

13b



TOWN OF SIDNEY

Report to Council

TO: Mayor and Council
FROM: Corey Newcomb, Senior Manager of Long Range Planning
DATE: October 20, 2020 Folder No. 9775 Second Street (Building)
SUBJECT: New Cannabis Retail Store Licence Referral
9775 Second Street (Buds Cannabis)

PURPOSE:

To provide Council with initial information and options related to a referral from the Liquor and Cannabis Regulation Branch (LCRB) for a new cannabis retail store licence application at 9775 Second Street for Buds Cannabis. (see Appendix A for an aerial photo of proposed location).

DISCUSSION:

A referral from the LCRB for a new cannabis retail store licence application at the above address was received by staff on October 13, 2020. Under the Cannabis Control and Licensing Act Council can respond to the referral with a recommendation that a licence be issued or denied, or can choose not to make any recommendation at all. As noted in the referral letter (attached as Appendix B) Council may also withhold a recommendation until the LCRB completes its "fit and proper" assessment of the applicant.

As noted in the LCRB's referral letter, a decision not to make a recommendation would end the application as the LCRB may only issue a licence with a positive recommendation from the Town. If Council does wish to make comments and a recommendation (whether positive or negative) to the LCRB regarding this application, the Town must first gather the views of residents in a manner specified by Council.

Preliminary Analysis

Without receiving a full application package from the applicant, a full staff analysis of the proposal as per the Town's Liquor & Cannabis Licensing Policy No. DV-015 is not possible. However, in assisting Council with making their decision on whether or not to proceed with the application, staff have undertaken a preliminary analysis based on the proposed location of the store.

The proposed store location is approximately 50 metres south of Beacon Avenue on the east side of Second Street, midblock between Beacon Avenue and Bevan Avenue. The aerial photo in Appendix A also includes the 100 metre (328 foot) buffer area specified in Policy DV-015, which states that Council will consider the proximity of "other cannabis retailers, liquor stores, child care facilities, daycares, educational facilities, libraries, public recreation centres, public community centres, parks, places of worship and other family-oriented facilities" within this area. Staff are not aware of any uses of this type within the 100 metre buffer area, including the proposed cannabis retail store at 9774 Third Street that was recently considered by Council.

Based on this initial assessment, staff are of the opinion that the proposed cannabis retail store appears to be in an acceptable location, sufficiently separated from any sensitive surrounding uses. The proposed location is also properly zoned for Cannabis Retail and meets the conditions of use.

In considering a recent referral for a proposed cannabis retail store at 9774 Third Street, Council resolved the following:

That staff be directed to respond to the LCRB indicating that the Town of Sidney will commence its process to make a recommendation on the application of a cannabis retail store licence at 102-9744 Third Street, Jima Retail Corp., subject to the LCRB completing an Applicant's Suitability Assessment and notifying the Town that the applicant is suitable and submission of a complete application by Jima Retail Corp. to the Town.

Given Council's resolution above, staff recommend that Council maintain a consistent approach to considering these referrals and adopt a similar resolution for this referral as well. (The LCRB has responded to staff regarding the earlier resolution indicating that the "fit and proper" assessment has begun.) A staff recommendation to that effect is below.

Other options contained in the staff report regarding the previous referral noted above are still possible, and are as follows:

Alternate Option 1:

Council can decide not to make any recommendation at all. The Town would still be required to communicate this decision to the LCRB, and again, the LCRB would proceed no further with the application, because the legislation requires a positive recommendation in order for a licence to be issued.

Option 1 Example Resolution:

That staff be directed to respond to the Liquor and Cannabis Licensing Branch, indicating that the Town of Sidney will not be making any recommendation on the application for a cannabis retail store licence at 9775 Second Street (Buds Cannabis).

Alternate Option 2:

Alternately, Council may wish to move the application forward by indicating to the applicant that they should make their application to the Town with a full application package as required by Policy DV-015.

This will provide further information on the proposed store, such as the façade treatment, signage and security-related information, which would be brought forward to Council upon receipt of a full application package. Staff would then provide Council with a full analysis of the proposed cannabis retail store based on Policy DV-015, as well as potential options for gathering the views of the community if Council wishes to make comments and recommendations on the referral back to the LCRB. (Note that the "fit and proper" assessment conducted by the LCRB would proceed in this case as well, but may not be completed prior to Council providing a recommendation to the LCRB.)

