



Item
Meeting 2021 September 27

COUNCIL REPORT

TO: CHIEF ADMINISTRATIVE OFFICER 2021 September 22

FROM: DIRECTOR PLANNING AND BUILDING

**SUBJECT: REZONING REFERENCE #20-38
Government Cannabis Store**

ADDRESS: 7300 Market Crossing (see *attached* Sketches #1 and #2)

LEGAL: 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 and Big Bend Development Plan as guidelines)

TO: Amended CD Comprehensive Development District (based on C2 and C2i Community Commercial Districts and Big Bend Development Plan as guidelines, and in accordance with the development plan entitled “Burnaby Marine & Byrne” 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 October 26.

RECOMMENDATIONS:

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2021 October 04 and to a Public Hearing on 2021 October 26 at 5:00 pm.
2. **THAT** the amendment to the Guidelines for Assessing Rezoning Applications for Government Cannabis Stores (C2i and C3i Commercial Districts), as described in Section 4.4.1 of this report be approved, to take effect upon the granting by Council of Second Reading of the Rezoning Bylaw related to the subject site.
3. **THAT** the following be established as prerequisites to the completion of the rezoning:
 - a) The submission of a suitable plan of development.

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- b) The granting of a Section 219 Covenant to ensure that operating hours are maintained as described in Section 4.3 of this report.

R E P O R T

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 Marine Way Market shopping centre consists of 11 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.
- 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 319.7 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 southeast elevation, facing the shopping centre's surface parking lot. Under the proposed amendment, the subject unit would retain the underlying C2 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.
- 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. To promote social responsibility and maximize customer, employee and community safety, the store would apply the following measures as part of the Liquor Distribution Branch (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 am to 9 pm, Monday to Saturday, and 11 am to 6 pm Sunday. There is sufficient parking on the subject property.

4.4 The following 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. 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.

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

The proposed store is not located adjacent to any permanent café or restaurant outdoor patios. The nearest food service establishment is Cactus Club Café, located approximately 40 m. (131 ft.) to the east, 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. Burnaby Fraser Foreshore Park is located approximately 1.6 km south of the subject site.

- ***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 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 LDB neighbourhood strategy includes the implementation of procedures regarding unruly customers, store safety, loitering and consumption outside the premises;
- a government cannabis store at this location closely mirrors the City's liquor store location framework, which permits a Signature BC government liquor store within the Big Bend area; 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 recommend that Council also approve an amendment to the 2020 Council-adopted guidelines. The purpose of the amendment is to explicitly support one government cannabis retail store location in the Big Bend, in addition to one location in each of the four Town Centres that is already

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supported under the guidelines. This approach closely mirrors the City's existing liquor store location framework. The amendment would take effect upon the granting by Council of Second Reading of the Rezoning Bylaw related to the subject site.

For further clarity, this amendment would revise the following wording in the 2020 Council-adopted guidelines:

- **“Locational Criteria:**

A rational distribution of government cannabis stores within the City is desired, with a maximum of one government store to be established within each of Burnaby's four Town Centres and the Big Bend Development Plan Area. The core locational criteria that would be considered in assessing a rezoning application for a government cannabis store would include:

1. A location within one of the four designated Town Centres or within the Big Bend Development Area in which the store would serve as a component of an overall development (maximum of one government cannabis store in Big Bend and in each Town Centre).”

4.4.2 Store Size

The proposed government cannabis store, at 319.7 m² (3,441 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 security procedures, 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.

The proposed cannabis store meets all other operational criteria in the 2020 Council-adopted guidelines.

- 4.5 The applicant has separately conducted a public notification process to inform businesses near the subject site of the proposed cannabis retail store, and to provide an opportunity to submit questions and feedback about the proposal. A summary of the public notification process methods and results is included in Appendix 1 *attached*.

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4.6 A Section 219 Covenant is required to ensure that hours of operation are maintained as described in Section 4.3.

4.7 In summary, the proposed rezoning to permit a government cannabis store at the subject location is considered supportable, based on the rationale provided in this report.

