



COUNCIL REPORT

Committee of the Whole

Report No. PDS 009-2020

Date: January 01, 2020

File No: 6440-03

To: Mayor and Council
From: Ryan Beaudry, Planner
Subject: Upcoming Application Process for Cannabis Stores

RECOMMENDATION

THAT the report from the Planner, regarding the Application Process for Cannabis Stores, be received for information.

REPORT CONCURRENCE	
General Manager The Acting General Manager concurs with the recommendation of this report.	City Manager The City Manager concurs with the recommendation of this report.

PURPOSE

The purpose of this report is to inform Council of the upcoming application process for cannabis stores.

SUMMARY OF THE ISSUE

Staff are preparing to commence an application process for cannabis stores consistent with Cannabis Retail Store Policy C005-11. The first step in the process is a consolidated intake of applications, which is scheduled for February 3 to April 3, 2020. This report provides information about the consolidated intake and subsequent steps in the application process.

BACKGROUND

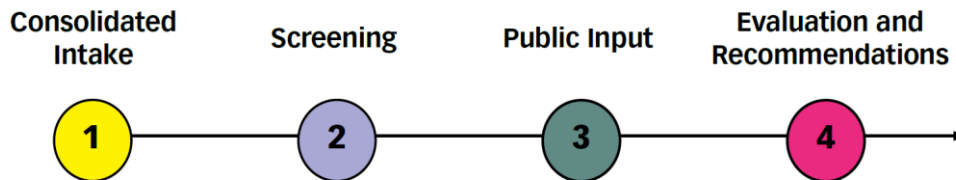
The City recently completed a four-stage Planning Process for Cannabis Retail Stores. The process began in early 2018 and concluded in December 2019 with Council's adoption of Cannabis Store Regulations Amendment Bylaw No. 2902-2019 and approval of Cannabis Retail Store Policy C005-11. Copies of the Bylaw and Policy are included in Attachment A for reference.

The Zoning Bylaw now identifies ten lots on which 'Cannabis Store' is a permitted use and sets

a four-store limit within the City. This framework does not automatically grant permission for a store, as a provincial licence from the Liquor and Cannabis Regulation Branch (LCRB) is still required, subject to Council support. The application process through which Council will consider provincial licence applications is outlined in Policy C005-11 and summarized in the Discussion section below.

DISCUSSION

Since Council's adoption of Bylaw No. 2902-2019 and approval of Policy C005-11, staff have been preparing to commence an application process for cannabis stores. As per Policy C005-11, the City will consider provincial licence applications for cannabis stores through a consolidated intake and competitive review process, as follows.



Step 1 – Consolidated intake (February 3 to April 3, 2020)

The application process will commence with a consolidated intake period from February 3 to April 3, 2020, during which applicants must submit a provincial licence application to the LCRB and pay the provincial application fee. Applicants must also submit an application package to the City before the deadline—including all required documentation set out in the Development Application Procedures Bylaw—and pay the City's application fee. During the intake period, applicants may request a Development Inquiry Meeting with staff to discuss application requirements.

Step 2 – Screening

After the intake period has closed on April 3, staff will screen applications for completeness and consistency with City bylaw requirements. Staff will then prepare a summary report to Council outlining the applications, and seek direction to initiate the public input process.

Step 3 – Public input

Subject to Council's direction, staff will initiate a public input process to gather the views of residents on the applications, in accordance with the Cannabis Control and Licencing Act and the City's Development Application Procedures Bylaw. The process will include agency referrals, newspaper advertisements, a mail-out to neighbouring properties, and a Council Hearing. The views of residents will be sought for each application under consideration.

Step 4 – Evaluation and Recommendations

Following the public input process, staff will evaluate the applications under consideration based on guidelines in Policy C005-11. These guidelines include principles and considerations with respect to the proposed site, the proposed store, and the proposed operator for each application. After the evaluation process is complete, staff will prepare a summary report to Council and seek Council's direction with respect to making comments and recommendations on the applications. After Council has made a decision on the applications, staff will notify the applicants and LCRB. It is anticipated that Step 4 will be complete in summer 2020.

