

THE CORPORATION OF THE  
**CITY OF WHITE ROCK**  
CORPORATE REPORT



**DATE:** July 15, 2024

**TO:** Mayor and Council

**FROM:** Anne Berry, Director, Planning & Development Services

**SUBJECT:** Initial Review of 15065 Marine Drive (ZON00055/TUP00011/ LL00016)

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**RECOMMENDATIONS**

THAT Council:

1. Receive for information the corporate report dated July 15, 2024, from the Director of Planning and Development Services, titled " Initial Review of 15065 Marine Drive (ZON00055/ TUP00011/LL00016);" and
  2. Direct staff to process the zoning bylaw amendment; liquor license resolution and temporary use permit applications for 15065 Marine Drive; and
  3. Direct staff to proceed with preparing a zoning amendment bylaw to remove the potential to issue a temporary use permit for a cannabis retail store at 15053 Marine Drive.
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**EXECUTIVE SUMMARY**

On September 28, 2020, Council gave final reading to a bylaw, which amended the City of White Rock's Planning Procedures Bylaw, 2017, No. 2234, to enable an initial review of the zoning bylaw amendment ("rezoning") and official community plan amendments ("OCP amendment") applications. Upon receipt of an initial review report, Council can deny the application or direct staff to continue processing the file (without committing to the proposal's ultimate approval). An initial review is to provide Council with the opportunity to comment early on the project and to help avoid significant cost and time expended by staff and an applicant preparing a zoning bylaw amendment application for the first reading that may not have support.

If Council deems that the application meets the intent of the OCP, city bylaws and policies, Council may provide comments and direct the application to the next stage in the application process. If Council deems that the application does not meet the intent of the OCP, city bylaws and policies, Council may identify their concerns and send the application back to staff or not support the application. If rejected, an applicant would be refunded a portion of their application fees and may consider making a subsequent application responsive to Council's concerns or continuing the current land use on the property. Alternatively, they may choose to develop within their current zoning provisions.

The City of White Rock has received concurrent applications for a zoning bylaw amendment, temporary use permit and a cannabis license referral (resolution) which, if approved, would enable the creation of a cannabis retail store at **15065 Marine Drive**.

## **BACKGROUND**

The city has received three development applications, from *Seed & Stone* (the applicant), for the property located at 15065 Marine Drive (see Appendix A) to facilitate a retail Cannabis store. The three applications received by the city are as follows:

- Rezoning (ZON00055);
- Temporary Use Permit (TUP00011); and
- Liquor License Resolution (LL00016).

## **History**

*Seed & Stone* (the Applicant) applied to the Liquor and Cannabis Regulations Branch (LCRB) for a cannabis license to enable the sale of legally sourced cannabis at **15053 Marine Drive**. To carry out this business at 15053 Marine Drive the Applicant applied to the city for a zoning bylaw amendment and temporary use permit as well as, a Cannabis License Resolution. At the council meeting of September 20, 2021, Council adopted zoning bylaw amendment "White Rock Zoning Bylaw, 2012, No. 2000, Amendment (15053 Marine Drive- Cannabis Store) Bylaw, 2020, No. 2375" and approved Temporary Use Permit No. 20-018 to enable the sale of legally sourced cannabis at 15053 Marine Drive. Temporary Use Permit No. 20-018 was valid for a period of three years less a day subject to the holder of the Temporary Use Permit 20-018 obtaining the required building permits and commencing construction of the development as outlined in Temporary Use Permit No. 20-018 within two (2) years after the date of the permit otherwise the permit shall lapse. This condition has not been fulfilled; therefore, Temporary Use Permit 20-018 has lapsed. There has been no business license issued for the sale of legally sourced cannabis at 15053 Marine Drive.

