions on public consumption of these forms of cannabis, it may be more practical to rely on public intoxication and disorderly conduct laws to manage intoxication issues related to public consumption.

## Drug-impaired Driving

With 17% of British Columbians reporting cannabis use within the previous year<sup>1</sup>, we know that it's very likely that a number of British Columbians are already driving with cannabis in their system, whether they are impaired or not. In 2016, drugs (cannabis or otherwise) were a contributing factor in fewer than 8% of BC road fatalities; however, legalization raises legitimate concerns about the potential for cannabis-impaired driving to increase, and make our roads less safe.

Drug-impaired driving is already prohibited under the *Criminal Code*, but Bill C-46 would overhaul existing impaired driving provisions and specifically address cannabis impairment. The amendments will provide authority for the federal government to set a blood tetrahydrocannabinol (THC) limit beyond which a person can be criminally charged with cannabis-impaired driving. This is similar to the blood alcohol limits in place for alcohol-impaired driving.

The proposed federal criminal penalties for drug-impaired driving range from a minimum of a \$1,000 fine to up to a maximum of 10 years in jail.

In BC, police who stop an alcohol-impaired driver can charge the driver criminally, but they also have the option of issuing an [Immediate Roadside Prohibition](#) (IRP) or an Administrative Driving Prohibition (ADP) under the BC *Motor Vehicle Act*. Sanctions can include licence prohibitions, monetary penalties, vehicle impoundment, and license reinstatement fees. These programs have been very effective in reducing the number of road fatalities on BC roads.

While the IRP and ADP schemes do not currently apply to drug-impaired driving, police officers in BC do have the option to issue a 24-hour roadside prohibition to a suspected drug-affected driver, with or without a criminal charge.

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<sup>1</sup> Canadian Tobacco, Alcohol and Drugs Survey, 2015

One key challenge is that unlike with blood alcohol, there is not enough scientific evidence to link a particular blood THC level with impairment. In fact, it is known that THC can remain in the blood after any impairment has resolved, particularly for frequent users. An IRP or ADP-type scheme would therefore have to rely on other ways to assess impairment, such as a Standard Field Sobriety Test (SFST) conducted by a trained police officer, or evaluation by a Drug Recognition Expert (DRE). The approval of oral fluid screening devices and/or the setting of per se limits by the federal government could also influence the introduction of an administrative regime for drug-impaired driving.

BC could consider one or more of the following to address the risk that cannabis legalization could lead to increased impaired driving:

- BC could launch a public education and awareness campaign to inform British Columbians about the risks and potential consequences of cannabis-impaired driving.
- BC could set a zero-tolerance standard in respect of blood THC content for drivers in the Graduated Licensing Program (drivers with an “L” or “N” designation) and/or for drivers under a specific age threshold.
- BC could invest in SFST and DRE training for more police officers.
- BC could expand the IRP and/or ADP programs to include drug-impaired driving.

## Personal Cultivation

Bill C-45 allows adults to grow up to 4 cannabis plants per household, up to a maximum plant height of 100 centimetres. Bill C-45 does not place restrictions on where plants can be located (indoor vs. outdoor) and does not require home growers to put any security measures in place, but it is open to provinces and territories to establish such restrictions.

In considering personal cultivation, the Task Force acknowledged concerns about risks such as mould, fire hazards associated with improper electrical installation, use of pesticides, and risk of break-in and theft. However, it noted that these concerns were largely shaped by experience with large scale illegal grow operations, and found that on balance, allowing small-scale home cultivation of up to four plants was reasonable.

The Task Force recognized the need for security measures to prevent theft and youth access, and for guidelines to ensure that cannabis plants are not accessible to children. The Task Force also suggested that local authorities should establish oversight and approval frameworks, such as a requirement that individuals be required to notify local authorities if they are undertaking personal cultivation.

In thinking about possible restrictions on personal cannabis cultivation, it may be helpful to keep in mind that it is legal in Canada to grow tobacco and to produce wine or beer at home for personal use with

very few restrictions. In particular, the law does not require specific security measures to prevent theft, or access by children and youth.<sup>2</sup>

BC has several options to consider regarding restrictions on home cultivation of non-medical cannabis:

- BC could adopt a lower limit than 4 plants per household for non-medical cannabis cultivation.
- BC could set restrictions regarding where and how non-medical cannabis can be grown at home. For example, it could: prohibit outdoor cultivation; allow outdoor cultivation but require that plants not be visible from outside the property; and/or require that any outdoor plants be secured against theft.
- BC could establish a registration requirement for persons who want to grow non-medical cannabis at home. However, there would be significant costs associated with administering a registration requirement, and the benefits may be questionable, since those who do not plan to comply with laws on home cultivation may be unlikely to register in the first place.
- If BC decides not to implement one or more of the above measures, local governments could be authorized to do so.

## Distribution Model

Under Bill C-45, each province or territory will decide how cannabis will be distributed in its jurisdiction. Distribution is the process by which goods are supplied to retailers that sell to consumers. Distributors are often called wholesalers.

There are three basic models for the warehousing and distribution of cannabis to retailers in BC: government, private, or direct.

- Government distribution – In this model, government would be responsible for warehousing and distribution of cannabis. Licensed producers would send cannabis products to a government distributor, which would then fill orders from cannabis retailers. Government distribution allows for direct control over the movement of cannabis products, but requires significant up-front investment and set-up. The Task Force heard strong support for government distribution, noting that it has proven effective with alcohol.
- Private distribution – In this model, one or more private businesses could be responsible for the physical warehousing and distribution of cannabis. However, significant government oversight would be required in the form of licensing, tracking and reporting requirements, as well as regular audits and inspections.
- Direct distribution – In this model, the province would authorize federally licensed producers to distribute their own products directly to retailers. This model would also require significant

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<sup>2</sup> Parents have a general legal duty to supervise and keep their children safe, but the law does not create specific requirements to protect children from all of the potential dangers that may be present in a home (e.g., alcohol, prescription drugs, and poisons).

government oversight and could make it challenging for smaller producers to get their products to market.

## Retail

Under Bill C-45, each province or territory will decide the retail model for cannabis in its jurisdiction. Recognizing that the July 2018 timeline may not give provinces or territories enough time to establish their retail regimes before legalization, the federal government will implement an online retail system as an interim solution.

BC has a number of options for retail:

- BC could establish a public or private retail system, or potentially a mix of both, as currently exists for alcohol. A public system would require significant up-front investment in retail infrastructure, but there could also be additional revenue generated from retail sales. A private system would require a more robust licensing, compliance and enforcement system, but the associated costs could be recovered through licensing fees.

In a private retail system, it could be possible to allow some existing illegal dispensaries to transition into the legal system; in a public system such as that planned in Ontario, this would not be possible.

- BC could require that cannabis be sold in dedicated storefronts, or it could allow cannabis to be sold out of existing businesses such as liquor stores or pharmacies.

