

COUNCIL AGENDA

Date: September 23, 2024 Item: 8.



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 6609 Royal Avenue
File:	1010-20-24-040

RECOMMENDATION

THAT proposed “Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5339, 2024” be read a first time.

RECOMMENDATION

THAT proposed “Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5339, 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 6609 Royal 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.

Transportation Act

As the subject site is located within 800 m of a controlled access highway under the jurisdiction of the Ministry of Transportation and Infrastructure (MOTI), Ministry approval will be required on the proposed amending bylaw prior to its adoption.

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 areas), 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 21-004 for 6609 Royal 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 6609 Royal Avenue, Happy Isle 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 business owner has applied for a site-specific zoning amendment to permit the cannabis retail store in perpetuity for the subject site within the existing Commercial 1 (C1) zone.

Site Context

The subject site is located on the western side of Royal Avenue and on the northern corner of Bruce Street (Figure 1). The store occupies approximately 74 m² (793 sq. ft.) on the ground level of a two-storey building that was built in the early 1950s.

The immediate area consists of a one storey commercial building and two storey mixed use buildings with ground level commercial and residential units on the upper level. The location is at the end of a main public transit corridor that connects with the Horseshoe Bay Ferry Terminal.

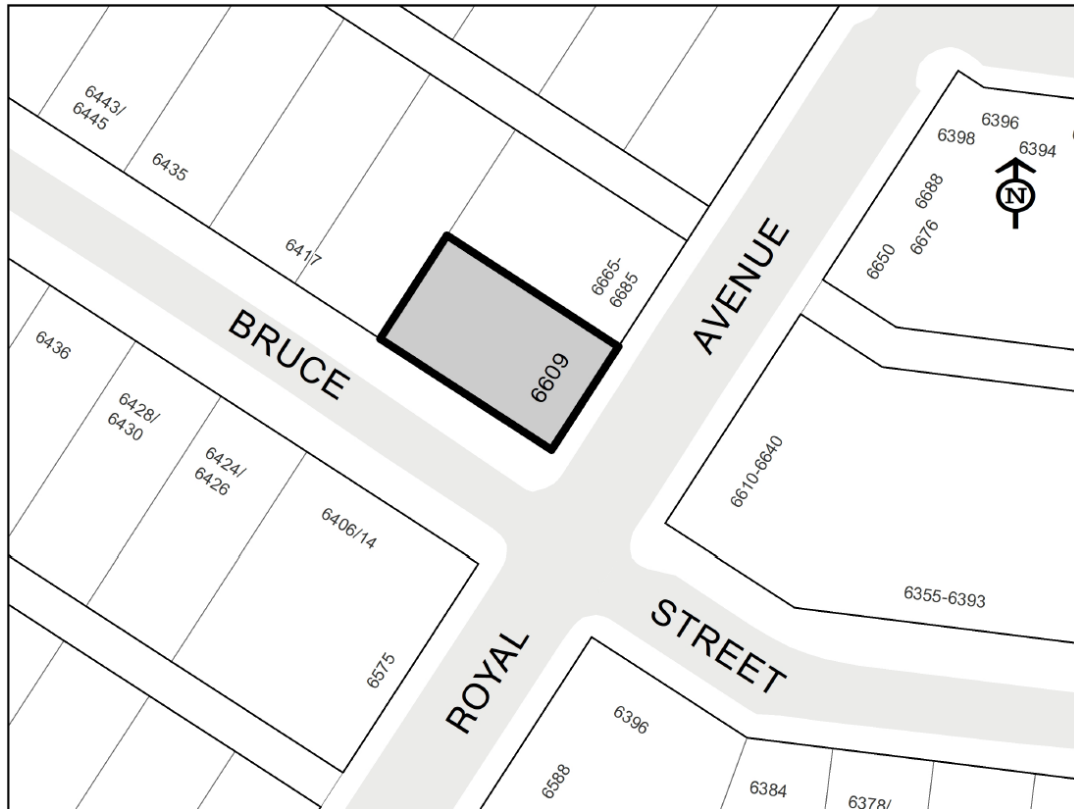


Figure 1: Context Map for Happy Isle Cannabis

The proposed business is adjacent to a real estate office and retail store within the same building (Figure 2). The floor plan identifies locations for displays, the receiving area, office, and storage (**Appendix A**). The store occupies one of five retail spaces within the building (Figure 2).



