



Committee of the Whole Report

For the Meeting of January 23rd, 2020

To: Committee of the Whole

Date: January 6th, 2020

From: Chris Coates, City Clerk

Subject: Recommendation for Pacificanna at 1560-1564 Fairfield Road

RECOMMENDATION

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

Council supports the application of Pacificanna at 1560-1564 Fairfield Road to receive a provincial cannabis retail store license with following comments on the prescribed considerations:

- a. City staff did not raise any concerns about community impacts in relation to this application.
- b. The City obtained residents' views through a mail-out to property owners and occupiers within 100 meters of this address and to the Fairfield-Gonzales Community Association.

The City sent 174 notices and received 5 responses. All respondents support issuing a provincial cannabis retail store license. The City did not receive correspondence from the Fairfield-Gonzales Community Association.

2. That Council direct staff to advise the LCRB of Council's recommendation only after the applicant obtains a Delegated Development Permit for any proposed alterations to the building exterior.
3. That Council direct staff to advise the LCRB of Council's recommendation subject to the applicant's compliance with City bylaws and permits.

EXECUTIVE SUMMARY

Since the Government of Canada legalized cannabis on October 17th, 2018, the Province of British Columbia (the Province) is responsible for licensing cannabis retail stores.

As a part of the provincial licensing process, the BC Liquor and Cannabis Regulation Branch (the LCRB) sends referrals to the City for a recommendation regarding whether the Province should or should not issue a provincial cannabis retail store license. The City develops a recommendation using a process and fee set out in the City's *Cannabis Retail Store Licensing Consultation Policy and Fee Bylaw 18-120*. The Province requires the City to develop a recommendation that includes consideration of residents' views.

In the absence of a specific City policy to guide staff in evaluating a proposed cannabis retail store, staff consider:

- the applicant's compliance and enforcement history as a cannabis retail store in the City, if applicable, and
- comments from residents and businesses within 100 metres of the proposed location.

The applicant completed a rezoning process at this location for cannabis retail use on February 28th, 2019. Since completing the rezoning process, the applicant has not yet opened a cannabis retail store at this location. The applicant has been compliant with the municipal bylaws that an applicant first obtain a provincial cannabis retail store license and a municipal storefront cannabis retailer business license before opening for business.

The City obtained residents' views through a mail-out to property owners and occupiers within 100 meters of this address and to the Fairfield-Gonzales Community Association. The City sent 174 notices and received 5 responses. All respondents support issuing a provincial license. The City did not receive correspondence from the Fairfield-Gonzales Community Association.

Staff recommend that Council provide a positive recommendation to the LCRB for Pacificanna at 1560-1564 Fairfield Road since the property is zoned for cannabis retail use, the applicant has not previously operated a cannabis retail store at this location and has been compliant with municipal bylaws, and all respondents support this application.

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 Pacificanna at 1560-1564 Fairfield Road to obtain a provincial cannabis retail store license.

BACKGROUND

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

The City must consider the location of the proposed retail store, provide comments about community impact, and include the views of residents. The City develops a recommendation using a process and fee set out in the City's *Cannabis Retail Store Licensing Consultation Policy and Fee Bylaw 18-120*. The City conducts this process only if the property is zoned for cannabis retail use and after the Province has completed financial integrity and security screening checks.

Under the City's *Cannabis Retail Store Licensing Consultation Policy and Fee Bylaw 18-120*, the City must notify and seek written comments from owners and occupiers of parcels within 100 metres of the proposed location and the neighbourhood association for the area. In addition, Bylaw Services, the Victoria Police Department, and Development Services may provide written comments about the application.

If the Province licenses a cannabis retail store in the City, the licensee must have a municipal business licenses for storefront cannabis retailers and comply with City rules for operation of these storefront cannabis retailers as set out in the *Business Licence Bylaw* and *Storefront Cannabis Retailer Regulation Bylaw 19-053*.