One public health concern about co-locating cannabis with other products is that it could expose significant numbers of people to cannabis products who might not otherwise seek them out; this could contribute to normalization or more widespread use. In addition, the Task Force strongly recommended against allowing co-location of alcohol or tobacco sales with cannabis, but recognized that separating them could be a challenge in remote communities where a dedicated cannabis storefront might not be viable.

- BC could establish a direct-to-consumer mail-order system. This could help provide access to legal cannabis for those in rural and remote locations and persons with mobility challenges.

## Conclusion

Cannabis legalization presents complex policy challenges for the Province. We expect that, as in other jurisdictions that have legalized, it will take several years to develop, establish, and refine an effective non-medical cannabis regime that over time eliminates the illegal market. The information gathered through this engagement will inform the Province's policy decisions. We appreciate your interest and feedback.

## **APPENDIX “B”**

The purpose of the Provincial government engagement is to identify interests and concerns of citizens, local government and other stakeholders regarding key elements of a provincial regulatory framework for non-medical cannabis. To help ensure that our provincial cannabis regulatory system reflects the needs and values of British Columbians, government is seeking feedback on the following issues:

- minimum age;
- personal possession limits;
- public consumption;
- drug-impaired driving;
- personal cultivation; and
- distribution and retail models

The timeline for the Cannabis Regulation engagement:

- September 25 – launch of BC Government stakeholder and public engagement.
- November 1 at 4 p.m. – deadline for public feedback.
- December 2017 – BC Government reporting out on feedback

### **What Happens to Input?**

Government will consider public feedback together with input from local governments, Indigenous groups and organizations as it works to develop a regulatory framework for non-medical cannabis in British Columbia.

After the public feedback process has closed on November 1, Government will analyze the results and will make a summary report available to the public.

Staff has reviewed the discussion paper Cannabis legalization and Regulation in British Columbia and provides the following feedback and recommendations for Council to consider:

\*Note this feedback is consistent that with previously recommended by staff in feedback to the Federal Government.

General assumptions:

- The federal government will permit the use and distribution of marijuana for both recreational in July 2017.
- The Province will play a taxation & regulatory role.
- Local governments can and should play a direct role in creating a regulatory system to “establish and enforce a system of strict production, distribution and sales...” through land use and business regulation powers.



<b>Feedback Category</b>	<b>Feedback</b>	<b>Rationale</b>
<u>Minimum Age</u>	Minimum age should be same or higher as minimum age for consuming alcohol	Consistency with existing liquor consumption regulations.
<u>Personal Possession - Adults</u>  <u>Personal Possession - Youths</u>	30 grams  None. Possession of 5 grams with no charges but confiscation.	Recommended by City of Kelowna Bylaw Enforcement.
<u>Public Consumption</u>	Province of BC should restrict consumption in publically-accessible spaces outside the home and/or ban outdoor use with exception of locally determined marijuana smoking areas.	Rules related to public consumption should be the same across BC to avoid confusion from community to community.
<u>Drug Impaired Driving</u>	Ensure RCMP/local police have enforcement capabilities to protect against impaired driving.	
<u>Personal Cultivation</u>	Municipalities should be able to regulate by permit home growing.	Growth of marijuana in a residential dwelling has the potential to contaminate/stigmatize a

	<p>Kelowna recommends: 4 plants per household, 1m in height.</p> <p>Prohibit or minimize home growing inside residences and in all buildings in residential areas.</p> <p>Province should update BC Building Code to mitigate potential negative impacts of home growing on the envelope of a home or restrict growing to outdoor areas.</p>	building for current/future occupants and owners.
<u>Distribution Model</u>	Provincial Government distribution.	A model similar to that used with alcohol in BC would be the most familiar to implement in BC.
<u>Retail</u>	<p>Cannabis should be sold from dedicated storefronts that can be controlled through municipal land use.</p> <p>Recommend a provincial licensing system with fees for dispensaries – similar to Licensee Retail store liquor sales model. A provincial Branch and inspection model should also mirror the LCLB model.</p> <p>Allow municipal control over the number of licenses for storefront dispensaries, the location, the size etc...</p> <p>The province should dictate a minimum distance between cannabis storefront dispensaries and retail liquor stores.</p>	<p>Consistency with BC retail liquor store model.</p> <p>Ensure municipalities can control separation of storefront dispensaries from schools and parks.</p>





# Marijuana Legalization

Feedback to Province of British Columbia

October 30, 2017

# BC Gov Seeking Feedback

- ▶ Minimum Age
- ▶ Personal Possession (Adult and Youth)
- ▶ Public Consumption
- ▶ Drug Impaired Driving
- ▶ Personal Cultivation
- ▶ Distribution Model

# Minimum Age

- ▶ Same as drinking age in BC

# Personal Possession

- ▶ 30 gram limit
  - ▶ Lower limit could be set



# Public Consumption

- ▶ Same as smoking with allowance for local control of addition regulation

# Drug-impaired Driving

- ▶ Ensure RCMP/local police have enforcement capabilities to protect against impaired driving.

# Personal Cultivation

- ▶ Local control over indoor/outdoor growing
- ▶ Update BC Building Code to guard against negative impacts of indoor growing
- ▶ 4 plant maximum with 1m max plant height
- ▶ No commercial cultivation in personal homes

# Distribution Model

- ▶ Similar to Provincial Liquor Distribution Branch (LDB)
  - ▶ Involved highest level of direct provincial oversight

# Retail

## ▶ Private Retail System

- ▶ Similar to retail liquor store model
- ▶ Local land use control
- ▶ Ability to control # of licenses
- ▶ Ability to control distances from schools and parks

# Summary Remarks

- ▶ Feedback Due: November 1 @ 4pm
- ▶ Questions/Comments?

# Report to Council



**Date:** October 30, 2017

**File:** 1850-01

**To:** City Manager

**From:** Christina O'Reilly, Project Manager, Integrated Transportation

**Subject:** Downtown Streetscape Guidelines and Lawrence and Leon Mobility Study

Report Prepared by: David James, Planning Specialist, Parks and Building Planning

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## **Recommendation:**

THAT Council receives for information, the report from the Integrated Transportation Project Manager dated October 30, 2017, with respect to the Downtown Streetscape Guidelines and Lawrence and Leon Mobility Study;

AND THAT Council receives the update on the development of Downtown Streetscape Guidelines and the next phase proposed for the Lawrence and Leon Mobility Study as outlined in the report.

## **Purpose:**

The purpose of this report is to update Council on the Downtown Streetscape Guidelines and the recommended public engagement process for the Lawrence and Leon Mobility Study.

## **Background:**

In response to a request by the Downtown Kelowna Association (DKA), staff initiated a project to jointly-fund a study to develop streetscape guidelines for downtown, as well as a mobility and urban design study for Lawrence and Leon Avenues west of Richter Street.

The two studies will be used to direct future planning efforts for the urban design, road cross-sections, active transportation and traffic movement options for Lawrence and Leon Avenues. This will include exploring an enhanced urban realm, one-way versus two-way traffic movements and facilitating safer bicycle movement to create a more vibrant downtown.

