



## Committee of the Whole Report For the Meeting of March 14<sup>th</sup>, 2019

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**To:** Committee of the Whole **Date:** March 12<sup>th</sup>, 2019  
**From:** Chris Coates, City Clerk  
**Subject:** Local Government Recommendation for The Original FARM at 3055A Scott Street

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### RECOMMENDATION

That Council direct staff to provide the following response to the Liquor and Cannabis Regulation Branch:

1. Council supports the application of The Original FARM located at 3055A Scott Street to receive a provincial cannabis retail store license providing the following comments on the prescribed considerations:
  - a. Council recommends that the LCRB issue a license to The Original FARM located at 3055A Scott Street, subject to the condition that this license not be issued until after The Original FARM obtains a Development Permit for any proposed alterations to the building exterior that are required to operate the business.
  - b. The application has been reviewed by the Victoria Police Department, Bylaw Services Division, and Sustainable Planning and Community Development Branch and there are no site-specific comments in terms of impacts on the community.
  - c. The views of residents were solicited through a mail-out to neighbouring property owners and occupiers within 100 meters of this address and to the relevant neighbourhood association. The City sent 532 letters and received 6 letters. All the respondents are concerned with the application moving forward and 2 respondents oppose the application. The City did not receive correspondence from the neighbourhood association.
  - a. A Development Permit is required to ensure that building exterior alterations do not diminish the pedestrian experience and create safety concerns by obstructing the view from the sidewalk or street into the store.

### EXECUTIVE SUMMARY

Since the Government of Canada legalized cannabis on October 17, 2018, the Province of British Columbia (The Province) is responsible for cannabis retail store licensing. The Province established a framework that sends referrals to the City for a positive or negative recommendation, which must include residents' views. The City adopted the *Cannabis Retail Store Licensing Consultation Policy and Fee Bylaw* to set the public consultation process and fees to manage these referrals.

The City plays a role in the provincial licensing scheme by providing a positive or negative recommendation on referrals from the Liquor and Cannabis Regulation Branch (LCRB). Provincial licences must comply with both the federal and provincial rules, as well as any municipal rules that



may be in effect. The City's *Cannabis-Related Business Regulation Bylaw* contains rules for cannabis storefront retailers, pursuant to the City's business regulation and licensing powers.

The Original FARM at 3055A Scott Street obtained a business licence on April 26, 2017 and has complied with municipal rules to date. They have never been issued a ticket, do not have outstanding monies owed to the City, and have been a compliant operator. The Original FARM suspended operations. 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 notification process enables residents to share their views by providing written comments about the application. The City sent 532 notices to owners and occupiers within 100 metres of the proposed location for the cannabis retail store licence and received 6 letters. All the respondents are concerned with the application moving forward and 2 respondents 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 The Original FARM to obtain a provincial cannabis retail store license at 3055A Scott Street, subject to 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 The Original FARM to obtain a provincial cannabis retail store license at 3055A Scott 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 Victoria Police Department, Bylaw Services Division, and Sustainable Planning and Community Development Branch.

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

### The Applicant

The Original FARM at 3055A Scott Street obtained a business licence on April 26, 2017. They have currently suspended operations. A map of the property and the immediate 100 metre area is attached as Appendix B.



### Public Comments

A public consultation process for this application concluded on February 21<sup>st</sup>, 2019. The City distributed 532 public notification letters and received 6 letters. All 6 letters express one or more concerns with the application moving forward and 2 oppose the 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

The Original FARM 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 6 letters. All 6 letters express one or more concerns with the application moving forward and 2 oppose the application.

The respondents are concerned about the impact of previous operations on the community. These concerns include:

- customers using limited residential parking,
- illegal pedestrian crossing between residential parking and this cannabis retail store,
- public consumption, noise, 'rowdy' behaviour, and litter,
- proximity to schools, after-school care, and a mall

### 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.

## CONCLUSION

The Original FARM at 1402 Douglas Street has been a compliant licensed cannabis storefront retailer in the City since June 2018. Based on the feedback received for this application from staff and residents, staff recommend providing supportive comments to the LCRB but that the issuance of the license be withheld until a Development Permit is issued. 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