Figure 2: 6609 Royal 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 (Glen Eagles) and high school (Caulfeild), has a frontage of less than 8 m, and is within the Horseshoe Bay 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 the use 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 5339, 2024 would allow Cannabis Sales at 6609 Royal Avenue (**Appendix C**). While the C1 (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 Horseshoe Bay. As part of the zoning amendment application, the applicant provided a Community Impact Statement outlining their experience with operating the Happy Isle Cannabis retail store in Horseshoe Bay since June 2022 (**Appendix D**). The business operators have stated that they have not observed any security concerns or attempted break-ins. To date, there have been no bylaw complaints received for the business. The new business type further adds to the diverse range of shops and services available to residents and tourists visiting the area.

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 2 full-time and 2 part-time employees contributing to job opportunities within the District. In addition, the store brings additional customers to the area, particularly to neighboring businesses.

6.3 Public Engagement and Outreach

Public Consultation Meeting

On April 10, 2024 the applicant held a two hour preliminary public consultation meeting in accordance with the Preliminary Development Proposal and Public Consultation Policy. There were no attendees at the public consultation meeting and no written comments were received. As a result of lack of public interest experienced at the initial public consultation meeting, the Director of Planning & Development Services approved waiving the second Public Consultation 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 metres 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 the West Vancouver Police Department were consulted on the cannabis retail application received. No concerns were expressed as part of the referral.

As the location of the subject site is within 800 metres of a highway interchange, a referral will be sent to the Ministry of Transportation and Infrastructure for approval of the application prior to final adoption. This is a technical requirement to satisfy the *Transportation Act*.

7.0 Options

7.1 Recommended Option

That the proposed amendment 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 Horseshoe Bay, Happy Isle Cannabis, has successfully operated for over two years in its current location with no bylaw complaints or known issues under a temporary use permit. The temporary use permit 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 application 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 6609 Royal 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. 5339, 2024
- D. Community Impact Statement

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Appendix A



NOTE: THIS DRAWING IS AN INSTRUMENT OF SERVICE AND MUST ONLY BE USED IN CONNECTION WITH ALL OTHER DRAWINGS, SPECIFICATIONS, CORRESPONDENCE AND INFORMATION PERTINENT TO THE PROJECT.

THE CONTRACTOR SHALL VERIFY REFERENCES, DATA AND DIMENSIONS ON SITE AND REQUEST CLARIFICATION FROM THE DESIGN TEAM IF ANY DISCREPANCIES OR OMISSIONS AS SOON AS THEY ARE DISCOVERED PRIOR TO EXECUTION OF ANY WORK.

THE CONTRACTOR IS RESPONSIBLE FOR THE METHOD OF EXECUTION AND FOR COMPLIANCE OF ALL WORK WITH THE REQUIREMENTS OF ALL AUTHORITIES HAVING JURISDICTION.

DO NOT SCALE DRAWINGS.

