



## Committee of the Whole Report For the Meeting of September 19th, 2019

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**To:** Committee of the Whole **Date:** September 4<sup>th</sup>, 2019  
**From:** Chris Coates, City Clerk  
**Subject:** Recommendation for Urban Earth Med Compassion Club at 2020 Douglas Street

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### RECOMMENDATION

That Council direct staff to advise the Liquor and Cannabis Regulation Branch:

1. Council supports the application of Urban Earth Med Compassion Club at 2020 Douglas Street to receive a provincial cannabis retail store license with following comments on the prescribed considerations:

- a) The Council recommends that the LCRB issue a license to Urban Earth Med Compassion Club at 2020 Douglas Street, subject to the condition that this license not be issued until after Urban Earth Med Compassion Club obtains a Delegated 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 and the property has been zoned for retail sale of cannabis.
- 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 136 letters and received 2 letters in response. Both letters share a concern about sale of cannabis in this location. The City did not receive correspondence from the neighbourhood association.
- d) A Delegated Development Permit is required to ensure alterations to the building exterior 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 18-120* to manage these referrals by setting a public consultation process and fees.

Licensed cannabis retail stores must comply with federal, provincial, and municipal rules. The City's *Storefront Cannabis Retailer Business Regulation Bylaw 19-053* contains rules for storefront cannabis retailers, pursuant to the City's business regulation and licensing powers.

Urban Earth Med Compassion Club at 2020 Douglas Street has been compliant with City of Victoria Business Licencing requirements since January 2016, under Licence # 1029184 and # 1028085, Urban Earth Med Society (business name) until closing in November 2018. They have never been issued a ticket and do not owe any outstanding fees to the City. 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 any previous municipal rules.

The required public notification process enabled residents to share their views by providing written comments. The City sent 136 notices to owners and occupiers within 100 metres of the proposed location for the cannabis retail store and received 2 letters in response (attached as Appendix D). Both letters share a concern about sale of cannabis in this location. The City did not receive correspondence from the neighbourhood association.

Staff recommend that Council support the application by Urban Earth Med Compassion Club to obtain a provincial cannabis retail store license at 2020 Douglas Street, subject to obtaining a Delegated 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 Urban Earth Med Compassion Club to obtain a provincial cannabis retail store license at 2020 Douglas Street.

## **BACKGROUND**

The LCRB issues cannabis retail store licences under the authority of the *Cannabis Control and Licensing Act* (the Act). LCRB refers an application to the City for a recommendation about whether or not to issue a licence. The LCRB will not issue a provincial licence without a positive recommendation from the City.

The City must take into account the location of the proposed retail store, provide comments about community impact, and include the views of residents. The *Cannabis Retail Store Licensing Consultation Policy and Fee Bylaw* establishes a public consultation method and fees (Appendix A). Owners and occupiers of parcels within 100 metres of the proposed location, and the neighbourhood association for the area, and relevant City departments have an opportunity to provide written comments about the application.

A provincially licensed cannabis retail store would then obtain a business licence. The *Business Licence Bylaw* and *Storefront Cannabis Retailer Regulation Bylaw* 19-053 set out licensing and operating conditions for storefront cannabis retailers.

5 cannabis retail stores with a provincial and municipal license are currently operating in Victoria.

## **ISSUES AND ANALYSIS**

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

### Previous Operations

Urban Earth Med Compassion Club at 2020 Douglas Street has been compliant with City of Victoria Business Licencing requirements since January 2016 until closing in November 2018. A map of the property and the immediate 100 metre area is attached as Appendix B. Inspection and compliance history are attached as Appendix C. They do not owe any fees to the City.

### Community Impact

Staff in the Victoria Police Department, Bylaw Services Division, and Sustainable Planning and Community Development Branch have not indicated any concerns about impact on the community.

### Residents' Views

A public consultation process for this application ended on August 12th, 2019. The City sent 136 public notification letters and received 2 letters in response. The City did not receive correspondence from the neighbourhood association. Both letters share a concern about sale of cannabis in this location. The correspondence is attached as Appendix D.

### Municipal Requirements for Building Exteriors

The Act requires a licensed cannabis retail store to have non-transparent walls, which would require the applicant to alter the building exterior. 2020 Douglas is located within Development Permit Area 10A: Rock Bay. Within this DPA, replacement of exterior materials such as window coverings requires a Delegated Development Permit. Internal improvements such as curtains do not require a DDP.

## **OPTIONS AND IMPACTS**

**Option 1 – Provide a positive local government recommendation to LCRB, subject to obtaining a Delegated Development Permit (Recommended)**

**Option 2 – Refer application with a negative local government recommendation due to negative comments from owners and occupants of nearby parcels.**

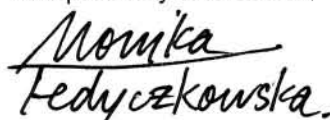
### **Accessibility Impact Statement**

The recommended option has no accessibility implications.

## **CONCLUSION**

Urban Earth Med Compassion Club at 2020 Douglas Street has been a compliant licenced cannabis storefront retailer in the City since January 2016. 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 Delegated 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:

*Josephine Senfayus*  
*Sept 10, 2019*

**Attachments**

Appendix A: Cannabis Retail Store Licensing Consultation Policy and Fee Bylaw 18-120

Appendix B: A map of the property and the immediate 100 metre area

Appendix C: Bylaw Services comments

Appendix D: Residents' views