

CITY OF BURNABY

PLANNING AND BUILDING
REZONING REFERENCE #20-38
2021 FEBRUARY 03

ITEM #08

1.0 GENERAL INFORMATION

- 1.1 **Applicant:** British Columbia Liquor Distribution Branch
3383 Gilmore Way
Burnaby, BC V5G 4S1
Attn: Ryan McKeown
- 1.2 **Subject:** Application for the rezoning of:
Lot 1 District Lot 155B Group 1
New Westminster District Plan BCP21081
- From:** CD Comprehensive Development District (based on C2 Community Commercial District and C7 Drive-In Restaurant District)
- To:** Amended CD Comprehensive Development District (based on C2 and C2i Community Commercial Districts and C7 Drive-In Restaurant District)
- 1.3 **Address:** 7300 Market Crossing
- 1.4 **Location:** The subject site is comprised of one commercial retail unit (CRU) at the Marine Way Market shopping centre (Sketches #1 and #2 *attached*).
- 1.5 **Size:** The site consists of one CRU with an area of approximately 320 m² (3,441 sq. ft.).
- 1.6 **Services:** The Director Engineering will be requested to provide all relevant servicing information.
- 1.7 **Rezoning Purpose:** The purpose of the proposed rezoning bylaw amendment is to permit a government cannabis store.

2.0 POLICY FRAMEWORK

The proposed development 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.

An 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 NEIGHBOURHOOD CHARACTERISTICS

Marine Way Market shopping centre consists of 11 one-to-two storey commercial buildings on two separate parcels located within the Big Bend Development Plan area, south of the intersection of Byrne Road and Marine Way. The subject site (7300 Market Crossing) is comprised of a one-level commercial retail unit (CRU) within a two-unit commercial building at the northwest end of the shopping centre, adjacent to Byrne Road (see *attached* Sketches #1 and #2).

To the east and northeast of the shopping centre, across Marine Way, are industrial properties and the Big Bend Crossing shopping mall; to the northwest, across Byrne Road, are industrial properties; and to the west and south, across Market Crossing, are industrial properties, agricultural lands, and the Marshland Avenue Bog Forest.

Surface parking is provided throughout the shopping centre, with vehicular access provided from Marine Way, Market Crossing and Byrne Road.

4.0 BACKGROUND INFORMATION

- 4.1 The subject property was rezoned to the CD Comprehensive Development District (utilizing the C2 Community Commercial District and the C7 Drive-In Restaurant District) under Rezoning References #03-22 and #05-22 to permit the subject commercial development. The southern portion of the shopping centre (7501 Market Crossing) was rezoned under Rezoning Reference #06-23 to permit the completion of the shopping centre. Marine Way Market is currently occupied by a range of commercial tenants, including various retail, service and restaurant outlets.
- 4.2 On 2020 June 01 Council adopted locational and operational guidelines for assessing future rezoning applications for government cannabis retail stores in the C2i and C3i Commercial Districts. The intent of the guidelines is to provide a higher degree of certainty as to the appropriate location, size, and operation of government cannabis stores.

5.0 GENERAL INFORMATION

- 5.1 The applicant is seeking to rezone an approximately 320 m² (3,441 sq. ft.) CRU within the Marine Way Market shopping centre to an amended Comprehensive Development District (based on C2 and C2i District guidelines) in order to permit the establishment of a government cannabis store (see *attached* Sketch #1). The proposed store is located on the ground level, with the store frontage situated along the south elevation, facing the shopping centre's surface parking area. Under the proposed amendment, the subject unit would retain the underlying C2 and C7 District zoning, in addition to the proposed C2i District zoning, in order to allow future reversion of the unit to alternative uses should the government cannabis store use cease.

- 5.2 The following is an assessment of the proposal's consistency with the 2020 Council-adopted guidelines for assessing rezoning applications for government cannabis stores:

5.2.1 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. It is noted that the proposed location is not within a Town Centre.

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

• *Public and private schools*

The nearest school is Glenwood Elementary School, located over 600 m. (1,969 ft.) from the subject site, north of Marine Drive.

• *Public playgrounds*

The nearest public playground is located approximately 700 m (2,297 ft.) from the subject site, north of Marine Drive and Glenwood Elementary School.

