



Committee of the Whole Report For the Meeting of April 8, 2020

To: Committee of the Whole **Date:** March 26, 2021
From: Curt Kingsley, City Clerk
Subject: Recommendation for Pacificanna at 1881 Fort Street

RECOMMENDATION

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

The Council of the City of Victoria supports the application of Pacificanna at 1881 Fort Street to receive a provincial cannabis retail store license with the following comments:

- a. The Council recommends that the Liquor and Cannabis Regulation Branch issue a license to Pacificanna at 1881 Fort Street.
- b. City staff did not raise any concerns about this referral in terms of community impacts.
- c. Residents' views were solicited through a mail-out to property owners and occupiers within 100 meters of this address and to the relevant neighbourhood association.

The City sent 284 notices and received 10 responses. The City did not receive correspondence from the South Jubilee Neighbourhood Association.

2. That Council direct staff to advise the LCRB of Council's recommendation subject to the applicant's compliance with applicable City bylaws and permits.

EXECUTIVE SUMMARY

The Province of British Columbia is responsible for licensing cannabis retail stores. The Province refers applications to the City for a positive or negative recommendation, which must include residents' views. The City's *Cannabis Retail Store Licensing Consultation Policy and Fee Bylaw 18-120* establishes a public consultation process and fees to manage referrals.

The applicant completed a rezoning process for 1881 Fort Street on November 12, 2020.

The applicant has been compliant with the municipal bylaws which require 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 sent 284 notices and received 10 responses. The City did not receive correspondence from the South Jubilee Neighbourhood Association.

In the absence of a City policy for evaluating referrals from the Province for proposed cannabis retail stores, staff review previous operations and public input. Based on this, staff recommend that Council provide a positive recommendation for Seed and Stone at 901 Gordon Street.

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 1881 Fort Street to obtain a provincial cannabis retail store license.

BACKGROUND

The LCRB issues cannabis retail store licences under the *Cannabis Control and Licensing Act* (the Act). LCRB refers an application to the City so that Council may recommend to issue or not to issue a provincial cannabis retail store licence. If Council provides a negative recommendation to the LCRB, the LCRB may not issue a licence to the applicant at the proposed location.

The City must consider the location of the proposed cannabis 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. Owners and occupiers of parcels within 100 metres of the proposed location, and the neighbourhood association for the area, and relevant City departments may provide written comments.

A provincially licensed cannabis retail store must obtain a municipal business licence to operate in the City. The *Business Licence Bylaw* and *Storefront Cannabis Retailer Regulation Bylaw 19-053* set out licensing and operating conditions for storefront cannabis retailers.

Council provided 16 positive recommendations and no negative recommendations.

ISSUES AND ANALYSIS

There is no specific City policy to guide staff in evaluating a proposed cannabis retail store. Staff consider the applicant's compliance and enforcement history during previous operations as a cannabis retail store, if applicable, and input from residents and businesses within 100 metres of the proposed location.

Applicant

Pacificanna is proposing a cannabis retail store at 1881 Fort Street.

The applicant completed a rezoning process at this address on November 12, 2020.

The applicant has been compliant with the municipal bylaws which require 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, Sustainable Planning and Community Development, the Victoria Police Department did not indicate any concerns about impact on the community.

The Victoria Police Department comments are attached as Attachment A.

Residents' Views

The City sent 284 notices and received 10 responses.

The City did not receive correspondence from the South Jubilee Neighbourhood Association.

Residents' views are attached as Appendix B.

Summary

Staff recommend that Council provide a positive recommendation for Pacificanna at 1881 Fort Street.

Applicant's Response

The applicant provided a letter responding to the staff report which is attached as Attachment C.

OPTIONS AND IMPACTS

Option 1 – Refer application with a positive local government recommendation to LCRB (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. The applicant could apply at another location.

Accessibility Impact Statement

The recommended option has no accessibility implications.

CONCLUSION

Pacificanna at 1881 Fort Street completed a rezoning for this property on November 12, 2020. The applicant has been compliant with municipal bylaws which require a provincial and municipal license before operating a cannabis retail store business. A positive recommendation would allow the Province to continue the provincial licensing process.

Respectfully submitted,

Monika Fedyczkowska
Legislative and Policy Analyst

Curt Kingsley
City Clerk

Susanne Thompson
Deputy City Manager

Report accepted and recommended by the City Manager.

List of Attachments

Attachment A: Victoria Police Department comments
Attachment B: Residents' views
Attachment C: Letter from applicant