

THE CORPORATION OF THE
CITY OF WHITE ROCK
CORPORATE REPORT



DATE: September 20, 2021

TO: Mayor and Council

FROM: Carl Isaak, Director, Planning and Development Services

SUBJECT: Completion of Development Pre-Requisites for Zoning Amendment Bylaw, Temporary Use Permit, and Cannabis License Referral, 15053 Marine Drive (LL/ZON/TUP, 20-018)

RECOMMENDATIONS

THAT Council direct staff to forward a copy of the February 8, 2021 Land Use and Planning Committee report, titled “Application for Cannabis License Referral, Zoning Bylaw Amendment, and Temporary Use Permit, 15053 Marine Drive (LL/ZON/TUP 20-018),” 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 15053 Marine Drive, subject to the inclusion of the following licensing conditions:

- 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	22:00	22:00	22:00	22:00	22:00	22:00	22:00

- b) Customer (non-employee) access to the retail store shall be limited to the Marine Drive (south) side of the building.
- c) The retail sale of cannabis and any related products shall be limited to a retail floor area of no greater than 62 square metres (667 square feet).
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EXECUTIVE SUMMARY

On February 8, 2021, staff presented the Land Use and Planning Committee with recommendations regarding applications for zoning bylaw amendment, a temporary use permit (TUP), and a cannabis license referral that, if approved, would enable the establishment of a cannabis store at 15053 Marine Drive. Subsequent to the February 8, 2021 meeting, Council gave first, second, and third readings to the zoning amendment bylaw with final adoption being subject to the satisfaction of engineering requirements and confirmation from the RCMP that the agency has reviewed the proposal from a Crime Prevention Through Environmental Design (CPTED) perspective.

In addition to the noted zoning pre-requisites, Council directed staff to ensure that the Provincial Liquor and Cannabis Regulation Branch (LCRB) was made aware of conditions to be tied to the cannabis (retail) license and that specific conditions were built into the TUP. The motions associated with Council’s review of the applications are outlined, with details, in the following table. Staff have confirmed that the Applicant has now addressed the zoning amendment pre-requisites thereby enabling Council to give final adoption to the bylaw (No. 2375). Furthermore, staff have incorporated the conditions recommended by Council into the TUP which, following adoption of the bylaw, would be ready for execution (see TUP 20-018 in the Permits section later in this Regular Council agenda). If Council gives final approval to the rezoning application, staff are prepared to circulate information to the LCRB as it relates to the cannabis license and work with the City’s signatories, and the Applicant, to execute the TUP. The bylaw and TUP are provided later in the Regular Council agenda for bylaw adoption and permit issuance.

PREVIOUS COUNCIL DIRECTION

Motion # & Meeting Date	Motion Details
Motion 2021-066 February 8, 2021	THAT Council gives first and second readings to “White Rock Zoning Bylaw, 2012, No. 2000, Amendment (15053 Marine Drive – Cannabis store) Bylaw, 2021, No. 2375.”
Motion 2021-127 March 8, 2021	THAT Council give third reading to “White Rock Zoning Bylaw, 2012, No. 2000, Amendment (15053 Marine Drive – Cannabis store) Bylaw, 2021, No. 2375.”
Motion 2021-128 March 8, 2021	<p>THAT Council direct staff to:</p> <ol style="list-style-type: none"> 1. Resolve the following issues prior to final adoption: <ol style="list-style-type: none"> a. Ensure that all engineering requirements and issues are resolved to the satisfaction of the Director of Engineering and Municipal Operations including, but not limited to, the receipt of approval for the encroachment of buildings and structures within the City’s road right-of-way and confirmation of an agreement for the off-street loading of vehicles on a property generally being within 60 metres of the subject property (it may be required that the agreement be registered on title by way of a covenant); and b. That the applicant provide confirmation from the RCMP, that the agency has undertaken a review of the design / programming of the rear portion of the property, taking into account the principles of Crime Prevention Through Environmental Design. 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 15053 Marine Drive, subject to the inclusion of the following conditions within the license: <ol style="list-style-type: none"> a. The hours of retail (cannabis) sale shall be limited to the following:

	<table border="1"> <tr> <td></td> <td>Sun</td> <td>Mon</td> <td>Tues</td> <td>Wed</td> <td>Thurs</td> <td>Fri</td> <td>Sat</td> </tr> <tr> <td>Open</td> <td>09:00</td> <td>09:00</td> <td>09:00</td> <td>09:00</td> <td>09:00</td> <td>09:00</td> <td>09:00</td> </tr> <tr> <td>Closed</td> <td>22:00</td> <td>22:00</td> <td>22:00</td> <td>22:00</td> <td>22:00</td> <td>22:00</td> <td>22:00</td> </tr> </table> <p>b. Customer (non-employee) access to the retail store shall be limited to the Marine Drive (south) side of the building.</p> <p>c. The retail sale of cannabis and any related products shall be limited to a retail floor area of no greater than 62 square metres (667 square feet), being the space accessible via the Marine Drive (south) side of the property.</p> <p>3. Pending the results of the electronic public meeting and final adoption of Zoning Amendment Bylaw No. 2375, approve of the issuance of Temporary Use Permit 20-018. The TUP shall include conditions as follows:</p> <p>a. Customer access to the retail store shall be limited to the Marine Drive (south) side of the building.</p> <p>b. The Permittee shall lease from the City a minimum of two (2) parking spaces from the Montecito Parkade for the duration of the temporary use permit;</p> <p>c. The Permittee shall purchase one City of White Rock “Merchant” parking decal for the Waterfront Commercial area; and</p> <p>d. The owner shall remove all structures which encroach into the City’s boulevard along Marine Drive save and except for those that are tied, structurally, to the principal building. An encroachment agreement shall be executed for any portion of the building that is to remain within the City boulevard.</p>		Sun	Mon	Tues	Wed	Thurs	Fri	Sat	Open	09:00	09:00	09:00	09:00	09:00	09:00	09:00	Closed	22:00	22:00	22:00	22:00	22:00	22:00	22:00
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Motion 2021-129 March 8, 2021	<p>THAT Council requests the proponent of 15053 Marine Drive be asked to allow customers to carry "pagers" as an ongoing practice so they can walk around the waterfront while waiting but not lose their place in line; and further</p> <p>THAT this continue following the COVID-19 pandemic where customers are limited in the store at this time but will stop sidewalk line-up / congestion.</p>																								

INTRODUCTION/BACKGROUND

On February 8, 2021, Council gave first and second readings to Bylaw No. 2375, being a bylaw to amend City of White Rock Zoning Bylaw, 2012, No. 2000, and provided conditional support for a cannabis license referral application and a Temporary Use Permit (TUP) that, if approved, would enable the establishment of a cannabis store at 15053 Marine Drive. A public hearing / meeting regarding the applications was held on March 1, 2021 and Council gave third reading to the zoning amendment bylaw on March 8, 2021. The following issues were to be resolved by the applicant prior to bringing this proposal back to Council for final bylaw adoption:

- a) Ensure that all engineering requirements and issues are resolved to the satisfaction of the Director of Engineering and Municipal Operations including, but not limited to, the receipt of approval for the encroachment of buildings and structures within the City’s road right-of-way and confirmation of an agreement for the off-street loading of vehicles on a

property generally being within 60 metres of the subject property (it may be required that the agreement be registered on title by way of a covenant); and

- b) That the applicant provide confirmation from the RCMP, that the agency has undertaken a review of the design / programming of the rear portion of the property, taking into account the principles of Crime Prevention Through Environmental Design.

As it relates to the engineering requirements, staff can confirm that the Applicant has now entered into an encroachment agreement to enable the continued use of the building, a portion of which occupies the City’s boulevard. With respect to loading activities, staff have explored several options with the Applicant to ensure that the business does not result in disruptions to the flow of traffic along Marine Drive or negatively impact residents living north of the property. Given the constrained nature of developed lands along Marine Drive, staff have introduced into the TUP, a condition enabling temporary loading activities to occur within the Marine Drive roadway subject to such activities taking place during off-peak periods of traffic and being limited to those hours tied to delivery activities as outlined in City of White Rock Noise Control Bylaw, 2013, No. 2018. To this end, the following condition is proposed:

“h) Loading activities, if not occurring within an off-street permitted loading space, shall be limited to occurring within the Marine Drive roadway within 50 metres of the Lands between the hours of 06:00am and 11:00am Monday through Saturday, or 06:00am and 8:00am on Sundays and “Holidays” as defined in City of White Rock Noise Control Bylaw, 2013, No. 2018;”

The condition outlined above would replace the following condition which was included in draft TUP No. 20-018, presented to the Land Use and Planning Committee on February 8, 2021:

“h) The Permittee shall provide the City of White Rock with confirmation of a legal agreement which confirms the availability of one off-street loading space being situated within 50 metres of the property subject to the permit;”

When the planning applications for the cannabis store were first circulated to the RCMP, the agency carried out a review of the proposal primarily considering the exterior of the store and its context. A summary of the RCMP’s review of the proposal, and the Applicant’s response to noted areas of interest, is provided below in Table 1.

