



TO: CITY MANAGER 2020 July 22

FROM: DIRECTOR PLANNING AND BUILDING

**SUBJECT: REZONING REFERENCE #19-17
Government Cannabis Store**

ADDRESS: 7360 Kingsway (see *attached* Sketches #1 and #2)

LEGAL: Lot A, District Lots 30 and 95, Group 1, NWD Plan EPP41731

FROM: CD Comprehensive Development District (based on RM5s Multiple Family Residential, C3 General Commercial, P6 Regional Institutional District guidelines, and Edmonds Town Centre Plan guidelines)

TO: Amended CD Comprehensive Development District (based on C3 and C3i General Commercial District, Edmonds Town Centre Plan guidelines, and in accordance with the development plan entitled “BCCS #7051 Burnaby Kings Crossing” prepared by the Liquor Distribution Branch)

APPLICANT: British Columbia Liquor Distribution Branch
3383 Gilmore Way
Burnaby, BC V5G 4S1
Attn: Rory Mandryk

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2020 August 25.

RECOMMENDATIONS:

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2020 July 27 and to a Public Hearing on 2020 August 25 at 5:00 pm.
2. **THAT** the following be established as prerequisites to the completion of the rezoning:
 - a) The submission of a suitable plan of development.
 - b) The granting of a Section 219 Covenant to ensure that operating hours are maintained as described in Section 4.2.3 of this report.

REPORT

1.0 REZONING PURPOSE

The purpose of the proposed rezoning bylaw amendment is to permit a government cannabis store within an existing commercial retail unit (CRU).

2.0 POLICY FRAMEWORK

The advancement of the rezoning application aligns with the following goals and sub-goals of the Corporate Strategic Plan:

A Connected Community

- Partnership - Work collaboratively with businesses, educational institutions, associations, other communities, and governments.

Inclusive Community

- Create a sense of community – Provide opportunities that encourage and welcome all community members and create a sense of belonging.

A Dynamic Community

- Economic opportunity – Foster an environment that attracts new and supports existing jobs, businesses and industries.

3.0 BACKGROUND

3.1 The subject site is located within Edmonds Town Centre on the corner of Kingsway and Edmonds Street. Specifically, it is located in two Kingsway-fronting CRUs (see *attached* Sketches #1 and #2) within the Kings Crossing mixed-use development. The development is comprised of three high-rise apartment towers (28, 31, and 36 storeys), a six storey office building, a two storey commercial podium, and six levels of underground parking with access off Edmonds Street and from internal driveways flanking the north and east property lines.

To the northwest across Edmonds Street is a high-rise mixed-use development and single storey commercial buildings. To the northeast along Edmonds Street and to the south across Kingsway are single- and two-storey commercial developments. Flanking the development to the east is an older low-rise apartment building.

3.2 On 2020 June 01, Council adopted Guidelines for Assessing Rezoning Applications for Government Cannabis Stores. The guidelines help ensure, on a case-by-case basis, the appropriate location, size, and operation of government cannabis stores in Burnaby's four Town Centres.

3.3 On 2019 June 10, Council received the report of the Planning and Building Department concerning the subject rezoning and authorized the Department to continue to work with the applicant with the understanding that a further and more detailed report would be submitted at a later date, once guidelines for such applications had been established. The applicant has now submitted a plan of development suitable for presentation at a Public Hearing.

4.0 GENERAL COMMENTS

4.1 The applicant is seeking to rezone approximately 240.8 m² (2,592 sq. ft.) of commercial space within the Kings Crossing mixed-use development from CD Comprehensive Development District (based on RM5s Multiple Family Residential, C3 General Commercial, and P6 Regional Institutional District guidelines) to the amended CD District (based on C3 and C3i District guidelines) in order to permit the establishment of a government cannabis store. The proposed use is oriented towards Kingsway. Under the proposed amendment, the subject site would retain the underlying C3 District zoning, in addition to the proposed C3i District zoning, in order to allow future reversion of the site to C3 District uses should the government cannabis store use cease.

