

THE CORPORATION OF THE
CITY OF WHITE ROCK
CORPORATE REPORT



DATE: May 13, 2024

TO: Mayor and Council

FROM: Anne Berry, Director, Planning and Development Services

SUBJECT: Consideration of Temporary Use Permit (extension) Application – 1484 Johnston Road (TUP 23-001)

RECOMMENDATIONS

THAT Council receive the corporate report dated May 13, 2024, from the Director of Planning and Development Services, titled "Consideration of Temporary Use Permit (extension) Application – 1484 Johnston Road (23-001)" and consider and issue Temporary Use Permit No. 23-001, following the Public Meeting.

EXECUTIVE SUMMARY

The Planning and Development Services Department has received an application for an extension to Temporary Use Permit (“TUP”), TUP 19-012, to allow for the continued use of a non-medical cannabis retail store, “A Little Bud Cannabis”, at 1484 Johnston Road (civic address of 1478 Johnston Road) for an additional term of three years. Staff have considered the TUP approval process in conjunction with the nature of this application and recommend a modified approval process and issuance of proposed TUP No. 23-001 to permit the extension of this use.

PREVIOUS COUNCIL DIRECTION

Motion # & Meeting Date	Motion Details
Motion 2020-068 February 10, 2020	THAT Council approves Development Variance Permit No.426 for 1484 Johnston Road.
Motion 2020-068 February 10, 2020	THAT Council approves Temporary Use Permit 19-012 for 1484 Johnston Road and direct staff to forward a copy of the resolution and supporting documents (corporate reports and relevant meeting minutes) to the Liquor and Cannabis Regulation Branch as documentation of gathering the views of residents on the cannabis licence application as well as the views of the City on the general impact on the community if the application is approved.

BACKGROUND

On February 10, 2020, Council approved TUP No. 19-012 and Development Variance Permit (DVP) No. 426 to enable the establishment of a non-medical cannabis store, “A Little Bud Cannabis,” at 1484 Johnston Road. The DVP application was to reduce the required setback from the premises containing the *cannabis store* use to an existing *childcare centre* from 100 metres to 80 metres which was approved by Council. Additionally, at the same meeting, Council also approved a zoning bylaw amendment to increase the number of cannabis stores permitted within the Town Centre Area from one to three. Appendix E includes the staff report related to this initial TUP application that was presented to the Land Use and Planning Committee (LUPC) on December 2, 2019 and January 13, 2020.

The initial TUP was approved for a period of three years and expired on February 12, 2023. Under the *Local Government Act*, applicants have one opportunity to extend or renew the permit for another three (3) years but would be subject to public consultation and ultimately Council approval. The City of White Rock received an extension application from “A Little Bud Cannabis” (applicant) on January 11, 2023.

The Planning Division underwent significant staff turnover in the last three years and was most recently short-staffed between June to December of 2023 resulting in a backlog of processing development applications that were received from January 2023. This application was picked up for review in January 2024.

This TUP extension application, if approved, would permit the use of this temporary cannabis store use for an additional three years however, the permit extension will be backdated from the expiration date of the initial permit.

ANALYSIS

Location of Establishment and Surrounding Land Uses

The subject property at 1478 Johnston Road houses three commercial units (1480, 1482, and 1484 Johnston Road) with associated off-street parking spaces. At the time of this staff report preparation, only the cannabis retail store at 1484 Johnston Road, “A Little Bud Cannabis,” is presently operational.

The surrounding area is primarily mixed-use in nature, with Oceana Parc and Soleil (under construction) developments to the north, Saltaire and Semiah developments to the South and the Miramar Village development to the west. Immediately east of the subject property, is the parking lot for the commercial establishments at 15226 Russell Avenue, with single-family residential lots beyond (see Appendix A – Location and Ortho Maps).

Planning Review

Staff support the application for a Temporary Use Permit extension, TUP 23-001 (see Appendix B), for the cannabis store use at 1484 Johnston Road. The cannabis store use complies with all applicable zoning bylaw requirements. Additionally, the DVP, which was approved with the initial TUP, only expires if the existing building is demolished or if the licence issued in accordance with the *Cannabis Control and Licensing Act*, as amended, is cancelled. Therefore, the variance is still valid for this extension application.

This proponent has also indicated they are supportive of good neighbour agreements and are willing to enter into an agreement with the City (see Appendix C for the Applicant’s Letter of Intent).

Per the Cannabis Retail Store (CRS) licence that is in effect for this business, the Liquor and Cannabis Regulation Branch (“LCRB”) notes that the establishment may be open anytime between 9:00 a.m. and 11:00 p.m., subject to further restriction by the local government. The previously approved TUP No. 19-012 (see Appendix F) for this cannabis store included further restrictions to limit the hours of operations of this use between 10:00 a.m. to 11:00 p.m. Monday to Saturday and 10:00 a.m. and 8:00 p.m. on Sunday. The TUP extension application noted that similar hours are requested. However, the applicant reached out to staff following the Public Meeting notification was mailed out and advertised requesting to change their hours of operations to align with their CRS license i.e. to be open between 9:00 a.m. to 11:00 p.m. every day. Staff notes that there have been no complaints or incidents of concerns noted since the operation of this business in 2020.

