

	Title: <b>Cannabis Stores Policy</b>	Policy Number: CO-85
	Authority: Council	Section: Development Services
	Date Approved: , 2024	
	Historical Changes ( )	
	DRAFT	

**Purpose:**

This Council Policy is intended to guide where cannabis retail stores may locate within the City when cannabis store rezoning applications are considered by Council. This Policy does not fetter Council’s discretion in approving or declining rezoning applications, as each application is also considered on its own merits.

**Scope:**

This Policy applies to all applications for cannabis retail stores and includes locational guidelines that identify where cannabis retail stores could locate, subject to Council adopting a property-specific Zoning Bylaw Amendment (‘re-zoning’) for a store, and the store receiving an operating licence from the Provincial Liquor and Cannabis Regulation Branch (LCRB).

No cannabis store use will be included in the Zoning Bylaw until Council adopts a Zoning Bylaw Amendment Bylaw for this use, as identified by property address.

**Policy Context:**

The federal *Cannabis Act* (2018) regulates the production, distribution, sale and possession of cannabis for medical and recreational purposes. The Provincial *Cannabis Control and Licensing Act* supplements the *Cannabis Act* and enables the legal and controlled sale of cannabis at Provincially-licensed cannabis stores.

The (LCRB) issues Cannabis Retail Store (CRS) licences for privately-owned stores, or operates government-owned ‘BC Cannabis Stores’. For a private business to obtain a CRS licence, a CRS licence application must be first submitted to the LCRB, which is then referred to the local government where the applicant is seeking to locate. The LCRB must receive approval from the local government (adopted rezoning application) before issuing a CRS licence or operating a government store. A local government may refuse a CRS application, or refuse the location of a CRS or government store on a specific property (declined rezoning application).

Legislation, Policies and Bylaws that Inform this Policy

The *Cannabis Act*, *Community Charter*, *Local Government Act*, and the *Cannabis Control and Licensing Act*, as well as the City’s OCP, Zoning Bylaw and other City bylaws, provides the basis for the City to approve and regulate the location and number of cannabis stores, and to define application procedures.

### *Discouraging Cannabis Use by Minors*

The *Cannabis Act* includes regulations that aim to discourage cannabis use by minors (younger than 19 years old), including prohibiting display of cannabis, or its package or label, by a person authorized to sell it in a way that may result in it being seen by a minor, such as when walking by a clear store window.

This has resulted in cannabis stores typically covering their windows and creating opaque storefronts facing the street. Given this typical scenario, these stores are better suited for automobile-oriented areas, and it is important to limit the number of stores in pedestrian-oriented areas, such as downtowns and retail 'main streets', otherwise the pedestrian orientation and activity of these areas may be negatively impacted. Many municipalities, already use their Official Community Plan (OCP) and Zoning Bylaw to limit commercial uses in downtowns that aren't pedestrian-oriented. Council has previously amended the Zoning Bylaw to require 400 metre separation distances between certain retail uses, such as vape product stores that have opaque storefronts, to create a more dispersed pattern of this type of storefront and limit negative impacts on the pedestrian orientation of the City's Downtown.

Many local governments in Canada have also required cannabis stores to be located specific distances away from schools, child care centres, recreation/community centres, parks, plazas and other public open spaces, to limit exposure of cannabis products and advertising to minors.

### *Prohibiting Smoking in Public Places*

The City's Smoking Regulation Bylaw prohibits smoking/vaping in public parks and facilities, and prohibits cannabis smoking/vaping in any area that may be frequented by children, including but not limited to Parks and Public Facilities (including recreation and community centres). Based on this, cannabis stores should not be located adjacent or near City's parks and rec/community centres.