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

There are no community/recreation centres, community resource centres, neighbourhood houses, or youth centres near 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 subject site is located within an established commercial shopping district and is not proximate to any residential areas. The nearest residences are located over 500 m (1,640 feet) to the north, along Marine Drive.

• *Café/restaurant outdoor patios*

The subject site is not located adjacent to any café or restaurant outdoor patios. The nearest food service establishment is Cactus Club Café, located at the eastern adjacent building, which has a permanent enclosed outdoor patio.

- ***Public parks***

The subject site is not located directly adjacent to any public parks. Byrne Creek Urban Trail and Riverway Golf Course are located approximately 180 m. (591 ft.) northwest of Marine Way Market shopping centre.

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

There are no such sensitive uses proximate to the subject site.

While the proposed non-Town Centre location is noted, staff support the subject rezoning application for a government cannabis store at Marine Way Market shopping centre, based on the following rationale:

- the proposed location meets all other established locational criteria as discussed above for government cannabis stores, and is within an existing commercial development surrounded mainly by other commercial and industrial uses;
- the proposed location is accessible by transit, with bus stops located near the shopping centre which provide regular bus service along Route 116 between Edmonds Station and Metrotown Station;
- the RCMP was notified of the subject rezoning application, and have no significant concerns regarding the proposed government cannabis store location;
- the applicant has noted that the Liquor Distribution Branch (LDB) neighbourhood strategy includes the implementation of procedures regarding unruly customers, store safety, loitering and consumption outside the premises. In addition, products from government cannabis stores are packaged and sold in accordance with Health Canada requirements, such that odour impacts on nearby uses would be mitigated;
- the proposed location is only approximately 600 m. (1,969 ft.) from the boundary of the Edmonds Town Centre. A rezoning application for a government cannabis store in the Edmonds Town Centre has not been approved, nor is there currently an active rezoning application for a store in Edmonds;
- a government cannabis store at this location closely mirrors the City's liquor store location framework; and,
- the rezoning process would still allow Council to assess and evaluate the proposal on its own merits and on a discretionary basis, with an opportunity for public comment through a Public Hearing.

It is noted that should Council approve this rezoning proposal, staff would amend the 2020 Council-adopted guidelines to include this location in lieu of a location in the Edmonds Town Centre, in which a rezoning application for a government cannabis store was rejected by Council on 2020 September 14 (Rezoning Reference #19-17).

5.2.2 *Store Size*

The proposed government cannabis store, at 320 m² (3,441 sq. ft.), does not exceed the maximum store size criterion of 465 m² (5,000 sq. ft.).

5.2.3 Operational Criteria

The guidelines recommend that government cannabis stores have a security plan, as 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-related bylaw(s), once adopted by Council.

The applicant notes that the proposed store would apply a range of security arrangements, CPTED (Crime Prevention through Environmental Design) principles, as well as community engagement and social responsibility measures to maximize customer, employee and community safety, and to promote safe and responsible use of non-medical cannabis products. Minors would not be permitted to enter the store, and an ID-check policy at store entryways would be implemented. While specific store hours have not been indicated, typical BC Cannabis Store hours are 10:00 am to 9:00 pm Monday to Saturday, and 11:00 am to 7:00 pm on Sundays. The LDB's neighbourhood strategy would be applied as necessary.

- 5.3 The Liquor and Cannabis Regulation Branch (LCRB) Policy Directive 20-15 was released on 2020 June 18, which amended the *Cannabis Licensing Regulation* to allow cannabis retail locations to have transparent windows, provided that cannabis, cannabis accessories, and packaging and labelling of cannabis and cannabis accessories are not visible from outside the store. Should Council direct staff to continue working with the applicant to prepare a suitable plan of development for the proposed government cannabis store, further details on the proposed storefront façade glazing, treatment and display design will be provided in a future report.
- 5.4 Appearing elsewhere on tonight's agenda is a rezoning report for a government cannabis store proposed to be located in the Brentwood Town Centre (Rezoning Reference #20-37). Together with the subject application, these applications represent the third and fourth rezoning applications for government cannabis stores that Council has received for consideration.
- 5.5 The Director Engineering will be requested to provide an estimate for all necessary site servicing.
- 5.6 The owner will be required to enter into a Section 219 Covenant to establish operating hours, as well as any other required covenants.
- 5.7 A complete outline of all proposed prerequisite conditions to the rezoning will be included in a future report to Council.

