

TITLE:			
LIQUOR & CANNABIS LICENSING			
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PURPOSE:

The purpose of this policy is to establish process and procedures for the Town of Sidney to follow when responding the provincial license referrals received from the Province of British Columbia’s Liquor and Cannabis Regulation Branch (LCRB).

POLICY:

1. APPLICATION PROCEDURE

i. Application Intake

All applicants shall submit to the Town the following documents and pay the associated fees and deposits. An appointment is required to submit an application, and only complete applications will be accepted. Complete applications must contain the following information:

- Copy of a complete LCRB application form
- Recent title search (less than 30 days)
- Copy of any charges on title
- Company Search (if property owner and/or applicant(s) are a company name)
- All liquor related license applications must also include:
 - Letter to Mayor & Council generally outlining the proposal
 - Person capacity analysis of the premises
 - Existing and proposed hours of operation/liquor service of the establishment
- All cannabis retail license applications must also include:
 - Letter to Mayor and Council – *The letter must outline whether the applicant is aware of any potential negative impacts the proposed cannabis retail store may have on the community/adjacent properties and any efforts to mitigate said impacts.*
 - Proposed hours of service
 - Site plan showing entrances, exits, accessory buildings or structures, garbage enclosures and delivery areas
 - Colour Building Elevations
 - Signage Plan
- Proof of payment of all applicable application fees & deposits

ii. Fees & deposits

Fees required for the review of all LCRB applications are outlined in Bylaw No. 2175, as amended from time to time.

iii. Processing time

Once a complete liquor related license application is received the Town of Sidney will sign the applicant’s LCRB application, initiating a 90-day period to gather public input in accordance with Section 71 of the Liquor Control and Licensing Regulations.

The Town of Sidney is required to contact the LCRB in writing in any of the following cases:

- If more than 90 days are required to provide comment.
- If the applicant refuses to provide the Town with the information needed to be able to consider the application.
- If the Town of Sidney opts out from providing comment, or is the applicant.

iv. Referral Process

Upon receipt of a complete application, staff shall provide the local RCMP detachment with a 15 day period for review and comment prior to preparing a report to Council.

v. Staff report

At the council meeting where the resolution is to be considered, staff shall present a comprehensive report and draft resolution for Council's consideration. As required by the LCRB, a Council resolution must provide information relevant to the following issues:

- Impact on the community (including but not limited to traffic, noise, parking and zoning) if the application is approved;
- Views of residents and a description of how they were gathered;
- Local government recommendations (including whether the application should be approved) and associated rationale.

A staff report on a Liquor Primary & Liquor Primary Club License application must also provide information relative to:

- The location, person capacity, and hours of liquor service of the establishment; and
- Impact on the community in the immediate vicinity of the establishment.

A staff report on a Cannabis Retail License application must also provide information relative to:

- The location, person capacity, and hours of operation of the establishment;
- Impact of noise on the community in the immediate vicinity of the establishment, if the application is approved;
- Adherence of the storefront/exterior building modifications and signage plan with the Town's Official Community Plan policies and applicable Development Permit Area Guidelines; and,
- Proximity to sensitive sites (including schools, parks, playgrounds, childcare facilities) and existing cannabis retail stores.

A staff report on an Amendment to an Existing Food Primary License application must also provide information on whether the application will result in the establishment operating in a manner contrary to the primary purpose of the establishments, which is the service of food.

A staff report on a Temporary Amendment (Event) to Liquor Licenses application must include a draft recommendation in the form of objection or no objection and must provide information relevant for Council's comment on the impact (including, but not limited to noise) on the community in the immediate vicinity of the establishment, if the application is approved.

vi. Public Notification & Public Input Session

In the case of an application which requires public comment (e.g. a new Liquor Primary / Liquor Primary Club / Cannabis Retail License Application) the Town will give written

notice, at least 10 days prior to the date on which Council will consider the application, to the owners as shown on the assessment roll as at the date of application for the permit, and to any tenants in occupation, as at the date of the mailing or delivery of the notice, of all parcels, any part of which is:

- a. The subject of the application; or
- b. Within 100 metres (328 feet) of the part of the land that is the subject of the application

The Town shall advertise in 2 consecutive issues of a local newspaper, the last publication to appear not less than 3 days and not more than 10 days before the date Council is to consider the application. The advertisement shall advise the public of the nature of the application and their opportunity to be heard by Council at a future Council Meeting date.

On the date identified in the notice, Council will hear the applicant and any person deemed to be affected or having an interest in the application.

vii. Council Resolutions

Resolutions passed by Council shall take the form required by the Province, as outlined by the LCRB under Section 71 of the Liquor Control and Licensing Regulations and Division 3 of the Cannabis Control and Licensing Act.

Council may pass a resolution based on a specific term or condition; however, prior to doing this Council shall ensure that the term or condition is within the legislative jurisdiction of the LCRB to impose or enforce.

Council's official resolution or comment on the application shall be forwarded to the LCRB and the applicant. Staff shall also provide the LCRB and applicant with any reports that are referenced in, or used to determine, the resolution/comment.

2. COUNCIL EVALUATION & APPROVAL GUIDELINES FOR CANNABIS RETAILERS

In order to provide direction to the community regarding cannabis retail licensing in the Town of Sidney, the following general guidelines are provided. All aspects of each application shall be evaluated on a case-by-case basis with respect to the expected impact of the license on the immediate area and the community as a whole.

i. Location

- a. Council will only review applications for properties where cannabis retail is listed as a permitted land use in Zoning Bylaw No. 2015.
- b. When reviewing an application, Council will consider the impact the cannabis retailer will have when they are located within 200 metres (656 feet) of other cannabis retailers.
- c. When reviewing an application, Council will consider the impact the cannabis retailer will have when they are located within 100 metres (328 feet) of liquor, stores, child care facilities, daycares, educational facilities, libraries, public recreation centres, public community centres, parks, places of worship and other family-oriented facilities.
- d. Only one cannabis retailer will be permitted per lot.

ii. Store/building facade & treatment

- a. The size of a cannabis retail store should be consistent with the nature of the immediate area and the size of existing retail stores within the area.
- b. The proposed retail store front must present an attractive, pedestrian-friendly face to the street by providing multiple points of visual interaction through doorways, clear windows and other pedestrian-oriented features that promote activity and transparency.
- c. Any addition or alteration to an existing storefront (including new signage) or the construction of a new storefront to accommodate a cannabis retailer store must meet any applicable development permit area guidelines as outlined in the Town's Official Community Plan Bylaw.
- d. Signs should be integrated into the design of building façade, but must not obscure windows, cornices or other architectural elements.

iii. Community impact

- a. Council will consider whether the proposed cannabis retail store complements or improves conditions existing in the surrounding area.
- b. Council will consider the input from property owners/occupiers of land within 100 metres (328 feet) of the proposed cannabis retail store, as well as, the input from community members at large.
- c. Council will consider the referral response and feedback from the local RCMP detachment.
- d. Council will take into account any specific measures identified by the applicant to minimize or prevent any negative community impacts from occurring, including but not limited to, efforts to prevent service to minors, minimize odours, prevent smoking or cannabis consumption on or near the premises, property maintenance and beautification programs designed to prevent unsightliness, etc.

iv. Safety & security

- a. The store façade, exterior and site layout should maximize safety and security by adhering to the principles of Crime Prevention Through Environmental Design (CPTED).