

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: Application for Cannabis License Referral and Temporary Use Permit –
1554 Foster Street (TUP/LL 23-015)

RECOMMENDATIONS

THAT Council:

1. Direct staff to schedule the required Public Meeting for Temporary Use Permit 23-015 in conjunction with the Public Hearing for Cannabis Licence Resolution Request 23-015;
 2. Pending the results of the Public Meeting, approve the issuance of Temporary Use Permit 23-015; and
 3. Authorize staff, pending the results of the Public Hearing and Public Meeting, to forward a copy of this corporate report and the results of the public hearing to the Liquor and Cannabis Regulation Branch (LCRB) along with a resolution to advise that Council has considered the location of the proposed cannabis retail store and the potential for impacts to residents and is in support of the cannabis license application at 1554 Foster Street.
-

EXECUTIVE SUMMARY

The Planning and Development Services Department has received concurrent applications for a temporary use permit and a cannabis license referral (resolution) which, if approved, would enable the creation of a non-medical cannabis retail store at 1554 Fost Street (the former “Debbie Mozelle Designer Optical” commercial unit), located within 15100 North Bluff Road i.e. Central Plaza. City staff have reviewed the technical merit of the proposal and considered the overall appropriateness of the use having regard for the feedback received, to date, from the public, the results of site investigation and an evaluation of the ability to control potential impacts through permitting and license conditions. Based on a review of these factors, staff are recommending that the file be referred to a Public hearing and meeting.

INTRODUCTION/BACKGROUND

Imagine Cannabis Co. (the ‘Applicant’) has applied to the Liquor and Cannabis Regulations Branch (LCRB) for a cannabis license at 1554 Foster Street (the ‘subject property’). In addition to the license referral request, the proposal is also subject to a Temporary Use Permit (TUP) as required by the City of White Rock’s Zoning Bylaw.

ANALYSIS

The private store proponent at 1554 Foster Street is an owner-operated business, with multiple legal non-medical cannabis retail stores across BC (Vancouver, Tsawwassen, Ladner, Coquitlam, and Courtenay) that are already operating. The principals of the business include individuals with experience in consulting retail cannabis store operators through the municipal and provincial approval process in the past three years. This is in addition to their extensive experience working in consulting and project management roles related to real estate development and construction management.

The proposed location of the Imagine Cannabis store is an approximately 174 square metre (~1,873 square foot) space in a commercial complex, Central Plaza, located at 15100 North Bluff Road, which was most recently occupied by Debbie Mozelle Designer Optical and is currently vacant. The main entrance to the building is on Foster Street, with a secondary entrance that can be accessed from the northern parking lot within Central Plaza. There is a two-way vehicular access from North Bluff Road and a two-way vehicular access from Johnston Road to this parking lot. There are five (5) parking spaces on the property for customer use.

Overall Evaluation

Section 4.1.3 of the City's Zoning Bylaw currently limits consideration for new cannabis retail stores to the City's Town Centre, defined in the Bylaw as an area bounded by North Bluff Road, George Street, Thrift Avenue and Martin Street. Furthermore, the section also requires that such stores be tied to a TUP. As set out in Division 8, Section 497 in the *Local Government Act*, a TUP may be issued for a period of up to three (3) years plus an additional three (3) year period, subject to conditions that may be tied to the permit.

In addition to limiting this use within the above specified Town Centre Area, the following conditions noted under Section 4.1.3 in the Zoning Bylaw apply to this proposal:

- *The premises containing the cannabis store use shall be located a minimum of 100 metres from an entrance to an existing childcare centre (notwithstanding, a new childcare centre shall not be limited by the distance to a cannabis store).*

The Applicant has provided a site context plan mapping out all the existing childcare centres in relation to the subject site (See Appendix C). Staff confirms that the proposed location meets this requirement.

- *There shall be no more than three lots containing a cannabis store use in the area bounded by North Bluff Road, George Street, Thrift Avenue and Martin Street;*

If approved by Council, this location will be the second cannabis retail store within the Town centre. There is currently one approved cannabis store within the Town Centre located at 1484 Johnston Road.