Government regulations regarding cannabis stores require that cannabis, cannabis accessories, and packaging and labelling of cannabis and cannabis accessories are not visible from outside a store. Therefore, while the exterior of the store has transparent glazing, a frosted window with social responsibility signage is proposed to be located within the store, setback somewhat from the transparent glazing, to block visibility of the above noted items from outside the store.

The applicant also notes that the proposed store would have odour mitigation measures, and various security arrangements such as intruder and fire monitoring systems, video surveillance, secure storage rooms, smash-resistant windows, and potential bollards. Proposed hours for the store are 10 am to 9 pm, Monday to Saturday, and 11 am to 6 pm Sunday. A two ID system would be used to ensure minors are not in the store, and the application of CPTED (Crime Prevention through Environmental Design) principles would be pursued. In addition, the Liquor Distribution Branch's neighbourhood strategy includes a mandatory *Keep It Safe* training program for all staff, no disposal of cannabis on-site, and the implementation of procedures regarding unruly customers, store safety, loitering, and consumption outside the premises. There is sufficient parking on the subject property.

4.2 The following subsections review the consistency of the proposed development with the Council-adopted Guidelines for Assessing Rezoning Applications for Government Cannabis Stores:

4.2.1 Locational Criteria

Town Centre location:

The locational criteria for government cannabis stores requires that a store be located in one of the four designated Town Centres in which the store would serve as a component of an overall development. The proposed store is located in Edmonds Town Centre.

General observance of a minimum 200 m (656 ft.) separation from the following uses:

- ***Public and private schools***

Edmonds Elementary School is located more than 0.6 km (0.37 miles) northeast of the subject site. Byrne Creek Secondary School and St. Thomas Collegiate are more than 0.8 km (0.5 miles), to the south and southeast respectively, of the subject site.

- ***Public playgrounds***

Public playgrounds at Edmonds Park are located approximately 400 m (0.25 miles) north of the subject site.

- ***Community/recreation centres, community resource centres, neighbourhood houses, and youth centres***

Edmonds Community Centre and the Centre's Youth Lounge at Edmonds are located more than 250 m (820 ft.) northeast of the subject site, while the Edmonds Community Resource Centre is more than 0.6 km (0.37 miles) northeast of the subject site.

Observance of an appropriate relationship to the following adjacent uses in terms of their direct proximity or orientation to the government cannabis store:

- ***Residential and mixed-use development***

The site is located within a mixed-use multiple-family development, however the closest residential units, in the development's Kingsway fronting tower, start on the fourth floor and are slightly setback from the commercial podium. The subject site is within a ground-floor unit fronting Kingsway, and is situated one CRU away from the lobby entrance to that residential tower.

- ***Café/restaurant outdoor patios***

While there is a café patio located approximately 140 m (460 ft.) to the west, across Edmonds Street, there are currently no other café/restaurant patios in proximity to the site.

- **Public parks**

Edmonds Park is located more than 250 m (820 ft.) north of the subject site. It is noted that public open space, an important urban amenity, is located, not directly proximate to the proposed government cannabis store, on the larger property in a plaza at the corner of Kingsway and Edmonds Street and in a plaza fronting Edmonds Street, across Edmonds to the west at the corner of Kingsway and Edmonds Street as part Esprit mixed-use development, and at the Highland Park Line across Kingsway and Edmonds Street to the southwest.

- **Potential sensitive uses such as temporary shelters or group homes**

There are no sensitive uses such as temporary shelters or group homes proximate to the subject site.

Given the integration of the proposed government cannabis store into a new development and its orientation towards Kingsway, and the applicant’s stated neighbourhood strategy, the opportunity for nuisance behaviours is considered low. As such, the proposed government cannabis store is not expected to pose a conflict with surrounding land uses.