## **Subject Area**

The Subject Area is Lawrence and Leon Avenue from Richter Street to Abbott Street as illustrated below in aerial photograph of the subject area.



### **Goals of the project:**

- 1) Develop a coordinated approach for streetscape elements that will form the basis for Streetscaping Design Guidelines that can be applied to frontage improvements undertaken in conjunction with new development within downtown.
- 2) Develop preferred road cross-sections within the Subject Area with the aim of improving mobility for all modes of transportation.
- 3) Generate concept plans for Lawrence and Leon Avenues specifically by applying the guidelines and preferred road cross-sections to create an enhance public realm, multi-modal streetscape that will respond to existing and future development along these corridors.

### **Project Process**

The project is being delivered by a multi-departmental team in partnership with the DKA to undertake an analysis of transportation options.

Given the limited right-of-way width on each of the study streets, trade-offs will be required to accommodate competing demands between people walking, biking, driving, and parking. Understanding the priorities of local property owners and the general public will be critical in development of a preferred concept for Lawrence and Leon.

In tandem with the mobility study, a coordinated approach to selection of streetscape elements was initiated through an online survey for residents and businesses to share their thoughts in determining the appropriate look and feel for Kelowna's downtown districts.

Pending Council's endorsement, the development of a Downtown Streetscape Guidelines will guide replacement of aging street furnishing as well as frontage improvements associated with future development within the City Centre. This will directly impact planning efforts for Lawrence and Leon Avenues and the development of road cross-sections and concept plans for these two downtown streets.

Staff recognize the need for a unified street furniture program that contributes to a high quality public realm for Kelowna's streets. Having a coordinated approach to streetscape elements will:

- Improve the image and identity of downtown by providing visual continuity and consistency of elements along the corridor;
- Provide additional amenities for pedestrian comfort, promote safety and enjoyment of the downtown streetscape environment;
- Provide guidance to Staff and streamline the process for the selection and placement of streetscape elements as new development occurs or street furniture is replaced.

An inventory of existing streetscape elements within the City Centre found that there was often a mixture of different styles of streetscape elements along the same street. There was also a lack of key amenities such as benches, bike racks and trash receptacles that would add to pedestrian comfort. This can be attributed a piece-meal introduction of street furniture over time and the absence of any consistent guidelines for selection and placement.

This has resulted in an ad-hoc appearance to key streets such as Water Street. There is also an opportunity to provide a more unified streetscape appearance along the length of Ellis Street to complement the recent development in the area.

### **Online Engagement Survey and Results**

Key considerations were used as criteria for an open, online survey as part of the City's 'Get Involved' engagement platform. The results of the survey, along with operational considerations, will inform appropriate look and feel of [Kelowna's] downtown streetscape elements as the City works to establish streetscape guidelines for downtown districts. Key considerations in selection of streetscape elements included:

- Importance of Elements: The survey asked for respondents to rank importance of key streetscape elements as a direct need to provide comfort for users to promote an increase in pedestrian activity.
- Quality and Durability: The survey asked for respondents to rank importance of features such as durability, quality, character, comfort, style and cost to balance considerations of character, function and cost.
- Style Preference: The survey asked for respondent's preference for character of key streetscape elements as they relate to Kelowna's four downtown districts: Civic/Cultural District; Historic/Entertainment District; Business District; and Residential District.

The online survey was made available from Sept. 20 to Oct. 8 and promoted through the City's news bulletins, website, and social media channels. Two hundred and thirty-six survey responses were received.

Respondents ranked trash receptacles as the most important streetscape element, followed by benches. Traffic bollards were ranked as the lowest level of importance. Durability to maximize resistance to weather and vandalism was ranked as the most important feature for benches and trash receptacles. For bike racks and traffic bollards, functionality was most important for respondents, followed closely by durability.

A number of comments throughout the survey highlighted a preference for benches without dividers, trash receptacles with a recycling component and larger openings to reduce garbage on street as well as more bike racks in the downtown area.

For the cultural district, 40 per cent of respondents said the transitional theme is most appropriate. Over half of respondents said the traditional theme would work best for the historic and entertainment district and selected the contemporary theme for the business district. Forty-two per cent of respondents said a transitional theme would be most appropriate for the residential district, followed closely by the contemporary theme with 38 per cent of the votes.

### **Lawrence and Leon Mobility Study**

Through a combination of technical analysis and stakeholder input, a preferred concept plan for Lawrence and Leon will be developed, balancing the requirements of people walking, biking, driving, and parking.

The concept plan, pending endorsement by the Ministry of Transportation and Infrastructure and City, would form the basis for more detailed design and implementation if capital funding is made available. Currently there is no capital funding identified in the 2030 Infrastructure Plan or the 10-year Capital Plan.

## **Communications and Engagement Process**

The communications and engagement process is designed to ensure a comprehensive and thoughtful engagement approach for stakeholders and citizens so they can provide input into the design of Downtown Streetscape Guidelines and a preferred right-of-way configuration for Lawrence and Leon Avenues based on an evaluation of trade-offs. Throughout the engagement process focus was directed on the efforts to improve Kelowna's downtown streetscape and the mobility on Lawrence and Leon and not on social issues or what businesses and services are appropriate for the area. When stakeholders or members of the public raise issues that are outside of the current project scope they are given information about other initiatives such as the Journey Home. A variety of direct in-person and online public engagement techniques will be suited to reach a variety of stakeholders, identify issues and gather input for the final recommendation.

### **Phase 1: Inform about plan and process (Complete)**

- Downtown streetscape online survey
- DKA stakeholder invitation session
- Website update
- Resident notification
- Advertising
- Face-to-face meetings (DKA Board)

### **Phase 2: Collect Input (Listen and Learn)**

- Mobility options online survey
- Information mail-out to stakeholders
- ROW options and trade-offs info sessions
- Face-to-face meetings (Council Workshop, DKA Board)

### **Phase 3: Recommendations**

- Streetscape guidelines for Council consideration
- Preferred concept(s) for Council consideration
- Preferred concept(s) for information to neighbourhood and community



