



|                            |
|----------------------------|
| Item .....                 |
| Meeting ..... 2020 July 27 |

## COUNCIL REPORT

**TO:** CITY MANAGER 2020 July 22

**FROM:** DIRECTOR PLANNING AND BUILDING

**SUBJECT: REZONING REFERENCE #19-16  
Government Cannabis Store**

**ADDRESS:** #1 – 4429 Kingsway (see *attached* Sketches #1 and #2)

**LEGAL:** Lot A, District Lot 153, Group 1, NWD Plan 19895

**FROM:** C3 General Commercial District

**TO:** CD Comprehensive Development District (based on C3 and C3i General Commercial District and in accordance with the development plan entitled “BCCS #7049 Burnaby Old Orchard” prepared by the Liquor Distribution Branch)

**APPLICANT:** British Columbia Liquor Distribution Branch  
3383 Gilmore Way  
Burnaby, BC V5G 4S1  
Attn: Mark Long

**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 comprised of one CRU within the Old Orchard Shopping Centre, which is a one- and two-storey commercial strip mall located between Kingsway and Grange Street, west of Willingdon Avenue (see *attached* Sketch #1). There are numerous business licences issued for the property's various tenants, which include a government liquor store, a pharmacy, a bowling alley, a medical clinic, self-improvement schools, restaurants, retail stores, and personal service establishments. Vehicular access to the development is provided from both Kingsway and Grange Avenue.

Immediately east of the subject property, within the Old Orchard Shopping Centre, is a large grocery store, while immediately west of the subject property is a multi-family residential tower fronting Grange Street and a two-storey commercial development fronting Kingsway. To the north across Grange Street is an older three-storey apartment building and the Willingdon Care Centre. To the south across Kingsway are a 17-storey office building with ground floor retail, a two-storey commercial building, a gas station, and a surface parking lot.

To: City Manager  
From: Director Planning and Building  
Re: REZONING REFERENCE #19-16  
2020 July 22.....Page 3

- 3.2 The subject site is located within the Metro Downtown neighbourhood of the Metrotown Downtown Plan area (see *attached* Sketch #2). The Plan designates the subject site, as well as adjacent properties, for high-density mixed-used development, using the RM5s Multiple Family Residential District and C3 General Commercial District as guidelines.
- 3.3 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.
- 3.4 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 a 411.75 m<sup>2</sup> (4,432 sq. ft.) CRU within the Old Orchard Shopping Centre from the C3 District to the CD Comprehensive Development District (based on C3 and C3i District guidelines) in order to permit the establishment of a government cannabis store. The proposed store, currently occupied by a fitness facility, is located on the ground level of the two-storey portion of the shopping centre in the southernmost CRU. It is oriented towards the parking lot to the east and flanks a restaurant to the north and Kingsway to the south. Under the proposed amendment, the subject unit would retain the underlying C3 District zoning, in addition to the proposed C3i District zoning, in order to allow future reversion of the unit 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, bollards, and smash-resistant windows. 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 the Metrotown Town Centre.

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

- ***Public and private schools***

Chaffey-Burke Elementary School and Moscrop Secondary School are located more than 250 m (820 ft) and 1.3 km (0.8 miles) north, respectively, from the subject site.

- ***Public playgrounds***

Public playgrounds at George McLean Park and Kinnee Park are located more than 0.7 km (0.43 miles) northwest and southwest, respectively, from the subject site.

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

Bonsor Recreation Centre, Pioneer Community Resource Centre, and South Central Youth Centre are located more than 0.9 km (0.56 miles), 225 m (738 ft), and 1.2 km (0.75 miles) to the southeast, respectively, from 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 not directly proximate or oriented to residential or mixed-use developments.

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

While there is a restaurant patio located to the west, at 4361 Kingsway, the front entrance to the government cannabis store is oriented towards a parking lot and away from Kingsway.

- ***Public parks***

Old Orchard Park is located more than 210 m (689 ft) north of the subject site. It is noted that public open space, an important urban amenity, is located across Kingsway to the south as part of the Crystal mixed-use development and across Willingdon Avenue to the east as part of the Sovereign mixed-use development.

- ***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 an established commercial development, its orientation towards a parking lot, 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 both Kingsway and Grange Avenue. 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 less than 50 m (164 ft.) from a bus stop located on Kingsway, and approximately 150 m (492 ft.) from bus stops on Grange Street and Willingdon Avenue. 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 prevailing C3 District zoning.

#### **4.2.2 Store Size**

The proposed government cannabis store, at 411.75 m<sup>2</sup> (4,432 sq. ft.) does not exceed the maximum store size criterion of 465 m<sup>2</sup> (5,000 sq. ft.).