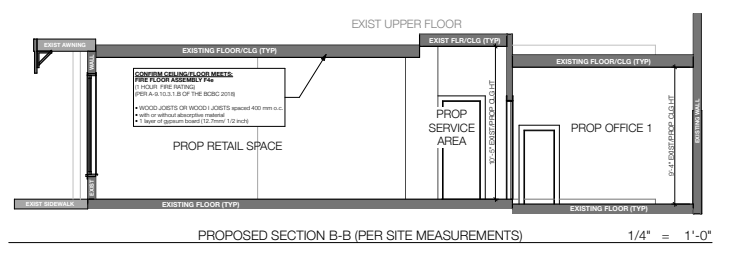
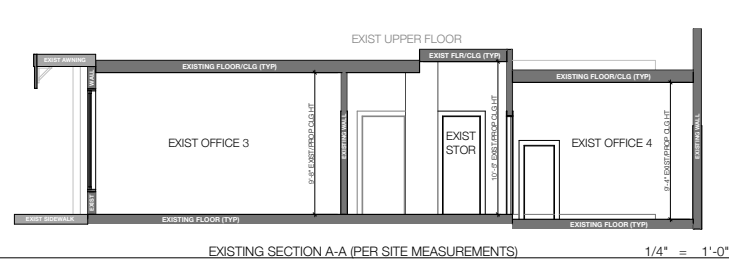
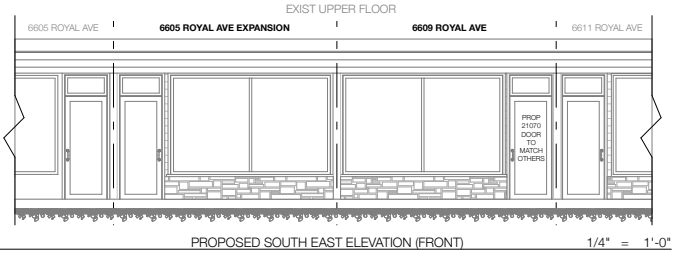
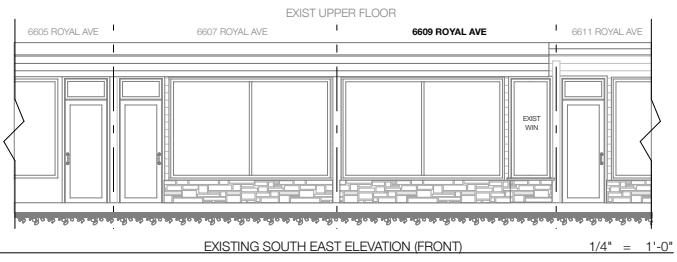
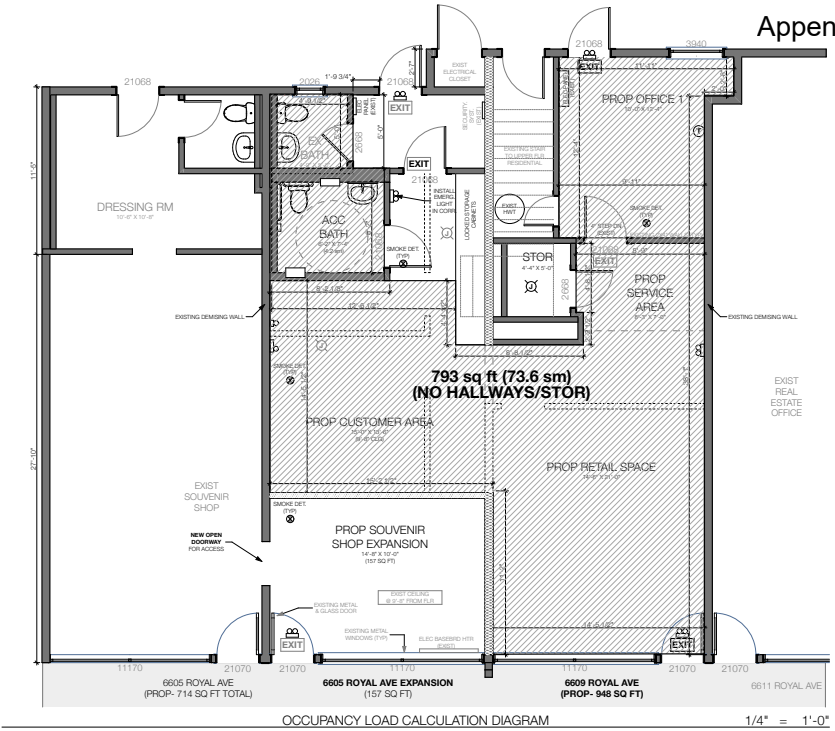
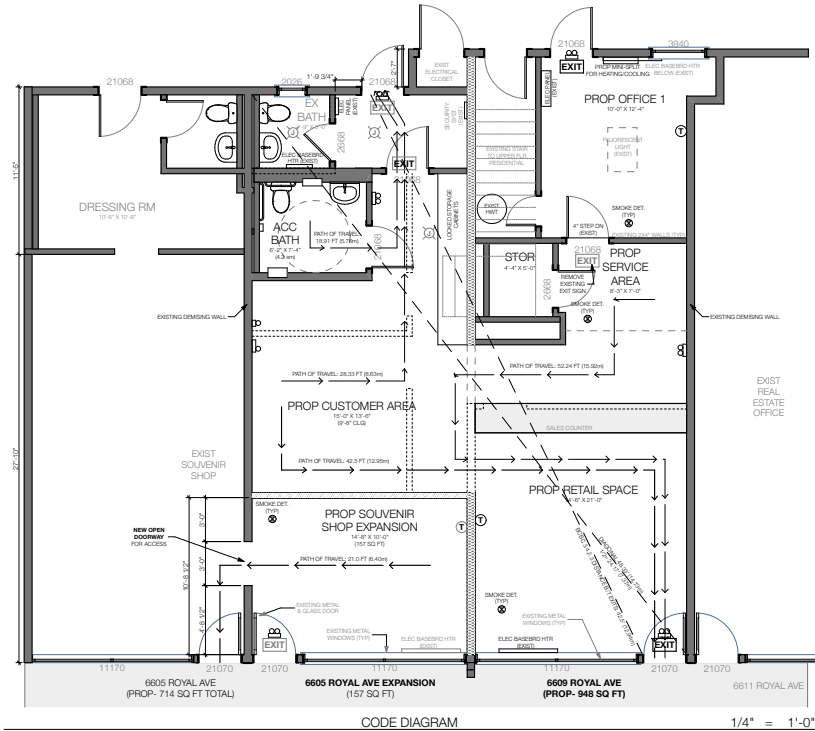
THESE DRAWINGS COMPLY TO THE BCBC 2018 INCLUDING ALL REVISIONS AND AMENDMENTS. ALL WORK IS TO ALSO COMPLY WITH THE BCBC 2018 INCLUDING ALL REVISIONS AND AMENDMENTS.