Option 2 Example Resolution:

That staff be directed to communicate to the applicant, Buds Cannabis, that Council will consider the LCRB's referral of the application further, following the submission of a complete application to the Town in accordance with the requirements of Liquor & Cannabis Licensing Policy No. DV-015.

STAFF RECOMMENDATION:

That staff be directed to respond to the LCRB indicating that the Town of Sidney will commence its process to make a recommendation on the application of a cannabis retail store licence at 9775 Second Street (Buds Cannabis) subject to the LCRB completing an Applicant's Suitability Assessment and notifying the Town that the applicant is suitable and submission of a complete application by Buds Cannabis to the Town.

Respectfully submitted,

I concur,



Corey Newcomb, RPP MCIP
Senior Manager, Long Range
Planning



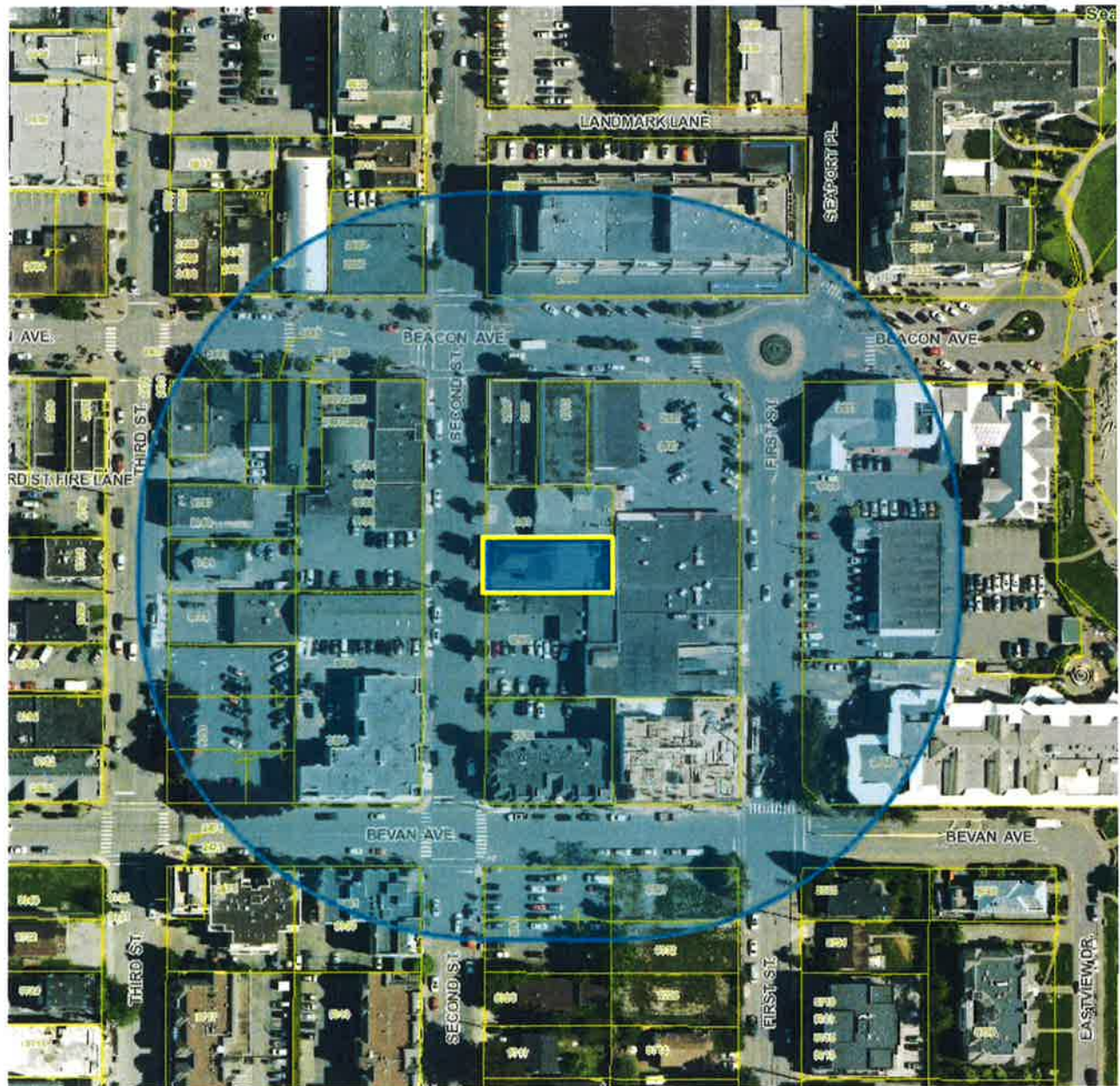
Randy Humble, MCIP, RPP
Chief Administrative Officer

Attachments:

Appendix A: Aerial photo of subject property and surrounding area

Appendix B: LCRB referral letter for Buds Cannabis

Appendix A: Aerial photo of 9775 Second Street (outlined in yellow), with 100 metre (328 feet) proximity buffer in blue.