As per the guidelines, assessment for rezoning applications for government cannabis stores also includes consideration of adequate vehicular and pedestrian circulation on the site, and safe, convenient, and non-intrusive means of vehicular access to the site, without causing undue traffic impacts on the surrounding area. Vehicular access to the subject site is from Edmonds Street and from internal driveways flanking the north and east property lines. Sufficient off-street parking is provided on-site, and there would be no change in parking requirements for this use, relative to other commercial uses in the C3 District. Sidewalks are provided along both frontages of the larger property, and the site is located close to bus stops on both Kingsway and Edmonds Street. Therefore, the subject site provides adequate vehicular and pedestrian access, as required by the locational criteria. It is further noted that the proposed government cannabis store use is not anticipated to have a greater vehicular impact on the surrounding neighbourhood than any other commercial use that is currently permitted under the site’s prevailing zoning.

4.2.2 Store Size

The proposed government cannabis store, is approximately 240.8 m² (2,592 sq. ft.) which does not exceed the maximum store size criterion of 465 m² (5,000 sq. ft.).

4.2.3 Operational Criteria

Commercial uses on the subject property will have varied operating hours based on the diverse businesses that will operate at this Town Centre location. Therefore, the proposed hours of operation for the subject site, 10 am to 9 pm, Monday to Saturday, and 11 am to 6 pm Sunday, are considered acceptable. To ensure that the proposed hours are maintained,

To: City Manager
From: Director Planning and Building
Re: REZONING REFERENCE #19-17
2020 July 22..... Page 6

it is recommended that, as a condition of the Rezoning approval, the operating hours be established under a Section 219 Covenant.

The guidelines also recommend that government cannabis stores have a security plan, as a well as a strategy to ensure the store will be a good neighbour. Government cannabis stores are also required to post signs regarding Burnaby’s smoking bylaw, when it has been adopted by Council. The applicant has provided/confirmed the above information.

4.3 A Section 219 Covenant is required to ensure that hours of operation are maintained as described in Section 4.2.3. It is also noted that the property is currently subject to a Section 219 Covenant which requires that the grade level windows of the commercial component of the development incorporate only fully transparent glazing materials and be unobstructed and unobscured at all times. However, as mentioned previously, because of the government regulation requiring that cannabis, cannabis accessories, and packaging and labelling of cannabis and cannabis accessories are not visible from outside a store, a frosted window with social responsibility signage is proposed to be located within the store, setback somewhat from the store’s transparent glazing. Therefore, because the government regulations for cannabis stores are inconsistent with the intent of the existing covenant, the City would elect not to enforce the covenant for the proposed use. The covenant will remain in place and apply to any alternative tenancy within the subject unit.

