



City of Maple Ridge

PUBLIC HEARING

April 19, 2022

CITY OF MAPLE RIDGE

PUBLIC HEARING AGENDA

April 19, 2022

7:00 pm

Virtual Online Meeting including Council Chambers

The purpose of the Public Hearing is to allow all persons who deem themselves affected by any of these bylaws a reasonable opportunity to be heard before Council on the matters contained in the bylaws. Persons wishing to speak for or against a bylaw will be given opportunities. You will be asked to give your name and address. Please note that all written submissions provided in response to this consultation including names and addresses will become part of the public record which includes the submissions being made available for public inspection. Further consideration of bylaws on this agenda will be at the next regular Council meeting. The meeting is recorded by the City of Maple Ridge.

For virtual public participation register by going to <https://www.mapleridge.ca/640/Council-Meetings> and clicking on the meeting date.

This Agenda is also posted on the City's Website at: www.mapleridge.ca/AgendaCenter

1) 2021-457-RZ, Regulation of Pharmacies

The subject application is to regulate pharmacy use within the City of Maple Ridge.

1a) Maple Ridge Zone Amending Bylaw No. 7790-2021

First Reading: March 8, 2022

Second Reading: March 8, 2022

Purpose: To amend Maple Ridge Zoning Bylaw No. 7600-2019 to:

- introduce a definition for a pharmacy use;
- prohibit the principal pharmacy use within the City of Maple Ridge;
- prohibit the accessory pharmacy use in commercial establishments with less than 700 square meters of Gross Leasable Area within the Town Centre Area; and
- regulate the accessory pharmacy use outside of the Town Centre Area by implementing a geographic buffer of 400m between new pharmacy applications.

CITY OF MAPLE RIDGE

NOTICE OF VIRTUAL ONLINE PUBLIC HEARING

TAKE NOTICE THAT A PUBLIC HEARING is scheduled for Tuesday, April 19, 2022 at 7:00 p.m.

This meeting is an online virtual meeting to be hosted in Council Chambers at City Hall, 11995 Haney Place, Maple Ridge.

For virtual online participation, access the link at: www.mapleridge.ca/640/Council-Meetings and click on the meeting date to register.

For viewing only, access the link at <http://media.mapleridge.ca/Mediasite/Showcase> and click on the April 19, 2022 Public Hearing presentation video;

The Public Hearing Agenda and full reports are posted on the City's Website at www.mapleridge.ca/AgendaCenter (see: Public Hearing).

This Public Hearing is held in order to consider the following bylaw:

1) 2021-457-RZ, Regulation of Pharmacies

The subject application is to regulate pharmacy use within the City of Maple Ridge.

1a) Maple Ridge Zone Amending Bylaw No. 7790-2021

First Reading: March 8, 2022

Second Reading: March 8, 2022

Purpose: To amend Maple Ridge Zoning Bylaw No. 7600-2019 to:

- Introduce a definition for pharmacy use;
- Prohibit the principal pharmacy use within the City of Maple Ridge;
- Prohibit the accessory pharmacy use in commercial establishments with less than 700 square meters of Gross Leasable Area within the Town Centre Area; and
- Regulate the accessory pharmacy use outside of the Town Centre Area by implementing a geographic buffer of 400m between new pharmacy application.

AND FURTHER TAKE NOTICE that a copy of the aforesaid bylaw and copies of staff reports and other information considered by Council to be relevant to the matters contained in the bylaw are available for viewing on the City's Land Development Viewer site at:

<https://gis.mapleridge.ca/LandDevelopmentViewer/LandDevelopmentViewer.html>

It is important to ensure that our democratic processes continue to function and that the work of the City remains transparent for all citizens while mitigating risks posed by COVID-19. For further information on how to participate, we encourage checking our website for updates at <https://www.mapleridge.ca/2408/COVID-19-Information>. If you wish to participate virtually, please use the links below.

ALL PERSONS who believe themselves affected by the above-mentioned bylaw shall be afforded a reasonable opportunity to be heard at the Public Hearing before Council on the matters contained in the bylaw. Please note that all written submissions provided in response to this notice will become part of the public record which includes the submissions being made available for public inspection.

- **For virtual online participation**, access the link at: www.mapleridge.ca/640/Council-Meetings and click on the meeting date to register. When registering you will be asked to give your name and address, to give Council your proximity to the land that is the subject of the application. We ask that you have your camera on during the Public Hearing;
- **For viewing only**, access the link at <http://media.mapleridge.ca/Mediasite/Showcase> and click on the April 19, 2022 Public Hearing presentation video;
- **To submit correspondence** prior to the Public Hearing, provide written submissions to the Corporate Officer **by 12:00 Noon, Tuesday, April 19, 2022 (quoting file number)** via drop-box at City Hall or by mail to 11995 Haney Place, Maple Ridge, V2X 6A9; or,
- **To email correspondence**, forward written submissions to clerks@mapleridge.ca to the attention of the Corporate Officer, **by 12:00 Noon, Tuesday, April 19, 2022 (quoting file number)**.

Dated this 4th day of April, 2022.

Stephanie Nichols
Corporate Officer



mapleridge.ca

City of Maple Ridge

TO: His Worship Mayor Michael Morden
and Members of Council
FROM: Chief Administrative Officer
SUBJECT: **ADDENDUM to Regulation of Pharmacies Staff Report dated February 15, 2022**

MEETING DATE: March 1, 2022
FILE NO: 2021-457-RZ
MEETING: C o W

EXECUTIVE SUMMARY:

At the February 15, 2022 Committee of the Whole Council Meeting, Council deferred consideration of Zone Amending Bylaw No. 7790-2021 by two weeks and requested a list of possible options to consider given Council comments. Proposed Zone Amending Bylaw No. 7790-2021 is intended to limit the proliferation of pharmacies in the City of Maple Ridge. Outlined below are four possible options for Council to consider. The February 15, 2022 Staff Report (including proposed bylaw and appendices) is attached with this report for Council consideration at the March 1, 2022 Committee of the Whole Council Meeting. There is currently a moratorium on pharmacy applications in the City of Maple Ridge.

Possible regulatory land use options, including possible additional or amended recommendations, in response to Council comments, are as follows:

A) Reduce the identified threshold regulating the size of pharmacies within the Town Centre Area.

