

- 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), being the space accessible via the Marine Drive (south) side of the property.
5. 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:
- a) Customer access to the retail store shall be limited to the Marine Drive (south) side of the building.
 - 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;
 - c) The Permittee shall purchase one City of White Rock “Merchant” parking decal for the Waterfront Commercial area; and
 - 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.

EXECUTIVE SUMMARY

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 15053 Marine Drive (the former “Giraffe” restaurant). 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 application be given initial bylaw readings and that the files 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.

Motion # & Meeting Date	Motion Details
2020-344	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.

2020-601	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.
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INTRODUCTION/BACKGROUND

Seed & Stone (the ‘Applicant’) has 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 (‘subject property’). In addition to the license referral request, the Applicant is seeking approval of a zoning bylaw amendment and a temporary use permit. The zoning amendment, if approved, would introduce reference to the subject property within section 4.1.3 of City of White Rock Zoning Bylaw, 2012, No. 2000 (‘Bylaw’). The noted section currently limits consideration for new cannabis retail stores to the City’s Town Centre, defined in the Bylaw as the area bounded by North Bluff Road, George Street; Thrift Avenue and Martin Street. Furthermore, the section requires that such stores be tied to a temporary use permit (TUP). As set out in Division 8, Section 497 of 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.

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 subject property is the site of former Giraffe Restaurant and is located roughly 20 metres east of the southerly end of Martin Street (see Appendix A – Location & Ortho Maps). Uses surrounding the property include a mix of commercial and residential uses fronting onto Marine Drive, located immediately east and west of the property, and residential uses immediately north of the property, opposite Marine Lane. The foot of White Rock Pier is located 45 metres south of the property, opposite Marine Drive and beside Memorial Park. The presence of the Pier, Memorial Park, restaurants and other attractions makes the area highly popular with visitors and residents. Several site photos are provided in Appendix B.

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

On November 21, 2020, notice of the applications was circulated to 179 owners / occupants of land within 100 metres of the subject property. A Public Information Meeting (PIM) was held on December 2, 2020 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.

Prior to the PIM meeting, email correspondence pertaining to the proposal was received from 12 persons. The majority (10) of these emails communicated support for the proposal while two (2) emails presented concerns; these concerns are highlighted below. During the PIM, there was a mix of support and non-support expressed by participants. A total of 15 digital feedback forms were received with 11 of the respondents offering their support for the proposal and 4 expressing non-support (see Appendix C). A PIM Summary was provided by the Applicant in response to the comments and questions received. The Summary, included as Appendix D, identifies each of the issues raised by the public and

offers a response. Appendix E 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:

- The potential for increased smoking of cannabis in public;
- The potential for increased driving while under the influence of cannabis;
- The limited supply of off-street (store) parking;
- Disruption of traffic along Marine Drive / Lane (loading activities);
- Disruption of pedestrian traffic along Marine Drive (long line ups);
- The potential for cannabis product litter / waste;
- Proximity of the use to homes / children / recreational / public areas;
- Potential loss of privacy due to security cameras;
- Potential impact of lighting, particularly at the back (north), side of the building;
- Lack of consultation with social service providers (i.e., Sources); and
- Hours of retail sale.

Notice of the application was circulated to the RCMP and School District No. 36 (Surrey). Responses from the two agencies are provided in Appendices F and G, respectively. The RCMP letter notes that “the proposed location in the 15000 block of Marine is normally congested during the summer months, so an increase in short visit pedestrian and vehicle traffic may not be noticed as much. There has also been no reported vehicle / pedestrian issues with the relatively new cannabis shop on Johnston Road.” Further, the letter states “The proximity of the proposed cannabis retail store near the Pier may attract customers that choose to consume their cannabis products in this public area. The Provincial *Cannabis Control and Licensing Act*, section 63(1) makes consumption in certain public areas an offence. The spray pool / splash pad and the seating around these areas are directly identified in the *Provincial Cannabis Control and Licensing Act* as prohibited consumption areas. The Act also specifies a prohibition of consumption in *an outdoor area established by a local government for the purpose of community recreation*. Although the Act does not set out a definition for a *community recreation area*, a search of legal definitions does indicate that areas set aside for outdoor recreation, viewing, walking etc., meet the definition of an area established for community recreation. Enforcement of cannabis smoking on the Pier, Promenade and beach could be achieved under the Provincial *Cannabis Control and Licensing Act* or White Rock’s Public Health Smoking Protection Bylaw.” Finally, the letter provides that “In 2019 and 2020 the White Rock RCMP received approximately 12 *Cannabis Act* related complaints on all of Marine Drive, and in total, 36 complaints in all of White Rock. The numbers are too low to specify any issues or problem areas.” The letter from School District No. 36 provides that while the District expresses concern with businesses selling cannabis-containing products (particularly around school hours), the subject property and White Rock Elementary are separated by two major street thoroughfares, and therefore, mitigate proximity related issues.

