

TO: MAYOR & COUNCILLORS
FROM: GENERAL MANAGER PLANNING AND DEVELOPMENT
SUBJECT: **PROPOSED ZONING BYLAW AMENDMENT – LIQUOR AND CANNABIS STORE DISTANCE SEPARATION**
PURPOSE: To propose an amendment to the Burnaby Zoning Bylaw to clarify separation requirements for liquor and cannabis stores.

RECOMMENDATION

THAT the proposed amendment to *Burnaby Zoning Bylaw, 1965*, as described in Section 3.0 of the report titled “Proposed Zoning Bylaw Amendment – Liquor and Cannabis Store Distance Separation” dated June 24, 2025, be approved;

THAT the City Solicitor be authorized to bring forward amendments to *Burnaby Zoning Bylaw, 1965*, substantially as set out in **Attachment 1** of the report; and

THAT a Public Hearing not be held for the proposed amendments to *Burnaby Zoning Bylaw, 1965* described in the report, as they are consistent with the Burnaby Official Community Plan.

1.0 POLICY SECTION

The proposed amendments to the *Burnaby Zoning Bylaw, 1965* (“Zoning Bylaw”) align with the following policies:

- Corporate Strategic Plan (2022);
- Official Community Plan (1998);
- Social Sustainability Strategy (2011);
- Community Safety Plan (2020);
- Liquor and Cannabis Licensing Policy (2024).

2.0 BACKGROUND

On July 22, 2024, Council adopted a new Liquor and Cannabis Licensing Policy (the “Policy Framework”) to modernize the City’s approach to liquor and cannabis licensing and improve application processing times. To implement the policy directives, Council adopted text amendments to the Zoning Bylaw, Development Procedures Bylaw, and the Burnaby Consolidated Fees and Charges Bylaw on December 2, 2024. Further, at the June 10, 2025 Council meeting, Zoning Bylaw text amendments were adopted which brought into force the new CM1 Interim Neighbourhood Commercial District and the CM2 Interim General Commercial District. Liquor stores and cannabis stores are permitted in both the CM1 and CM2 Districts.

Among the changes introduced by the new Liquor and Cannabis Licensing Policy was a policy and new zoning condition requiring a 1.0 km (3,281 ft) separation distance between proposed and existing cannabis stores, and between proposed and existing liquor stores. However, the Policy and Zoning Bylaw did not specify whether this separation distance applies to stores located outside Burnaby's municipal boundaries.

On May 27, 2025, Council considered applications received through the City's initial intake for retail cannabis stores, as outlined in the report titled "Retail Cannabis Applications for the Northwest, Northeast, and Southwest Quadrants". In response, Council adopted the following resolutions:

THAT staff be directed to bring forward an amendment to the Zoning Bylaw to clarify that the 1.0 km (3,281 ft.) separation requirement from another cannabis store apply to within Burnaby boundaries only;

THAT staff be directed to amend the policy framework to not limit the number of applications in this initial intake period to be limited to one per quadrant;

THAT after the consideration of the applications for the Southeast quadrant has occurred, no other applications be supported until after the 2-year policy review had concluded;

THAT a recommendation be provided to the Liquor and Cannabis Regulation Branch that a retail cannabis license be issued to Seed & Stone at 180-4112 Lougheed Highway;

THAT a recommendation be provided to the Liquor and Cannabis Regulation Branch that a retail cannabis license be issued to Seed & Stone at 5906 Kingsway; and

THAT the recommendations to the Liquor and Cannabis Regulation Branch for the application for Kelo Cannabis located at 204-9855 Austin Road and Local Cannabis located at 3722 Canada Way be held, pending the outcome of consideration of the proposed Zoning Bylaw amendment.

The purpose of this report is to respond to the May 27, 2025 resolutions, by presenting Zoning Bylaw text amendments that explicitly confirm that the 1.0 km separation distance applies only to cannabis stores within the City of Burnaby. Since the same condition applies to liquor stores, it is proposed that the amendments also address the 1.0 km separation distance condition for liquor stores as well. The report also addresses Council's resolution regarding Quadrant application limits and the two outstanding applications for the Northeast and Southwest Quadrants.

3.0 GENERAL INFORMATION

3.1 Proposed Zoning Bylaw Text Amendments

The proposed Zoning Bylaw text amendments are summarized below and detailed in ***Attachment 1***.