Summary

The four steps outlined above are anticipated to take approximately six months, starting with consolidated intake of applications from February 3 to April 3, 2020, and concluding with recommendations in summer 2020. Council will provide direction to staff throughout this process; staff's next report to Council will be in Step 2 (Application Screening).

FINANCIAL PLAN IMPLICATION

The application process for cannabis retail stores will be administered using existing staff resources. Application fees will be collected in accordance with the Development Application and Service Fee Bylaw and are intended to cover the cost of processing the cannabis store applications, including intake and review time, newspaper advertising, conducting a mail-out and holding a Council Hearing.



Aniz Alani
Director, Property, Risk Management, Legal Services
Signed 12/20/2019 12:41 PM

IMPACTS ON COUNCIL POLICIES, STRATEGIC PLAN AND/OR COUNCIL DIRECTION

The proposal meets the goals and objectives identified in the 2016 Official Community Plan and Council's 2019-2022 Strategic Plan which identifies four cornerstones: vibrant economy, complete community, fiscal discipline and organizational alignment. The proposal is consistent with the four cornerstones of Council's Strategic Plan.

SUBSTANTIATION OF RECOMMENDATION

On December 2, 2019, Council adopted Cannabis Store Regulations Amendment Bylaw No. 2902-2019 and approved Cannabis Retail Store Policy C005-11. Policy C005-11 states that the City will only consider provincial licence applications through a consolidated intake and competitive review process. Consistent with the Policy, staff are preparing to commence an application process for cannabis stores, starting with consolidated intake of applications from February 3 to April 3, 2020.



Ryan Beaudry
Planner
Signed 12/20/2019 8:58 AM



Mark Neill
Acting GM, Planning and Development Services
Signed 12/20/2019 12:26 PM

ATTACHMENTS:

Attachment A - Bylaw 2902-2019 and Policy C005-11



Cannabis Store Regulations Amendment Bylaw, 2019

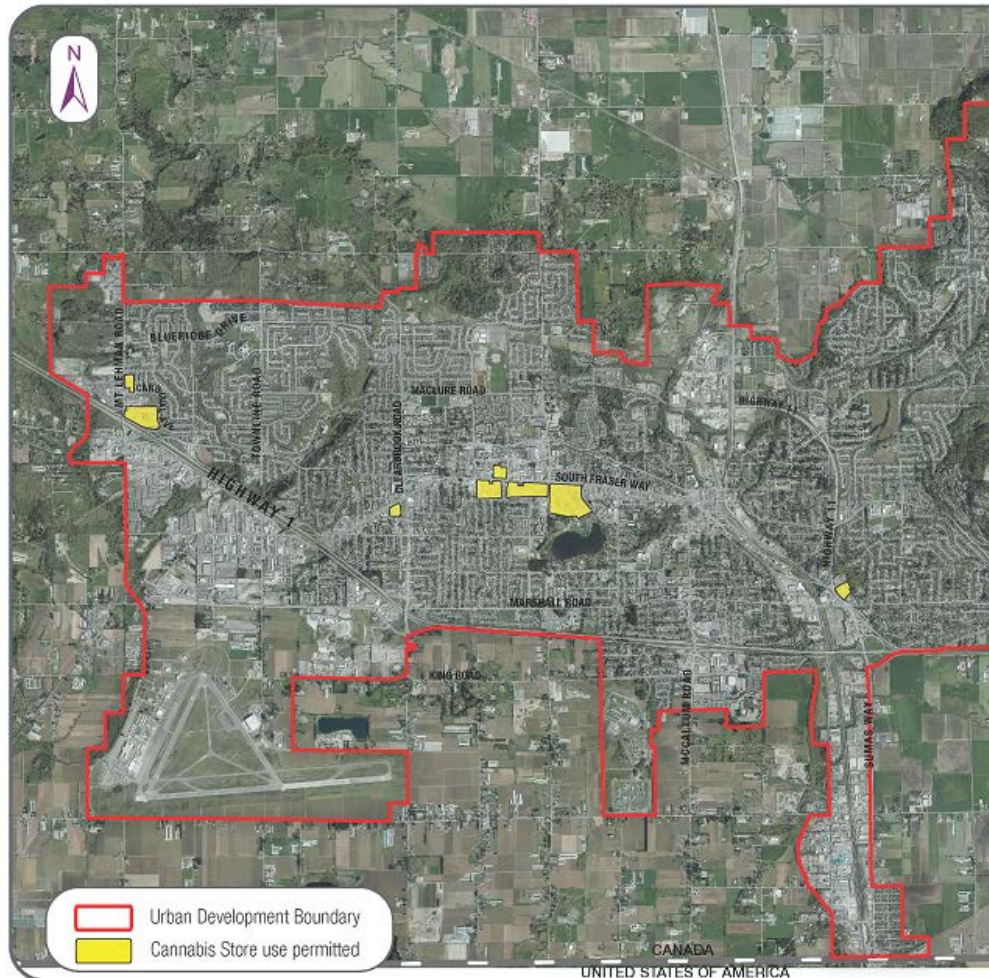
Bylaw No. 2902-2019

The Council of the City of Abbotsford, in open meeting assembled, enacts as follows:

Abbotsford Zoning Bylaw, 2014

- 1 Section 130.1.1 [Zone Regulations] of the Abbotsford Zoning Bylaw, 2014 is amended by striking out "section 140.1" and substituting "sections 140.1 and 140.2".**
- 2 Section 140.2.4 [Cannabis Stores] is amended by adding the following subsections:**
 - (b.) A maximum of four Cannabis Stores are permitted within the City.
 - (c.) Subject to section 140.2.4.b, Cannabis Stores are a permitted Use on the following Lots as shown on Figure 1:
 - (i.) PID 028-576-659, 3122 Mt. Lehman Road;
 - (ii.) PID 024-620-840, 3270 Mt. Lehman Road;
 - (iii.) PID 003-953-912, 31940 South Fraser Way;
 - (iv.) PID 024-922-749, 32533 South Fraser Way;
 - (v.) PID 008-954-623, 32500 South Fraser Way;
 - (vi.) PID 017-956-731, 32700 South Fraser Way;
 - (vii.) PID 016-324-447, 32900 South Fraser Way;
 - (viii.) PID 024-354-210, 2070 Sumas Way;
 - (ix.) PID 027-961-419, 1920 North Parallel Road;
 - (x.) PID 028-895-177, 2310 Whatcom Road.

Figure 1 - Cannabis Store - Permitted Use



Development Application Procedures Bylaw, 2016

3 *Section 1.3.1 [Scope of bylaw] of the Development Application Procedures Bylaw, 2016 is amended by adding the following paragraph:*

- (n) obtain comments or recommendations on an application to issue or amend a licence in accordance with [section 33 \[Recommendations of local government or Indigenous nation\]](#) of the [Cannabis Control and Licensing Act](#).

4 *Section 2.3 [Application submission] is amended by adding the following subsections:*

- (2.3.2.1) In addition to the requirements set out in [section 2.3.2](#), each application for a Provincial Non-Medical Cannabis Retail Licence Application must include:
 - (a) a site plan identifying the proposed Cannabis Store location, including proposed access, parking and loading areas;
 - (b) evidence that the applicant owns, leases or has an agreement to purchase or lease the commercial unit or building in which the Cannabis Store is proposed to be located;
 - (c) evidence that the applicant has applied to the Liquor and Cannabis Regulation Branch in respect of a retail store licence;

- (d) the floor plan for the proposed Cannabis Store;
 - (e) drawings or renderings of the interior and exterior of the proposed Cannabis Store;
 - (f) evidence that the proposed Cannabis Store layout and security program comply with provincial requirements;
 - (g) the applicant's business experience, including relevant experience in a federally or provincially regulated sector or industry subject to age restrictions;
 - (h) a declaration that the applicant, or any of its principals or affiliates, are not engaged in the unauthorized sale or distribution of cannabis;
 - (i) disclosure of any unpaid fines for which the applicant, or any of its principals or affiliates, is liable in respect of City bylaw contraventions other than those for which the time limit for adjudication has not yet expired.
 - (j) evidence that the proposed Cannabis Store branding complies with provincial requirements and the City's Sign Bylaw.
- (2.3.2.2) In addition to the requirements set out in [section 2.3.2](#) and section 2.3.2.1, each application for a Provincial Non-Medical Cannabis Retail Licence Application may include:
- (a) a description of proposed measures to mitigate potential adverse impacts of the proposed Cannabis Store on nearby stores and buildings and on the following sensitive land uses:
 - (i) elementary, middle and secondary schools;
 - (ii) municipal parks;
 - (iii) municipal recreation facilities;
 - (iv) child care facilities;
 - (v) emergency shelters;
 - (vi) recovery facilities for vulnerable populations;
 - (b) information concerning the extent to which the proposed Cannabis Store employs best practices for Crime Prevention Through Environmental Design (CPTED);
 - (c) details of the proposed Cannabis Store's business operations, including
 - (i) store hours,
 - (ii) staffing,
 - (iii) training,
 - (iv) procedures to prevent service to minors, and
 - (v) procedures to prevent cannabis consumption in or near the Cannabis Store;
 - (d) any other information relevant to the City's consideration of the application.