Currently proposed at 700 square meters of Gross Leasable Area, measured in accordance with BOMA Standard Method of Measurement, this could be reduced to any size Council desires, for example 250 or 500 square meters. The intent of the regulation remains the same, however, additional units within the Town Centre Area may become available for a future pharmacy, depending on the reduction in size.

Should Council wish to implement this option, Council could direct staff to amend Zone Amending Bylaw No. 7790-2021 with the following, or similar, to Section 402.22 1. B before first reading:

b. shall not be permitted as an Accessory Use in a commercial establishment, where the retail sale of goods or services are provided, with a Gross Leasable Area in accordance with Building Owners and Managers Association Standard Methods of Measurement (ANSI/BOMA Z65.5-2020) less than or equal to 500 square metres on a lot within the Town Centre Area, as identified on Schedule "C" (Town Centre Area Plan) of this Bylaw;

c. shall be permitted as an Accessory Use in a commercial establishment, where the retail sale of goods or services are provided, with a Gross Leasable Area in accordance with Building Owners and Managers Association Standard Methods of Measurement (ANSI/BOMA Z65.5-2020) greater than 500 square metres on a lot within the Town Centre Area, as identified on Schedule "C" (Town Centre Area Plan) of this Bylaw; and

B) Include a site-specific text amendment permitting the use at an identified civic address.

Should Council wish to move Zone Amending Bylaw No. 7790-2021 forward, with the identified size regulation for the Town Centre Area and geographic distance requirement outside of the Town Centre Area, Council may consider a site-specific text amendment for any application that comes forward intending to operate in a unit that does not align with the proposed regulations.

A site specific text amendment application can occur at any time following the adoption of the subject Zone Amending Bylaw and would require the typical four readings of Council and a Public Hearing. Should the civic address of a specific site, not yet publicly disclosed, be considered by Council to be an appropriate location for a pharmacy use that would not align with the proposed Zone Amending Bylaw, Council could direct staff to insert the following, or similar, amendment to Section 402.22 1 b before first reading:

...except:

- i. *The property legally described as [Insert Legal Address] that is permitted an Accessory Pharmacy Use in a commercial establishment, where the retail sales of goods or services are provided, with a Gross Leasable Area in accordance with Building Owners and Managers Association Standard Methods of Measurement (ANSI/BOMA Z65.5-2020) greater than or equal to 250 square meters.*

C) Direct staff to develop additional land use regulation through a separate zone amending bylaw.

Should Council wish to further regulate land uses, Council can direct staff to develop possible options to regulate specific land uses in addition to the pharmacy regulations outlined in Zone Amending Bylaw No. 7790-2021, by directing staff through the following, or similar, resolution:

That staff be directed to explore possible regulatory options to regulate [insert identified use] in Maple Ridge.

Should Council direct this work, staff would come back to Council with an options report, which would outline possible regulator options for Council to consider. From there, a zone amending bylaw would be drafted and go through the approval process, including four readings of council and a Public Hearing.

D) Defer or defeat Zone Amending Bylaw No. 7790-2021 and remove Pharmacy Moratorium.

Should Council wish to permit a pharmacy application at a site that as of yet is not disclosed while maintaining the regulatory thresholds identified in Zone Amending Bylaw No. 7790-2021 and/or did not want to potentially incur additional time or costs to a potential applicant incurred through Option B, detailed above, Council could defer or defeat Zone Amending Bylaw No. 7790-2021 in its entirety and remove the Pharmacy Moratorium in the City. Providing a pharmacy application is on a lot where retail and professional services are permitted, the use could take place today with no further land use regulations. The business license application process would still apply.

RECOMMENDATION:

That Zone Amending Bylaw No. 7790-2021 be given first and second reading and forwarded to Public Hearing.

Alternative Recommendations:

- A. That Zone Amending Bylaw No. 7790-2021, including Option A amendment outlined in the staff addendum dated March 1, 2022, be given first and second reading and forwarded to Public Hearing.
- B. That Zone Amending Bylaw No. 7790-2021, including Option B amendment outlined in the staff addendum dated March 1, 2022, be given first and second reading and forwarded to Public Hearing.
- C. That staff be directed to explore possible regulatory options to regulate [land use] in Maple Ridge.
- D. That Zone Amending Bylaw No. 7790-2021 be defeated and that the moratorium on pharmacy applications in the City of Maple Ridge be lifted.

“Original signed by Amanda Grochowich”

Prepared by: **Amanda Grochowich, MCIP, RPP
Planner 2**

“Original signed by Charles Goddard”

Reviewed by: **Charles R. Goddard, BA, MA
Director of Planning**

“Original signed by Christine Carter”

Approved by: **Christine Carter, M.PL, MCIP, RPP
GM Planning and Development**

“Original signed by Scott Hartman”

Concurrence: **Scott Hartman
Chief Administrative Officer**

The following appendices are attached hereto:

Appendix A – Staff report dated February 15, 2022 titled “First and Second Reading Zone Amending Bylaw No. 7790-2021 Regulation of Pharmacies”



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City of Maple Ridge

TO: His Worship Mayor Michael Morden
and Members of Council

FROM: Chief Administrative Officer

SUBJECT: First and Second Reading
Zone Amending Bylaw No. 7790-2021
Regulation of Pharmacies

MEETING DATE: February 15, 2022
FILE NO: 2021-457-RZ
MEETING: C o W

EXECUTIVE SUMMARY:

In September 2021, Council directed staff to bring forward a report regarding the regulation of pharmacies in Maple Ridge and also passed a motion to hold applications for new pharmacies in abeyance. At the November 2, 2021 Council Workshop, Council directed that staff prepare a hybrid zone amending bylaw of option 1 and option 2, as detailed in the November 2, 2021 staff report. This staff report and attached zone amending bylaw is the result of the work undertaken on Pharmacy regulation to date.

Zone Amending Bylaw No. 7790-2021 (Appendix A) proposes to prohibit all principal pharmacies within the City of Maple Ridge. It proposes prohibiting accessory pharmacy uses in commercial establishments with less than 700 square meters of Gross Leasable Area, measured in accordance with BOMA Standard Method of Measurement, as well as regulating pharmacies outside of the Town Centre Area by implementing a geographic buffer of 400m between new pharmacy applications. Zone Amending Bylaw No. 7790-2021 is presented to Council for consideration of first and second reading.

RECOMMENDATION:

That Zone Amending Bylaw No. 7790-2021 be given first and second reading and forwarded to Public Hearing.

