

COUNCIL AGENDA

Date: September 23, 2024 Item: 7.



DISTRICT OF WEST VANCOUVER
750 17TH STREET, WEST VANCOUVER BC V7V 3T3

COUNCIL REPORT

Date:	September 3, 2024
From:	Megan Roberts, Assistant Planner
Subject:	Zoning Amendment for Cannabis Retail at 1453 Bellevue Avenue
File:	1010-20-24-042

RECOMMENDATION

THAT proposed “Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5347, 2024” be read a first time.

RECOMMENDATION

THAT proposed “Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5347, 2024” be presented at a Public Hearing scheduled for October 21, 2024 at 7 p.m. in the Municipal Hall Council Chamber and via electronic communication facilities (WebEx video conferencing software), and that the Municipal Clerk give statutory notice of the scheduled public hearing.

1.0 Purpose

The purpose of this report is to present, for Council consideration, a rezoning application to permit a cannabis retail store at 1453 Bellevue Avenue.

2.0 Legislation/Bylaw/Policy

Federal Legislation

The Government of Canada legalized recreational cannabis across the country with the adoption of the *Cannabis Act* on October 17, 2018. The *Cannabis Act* has created a framework for cannabis production and distribution, as well as regulates and enforces criminal offences - including measures to protect youth. On October 17, 2019, the *Cannabis Act* was updated to legalize edibles, topical applications and extracts.

Provincial Legislation

Through legislation including the *Cannabis Control and Licensing Act*, the Province of British Columbia established the legal framework for the possession, use, and retail licensing of cannabis while the *Cannabis Distribution Act* established the Liquor and Cannabis Regulation Branch (LCRB) as the wholesale distributor of non-medical cannabis in the province and regulator of BC cannabis stores. Local governments retain the power to regulate land use, smoking bylaws and business licensing regarding cannabis sales and production in their municipality.

The *Local Government Act* requires that a Public Hearing be held on the proposed Zoning amendment bylaw in accordance with Sections 464 through 470.

Bylaws

District bylaws that regulate the proposed use are:

- Section 120.01(6) of the *Zoning Bylaw* prohibits Cannabis Sales and Production in every zone across the District.
- The *Fees and Charges Bylaw* includes annual business licence fees based on business type.

Policy

The *Interim Non-medical Cannabis Retail Policy* (the 'Policy') guides the geographical distribution and evaluation of cannabis retail stores in the District. Criteria in the Policy requires a minimum distance from schools of 100 m, a maximum of one store per shopping area (Horseshoe Bay, Dundarave, Ambleside and the Marine Drive Local Area Plan commercial area), and a maximum store frontage of 8 m.

3.0 Council Strategic Objective(s)/Official Community Plan

The Official Community Plan supports economic diversification and encourages job creation to promote a more resilient and vital economy.

Council's Strategic Plan 2024-2025 includes enhancing our vital and vibrant commercial centres and the following objectives regarding the Local Economy:

Objective 3.1: Collaborate with business improvement associations and Squamish Nation to provide economic development support.

Deliverable 3.1.1: Support existing businesses. (2024-2025+)

4.0 Financial Implications

There are no specific financial implications for the District related to the proposed zoning amendment for 1453 Bellevue Avenue.

5.0 Background

5.1 Previous Decisions

At its December 15, 2021 regular meeting, Council passed the following resolution:

THAT Temporary Use Permit Application 20-112 for 1453 Bellevue Avenue, which would allow for a non-medical cannabis retail business for a period of three years, be approved.

5.2 History

Not applicable.

6.0 Analysis

6.1 Discussion

The Proposal

The cannabis retail store at 1453 Bellevue Avenue, Avenue Cannabis, currently operates under a Temporary Use Permit that is valid for three years from the date of approval. The current TUP expires on December 15, 2024. The applicant has applied for a site-specific zoning amendment to permit the cannabis retail store on a permanent basis in the Ambleside Commercial 1 (AC1) zone. The AC1 zone permits retail stores and is intended to provide for a wide range of commercial uses, as well as residential use above the ground floor.

