



Committee of the Whole Report For the Meeting of December 14, 2023

To: Committee of the Whole **Date:** December 1, 2023
From: Curt Kingsley, City Clerk
Subject: Recommendation for Burb Cannabis at 568 Yates 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 Burb Cannabis at 568 Yates 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 Burb Cannabis at 568 Yates Street.
 - b. Bylaw and Licensing Services indicates that the proposed cannabis retail store would have limited community impact and the Victoria Police Department 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 679 property owners and occupiers within 100 meters of this address and to the relevant 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 *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.

Public consultation consisted of 679 notices to property owners, as well as the Police department and Bylaw Services. No concerns were raised about the impact of this proposal on the local

community. In addition, the applicant has satisfied the Provincial operating conditions. Staff recommend Council provide a positive recommendation for Burb Cannabis at 568 Yates Street.

PURPOSE

The purpose of this report is to seek a Council resolution regarding an application by Burb Cannabis at 568 Yates 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* sets out licensing and operating conditions for storefront cannabis retailers. This includes the requirements that windows on any ground-level frontage of the premises of a storefront cannabis retailer may be covered by artwork or posters provided that such artwork or posters do not extend above 1.22 metres (4 feet) measured from ground level and two employees including one manager are always present on the premises when open.

To date, Council has provided 26 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 568 Yates Street.

The applicant passed the LCRB's "fit and proper" requirements, which is determined by using the following checks:

- criminal record check or fingerprint based criminal record verification
- police information check
- check of intelligence databases maintained by law enforcement agencies
- check of records in the justice information system of the BC Ministry of the Attorney General

- check of records in the corrections information system of the BC Ministry of Public Safety and Solicitor General.

The applicant for this location does not currently operate cannabis retail in the City of Victoria, however, they do operate stores in Saanich and Port Coquitlam.

Community Impact

In May 2021, Council rezoned the property to permit cannabis retail if only one retailer at a time is located on the lot and the retailer does not occupy more than 151m² of floor area.

Bylaw and Licensing Services, the Victoria Police Department and Sustainable Planning and Community Development had no concerns in terms of community impacts.

Bylaw and Licensing Services comments are attached as Appendix 1.

Victoria Police Department comments are attached as Appendix 2.

Residents' Views

The City sent 679 notices, including the Downtown Residents Association.

Applicant's Response

The applicant provided a letter responding to the staff report which is attached as Appendix 3.

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

Curt Kingsley

Susanne Thompson

List of Attachments

- Appendix 1_Bylaw and Licensing Services Comments
- Appendix 2_Victoria Police Department Comments
- Appendix 3_Letter from Applicant