

FAQ Statement - October 22, 2018

Beginning with the radio broadcast of an interview on CBC's *The Homestretch* program on Thursday, October 18, 2018 (cbc.ca/listen/shows/the-homestretch/segment/15616020), BRCA has become aware of various public statements that misrepresent or that fail to place in context certain current events affecting the broader topic of public approvals for cannabis shops in the Bridgeland-Riverside community.

The purpose of this document is to present, in an FAQ style, the information presently in BRCA's possession that it feels is relevant to this topic.

This document also invites feedback—see the final section below. Since last Thursday, the interesting topic of cannabis legalization generally—which has now become linked to media coverage about Bridgeland-Riverside specifically—has led to BRCA receiving an influx of emails and social media comments. We hope that people who are interested will help us understand more than we can right now how to make sense of the communications now flying around.

The General Avenue Cannabis Shop DP-2018-1665 & SDAB2018-0131

- **Is it true that BRCA has appealed DP2018-1665, the development permit that would allow a cannabis shop to be opened on General Avenue?**

Yes, an appeal was filed as the culmination of BRCA's planning engagement process, described below.

- **Is BRCA's appeal the reason that the applicant behind DP2018-1665 is not open today?**

No. BRCA's appeal was the second one filed. A neighbouring condominium association filed an appeal first. There were many who expressed opposition to a cannabis shop in the proposed location. As of October 18, 2018, BRCA confirmed directly with the other appellant that its appeal remains in place and there are presently no plans for it to withdraw that appeal.

- **Why doesn't BRCA want a cannabis shop in Bridgeland-Riverside?**

BRCA has never taken this position. There has never been a BRCA word spoken against the idea that a cannabis shop will open in at least one location in Bridgeland-Riverside.

- **How many cannabis-shop applications were filed for locations in Bridgeland-Riverside?**

Five. Four of the applications were rejected by the City, and one, the General Avenue application, was approved.

- **Why were the other four cannabis-shop applications rejected?**

Each application involves different considerations, but a high-level point is important here: the City of Calgary processed cannabis-shop applications on a “first-come, first-served” basis. Other applications in Bridgeland-Riverside were rejected by the City in part because DP2018-1665 was approved.

- **Are there other cannabis-shop appeals in Bridgeland-Riverside?**

Yes. All of the applicants who applied for cannabis-shop approvals, but whose applications were denied in the context of DP2018-1665, appealed from those denials.

- **Is it true that just anybody can file an appeal for \$100?**

No. The Subdivision Development Appeal Board (SDAB) hears appeals only from those who are considered to be “directly affected”. Both as a matter of law in Alberta, and also as part of the City of Calgary’s planning process, community associations are considered “directly affected” by planning matters in their respective communities.

- **Is BRCA opposed to a cannabis shop opening in Bridgeland-Riverside?**

No. BRCA has never presumed to wade into this topic, but has always simply accepted as a fact of life in 2018 that cannabis has been decriminalized in Canada and that one or more cannabis shops will be approved to open in the community.

- **Didn’t City Council already approve the cannabis shop for General Avenue?**

No. The answer here is confusing but important. The applicant who is proposing a cannabis shop for General Avenue in fact made two applications. Only one of these went to Council.

The application that went to Council was to amend the land use of the site. That application was required because the site (together with the rest of the retail strip on General Plaza) has “direct control” zoning. This “direct control” zoning specifies exactly what uses are possible on the site. Because the site’s original “direct control” zoning predated cannabis legalization, an application for a development permit for a cannabis shop would not have been possible at all if the underlying zoning had it not first been changed to Mixed Use zoning to make it a possibility.

- **So what is the other application we are talking about here all about? Didn’t the applicant in DP2018-1665 meet all of the City’s required criteria? And, if so, why would anybody appeal?**

City Council amended the “direct control” zoning in the General Avenue location so that the list of uses possible in the location would include the potential for the cannabis-shop use. But that use in that location thus became a so-called “discretionary use”. Whenever a use is discretionary, section 35 of Calgary’s Land Use Bylaw requires that many factors must be considered. See the heading, [BRCA’s Planning Process](#), below for more details about the planning process as a whole. The sort of factors that must be considered include:

- “Any plans and policies affecting the parcel”
- “The appropriateness of the location and parcel for the proposed development”
- “The compatibility and impact of the proposed development with respect to adjacent development and the neighbourhood”
- “Sound planning principles”

The interpretation of such factors in any particular case is a matter about which reasonable people may disagree. A lot of the present controversy presumably derives from that starting point. The appeal results from that reality; see [BRCA's Planning Process](#) below.