Site Context

The subject site is located mid-block on the north side of Bellevue Avenue between 14th and 15th Street (Figure 1). The immediate area is predominately ground level commercial with some low-rise mixed-use buildings.

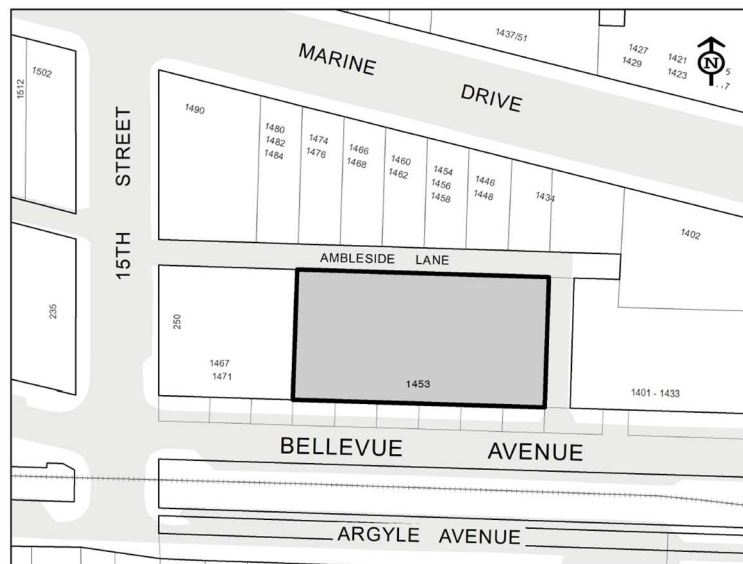


Figure 1: Context Map for Avenue Cannabis

The store is on the ground level of a three-storey commercial building and is adjacent to an existing public lobby area and a spa (Figure 2). The store occupies approximately 105.4 m² (1,135 sq. ft.) of retail floor space. The floor plan identifies locations for displays, a service area, accessible washroom and storage (**Appendix A**).



Figure 2: 1453 Bellevue Avenue

Interim Non-medical Cannabis Retail Policy

The application meets the criteria outlined within the Policy (**Appendix B**). The subject site is beyond the 100 m distance from the nearest elementary (Hollyburn Elementary) and high school (West Vancouver Secondary), has a store frontage of less than 8 m, and is in the Ambleside commercial area.

Zoning Bylaw 4662, 2010

The Zoning Bylaw does not allow cannabis retail as a permitted use anywhere in the District. The Policy sets the framework for where it may be considered through a temporary use permit or rezoning of a property. The definition for Cannabis Sales is as follows:

means the use of land, buildings or structures for storing, distributing, dispensing, trading or selling of Cannabis, but does not include sales by a British Columbia Registered Pharmacist in a British Columbia regulated pharmacy.

Zoning Amendment Bylaw 5347, 2024 would allow Cannabis Sales at 1453 Bellevue Avenue (**Appendix C**). While the AC1 (Ambleside Commercial 1) zone permits retail stores, cannabis sales are considered a restricted retail use.

Community Impact

The TUP to permit Cannabis Sales has allowed the local community to experience a legal cannabis retail store in Ambleside. As part of the zoning amendment application, the applicant provided a Community Impact Statement outlining their experience with operating Avenue Cannabis retail store in Ambleside since 2022 (**Appendix D**). The owners have stated that they have an established customer base and provided a letter of support for their continued operation on a permanent basis from the Ambleside Dunderave Business Improvement Association (ADBIA) (**Appendix E**).

6.2 Climate Change & Sustainability

Approval of a site-specific zoning amendment consistent with the Policy would support economic diversity and vibrancy in one of the District's primary commercial areas. The existing cannabis retail store employs a General Manager, Director of Education & Product Curation, sales staff and a senior management team for a total of 7 staff and the employer pays a living wage starting at \$27 per hour.

6.3 Public Engagement and Outreach

Public Consultation Meeting

On April 14, 2024 the applicant held a two hour preliminary public consultation meeting in accordance with the Preliminary Development Proposal and Public Consultation Policy. There were 31 attendees at the public consultation meeting who were all supportive of the proposed rezoning (**Appendix F**). As a result of significant positive feedback arising from the preliminary public consultation meeting and successful operation of the business for the past few years, the Director of Planning & Development Services approved waiving the second public information meeting that is generally held after submission of a formal application.

