



Item.....
Meeting..... 2021 July 26

COUNCIL REPORT

TO: ACTING CITY MANAGER 2021 July 21

FROM: DIRECTOR PLANNING AND BUILDING

**SUBJECT: REZONING REFERENCE #20-37
Government Cannabis Store**

ADDRESS: #2-4615 Lougheed Highway (see *attached* Sketches #1 and #2)

LEGAL: Portion of Lot 3 District Lot 124 Group 1 New Westminster District Plan EPP59173
Except Air Space Plan EPP65160

FROM: CD Comprehensive Development District (based on C3 General Commercial District, RM4s and RM5s Multiple Family Residential Districts and Brentwood Town Centre Development Plan as guidelines)

TO: Amended CD Comprehensive Development District (based on C3 and C3i General Commercial Districts, Brentwood Town Centre Development Plan guidelines, and in accordance with the development plan entitled "Burnaby Brentwood" prepared by Liquor Distribution Branch)

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

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2021 August 31.

RECOMMENDATIONS:

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2021 July 26 and to a Public Hearing on 2021 August 31 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 4.3 of this report.

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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 subject application aligns with the following City policies: Corporate Strategic Plan (2017), Regional Context Statement (2013), Official Community Plan (1998), and Economic Development Strategy (2007).

3.0 BACKGROUND

- 3.1 The subject site is comprised of one ground-level commercial retail unit (CRU) fronting Lougheed Highway within Tower 3 of The Amazing Brentwood (Brentwood Site Conceptual Master Plan) (see *attached* Sketches #1 and #2). To the north of the subject site is the existing Brentwood Town Centre Mall, and to the east is a surface parking lot serving the mall site. To the south across Lougheed Highway and the Millennium SkyTrain guideway are automobile dealerships identified for future multi-family residential and mixed-use redevelopment. To the west, across Alpha Avenue, is Phase 1 of The Amazing Brentwood development. Vehicular access to the broader Brentwood Mall site is currently taken from Lougheed Highway, Willingdon Avenue, and Beta Avenue.
- 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 2021 February 08, Council received the report of the Planning and Building Department concerning the subject rezoning and authorized the Department to continue working with the applicant towards a suitable plan of development. 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 374.3 m² (4,029 sq. ft.) CRU within Tower 3 of the Brentwood Town Centre Development Plan to an amended Comprehensive Development District (based on C3 and C3i 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 along the south elevation of the building, facing Lougheed Highway. Under the proposed amendment, the subject site would retain the underlying C3 District zoning, in

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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.

- 4.2 Consistent with current provincial regulations, the applicant is proposing transparent glazing along the storefront, with graphic panels located behind the windows within the store interior, such that cannabis, cannabis accessories, and packaging and labelling of cannabis and cannabis accessories are not visible from outside the store. 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.
- 4.3 The applicant notes that the proposed store would apply various safety and security arrangements, including fire and intruder alarm monitoring systems, video surveillance, secured product displays and storage, security shutters and smash-resistant windows. Further, to promote social responsibility and maximize customer, employee and community safety, the store would apply the following measures as part of the LDB neighbourhood strategy:
- use of a two-ID check system upon store entry to ensure minors are not permitted in the store, with training for staff to verify a customer's age and to identify signs of fraudulent ID;
 - the application of CPTED (Crime Prevention through Environmental Design) principles where applicable;
 - a mandatory *Keep It Safe* training program for all staff, which covers best practices for dealing with intoxicated customers, suspicious activities, and instances of violence, theft or nuisance;
 - implementation of procedures regarding unruly customers, store safety, loitering, and consumption outside the premises; and,
 - removal of expired or defective products off-site for destruction, such that no products are disposed of at the store location.

The proposed hours for the store are 10 a.m. to 9 p.m., Monday to Saturday, and 11 a.m. to 6 p.m. Sunday. There is sufficient parking on the subject property.

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

4.4.1 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 Brentwood Town Centre.

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

- ***Public and private schools***

The nearest schools to the subject site are Brentwood Park Elementary School and Holy Cross Elementary School, which are located over 600 m (1,969 ft.) northeast of the subject site.

- ***Public playgrounds***

The nearest public playground is located over 600 m (1,969 ft.) northeast of the subject site in Brentwood Park.

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

Brentwood Community Resource Centre (2055 Rosser Avenue) is located over 400 m (1,312 ft.) west 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 subject site is located within a mixed-use commercial and residential tower (Tower 3) within the larger Brentwood Town Centre Development Plan. The nearest residential units in Tower 3 are located above and are set-back from the 4-level commercial podium of the building.