5.0 DEVELOPMENT PROPOSAL

5.1 Lot Area (no change) - ~ 12.6 acres (548,856 sq. ft.)

5.2 Gross Floor Area
Subject unit area - 319.7 m² (3,441 sq. ft.)

5.3 Required/Provided Parking for entire site
(no change)
Total commercial - 1,066 spaces

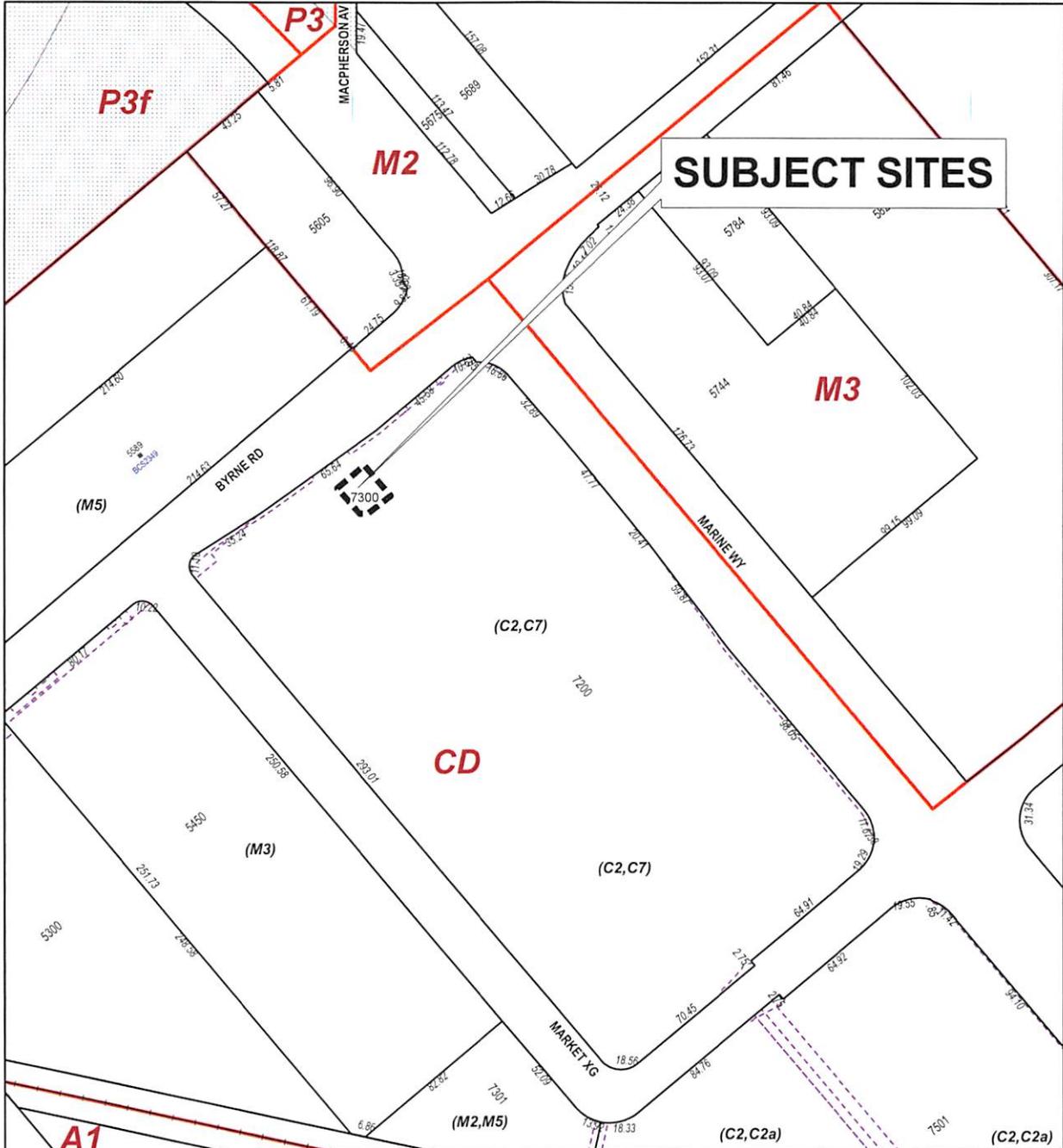


E. W. Kozak, Director
PLANNING AND BUILDING

AY:spf
Attachments

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

City Solicitor
City Clerk



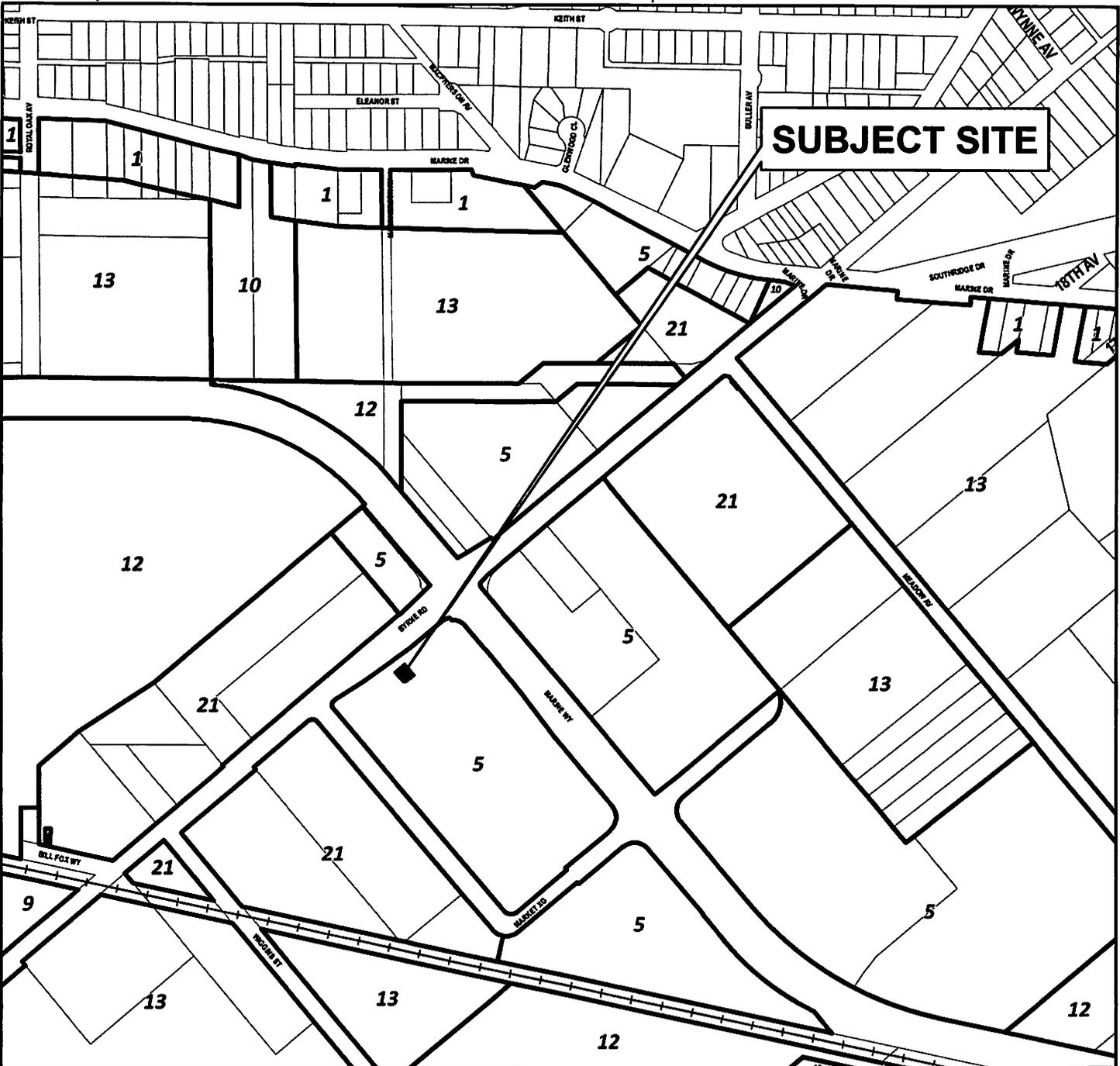
	
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Drawn By:	RW

PLANNING & BUILDING DEPARTMENT

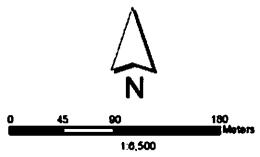
REZONING REFERENCE #20-38
7300 MARKET CROSSING

 Subject Site





- | | |
|--|------------------------------------|
| 1 Single and Two Family Residential | 10 Institutional |
| 2 Low Density Multiple Family Residential | 12 Park and Public Use |
| 5 Commercial | 13 Agricultural |
| 9 Industrial | 21 Big Bend Business Centre |



PLANNING & BUILDING DEPARTMENT

Big Bend Community Plan



**LIQUOR
DISTRIBUTION
BRANCH**

BC CANNABIS STORES

August 5th, 2021

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

RE: Rezoning application for retail cannabis use at 7300 Market Crossing.

Dear Andrew,

On June 22nd we hand delivered 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 commercial businesses in the Market Crossing area – within approximately a 100m radius of the location, with a total of 38 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.

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

In the 14-day period following June 22nd, we have received zero responses based on the letters delivered.

Therefore, we consider voluntary public engagement for this application to be complete. Please advise of any next steps required by the City.

Best Regards,

Ryan McKeown
Senior Business Analyst,
BC Liquor Distribution Branch.