5 The following definition is added to [Schedule "A"](#):

"Provincial Non-Medical Cannabis Retail Licence Application" means an application to obtain the City's comments and recommendations on a licence prescribed for the purpose of [section 33](#) [*Recommendations of local government or Indigenous nation*] of the [Cannabis Control and Licensing Act](#).

6 Table 1 [Notification and Consultation Requirements by Application Type] of [Schedule "B"](#) is amended by adding the following item:

Applicati on Type	Agen cy	Develop ment Sign	Informa tion	Newsp aper Ad	Mail Out	Public Hearing	Council Hearing	Plannin g Hearing
----------------------	------------	-------------------------	-----------------	------------------	-------------	-------------------	--------------------	-------------------------

	Refer rals		Meetin g					
Provincial Non- Medical Cannabis Retail Licence Applicatio n	X			X	X		X	

Development Application and Service Fee Bylaw, 2010

- 7** *The table in **Schedule "A"** of the **Development Application and Service Fee Bylaw, 2010** is amended by adding the following items:*

Column 1 Provincial Non-Medical Cannabis Retail Licence Applications	Column 2 Fee
Provincial Non-Medical Cannabis Retail Licence Application, New or Amendment (Moving location of establishment)	7,500
Provincial Non-Medical Cannabis Retail Licence Application, Amendment (Other than moving location of establishment)	1,200

Consequential Amendments

Development Application Procedures Bylaw, 2016

- 8** ***Section 1.3.1(l)** of the **Development Application Procedures Bylaw, 2016** is amended by **striking out "or"**.*
- 9** ***Section 1.31(m)** is amended by **striking out "renewal" and substituting "renewal; or"**.*

READ A FIRST TIME on November 4, 2019

READ A SECOND TIME on November 4, 2019

PUBLIC HEARING held on November 18, 2019

READ A THIRD TIME on November 18, 2019

APPROVED BY THE MINISTER OF TRANSPORTATION AND INFRASTRUCTURE on November 25, 2019

ADOPTED on December 2, 2019

Henry Braun, Mayor

William Flitton, Corporate Officer

Katie Karn, Deputy City Clerk



Cannabis Retail Store Policy

Policy C005-11

PART 1 - GENERAL

Division 1 - Context

Policy statement

- 1 The City will take a measured approach to non-medical cannabis store regulation within the community.

Purpose

- 2 To provide guidelines regarding the principal considerations that will inform the City's processing of provincial non-medical cannabis retail licence application referrals to sell non-medical [cannabis](#) in accordance with the [Cannabis Control and Licensing Act, S.B.C. 2018, c. 29](#), and the placement of non-medical cannabis stores within the City.

Scope

- 3 This policy applies to all City policies and procedures developed and reviewed relating to the development of non-medical cannabis stores within the City.

Division 2 - Interpretation

Interpretation

- 4 (1) The [Interpretation Bylaw](#) applies to this policy.
(2) Unless otherwise provided in this policy, words and phrases used in this policy have the same meanings as in the [Cannabis Control and Licensing Act](#), [Zoning Bylaw, 2014](#), or as the context and circumstances may require.