FLOOR AREAS:

6605 ROYAL AVE
EXIST- 557 SQ FT (51.74 sm)
PROP- 714 SQ FT (66.33 sm)

6607 ROYAL AVE
EXIST- 557 SQ FT (51.74 sm)
PROP- 0 SQ FT (0 sm)

6609 ROYAL AVE
EXIST- 593 SQ FT (55.09 sm)
PROP- 945 SQ FT (88.07 sm)



OCCUPANT LOAD CALCULATION:
THE FLOOR AREA THAT WILL BE REGULARLY OCCUPIED (NOT INCLUDING HALLWAYS OR STORAGE CLOSETS) = 793sf / 73.11sm PER HATCHED AREA ON PLAN ABOVE.
73.6 sm / 3.7 sm PER PERSON = 19.89 > 20 people
PER TABLE 3.1.17.1.B BELOW

Table 3.1.17.1.1. Occupant Load Forming Part of Article 3.1.17.1.

Type or Use of Floor Area or Part thereof	Area per person, m ²
Assembly uses	
spaces with fixed seats	0.30
spaces with non-fixed seats	0.75
spaces for theatrical performances	0.75
spaces with non-fixed seats and tables	0.95
standing space	0.40
clubs and private clubs	0.60
bowling alleys, pool and billiard rooms	5.20
dancehalls	1.85
school shops and vocational rooms	9.30
reading or writing rooms or lounges	1.85
dining, lounge and cafeteria spaces	1.20
laboratories in shops	4.60
Care, treatment or detention uses	
cafes	0.30
care, treatment and sleeping room areas	50.00
distribution quarters	11.60
healthcare uses	
dentist units	0.30
dentures	4.60
Business and personal services uses	
personal services shops	4.60
offices	9.30
Manufacturing uses	
Assembly and retail shops	3.70
second stories having a principal entrance from a pedestrian thoroughfare or a parking area	3.70
other shops	5.60

NO.	DATE	REVISION
2	NOV 23, 2021	LAYOUT & ACCESSIBLE WASHROOM RE-DESIGNED PER-ANSI FOR BP
1	JUNE 28, 2021	ISSUED FOR BP

TOWNSHIP AMPLIFICATION
6605, 6607 & 6609 ROYAL AVENUE
HORNSBACH BAY B.C.

