

Committee of the Whole Report
For the Meeting of March 14th, 2019

Cloud Nine Collective at 778 Fort Street obtained a business licence on July 24, 2017 and has complied with municipal rules to date. They suspended operations on October 16, 2018, in order to comply with the new provincial requirements. In undertaking internal referrals to the Victoria Police Department, Bylaw Services Division, and Sustainable Planning and Community Development Branch, staff did not raise any issues with previous operations under the past municipal rules.

The required public consultation process enables residents to share their views by providing written comments about the application. The City sent 485 notices to owners and occupiers within 100 metres of the proposed location for the cannabis retail store licence and received 4 letters. 2 letters support the application and 2 letters oppose the application. The correspondence is attached as Appendix C. The neighbourhood association did not provide a response.

Staff recommend that Council support the application by Cloud Nine Collective to obtain a provincial cannabis retail store licence at 778 Fort Street, subject to the applicant first obtaining a Development Permit for alterations to the building exterior.

PURPOSE

The purpose of this report is to seek a Council resolution, in accordance with the requirements of the *Cannabis Control and Licensing Act*, regarding an application by Cloud Nine Collective to obtain a provincial cannabis retail store licence at 778 Fort Street.

BACKGROUND

The LCRB issues cannabis retail store licences under the authority of the *Cannabis Control and Licensing Act* (the Act) and regulations. LCRB refers an application to the City for a recommendation about whether or not to issue a licence. The LCRB will not consider issuing a licence unless it receives a positive recommendation from the City.

Under the Act, a local government must take into account the location of the proposed retail store in considering the recommendation, provide comments about community impact, and include the views of residents. The City adopted the *Cannabis Retail Store Licensing Consultation Policy and Fee Bylaw* establishing a public consultation method and fees (Appendix A). A public notification letter is sent to owners and occupiers of parcels within 100 metres of the proposed location, and the neighbourhood association for the area, initiating an opportunity to provide written comment about the application. The public has two weeks to provide a response to the application.

The City's internal review may include comments from staff in Bylaw Services Division, Sustainable Planning and Community Development Branch, and the Victoria Police Department.

Provincial licensees must obtain a business licence. The *Business Licence Bylaw* and *Cannabis-Related Business Regulation Bylaw* set out licensing and operating conditions for storefront cannabis retailers.

The Applicant

Cloud Nine Collective obtained a business licence on July 24, 2017. A map of the property and the immediate 100 metre area is attached as Appendix B. They suspended operations on October 23, 2018.

Public Comments

A public consultation process for this application concluded on February 14th, 2019. The City distributed 485 public notification letters and received 4 letters. 2 letters support this application and

2 letters oppose this application. The neighbourhood association did provide a response. The correspondence is attached as Appendix C.

On their own initiative, an advocacy group provided approximately 1500 letters in support of five applications currently awaiting a Council decision. These are available for viewing on request but are excluded from the City process established in the *Cannabis Retail Store Licensing Consultation Policy and Fee Bylaw*.

ISSUES AND ANALYSIS

The following sections will identify the key issues and provide analysis for Council's consideration.

Previous Operations

Cloud Nine Collective has never been issued a ticket, does not have outstanding monies owed to the City, and has been a compliant operator.

Community Impact

The Victoria Police Department, Bylaw Services Division, and Sustainable Planning and Community Development Branch have no site-specific comments. VPD comments are attached as Appendix D.

Residents' Views

The City received 4 letters. 2 letters support issuing a licence, and 2 letters oppose issuing a licence. The correspondence is attached as Appendix C.

Opponents believe that a cannabis retail store is not suitable in this area, that activities associated with the business will result in a loss of customers for nearby businesses, and that this business will lead to more public consumption in this area.

Municipal Requirements for Building Exteriors

The Act requires a licenced cannabis retail store to have non-transparent walls, which would require the applicant to alter the building exterior. The subject property is located within Development Permit Area 2 (HC). Alterations to exterior materials, including windows, require a Development Permit within this area. This type of application has been delegated to staff to complete.

OPTIONS AND IMPACTS

Option 1 – Refer application with a positive local government recommendation, subject to obtaining a Development Permit (Recommended)

Option 2 – Refer application with a negative local government recommendation with a comment about the reason for the negative recommendation

Accessibility Impact Statement

The recommended option has no accessibility implications within the City's authority under this process.

CONCLUSION

Cloud Nine Collective at 778 Fort Street has been a compliant licenced cannabis storefront retailer in the City since July 2017. Based on the feedback received for this application staff recommend providing supportive comments to the LCRB but that the issuance of the license be withheld until a Development Permit is issued. The operator would be required to obtain a Development Permit for

alterations to the building exterior in order to comply with Provincial requirements. The proposed option would ensure that this operator continues to comply with municipal requirements and enable the LCRB to continue their consideration of the applicant for a cannabis retail store license.

Respectfully submitted,



Monika Fedyczkowska
Legislative and Policy Analyst



Chris Coates
City Clerk



Susanne Thompson
Deputy City Manager



Report accepted and recommended by the City Manager: _____

Date: March 13, 2019

Attachments

- Appendix A: Cannabis Retail Store Licensing Consultation Policy and Fee Bylaw
- Appendix B: A map of the property and the immediate 100 metre area
- Appendix C: Residents' Views
- Appendix D: VPD Comments