1.0 BACKGROUND:

At the September 14, 2021 Council Meeting, the following notice of motion was put forward regarding the options available to Council to limit pharmacies:

That Council direct staff to bring back a report regarding the options available to Council to limit pharmacies and further, that applications for pharmacies be held pending the outcome of review.

The motion was discussed at the September 28, 2021 Council Meeting and the following resolution was passed by Council:

That staff bring back a report and draft bylaw to limit pharmacy use in the Town Centre; and further, that applications for pharmacies be held in abeyance pending the option of a Zone Amending Bylaw.

At the November 2, 2021 Council Workshop, staff presented a report (Appendix B) outlining four possible options to regulate pharmacy use in the City. At that meeting, the following resolution was passed by Council:

That applications for Pharmacy Business Licenses in the Town Centre Area continue to be held in abeyance until adoption of a Zone Amending Bylaw; and further

That the item be referred back to staff to prepare a hybrid of option one and two for further consideration of a Zone Amending Bylaw at a future Committee of the Whole Meeting.

Where option 1 speaks to the prohibition of new small-scale pharmacies in the Town Centre Area and option 2 to the regulation of pharmacies outside of the Town Centre Area by implementing a geographic buffer of 400m between new pharmacy applications.

As of January 2022, the City of Maple Ridge has licensed 24 pharmacies, with the majority (17) located in the Town Centre Area of Maple Ridge. Pharmacies in Maple Ridge range in size from a standalone small-scale commercial use to those that are integrated with large scale grocery stores. The majority of local pharmacies are in small-scale commercial spaces and in some cases associated with a neighbouring medical or walk-in clinic use. Nine Maple Ridge pharmacies are integrated into larger scale grocery or retail spaces (i.e. Shoppers Drug Mart and London Drugs).

2.0 DISCUSSION:

2.1 Zone Amending Bylaw No. 7790-2021

Based on the Council motion passed on November 2, 2021, Zone Amending Bylaw No. 7790-2021 has been prepared, incorporating a hybrid approach of the 'option 1' and 'option 2' detailed in the November 2, 2021 staff report.

i) Defining Pharmacy Use

Currently, pharmacies are not defined as a separate identifiable use in the Zoning Bylaw. Pharmacy use is permitted through a combination of land uses including 'retail' and in some cases, in conjunction with 'professional services' depending on any proposed related services. In order to implement the proposed regulations outlined in Zone Amending Bylaw No. 7790-2021, a definition for pharmacy is now proposed:

PHARMACY means a Use in a commercial establishment, where the retail sale of goods or services are provided, which dispenses a broad range of pharmaceutical prescriptions that is licensed as a pharmacy under the *Pharmacy Operations and Drug Scheduling Act*.

Pharmacy use is proposed to be permitted in a range of commercial oriented zones, including: C-1 Neighbourhood Commercial, C-2 Community Commercial, C-3 Town Centre Commercial, C-5 Village Centre Commercial, CRM Commercial / Residential, H-1 Heritage Commercial, and H-2 Hammond Village Commercial.

ii) Town Centre Area Plan

The first component of Zone Amending Bylaw No. 7790-2021 is to prohibit new small-scale pharmacies in the Town Centre Area. Under the wording provided in the Zone Amending Bylaw No. 7790-2021, the City would continue to accept applications in the Town Centre for pharmacies in conjunction with larger retail spaces (such as a grocery store), providing there is a Gross Leasable Area in accordance with Building Owners and Managers Association (BOMA) Standard Methods of

Measurement (ANSI/BOMA Z65.5-2020) of 700 square metres of retail space. Applications in spaces with less than 700 square metres of Gross Leasable Area in accordance with BOMA Standard Method of Measurement would not be permitted.

Existing pharmacies in the Town Centre would be able to continue operating, as 'legally non-conforming', but these existing pharmacies would be limited in their ability to expand or relocate. New doctor's office and/or medical health services would be prohibited from having an accessory pharmacy use in the Town Centre Area should the Gross Leasable Area be less than 700 square meters.

iii) Outside of the Town Centre Area Plan

The second component of Zone Amending Bylaw No. 7790-2021 is to implement a geographic distance between new pharmacies outside of the Town Centre Area. The buffer option would prohibit a pharmacy application from being approved within the stated distance between two existing pharmacies (noting that Council could approve pharmacies on a case-by-case basis through a text amendment to the Zoning Bylaw). A similar strategy has recently been employed by the City, through Council Policy 6.33, for Cannabis Retail Operations, with the distance measured in a straight line from the lot lines of the existing operation and proposed new operation.

Given under the wording provided in the Zone Amending Bylaw No. 7790-2021, the City would continue to accept applications outside of the Town Centre for pharmacies that are located a minimum of 400 meters from another pharmacy. As such, new pharmacy applications would continue to be accepted for any commercial location within other commercial areas of the City, including the Lougheed Transit Corridor, Hammond, Albion and other village commercial nodes.

Under Section 8(7)(a) of the *Community Charter*, municipal powers to regulate, prohibit and impose requirements are separate powers that may be exercised independently of one another. Section 9(1)(a) of the *Community Charter* sets out areas for which the Province has concurrent authority, and includes matters of public health. Currently, BC College of Pharmacists - Professional Practice Policy-66 sets out specific policy statements on Opioid Agonist Treatment, and pharmacies are licensed under the *Pharmacy Operations and Drug Scheduling Act*, S.B.C. 2003 c. 77. The City may not adopt a bylaw pertaining to matters of public health within the provincial jurisdiction unless the bylaw is approved through a ministerial order.

Any concurrent authority requirements, such as ministerial order do not apply if the provision is not listed in sub (1). For this reason, the City would not require a ministerial order if it is regulating buildings and other structures.

2.3 Next Steps

Based on the Council resolution passed at the November 2, 2021 Council Workshop meeting, wherein Council directed staff to bring back a zone amending bylaw to regulate pharmacy use in Maple Ridge, attached is Zone Amending Bylaw No. 7790-2021 for Council consideration.

Figure 1 – Proposed Bylaw Amendment Process



3.0 POLICY IMPLICATIONS:

The City of Maple Ridge Official Community Plan and Town Centre Area Plan include policies that speak to the priority function of commercial uses that support the residential population of the Town Centre with the provision of necessary goods, including food, and services, such as medical care, and that these uses will be encouraged to develop or remain in and around the Central Business District of the Town Centre and in the commercial designated areas of Port Haney.

