

**I. REPORTS OF COMMITTEES**

**I.1 Committee of the Whole**

**I.1.b Report from the March 14, 2019 COTW Meeting**

**I.1.b.k 3055A Scott Street - Local Government Recommendation for  
The Original FARM**

**Moved By** Councillor Isitt

**Seconded By** Councillor Potts

That the matter be referred to an opportunity for public comment at  
a Council Meeting for Council's consideration and that the  
notification radius be 100 meters from the subject site.

FOR (7): Mayor Helps, Councillor Alto, Councillor Dubow, Councillor Isitt, Councillor Loveday,  
Councillor Potts, and Councillor Young

OPPOSED (1): Councillor Thornton-Joe

**CARRIED (7 to 1)**

**F.8     3055A Scott Street - Local Government Recommendation for The Original FARM**

Committee received a report dated March 7, 2019 from the City Clerk seeking 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 licence at 3055A Scott Street.

**Moved By** Councillor Isitt  
**Seconded By** Mayor Helps

That the matter be referred to an opportunity for public comment at a Council Meeting for Council's consideration.

That the notification radius be 100 meters from the subject site.

FOR (7): Mayor Helps, Councillor Alto, Councillor Collins, Councillor Isitt, Councillor Loveday, Councillor Potts and Councillor Young

OPPOSED (1): Councillor Thornton-Joe

**CARRIED (7 to 1)**

**Motion to refer:**

**Moved By** Mayor Helps  
**Seconded By** Councillor Isitt

Refer F.9 to after H.1 until the Police Chief arrives.

**CARRIED UNANIMOUSLY**

*Councillor Dubow returned to meeting at 1:30 p.m.*



## 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.

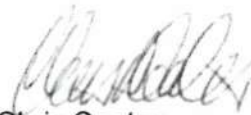
## CONCLUSION

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,



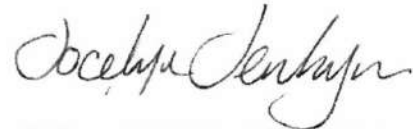
Monika Fedyczkowska  
Legislative and Policy Analyst



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

**CANNABIS RETAIL STORE LICENSING CONSULTATION POLICY AND FEE BYLAW  
A BYLAW OF THE CITY OF VICTORIA**

The purpose of this Bylaw is to establish a process for the City to provide a recommendation to the Provincial Government for a cannabis retail store licence application referral, and to establish fees to recover the City's costs incurred in the course of work on a referral.

**Contents**

- 1 Title
- 2 Definitions
- 3 Public Consultation Method
- 4 Fees
- 5 Effective Date

Under its statutory powers, including section 33 of the *Cannabis Control and Licensing Act*, the Council of the Corporation of the City of Victoria, in an open meeting assembled, enacts the following provisions:

**Title**

- 1 This Bylaw may be cited as the "CANNABIS RETAIL STORE LICENSING CONSULTATION POLICY AND FEE BYLAW".

**Definitions**

- 2 In this Bylaw,

“Act”

means the *Cannabis Control and Licensing Act*;

“City”

means the Corporation of the City of Victoria;

“Council”

means the Council of the Corporation of the City of Victoria;

“general manager”

has the same meaning as under the Act;

“licence”

has the same meaning as under the Act;

READ A FIRST TIME the	8 <sup>th</sup>	day of	<b>November</b>	2018.
READ A SECOND TIME the	8 <sup>th</sup>	day of	<b>November</b>	2018.
READ A THIRD TIME the	8 <sup>th</sup>	day of	<b>November</b>	2018.
ADOPTED on the	<b>22nd</b>	day of	<b>November</b>	2018.

CITY CLERK

MAYOR



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This plan should be field confirmed by the user prior to beginning construction. BC Hydro, Fortis Gas, Telus, and Fibre Optics locations must be confirmed with the appropriate utility. For internal use only. Do not distribute.