There was a building permit (BP) application submitted for the subject property with respect to the proposed cannabis store at 15053 Marine Drive. The following is the history of the building permit file:

- May 25, 2021 - BP application intake.
- October 8, 2021 - BP issuance.
- November 15, 2021 - PP (Plumbing Permit) issued.
- November 23, 2021 – PP inspection called, found work done exceeded the scope of work outlined in the permits (both BP and PP).
- February 2, 2023 – The Applicant submitted an Alternative Solution to address work down outside the scope of the issued permit that was rejected due to inaccuracy of the architectural assessment of the property.
- March 23, 2023 – Structural Engineer removed themselves from the project, multiple attempts to contact the Applicant to resolve this situation with no outcome.
- April 13, 2023 – Applicant requested time extension for another six (6) months to continue work.
- October 13, 2023 – reminder sent to Applicant that the permit would be cancelled if no meaningful activity takes place.

- December 14, 2023 – Liquor and Cannabis Regulation Branch emailed the city that the Liquor and Cannabis Regulation Branch application was terminated. The license expired on September 30, 2022.
- January 3, 2024 – Permits expired for no meaningful activity and a notice to demolish posted as the building was deemed to be uninhabitable.
- April 18, 2024 – Under new ownership the Building department received a demolition permit application that is not in a complete form. The Applicant has been advised of the required information to complete the application. To date, this information has not been received.

To date, there has been no application for an extension to Temporary Use Permit 20-018 and the building permit expired for no meaningful activity and a notice to demolish was posted as the building was deemed to be uninhabitable and under new ownership with no new letter of authorization for the current applicant to continue the application.

### Current Applications

The Applicant has applied to amend zoning bylaw, 2024, No. 2506 Section 4.0 General Provisions and Regulations 4.1.3 on a site-specific basis for the property located at **15065 Marine Drive** (see Figure 1 below) to permit the possibility for the issuance of a Temporary Use Permit to operate a retail Cannabis store. The Applicant's letter of intent is attached as Appendix B to this report. The subject property is located two properties east of **15053 Marine Drive** (see Figure 1 below). Council amended the zoning bylaw to permit the potential issuance of a Temporary Use Permit for a retail Cannabis store at 15053 Marine Drive on September 20, 2021. The application at 15053 Marine Drive is detailed above in the history section.

Figure 1



The zoning bylaw General Provisions and Regulations Section 4.1.3 permits cannabis stores under the issuance of a Temporary Use Permit, but limits the locations to "... the Town Centre area, bounded by North Bluff Road, George Street, Thrift Avenue, and Martin Street, in accordance with the following general conditions:

- i) the premises containing the cannabis store use shall be located a minimum of 100 metres from an entrance to an existing child care centre (notwithstanding, a new child care centre shall not be limited by the distance to a cannabis store);
- ii) 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;
- iii) 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;
- iv) unless a government cannabis store, the cannabis store has a valid license issued in accordance with the *Cannabis Control and Licensing Act*, as amended;
- v) 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).<sup>1</sup>

The subject property falls outside of the area in which the zoning bylaw permits a Temporary Use Permit to be considered for a cannabis retail store use. The zoning bylaw also limits the number of Temporary Use Permits that can be issued within the defined Town Centre area to three (3) stores. Currently, there are two (2) cannabis retail store locations permitted within the City of White Rock, 1 store (A Little Bud) in the Town Centre area, and one permitted at **15053 Marine Drive**. There is presently an application for a second cannabis retail store (Imagine Cannabis) within the Town Centre area.

To facilitate the proposed cannabis store at **15065 Marine Drive** an amendment will be required to the zoning bylaw to permit a temporary use permit to be considered for a cannabis retail store outside of the Town Center area.

The temporary use permit application will not be forwarded to Council for consideration unless Council moves forward with the rezoning application and grants third reading to a zone amending bylaw to permit the temporary use permit for a retail cannabis store at **15065 Marine Drive**.

To date, the city has not received a referral from the BC Liquor and Cannabis Regulations Branch with respect to operating a cannabis retail store at **15065 Marine Drive**. In light of this, the processing of the Liquor and Cannabis License Resolution Request is on hold until such a request is received. Since this is an initial application, the city will require the referral as part of the complete application stage.