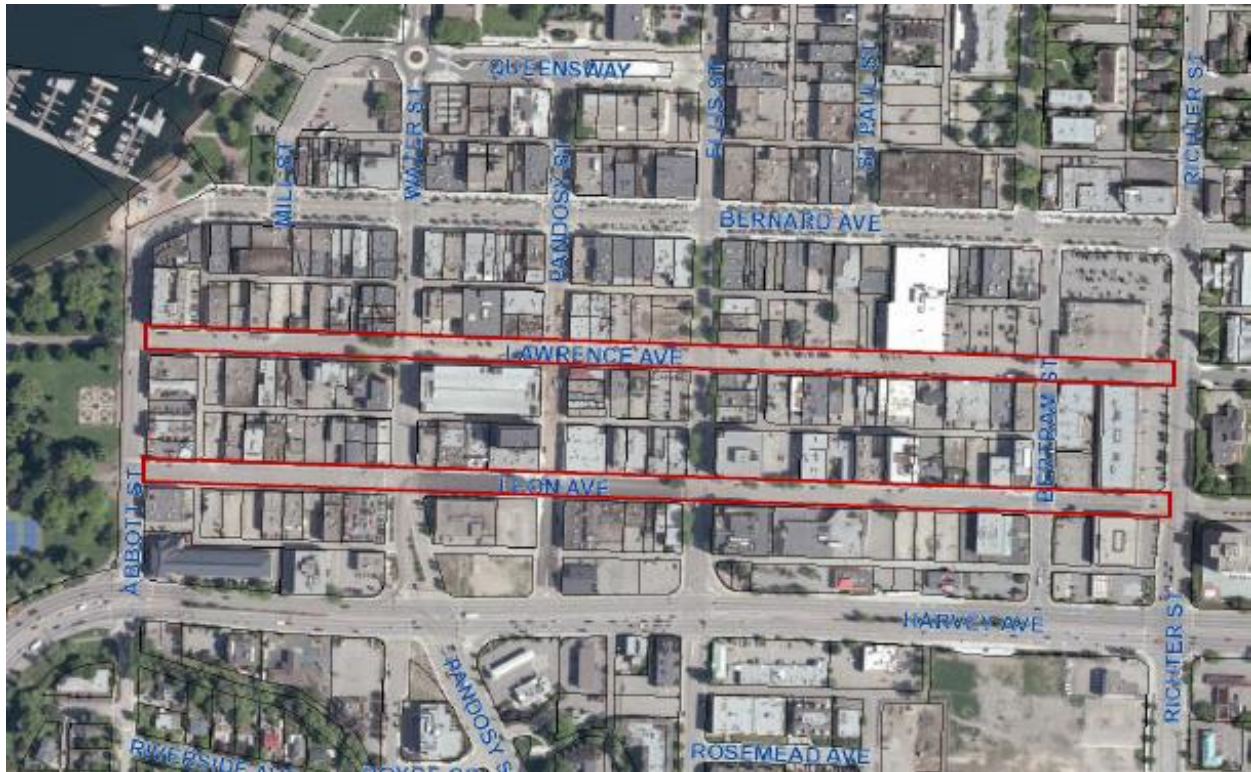
## Next Steps

The Downtown Streetscape Guidelines will direct future efforts on street designs for Lawrence and Leon Avenues. Furthermore, the Downtown Kelowna Association is collaborating with the City on the mobility study to look at configurations for Lawrence and Leon Avenues based on transportation analysis.

Following the City's Engage Policy, staff will consult (listen and learn) with stakeholders and citizens to identify preferences of right-of way configurations based on technical and financial considerations.

November 2017	<p><b>Online Engagement</b></p> <ul style="list-style-type: none"><li>• Right-of-way options including data of impact for each on sidewalk width, parking loss, turning movements, traffic patterns, cycle and pedestrian routes</li></ul> <p><b>Hand-out/Mail out to Lawrence / Leon Business &amp; Property Owners</b></p> <ul style="list-style-type: none"><li>• Outline and scope of project including options under consideration</li><li>• Direct to online feedback option or in-person info session</li></ul> <p><b>Right of Way options and trade-offs info sessions</b></p> <ul style="list-style-type: none"><li>• With public and specific stakeholders</li></ul>
January 2018	<p><b>Preferred (refined) concept to DKA Board</b></p> <p><b>Council workshop – review results from engagement</b></p>
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## Aerial Photograph of Subject Area



### Internal Circulation:

Divisional Director, Infrastructure  
Divisional Director, Corporate & Protective Services  
Divisional Director, Community Planning & Strategic Investments  
Manager, Community Engagement  
Transportation Planner, Integrated Transportation  
Manager, Parks & Buildings Planning  
Planning Specialist, Parks and Building Planning

### Considerations not applicable to this report:

Legal/Statutory Authority  
Legal/Statutory Procedural Requirements  
Existing Policy  
Financial/Budgetary Considerations  
Personnel Implications  
External Agency/Public Comments  
Communications Comments  
Alternate Recommendation

Approved by:

R. Villarreal, Manager, Integrated Transportation  
R. Parlane, Manager, Parks & Buildings Planning

Submitted by:

C. O'Reilly, Project Manager, Integrated Transportation

Approved for inclusion:



A. Newcombe, Divisional Director Infrastructure

**Attachment 1:** Downtown Streetscape Elements Engagement Report

**Attachment 2:** Downtown Streetscape Guidelines and Lawrence and Leon Mobility presentation

cc: Divisional Director, Infrastructure  
Divisional Director, Corporate & Protective Services  
Divisional Director, Community Planning & Strategic Investments  
Manager, Community Engagement  
Transportation Planner, Integrated Transportation  
Manager, Parks & Buildings Planning  
Planning Specialist, Parks and Building Planning



# Downtown Streetscape Elements Engagement Report

October 2017





## Summary

Residents and businesses were invited to share their thoughts on downtown Kelowna streetscape elements from September 20 to October 8 through an online survey and question portal on the Get Involved engagement platform.

In order to establish a consistent approach to downtown streetscape elements, the engagement was designed to gather input on preferred look and feel of benches, trash receptacles, bike racks and traffic bollards, as well as possible locations.

The online survey provided examples of various street furniture styles with varying levels of ornamentation and asked which style would best suit each of downtown's four different districts: the cultural district, residential district, business district, and historic and entertainment district.

Input opportunities were promoted through the City's news bulletins, the website, social media channels and the City's Get Involved website.

This report provides a summary of the comments and questions received through the Get Involved site.

Community feedback, along with other considerations such as operational requirements and life-cycle costs will be used to finalize three groups of complementary elements called suites.

## Online survey and Q&A

An open, online survey was made available from September 20 to October 8, 2017 and promoted through the City's news bulletins, the website, social media channels and the City's Get Involved website.

We received 236 survey responses of the 850 visitors to the engagement page.

Results from open surveys such as this are a collection of opinions and perceptions from interested or potentially affected residents, and not a statistically valid random sample of all Kelowna residents. This report contains results from the open survey. Due to the opt-in and open method, results are qualitative in nature and cannot be said to represent views of all Kelowna citizens.

The primary objective of the engagement was to:

- ▶ Obtain input from residents regarding preferences for look and feel of downtown streetscape elements as the City works to establish streetscaping guidelines for downtown districts

In addition to the survey responses, we had a Q&A portal on the Get Involved website where residents could ask project-related questions. Six residents asked questions through this portal.