4.0 INTERDEPARTMENTAL IMPLICATIONS:

The review and permitting of business license regulation is a multi-department undertaking between the Planning, Bylaw & Licensing Services, Building, and Economic Development Departments. All departments continue to envision a continued collaborative working relationship to ensure the successful implementation of the Council-approved direction for the regulation of pharmacies in Maple Ridge.

CONCLUSION:

At the November 2, 2021 Council Workshop, Council directed that staff prepare a hybrid zone amending bylaw of option 1 and option 2 as detailed in the November 2, 2021 staff report. Zone Amending Bylaw No. 7790-2021 proposes to prohibit new small-scale pharmacies in the Town Centre Area and regulate pharmacies outside of the Town Centre Area by implementing a geographic buffer of 400m between new pharmacy applications.

"Original signed by Amanda Grochowich"

Prepared by: **Amanda Grochowich, MCIP, RPP**
Planner 2

"Original signed by Charles Goddard"

Reviewed by: **Charles R. Goddard, BA, MA**
Director of Planning

"Original signed by Christine Carter"

Approved by: **Christine Carter, M.PL, MCIP, RPP**
GM Planning and Development

"Original signed by Scott Hartman"

Concurrence: **Scott Hartman**
Chief Administrative Officer

The following appendices are attached hereto:

Appendix A: Zone Amending Bylaw No. 7790-2021

Appendix B: November 2, 2021 Council Workshop Staff Report

**CITY OF MAPLE RIDGE
BYLAW NO. 7790 - 2021**

A Bylaw to amend Zoning Bylaw No. 7600 - 2019 as amended

WHEREAS, it is deemed expedient to amend Maple Ridge Zoning Bylaw No. 7600 - 2019 as amended;

NOW THEREFORE, the Municipal Council of the City of Maple Ridge enacts as follows:

1. This Bylaw may be cited as "Maple Ridge Zone Amending Bylaw No. 7790-2021."
2. That PART 2 INTERPRETATIONS AND DEFINITIONS, Section 202 Definitions, that the definition of "Pharmacy" is inserted between "PERSONAL SERVICES" and "PLACE OF WORSHIP":
PHARMACY means a Use in a commercial establishment, where the retail sale of goods or services are provided, which dispenses a broad range of pharmaceutical prescriptions that is licensed as a pharmacy under the *Pharmacy Operations and Drug Scheduling Act*.
3. That PART 4 GENERAL REGULATIONS, Section 401.3 Prohibited Uses of Land, Buildings and Structures is amended by inserting the following after sub-bullet f. and re-lettering the section accordingly:
g. a Principal Use as a Pharmacy
4. That PART 4 GENERAL REGULATIONS, Section 402 Regulations for Permitted Uses of Land, Buildings, and Structures is amended by inserting the following between 402.21 Parking and Storing of Unlicensed Vehicles and Contractor's Equipment and 402.22 Produce Sales, and renumbering the section accordingly:
402.22 Pharmacy
 1. A Pharmacy Use is subject to the following provisions:
 - a. shall not be permitted as a Principal Use;
 - b. shall not be permitted as an Accessory Use in a commercial establishment, where the retail sale of goods or services are provided, with a Gross Leasable Area in accordance with Building Owners and Managers Association Standard Methods of Measurement (ANSI/BOMA Z65.5-2020) less than or equal to 700 square metres on a lot within the Town Centre Area, as identified on Schedule "C" (Town Centre Area Plan) of this Bylaw;
 - c. shall be permitted as an Accessory Use in a commercial establishment, where the retail sale of goods or services are provided, with a Gross Leasable Area in accordance with Building Owners and Managers Association Standard Methods of Measurement (ANSI/BOMA Z65.5-2020) greater than 700 square metres on a lot within the Town Centre Area, as identified on Schedule "C" (Town Centre Area Plan) of this Bylaw; and
 - d. shall be permitted as an Accessory Use outside of the Town Centre Area, as identified on Schedule "C" (Town Centre Area Plan) of this Bylaw, if located more than 400 meters, measured in a straight line from the Lot Lines, to another Pharmacy Use.
5. That PART 7 Commercial Zones, Section 701 Zone: C-1 Neighbourhood Commercial is amended by inserting the following after 701.3 1. e.
 - f. a Pharmacy Use, subject to Section 402.22 of this Bylaw.

6. That PART 7 Commercial Zones, Section 702 Zone: C-2 Community Commercial is amended by inserting the following after 702.3 1. e.
 - f. a Pharmacy Use, subject to Section 402.22 of this Bylaw.
7. That PART 7 Commercial Zones, Section 703 Zone: C-3 Town Centre Commercial is amended by inserting the following after 703.3 1. d.
 - e. a Pharmacy Use, subject to Section 402.22 of this Bylaw.
8. That PART 7 Commercial Zones, Section 705 Zone: C-5 Village Commercial is amended by inserting the following after 705.3 1. d.
 - e. a Pharmacy Use, subject to Section 402.22 of this Bylaw.
9. That PART 7 Commercial Zones, Section 707 Zone: CRM Commercial / Residential is amended by inserting the following after 707.3 1. d.
 - e. a Pharmacy Use, subject to Section 402.22 of this Bylaw.
10. That PART 7 Commercial Zones, Section 713 Zone: H-1 Heritage Commercial is amended by inserting the following after 713.3 1. d.
 - e. a Pharmacy Use, subject to Section 402.22 of this Bylaw.
11. That PART 7 Commercial Zones, Section 714 Zone: H-2 Hammond Village Commercial is amended by inserting the following after 714.3 1. c.
 - d. a Pharmacy Use, subject to Section 402.22 of this Bylaw.
12. That PART 10 Comprehensive Development Zones, Section 1023 CD-2-95 is amended by adding the following after 1023.2, 2 and amending the Section punctuation accordingly:
 3. a Pharmacy Use, subject to Section 402.22 of this Bylaw.
13. That PART 10 Comprehensive Development Zones, Section 1025 CD-2-98 is amended by inserting the following after 1025.1 c.:
 - d. a Pharmacy Use, subject to Section 402.22 of this Bylaw.
14. Maple Ridge Zoning Bylaw No. 7600 – 2019 is amended accordingly.