PROJECT TITLE:
CODE DIAGRAM, OCCUPANT LOAD CALC & ELEVATIONS/SECTIONS

SHEET TITLE:
DRAWN BY: AMY ADAMS
CHECKED BY:
DATE: 2021-11-23

SCALE: AS NOTED

A-1.2

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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. 5339, 2024**
(6609 Royal Avenue)

Effective Date:

District of West Vancouver

Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5339, 2024

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District of West Vancouver

Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5339, 2024

A bylaw to add Cannabis Retail use to the Commercial 1 (C1) zone for 6609 Royal 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. 5339, 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 Commercial Zone 1 (C1)

- 3.1 Zoning Bylaw No. 4662, 2010, Schedule A, Section 351.02 “Conditions of Use” is amended by:

3.1.1 Adding 351.02 (9) as follows:

Notwithstanding section 120.01(6), in addition to the Principal Uses permitted in the C-1 Zone, one Cannabis Sales retail store may be permitted at 6609 Royal Avenue (legally described as PID 008-975-078; Lot A, Block 34, District Lot 430, Plan 11998).

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]

APPROVED by the Minister of Transportation and Infrastructure on [Date]

ADOPTED by the Council on [Date].

Mayor

Corporate Officer

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HAPPY ISLE

C A N N A B I S

COMMUNITY IMPACT SUMMARY

Happy Isle Cannabis Corp.
6609 Royal Ave, Horseshoe Bay
West Vancouver, BC
www.happyislecannabis.com

****Updated September 2024****

Submitted By:

Glenn Cormier
(604) 377-4909

David Bellringer
(604) 349-4330

Community Impact

SOCIAL IMPACTS:

POSITIVE Social Impacts:

- 1. Convenient and accessible access for medical patients**
 - The Happy Isle Cannabis proposed location in Horseshoe Bay is ideal to be able to provide a welcoming fully accessible storefront for people with mobility issues including seniors unable to navigate stairs.
- 2. Healthier Consumption Options**
 - Legal cannabis stores offer a wide variety of consumption methods that provide healthier options than smoking.
- 3. Providing Harm Reducing Options**
 - Studies have shown that regulated access to medical and recreational cannabis can reduce the use of, and subsequent harms associated with; opioids, alcohol, tobacco, and other substances.
- 4. Safe Supply Chain**
 - Precise dosage and intensive product testing increase consumer confidence.
 - Only Health Canada approved products are sold in our stores.
- 5. Black Market Reduction = Crime Reduction**
 - We have observed firsthand on Bowen Island, how legal access to cannabis has significantly reduced the black-market supply within a community, and the associated problems that come with it.
- 6. Limiting Youth Access**
 - As responsible operators, and experienced cannabis licence holders, we have shown that we have a positive impact on reducing youth access to cannabis within the communities we serve.
- 7. Lessening the social stigma of cannabis**
 - Happy Isle Cannabis will help reduce the negative social stigma by occupying a prominent street level location that is approachable and welcoming.

NEGATIVE Social Impacts:

- 1. Addiction**
 - Contrary to popular belief, people can become addicted to cannabis. Continued, frequent and heavy cannabis use can cause a mental dependency resulting in habitual use.
 - However, based on what is currently known, the risk of cannabis addiction is much lower than the risk of addiction to alcohol, tobacco, or opioids. And, unlike substances such as alcohol or opioids where overdoses may be fatal, a cannabis overdose is not fatal... *source: <https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/health-effects/addiction.html>
- 2. Health Implications**
 - Respiratory illness related to long term smoke inhalation.
 - Negative mental health outcomes – specifically tied to heavy use by youth.
- 3. Motor Vehicle Impairment**
 - Cannabis use can cause cognitive impairment and can lead to motor vehicle accidents.