6.0 RECOMMENDATIONS

1. **THAT** the Planning and Building Department be authorized to continue to work with the applicant towards the preparation of a suitable plan of development for presentation to a Public Hearing on the understanding that a more detailed report will be submitted at a later date.

2. **THAT** staff amend the 2020 Government Cannabis Store Guidelines as noted in Section 5.2 of this report.
3. **THAT** Council authorize staff to prepare a separate report to recommend amendments to the 2020 Government Cannabis Store Guidelines as described in Section 5.2 of this report.

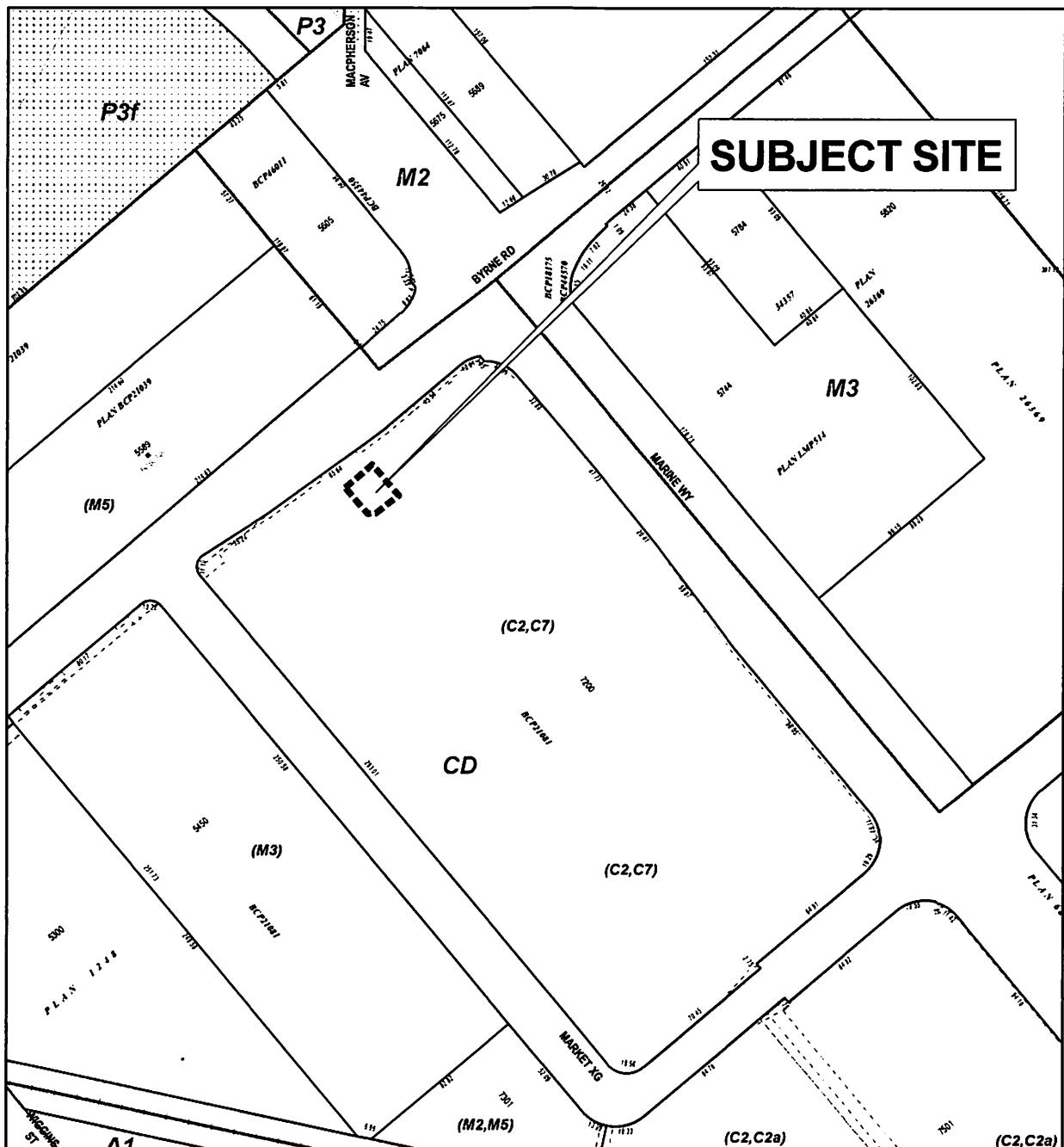


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Attachments

cc: City Solicitor
 City Clerk

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PLANNING & BUILDING DEPARTMENT