READ a first time the day of , 20

READ a second time the day of , 20

PUBLIC HEARING held the day of , 20

READ a third time the day of , 20

ADOPTED, the day of , 20

PRESIDING MEMBER

CORPORATE OFFICER



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City of Maple Ridge

TO:	His Worship Mayor Michael Morden and Members of Council	MEETING DATE: November 2, 2021
FROM:	Chief Administrative Officer	FILE NO: 2021-457-RZ
		MEETING: Workshop
SUBJECT: Proposed Options to Regulate Pharmacies in the Town Centre Area, including a draft Zone Amending Bylaw		

EXECUTIVE SUMMARY:

In September 2021, Council directed staff to bring forward a report regarding the regulation of pharmacies in Maple Ridge and also passed a motion to hold applications for new pharmacies in abeyance. As of September 2021, 22 pharmacies were licensed by the City in addition to two pending applications. Of the 24 pharmacies, 17 are located within the Town Centre Area, as shown in Appendix A.

This report outlines four possible options for the regulation of pharmacies in Maple Ridge, which include:

- Option 1: Outright Prohibit New Small-Scale Pharmacies in the Town Centre Area (Recommended);
- Option 2: Introduce Geographic Buffers of 400 meters to Pharmacy Applications;
- Option 3: Outright Prohibit New Pharmacies City-wide; or
- Option 4: Status Quo.

Hearing Council comments at the September 28, 2021 Council Meeting, a draft Zone Amending Bylaw has been developed given the parameters outlined in Option 1 for Council consideration and discussion. The draft zone amending bylaw is included as a reference (Appendix B) and can be modified, based on Council direction, prior to proceeding to first reading.

RECOMMENDATIONS:

1. That applications for Pharmacy Business Licenses in the Town Centre Area continue to be held in abeyance until adoption of a Zone Amending Bylaw; and further
2. That draft Zone Amending Bylaw, to regulate new small-scale pharmacies in the Town Centre, be presented at an upcoming Committee of the Whole Meeting.

1.0 BACKGROUND:

1.1 Context

At the September 14, 2021 Council Meeting, the following notice of motion was put forward regarding the options available to Council to limit pharmacies:

That Council direct staff to bring back a report regarding the options available to Council to limit pharmacies and further, that applications for pharmacies be held pending the outcome of review.

The motion was discussed at the September 28, 2021 Council Meeting and the following resolution was passed by Council:

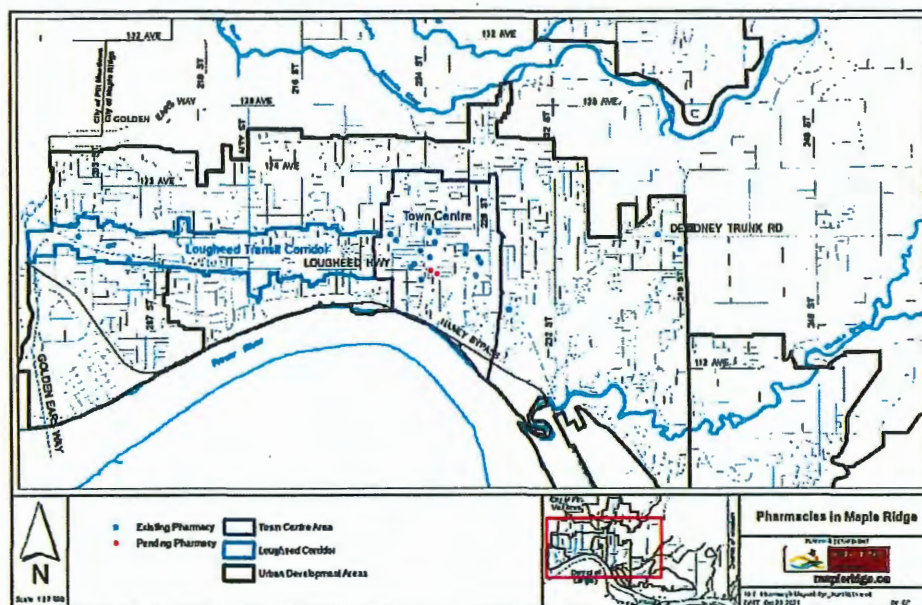
That staff bring back a report and draft bylaw to limit pharmacy use in the Town Centre; and further, that applications for pharmacies be held in abeyance pending the option of a Zone Amending Bylaw.

i) City of Maple Ridge Zoning Bylaw No. 7600-2019

Currently, pharmacies are not a defined use in the Zoning Bylaw. Pharmacy use is permitted through a combination of land uses including 'retail' and in some cases, in conjunction with 'professional services' depending on any proposed related services. As such, the use is permitted in a range of commercial oriented uses, including: C-1 Neighbourhood Commercial, C-2 Community Commercial, C-3 Town Centre Commercial, C-5 Village Centre Commercial, CRM Commercial / Residential, H-1 Heritage Commercial, and H-2 Hammond Village Commercial.

ii) Pharmacies in Maple Ridge

To date, the City of Maple Ridge has licensed 22 pharmacies and currently holds two pending applications. The locations of the pharmacies are shown below with a full-sized map available in Appendix A. The majority of the pharmacies (17 including the two pending) are located within the Town Centre Area of Maple Ridge.



Pharmacies in Maple Ridge range in size from a standalone small-scale commercial use to those that are integrated with large scale grocery stores. The majority of local pharmacies are in small-scale commercial spaces and in some cases associated with a neighbouring medical or walk-in clinic use. Nine Maple Ridge pharmacies are integrated into larger scale grocery or retail spaces (i.e. Shoppers Drug Mart and London Drugs).

2.0 DISCUSSION:

Four options are provided for Council's consideration in regulating pharmacies in Maple Ridge:

- Option 1: Outright Prohibit New Small-Scale Pharmacies in the Town Centre Area;
- Option 2: Introduce Geographic Buffers of 400 metres to Pharmacy Applications;
- Option 3: Outright Prohibit New Pharmacies City-Wide; and
- Option 4: Status Quo.

Specifically, while Section 2.1 outlines the proposed regulatory recommendation and provides a high-level review of what is entailed, Section 2.2 outlines possible alternative options for Council to consider.

