



Committee of the Whole Report For the Meeting of May 12, 2022

To: Committee of the Whole **Date:** April 21, 2022
From: Curt Kingsley, City Clerk
Subject: Recommendation for Clarity Cannabis at 1400 Quadra 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 Clarity Cannabis at 1400 Quadra 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 Clarity Cannabis at 1400 Quadra Street.
- b. Bylaw and Licensing Services indicates that the proposed cannabis retail store would have limited community impact.

The Victoria Police Department and Sustainable Planning and Community Development did not raise any concerns about community impacts.

- c. The reasons for a positive local government recommendation include that:
 - a. The location permits storefront cannabis retail
 - b. Staff did not raise significant concerns about community impact due to the proposed storefront cannabis retailer at this location.
- d. 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 995 notices and received 6 responses, including the Downtown Residents 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 *Cannabis Retail Store Licensing Consultation Policy and Fee Bylaw 18-120* establishes a public consultation process and fees.

If Council does not wish to permit new cannabis retail stores, Council may direct staff to decline referrals.

The applicant for this location also operates cannabis retail stores at 603 Gorge Street East and 851 Johnson Street (intends to relocate Johnson Street location to 1400 Quadra Street). Bylaw and Licensing Services indicates that both stores have recently undertaken efforts to become compliant with the City's windows regulations for cannabis retail stores. There have not been any other complaints of bylaw violations for these stores.

The City sent 995 notices and received 6 responses, including the Downtown Residents Association.

Staff recommend Council provide a positive recommendation for Clarity Cannabis at 1400 Quadra Street.

PURPOSE

The purpose of this report is to seek a Council resolution regarding an application by Clarity Cannabis at 1400 Quadra 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. The City currently accepts all referrals for locations with storefront cannabis retail use zoning, however it may decline a referral at any time. If Council provides a positive recommendation, the LCRB may issue a licence to the applicant at this location. 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 25 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 referral for proposed cannabis retail store. Staff consider the applicant's compliance and enforcement history during previous and other operations as a cannabis retail store, if applicable, and input from residents.

Applicant

The applicant is proposing a cannabis retail store at 1400 Quadra Street.

1400 Quadra is zoned as Central Business District-2 Zone (CBD-2). This zone permits storefront cannabis retailers provided that only one retailer at a time is located on the lot, the use does not occupy more than 200m² and the maximum store frontage facing a street does not exceed 8.5m.

The applicant also operates cannabis retail stores at 603 Gorge Street East and 851 Johnson Street (intends to relocate Johnson Street location to 1400 Quadra Street). Both stores have recently undertaken efforts to become compliant with the City's windows regulations for cannabis retail stores. Neither are fully compliant. There have not been any other complaints about bylaw violations for either store.

Community Impact

Bylaw and Licensing Services and the Victoria Police Department did not raise any concerns about this referral in terms of community impacts.

Bylaw and Licensing Services comments are attached as Attachment A.

Victoria Police Department comments are attached as Attachment B.

Residents' Views

The City sent 995 notices and received 6 responses, including the Downtown Residents Association.

Public input attached as Attachment C.

Community Association Land Use Committee (Downtown Residents Association) input as Attachment D.

Applicant's Response

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

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 about community impact. A positive recommendation would allow the Province to continue the provincial licensing process.

Respectfully submitted,

Barrie Nicholls
Legislation 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: Public input

Attachment D: CALUC input

Attachment E: Letter from applicant