



Committee of the Whole Report

For the Meeting of May 20, 2021

To: Committee of the Whole **Date:** May 4, 2021
From: Curt Kingsley, City Clerk
Subject: Recommendation for Seed and Stone at 1150 Douglas 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 Seed and Stone at 1150 Douglas 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 Seed and Stone at 1150 Douglas Street.
- b. Bylaw and Licensing Services and Sustainable Planning and Community Development did not raise any concerns about this referral in terms of community impacts.

The Victoria Police Department notes that a mall is a popular place for young people for both employment and socialization.

- 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 1146 notices and received 4 responses, including correspondence from the Downtown Residents Association received after the end of the opportunity for public comment.

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.

On January 14, 2021 Council approved a rezoning for this location to allow cannabis retail use.

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 1146 notices and received 4 responses, including correspondence from the Downtown Residents Association received after the end of the opportunity for public comment.

As a result of Council's recent decision to approve the zoning for a cannabis retail store at this location, staff recommend Council provide a positive recommendation for Seed and Stone at 1150 Douglas 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 Seed and Stone at 1150 Douglas Street to obtain a provincial cannabis retail store license.

BACKGROUND

The Liquor and Cannabis Regulation Branch 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, the LCRB may not issue a licence to the applicant at this location.

As a part of the local government recommendation, the Province requires that the City 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. This includes the requirement to ensure that windows on any street frontage of the premises are not blocked by translucent or opaque material, artwork, posters, shelving, display cases or similar elements.

To date, Council has provided 17 positive recommendations and no negative recommendations to the Province in response to proposed cannabis retail store referrals.

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.

Applicant

Seed and Stone is proposing a cannabis retail store at 1150 Douglas Street.

On January 14, 2021 Council approved a rezoning for this location to allow cannabis retail use.

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 and Licensing Services and Sustainable Planning and Community Development did not raise any concerns about this referral in terms of community impacts.

The Victoria Police Department notes that a mall is a popular place for young people for both employment and socialization.

The Victoria Police Department comments are attached as Attachment A.

Residents' Views

The City sent 1146 notices and received 4 responses, including correspondence from the Downtown Residents Association received after the end of the opportunity for public comment.

Residents' views are attached as Attachment B.

The Downtown Residents Association letter is attached as Attachment C.

Applicant's Response

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

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

On January 14, 2021 Council approved a rezoning application at 1150 Douglas to allow cannabis retail use. 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

Susanne Thompson
Deputy City Manager

City Clerk

Report accepted and recommended by the City Manager

List of Attachments

Attachment A: Victoria Police Department comments

Attachment B: Residents' views

Attachment C: Downtown Residents Association letter

Attachment D: Letter from applicant