- *The premises containing the cannabis store use shall be located a minimum of 30 metres from Byrant Park, Hodgson Park, and the Town Square located at 1510 Johnston Road;*

The Applicant has provided a site context plan mapping out all the existing childcare centres in relation to the subject site (See Appendix C). Hodgson Park, Bryant Park and the Town Centre are located approximately 59 metres, 188 metres and 236 metres respectively, from the proposed cannabis store location at 1554 Foster Street. Staff confirms that the proposed store is a minimum of 30 metres from these locations and therefore meets this bylaw requirement.

- *Unless a government cannabis store, the cannabis store has a valid license issued in accordance with the Cannabis Control and Licensing Act, as amended;*

This is a condition noted within the draft Temporary Use Permit (see Appendix G). If approved, a Building Permit will only be issued if all conditions noted within the TUP have been fulfilled.

- *The cannabis store shall not sell any goods or things until the Cannabis Act has come into force, and it has obtained a valid business licence (no business licence will be issued to any applicant for cannabis store use unless the City has been provided with written consent by the Owner or the Owner's Agent as authorized in writing by the Owner)*

The *Cannabis Act* is in effect, but a Building Permit and Business License cannot be issued without the LCRB License.

This proponent has also indicated they are supportive of good neighbour agreements and are willing to enter into an agreement with the City. Staff consider that this application does meet the expectations of the assessment criteria which is provided in Appendix B.

Staff have also reviewed the proposal against the factors outlined in the *Cannabis Control and Licensing Act* and the *Cannabis Licensing Regulation*, and offer the following for Council's consideration:

a) Location of the Establishment

The subject location for this proposed use is the former Debbie Mozelle Designer Optical store, which is a commercial unit within Central Plaza at 15100 North Bluff Road (see Appendix A- Location and Ortho Maps). Uses surrounding the property include a mix of commercial and residential uses located immediately south and west of the subject site, and Semiahmoo Shopping Centre in the City of Surrey located to the north of the site. Sussex House, a 7-storey mixed-use development (primarily residential) is located directly west of the subject site.

b) The Feedback from Residents and the Method used to Gather Feedback

On January 24, 2024, notice of the applications was circulated to 1,096 owners/occupants of land within 100 metres of the subject property. A Public Information Meeting (PIM) was held on 8th February 2024, to enable the proponent to present details of their project and to respond to comments and questions raised by participants. Staff accounted for approximately 40 people who attended the PIM, however, only 35 people filled out the sign-in sheet. A feedback form was made available at the meeting to allow interested stakeholders to formally voice their support or non-support for the proposal while also offering additional comments.

Prior to the PIM meeting, four email correspondences pertaining to the proposal were received. A majority (3) of these emails communicated non-support for the proposal, while one (1) email was related to meeting details. Of the three emails noting non-support, one included a signed petition from the 130 residents of Sussex House located at 1580 & 1581 Foster Street and 1550 & 1551 Martin Street (see Appendix D).

During the PIM, there was a mix of support and non-support expressed by participants. A total of 26 feedback forms were received with seven of the respondents offering their support for the proposal, 17 expressing non-support and two providing undecided as a response (see Appendix D). A PIM Summary was provided by the Applicant in response to the comments and questions received. The Summary included as Appendix E, identifies each of the issues raised by the public and offers a response. Appendix F further highlights the key issues of

concern raised by the public and offers a response on behalf of City staff and the Applicant, as appropriate. For ease of reference, the key issues identified by the public are as follows:

- Smoking of Cannabis in Public;
- The number of cannabis stores in the City;
- The limited on-street parking on Foster Street;
- Proximity of the use to homes/ children/recreational/ public areas;
- Concerns with loitering;
- Hours of retail sale;
- Increase in the homeless.