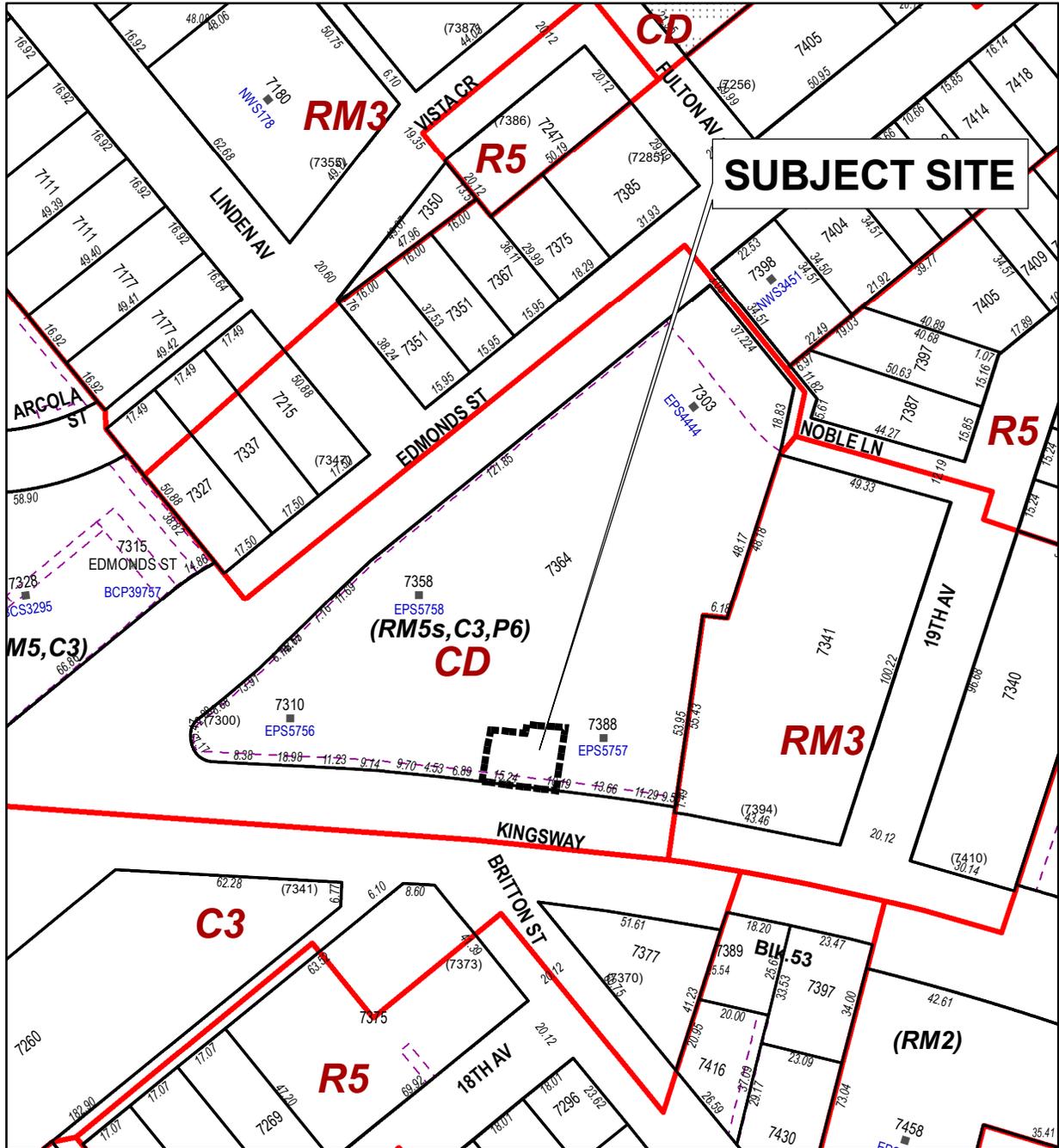
5.0 DEVELOPMENT PROPOSAL

- 5.1 Lot Area (no change) - 12,294 m² (132,328sq. ft.)
- 5.2 Gross Floor Area
Subject unit - 240.8 m² (2,592 sq. ft.)
- 5.3 Required/Provided Parking (no change)
Total commercial - 387 spaces


E. W. Kozak, Director
PLANNING AND BUILDING

LS:tn
Attachments

cc: Director Engineering City Solicitor
Director Public Safety and Community Services City Clerk
Officer-in-Charge, RCMP, Burnaby Detachment



