



## Committee of the Whole Report

### For the Meeting of September 16, 2021

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**To:** Committee of the Whole **Date:** August 24, 2021  
**From:** Curt Kingsley, City Clerk  
**Subject:** Recommendation for Fernwood Green at 1-1725 Cook 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 Fernwood Green at 1-1725 Cook 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 Fernwood Green at 1-1725 Cook Street.
- b. Bylaw and Licensing Services, the Victoria Police Department, and Sustainable Planning and Community Development 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 490 notices and received 5 responses. The City did not receive correspondence from the Fernwood Community 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 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 490 notices and received 5 responses. The City did not receive correspondence from the Fernwood Community Association.

Staff recommend Council provide a positive recommendation for Fernwood Green at 1-1725 Cook 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 Fernwood Green at 1-1725 Cook 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 19 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

Fernwood Green is proposing a cannabis retail store at 1-1725 Cook Street.

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, the Victoria Police Department, and Sustainable Planning and Community Development did not raise any concerns about this referral in terms of community impacts.

Bylaw and Licensing Services comments are attached as Attachment A and the Victoria Police Department comments are attached as Attachment B.

#### Residents' Views

The City sent 490 notices and received 5 responses. The City did not receive correspondence from the Fernwood Community Association.

Residents' views are 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**

The applicant has been compliant with municipal bylaws which require a provincial and municipal license before operating a cannabis retail store business. Staff in Bylaw and Licensing Services, the Victoria Police Department, and Sustainable Planning and Community Development did not raise any concerns. 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

#### **List of Attachments**

Attachment A: Bylaw and Licensing Services comments

Attachment B: Victoria Police Department comments

Attachment C: Residents' views