As this is the first TUP extension/renewal application sought for a cannabis store in White Rock, staff reached out to the LCRB to clarify if a TUP renewal will trigger a renewal of the CRS licence. The LCRB explained that a Cannabis Retail Store (CRS) licence is valid for 12 months from the time of issuance. Applicants must apply to the LCRB to renew their license each year. For the business at 1484 Johnston Road, the LCRB approved their CRS license on May 4, 2020 with the expiry set to be 12 months from that date of issue, which is April 30. The licence’s next expiry date is April 30, 2025.

The LCRB also explained that applicants are responsible for complying with applicable local government bylaws and requirements. LCRB generally does not require further information/input from the local government once the application is approved. However, if the local government does not support a TUP renewal/extension, the LCRB will need to be notified of the same as the CRS licence may be cancelled.

LEGAL IMPLICATIONS

Given the nature of this extension request, this application is being reviewed under a modified process from the typical requirements (see Appendix G) of the Planning Procedure Bylaw No. 2334. The statutory requirements of the *Local Government Act* (LGA) will be met.

The Planning Procedure Bylaw sets out that a report will come forward to the Land Use and Planning Committee and Regular Council before notification is issued to the surrounding area that Council will hold a public meeting to hear from the community prior to consideration of the issuance of the permit. Additionally, the Planning Procedure Bylaw requires that the Applicant install a Development Proposal Notification Sign and hold a public information meeting (PIM) before the application proceeds to the Land Use and Planning Committee. Refer to Appendix G, for an excerpt of the TUP process for cannabis use in the Planning Procedure Bylaw.

In this instance, staff did not require the Applicant to host the PIM or install the development proposal sign as this is an extension to a Council-approved Temporary Use Permit which was issued on February 10, 2020. Further, the LUPC has been dissolved, and staff have prepared this report directly for Regular Council. Notices have already been issued advertising the Public Meeting of May 13, 2024, and that Council will consider issuance of the TUP the same evening. Statutory Notification has taken place prior to Council’s consideration of permit issuance.

Pursuant to S. 497 of the *Local Government Act*, the City may issue a TUP for a period of up to three years. The *Local Government Act* also allows a temporary use permit to be extended for a maximum of an additional three years. If the holder of a TUP wishes to conduct the temporary use beyond the 6-year period, they are required to make a new application to Council for a TUP or apply for rezoning.

COMMUNICATION AND COMMUNITY ENGAGEMENT IMPLICATIONS

Notification in accordance with the Planning Procedure Bylaw and the *Local Government Act* has been met.

The City received letters of support as part of the applicant's submission package which is included as Appendix D.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

The application was referred for review to other city departments and external agencies, and no comments and concerns were noted for this application as proposed.

ALIGNMENT WITH STRATEGIC PRIORITIES

This proposal meets Council's strategic priority of *Local Economy* where one of the main objectives is to foster a business-friendly environment to attract and retain businesses in the City.

This proposal also aligns with actions and objectives under Council Strategic Priority of *Organization & Governance* to improve development permit processes and to streamline the overall planning approval process.

OPTIONS / ALTERNATIVES

The following alternative options are available for Council's consideration:

1. Direct staff to schedule a Public Meeting for consideration of the Temporary Use Permit;
2. Deny the temporary use permit and recommend that staff provide a resolution of non-support for the continued cannabis retail use to the LCRB;
3. Defer the application subject to specific directions being provided to Staff as identified by Council.

CONCLUSION

Staff support the application for the extension of the Temporary Use Permit (TUP) for the continuous use of the non-medical cannabis retail store, "A Little Bud" at 1484 Johnston Road. This report is provided for information and Temporary Use Permit No. 23-001 is included later in the Regular Council for Council's consideration of final issuance.

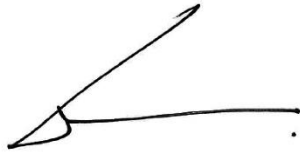
Respectfully submitted,



Anne Berry, MCIP RPP
Director, Planning & Development Services

Comments from the Chief Administrative Officer

I concur with the recommendations of this corporate report.

A handwritten signature in black ink, consisting of a stylized 'G' followed by a horizontal line and a small dot at the end.

Guillermo Ferrero
Chief Administrative Officer

Appendix A: Location and Ortho Map

Appendix B: Draft TUP 23-001

Appendix C: Application Package with Letter of Intent

Appendix D: Letters of Support

Appendix E: Staff Reports to LUPC (TUP 19-012) - December 2, 2019 and January 13, 2020

Appendix F: Approved TUP 19-012

Appendix G: Planning Procedure Bylaw excerpt - TUP application process (cannabis store)