Job # 007544

October 13, 2020

Via email: cnewcomb@sidney.ca

Corey Newcomb
Acting Manager of Planning
Town of Sidney

Dear: Corey Newcomb

Re: Application for a Non-Medical Cannabis Retail Store Licence
Applicant: M.E. Buds Cannabis Dispensary Inc.
Proposed Establishment Name: Buds Cannabis
Proposed Establishment Location: 9775 Second St, Sidney, BC V8L 4P8

The Applicant, M.E. Buds Cannabis Dispensary Inc., has applied to the Liquor and Cannabis Regulation Branch (LCRB) for a Non-Medical Cannabis Retail Store (CRS) licence proposed to be located at the above-noted address. The applicant contact is Megan Ereiser. They can be reached at 250-588-0409 or via email at mturpin31@gmail.com.

Local governments and Indigenous nations are a crucial part of the licensing process. Section 33(1) of the [Cannabis Control and Licensing Act](#) prevents the LCRB from issuing a CRS licence without a positive recommendation regarding the CRS licence application from the local government or Indigenous nation.

The LCRB is requesting the city of Sidney to consider the application and provide the LCRB with a written recommendation with respect to the application. To assist with your assessment of the application, a site map of the proposed cannabis retail store is attached. The following link opens a document which provides specific and important information and instructions on your role in the CRS licensing process, including requirements for gathering the views of residents.

[Local Governments' Role in Licensing Non-Medical Cannabis Retail Stores](#)

OR

[Indigenous Nations' Role in Licensing Non-Medical Cannabis Retail Stores](#)

The LCRB will initiate an applicant suitability assessment regarding this CRS application, also known as a “fit and proper” assessment of the applicant and persons associated with the applicant. Once the assessment is complete, you will be notified of the LCRB’s determination. You may choose to withhold your recommendation until the LCRB has made a final decision regarding the applicant’s suitability.

FAIRWAY MARKET PARKING

FAIRWAY MARKET

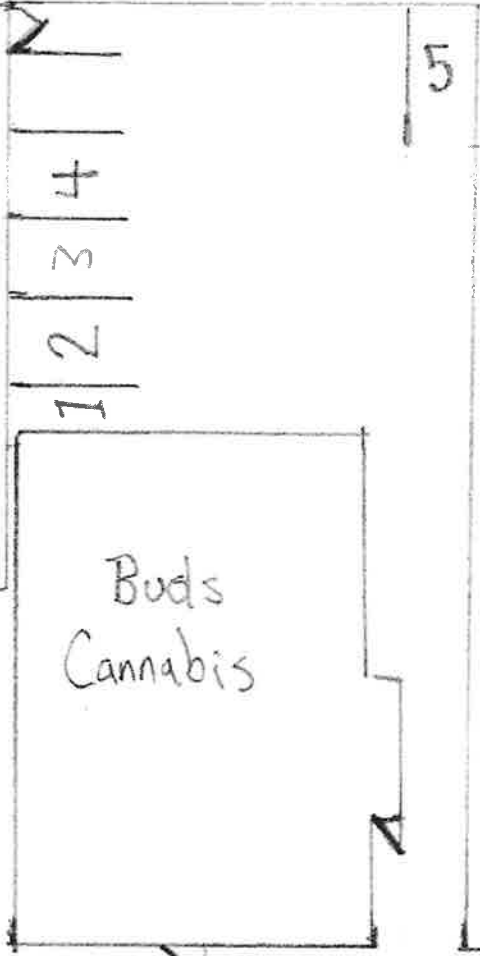
- Quince Cafe
- Vitality Vapour
- Focus Hair Design

BEACON AVE.

Sidney Bakery

Green Door Thrift Store

Chef on the Run



Beacon Cafe

House of Lily Koi

Buds Cannabis

Bell Buoy Barber Shop

2ND STREET