Council has provided 11 positive recommendations to the LCRB.

ISSUES AND ANALYSIS

There is no specific City policy that guides staff in the evaluation of a proposed cannabis retail store. Staff consider:

- the applicant's compliance and enforcement history as a cannabis retail store, if applicable, and
- comments from residents and businesses within 100 metres of the proposed location.

Applicant

The applicant is Pacificanna at 1560-1564 Fairfield Road. A map of the property and the surrounding 100 metre area is attached as Appendix B. A site plan is attached as Appendix C.

Previous Operations

The applicant completed a rezoning process at this location for cannabis retail use on February 28th, 2019. Since completing the rezoning process, the applicant has not yet opened a cannabis retail store at this location. The applicant has been compliant with the municipal bylaws that an applicant first obtain a provincial cannabis retail store license and a municipal storefront cannabis retailer business license before opening for business.

Community Impact

Bylaw Services and the Victoria Police Department did not raise any concerns about impact on the community. Bylaw Services did not provide any comments since the applicant has not yet opened a cannabis retail store at this location or another location in the City. Victoria Police Department comments are attached as Appendix D.

Residents' Views

The City obtained residents' views through a mail-out to property owners and occupiers within 100 meters of this address and to the Fairfield-Gonzales Community Association.

The City sent 174 notices and received 5 responses. All respondents support issuing a provincial cannabis retail store license. None of the responses included concerns about this application. The City did not receive correspondence from the Fairfield-Gonzales Community Association.

Residents' views are attached as Appendix E.

Municipal Requirements for Building Exteriors

The property is located within DPA 6A – Small Urban Villages, which requires a Delegated Development Permit for exterior changes such as frosted windows. Staff would review any changes against the relevant guidelines. There is no guarantee an application for frosted windows will be approved by the City of Victoria. Interior changes, such as installing blinds or curtains do not require a DDP and can still meet the provincial requirements.

Summary

Staff recommend that Council provide a positive recommendation to the LCRB for Pacificanna at 1560-1564 Fairfield Road since the property is zoned for cannabis retail use, the applicant has not previously operated a cannabis retail store at this location and has been compliant with municipal bylaws, and all respondents support this application.

Applicant's Response

The applicant provided a letter responding to the staff report. This letter is attached as Appendix F.

OPTIONS AND IMPACTS

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

This option would enable to LCRB to issue a provincial cannabis retail store license.

Option 2 – Refer application with a negative local government recommendation

This option would prevent the Province from issuing a license to the applicant in this location.

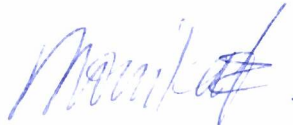
Accessibility Impact Statement

The recommended option has no accessibility implications.

CONCLUSION

Staff recommend that Council provide a positive recommendation to the LCRB for Pacificanna at 1560-1564 Fairfield Road. The applicant completed a rezoning of the property for cannabis retail use, the applicant has not previously operated a cannabis retail store at this location, and all respondents support this application. A positive recommendation would allow the Province to continue the provincial licensing process and potentially issue a cannabis retail store license.

Respectfully submitted,



Monika Fedyczkowska
Legislative and Policy Analyst



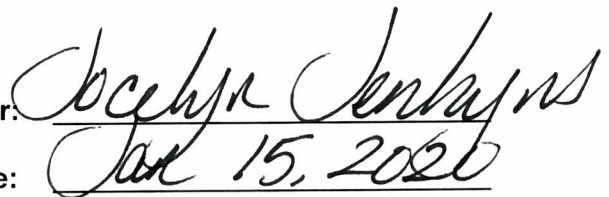
Chris Coates
City Clerk



Susanne Thompson
Deputy City Manager

Report accepted and recommended by the City Manager:

Date:


Jan 15, 2020

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: A site plan of the property
- Appendix D: Victoria Police Department comments
- Appendix E: Residents' views
- Appendix F: Letter from applicant