Attachment C

**Rob Gordon**

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**From:** Legislative Services email  
**Sent:** February 25, 2019 1:56 PM  
**To:** Monika Fedyczkowska  
**Subject:** FW: Input for cannabis retail store at 3055 Scott street A

-----Original Message-----

**From:** Personal info  
**Sent:** February 20, 2019 5:27 PM  
**To:** Legislative Services email <LegislativeServices@victoria.ca>  
**Subject:** Input for cannabis retail store at 3055 Scott street A

Good day,

Please find below comments with regards to general impact to the community, personal view and my recommendation with regards to provincial licensing.

The store in question is located in a residential area of Oaklands and is steps away from Landsdowne Middle School. The location shares a small parking lot with a coffee shop, a Japanese restaurant, a Nail and Beauty salon, a lawyers office, a Karate School (mostly used by children) and a Subway Restaurant.

On street parking is very limited and the 11 unit Strata complex we live in has problems with street parking even though our street is zoned as residential parking only.

Both employees and owners at the cannabis store have told their customers to simply park on the street and not to worry about getting a ticket since the enforcement people would never be able to get here fast enough before the customers leave again.

This is unacceptable behaviour that clearly demonstrates the lack of respect for not only the residents of this street but for city parking regulations and bylaw personnel.

This store was open last fall when it was a medicinal dispensary. I have witnessed the parking fiasco first hand and do not wish this situation on anyone.

This is not the right location for this store, I therefore ask city council to deny the application for a cannabis retail store license.

Respectfully,

Personal info

Myrtle ave  
Victoria V8R 4J8

## Rob Gordon

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**From:** Legislative Services email  
**Sent:** February 25, 2019 1:57 PM  
**To:** Monika Fedyczkowska  
**Subject:** FW: Residential Input - The Original Farm

**From:** Personal info  
**Sent:** February 21, 2019 10:38 PM  
**To:** Legislative Services email <LegislativeServices@victoria.ca>  
**Subject:** Residential Input - The Original Farm

Personal  
info scott st

Due to the high traffic volume The Original Farm (and other nearby business) create, parking is a concern in the residential area. Due to the number of commercial properties around Scott street I would like to see the city be proactive in ensuring only registered vehicles occupy the residential street parking and look to reducing the maximum speed in residential Areas where there is high volume of traffic/vehicles.

Please do not disclose my email address and other personal information

Thank you  
Personal info



**Rob Gordon**

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**From:** Legislative Services email  
**Sent:** February 25, 2019 1:40 PM  
**To:** Monika Fedyczkowska  
**Subject:** FW: The Original Farm 3055A Scott

-----Original Message-----

From: Personal info  
Sent: February 18, 2019 3:08 PM  
To: Legislative Services email <LegislativeServices@victoria.ca>  
Subject: The Original Farm 3055A Scott

Hi,

Our only concern is the lack of parking for the above retail store and other stores in the area. We live in the strata complex on Myrtle Street but our access to our garages/parking is off Scott St. We find that with all the stores and businesses that there is a lack of parking for customers especially during the hours of 4pm to 6pm. Also frequently people are walking between cars mid block which is unsafe and difficult for drivers.

We are not against the Original Farm or any other of the stores in our area, but the parking needs to be addressed. The parking lot on the back side of the Farm store does not seem to be utilized. Can you explain?

Personal info

Myrtle Ave

Personal info

Please do not disclose our names or contact details

## Rob Gordon

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**From:** Legislative Services email  
**Sent:** February 25, 2019 1:40 PM  
**To:** Monika Fedyczkowska  
**Subject:** FW: Cannabis retail store at 3055 Street A

**From:** Personal info  
**Sent:** February 18, 2019 5:30 PM  
**To:** Legislative Services email <LegislativeServices@victoria.ca>  
**Subject:** re: Cannabis retail store at 3055 Street A

Hello,

My family received a letter in reference to the license application of a cannabis retail store in our neighborhood. We <sup>Personal info</sup> Scott street.