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

An existing ground-level outdoor patio for McDonald's is located over 100 m. (328 ft.) from the subject site within the Brentwood Mall development, across from the Brentwood SkyTrain Station. Other outdoor patios may be constructed in the future near the subject site, as commercial tenants begin to occupy the ground-level CRU's within the The Amazing Brentwood development.

- ***Public parks***

The subject site is not located adjacent to any public parks, although there are several park sites within the wider Brentwood Town Centre including Brentwood Park, Jim Lorimer Park, and Willingdon Heights Park, which are located over 600

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m (1,969 ft.), 1,300 m (4,265 ft.) and 1,200 m (3,937 ft.) respectively from the subject site

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

The Progressive Housing Emergency Shelter (2294 Douglas Road) is located over 800 m. (2,625 ft.) from the subject site.

Given the subject site's central location within the Brentwood Mall redevelopment site, there is generally an expectation for a greater mix of uses and higher activity levels with a lesser degree of physical separation between commercial uses, and the opportunity for nuisance behaviour is considered low. The measures described above in Section 4.3 would be applied to mitigate negative impacts on nearby uses.

4.4.2 Store Size

The proposed government cannabis store, at 374.3 m² (4,029 sq. ft.), does not exceed the maximum store size criterion of 465 m² (5,000 sq. ft.).

4.4.3 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, once adopted by Council.

As noted above in Section 4.3, the proposed store would apply a range of safety and security arrangements, CPTED (Crime Prevention through Environmental Design) principles, as well as social responsibility measures to maximize customer, employee and community safety, and to promote safe and responsible use of non-medical cannabis products.

Overall, the proposal is generally consistent with the Council-adopted 2020 guidelines. The RCMP was notified of the proposed rezoning, and have no significant concerns.

- 4.5 The applicant has separately conducted a public notification process to inform residents near the subject site of the proposed cannabis retail store, and to provide an opportunity to submit questions and feedback from residents about the proposal. A summary of the public notification process methods and results is included in Appendix 1 ***attached***.
- 4.6 A Section 219 Covenant is required to ensure that hours of operation are maintained as described in Section 4.3.

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- 4.7 In summary, the proposed rezoning to permit a government cannabis store is considered supportable, given that it meets the Council-adopted guidelines for new government cannabis stores, and is located within a mixed-use Town Centre location.

5.0 DEVELOPMENT PROPOSAL

- | | | |
|-----|--|--|
| 5.1 | <u>Lot Area (no change)</u> | - 1.1 acres (48,432.7 sq. ft.) |
| 5.2 | <u>Gross Floor Area</u>
Subject site | - 374.3 m ² (4,029 sq. ft.) |
| 5.3 | <u>Required/Provided Parking (no change)</u>
Commercial (total for Tower 3) | - 151 spaces |



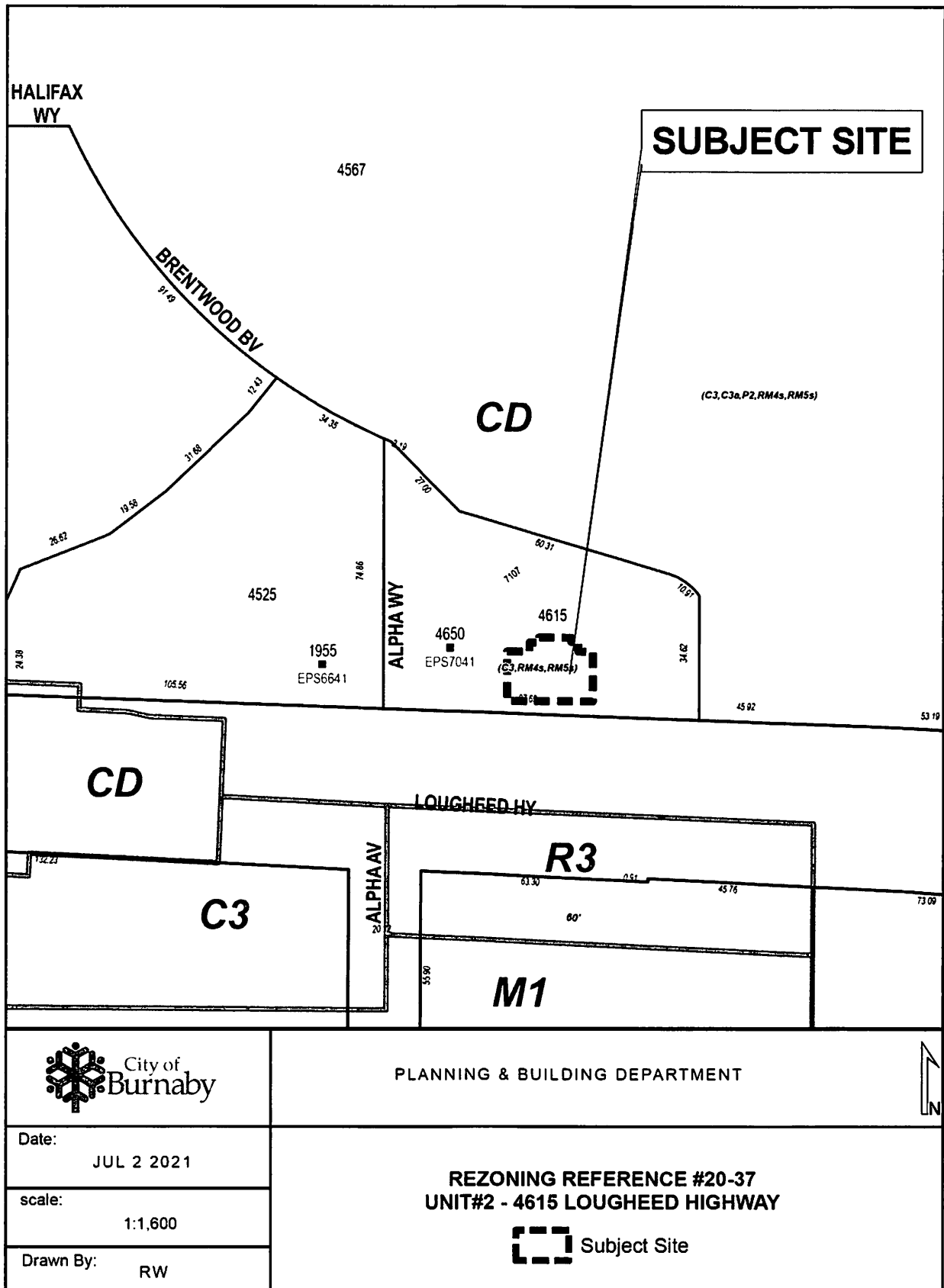
E. W. Kozak, Director
PLANNING AND BUILDING