Table 1: RCMP’s Crime Prevention Review & Applicant’ Response to Recommended Actions

Area / Item	RCMP’s Recommended Action	Applicant’s Response
Perimeter	Address to be visible from the front (Marine Drive) and rear (Marine Lane) sides of the property	Addressing to be incorporated into façade improvements at the front and rear portions of the building. The ivy has been removed and patio structure will be removed upon receipt of building permit.
	Ivy and patio structure along Marine Drive should be removed so entrance clearly visible from the street and to prevent / discourage loitering.	
	Entrances and exits should be visible and clearly marked.	
Landscaping / Garbage	Rear of building in disarray and garbage deposited amongst bushes and weeds.	Rear portion of the building has been cleared of weeds and landscaping to be implemented to improve visibility.

Area / Item	RCMP's Recommended Action	Applicant's Response
		Moving forward garbage will be stored in the rear portion of the building.
Fencing	Low profile fence recommended at front of property to delineate property line from sidewalk.	<i>Staff Note: existing building encroaches into the municipal boulevard. Applicant working with the City on an encroachment agreement to recognize existing conditions. Patio structures within the boulevard will be removed with a building permit lessening encumbrances along the sidewalk.</i>
	Rear fencing with self-locking gate recommended to separate the property from the laneway and to reduce the possibility of crime.	Fencing, security cameras, and mirrors to be installed at the rear portion of the building to support staff safety. A self-locking gate will be used.
Lighting	Maximize natural lighting by limiting window coverings. Introduce lighting at the entrance / exit to support visibility and safety. Lighting should include the use of shields to avoid spillover onto neighbouring properties.	A see-through (one directional) film will be used to restrict views into the store while maintaining natural lighting. Outdoor lighting to be incorporated into the façade design to support visibility at both the front and rear. The siting and design of lighting to be implemented as recommended by RCMP.
Security Systems	Security systems to be installed per Provincial requirements. Panic alarms for staff recommended along with minimum of two staff working in store at all times.	Comprehensive security system to be installed as recommended. Intent is to have a minimum of two staff working at all times.
Front Door	High-security doors recommended along with doorbell or chime to announce customers.	
Rear Door	Visibility to be improved as noted. Suggested that rear door be used for emergency purposes only. New stairs need to be built in case of emergency. Rear door needs to be of high security and have a door viewer as well as drop bar for added security.	Doors will be installed as recommended including the use of a door chime. Suggestions regarding rear door and stair use will be implemented.
Windows	Front windows should have reflective film to allow visibility outwards but not inwards, thereby screening views of cannabis product from the outside.	Reflective film proposed as noted above and views out from the store will not be hindered with posters / signage; there is a desire to maintain the nice views outwards towards the waterfront / pier. Windows will be installed with alarms.

Area / Item	RCMP's Recommended Action	Applicant's Response
	Windows need to be alarmed or barred or have roll down metal blinds for extra security at night. Windows should not be covered with posters or signs that would limit visibility for staff.	
Miscellaneous	Recommend locked area / cabinet for staff belongings. Interior office door with lock and access to the office limited to staff only. Limit the number of keys given to employees. Use of high-security keys which cannot be duplicated. POS should be placed so that staff can see the entire store while assisting customers.	All recommended items to be addressed.

As summarized with respect to “Previous Council Direction”, there was a motion (No. 2021-129) through which Council requested that customers be allowed to carry “pagers” so that the sidewalk would not be encumbered with line ups, particularly during the COVID pandemic, and so that waiting customers could enjoy the waterfront. The Applicant has provided that a paging system (i.e., “Waitwhile”) will be used similar to that adopted by restaurants. Waiting customers will be able to receive a text message notifying them of their estimated wait time and prompting their return to the store as the wait time becomes lesser and lesser.