2.1 Proposed Recommended Option to Regulate Pharmacies in Maple Ridge

Based on the Council motion passed on September 28, 2021, Option 1 is recommended and draft Zoning Amending Bylaw is attached for Council consideration. Additionally, Options 2 through 4 are also provided for Council to consider if an alternative direction is preferred.

i) Option 1: Outright Prohibit New Small-Scale Pharmacies in the Town Centre Area (Recommended Option)

The first identified option is to outright prohibit new small-scale pharmacies in the Town Centre Area. Under Option 1, applications for small-scale commercial pharmacies within the Town Centre Area would not be permitted. However, under the wording provided in the draft Zone Amending Bylaw (Appendix B), the City would continue to accept applications in the Town Centre for pharmacies in conjunction with larger retail spaces (such as a grocery store). For the purpose of Council consideration, the finished floor area of 700 square metres of retail space as the scale threshold has been selected for discussion purposes.

While a new small-scale commercial pharmacy prohibition would be in effect in the Town Centre, under Option 1, new pharmacy applications would continue to be accepted for any commercial location within other commercial areas of the City, including the Lougheed Transit Corridor, Hammond, Albion and other village commercial nodes. Existing pharmacies in the Town Centre would be able to continue operating, as 'legally non-conforming', but these existing pharmacies would be limited in their ability to expand or relocate.

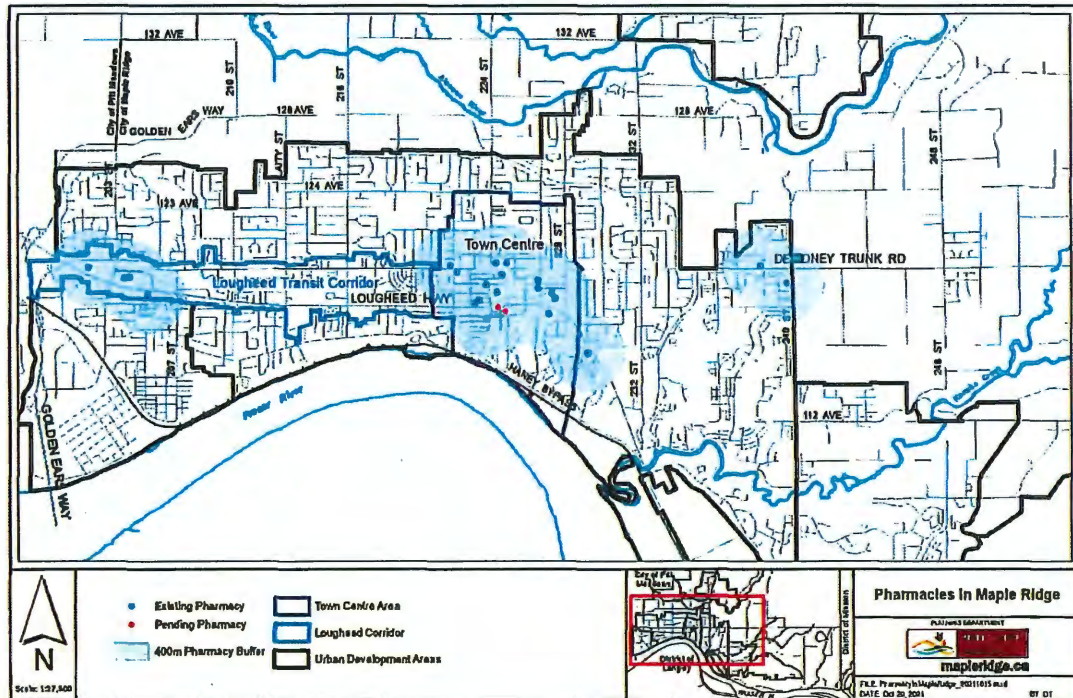
Based on the Council resolution passed on September 28, 2021, Option 1 is the recommended approach and the draft Zone Amending Bylaw (Appendix B) is attached for Council's consideration. To implement Option 1, a Zone Amending Bylaw would require four readings of Council, and include a Public Hearing.

2.2 Possible Alternative Options to Regulate Pharmacies in Maple Ridge

i) Option 2: Introduce Geographic Buffers of 400m between Pharmacy Applications for the Town Centre Area

The second identified option is to introduce geographic buffers for all sizes of pharmacy applications in Maple Ridge. The buffer option would prohibit a pharmacy application from being approved within the stated distance between two existing pharmacies (noting that Council could approve pharmacies on a case-by-case basis through a text amendment to the Zoning Bylaw). A similar strategy has recently been employed by the City, through Council Policy 6.33, for Cannabis Retail Operations, with the distance measured in a straight line from the lot lines of the existing operation and proposed new operation.

For illustrative purposes, a starting distance of 400m has been selected. This distance has been used by the City of Surrey for a similar land use. The figure below, with the full-size map available in Appendix C, demonstrates what a 400m buffer would look like imposed on all existing pharmacies and pending applications within the City today.



Under this option, new applications that do not fall outside the stated distance from an existing pharmacy would not be accepted for the Town Centre Area, but may be accepted for Town Centre locations that are at least 400m apart. Additionally, applications would be accepted for any commercial location within other areas of the City, including the Lougheed Transit Corridor, Hammond, Albion and other Village commercial nodes. Existing operations would be able to continue operating, but limited in their ability to expand or relocate.

To implement Option 2, a Zone Amending Bylaw would be drafted and require four readings of Council, including a Public Hearing. This approach is more challenging to administer and is not recommended.

ii) Option 3: Outright Prohibit Pharmacies City-wide

The third identified option is to outright prohibit new pharmacies of all sizes throughout Maple Ridge. A similar strategy has been employed by the City for Vape Retail operations, prohibiting the use in all zones of the Zoning Bylaw.

Under Option 3, the City would no longer accept pharmacy applications for any location within the City. Existing pharmacies would be able to continue operating, as an adopted Zone Amending Bylaw that prohibits this use would make any legally operating pharmacy 'legally non-conforming', but these existing pharmacies would be limited in their ability to expand or relocate. The 700 square metres of finished floor area threshold could be included in this option as well.

To implement Option 3, a Zone Amending Bylaw would be drafted and require four readings of Council, including a Public Hearing. This approach is not recommended since this use does not appear to be problematic outside of the Town Centre.

iii) Option 4: Status Quo

The fourth identified option is to retain status quo. This would permit pharmacy applications to be considered on zone-appropriate lots – namely commercial zones, including the C-1, C-2, C-3, C-5, CRM, CS-4, H-1, and H-2 zones.

Under this option, new applications would be considered under the existing process involving evaluation of regulatory compliance before issuance of a business license. No Council review or approval process would be required. Existing pharmacies would be able to continue operating as legally conforming businesses.