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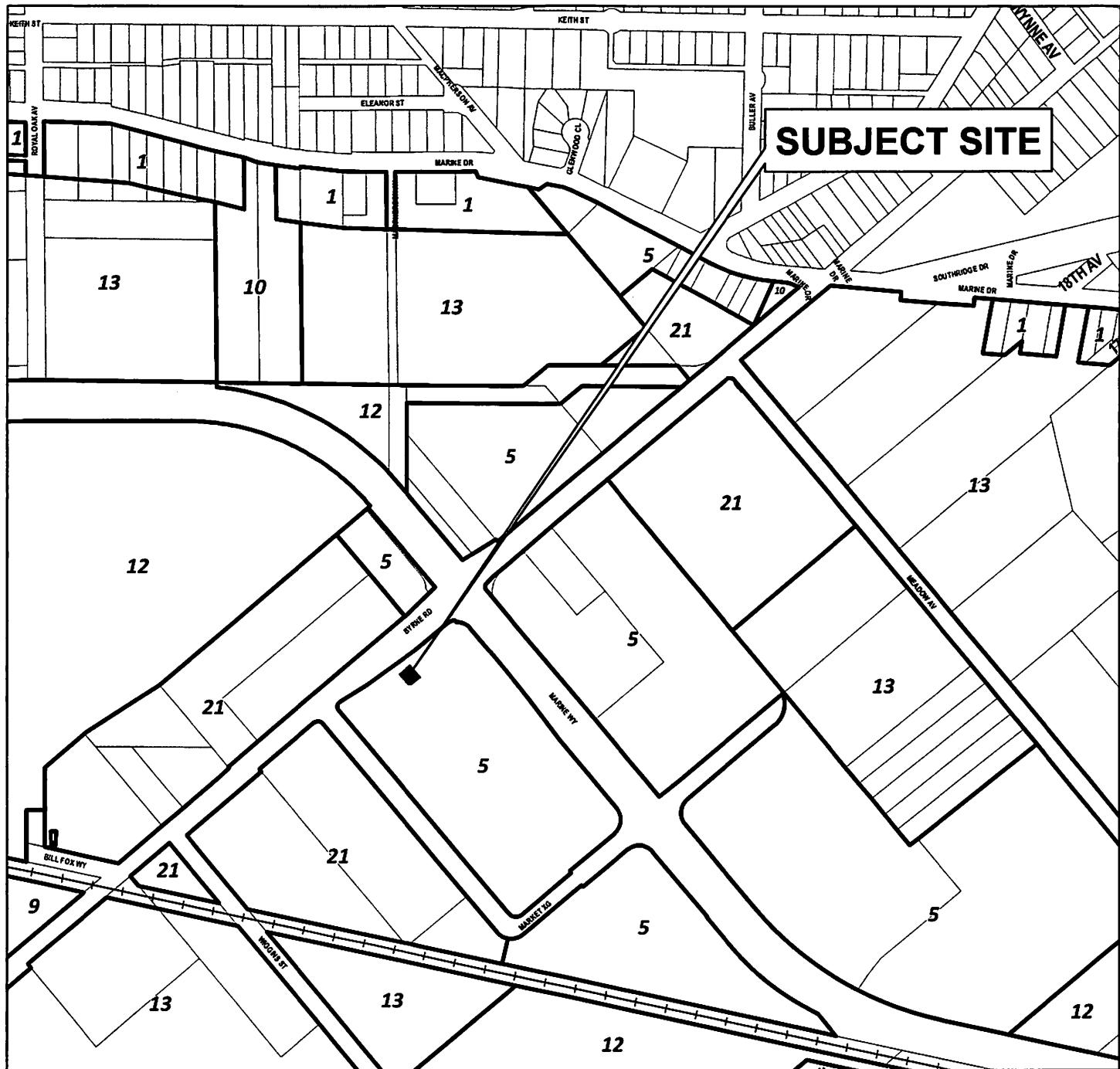
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**REZONING REFERENCE #20-38
7300 MARKET CROSSING**