*Mitigation measures of negative social impacts:

1. Public Awareness Campaigns

- Happy Isle actively promotes public health campaigns that are implemented by *Health Canada* and the *Liquor and Cannabis Licencing Branch of BC*, through in-store posters and messaging about the harms of cannabis use including;
 - Driving while impaired
 - Restricting access to our youth
 - Consumption while pregnant
 - Health problems related to over-use

2. Providing Options

- Our in-store product menus include a large selection of lower dosage edibles, capsules, oils and topicals to help encourage consumers to explore alternative options to smoking cannabis, and to consume at much lower doses...ie. *“Start low and go slow”*.

ECONOMIC IMPACTS

POSITIVE Economic Impacts:

1. Employing Locals

- Happy Isle Cannabis in Horseshoe Bay is proud to offer jobs to locals. Our **TWO full-time** staff and **TWO part-time** staff all reside in Horseshoe Bay, Lions Bay or Bowen Island.

2. Increased Consumer Traffic

- Cannabis retail stores bring increased consumer traffic to the communities they operate in. Neighbouring businesses have experienced economic benefit from being located next to, or near cannabis stores.

3. Stable, Long-Term Storefronts

- With the current instability of brick-and-mortar retail, cannabis stores bring a welcome and consistently stable business to commercial areas. Happy Isle is pleased to be able to propose occupying a currently empty storefront in Horseshoe Bay.

4. Helping Neighbouring Businesses

- Happy Isle is excited to be able to provide an affordable expansion opportunity to its neighbour, “Lali Loves It”. The presence of Happy Isle in this building will eliminate two currently empty storefronts.
- As the building owner, we are not only invested in the success of our neighbouring tenants but also the long-term success of the Horseshoe Bay community.

5. Taxation

- Provides provincial revenues which is expected to increase transfer payments to local governments in the future.

NEGATIVE Economic Impacts:

1. Increased Vehicle Traffic

- The increased vehicle traffic brought by a cannabis store can result in parking congestion.

*Mitigation measures of negative economic impacts:

1. Dedicated Parking

- Happy Isle Cannabis proposed location in Horseshoe Bay provides four dedicated private parking stalls directly behind the location

- The location at Royal Ave. and Bruce St. also has ample street parking that is in less demand than the busy Bay Street area.

ENVIRONMENTAL IMPACTS

POSITIVE Environmental Impacts:

1. Oversight of Production Facilities

- All communities have had to deal with illegal grow-ops. Legal producers grow cannabis in environments that are more energy efficient and regulated for environmental sensitivities such as fertilizer and wastewater disposal.

NEGATIVE Environmental Impacts:

1. Careless Disposal of Cannabis

- The disposal of partial smoked cannabis joints can lead to accidental and unwanted consumption by pets, especially dogs.
- Carelessly discarded cannabis joints can add to the garbage problem already occurring with discarded cigarette butts.

2. Increased packaging

- For the legal cannabis industry to meet Health Canada standards of safety, it meant more packaging for child proof products, specific warning labels and cannabis potency.

*Mitigation measures of negative environmental impacts:

1. In Store Signage

- We will post signage inside and outside our store reminding our customers to dispose of their cannabis responsibly.

2. Happy Isle Cannabis Pocket Ashtrays

- Happy Isle is proud to offer complementary pocket ashtrays in an effort to help keep our communities clean and animals safe.
- Pocket ashtrays will help to mitigate the current problem that exists in Horseshoe Bay, both in regard to discarded cigarette butts, and accidental consumption of cannabis by pets.



3. In Store Recycling Program

- We will offer in-store recycling bins for customers to bring their cannabis specific packaging back to us to be safely recycled.