Appendix F outlines in greater detail the issues raised by the public and the Applicant's response, also detailed in their PIM Summary (Appendix E). City staff have added information and opinions regarding the Applicant's response to each issue, which can also be found in Appendix F. The following points are offered as a summary that staff believe will help to address the issues raised by the public:

- Both the City of White Rock Public Health Smoking Bylaw and the Provincial *Cannabis Control and Licensing Act* provide the City, and the RCMP, with the ability to issue fines for offenses against each regulation/statute;
- If Council approves the proposed use, this will be the second approved cannabis store in the Town Centre. This falls under the maximum limit of three lots permitted for cannabis store use in the Town Centre.
- Staff note that the former retail use would have required five parking spaces which is the same offered by the proposed cannabis store use. This proposed use would require 1 space per 37m², which, per the City's Zoning Bylaw, is a total of five spaces for a commercial unit size of 174 m². In addition to the off-street parking provided by the Applicant, on-street parking spaces are available on Foster Street, however, the current on-street parking restriction is a 3-hour maximum (medium-term).
- The Applicant has proposed several Crime Prevention Through Environmental Design (CPTED) measures in addition to safety and security compliance measures (e.g. placements of interior and exterior cameras, security film on all windows and doors with movable metal screens installed at night).
- The Liquor and Cannabis Regulation Branch (LCRB) provides general guidance on the hours of cannabis retail sale, supporting hours between 9:00 AM and 11:00 PM. The Applicant would like to operate their business within these hours.

Staff have undertaken a comprehensive review of the issues presented by the public and the Applicant's response to those issues. Staff notes that the other cannabis retail location in White Rock, at 1484 Johnston Road (A Little Bud Cannabis), has been in operation since 2020 with no complaints or incidents of concerns noted. With the recommended conditions incorporated into both the cannabis retail license and the temporary use permit, staff are supportive of the proposal.

COMMUNICATION AND COMMUNITY ENGAGEMENT IMPLICATIONS

As outlined above, notice of the applications and the PIM were provided to 1,096 owners/occupants of properties within 100 metres of the subject property. A total of five email responses were received and roughly 35 people attended the PIM. Further, 26 feedback forms were received with seven of those forms offering support for the project and 17 offering

opposition. Allowing the application to proceed to a Public Hearing/Meeting will provide an additional opportunity for the public to provide input on the proposal.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

The applications have been circulated through a process of interdepartmental review to internal departments and external agencies which included the RCMP and the City of Surrey. Both agencies noted that they have no concerns with the proposed applications.

The Parking division noted that there was concern about the lack of on-street short-term parking available for potential customers. The current on-street parking restriction is 3 hours maximum (medium term), which provides less frequent turnover than what the Applicant's customers might require. However, the private parking lot on Central Plaza or other private parking lots may support this need. No further concerns were noted.

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.

OPTIONS / RISKS / ALTERNATIVES

The following alternatives are available for Council's consideration:

1. Council could deny the temporary use permit and recommend that staff provide a resolution of non-support for the cannabis retail license to the LCRB;
2. Council could approve the temporary use permit and recommend that staff provide a resolution of support for the cannabis retail license to the LCRB subject to the satisfaction of the conditions outlined in this corporate report; or
3. Council could choose to defer the scheduling of a Public Hearing/Meeting pending additional due diligence into areas of interest as expressed during this meeting.

CONCLUSION

The City has received concurrent applications for a cannabis license referral and a temporary use permit which, if approved, would enable the establishment of a cannabis store in a vacant commercial space at 1554 Foster Street, located within 15100 North Bluff Road (Central Plaza). Staff and the Applicant have considered the feedback received from the public, and internal department/agency representatives, and are supportive of the proposal subject to the satisfaction of conditions to be tied to both the Provincial cannabis license and the temporary use permit. A copy of the Temporary Use Permit 23-015 is included in Appendix G. At this point, staff recommend that the proposal proceed to a Public Hearing/ Public Meeting.

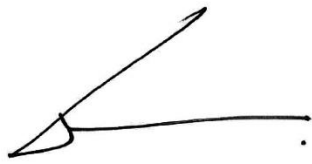
Respectfully submitted,



Anne Berry, MCIP RPP
Director, Planning and 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 long, sweeping horizontal stroke with a small loop at the end, and a shorter, curved stroke above it that starts from the left and ends under the main stroke.

Guillermo Ferrero
Chief Administrative Officer

- Appendix A: Location and Ortho Maps
- Appendix B: Evaluation of Proposal at 1554 Foster Street
- Appendix C: Application Package (Site Context Plan, Site and Floor Plan, Applicant's Business Plan)
- Appendix D: PIM Feedback Forms (including Petition)
- Appendix E: Applicant's PIM Summary
- Appendix F: Community Concerns & Response (Information)
- Appendix G: Draft Temporary Use Permit 23-015