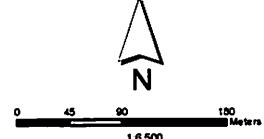
Subject Site

Sketch #1



- 1 Single and Two Family Residential
- 2 Low Density Multiple Family Residential
- 5 Commercial
- 9 Industrial

- 10 Institutional
- 12 Park and Public Use
- 13 Agricultural
- 21 Big Bend Business Centre



PLANNING & BUILDING DEPARTMENT

Big Bend Community Plan



**LIQUOR
DISTRIBUTION
BRANCH**

BC CANNABIS STORES

December 16th, 2020

Mr. Ed Kozak
City of Burnaby
4949 Canada Way
Burnaby, BC
V5G 1M2

Dear Mr. Kozak:

Re: Non-medical cannabis retail store application

Please accept the Liquor Distribution Branch's (LDB) application to locate a Government operated non-medical cannabis retail store at Marine Way Market located at 7300 Market Crossing. The LDB has received support from the property owner to proceed with this application (application form, fees and supporting materials attached).

About the LDB

The LDB is one of two branches of government responsible for the beverage alcohol industry in BC. The *Liquor Distribution Act* gives the LDB the sole right to purchase and distribute beverage alcohol for the province. The LDB is also the public liquor retailer in the province's mixed public-private model, operating 197 retail outlets under the brand 'BC Liquor Stores.'

Under the *Cannabis Distribution Act*, the LDB is also the sole wholesale distributor of non-medical cannabis in British Columbia and operates standalone, public retail stores and provides online sales. Since legalization, the LDB has opened BC Cannabis Store retail locations in twenty communities and we are actively working to roll out more stores across the Province to cater to the BC market.

Revenue generated through the LDB's wholesale and retail operations is remitted to the Provincial Government and contributes to supporting vital public services such as health care and education.

Committed to maintaining a level playing field between private and public retailers, the LDB ensures a fair and ethical supply and distribution of non-medical cannabis by applying a common set of rules for both:

- As the wholesaler of non-medical cannabis, it applies a 15% wholesale mark-up on the landed cost of cannabis distributed throughout the province to private and public BC Cannabis Stores
- Purchasing cannabis at a common wholesale price, both private and public retailers are required to pay the cost of shipping product from the LDB warehouse to their retail outlet. E-commerce customers currently pay a flat shipping fee of \$8 on each order purchased via www.bccannabiswholesale.com.

- All private and public retail stores are required to comply with the municipal, provincial and federal regulations that govern the purchase, sale, and distribution of non-medical cannabis
- For both private and public retail stores, the minimum retail price for selling non-medical cannabis is either the wholesale price they paid to the LDB or the current LDB wholesale price, whichever is lower.

Location of proposed BC Cannabis Store

The LDB is proposing to open a BC Cannabis Store at Marine Way Market for a number of reasons, including that the site is:

- Located in an existing retail centre with strong anchor tenants;
- Easily accessible to customers with ample parking;
- Not expected to adversely impact traffic in the surrounding area, given its location in an already established complex, and;
- Located outside any sensitive use buffers established under the current City Policy.

The size of the proposed non-medical cannabis retail store is approximately 4,107 square feet of which we envision two thirds being dedicated to retail, with the remainder being utilized for office and administrative space for store staff.

Our commitment to community engagement and social responsibility

The LDB works closely with the Liquor and Cannabis Regulation Branch (LCRB), the Ministry of Public Safety and Solicitor General, and the Ministry of Attorney General to encourage the safe and responsible consumption of alcohol and non-medical cannabis in BC.

We are committed to working in partnership with local governments to ensure a smooth introduction of non-medical cannabis to the retail market in BC communities. While government-operated BC Cannabis Stores do not require a licence from the LCRB^[1], we are committed to following all municipal zoning processes and meeting all bylaw requirements, as well as working with local law enforcement agencies to maintain public safety.

Social responsibility is integral to the LDB and has been part of our corporate culture for decades. BC Liquor Stores have a well-established history of both undertaking initiatives encouraging the responsible use of our products and fundraising campaigns to give back to the local community.

Since 2010, we have raised nearly one hundred thousand dollars from staff and customers at our Burnaby BC Liquor Stores locations, with most of the funds being allocated to programs within the District.