*"The city has charm and a quaintness about it. Let's make [the street furniture] functional, attractive, and unique."*

*– Survey respondent*

## What we heard

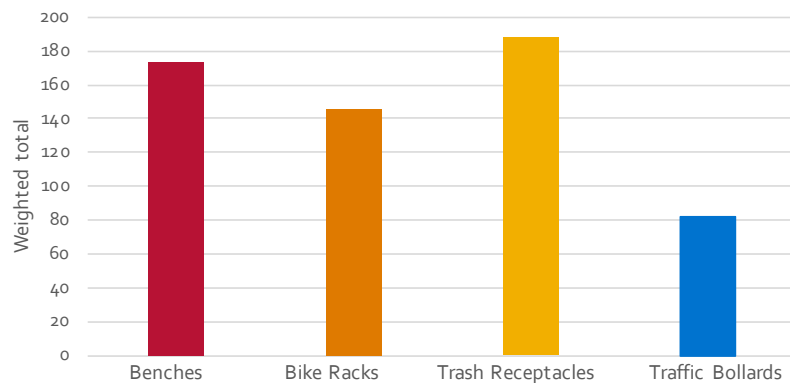
### General thoughts on sidewalk elements

Survey respondents were asked to rank the sidewalk elements they think are the most important, with 1 being most important to 4 being least important. Respondents ranked trash receptacles as the most important element, followed by benches. Traffic bollards were ranked as the lowest level of importance.

*"I would like to see an abundance of trash receptacles. The more the better."*

– Survey respondent

Because sidewalk space is often limited, we would like to know which elements you think are most important to include. Please rank the the following four pieces of street furniture.



Respondents were then asked to rank features, such as durability, quality, character, comfort, style and cost for each piece of street furniture.

Durability to maximize resistance to weather and vandalism was ranked as the most important feature for benches and trash receptacles. For bike racks and traffic bollards, functionality was most important for respondents, followed closely by durability.

Style was ranked as the least important for trash receptacles, bike racks and bollards, whereas cost was ranked of lowest importance for benches.

*"Functional, cost efficient & pleasing to the eye is what I believe is most important to keeping Kelowna the beautiful city it is!"*

– Survey respondent

### Preferences for suite styles

Residents were asked to compare suite styles that fall under the traditional, contemporary and transitional themes.

#### Traditional Suites



Respondents were fairly evenly split between the three traditional examples, with Example 2 receiving slightly less votes than the other two options. When asked about levels of ornamentation for traditional suites, the majority of respondents (51 per cent) said they prefer moderate ornamentation over little or lots of ornamentation.

*"I made my selection based on aesthetics and functionality. Other selections were more transitional, more modern. I believe the first example is the best example and would fit best within the traditional community."*

– Survey respondent

## Contemporary Suites



*"Mixing media is a great way to modernize these items. Two tones, wood and metal. As displayed in Example 3."*

– Survey respondent

Fifty-four per cent of respondents liked the contemporary Example 3 the best and just under half said they would prefer a moderately stylized design over highly stylized and less stylized (more sleek).

## Transitional Suites



The transitional examples 1 and 2 tied, each with 39 per cent of respondent preference. Fifty-seven per cent of respondents would like an even blend of traditional and contemporary when it comes to transitional style.

*"A mix between old elements and new elements is a very nice design, so I think that the contemporary design could be used throughout the city to maintain continuity yet also provide a contrast between old and new, or complimentary in newer areas."*

– Survey respondent

## Additional comments

A number of comments throughout the survey highlighted a preference for benches without dividers, trash receptacles with a recycling component and larger openings to reduce garbage on the street and more bike racks in the downtown area.

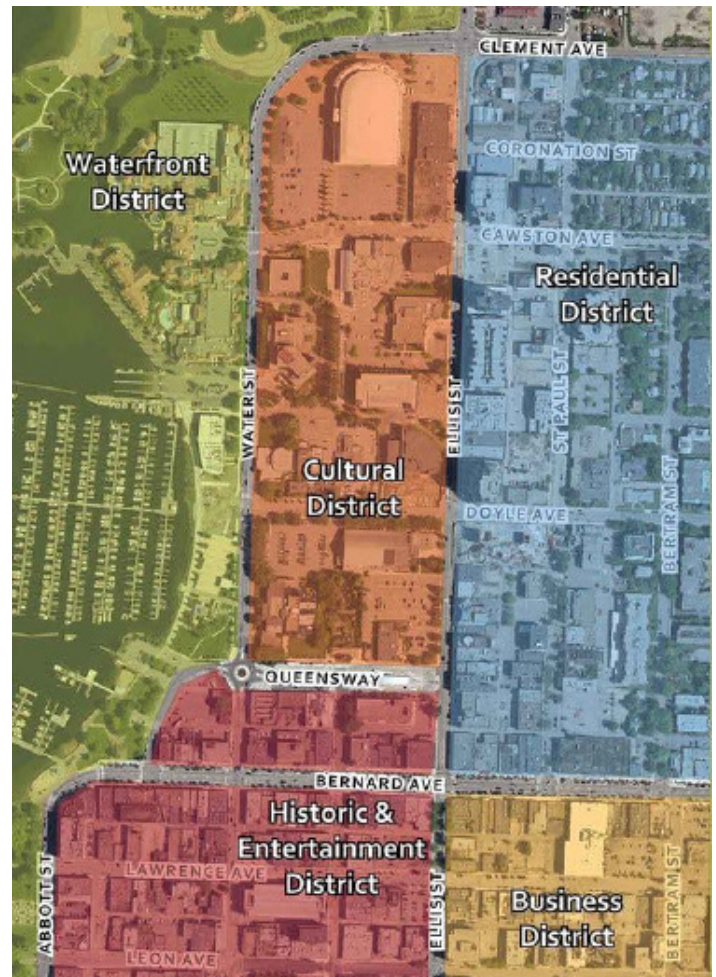
### Theme preferences for different districts

The survey asked respondents to select a theme they think best suits each of downtown's distinct districts.

For the cultural district, 40 per cent of respondents said the transitional theme is most appropriate. Over half of respondents said the traditional theme would work best for the historic and entertainment district and selected the contemporary theme for the business district. Forty-two per cent of respondents said a transitional theme would be most appropriate for the residential district, followed closely by the contemporary theme with 38 per cent of the votes.

*"I believe any kind of element that encourages welcoming people to slow down and sit down to enjoy the beauty around them is beneficial to the individual, the neighbourhood, and the community."*

– Survey respondent



### Q&A portal

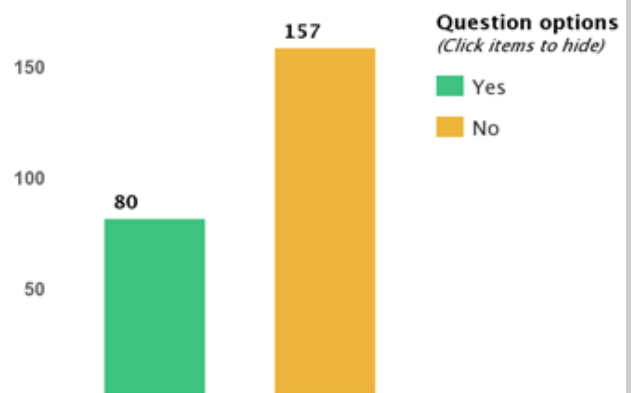
Six questions were asked through the Q&A portal on the engagement platform. Question topics included recycling options for the garbage receptacles, sidewalk cleaning, snow removal, energy conservation, timeline for improvements in other areas and bench options with social benefits. Each question was responded to by a member of the project team.