Based on the information presented above, staff are satisfied that the Applicant has fully addressed the development pre-requisites and, as such, recommend that final adoption of the zoning amendment bylaw (No. 2375) be granted.

COMMUNICATION AND COMMUNITY ENGAGEMENT IMPLICATIONS

The February 8, 2021 report to the City’s Land Use and Planning Committee includes a detailed overview of the comments received from the public as they relate to the proposed cannabis store use. Appendix E to the February report offers a summary of the key (recurring) areas of public concern and a response from City staff and/or the Application regarding how the concern can be addressed; the Appendix is included in this report as Appendix A for ease of reference. Appendix E to the February report offers a summary of the key (recurring) areas of public concern and a response from City staff and/or the Application regarding how the concern can be addressed. Controls to address several concerns noted have been proposed for inclusion in the cannabis (retail) license and, where impactful, have been incorporated into the temporary use permit.

It is important to note that the TUP, if approved, would enable the cannabis store use for a period of up to three years, with one opportunity to extend the permit for another three-year period; any extension request would be subject to public consultation and ultimate Council approval. If the business does not fulfill its obligations under the permit, the permit could also be revoked. Similarly, if Council determines that the business is not contributing positively to the community, an extension to the TUP following the initial three-year period may be denied, if requested. Conversely, should the business be found to be a positive contributor to the economic

vibrancy of the waterfront area, the Applicant could apply to Council, through a zoning bylaw amendment application, to enable the use on a permanent basis. Such a request would be subject to public consultation and Council approval.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

Other municipal departments, primarily involving staff within the Engineering and Operations Department and the Planning & Development Services Department (i.e., building and parking groups), were consulted in the review of the project and the Applicant's satisfaction of the aforementioned development pre-requisites. Should Council approve of the adoption of the zoning amendment bylaw, staff will work with the Province and the Applicant to ensure the conditions recommended by Council are fully satisfied.

CLIMATE CHANGE IMPLICATIONS

The application will allow for the use of an underutilized building thereby helping to make best use of available infrastructure and service capacity without requiring outward expansion (sprawl) which can further reliance on private automobile use, being a major contributor to greenhouse gas emissions and resultant climate change.

ALIGNMENT WITH STRATEGIC PRIORITIES

Council established the Marine Drive Task Force (MDTF) as an "immediate" priority to support economic development and business viability along the waterfront. The Task Force was primarily involved in reviewing the recommendations coming out of the completion of a Waterfront Enhancement Strategy (WES) and components of the Official Community Plan (OCP) review.

The building occupying the property was constructed around 1950 and was most recently home to the Giraffe restaurant. The building is now vacant and is arguably in need of renewal. The proposed cannabis store, if approved, would not only help to diversify the mix of businesses along Marine Drive but would also help stimulate investment in the building and related improvements to the pedestrian streetscape.

OPTIONS / RISKS / ALTERNATIVES

The following alternatives are available for Council's consideration:

1. Deny the final adoption of rezoning and temporary use permit and recommend that staff provide a resolution of non-support for the cannabis retail license to the LCRB;
2. Approve of the rezoning and temporary use permit and recommend that staff provide a resolution of support for the cannabis retail license to the LCRB subject to alternative conditions; or
3. Defer the approval of the rezoning and temporary use permit subject to the satisfaction of measures / issues as identified by Council.

CONCLUSION

This report presents Council with an update on the status of the Applicant's satisfaction of the development pre-requisites tied to the final adoption of zoning amendment bylaw No. 2375. Staff have confirmed that such pre-requisites have been, or can be, satisfied through work completed to date in addition to the fulfilment of conditions tied to both the cannabis retail

license and the temporary use permit. This report is provided for information and the Bylaw No. 2375 and Temporary Use Permit No. 20-018 are included later in the Regular Council for Council's consideration of final adoption and issuance.

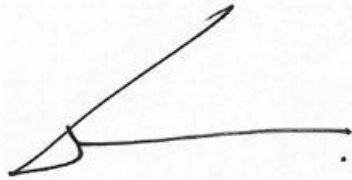
Respectfully submitted,

A handwritten signature in cursive script that reads "Carl Isaak".

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 consisting of a horizontal line with a diagonal stroke crossing it from the bottom left to the top right.

Guillermo Ferrero
Chief Administrative Officer

Appendix A: Community Concerns & Response (Information)