

TEMPORARY USE PERMIT- RETAIL SALE OF CANNABIS (DRAFT for Council Discussion)

Permit No:	TUP-2019-01
Registered Owner:	Richard and Lynnette Guthrie
Applicant:	Buds and Leaves Retail Inc.
Subject Property:	521 Canada Avenue, Duncan BC V9L 1RS
Description of Land:	Parcel Identifier: 008-464-812 Legal Description: Lot A (DD G34612), BLOCK 3, SECTION 18, REANGE 6, QUAMICHAN DISTRICT, PLAN 798
Proposal:	Temporary Use Permit- Retail Sale of Cannabis- 521 Canada Avenue

Conditions

1. This permit is issued subject to compliance with all relevant City of Duncan bylaws, specifically the requirements of the *Zoning Bylaw No. 3166* and the *Official Community Plan Bylaw No. 2030 (OCP)*, except as specifically varied or supplemented by this Permit.
2. Without limiting the foregoing, **Buds and Leaves Retail Inc.** shall conform to the regulations stipulated in the *Cannabis Control and Licensing Act* of British Columbia B.C. Reg. 202/2018.
3. This permit applies to the lands described above, and any buildings, structures, and other development thereon (hereinafter called 'the Lands').
4. **Buds and Leaves Retail Inc.** shall require, prior to the issuance of a business license or occupancy permit, a Development Permit including site plans, elevation drawings, landscape plans, security plan, and a parking plan that meets the requirements of the City of Duncan's *OCP-Development Permit Area #2 – Downtown Area, Form and Character Guidelines*. Proposed concept plans must address site lighting, signage, landscaping and screening, structured parking, public art, canopy design and accessibility and personal safety.
5. The following specific elements must be addressed with an approved Development Permit prior to issuance of a Building Permit or a Business Licence:
 - a) **Lighting Plan:** Adequate lighting shall be provided in all parking, pedestrian paths, and entry areas. Lights shall always be shielded and reflected away from adjacent uses and ensure public safety.
 - b) **Business Management:** Adequate management, support staff and security must be present during the hours of operation of the facility. A minimum of one (1) supervisory level staff member must be present on the site during hours of operation. Operator(s) must ensure that loitering does not occur on the property during off-hours and must ensure that guests are not loitering, littering, or otherwise creating a nuisance to the neighborhood.
 - c) **Security Plan:** A security plan shall be submitted to the RCMP for approval and must be approved before the facility begins operation and annually, thereafter. If a client is socially disruptive or is responsible for creating any type of nuisance to neighborhood or facility, the operator must notify the RCMP. **Buds and Leaves Retail Inc.** shall address issues of nuisance with respect to odours, smoke and noise relating to the public use of cannabis and cannabis products.
 - d) **Security Plan Agreement:** An agreement will be made between **Buds and Leaves Retail Inc.**, the City of Duncan and the RCMP to ensure effective implementation of the security plan for neighbourhood residents

including a communications plan for the City and residents providing contact information for concerned local resident use.

- e) **Hours of Operation:** The hours of operation of the cannabis retail store shall be limited to between the hours of 9am and 8pm daily.
 - f) **No Smoking:** No smoking will be permitted on site.
 - g) **Agreement with the City: Buds and Leaves Retail Inc.** will enter into an agreement with the City of Duncan and provide City Council with an update report on the project, community impacts, neighbourhood involvement opportunities and other important events twice per year.
 - h) **Fire Inspection:** The structure's use must run in compliance with the requirements of the City's Fire Inspector.
 - i) **Stand Alone Business:** The cannabis retail store must be a stand-alone business.
 - j) **Educational Initiatives: Buds and Leaves Retail Inc.** shall provide educational initiatives and materials associated with the impacts and related social concerns of the non-medical use of cannabis and cannabis products.
6. The Lands and building which are subject to this Permit shall be developed in accordance with the terms and conditions of this Permit and in general accordance with the following schedule:

Schedule A –Layout and Sign Concepts

- 7. All road frontage improvements, use of road rights-of-way, off-site works and services shall be approved by the Engineering Department before commencing work. This permit does not imply any approval of such works;
- 8. On-site services are not to be installed in advance of obtaining the necessary permits from the Building and Engineering Departments;
- 9. The cannabis retail store shall be operated by **Buds and Leaves Retail Inc.** at **521 Canada Avenue**; and
- 10. This permit is issued to and is for the sole benefit of **Buds and Leaves Retail Inc.** and does not authorize the operation of a cannabis retail store by any other person at any other location.
- 11. This permit will expire on _____, at which time the rights granted under this permit will cease.
- 12. This permit may be extended one time for a period no greater than three years as per the regulations set out in the *Local Government Act* and not greater than any period established in the *Official Community Plan* regarding temporary uses.
- 13. This permit is not a building permit.
- 14. City Council has the right to terminate this permit with any breach of the above-mentioned conditions.

Authorized by

Director of Corporate Services

Schedule A – Layout and Sign Concepts