### Survey respondent demographics

The majority of survey respondents live outside of downtown Kelowna. However, over a third of them work in the area.

In a typical month, almost all respondents make either weekly or daily trips downtown. The top five reasons for visiting downtown include dining, exercise/walking, shopping, entertainment and beach front park amenities. Over 90 per cent of visits exceed one hour, with 33 per cent of visits lasting one to two hours, 32 per cent lasting two to three hours and 30 per cent lasting for more than three hours.

#### Do you live in Downtown Kelowna?







# Leon/Lawrence Project

Mobility & Downtown Streetscape Guidelines Project

September 6<sup>th</sup>, 2017



# Agenda

- ▶ Project Overview
- ▶ Project Update
  - ▶ Engagement Process
  - ▶ Streetscaping design results
  - ▶ Mobility study results
- ▶ Next Steps
- ▶ Q&A

Project Partnerships

**DOWNTOWN  
KELOWNA**



# Project Overview

Partnership between DKA & CoK to jointly-fund a study to develop streetscape guidelines for Downtown, as well as a mobility study for Lawrence and Leon Avenues.

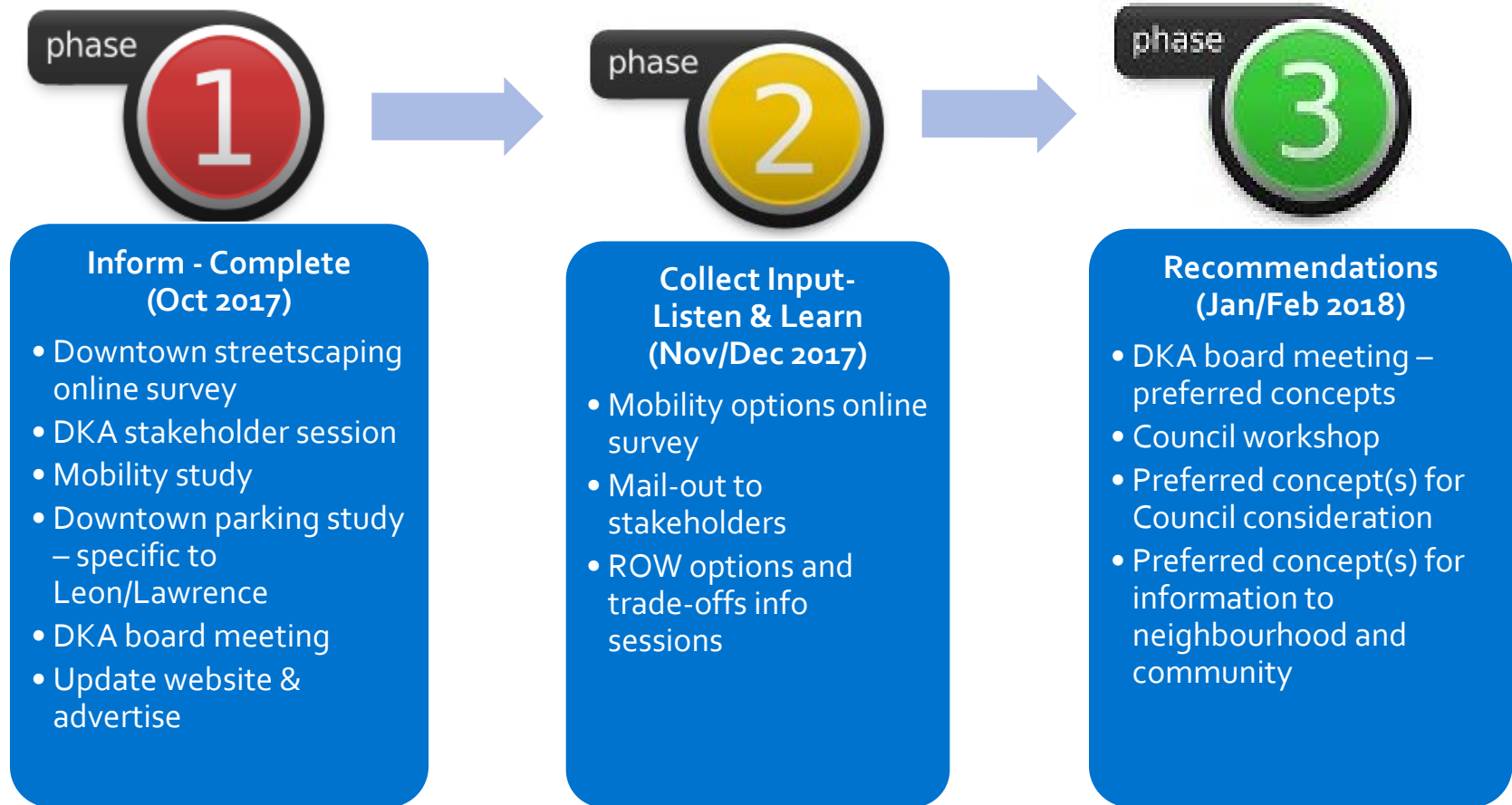
- ▶ Develop a coordinated approach for streetscape elements that will form the basis for Streetscaping Design Guidelines that can be applied to frontage improvements undertaken in conjunction with new development within Downtown.
- ▶ Develop preferred road cross-sections within the Subject Area with the aim of improving mobility for all modes of transportation.
- ▶ Generate concept plans for Lawrence and Leon Avenues by applying the guidelines and preferred road cross-sections.