- **Isn't this a family business being proposed? Why would BRCA oppose a "mom and pop" or "pop and daughter" shop?**

The planning process focuses upon proposed developments, not upon the personal circumstances or characteristics of individual proponents. (Imagine how dangerous it might be if this were not so, and if people could debate the quality of people involved in particular applications). BRCA can, though, confirm its understanding that the proposed cannabis-shop business in this case is one proposed to be operated by a daughter, backed by her father, with her father also representing himself as being (directly or indirectly) the owner of the entire retail strip mall in which the General Avenue site is located.

- **Is BRCA anti-business? Is there vacant commercial space that could be occupied?**

BRCA is pro-community, which also means it is pro-business. There is a City of Calgary "Main Street" district in Bridgeland-Riverside, which by definition is intended to encourage vibrant commercial development. BRCA participated as a stakeholder in Main Streets, and has been involved in encouraging related developments.

The proposed site of the cannabis shop is currently operating as a boutique women's fashion business.

- **Is BRCA's appeal delaying this store's opening into 2019?**

BRCA is no happier than the applicant about delays. The SDAB's appeal process related to retail cannabis has been overwhelmed by an unprecedented number of appeals. The numbers change constantly, but 200+ applications were filed in Calgary. Two stores opened on legalization day, but our understanding is that over 150 appeal files have resulted. Successful applicants are having their permits appealed, and unsuccessful applicants are appealing their refusals. It is a confusing situation. The SDAB has had to hire additional staff and is trying to add additional members to hear appeals. The delay in processing this appeal has nothing to do with BRCA. It is also worth noting that a number of other community associations have appealed the issuance of development permits for retail cannabis stores in their respective communities.

BRCA would have preferred a quick resolution of this appeal and the various other related appeals affecting the community, but the timing of the appeal process itself is beyond BRCA's control.

Also, as noted above, BRCA's appeal is not the only appeal affecting the proposed General Avenue location, so it is not correct to say in any event that BRCA's position by itself is affecting the timetable at all.

- **Who can make decisions about the appeal?**

The appeal was first recommended by BRCA's Planning Committee, after its process ran its course—see below. The appeal was then authorized by BRCA's volunteer Board of Directors, and has been discussed at more than one monthly meeting since that time. Nothing much has changed in the past two months, except that the arrival of the decriminalization date resulted in sudden media interest.

BRCA is a society and is run by its Board of Directors, with the Board of Directors having been elected by members. The Board can make decisions about the appeal at a properly called Board meeting.

BRCA's Planning Process

- **Why is BRCA involved in the planning process (approval process) at all?**

The City of Calgary includes BRCA (and other community associations) in its planning process. BRCA is given notice of all proposed developments, and is asked to provide feedback to the City in a prescribed form.

- **How does BRCA operate in respect of planning?**

At a high level, BRCA operates its governance as recommended by the Federation of Calgary Communities.

A description of BRCA's planning process can be found at the following link:
brcacalgary.org/who_does_the_brca_represent

- **Is it true that two people, or only a few people, involved in the Planning Committee are driving, or have driven, the appeal in this case?**

No, that is false. See the link above. BRCA has followed its usual process in this case.

- **Does “the BRCA like to think they are better city planners than The City of Calgary itself”?**

Nope.

In its dealings with the City of Calgary regarding planning matters, BRCA always explains the scope of its representation: what it has done to engage the community, and what sort of engagement it has encountered. See the link above. The BRCA Planning Committee includes members from a variety of backgrounds (engineering, planning, law, real estate development, realty, etc.). All are volunteers and committee members come from all over the community and represent diverse age ranges and perspectives.

- **Why did I not know about this before?**

Five applications for cannabis shops in Bridgeland-Riverside were submitted to the City of Calgary. BRCA hosted a meeting about each one, and gave prior notice of each meeting. This included giving notice—as best we could with volunteer resources—to those in the vicinity of the various proposed sites. This is on top of the City's own publication of applications, both online and in the news media. Furthermore, given the unprecedented nature of these various cannabis applications, BRCA wrote and distributed a letter to all of its available contacts (via its email lists including all BRCA members and business contacts) identifying the planning files, and inviting people to make comments directly to the City.