On-site Development Application

Should the application advance, the applicant will be required to post on-site signage regarding the proposed zoning amendment and public hearing in accordance with Development Procedures Bylaw No. 4940, 2017.

Neighbour Notification

Should the application advance, owners and occupants of properties located within 100 m of the property will be notified of the application in accordance with the Development Procedures Bylaw No. 4940, 2017.

Advertisement

A notice will be published for two consecutive weeks in the local newspaper to notify the public of the date for the public hearing as per the *Local Government Act*.

Website

In alignment with current practice, a description of the proposed zoning amendment is available on the District website and would be updated with the date of public hearing if set by Council.

6.4 Other Communication, Consultation, and Research

Staff from Bylaws and Licencing, and Inspections and the West Vancouver Policy Department were consulted on the cannabis retail application received. No concerns were expressed as part of the referral.

7.0 Options

7.1 Recommended Option

The proposed amending bylaw be given first reading and scheduled for a public hearing.

7.2 Considered Options

- a) give first reading to the proposed bylaws and set an alternative date (to be specified) for a public hearing; or
- b) defer consideration of the proposal pending the receipt of additional information (to be specified) to assist in the consideration of the application; or
- c) reject the application.

8.0 Conclusion

The existing cannabis retail store in Ambleside, Avenue Cannabis, has successfully operated for over two years in its current location under a temporary use permit that expires on December 15, 2024. A zoning amendment is required to permit the store on a permanent basis.

The proposal is generally aligned with the objectives of the Official Community Plan and the criteria of the Interim Non-medical Cannabis Retail Policy. The store supports the commercial and retail diversity in the area, and the applicant has demonstrated to staff that they have met the criteria outlined in the Policy. Staff recommend approval of the proposed zoning amendment to permit the existing cannabis retail business to operate in perpetuity at 1453 Bellevue Avenue.

Author:



Megan Roberts, Assistant Planner

Concurrence



Michelle McGuire, Senior Manager of Current Planning and Urban Design

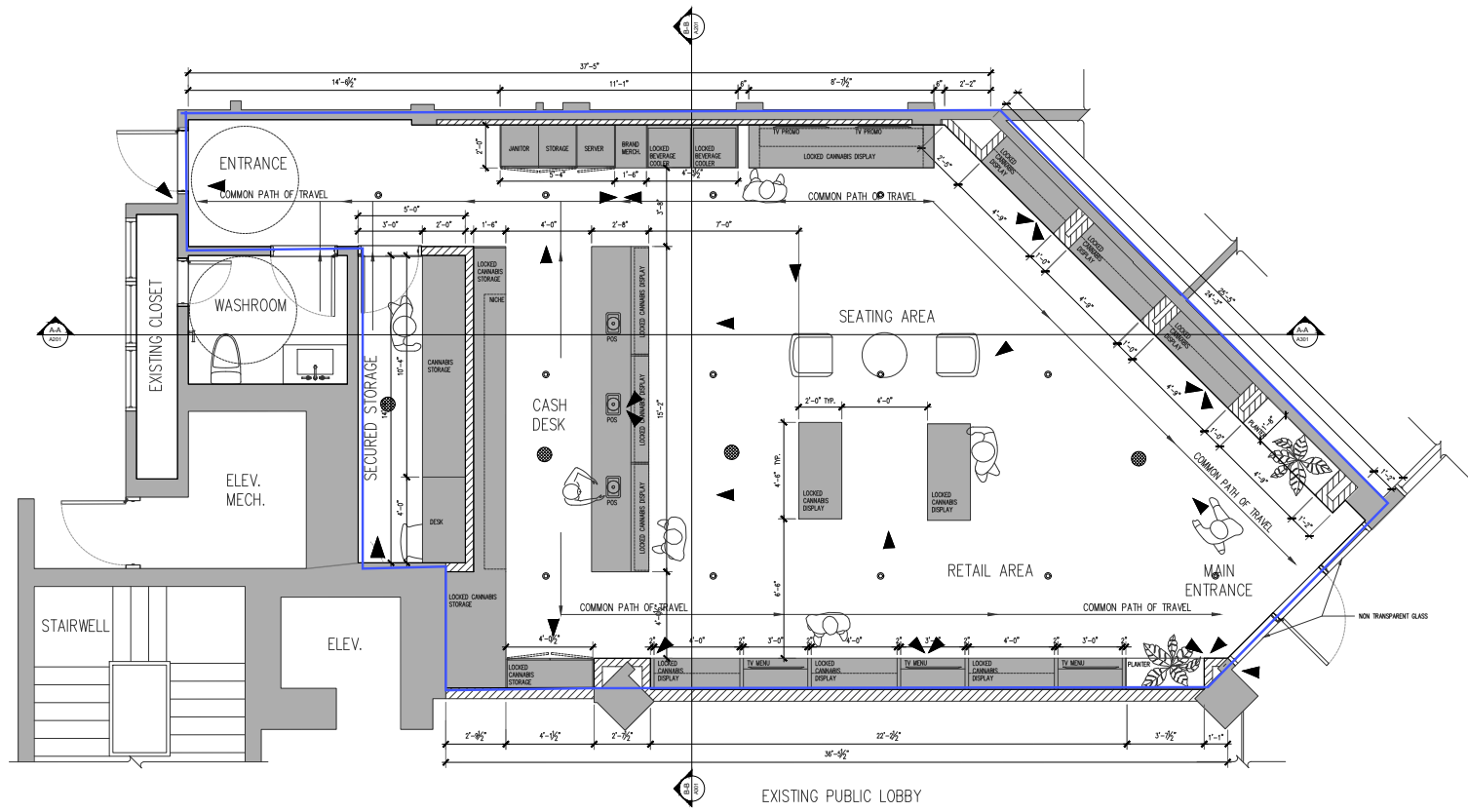
Appendices:

- A. Floor Plan
- B. Interim Non-medical Cannabis Retail Policy
- C. Proposed Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5347, 2024
- D. Community Impact Statement
- E. ADBIA Letter of Support
- F. Public Consultation Summary

Non-Medical Cannabis Retail Store
1453 Bellevue Avenue, West Vancouver BC V7T1C3

Appendix A

CLIENT
Avenue Cannabis



1 SECURITY PLAN
3/8" = 1'-0"

LIQUOR AND CANNABIS REGULATION BRANCH
APPROVAL IN PRINCIPLE

Subject to the terms and/or conditions specified in the approval in principle letter(s) dated: February 10, 2022

Job #: C00834 Max Person Capacity: NA

Authority: *[Signature]*

LCRB OFFICIAL PLAN
MUST BE KEPT WITH CANNABIS RETAIL STORE LICENCE
AND AVAILABLE FOR INSPECTION AT ALL TIMES

Date Issued: October 12, 2022

Licence # 450480 General Manager

SECURITY LEGEND

- ◀ SECURITY CAMERAS
- FIRE SUPPRESSION HEAD
- AUDIBLE SECURITY MONITORING

LEGEND:

- ▒ EXISTING WALLS
- ▨ NEW WALLS
- ▒ NEW MILLWORK
- ▒ WALLS TO BE REMOVED

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NO.	DATE	DESCRIPTION
1	2022/10/13	ISSUED FOR BIP

NO.	DATE	APPR.	DESCRIPTION
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NO.	DATE	APPR.	DESCRIPTION
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NO.	DATE	APPR.	DESCRIPTION
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NO.	DATE	APPR.	DESCRIPTION
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PROJECT TITLE
1453 BELLEVUE AVE.
WEST VANCOUVER, B.C.

PROJECT NO: 2126
DRAWN BY: RS
CHKD BY: JH
SCALE: 3/8" = 1'-0"
DATE: 02-07-2022

SHEET TITLE
SECURITY PLAN
& FLOOR PLAN

SHEET NUMBER
A104
OF

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District of West Vancouver
POLICY

Title: Interim Non-Medical Cannabis Retail
Division: Planning & Development Services
Policy Number: 0137
File Number: 0282-20-0137

1. Purpose

- 1.1. To establish an interim non-medical cannabis retail policy to guide the location and geographical distribution of retail cannabis uses.