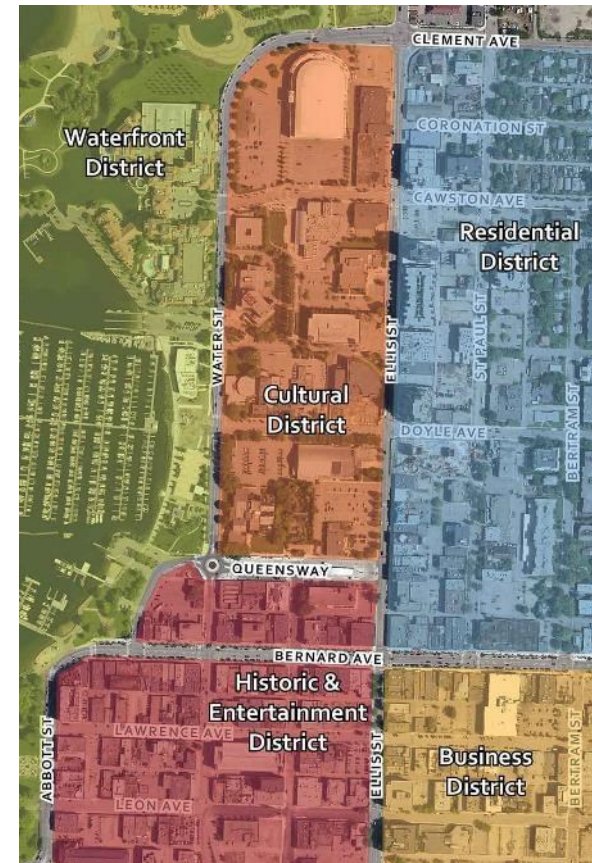
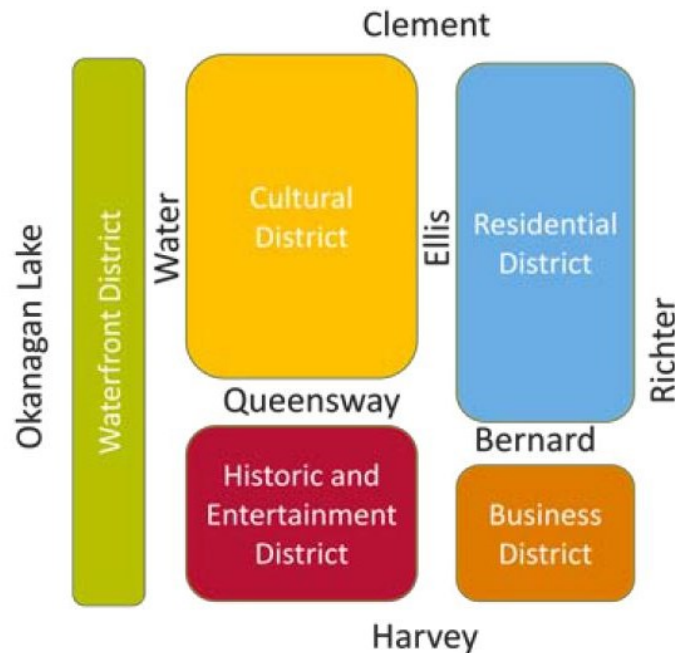
# Considerations

- ▶ Congruent plans & strategies in development could inform Leon/Lawrence project
  - ▶ Journey Home strategy by the City
  - ▶ IH initiatives
  - ▶ Downtown parking area parking plan
  - ▶ New developments near Leon/Lawrence
- ▶ Budget limitations for timely implementation of improvements
- ▶ Any changes to curb alignment along Lawrence & Leon avenues to mobility could impact on-street parking stalls
- ▶ Dynamic and evolving project
- ▶ Out of scope: Detailed financial and implementation plan

# Engagement Process



# Downtown Study Area & Districts



*The strategy for My Downtown includes an acknowledgement that different areas of downtown are at different stages of the revitalization process.*

# Streetscape Inventory & Assessment



A mixture of different styles of streetscape elements and a lack of amenities such as benches, bike racks and trash receptacles along the same street corridor is the result of an absence of any consistent guidelines for selection and placement.





# Streetscape Inventory & Assessment

City of Kelowna - Downtown Streetscape Site Furniture Inventory

District: Historic

St: Water Street

Blk: Doyle-Bernard

Map #: Map 7

			
Planting			
			
Lighting			

# Streetscape Inventory & Assessment

			
Furniture			
			
Accessibility			

# Streetscape Element Selection



## Traditional Street Furniture



Bench



Trash Receptacle



Bike Rack



Bollard

## Contemporary Street Furniture



Bench



Trash Receptacle



Bike Rack



Bollard



## Transitional Street Furniture



Bench



Trash Receptacle



Bike Rack



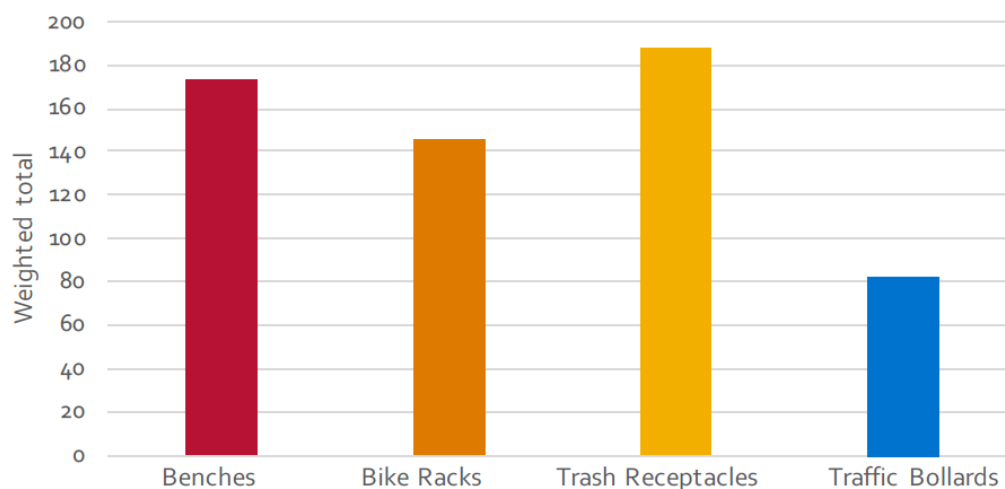
Bollard

*The primary objective of online engagement was to obtain preferences for look and feel of downtown elements to establish guidelines for downtown districts*



# Engagement Survey Results

Because sidewalk space is often limited, we would like to know which elements you think are most important to include. Please rank the the following four pieces of street furniture.

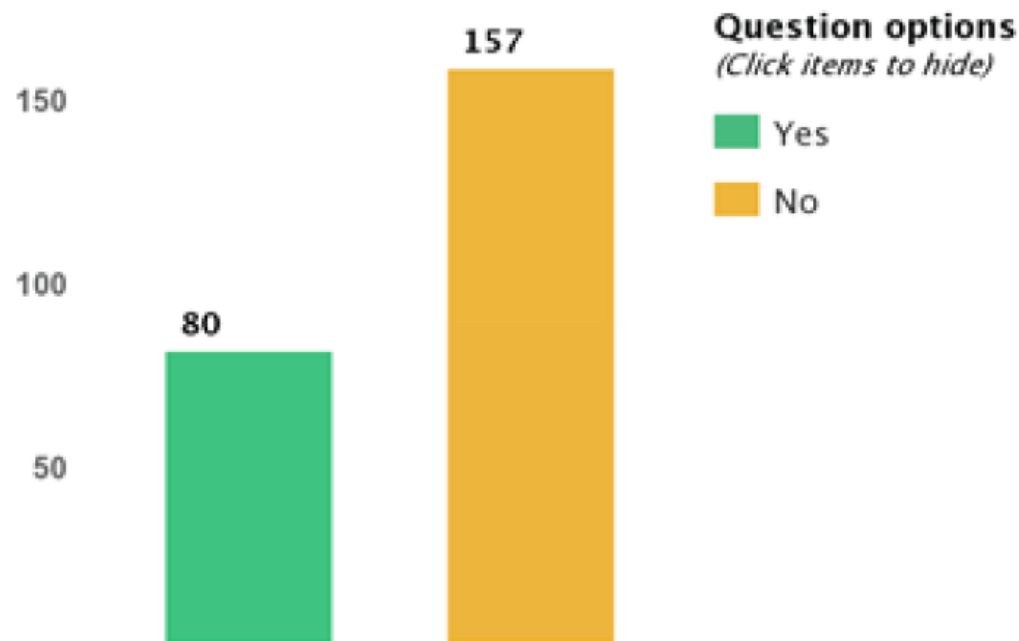


- Trash receptacles as most important element, followed by benches;
- Durability most important for benches and trash receptacles;
- Function most important for bike rack and traffic bollards;
- Cost was ranked lowest importance for benches.