My husband and I have a <sup>Personal info</sup> We have lived here for the last couple years. During that time we have experienced living with an unlicensed Cannabis store. We do not have a problem with the store itself. They employees seemed very friendly and nice when ever we walked by, but there were other problems that affected us due to the store.

The two most pressing issues were parking and public substance use. The area in front of our house is zoned for residential parking only but people were constantly parking in this area leaving no spots available for visiting guests or our own vehicles. In addition to parking out front of our house, customers of the store also smoked and used the products they purchased from the Cannabis store in front of our house.

If you are going to go ahead with this application, we would just ask that you would take these two concerns into account.

Sincerely,

Personal info

Personal info Scott Street

**Rob Gordon**

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**From:** Legislative Services email  
**Sent:** February 25, 2019 1:40 PM  
**To:** Monika Fedyczkowska  
**Subject:** FW: Cannabis retail store at 3055 Scott Street

-----Original Message-----

**From:** Personal info  
**Sent:** February 18, 2019 2:34 PM  
**To:** Legislative Services email <LegislativeServices@victoria.ca>  
**Subject:** Cannabis retail store at 3055 Scott Street

City of Victoria

My concern with this retail store, is the lack of parking in the lot adjacent to the store. I believe there are a couple dozen spots, used by at least eight businesses.  
As a result, the store's cliental was using the 'residential parking only' spaces on Scott Street, then jay walking to cross the street, making it dangerous for both cars & pedestrians. Since the store has been closed I have noticed that there has been less traffic on the street.

Personal info

Myrtle Avenue  
Victoria, BC  
V8R4J8  
Personal info

I wish to remain anonymous, please do not disclose any of my personal information.

Sent from my iPad



## Rob Gordon

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**From:** Legislative Services email  
**Sent:** February 25, 2019 1:56 PM  
**To:** Monika Fedyczkowska  
**Subject:** FW: Cannabis retail store

-----Original Message-----

**From:** Personal info  
**Sent:** February 20, 2019 11:35 PM  
**To:** Legislative Services email <LegislativeServices@victoria.ca>  
**Subject:** Cannabis retail store

To whom it may concern,

I would like to express my concern regarding the cannabis store proposed for 3055 Scott St A.

The Original FARM has been in operation in this location since we moved Personal info Myrtle Ave, which is just a block away, in 2016. I have noticed the following problems, all of which have ceased since the store closed in the summer of 2018:

- 1) Increased litter, including drug paraphernalia, left on our front garden and boulevard;
- 2) Increased traffic and parking on our street, which is clearly marked "residents only";
- 3) Increased noise and rowdy behaviour, including public drug use. This is especially concerning since our street is often used by the local elementary school and middle school students, and an after-school-care group.

I strongly oppose the location of this store, not only because I am a mother of Personal info, but because the store is in very close proximity to two schools. Oaklands Elementary is the biggest single-track elementary school in the district. Landsdowne Middle School is also very large, and only a block away. Hillside Mall is just across the street and is frequented by children and families. All these children witness the behaviour of the patrons and the drug paraphernalia littered around.

Thank you for considering my input. You can reach me at this email should you have further questions, but please keep my personal information confidential. Thank you.

Personal info

# THE ORIGINAL FARM

March 13, 2019

Mayor Lisa Helps & Council  
City of Victoria  
1 Centennial Square  
Victoria BC V8W 1P6

Sent via email

Re: The Original FARM, 3055a Scott Street, Local Government Recommendation

Dear Mayor and Council,

We are writing in response to the public consultation pertaining to The Original FARM at 3055a Scott Street required to obtain local government referral for our provincial cannabis retail license. The Original FARM has been an outstanding part of this community since 2015, constantly engaging with our neighbours positively and addressing concerns in a mutually beneficial way. We are happy to have received the feedback we have on our application and wish to speak to some of the concerns raised.