2. Scope

- 2.1. The District of West Vancouver.

3. Definitions

- 3.1. **Cannabis** as defined in the Cannabis Act and includes any products containing cannabis.
- 3.2. **Cannabis** retail means the use of land, buildings or structures for storing, distributing, dispensing, trading or selling of Cannabis, but does not include sales by a British Columbia Registered Pharmacist in a British Columbia regulated pharmacy.
- 3.3. **Sensitive use** means a land use including a public or private elementary or high schools.
- 3.4. **Buffer** means the distance in metres that separates the property line of a recreational retail cannabis use to the property line of a sensitive use.


4. Policy Statement

- 4.1. Policies for evaluating a rezoning or temporary use permit application for retail cannabis use will include the following locational criteria and guidelines:
 - 4.1.1. Retail cannabis uses may not be located within a 100 metre buffer from sensitive uses.
 - 4.1.2. A retail cannabis business may have a maximum 8 metre store frontage.
 - 4.1.3. A maximum of 1 store in each of the following town centres/commercial nodes: Ambleside Village Centre, Horseshoe Bay Village Centre, Dundarave Village Centre and Marine Drive Local Area Plan.

5. Authority

- 5.1. The legislative framework of the Province of British Columbia, including the *Community Charter*, *Local Government Act*, and the *Cannabis Control and Licensing Act*, provides the basis upon which the District may regulate certain locational aspects of recreational cannabis retail businesses, as well as procedures for assessing and approving business proposals.

6. Approval

Approved by	<input type="checkbox"/> CAO	<input checked="" type="checkbox"/> Mayor and Council
Approval date	2021/05/31	
Council minutes eDocs # (Council Policies only)	4256150	
Council report eDocs # (Council Policies only)	4243751	
Signature		

7. Additional Information

Category	<input checked="" type="checkbox"/> Council	<input type="checkbox"/> Administrative
Related procedure	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Date of last review	n/a	



District of West Vancouver

**Zoning Bylaw No. 4662, 2010,
Amendment Bylaw No. 5347, 2024**
(1453 Bellevue Avenue)

Effective Date:

District of West Vancouver

Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5347, 2024

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District of West Vancouver

Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5437, 2024

A bylaw to add Cannabis Retail use to the Ambleside Centre 1 (AC1) zone for 1453 Bellevue Avenue.

Previous amendments: Amendment bylaws 4672, 4677, 4678, 4679, 4689, 4701, 4680, 4710, 4697, 4716, 4712, 4737, 4726, 4736, 4757, 4752, 4767, 4787, 4788, 4784, 4772, 4791, 4805, 4809, 4828, 4854, 4873, 4866, 4895, 4839, 4898, 4927, 4944, 4905, 4974, 4967, 4982, 4962, 4928, 4992, 5001, 5021, 5024, 5028, 5009, 4938, 5044, 5055, 5051, 5068, 5065, 5087, 5069, 5110, 5106, 5132, 5161, 5160, 5013, 5122, 5155, 5169, 5192, 5175, 5171, 5201, 5230, 5081, 5223, 5270, 5281, 5321, 5328, 5338, 5336, and 5351

WHEREAS the Council of The Corporation of the District of West Vancouver deems it expedient to provide for an amendment to the Zoning Bylaw;

NOW THEREFORE, the Council of The Corporation of the District of West Vancouver enacts as follows:

Part 1 Citation

- 1.1 This bylaw may be cited as Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5347, 2024.