Definitions

- 5 In this policy,
 “**applicant**” means the person on whose behalf a provincial non-medical cannabis retail licence application is submitted to the City, or a person seeking to obtain a licence.
 “**cannabis store**” has the same meaning as in the [Zoning Bylaw, 2014](#).
 “**general manager**” means the general manager appointed under the [Cannabis Control and Licensing Act](#).
 “**intake period**” means the period during which provincial non-medical cannabis retail licence applications are accepted for consideration within the City's consolidated intake and competitive review process.
 “**licence**” means a licence to sell [cannabis](#) under the [Cannabis Control and Licensing Act](#).
 “**licensee**” has the same meaning as in the [Cannabis Control and Licensing Act](#).

“**Liquor and Cannabis Regulation Branch application**” or “**referral application**” means an application to the general manager to obtain a licence.

“**provincial non-medical cannabis retail licence application**” has the same meaning as in the *Development Application Procedures Bylaw*.

Division 3 - Laws enacted by senior levels of government

Impact of laws enacted by senior levels of government

- 6 Effective October 17, 2018, by operation of provincial and federal law, it is legal in British Columbia for individuals 19 years of age or older to possess, grow, purchase and consume certain forms of [cannabis](#).

Provincial requirements for legal retail sale of non-medical cannabis

- 7 (1) The *Cannabis Control and Licensing Act* provides that only the government, federal producers, licensees and other prescribed persons may lawfully sell [cannabis](#).
- (2) In order to become a licensee, a person must apply to the general manager in accordance with the *Cannabis Control and Licensing Act*.
- (3) In accordance with [section 33](#) [*Recommendations of local government or Indigenous nation*] of the *Cannabis Control and Licensing Act*, the general manager does not issue prescribed classes of licence unless the local government for the area in which the establishment is proposed to be located gives the general manager a recommendation that the licence be issued.
- (4) A local government that receives notice of an application may decide to give or not give comments and recommendations in respect of the referral application.
- (5) Where a local government decides to give comments and recommendations regarding a referral application, the local government must take into account prescribed criteria and, in the prescribed circumstances, gather the views of residents of an area determined by the local government by 1 or more of the following methods:
- (a) receiving written comments in response to a public notice of the application;
 - (b) conducting a public hearing in respect of the application;
 - (c) holding a referendum;
 - (d) using another method the local government considers appropriate.

PART 2 - CONSOLIDATED INTAKE AND COMPETITIVE REVIEW PROCESS

Division 1 - Application process

City’s approach to non-medical cannabis regulation

- 8 As part of the City’s approach to non-medical [cannabis](#) regulation, and until such time as Council may otherwise direct, the City will only provide comments and recommendations regarding referral applications through a consolidated intake and competitive review process as described in this Part.

Application intake

- 9 (1) The City will open an application intake period for at least 2 months.
- (2) A prospective applicant may request a development inquiry meeting with City staff during the intake period.

- (3) Each applicant must submit a Liquor and Cannabis Regulation Branch application to the general manager and pay the provincial application fee.
- (4) Each applicant must submit an application package to the City before the end of the intake period that includes all documentation required under the [Development Application Procedures Bylaw](#).
- (5) Each applicant must pay the City's application fee set out in the [Development Application and Service Fee Bylaw](#).
- (6) The general manager forwards to the City referral applications in respect of proposed locations within the City that meet provincial requirements.

Screening

- 10** (1) City staff will screen provincial non-medical cannabis retail licence applications referred to the City by the general manager for completeness and consistency with City bylaw requirements.
- (2) City staff will submit a report for Council's consideration, including a summary of provincial non-medical cannabis retail licence applications received during the intake period and a recommendation for direction to gather the views of residents on each application.

Gathering the views of residents regarding applications

- 11** (1) The City will conduct a public input process through a Council hearing to gather the views of residents on the provincial non-medical cannabis retail licence applications received during the intake period, as described in this policy.
- (2) The notification and consultation requirements applicable to provincial non-medical cannabis retail licence applications are as set out in the [Development Application Procedures Bylaw](#).
- (3) Subject to a contrary resolution of Council, the notification and consultation requirements referred to in subsection (2) will be considered to satisfy the requirement under [section 33](#) of the [Cannabis Control and Licensing Act](#) to gather the views of residents in respect of a provincial non-medical cannabis retail licence application.
- (4) Nothing in this section precludes the City from undertaking additional steps to gather the views of residents prior to providing comments and recommendations regarding a provincial non-medical cannabis retail licence application.