The Original FARM has access to ample parking immediately surrounding our store providing many options to customers beyond residential parking (see attached Parking Plan). There are 11 short term street parking spots open to the public, 23 parking stalls allocated to the 3055 Scott Street Strata exclusively (lot managed by Robbins), as well as 17 parking stalls in the neighbouring strata outside the Royal Bank for overflow use (lot also managed by Robbins). With parking as much of a challenge as it can be in Victoria, we feel lucky to have access to as much as we do. The staff team at Original FARM have always been trained to follow local by-laws, including instructing patrons adherence to the signage pertaining to surrounding residential parking. The Original FARM owners have never told staff or customers to park in residential zones and instruct customers to park in the abundance of available parking stalls allocated for commercial use immediately surrounding our Scott Street store.



FARM HILLSIDE 3055A SCOTT STREET  
TEL 250.592.0027 VICTORIA, B.C. V8R 4J9

FARM DOWNTOWN 1402 DOUGLAS STREET  
TEL 250.940.4688 VICTORIA, B.C. V8W 2G1

ORIGINALFARM.COM  
INFO@ORIGINALFARM.COM

# THE ORIGINAL FARM

The Original FARM prides itself on limiting nuisance issues surrounding our stores through providing outstanding customer service, encouraging respect of our neighbours with proactive service and compliance training, as well as providing our customers a door person. Through our 3.5 years of operation, nuisance issues have never been brought to our attention by our neighbours and if they were, we would have found a solution to fix it immediately. FARM has avoided nuisance issues by setting clear expectations with customers. We cannot promise issues will not come up, however we can promise we'll take them seriously and they'll be dealt with immediately.

The above also pertains to comments surfacing regarding the youth in our neighbourhood. We have worked collaboratively with the neighbouring Karate school as years ago there was mutual worry of issues arising; however, they just never have. Parents see us as a professional operation that do not attract youth or draw their attention. We are just another business in the community and feel we have built a great relationship with our surrounding neighbours. In 3.5 years, we've never had any issues with youth from schools, this includes: loitering, children trying to get into the store, no issues brought to our attention by surrounding schools, and no issues with police regarding minors. We are extremely proud and have worked very hard to have a clean track record in our 3.5 years of operations.

We take great pride in our community and I think that's reflected in the way we do business. We look forward to being leaders in this new space and will continue to uphold our high standards.

Sincerely,



Allen Spillette  
Co-Founder  
The Original FARM  
3055A Scott Street, Victoria



FARM HILLSIDE 3055A SCOTT STREET  
TEL. 250.592.0027 VICTORIA, B.C. V8R 4J9

FARM DOWNTOWN 1402 DOUGLAS STREET  
TEL. 250.940.4688 VICTORIA, B.C. V8W 2G1

ORIGINALFARM.COM  
INFO@ORIGINALFARM.COM



3055A SCOTT STREET

## PARKING PLAN



Royal Bank



REFERENCED IN  
PARKING SIGN

HILLSIDE AVE

17 OVER FLOW PARKING SPOTS



**PRIVATE PROPERTY**  
**ADDITIONAL CUSTOMER**  
**PARKING**  
**ACROSS THE STREET AT**  
**ROYAL BANK**

UNAUTHORIZED VEHICLES TOWED AT OWNERS EXPENSE

**ROWS 1-17**

CLOSE UP VIEW  
(BELOW)

5 SHORT TERM PARKING

SCOTT STREET

4 SHORT  
TERM PARKING

2 SHORT  
TERM PARKING

THE ORIGINAL  
**FARM**

23  
PARKING  
SPOTS



**PRIVATE PROPERTY**  
**ADDITIONAL CUSTOMER**  
**PARKING**  
**ACROSS THE STREET AT**  
**ROYAL BANK**

**ROWS 1-17**

PRIVATE PARKING