No bylaw amendments or other actions are required or proposed to implement this option.

iv) Summary of Possible Options

Option	Concept	Impact	Implementation Tool
1	Prohibit Small-Scale Pharmacies in the Town Centre Area.	<ul style="list-style-type: none">No small-scale applications (under 700 m² of retail space) permitted in the Town Centre Area.Applications permitted throughout the rest of the City. Approval dependent on existing regulations and requirements.	Zone Amending Bylaw (4 Readings of Council and a Public Hearing) to define the use and set out the prohibited area.
2	Implement Geographic Buffers of 400 metres to Pharmacy Applications	<ul style="list-style-type: none">Limited applications would be accepted in the Town Centre Area.Applications permitted throughout the rest of the City. Approval dependent on existing regulations and requirements.	Zone Amending Bylaw (4 Readings of Council and a Public Hearing) to define the use and set out the geographic buffer.

Option	Concept	Impact	Implementation Tool
3	Prohibit Pharmacies City-Wide	<ul style="list-style-type: none"> No applications permitted in the City. 	Zone Amending Bylaw (4 Readings of Council and a Public Hearing) to define the use and set out the prohibited area.
4	Status Quo	<ul style="list-style-type: none"> No change to how pharmacy applications are permitted in the City. 	N/A

2.3 Next Steps

Based on the Council resolution passed at the September 28, 2021 Council meeting, wherein Council directed staff to bring back a draft bylaw to limit pharmacy use in the Town Centre, attached is a draft Zone Amending Bylaw for Council to consider and provide direction on proceeding through the Bylaw amendment process shown in Figure 1 below.

Figure 1 – Proposed Bylaw Amendment Process



3.0 POLICY IMPLICATIONS:

The City of Maple Ridge Official Community Plan and Town Centre Area Plan include policies that speak to the priority function of commercial uses that support the residential population of the Town Centre with the provision of necessary goods, including food, and services, such as medical care, and that these uses will be encouraged to develop or remain in and around the Central Business District of the Town Centre and in the commercial designated areas of Port Haney.

4.0 INTERDEPARTMENTAL IMPLICATIONS:

The review and permitting of business license regulation and opportunity is a multi-department undertaking between the Planning, Bylaw & Licensing Services, Building, and Economic Development Departments. All departments continue to envision a continued collaborative working relationship to ensure the successful implementation of the Council-approved direction for the regulation of pharmacies in Maple Ridge.

A consultant for the Economic Development Department has identified that the pharmacist occupation ratio for Maple Ridge is about the same as the pharmacist occupation ratio for the Metro Vancouver and Fraser Valley Regions, as well as B.C. In addition, according to employment wage data, pharmacist and pharmacist assistant wages are considered above average for Maple Ridge. It is also important

to note that manufacturing is a core target sector for future economic development opportunities in Maple Ridge and that limiting or restricting a portion of the pharmaceutical value chain may have an impact on the perception of openness of the manufacturing portion of the pharmaceutical value chain.

From a Community Safety perspective, the majority of the complaints received relate to smaller-scale pharmacies, often with specific OAT offerings included as part of the pharmacy. These pharmacies may struggle to manage the behaviors of their patients. It is recognized that COVID created a challenge where indoor occupancy limits pushed patients out of waiting rooms onto the adjacent sidewalks. While smaller-scale pharmacies, including OAT clinics, are valuable to residents, best practices should be focused on patient behavior management and reducing impacts on neighbouring businesses.

CONCLUSION:

In September 2021, Council directed staff to bring forward an options report regarding the regulation of pharmacies in Maple Ridge. This report outlines four possible options for the regulation of pharmacies in Maple Ridge, which include: Option 1: Outright Prohibit New Small-Scale Pharmacies in the Town Centre Area; Option 2: Introduce Geographic Buffers of 400m to New Pharmacy Applications; Option 3: Outright Prohibit New Pharmacies City-wide; Option 4: Status Quo.

This report includes a draft of a possible Zone Amending Bylaw to limit pharmacies in the Town Centre Area, reflecting Option 1, for Council consideration of first and second reading at an upcoming Council meeting.

"Original signed by Amanda Grochowich"

Prepared by: **Amanda Grochowich, MCIP, RPP**
Planner 2

"Original signed by Charles Goddard"

Reviewed by: **Charles R. Goddard, BA, MA**
Director of Planning

"Original signed by Christine Carter"