Appendix E outlines in greater detail the issues raised by the public and includes portions of the Applicant’s response, also detailed in their PIM Summary (Appendix D). City staff have also added a response or additional information where appropriate. The following points are offered as a summary of measures 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 offences (i.e., smoking cannabis in public).
- Staff note that the former restaurant use would have required two (2) parking spaces whereas zero exist and the proposed retail store use would require one (1) space, being less than that more recently required. The lack of parking is recognized as a continuation of a legal nonconforming situation, therefore relief from the parking standards of the City's Zoning Bylaw are not required. Further, the Applicant has offered to lease, annually, two parking spaces from within the Montecito Parkade, and will acquire a Merchant parking decal to offset the potential demand for parking generated by the cannabis retail store, and its employees. A condition to realize this outcome has been included in the recommendation.
- Regarding loading activities, the Applicant has offered four potential options. City staff are recommending, as a condition of the third reading of the amending zoning bylaw, that the Applicant provide proof of the execution of an agreement for the use of one off-street loading space, generally being within 60 metres of the subject property. The condition is written in a manner which would enable the Director of Engineering and Municipal Operations to require that the agreement be registered on title by way of a covenant. The Applicants have provided staff with a signed "letter of intent" from the owner of 15047 Marine Drive (Dolce Gelato), being immediately west of the subject property, to accommodate the loading space. This condition will help to ensure that loading activities do not disrupt traffic along either Marine Drive or Marine Lane.
- Customer access to the property / building will be limited to the Marine Drive (south) side. The entrance to the building will be separate from the exit and measures will be implemented to separate the stream of customers picking up a product purchased / ordered in advance from those making an in-store purchase. These measures are intended to help reduce potential customer queuing along Marine Drive and to support social distancing during the COVID pandemic. A Business Plan prepared by the Applicant is included in Appendix H. The Plan provides additional details regarding the proponents of the cannabis store in addition to measures to be employed to uphold government regulations.
- Garbage collection activities will occur, weekly, from Marine Lane and will be executed by a private collection company. The Applicant notes that they will execute a rigorous training program with emphasis on efforts to support the cleaning of the neighbourhood. The Applicant has also offered to provide the community with up to \$10,000 annually, to support community initiatives including pier upgrades.
- The Applicant has proposed a fence along the rear property line (Marine Lane) to screen views of the building from nearby residential uses. Further, lighting and security cameras will be downcast to provide security while avoiding the potential for spillover, which could cause nuisance or a loss of privacy. Crime Prevention Through Environmental Design (CPTED) principles will also be employed in advancing improvements to the rear portion of the property. A condition of third reading has been included to require consultation with the RCMP regarding the design of the rear portion of the property considering CPTED principles; the RCMP has provided input to the Applicant noting that they are prepared to offer this sort of peer review.