#### **Amending Zoning for 15053 Marine Drive**

The zoning bylaw currently permits the potential for the issuance of a temporary use permit at **15053 Marine Drive** to operate a cannabis retail store. If zone amending application ZON00055 proceeds the intent of the application is to amend the zoning bylaw to permit the potential issuance of a temporary use permit for a cannabis retail store at **15065 Marine Drive**. If approved this would increase the potential to issue temporary use permits for cannabis retail stores within the city. Council has the authority under the *Local Government Act* to amend zoning bylaws without the approval of the landowner whose land may be affected by the zoning change. Section 458 of the *Local Government Act* does not require Council to provide

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<sup>1</sup> Zoning Bylaw, 2024, No. 2506

compensation to the property owner (see expert below) from the *Local Government Act, Section 458*:

***Limit on compensation***

**458** (1) *Compensation is not payable to any person for any reduction in the value of that person's interest in land, or for any loss or damages that result from any of the following:*

(b) *the adoption of a bylaw under*

(i) *Division 5 [Zoning Bylaws],<sup>2</sup>*

If Council does not wish to increase the number of properties that could potentially have the issuance of temporary use permits outside of the Town Centre area, then an amendment will be required to the zoning bylaw to delete **15053 Marine Drive** as a property that has the potential for the issuance of a temporary use permit for a cannabis retail store. Council could also choose/opt to not move forward with the proposed zone amending application at **15065 Marine Drive** and delete **15053 Marine Drive** from the zoning bylaw as a property that has the potential for the issuance of a temporary use permit for a cannabis retail store. In doing this it would only permit properties that have the potential for the issuance of a temporary use permit for a cannabis retail store within the Town Centre area which was the original area to consider these uses.

**COMMUNICATION AND COMMUNITY ENGAGEMENT IMPLICATIONS**

If supported by Council, the **15065 Marine Drive** Zoning bylaw amendment would proceed to the next step in the application process, after a complete application package is received, which is a Public Information Meeting (PIM) as outlined within the *Planning Procedures Bylaw Schedule G*.

Once the PIM is completed and circulation of the application for interdepartmental and external comments, bylaws will be presented to Council for 1<sup>st</sup> and 2<sup>nd</sup> readings. These applications would also be subject to a Public Hearing, enabling additional community engagement, Notice of the PIM and Public Hearings would be circulated to owners and occupants of properties within 100m of the subject property.

**INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS**

The early review of zoning bylaw amendment applications brings such applications before Council prior to referral to internal city departments, and several external agencies (e.g. School District, RCMP, Surrey etc.). Interdepartmental referral will be conducted if Council directs the application to proceed.

**ALTERNATIVES**

The following alternatives are available for Council's consideration:

1. Direct staff to process the zoning bylaw amendment; liquor license resolution and temporary use permit applications for 15065 Marine Drive; and
2. Direct staff to proceed with preparing a zoning amendment bylaw to remove the potential to issue a temporary use permit for a cannabis retail store at 15053 Marine Drive; or
3. Council may deny the application; or

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<sup>2</sup> [Local Government Act](#)

4. Council may direct the application to proceed to the next stage in the process and give additional direction on any additional focus or scrutiny during the review process.

**CONCLUSION**

The zoning bylaw amendment application to permit the issuance of a temporary use permit for a retail cannabis store at **15065 Marine Drive** will increase the total number of cannabis stores in the city. In addition, the rezoning would permit an additional property to be considered for a temporary use permit for a retail cannabis store outside of the Town Centre Area that the zoning bylaw currently limits temporary use permits to except for the one that was done on a site-specific bases for Seed and Stone for the property located at **15053 Marine Drive**.