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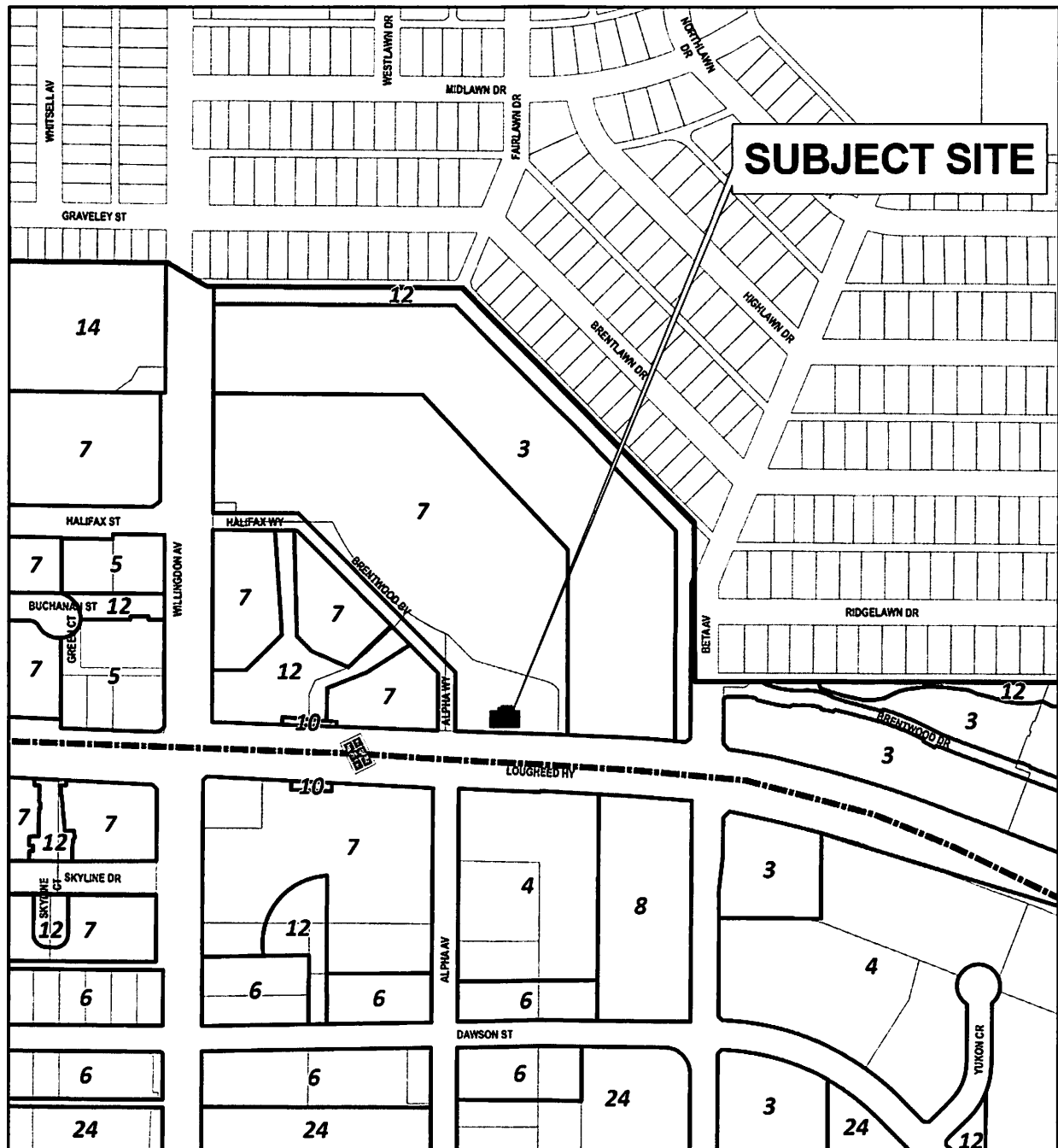
Attachments