- **What was the scope of engagement with BRCA about these cannabis-shop issues?**

In light of recent events, we will do some more work on this topic. Meetings about the cannabis-shop proposals were well attended. (For example, the first meeting about the General Avenue site had perhaps 15-20 people in attendance.). Various communications were received by BRCA representatives personally at different times, and various additional emails were received as well. The “conversation about cannabis” has also extended more broadly into recent events such as the

discussion about public consumption sites. That topic involved, among other things, a Town Hall session attended by approximately 150 residents.

For those who now feel their voices were not heard, we can at least say this: prior to the legalization date, BRCA heard a great deal of opposition to the proposed General Avenue location, but had received precisely zero feedback in favour of that specific site. We had received a handful of comments (perhaps 2-5) favouring the approval of a cannabis shop in Bridgeland-Riverside generally, which is a non-controversial point. But most people who expressed views in favour of cannabis shopping in Bridgeland-Riverside before the appeal was filed were agnostic about the issue of which site among several competing sites might be approved. On the flipside, we also heard from people who expressed views against cannabis generally and therefore against cannabis in the community, but with such feedback not for that reason reflecting any planning-relevant content.

- **What representations were made by the public in respect of DP2018-1665?**

The appeal file is available online: calgarysdab.ca/pdf/2018-0131/SDAB2018-0131%20Report.pdf. There is very little public engagement evident on that file—some for, and some against. And by the nature of the feedback recorded, there is no related indication on the file whether those providing feedback are simply residents at large or if they somehow reflect vested interests.

- **I feel like I did not have an opportunity to express my view and I am angry about that. Who should I be angry with?**

Not BRCA we hope. The City gave notice of what was going on according to its processes. BRCA gave notice of what was going on according to its processes. Both processes were public, transparent, and above board.

Sometimes applicants who make proposals that are likely to be controversial will take their own steps to engage the community ahead of time. For example, sometimes applicants proposing larger developments will schedule an Open House, and when this happens BRCA will often facilitate because the community hall will be used, and we may help to publicize engagement via our channels as well.

In this case BRCA had advised the applicant about the idea of hosting an open house, but no open house was ever held.

- **Has the applicant interacted directly with BRCA?**

The applicant (the father of the father/daughter business only) attended the Planning Committee meeting when the file was first discussed earlier in 2018.

Following the filing of the appeal, the applicant (daughter) attended a Planning Committee meeting on October 1, 2018.

The applicants (both father and daughter) had a follow-up meeting with the Planning Committee this past Friday, October 19, 2018.

The applicant has also asked to attend BRCA's next Board meeting, and will be given that opportunity.

- **I have heard or read that the applicant believes that they have gathered feedback from the community—"stacks of letters from the community"—to demonstrate that the community supports the location and is against the appeal. What do you know about that?**

Not very much yet. We have asked the applicant to share details but have not received anything yet.

Please note that it is important in our process to understand how feedback has been gathered. Is feedback neutral or are there relationships operating behind the scenes that should be understood? What facts are people given before they provide their feedback? Are there any pecuniary or other interests at stake? Any close connections with the applicant or other interests that might merit disclosure? See again the link above.

- **Is it too late for me to speak in favour of, or in opposition to, the appeal filed by BRCA?**

It is never too late. See the request at the bottom of this document. The Directors of the Board of BRCA have a duty always to be informed, and to act in what they reasonably perceive to be the best interests of BRCA. It would be wrong not to listen, and so we won't do that.

- **What is the appeal about? Is this about planning principles or about cannabis shops?**

There is probably a lot of confusion lurking here. The appeal is undoubtedly about both of these topics together. In Calgary in 2018, nobody has a right to open a cannabis shop. To propose to operate a cannabis shop is simply to propose a discretionary use. What sorts of considerations might inform the question whether a use that is not always appropriate (hence a use that is "discretionary") is appropriate in a particular place?

All sorts of rational ideas about social, political, health-related, and science-related information might bear upon such an issue—either now or one day in the future. Once upon a time, the Marlboro Man advertised cigarettes to kids. Nowadays cigarettes are sold in plain wrappers with health warnings. The point here is not to compare cannabis to cigarettes so much, but only to say that lots of knowledge gained over time sometimes impacts upon how society feels about how certain substances should interact with its citizens, perhaps especially its young citizens. And in the case of cannabis today, perhaps there is more emotional debate than there is data and knowledge. As the New York Times characterized it last week, Canada has now embarked upon a "national experiment".

