

Approval date: May 21, 2019

Resolution No.: 261/2019

Subject: Cannabis Retail Stores

Goal

The goal of this policy is to establish opportunities for limited retail sales of cannabis in Penticton in a regulated manner, reducing exposure to youth and ensuring that retail stores have a positive impact on the Penticton retail community.

Scope

This policy outlines how the City will process requests for local government support for a provincial 'cannabis retail store licence' as required by Section 33 of the *Cannabis Control and Licensing Act*.

This policy also outlines Council's expectations for the visual appearance and location of cannabis retail stores in Penticton.

The policy should be used in conjunction with the provincial *Cannabis Control and Licensing Act* and any applicable sections regarding cannabis retail stores contained in the City's Business Licence Bylaw and Zoning Bylaw.

Purpose

The purpose of this policy is to give City staff and Council a general framework to use in the fair evaluation of applications for 'local government support for a provincial Cannabis Retail Store Licence' in Penticton.

Furthermore, the policy is intended to outline the expected look and location of cannabis retail stores, ensuring successful integration of this new use into the existing commercial areas of the city.

Number of stores and store location

This policy establishes a maximum number of stores in Penticton at 14 stores and a maximum cap within the downtown of 7 stores. If not renewed, this cap on the number of stores will remain in place until June 30, 2022, upon which time, there will no longer be a maximum number of stores.

Roles and Responsibilities

The Planning Department is responsible for the receipt and processing of applications for 'local government support for a provincial Cannabis Retail Store Licence'. When an application is received, a file manager will be assigned by the Planning Department Manager to process the application.

City Council will be the ultimate decision maker on whether to provide a recommendation in support or recommendation against a provincial Cannabis Retail Store Licence for a particular location.

Procedures

- Prior to consideration by City Council, a complete application with supporting documentation as required must be submitted to the Planning Department, with the application fee as determined by the City's Fees and Charges Bylaw.
- Applications will only be accepted for locations that are referred to the municipality by the Liquor and Cannabis Licensing Branch (LCLB) for private retail stores or made on behalf of the Liquor Distribution Branch (LDB) for public retail stores.
- When a complete application is received, the file manager will review the application for basic technical conformance to this policy and its guidelines and zoning and business licence bylaw requirements.
- Public notification of the application shall be done by the Planning Department and will occur as follows:
 - A 'public notice sign' will be placed on the property, in a conspicuous location, for a minimum of 14 days. In the case where the property is double fronting or a corner lot, additional signs may be required, at the applicant's cost.
 - All owners and tenants of land within 45m of the subject application will be sent written notification.
 - The sign and written notice shall contain the following information:
 - In general terms, the purpose of the application
 - The land or lands that are subject to the application
 - The place and times where information on the application are available for viewing by the public; and,
 - The manner to which public comment will be accepted
 - Comments from the public will be directed to the file manager.
- In cases where there are conflicts between the application and any City bylaws or the guidelines contained within this policy, the file manager will notify the applicant and provide the applicant with the opportunity to provide additional information or otherwise revise the application.
- Prior to consideration of the application by City Council, the file manager will submit a report for Council's consideration including the following:
 - A summary of the comments from the public and the technical review of the application.
 - A recommendation whether to support an application, support an application with certain conditions or to not-support an application and justification for the recommendation.
- In the case where staff are recommending Council deny an application, the applicant will have the opportunity to address Council directly at a Regular Meeting of Council where the application is being considered and prior to Council considering the application.

- Once Council has passed a resolution in respect to the application, notice shall be sent the LCRB, with a copy of the Council resolution.

Guidelines

In considering whether to recommend support of a cannabis retail store in Penticton, the following guidelines will be considered:

- Stores shall not be located within 300m of a public or private elementary, middle or secondary school. This exclusionary zone will be measured as a buffer from the extent of the school property.
- Adherence to the following storefront guidelines:
 - Storefronts must present a positive image to the street to which the store fronts (complete window coverings are discouraged)
 - Where window coverings are to be used, they shall include imagery and colour that display a positive and quality presentation to the street (blank window coverings are discouraged)
 - Store branding, signage and display material must not include words or graphics intended to appeal to minors, show the use of cannabis or promote intoxication (for example the words 'high', 'stoned', 'chronic' etc. should be avoided)

The following are grounds for staff to recommend Council deny local government support for a licence:

1. Proposed location is in a zone that does not include 'cannabis retail store' as a permitted use
2. Proposed location is within 300m of a public or private elementary, middle or secondary (K-12) school
3. In the case where there are already 14 licenses issued for Penticton
4. Strong public opposition to the location

Application priority

- Applications will processed as they are received.
- Applications submitted to the City prior to February 1, 2019 will be deemed to be received on February 1, 2019.

Policy Review

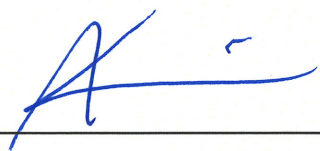
This policy should be reviewed within a two year period of the first cannabis retail stores opening in the city to determine if the policy is adequately serving the interests of the community.

Previous revisions

Approval date: December 4, 2018

Council Resolution: 498/2018

Certified Correct:



Angie Collison, Corporate Officer