



Mayor Helps and Council
City of Victoria
No.1 Centennial Square
Victoria, BC, V8W 1P6

24 May 2021

Re: 546 & 566-568 Yates Street – REZ 00770 – Cannabis Retail

Dear Mayor Helps and Council,

The City is considering a Rezoning application to allow for the use of Storefront Cannabis Retailer at 566-568 Yates Street and remove the permitted use of Storefront Cannabis Retailer from 546 Yates Street. On 07 May 2021, the Planning Department sent the DRA LUC an email informing us that the City had received revised plans for the Rezoning Application for this project. The City did not notify the DRA LUC that this application was proceeding to Committee of the Whole. Based on the information available, our comments are included below.

Trees Dispensary at 546 Yates Street was the first cannabis retailer to be rezoned under the City of Victoria's Storefront Cannabis Retailer Bylaw in April 2017, which permitted cannabis retailers to operate prior to legalization under provincial or federal legislation. In August 2019, provincial enforcement officers (CSU) forcibly closed the location at 546 Yates Street for continuing to operate without provincial approvals. In the intervening time, the requisite legislation was established and we have seen a plethora of approved cannabis retailers opening and operating throughout the City, particularly concentrated in the Downtown Core. There are now three fully legal and provincially licensed cannabis operators within 400m of that location. Additionally, the proposed site at 566 Yates Street for Jima Cannabis does not comply with the 400m-proximity requirement.

Proximity rules were established by Council to limit the number of Cannabis retailers to the point that the public is adequately served and operators do not need to sell to minors to make ends meet. There is a strong case that indicates a direct correlation between the viability of these businesses and compliance regarding sale to minors.

There is no shortage of ground floor retail properties for lease within the City and therefore no apparent impediment for the applicant to seek a location that complies with the current proximity rules. While we have been recommending that the City not set precedence by relaxing these proximity rules, these applications continue to be rubber-stamped. We expect Council to muster the courage to uphold its wise decision to adopt the 400m proximity rule for Cannabis retailers and the 200m proximity rule for schools.

The applicant first pitched their proposal to the DRA as a “relocation of a grandfathered zoning”. However, we are cognizant that zoning goes with the land and is not “transferrable” between properties. While the existing zoned location at 546 Yates may at some time permit a license to operate at that particular location because the use has been included in the zoning, it is unlikely to be reactivated any time in the medium term. While existing Cannabis and Liquor outlets have on occasion been approved by Council to move locations that required rezoning for the new location and then rescinding of zoning at the old location, it should be noted that Jima Cannabis had no interest in the property at the previous location or did it obtain the original rezoning or Business License. This application fails to provide any justifiable rationale to transfer zoning from an unrelated site to an unrelated operator in violation of City proximity policy.

City bylaws and policies are formed and adopted or altered through consultation with all stakeholders. Respect for these City policies and bylaws provide certainty for the community: for the public and business operators alike. It seems a common occurrence that this Council ignores municipal policies which only results in the continued erosion of the public’s trust and the broader process. We ask that Council forge a path of sound, consistent and reliable decision-making based on the municipal policies and plans that are in place, and cease making important decisions on an ad hoc basis.

Sincerely,

A handwritten signature in black ink, appearing to be 'Ian Sutherland', with a stylized, cursive script.

Ian Sutherland
Chair Land Use Committee, Downtown Residents Association