Recommendations

- 12** (1) City staff will evaluate provincial non-medical cannabis retail licence applications based on the guidelines set out in Division 2.
- (2) City staff will submit a report for Council's consideration that includes a summary of the views of residents on each provincial non-medical cannabis retail licence application and the evaluation process.
- (3) Council will direct staff with respect to making comments and recommendations on provincial non-medical cannabis retail licence applications.
- (4) City staff will notify each applicant and the Liquor and Cannabis Regulation Branch of Council's decisions regarding provincial non-medical cannabis retail licence application and applicable next steps.

Division 2 - Guidelines for consideration of applications

Principles and considerations

- 13** Without limiting Council's discretion in respect of any particular provincial non-medical cannabis retail licence application, the principles and considerations set out in this Part will generally inform the City's consideration of applications.

Site

- 14**
- (1) A proposed store location must be on a lot on which a cannabis store is a permitted use within the [Zoning Bylaw, 2014](#).
 - (2) An applicant must own, lease, or provide the City with evidence of an agreement to purchase or lease the commercial unit or building in which the cannabis store is proposed to be located.
 - (3) The City may consider the proximity of a cannabis store to other proposed cannabis stores so as to provide geographic equity and avoid the clustering of stores.
 - (4) The City may consider potential impacts of a proposed cannabis store on the following sensitive land uses and proposed mitigation measures to mitigate the impacts:
 - (a) elementary, middle and secondary schools;
 - (b) municipal parks;
 - (c) municipal recreation facilities;
 - (d) child care facilities;
 - (e) emergency shelters;
 - (f) recovery facilities for vulnerable populations.
 - (5) The City may consider the extent to which a proposed cannabis store employs best practices for Crime Prevention Through Environmental Design (CPTED).
 - (6) The City may consider whether a proposed cannabis store will have adequate access, parking and loading facilities.
 - (7) The City may consider the extent to which a proposed cannabis store will have adverse impacts on nearby stores and buildings.

Store

- 15**
- (1) In accordance with the [Zoning Bylaw, 2014](#), a maximum of four cannabis stores will be permitted within the City.
 - (2) The City may consider details of a proposed cannabis store's business operations including
 - (a) store hours,
 - (b) staffing,
 - (c) training,
 - (d) procedures to prevent service to minors, and
 - (e) procedures to prevent [cannabis](#) consumption in or near the cannabis store.
 - (3) The City may consider the proposed exterior design of a cannabis store relative to nearby stores and buildings.
 - (4) The City may consider whether a proposed cannabis store's branding complies with provincial requirements and the [Sign Bylaw](#).

- (5) Each applicant should demonstrate that its proposed store layout and security program comply with provincial requirements.

Operator

- 16** (1) The City may consider an applicant's business experience, including relevant experience in a federally or provincially regulated sector or industry subject to age restrictions.
- (2) The City may consider whether an applicant, or any of its principals or affiliates, are engaged in the unauthorized sale or distribution of [cannabis](#).
- (3) The City may consider input from the Abbotsford Police Department regarding an applicant or any of its principals or affiliates.
- (4) The City may consider whether an applicant, or any of its principals or affiliates, is liable for unpaid fines in respect of City bylaw contraventions other than those for which the time limit for adjudication has not yet expired.

Division 3 - Post-evaluation process

City may provide comments and recommendations

- 17** After Council has considered a provincial non-medical cannabis retail licence application received during the intake period, the City may provide the general manager with comments and recommendations in accordance with this Division.

Required form of comments and recommendations

- 18** (1) Comments and recommendations to the general manager will be in writing.
- (2) Comments will include the views of the City on the general impact of a proposed cannabis store on the community.
- (3) Comments will include the views gathered from residents and a description of the method used to gather those views.
- (4) Recommendations will include a recommendation that a Liquor and Cannabis Regulation Branch application be
 - (a) issued,
 - (b) amended, or
 - (c) not be issued.
- (5) Recommendations may include a recommendation that a licence be issued with conditions.

(6)Recommendations will include the reasons on which they are based.

ADOPTED December 2, 2019

Henry Braun, Mayor

William Flitton, Corporate Officer

I hereby certify this to be a true copy of
the original copy,

Katie Karn, Deputy City Clerk