The idea that, post-legalization, cannabis retail sales (and associated consumption) give rise to various public-policy considerations is not something that BRCA has invented. Alberta's approach demonstrates the intersection of many social policy issues.



And, here in Calgary, the City has a policy about where cannabis shops cannot be located at all. The City's Cannabis Store Guidelines have proximity rules and the rules are prefaced by objectives which the City has stated as follows:

Image source: alberta.ca/cannabis-framework.aspx

Objectives

1. To ensure opportunities for Cannabis Stores on main streets and in communities are balanced with opportunities for other types of commercial uses. A variety of commercial uses provide communities with options, supports economic diversification and helps build a complete retail street.
2. To promote a full range and mix of commercial uses and opportunities along main streets and in communities.
3. To avoid the potential for **negative perceptions** that may be created about a community when there is an over concentration or clustering of Cannabis Stores along a main street or in a community.
4. To ensure Cannabis Stores are not located too close to public and private schools in order **to limit convenience access and lower the profile and visibility of cannabis to young persons.**
5. To manage the **potential socio-economic impacts** of the clustering and concentration of Cannabis Stores.

Some words have been highlighted above. Why might too many cannabis stores in an area result in a “negative perception” about a community? Why should “convenient access” and the “profile and visibility” of cannabis stores be an issue where “young persons” are concerned? What “potential socio-economic impacts” would result from “clustering and concentration”? These are the City’s words, not BRCA’s, but it seems obvious that left unstated here is the reality that many today—including our local government—perceive potential societal risks that require careful management.

So, as for the particular store on General Avenue, obviously the appeal does concern whether that location is appropriate for a cannabis store use. Lurking in the background are debates about various perceived risks. What has happened so far is that the City of Calgary has approved some cannabis stores based upon technical proximity rules, and has denied others on the exact same basis (i.e. one proposed store fails because it is too close to another approved store). And yet the City’s Land Use Bylaw specifies a list of factors that are relevant to consider, and is a simple set of proximity rules sufficient? That is probably one of the issues on appeal.

Note that when the land-use decision for this site was approved at Council, Ward 9’s Councillor, Gian-Carlo Carra, himself a planner by profession, spoke against and voted against even allowing the “direct control” district to be amended as proposed. And he did this even though his initial feedback on this file expressed a concern to City Administration about how the City should steer clear of “picking winners and losers”. So for those who might think this is all about fear mongering about cannabis in 2018, is it really so clear that complicated new planning processes are not at all relevant here?

BRCA’s appeal in this case, whether it proves to have been a good idea or not, was motivated simply by volunteers listening to what they had heard from their neighbours during an open engagement process. The information of BRCA to date is that many residents of Bridgeland-Riverside have said that General Avenue is not the right spot, or at least not the best spot, in our community for a cannabis shop as a planning matter, and not as a matter of some sort of hidden NIMBYism. The cannabis shops are coming. And, further, BRCA’s decision to join in an appeal already existing reflects also the idea that this once-in-a-lifetime shift might warrant deliberation at the level of the Subdivision Development Appeal Board, where the experts sit.

What Can I Do Now?

BRCA's request of those who would like to influence its decision making is as follows. In any communications to BRCA, please:

1. Identify if you are a resident of Bridgeland-Riverside or not. If you are, and if you feel comfortable providing your name, address, and contact information (we would keep personally identifiable information confidential to BRCA), we would love to be able to interact with you, and so please provide some or all such details if you would like. If you are not comfortable sharing details, then our request is that you at least identify your approximate residential location (*e.g.* by cross streets, or by condo building, etc.).
2. Identify if you are a member of BRCA or not. (We listen to planning feedback from all residents regardless of membership, but membership is relevant to our governance process).
3. Explain whether your intent is to support or oppose this particular application, or to support or oppose the idea of cannabis shopping in Bridgeland-Riverside more generally.
4. If you want to communicate your support for, or your opposition to, this particular application, explain why. What are the factors that you think are important?

The more that people both communicate and explain their opinions, and the more that they can identify and acknowledge the perspective from which they are commenting, the easier it is for BRCA to respond thoughtfully.