Table 1 below shows courses of action available to Council, as they relate to the current and previous applications for each property:

*Table 1*

| <b>Possible Course of Actions for Council to consider</b> |  |   |   |  |   |
|---|--|---|---|--|---|
| <b>Property</b>   | <b>Applications</b>  | <b>Application Status</b>   | <b>Course of Action 1</b>   | <b>Course of Action 2</b>  | <b>Course of Action 3</b>   |
|   |  |   | Would increase the number of permitted Cannabis Retail Stores within the City and permit 2 outside of the Town Centre area. | Would maintain the same number of Cannabis Retail Stores within the City and permit 1 outside of the Town Centre area. | Would eliminate Cannabis retail stores outside of the Town Centre Area. |
| <b>15065 Marine Drive</b>                                 | <b>Current Applications</b><br>ZON00055/<br>TUP00011/LL00016 | <b>Initial application -</b><br>Council to determine if the zone amending bylaw will move forward to permit the potential for the issuance of a Temporary Use Permit to permit a cannabis retail store at <b>15065 Marine Drive</b> . | That Staff be directed to process the zoning bylaw amendment application.   | That Staff be directed to process the zoning bylaw amendment application   | Council deny the application.   |

|                                  |  |  |  |  |  |
|----------------------------------|--|--|--|--|--|
| <p><b>15053 Marine Drive</b></p> | <p><b>Previous Application</b><br/>ZON 20-018</p>                      | <p><b>Approved</b> – Zoning bylaw amended to permit the potential for the issuance of a Temporary Use Permit to permit a cannabis retail store at 15053 Marine Drive</p> | <p>No action.</p>  | <p>Council direct staff to commence a zoning bylaw amendment to remove 15053 Marine Drive as a property that is permitted to be issued a temporary use permit for a cannabis retail store.</p> | <p>Council direct staff to commence a zoning bylaw amendment to remove 15053 Marine Drive as a property that is permitted to be issued a temporary use permit for a cannabis retail store.</p> |
| <p><b>15053 Marine Drive</b></p> | <p><b>Previous Application</b><br/>Temporary Use Permit No. 20-018</p> | <p><b>Issued - Expired.</b><br/>No application was received to extend the permit.</p>  | <p>No Action is required as the permit has expired.</p>                    | <p>No Action is required as the permit has expired.</p>  | <p>No Action is required as the permit has expired.</p>  |
| <p><b>15053 Marine Drive</b></p> | <p><b>Previous Application</b><br/>LL 20-018</p>                       | <p><b>Endorsed</b></p>   | <p>No Action is required as the license expired on September 30, 2022.</p> | <p>No Action is required as the license expired on September 30, 2022.</p>   | <p>No Action is required as the license expired on September 30, 2022.</p>   |

It is, therefore, recommended if Council is in support of a cannabis retail store at **15065 Marine Drive** that staff be directed to process the zoning bylaw amendment application. If Council does not want to increase the potential for properties that could be issued a temporary use permit for cannabis retail stores Council should direct staff to commence a zoning bylaw amendment to remove **15053 Marine Drive** as a property that is permitted to be issued a temporary use permit for cannabis retail store. If Council wants to limit the potential for the issuance of a temporary use permit for cannabis retail stores to properties only within the Town Centre area, then it is recommended that Council direct staff to commence a zoning bylaw amendment to remove **15053 Marine Drive** as a property that is permitted to be issued a temporary use permit for cannabis retail store and not move forward with zoning bylaw amendment for **15065 Marine Drive**.

Respectfully submitted,

Reviewed by,




Wendy Cooper, M.Sc., MCIP, RPP  
Planner

Neethu Syam  
Planning Division Lead

Approved by,

A handwritten signature in black ink, appearing to read 'Anne Berry', enclosed within a faint, light-colored oval border.

Anne Berry, MCIP, RPP  
Director of Planning & Development Services and  
Acting Chief Administrative Officer

Appendix A: Subject and Ortho Maps  
Appendix B: Applicant Letter of Intent