PLANNING & BUILDING DEPARTMENT



Date:
JUL 23 2020

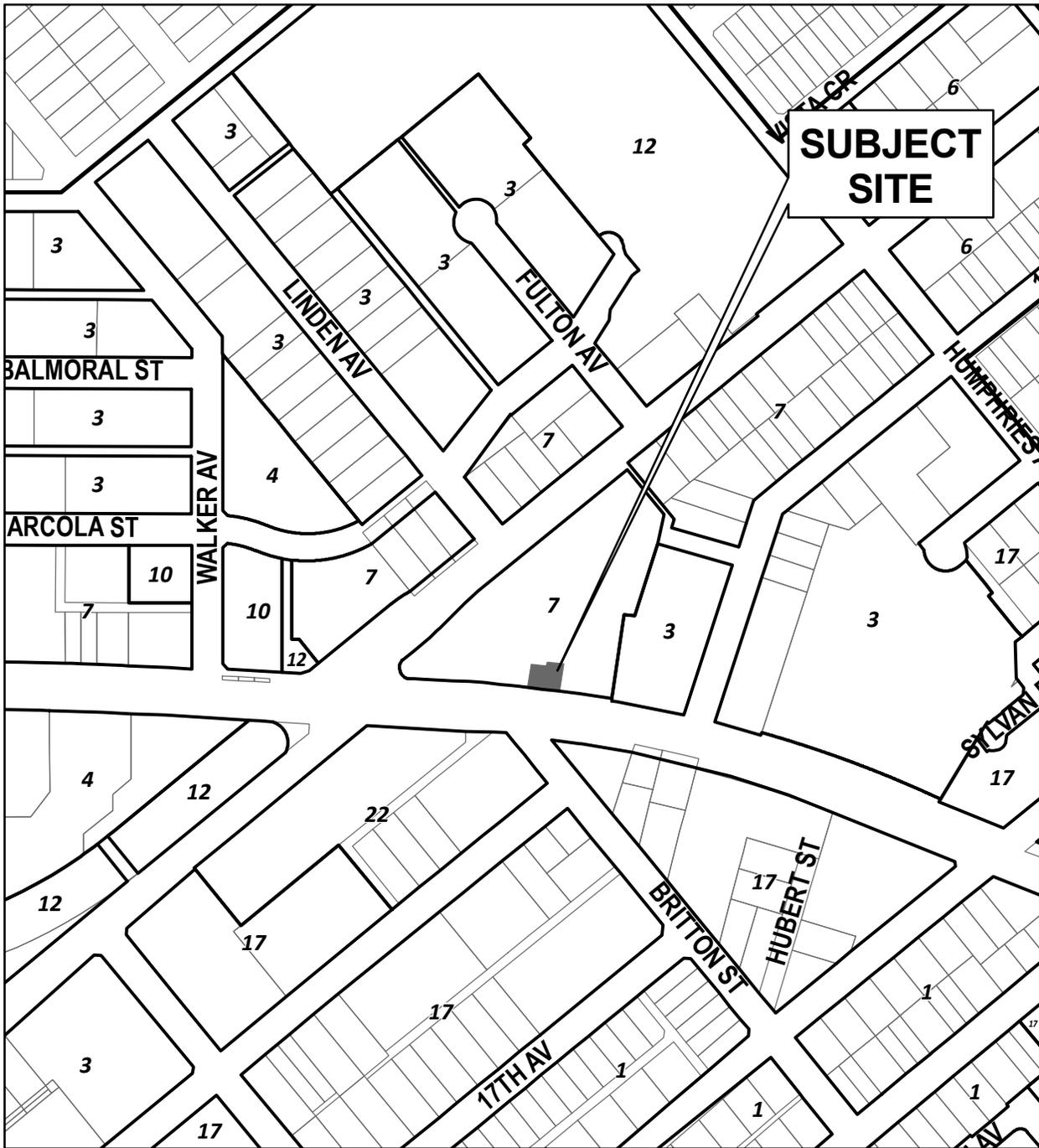
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Drawn By:
RW

REZONING REFERENCE #19-17
7360 KINGSWAY

 Subject Site

Sketch #1



- | | |
|---|---|
| 1 Single and Two Family Residential | 9 Industrial |
| 3 Medium Density Multiple Family Residential | 10 Institutional |
| 4 High Density Multiple Family Residential | 12 Park and Public Use/Public School |
| 5 Commercial | 17 Low or Medium Density Multiple Family Residential (Ground Oriented) |
| 6 Medium Density Mixed Use | 22 Low/Medium Density Mixed Use |
| 7 High Density Mixed Use | |

Edmonds Town Centre Plan Development Guidelines



PLANNING & BUILDING DEPARTMENT

Note: Composite Sketch Subject to Change