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

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Sketch #1



- | | |
|---|--|
| 3 Medium Density Multiple Family Residential | 8 Medium or High Density Multi Family Residential |
| 4 High Density Multiple Family Residential | 10 Institutional |
| 5 Commercial | 11 Business Centre |
| 6 Medium Density Mixed Use | 12 Park and Public Use/Public School |
| 7 High Density Mixed Use | 14 Cemetery |
| | 24 High Density Multiple Family Residential - |

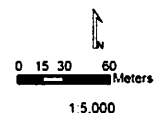


Planning and Building Dept

Printed July 2, 2021

Brentwood Succession (RM4s)

Brentwood Town Centre Plan



Sketch #2



**LIQUOR
DISTRIBUTION
BRANCH**

BC CANNABIS STORES

June 16th, 2021

City of Burnaby Planning Dept.
4949 Canada Way,
Burnaby BC
V5G 1M2.

RE: Rezoning application for retail cannabis use at 4615 Lougheed Hwy.

Dear Andrew,

On June 1st we sent letters of notification for our proposed retail cannabis store asking for public input in the form of an email. The letters were sent to all residents within a 150m radius of the location, with a total of 1813 letters sent.

The letter included a link to an FAQ video on our website speaking to our store operations and answering the commonly asked questions. The video was produced with this specific application in mind.

<http://www.bcldb.com/about/about-ldb>

In the 14-day period following June 1st we have received the following responses from the 1813 letters sent;

32 emails in opposition of the proposed store
8 emails in support for the proposed store

The emails in opposition highlighted:

- Concerns that the neighborhood and amenities are more geared to a family environment and that the use was not appropriate in that context.
- That there are too many residential dwellings in proximity to the proposed unit.
- Concerns about the potential for cannabis smoke/odour in the area.
- Concerns about a potential for increases in crime, substance abuse and vagrancy.

The video in the link referenced above addresses these concerns but, for further clarity;

- Keeping cannabis away from youth is BC Cannabis Stores' top priority. We have developed comprehensive social responsibility material to educate customers on the importance of ensuring young people do not have access to cannabis.
- Our cannabis stores differ from liquor stores in that children and young people are not permitted to enter a BC Cannabis Store at any time, even if accompanied by a parent

or guardian. Our strict two-ID check policy for people who look under 30 ensures only those over the age of 19 are able to enter the store.

- Our stores are designed to ensure passers-by cannot see inside the store. Recessed interior panels prevent minors from being able to see product offerings inside, while our one-way vestibule ensures passers-by cannot see inside the store from the street, even when the entrance door is being used by a customer.
- It is the responsibility of local governments and law enforcement to set and enforce by-laws governing the consumption of cannabis and other controlled substances in public spaces. The consumption of cannabis on BC Cannabis Stores' property is strictly prohibited, and staff are trained to take the appropriate steps to notify customers and escalate an issue to law enforcement officials if required.
- The legalization of non-medical cannabis is designed to eliminate illegal activity, and ensure British Columbians have access to safe, regulated non-medical cannabis product.
- High grade filtration systems are installed on air intake and ventilation systems within all BC Cannabis Stores to prevent odor both inside and outside of the store.

The emails in support referenced;

- The current inaccessibility of retail cannabis in the area.
- Illegal methods of procuring cannabis being mitigated by a legal retail operation.
- Trust for a Government run location being well operated.
- Support for a safe alternative to the illicit market.

We will continue to monitor any further correspondence but trust that public engagement for this application has been sufficiently undertaken in advance of a Public Hearing at council.

Thanks for your consideration,

Ryan McKeown
Senior Business Analyst,
BC Liquor Distribution Branch.