- One participant in the PIM and one respondent to the digital feedback form requested that the Applicant consult with Sources Community Resource Centre ('Sources') regarding the potential for increased use of cannabis by youth resulting from the establishment of the retail store. The Applicant's PIM Summary (Appendix D) outlines correspondence had with George Passmore, Manager of Counselling & Addition at Sources. City staff followed up with Mr. Passmore to validate the feedback provided. The following comments were offered to Staff by Mr. Passmore:
 - Legal government regulated cannabis retail is much more preferred over grey market stores;
 - Clean, well run stores that value social responsibility and are willing to initiate awareness strategies to reduce harm is preferred with a focus on education are preferred;
 - Smoking cannabis around White Rock beach has been a frequent occurrence long before legalization;
 - There is growing evidence that suggests that cannabis can play a beneficial role for some people with Opioid Use Disorder and has been an effective strategy for many of the people we serve at Sources Substance Use Services;
 - Keeping cannabis out of the hands of youth is top priority since cannabis has been shown to be highly problematic for healthy brain development;
 - British Columbia reported the highest incidence of youth cannabis use in the world over the decade preceding legalization. There is little evidence to suggest that cannabis use has increased since legalization.
- Stemming from their consultation with Mr. Passmore, the Applicant has offered to undertake the following measures:
 - Implement storefront design that will prevent youth of White Rock from seeing any cannabis or accessories;
 - Remove the word "cannabis" from signage so exposure to youth will be negated;
 - Create a marketing campaign with the help of Sources to warn of the dangers of cannabis in youth with a focus on effects of cannabis on the growing brain;
 - Implement CPTED principles with involvement of the RCMP;
 - Uniformed security in front of the building will be additional presence in pier area to discourage smoking;
- City Staff have confirmed with the LCRB their general recommendations regarding hours of sale. The Branch has provided that cannabis should only be sold between the hours of 9:00 a.m. and 11:00 p.m. The applicant has proposed to uphold these hours. With the aforementioned limitations noted staff are supportive of these hours.

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.

Future Applications Involving Cannabis Retail

For Land Use and Planning Committee's awareness, the Applicant ('Seed and Stone') has also secured commercial space at the Miramar Village development. To date, they have not applied for a business licence or other application in this location. Further, the City is now in receipt of a similarly-scoped application to enable the establishment of a cannabis retail store at 1489 Stayte Road. This application will be subject of a future initial rezoning report to Land Use and Planning Committee.

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 179 owners / occupants of properties within 100 metres of the subject property. A total of 12 email responses were received and roughly 20 people attended the PIM. Further, 15 digital feedback forms were received with 11 of those forms offering support for the project and 4 offering opposition. Allowing the application to proceed to 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. The Applicant has addressed the issues raised by City staff. The Applicant obtained a building location survey in order to identify existing structures which encroach within the City's road right of way, and may have existed in this location since the building was constructed in approximately 1950. These portions of the building, except for those that are tied, structurally, to the principal building will need to be removed prior to the issuance of a permit to enable the use, if supported by Council. Any portions of these structures to remain in place would require an encroachment agreement.

CLIMATE CHANGE IMPLICATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES

Council's strategic priorities regarding "Our Waterfront" seek to "enhance, promote and share our regional, premier, seaside experience." Objectives include attracting visitors and residents to the Waterfront and supporting a vibrant, year-round environment where businesses can thrive. The proposed cannabis store use will help to diversify the businesses along the waterfront and will fill a vacant commercial space. The PIM Summary provided by the Applicant notes that the White Rock Business Improvement Association (BIA) has offered support for the business noting that it will help to create a greater mix of uses on Marine Drive.

OPTIONS / RISKS / ALTERNATIVES

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

1. Recommend that Council deny the rezoning and temporary use permit and recommend that staff provide a resolution of non-support for the cannabis retail license to the LCRB;
2. Recommend that 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 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, a zoning bylaw amendment and a temporary use permit which, if approved, would enable the establishment of a cannabis store in a vacant commercial space at 15053 Marine Drive (previously the location of the "Giraffe" restaurant). 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 draft copy of the amending Zoning Bylaw and the Temporary Use Permit are included as Appendices I and J, respectively. At this point, staff recommend that the proposal proceed to a public hearing / public meeting.

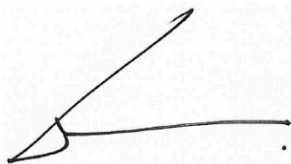
Respectfully submitted,



Carl Isaak, MCIP, RPP
Director, Planning & Development Services

Comments from the Chief Administrative Officer

I concur with the recommendations of this corporate report.



Guillermo Ferrero
Chief Administrative Officer

- Appendix A: Location & Ortho Maps
- Appendix B: Site Photos
- Appendix C: Digital Feedback Forms

- Appendix D: Applicant's PIM Summary
- Appendix E: Community Concerns & Response (Information)
- Appendix F: Feedback from the RCMP
- Appendix G: Feedback from School District No. 36 (Surrey)
- Appendix H: Applicant's Business Plan
- Appendix I: Draft Zoning Bylaw No. 2375
- Appendix J: Draft Temporary Use Permit 20-018