

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



**DATE:** May 31, 2021

**TO:** Land Use and Planning Committee

**FROM:** Carl Isaak, Director, Planning and Development Services

**SUBJECT:** Cannabis License Referral and Temporary Use Permit, 1421 Johnston Road (21-006)

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**RECOMMENDATIONS**

THAT the Land Use and Planning Committee recommend that Council:

1. Direct planning staff to obtain public input through a combined public hearing (license referral) and public meeting (temporary use permit) conducted as an electronic meeting with notice of the meeting given in accordance with Section 466 of the *Local Government Act*, including notice in newspapers and distribution by mail to property owners / occupants within 100 metres of the subject property;
2. Authorize staff, pending the results of the electronic 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 1421 Johnston Road, subject to the inclusion of the following conditions within the license:

a) The hours of retail (cannabis) sale shall be limited to the following:

	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
Open	09:00	09:00	09:00	09:00	09:00	09:00	09:00
Closed	23:00	23:00	23:00	23:00	23:00	23:00	23:00

- b) The retail sale of cannabis and any related products shall be limited to a retail floor area of no greater than 56 square metres (600 square feet).
3. Pending the results of the electronic public meeting, approve of the issuance of Temporary Use Permit (TUP) Number 21-006 subject to the conditions as outlined in the draft TUP attached to this corporate report (see Appendix I) in addition to any other condition(s) deemed necessary to address potential impacts to nearby residents as identified through the public consultation process.
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## **EXECUTIVE SUMMARY**

The City of White Rock has received concurrent applications for a temporary use permit and a cannabis license referral (resolution) which, if approved, would enable the creation of a cannabis retail store at 1421 Johnston Road, which is a commercial unit within the shops at Miramar Village. City staff have reviewed the technical merits 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 investigations, 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 proposal be referred to a public hearing / meeting.

## **PREVIOUS COUNCIL DIRECTION**

The motions noted below relate to the support of Council for advancing public consultation efforts using electronic / digital resources in light of the COVID-19 pandemic.

<b>Motion # &amp; Meeting Date</b>	<b>Motion Details</b>
2020-024 January 13, 2020	THAT Council gives first and second readings to “White Rock Zoning Bylaw, 2012, No. 2000, Amendment (Cannabis Store Separations) Bylaw, 2020, No. 2323”. [CARRIED]  <i>Note Bylaw 2323 amended White Rock Zoning Bylaw, 2012, No. 2000 to enable “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”.</i>
2020-070 February 10, 2020	THAT Council gives third and final reading to “White Rock Zoning Bylaw, 2012, No. 2000, Amendment (Cannabis Store Separations) Bylaw, 2020, No. 2323” [CARRIED]
2020-344 June 15, 2020	THAT Council recommends Appendix B as appended to the corporate report dated June 15, 2020, titled “Planning Procedures Bylaw Amendment - Electronic Public Hearings for Liquor and Cannabis Licence Referrals and Delegation of Liquor Primary Club Licences” be referred for consideration of adoption under the Bylaws section of the June 15, 2020 regular Council meeting agenda. [CARRIED]
2020-601 December 7, 2020	THAT Council direct staff to proceed with fully virtual public hearings / meetings for development applications, providing options for both written comments and verbal submissions via digital communication / phone-in access. [CARRIED]

## **INTRODUCTION/BACKGROUND**

Seed & Stone (the ‘Applicant’) has applied to the Liquor and Cannabis Regulations Branch (LCRB) for a cannabis license to enable the retail sale of non-medical cannabis at 1421 Johnston Road (‘subject property’). In addition to the license referral request, the Applicant is seeking approval of a temporary use permit (TUP), subject to compliance with the provisions of Section 4.1.3 of City of White Rock Zoning Bylaw, 2012, No. 2000 (‘Bylaw’). The noted section of the Bylaw was amended on February 10, 2020 to permit up to three (3) lots containing a cannabis store in the area bounded by North Bluff Road, George Street, Thrift Avenue, and Martin Street (the “Town Centre” area). Any approved TUP would, per Division 8, Section 497 of the *Local Government Act*, be issued for a period of up to three (3) years plus the potential for an additional three (3) year period, subject to the satisfaction of conditions that may be tied to the permit.