Our current BC Liquor Stores social responsibility programs will serve as examples as we move forward on developing our BC Cannabis Stores social responsibility endeavours. Our current efforts in the cannabis field include:

^[1] As a branch of the Ministry of Attorney General, the LDB does not require a formal license from the LCRB to operate a retail cannabis store - written confirmation from the LCRB is attached.

- Delivering products that meet strict safety and quality requirements. All cannabis products purchased through the LDB's wholesale channel and sold through BC Cannabis Stores are purchased from federally licensed producers.
- Promoting the safe and responsible use of non-medical cannabis through social responsibility campaigns aimed at keeping cannabis out of the hands of minors, preventing driving under the influence, and informing the public about potential associated health risks of consuming cannabis.
- Actively discouraging customers from engaging in high-risk behavior such as driving under the influence, consuming cannabis during pregnancy and participating in sporting activities while under the influence of cannabis;
- Increasing awareness of the dangers associated with over-consumption or risky behavior through various in-store campaigns with strategically placed messaging, and;
- Incorporating environmental sustainability into all facets of our business with a goal of reducing our environmental footprint and being a leader in sustainable retailing.

Keeping cannabis out of the hands of minors.

Unlike liquor stores, minors will not be permitted inside BC Cannabis Stores, even if they are accompanied by a parent or guardian. Our ID-check policy at store entranceways prevents minors from entering our stores. All our staff receive comprehensive training in verifying ID, and will request age verification from all customers appearing under the age of 30.

Odour Mitigation

Product must be packaged and sold in accordance with Health Canada's packaging requirements, in a child-proof container. Since the product is prepackaged at the point of cultivation, there is little-to-no noticeable odor emitted from the store.

There will also be a ventilation and filtration system in order to reduce or eliminate odors. In the event that neighbouring tenants or customers have any concerns in this regard, the LDB will respond to these requests immediately. To date we have received no complaints regarding odours from any of our four stores currently in operation

Cannabis store operations

All BC Cannabis Stores employ unionized staff. This particular location will have approximately 12 employees, including a Store Manager, at least one Assistant Store Manager, and staff comprised of full and part-time Cannabis Consultants. Wages start at \$21.00 per hour with benefits and pension eligibility as Provincial employees. All prospective employees must undertake an Enhanced Security Screening (ESS) as mandated by Provincial law.

Store hours vary but locations are typically open from 10am to 9pm Monday to Saturday and 11am to 7pm on Sundays.

Our neighbourhood strategy includes:

- *Keep It Safe*, a mandatory full-day training program, for all staff. This program covers best practices for dealing with intoxicated customers, suspicious activities, and instances of violence, theft or nuisance. Additional topics covered include understanding cannabis related laws and strategies for maintaining a safe environment for employees and customers.
- Implementation of procedures on how to deal with unruly customers, store safety, loitering, and consumption outside the premises. Procedures are in place to ensure there are at least two employees in the store at all times and that stores are alarmed and locked outside business hours. For events that occur outside of the store, staff are trained to contact mall security, if applicable, or to call 911.
- Training staff on how to verify a customer's age and to identify signs of fraudulent I.D.
- Transporting expired or defective product off-premises for destruction. There will be no disposal of cannabis at any store, further reducing the risk that cannabis will fall into the hands of minors or the illicit market

Security

Customer, employee, and community safety is paramount. The LDB brings over 40 years of experience working with local government, enforcement agencies, and security experts in establishing and operating secure retail stores in BC, and nearly 100 years of retailing regulated products. The LDB utilizes Crime Prevention through Environmental Design (CPTED) principles when designing our retail stores.

BC Cannabis Stores are supported by the LDB's Corporate Loss Prevention department and privately contracted security personnel are available to work in conjunction with store staff to ensure security practices and protocols are followed.

All BC Cannabis Stores have:

- Centrally-monitored province-wide intruder and fire monitoring systems;
- Interior and exterior camera surveillance;
- Locked and tempered glass display cases for cannabis accessories;
- A secure storage room for product storage;
- Durable and reliable commercial-grade doors and locks;
- Security shutters and smash-resistant windows.

Further details regarding BC Cannabis Stores and the LDB's social responsibility efforts are included in the attached presentation. If you require additional materials or have any questions we would be very happy to provide it. We thank you in advance for your consideration of our application.

Sincerely,



Ryan McKeown,
Senior Business Analyst
BC Liquor Distribution Branch