### Public Consultation Feedback on Cannabis Stores

As a part of the Zoning Bylaw Update process, the public was consulted in 2023-24 to obtain feedback on how cannabis stores could be located in the community. The Zoning Bylaw Update [Engagement Summary](#) summarizes feedback regarding cannabis stores and includes this related recommendation on page 64: *'if Council chooses to permit cannabis retail stores in the City, identify a maximum number of stores that are permitted to locate in the City, in commercial areas, subject to locational criteria that include separation distances between these stores and schools, child care facilities, parks, recreation centres and other cannabis stores.'*

## **Implementation**

### Cannabis Retail Store Locational Guidelines

Based on the above policy context, property-specific rezoning applications for cannabis retail stores will be considered based on the following locational criteria:

1. Cannabis stores are to be:
  - a. located a minimum of 200 metres away from a public or Provincially-funded independent school (measured between nearest lot boundaries);
  - b. located a minimum of 100 metres away from a Child Care Centre, limited to Child Care Centre locations that are across the street from the proposed cannabis store and/or along the same street block face as the cannabis store (measured from the front of the cannabis store and the front of the Child Care Centre);
  - c. not located in a manner where the front of the cannabis store property is directly facing a park, plaza, playground or public facility (recreation or community centre), or the front of the cannabis store is across the street from and/or within 25 metres or less of the property boundaries of a park, plaza, playground or public facility (recreation or community centre); and
  - d. located a minimum of 1000 metres away from another cannabis store, to support a preferred maximum number of three cannabis stores in the City.
  
2. Cannabis stores can only be located on properties zoned C1 Downtown Commercial Zone and C2 Service Commercial Zone, and Comprehensive Development (CD) Zones that do not permit residential zone (unless the CD Zone is based on C1 zone), industrial zone or institutional zone uses.

#### General Application Framework

The following application framework section will be further updated following public consultation in Fall 2024. An application process chart will also be added to the Policy CO-85, and a map based on updated Policy content.

#### *Application Intake Window*

If Council approves Policy CO-85 to enable the possibility of cannabis store(s) in the City, a 30 day application window will be opened to receive store applications. A request for applications will be used to solicit applications which City staff will review and evaluate based on criteria included in the finalized CO-85. Once the 30 day window has elapsed staff will not process new applications unless otherwise directed by Council.

#### *Pre-screening and Evaluation*

Once the intake window is closed, complete applications will be pre-screened in the order that the applications were submitted to the City. Pre-screening requirements include a valid proof of ownership or lease agreement for the proposed location with letter of permission from owner/strata, and proof of an active cannabis store application from LCRB.

Successfully pre-screened applications are evaluated and ranked based on these criteria, which will be further developed, scored and included in the finalized CO-85:

- General compliance with CO-85 requirements;
- Location and separation distances;
- Related experience of the operator;
- Parking and access plan;
- Visibility, lighting, Crime Prevention Through Environmental Design; and
- Signage and storefront façade design.

*Selection for Advancing to Rezoning Consideration*

Up to three of the top-ranked applications will be recommended by staff to advance to Council for consideration of property-specific rezoning. If one or more of these applications is declined by Council, Council may direct staff to bring forward additional applications for Council consideration, in order of application ranking until a maximum number of three stores is reached, unless otherwise directed by Council. Council is not obligated to approve any applications, any one application or any number of store applications.

A Zoning Bylaw Amendment application for rezoning a property to include a cannabis store use will follow the procedures in Development Application Procedures Bylaw No. 3270 and require a public hearing.

*Process to Store Licencing and Operation*

If the property-specific rezoning bylaw is given approval-in-principle, various requirements may then be needed ahead of retail operations including, but not limited to, a suitability letter and a valid license from the LCRB, a valid business license from the City, and any required building permits for tenant improvements, development permit and/or sign permit and completion of any applicable development servicing requirements/agreements.

**References:**

Policy Number:	<b>CO-85</b>
Policy Owner:	<b>Development Services</b>
Final Approval by:	<b>Council</b>
Date Approved:	
Revision Date:	
Amendments:	
Related Policies:	
Related Publications:	<b>Official Community Plan Bylaw, Zoning Bylaw, Smoking Regulation Bylaw</b>