Staff have 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 proposed cannabis store would be located in one of the commercial retail units within the Miramar development fronting onto Johnston Road being roughly 20 metres north of Thrift Avenue; the unit has been assigned civic address 1421 Johnston Road (see Appendix A – Location and Ortho Maps and Appendix B – Site Photos). The commercial retail unit is situated on the ground floor of a 15 storey mixed use residential tower (see Appendix C – Floor Plan). Similar mixed land uses are found within the immediate vicinity of the property with commercial uses commonly fronting onto Johnston Road with residential uses above. Other commercial / retail uses within walking distance of the proposed store include financial institutions, restaurants, cafes, breweries, pharmacies, health service offices, and small boutiques. It is noted that A Little Bud, being another cannabis store in the City's Town Centre, is situated approximately 130 metres north of the proposed store.

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

On March 31, 2021, notice of a Public Information Meeting (PIM) and information regarding the cannabis license referral and temporary use permit applications were circulated to roughly 1,485 owners and occupants of property within 100 metres of the subject property. The PIM was held on April 15, 2021 to enable the proponent to present details of their project and to respond to comments and questions raised by participants; approximately 20 people attended the PIM. A digital feedback form was made available through the City's webpage to allow interested stakeholders to formally voice their support or non-support for the proposal while also offering additional comments.

A total of four digital feedback forms were received and are included as Appendix D. The Applicant's PIM Summary, which includes a response to the comments received, is provided in Appendix E. In addition to the PIM feedback forms, written correspondence was received via email and letters to Council from six persons. City staff and the Applicant have reviewed the comments received and have included a response to the related land use issues and potential impacts to residents. Both the original comments and the responses are included in Appendix F.

For ease of reference the key issues identified by the public are summarized below with greater merit given to the issues / concerns in the following sections of this report:

- Number of stores within the Town Centre should be limited to one;
- Increased potential for loitering, drug trafficking (crime), pan handling, and graffiti;
- Proximity of the use to children / recreational / public areas;
- Disruption of traffic along Johnston Road;
- Desire for greater diversity in businesses other than those that sell alcohol or cannabis;

Number of Stores

Two of the comments received expressed concern regarding the introduction of a second cannabis retail store in the Town Centre when it was understood that the original approach to cannabis retail stores was to allow only one store in the Town Centre on a temporary basis as a form of pilot program. As summarized in the "Previous Council Direction" table, amendments were made to the City's Zoning Bylaw in February 2020 to enable, without

the necessity of a zoning bylaw amendment, up to three (3) cannabis stores within the Town Centre area, subject to the receipt of a temporary use permit and the satisfaction of several conditions as outlined in Section 4.1.3 of the Zoning Bylaw. The current application conforms to the zoning framework applicable to the proposal.

Potential for Crime and other Negative Behavior

Notice of the application was circulated to the RCMP and School District No. 36 (Surrey). Responses from the two agencies are provided in Appendices G and H, respectively. The RCMP letter notes that, as it relates to A Little Bud:

“there have been no reports to police that indicate that it is problematic. There have been no reports of customers consuming cannabis in the immediate area. Moreover, there have been no complaints regarding problematic vehicle or pedestrian traffic associated to the store.”

Further, the letter notes:

“From January 1, 2020 to April 10, 2021 there have been 20 police files coded as Cannabis Control and Licensing Act. These complaints are not connected to cannabis stores, and are otherwise too low in number and circumstance to identify a specific issue or pattern. Overall, the two cannabis stores in and around White Rock have not been problematic from a calls for service point of view, aside from the road congestion on East Marine. Consideration should be for sufficient short-term parking for this frequent in and out business.”

Regarding parking, staff note that the supply requirements for the cannabis (commercial) store have are satisfied within the Comprehensive Development Zone No. 16 (CD-16), applicable to the Miramar development. The Applicant’s PIM Summary further acknowledges the supply of on-street parking adjacent to the proposed cannabis store as well as the availability of pay parking within walking distance of the property, which should help to avoid short term disruptions to the flow of traffic along Johnston Road and Thrift Avenue.

Proximity to Vulnerable Populations (Children)

Comments from the School District note:

“The Surrey School District expresses general concern with any business selling cannabis-containing products (particularly in and around school hours) in close proximity to any of our schools.”