Approved by: **Christine Carter, M.P.L, MCIP, RPP**
GM Planning and Development

"Original signed by Christine Carter" for

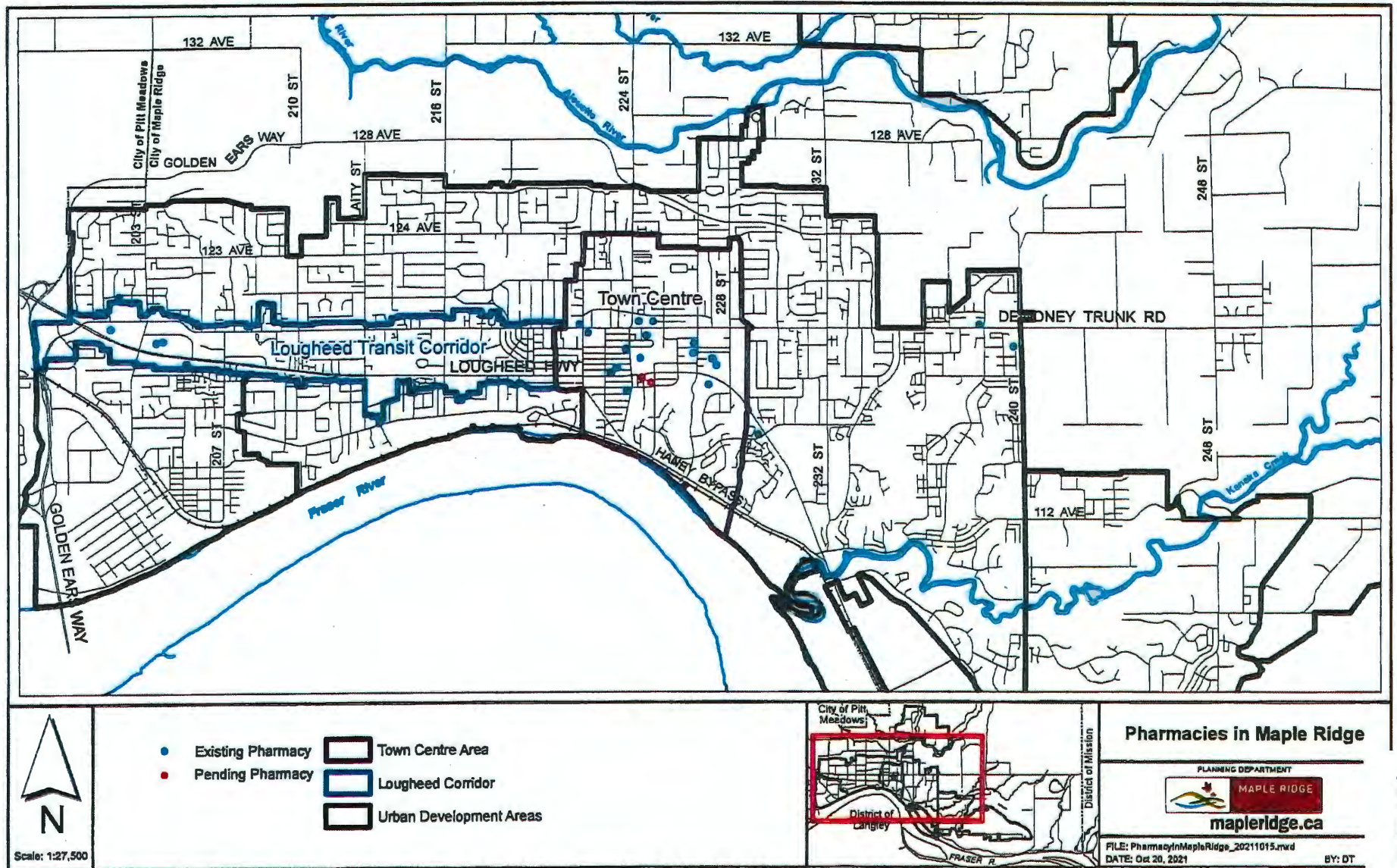
Concurrence: **Al Horsman**
Chief Administrative Officer

The following appendices are attached hereto:

Appendix A: Map of existing and pending pharmacies in Maple Ridge

Appendix B: Draft Zone Amending Bylaw

Appendix C: Map of existing and pending pharmacies in Maple Ridge with geographical buffer set at 400m



**CITY OF MAPLE RIDGE
BYLAW NO. XXX-2021**

A Bylaw to amend Zoning Bylaw No. 7600 - 2019 as amended

WHEREAS, it is deemed expedient to amend Maple Ridge Zoning Bylaw No. 7600 - 2019 as amended;

NOW THEREFORE, the Municipal Council of the City of Maple Ridge enacts as follows:

1. This Bylaw may be cited as "Maple Ridge Zone Amending Bylaw No. XXXX-2021."
2. That PART 2 INTERPRETATIONS AND DEFINITIONS, Section 202 Definitions, that the definition of "Pharmacy" is inserted between "PERSONAL SERVICES" and "PLACE OF WORSHIP":
PHARMACY means a Use in a commercial establishment which fills a broad range of pharmaceutical prescriptions.
3. That PART 4 GENERAL REGULATIONS, Section 402 Regulations for Permitted Uses of Land, Buildings, and Structures is amended by inserting the following between 402.21 Parking and Storing of Unlicensed Vehicles and Contractor's Equipment and 402.22 Produce Sales, and renumbering the section accordingly:
402.22 Pharmacy
 1. A Pharmacy Use is subject to the following provisions:
 - a. shall not be permitted as a Principal Use;
 - b. shall not be permitted as an Accessory Use in a commercial establishment with a finished floor area less than or equal to 700 square metres on a lot within the Town Centre Area, as Identified on Schedule "C" (Town Centre Area Plan) of this Bylaw;
 - c. shall be permitted as an Accessory Use in a commercial establishment with a finished floor area greater than 700 square metres on a lot within the Town Centre Area, as Identified on Schedule "C" (Town Centre Area Plan) of this Bylaw; and
 - d. shall be permitted as an Accessory Use outside of the Town Centre Area.
4. That PART 7 Commercial Zones, Section 701 Zone: C-1 Neighbourhood Commercial is amended by inserting the following after 701.3 1. e.
 - f. a Pharmacy Use, subject to Section 402.22 of this Bylaw.
5. That PART 7 Commercial Zones, Section 702 Zone: C-2 Community Commercial is amended by inserting the following after 702.3 1. e.
 - f. a Pharmacy Use, subject to Section 402.22 of this Bylaw.
6. That PART 7 Commercial Zones, Section 703 Zone: C-3 Town Centre Commercial is amended by inserting the following after 703.3 1. d.
 - e. a Pharmacy Use, subject to Section 402.22 of this Bylaw.

7. That PART 7 Commercial Zones, Section 705 Zone: C-5 Village Commercial is amended by inserting the following after 705.3 1. d.
 - e. a Pharmacy Use, subject to Section 402.22 of this Bylaw.
8. That PART 7 Commercial Zones, Section 707 Zone: CRM Commercial / Residential is amended by inserting the following after 707.3 1. d.
 - e. a Pharmacy Use, subject to Section 402.22 of this Bylaw.
9. That PART 7 Commercial Zones, Section 713 Zone: H-1 Heritage Commercial is amended by inserting the following after 713.3 1. d.
 - e. a Pharmacy Use, subject to Section 402.22 of this Bylaw.
10. That PART 7 Commercial Zones, Section 714 Zone: H-2 Hammond Village Commercial is amended by inserting the following after 714.3 1. c.
 - d. a Pharmacy Use, subject to Section 402.22 of this Bylaw.
11. That PART 10 Comprehensive Development Zones, Section 1023 CD-2-95 is amended by adding the following after 1023.2, 2 and amending the Section punctuation accordingly:
 3. a Pharmacy Use, subject to Section 402.22 of this Bylaw.
12. That PART 10 Comprehensive Development Zones, Section 1025 CD-2-98 is amended by inserting the following after 1025.1 c:
 - d. a Pharmacy Use, subject to Section 402.22 of this Bylaw.
13. Maple Ridge Zoning Bylaw No. 7600 – 2019 is amended accordingly.

READ a first time the day of , 20

READ a second time the day of , 20

PUBLIC HEARING held the day of , 20

READ a third time the day of , 20

ADOPTED, the day of , 20

PRESIDING MEMBER

CORPORATE OFFICER