Part 2 Severability

- 2.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Part 3 Amends Ambleside Centre Zone 1 (AC1)

- 3.1 Zoning Bylaw No. 4662, 2010, Schedule A, Section 701.02 “Conditions of Use” is amended by:

3.1.1 Adding 701.02 (5) as follows:

Notwithstanding section 120.01(6), in addition to the Principal Uses permitted in the AC-1 Zone, one Cannabis Sales retail store may be permitted at 1453 Bellevue Avenue (legally described as PID 011-406-941; Lot K, Block 23, District Lot 237, Plan 21795)

READ A FIRST TIME on [Date]

PUBLICATION OF NOTICE OF PUBLIC HEARING on [Date]

PUBLIC HEARING HELD on [Date]

READ A SECOND TIME on [Date]

READ A THIRD TIME on [Date]

ADOPTED by the Council on [Date].

Mayor

Corporate Officer

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Sept 9, 2024,

Delivered by Email

City of West Vancouver
Planning & Development Services
750 17th Street,
West Vancouver BC V7V 3T3

**Re: Community Impact Statement - Avenue Cannabis
Non-Medical Cannabis Retail Store 1453-1455 Bellevue Ave**

Avenue Cannabis is proud of our standing within the Ambleside and West Vancouver Community. We have been open for roughly twenty-one months since our first sale on Oct. 27th, 2022. In its first calendar year of operations in 2023 Avenue saw approximately 43,000 transactions. This equates to approximately 120 sales per day. The data is proof that the demand exists within our community as our customers are 90% from West Vancouver. Please accept this letter as our community impact statement, highlighting key areas where Avenue is making change within West Vancouver.

Shopping Local

Avenue Cannabis is mainly shopped in by the surrounding residential and business community. Avenue's business model is built around selection with a particular focus on products that have limited amounts of, or that do not contain THC¹ because the common thread has seen a demand for non-THC related products by the senior population of West Vancouver. While Avenue does see a wide array of age groups shopping, the main key customer is the senior demographic.

Consumer Education

For the last two years, Avenue Cannabis has secured a booth at the North Shore Senior Expo² and has had a great response from attendees. We have been invited to speak at a local seniors' facility. This has been supported by a session called "Benefits of Cannabis" hosted by a Vancouver Coastal Health Authority nurse. Due to the overwhelming support, this led to a private bus tour to our store, which we supported to promote awareness and education. Avenue prides itself on consumer education and has taken additional steps to create an additional awareness newsletter circulated monthly to all of our clientele.

Since learning of the demand within the West Vancouver senior's demographic, Avenue has taken the initiative to install an accessible friendly door to assist our growing senior community. Customers over the age of 30 are Avenue's focus. While we do see shoppers from the 19+ age group, it's been our experience that they tend to shop only in the summer months. Its our older demographic, who live local year-round, and are seeking a cannabis store that is convenient and safe, where we have found our niche. It is this niche service model that is truly impacting the community of West Vancouver in a profound and positive way.

¹ <https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/about.html>

² <https://westvancouver.ca/parks-recreation/recreation-programs-services/seniors-services/north-shore-seniors-health-expo>

Compliance and Enforcement

In terms of operations, our additional compliance and enforcement diligence should be noted. We did see those under the age of 19 trying to gain access to cannabis. To help our team, we went ahead and have installed an ID scanner to further mitigate those under the age of 19 being able to enter the store.

Avenue had a single recorded shoplifting incident within the first few months of opening. When the matter occurred, our operations team called the police. They arrived onsite the next day to record our details and surprisingly they had little knowledge that the store even existed. Avenue is viewing this as a positive outcome, as it does speak to limited incidents and/or complaints that have negatively impacted our community. It should be noted, we have 12 in-store cameras along with an additional 3 exterior cameras. Avenue's landlord maintains an additional 4 exterior cameras. We can rely on all 19 cameras to monitor and maintain a secured shopping environment.

Site Feedback & Operational Adjustments

Parking awareness has always been within our operations team mandate. We continue to provide customer parking to reduce any parking impact in the area. The parking is located in the back corridor adjacent to the back entry of the store.

Avenues sets operational best practices and has implemented a daily exterior check. The review is conducted each morning with the objective to collect any garbage. While the store itself produces very little trash, we had received feedback that trash was concerning. As a good neighbour we have taken it upon ourselves to clean up trash which is mostly coffee cups and beer cans. Additionally, we have installed garbage cans around the building to promote easy disposal of those with the cans and coffee cups.