Currently, the 1.0 km separation requirement for liquor and cannabis stores is included as a condition of use within the C1, C2, C3, and CM1 Districts (and CM2 District by reference to permitted uses under the CM1 District) and several associated sub-districts. The existing wording is as follows:

C1, C2, and C3 Districts (list of permitted uses)

- “Liquor stores, provided each liquor store is located more than 1.0 km (3,281 ft.) away from another liquor store.”
- “Cannabis stores, provided each cannabis store is located more than 1.0 km (3,281 ft.) away from another cannabis store.”

CM1 (conditions of use for Retail)

- “Each liquor store must be located not less than 1.0 km away from another liquor store.”
- “Each cannabis store must be located not less than 1.0 km away from another cannabis store.”

The same conditions apply in the CM2 District since this District allows all uses within the CM1 District together with their related conditions.

The proposed text amendments clarify that the 1.0 km separation distance applies only to other stores located within the City of Burnaby. The revised wording is proposed to be as follows in the relevant sections of the respective Districts:

C1, C2, and C3 Districts

- “Liquor stores, provided each liquor store is located more than 1.0 km (3,281 ft.) away from another liquor store within the City of Burnaby.”
- “Cannabis stores, provided each cannabis store is located more than 1.0 km (3,281 ft.) away from another cannabis store within the City of Burnaby.”

CM1 District

- “Each liquor store must be located not less than 1.0 km away from another liquor store within the City of Burnaby.”
- “Each cannabis store must be located not less than 1.0 km away from another cannabis store within the City of Burnaby.”

These changes aim to eliminate ambiguity and ensure consistent interpretation of the distance separation requirement for consideration of future applications.

3.2 Application Limit per Quadrant

Council also directed staff on May 27, 2025 to amend the policy to not limit the number of applications [approved] in this initial intake period to one per quadrant. While this

limitation was stated in the Committee report that introduced the Policy Framework, the only mention of a single store per quadrant in the Policy Framework itself is implied in Step 5 for Cannabis Retail Stores which notes that if applications are assessed as equal, that the first one referred to the LCRB in that quadrant would be given staff's recommendation. Given that Council has already indicated by resolution that more than one cannabis retail store per quadrant could be approved in this initial intake, and the initial intake has now closed, staff will bring forward the two applications that were held because their locations were within 1.0 km separation distance from a store outside Burnaby boundaries, and all of the remaining applications received to date in the Southeast Quadrant as well with staff's assessment, and Council may consider approving more than one application per quadrant. An overall amendment to the Policy Framework reflecting this direction and the end of the initial intake period will be brought forward prior to when the two-year monitoring period has concluded.

4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT

The City's Liquor and Cannabis Policy was informed by input from a community survey that ran from September 5 to October 3, 2023, which was promoted through the City's website, social media, the Burnaby Beacon, and via posters in City libraries and recreation centres. Additionally, staff hosted several focused engagement meetings with key partners, including Fraser Health. A summary is outlined in the report titled "Liquor and Cannabis Policy Review – Updated Recommended Actions," dated July 22, 2024.

The City gathers input from residents on each individual retail liquor and cannabis licence application as part of their assessment. Written notice is sent out to residents within a 30 m distance of each subject property and two notices are published on the City of Burnaby's website and distributed as part of the City's online newsletter. Signage is posted at the subject sites that invites respondents to submit written comments to the City of Burnaby Planning and Development Department.

At the December 11, 2023 Open meeting, Council directed staff to include a recommendation to not hold a Public Hearing for rezoning applications or Zoning Bylaw text amendments that are consistent with the Burnaby Official Community Plan (as authorized by section 464 of the *Local Government Act*).

As the text amendment is consistent with the Official Community Plan, the intent of the Liquor and Cannabis Policy, and other City policies, it is recommended that a Public Hearing not be held for this proposed amendment to the Zoning Bylaw.

Public notice in respect to the text amendment will be completed prior to bringing the amendment bylaw forward for First and Second Reading, in accordance with section 467 of the *Local Government Act* and the Burnaby Public Notice Bylaw. A public notice will be published on the City's website and as part of the City's online newsletter, in accordance with the Burnaby Public Notice Bylaw.

5.0 FINANCIAL CONSIDERATIONS

There are no financial considerations related to the proposed Zoning Bylaw text amendment.

Respectfully submitted,

E. W. Kozak, General Manager Planning and Development

ATTACHMENT

Attachment 1 – Proposed Zoning Bylaw Text Amendments

REPORT CONTRIBUTORS

This report was prepared by Jasmin Basi, Planner, and Andrew Macaulay, Senior Planner, and reviewed by Carl Isaak, Director Neighbourhood Planning and Urban Design, Lee-Ann Garnett, Deputy General Manager, Planning and Development, and May Leung, City Solicitor.