# Engagement Survey Results

## Do you live in Downtown Kelowna?



*"Functional, cost effective & pleasing to the eye is what I believe is most important to keeping Kelowna the beautiful city it is!"*

- Survey Respondent

# What We Heard – Style Preference

## Traditional Street Furniture Suite



Majority of respondents (51%) prefer moderate ornamentation over little or lots of ornamentation



## Contemporary Street Furniture Suite



*"Mixing media is a great way to modernize these items. Two tones, wood and metal."*

- Survey Respondent



## Transitional Street Furniture Suite



(57%) of respondents would like an even blend of traditional and contemporary for the Transitional Suite



# What We Heard – Theme Preference



Bench



Trash Receptacle



Bike Rack



Bollard

40% of respondents said the transitional theme is most appropriate for the Cultural District



Bench



Trash Receptacle



Bike Rack



Bollard

Over half of respondents said the Traditional theme works best appropriate for the Historic and Entertainment District.

# What We Heard – Theme Preference



The majority of respondents selected the contemporary theme for the Business District.



42% of respondents said the transitional theme would be most appropriate for the Residential District – followed closely (38%) by contemporary theme.

# Streetscape Guidelines

Staff recognize the need for a unified street furniture program that contributes to a high quality public realm for Kelowna's streets. Having a coordinated approach to streetscape elements will:

- *Improve the image and identity of Downtown by providing visual continuity and consistency of elements along the corridor;*
- *Provide additional amenities for pedestrian comfort, promote safety and enjoyment of the downtown streetscape environment;*
- *Provide guidance to Staff and streamline the process for the selection and placement of streetscape elements as new development occurs or street furniture is replaced.*

*"I believe any kind of element that encourages [and] welcomes people to slow down and sit down to enjoy the beauty around them is beneficial to the individual, the neighbourhood, and the community."*

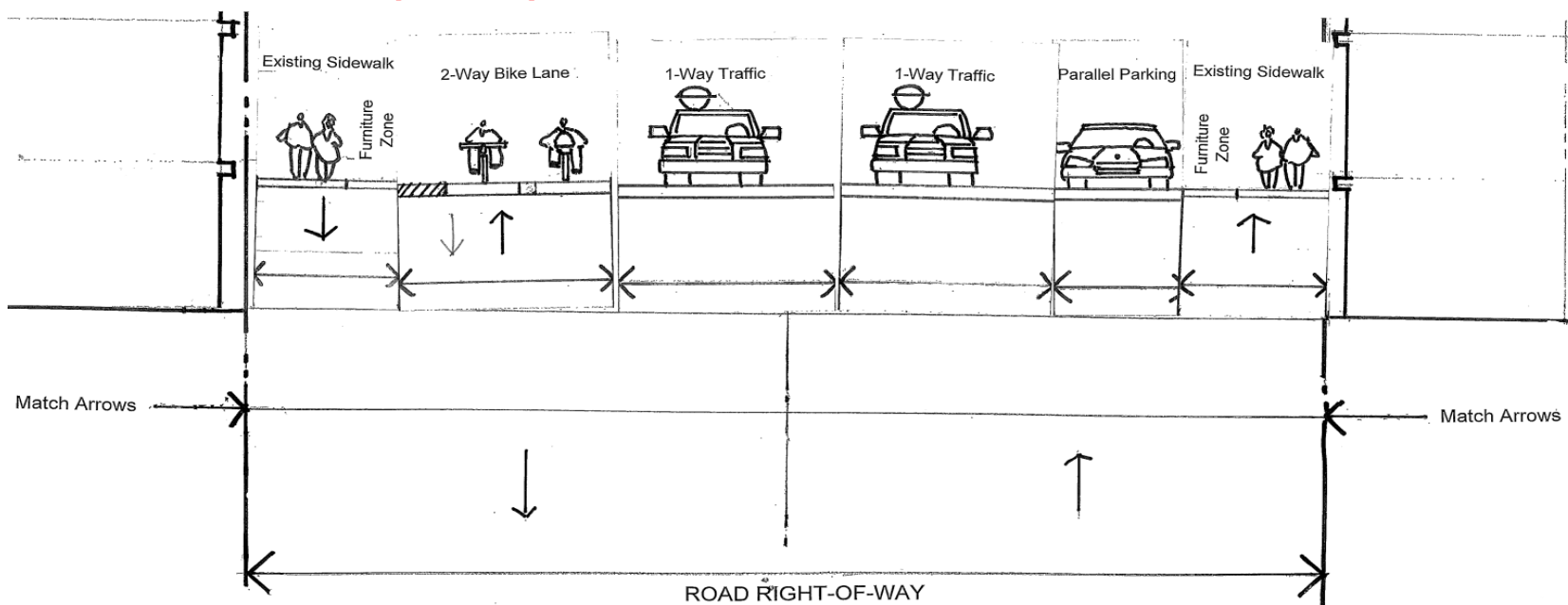
- Survey Respondent

# Mobility Study

- ▶ DKA hosted a stakeholder workshop for property & business owners in the project area.
- ▶ Goal was to learn about the project, identify challenges and priorities for mobility by completing a right-of-way cross section exercise.
- ▶ These results will be included & compiled along with the rest of engagement happening later this fall.
- ▶ 38 attended workshop, 21 completed the right-of-way cross-exercise.
- ▶ These results will be included with other inputs yet to be gathered this fall.

# Mobility Study - Cross Section Exercise

**Example only**





# Mobility Study – Cross Sections Samples





# Next Steps

November	<p><b>Online Engagement</b></p> <ul style="list-style-type: none"> <li>• Right-of-way options including data of impact for each on sidewalk width, parking loss, turning movements, traffic patterns, cycle and pedestrian routes</li> </ul> <p><b>Hand-out/Mail out to Lawrence / Leon Business &amp; Property Owners</b></p> <ul style="list-style-type: none"> <li>• Outline and scope of project including options under consideration</li> <li>• Direct to online feedback option or in-person info session</li> </ul> <p><b>Right of Way options and trade-offs info sessions</b></p> <ul style="list-style-type: none"> <li>• With public and specific stakeholders</li> </ul>
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