There is still a zero-tolerance policy in place with respect to smoking anywhere on the premises. Further, no smoking signs have been installed around the building, Avenue is in continuous communications with adjacent business owners and neighbours and believe there has been no negative impact to the area with the addition of Avenue.

Summary

Avenue is a service-based retailer the West Vancouver community clearly wants. Shoppers are making purchases, and we are proud to have become part of this community. When feedback has been received, immediate action has taken place to ensure Avenue continues to be a good neighbour. Within our original submission, we promised to build a first-class store for enjoyment of our community and this promise has been met! Operations are closely managed by Tim Webb and his wife Shannon Walker. Shannon's father Chuck Walker is the landlord, all who have offices within the building next door. The Webb / Walker family are inside this retail store approximately 5-10 times a day to ensure the operations team have the supports in place to excel within their community. It is for all of these reasons Avenue has applied for the temporary use permit to convert to a permanent rezoning at the above noted property.



April 29, 2024

District of West Vancouver
750 17th Street
West Vancouver BC
V7V 3T3

RE: Avenue Cannabis permanent license application

To Whom it May Concern:

With respect to the Avenue Cannabis application for a permanent business license, on behalf of the Ambleside Dundarave Business Improvement Association, we fully support this application.

Avenue Cannabis has been a welcome addition to our commercial area. They have enhanced foot traffic in our business area since opening in November 2022. They have also worked extremely hard to ensure there is minimal litter, loitering, or noise in the front and back areas of their retail location. The owners and staff are very responsive to ADBIA concerns or comments when we have given them feedback.

Aside from restaurants and coffee shops, there are few businesses in Ambleside where we see shoppers ranging in age from 19-90. The staff are very well educated on their products and take as much time as needed with those learning about the products. Avenue Cannabis also participates in the West Vancouver Senior Expo, all ADBIA initiatives, is active on social media and overall, is the type of business that we like to see in our business area – engaged, informed, respectful, and makes a sincere effort to be a part of the community.

The ADBIA fully supports this application for a permanent business license.

Kind regards,

Maureen O'Brien

Maureen O'Brien
Executive Director, ADBIA

cc. ADBIA Board of Directors

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May 2, 2024

District of West Vancouver
750 17th Street
West Vancouver BC V7V 3T3

Re: Avenue Cannabis, 1453 Bellevue Ave, West Vancouver

Avenue Cannabis has proposed to rezone the above noted property to permanently allows its operating business to remain.

The public information meeting was held on April 30 2024 from 6pm – 8pm in person at 300-1455 Bellevue Ave, West Vancouver. Per the guidelines, a notice was circulated to those within the area.

This outline summaries the event, attendees and questions/comments brought forward.

Hosts: Shannon Walker and Tim Webb, owners of Avenue Cannabis

District of West Vancouver Representative in attendance: Megan Roberts

Attendees:31

It should be noted that all 31 attendees confirmed their support for the application. There we no objections received.

Avenue Cannabis created a presentation for their attendees, a copy has been included within this submission for your review. The presentation ran for approximately 30min of time and then there was an open Q&A.

The district's representative was able to provide an overview of the purpose of the meeting including the zoning proposal from the current temporary use permit.

Local business representatives from Crema, Earls, Carmelo's, Wish Hair, Davinci, Sittgen, Jones Farming, and Remax have shown their support for the rezoning proposal. Attached within this submission are some of the written letters of support, including a support letter from the ADBIA.

General comments and outcomes from the meeting were as follows:

- Strong support for the proposed rezoning from all attendees.
- We are thankful we have a cannabis store in West Vancouver and don't have to drive to North Vancouver
- Your store is a classy store, not like the stores in North Vancouver, Avenue fits the area
- Your store creates a lot of additional foot traffic in the area for the other retailers, great addition to the business community
- Your staff are very nice and knowledgeable
- Adjacent business owner indicated they are happy Avenue Cannabis installed a garbage can out in the lane.

It should be noted that Avenue Cannabis and the landlord have received no complains or comments with respect to loitering or smoking for any attendee.

Meeting Adjourned 8pm

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