To: City Manager  
From: Director Planning and Building  
Re: REZONING REFERENCE #19-16  
2020 July 22.....Page 6

#### 4.2.3 Operational Criteria

Commercial uses on the subject property have varied operating hours, depending on the type of business, but include restaurants that are open until 11 pm and a drug store that is open until 10 pm. 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, do not exceed the operating hours of other businesses in the development, and are considered acceptable. To ensure that the proposed hours are maintained, 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.

#### 5.0 DEVELOPMENT PROPOSAL

- |     |                                                                        |                                              |
|-----|------------------------------------------------------------------------|----------------------------------------------|
| 5.1 | <u>Lot Area (no change)</u>                                            | - 11,225.38 m <sup>2</sup> (120,829 sq. ft.) |
| 5.2 | <u>Gross Floor Area (no change)</u><br>Subject unit                    | - 411.75 m <sup>2</sup> (4,432 sq. ft.)      |
| 5.3 | <u>Required/Provided Parking (no change)</u><br>4429 and 4469 Kingsway | - 324 spaces                                 |

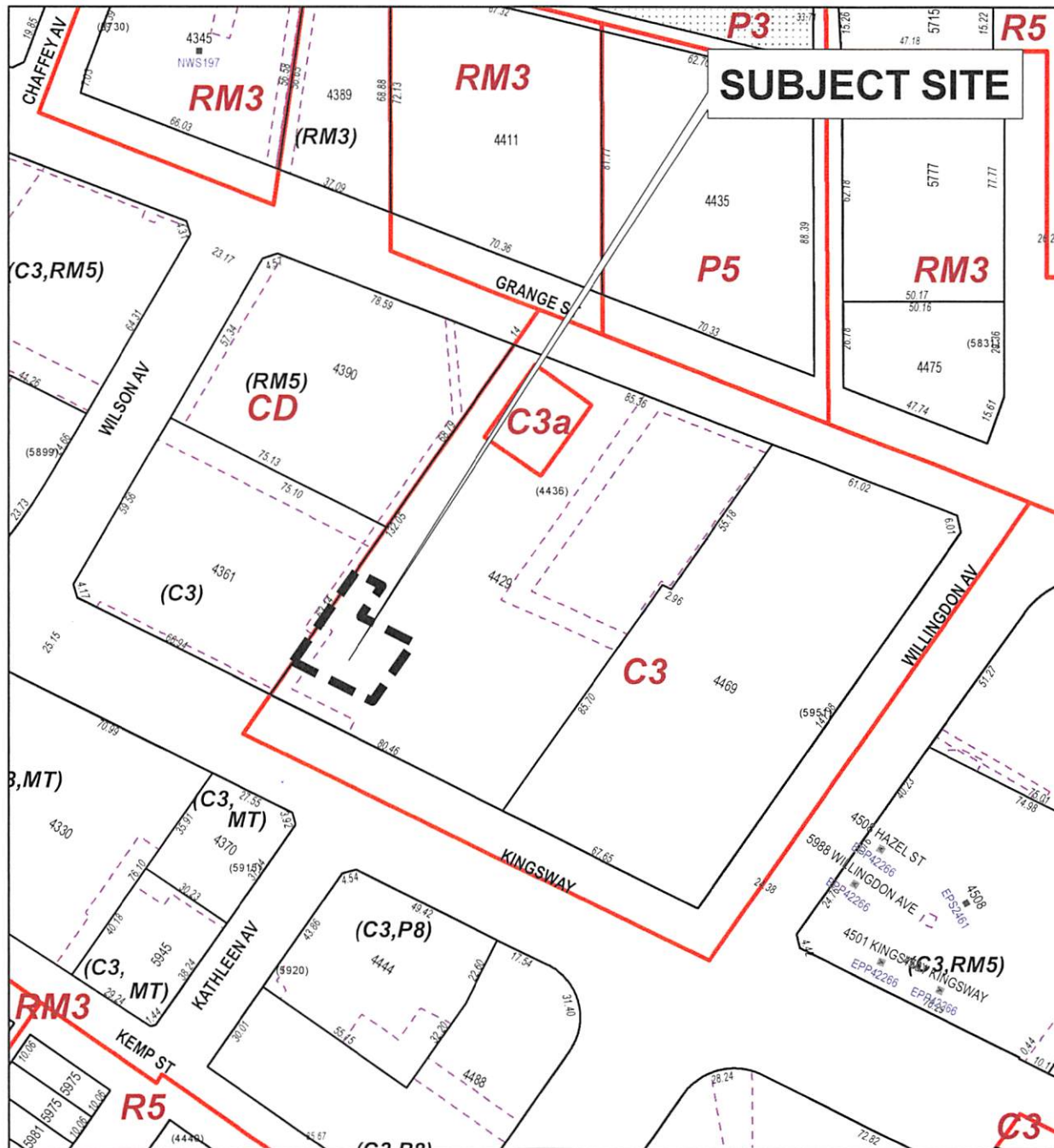


E. W. Kozak, Director  
PLANNING AND BUILDING

LS:tn

#### ***Attachments***

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



PLANNING & BUILDING DEPARTMENT



Date:  
JUL 09 2020

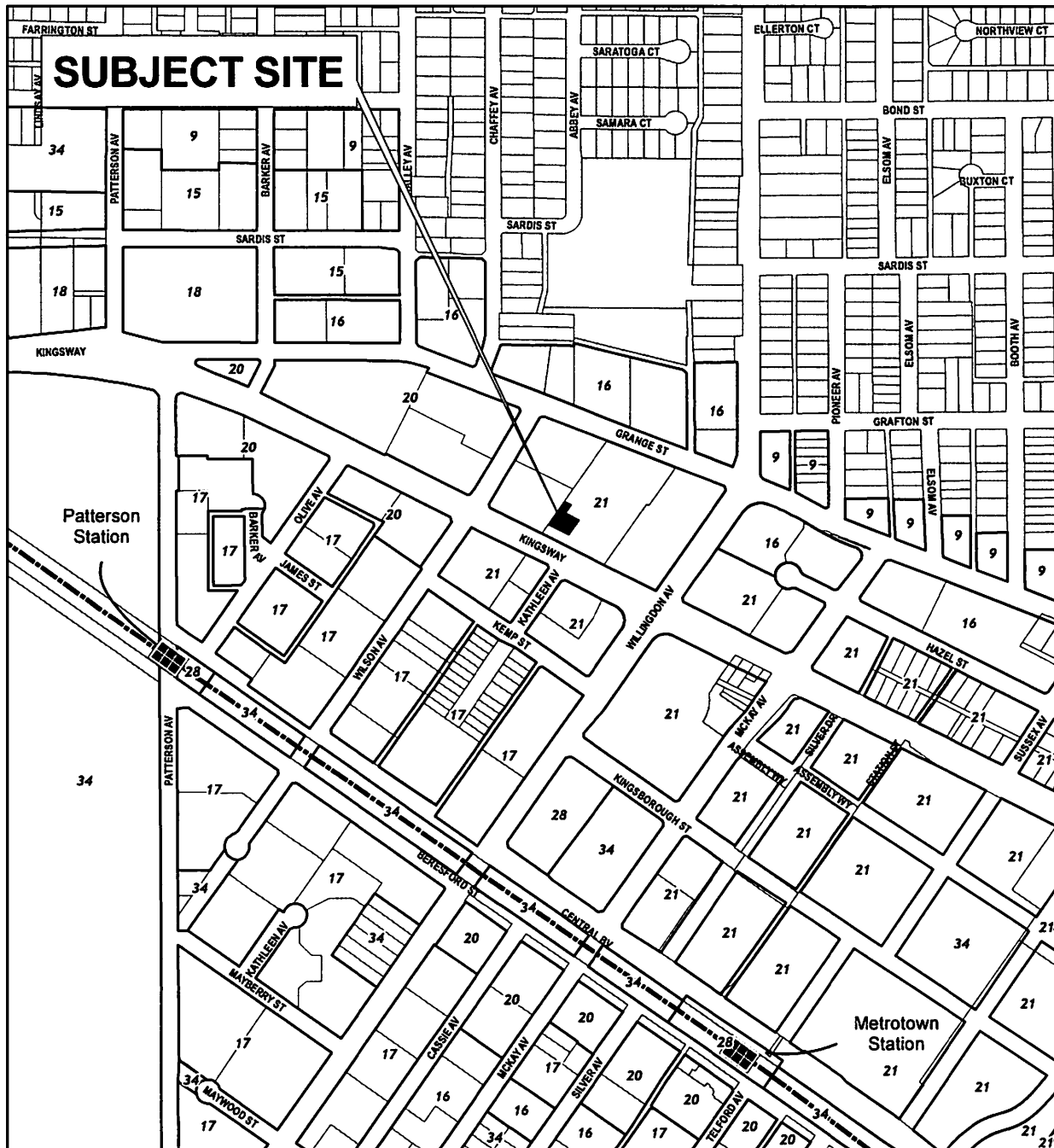
scale:  
1:2,000

Drawn By:  
JS

REZONING REFERENCE #19-16  
1 - 4429 KINGSWAY

 Subject Site

Sketch #1



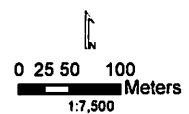
- 9** Medium Density Residential (RM3s)
- 15** High Density Residential (RM5)
- 16** High Density Residential (RM4s)
- 17** High Density Residential (RM5s)
- 18** High Density Mixed Use (RM4s/C2)
- 19** High Density Mixed Use (RM4s/C3)

- 20** High Density Mixed Use (RM5s/C2)
- 21** High Density Mixed Use (RM5s/C3)
- 28** Institutional
- 30** Public School (P3)
- 34** Park and Public Use (P3)



Planning and Building Dept

## Metrotown Plan



Printed on July 9, 2020

Sketch #2