The letter acknowledges that the proposed cannabis store would, if approved, be situated approximately one block northwest of White Rock Elementary School. Pursuant to Section 4.1.3.b) i) of the Zoning Bylaw, a cannabis store authorized by a temporary use permit must be a minimum of 100 metres from any existing childcare centre, recognizing that such places accommodate the early learning activities and care of vulnerable (young) children. In this case, the closest child care centre would be the “Little Footprints Academy” at 15141 Russell Avenue, being approximately 270 metres from the proposed storefront at 1421 Johnston Road. The closest point of White Rock Elementary is approximately 250 metres from the subject property. The Applicant’s response letter acknowledges the following measures to be taken as a means of lessening the potential influence of the business on vulnerable groups:

- Implement storefront design that will prevent the youth of White Rock from seeing any cannabis or accessories;

- Remove the word cannabis from our signage so exposure to youth will be negated;
- Put together a marketing campaign with the help of SOURCES to warn of the dangers of cannabis in youth with a focus on the effects of cannabis on the growing brain; and
- Implement CPTED in conjunction with the RCMP to keep the neighborhood safe.

Appendix I to this report includes a draft copy of Temporary Use Permit No. 21-006. The Permit includes a series of terms and conditions, two of which would implement the limits on storefront design and signage.

#### Disruption to Traffic

Customers of the proposed cannabis store would be expected to use available, public parking, if attending the business, or any other business in the City's core commercial area. As noted by the RCMP, road congestion along Marine Drive has been experienced and is presumably associated with the high volume of short term traffic coming and going from Indigenous Bloom, the cannabis store situated on Semiahmoo First Nation land. The availability of off-street parking to serve the proposed cannabis store at 1421 Johnston Road would help to alleviate any potential disruption to traffic along both Johnston Road and Thrift Avenue.

#### Diversity of Businesses

The proposed cannabis retail store would add to the diversity of businesses in the City's Town Centre and unlike other commercial businesses, the overall volume of such stores is limited to three sites, as stipulated in Section 4.1.3 of the City's Zoning Bylaw. The Applicant has provided their Business Plan, which provides information regarding growth in retail cannabis sales since legalization (see Appendix J).

Staff have undertaken a comprehensive review of the issues presented by the public and the Applicant's response to those issues. With the recommended conditions incorporated into both the cannabis retail license and the temporary use permit, staff are supportive of the proposal moving forward for a public meeting / hearing and obtaining additional public feedback.

### **FINANCIAL IMPLICATIONS**

Not applicable.

### **LEGAL IMPLICATIONS**

Not applicable.

### **COMMUNICATION AND COMMUNITY ENGAGEMENT IMPLICATIONS**

As outlined above, notice of the applications and the PIM were provided to 1,485 owners / occupants of properties within 100 metres of the subject property. Ten pieces of correspondence were received and roughly 20 people attended the PIM. Allowing the application to proceed to public hearing / meeting will provide an additional opportunity to receive public input.

### **INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS**

The applications have been circulated through a process of interdepartmental review. The Applicant has addressed the issues raised by City staff.

### **CLIMATE CHANGE IMPLICATIONS**

Not applicable.

### **ALIGNMENT WITH STRATEGIC PRIORITIES**

Council has continued to advance economic development strategies that will help “to grow a sustainable, livable and prosperous community”. The policies of the Official Community Plan recognize the Town Centre as the heart of the City, being a neighbourhood, city-wide and regional destination. The OCP further promotes opportunities to utilize land, support local jobs and local businesses, and to increase the tax base. Enabling a diversity of businesses in the commercial core of the City will uphold the strategic priorities of Council as they relate to economic development and local business growth.

### **OPTIONS / RISKS / ALTERNATIVES**

The following alternatives are available for Land Use and Planning Committee’s consideration:

1. Council deny the temporary use permit and that staff provide a resolution of non-support for the cannabis retail license to the LCRB;
2. Council provide alternative conditions in the draft Temporary Use Permit, as identified by the LUPC, prior to proceeding with a public hearing/meeting; or
3. Council could 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 retail unit within the Miramar development; the civic address of the store would be 1421 Johnston Road. 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. At this point, staff recommend that the proposal proceed to a public hearing / public meeting.

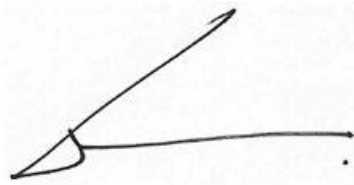
Respectfully submitted,



Carl Isaak, RPP, MCIP  
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 & Ortho Maps
- Appendix B: Site Photos
- Appendix C: Floor Plan
- Appendix D: PIM Feedback Forms
- Appendix E: Applicant's PIM Summary
- Appendix F: Community Concerns & Response
- Appendix G: Feedback from the RCMP
- Appendix H: Feedback from School District No. 36 (Surrey)
- Appendix I: Draft Temporary Use Permit 21-006
- Appendix J: Applicant's Business Plan