

TO: CHIEF ADMINISTRATIVE OFFICER 2022 March 16

FROM: GENERAL MANAGER PLANNING AND DEVELOPMENT

**SUBJECT: REZONING REFERENCE #21-42
Government Cannabis Store**

ADDRESS: Portion of 9861 Austin Road (see *attached* Sketches #1 and #2)

LEGAL: Lot 1 District Lot 4 Group 1 New Westminster District Plan EPP60170

FROM: CD Comprehensive Development District (based on C3 General Commercial District, RM5s Multiple Family Residential District, Lougheed Core Area Master Plan, and Lougheed Town Centre Plan as guidelines)

TO: Amended CD Comprehensive Development District (based on C3 and C3i General Commercial Districts, Lougheed Core Area Master Plan and Lougheed Town Centre Plan as guidelines, and in accordance with the development plan entitled "Burnaby Lougheed" 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 2022 April 26.

RECOMMENDATIONS:

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2022 April 04 and to a Public Hearing on 2022 April 26 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 a commercial retail unit (CRU) that is currently under construction.

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 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 “Guidelines”). 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. On 2021 November 08, Council adopted an amendment to the Guidelines to support consideration of a maximum of one government cannabis store within each of Burnaby’s four Town Centres, in addition to a fifth location in the Big Bend neighbourhood.
- 3.2 The subject site for this rezoning is comprised of one ground-level commercial retail unit (CRU) within “City of Lougheed” Phase 1, which is currently under construction. The CRU is south-facing and fronts onto Austin Road (see *attached* Sketches #1 and #2). To the north and west of the subject CRU is the remainder of the Phase 1 development site currently under construction (with the existing shopping mall and parking lot located beyond, which are slated for development in future phases of the Lougheed Core Area Master Plan). To the south, across Austin Road, is a gas station on a property zoned Service Commercial District (C4), and a presentation centre. Both of these properties are designated High Density Mixed Use under the amended Lougheed Town Centre Plan, with the presentation centre site currently undergoing rezoning (Rezoning Reference #18-32). To the east, across North Road, is the Burquitlam-Lougheed Neighbourhood (City of Coquitlam).
- 3.3 On 2021 December 06, Council received the report of the Planning and Development 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.

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4.0 GENERAL COMMENTS

4.1 The applicant is seeking to rezone a 234.2 m² (2,521 sq. ft.) CRU within the commercial podium of the Loughheed Mall development 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). 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.

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.

4.3 The applicant notes that the Liquor Distribution Branch (LDB) utilizes CPTED (Crime Prevention through Environmental Design) principles in retail store designs, and 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 LDB neighbourhood strategy:

- staff training to verify a customer's age and to identify signs of fraudulent ID;
- 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 9 a.m. to 9 p.m., Monday to Saturday, and 10 a.m. to 7 p.m. 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 and subsequently amended guidelines for assessing rezoning applications for government cannabis stores:

4.4.1 Locational Criteria

Town Centre or Big Bend Location:

The locational criteria for government cannabis stores requires that a store be located in one of the four designated Town Centres, or in the Big Bend neighbourhood, in which the

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store would serve as a component of an overall development. The proposed store is located in the Lougheed Town Centre.

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

- ***Public and private schools***

The nearest public school is Cameron Elementary School, which is located over 400 m (1,312 ft.) northwest of the subject site. Coquitlam College, a private post-secondary educational institution located east of North Road in the City of Coquitlam, is located approximately 160 m (525 feet) from the subject site.

- ***Public playgrounds***

The nearest public playgrounds within the City of Burnaby are located in the Cameron Elementary School field and in Keswick Park, both of which are over 400 m (1,312 ft.) from the subject site. Brookmere Park (City of Coquitlam) has a public playground which is located over 350 m (1,148 ft.) from the subject site.

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

Cameron Recreation Complex and public library is located over 600 m (1,969 feet) northwest 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 development, consisting of a commercial podium and four high-rise apartment towers above, that is under construction. It is anticipated that similar high density mixed-use development will be constructed on properties near the subject site in the future, in accordance with the Lougheed Town Centre Core Area Master Plan.

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

There are currently no café or restaurant outdoor patios within close proximity to the subject site, although outdoor patios along Austin Road may be constructed nearby in the future, as commercial tenants begin to occupy the commercial podium CRU's upon completion.

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- **Public parks**

The subject site is not located adjacent to any public parks, although there are several park sites within the wider Lougheed Town Centre and the adjacent Burquitlam-Lougheed neighbourhood (City of Coquitlam).

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

There are no temporary shelter or group home uses within close proximity to the subject site.

Given the subject site's central location within the Lougheed Town Centre, 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. As noted, the LDB neighbourhood strategy will include the implementation of procedures to deal with unruly customers, 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 RCMP has been notified of the proposed government cannabis store location, and have no concerns.

Though it is noted that the separation distance between the subject site and Coquitlam College is under the minimum 200 m (656 ft.) distance identified in the Guidelines between government cannabis stores and public or private schools, proximity to post-secondary institutions is of less concern, as the main intent is to provide sufficient distance between stores and institutions where minors (i.e. persons below the age of 19) are likely to gather regularly.

4.4.2 Store Size

The proposed government cannabis store, at 234.2 m² (2,521 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 a well as a strategy to ensure the store will be a good neighbour. Government cannabis stores are also required to post signs regarding the Burnaby Smoking Regulation Bylaw.

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.

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

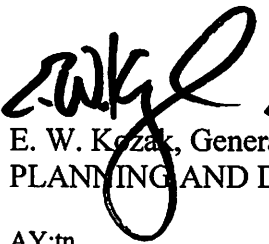
4.6 In summary, the proposed rezoning to permit a government cannabis store at the subject location is considered supportable, based on the rationale provided in this report.

5.0 DEVELOPMENT PROPOSAL

5.1 Lot Area (no change) - 18,708 m² (201,375 sq. ft.)

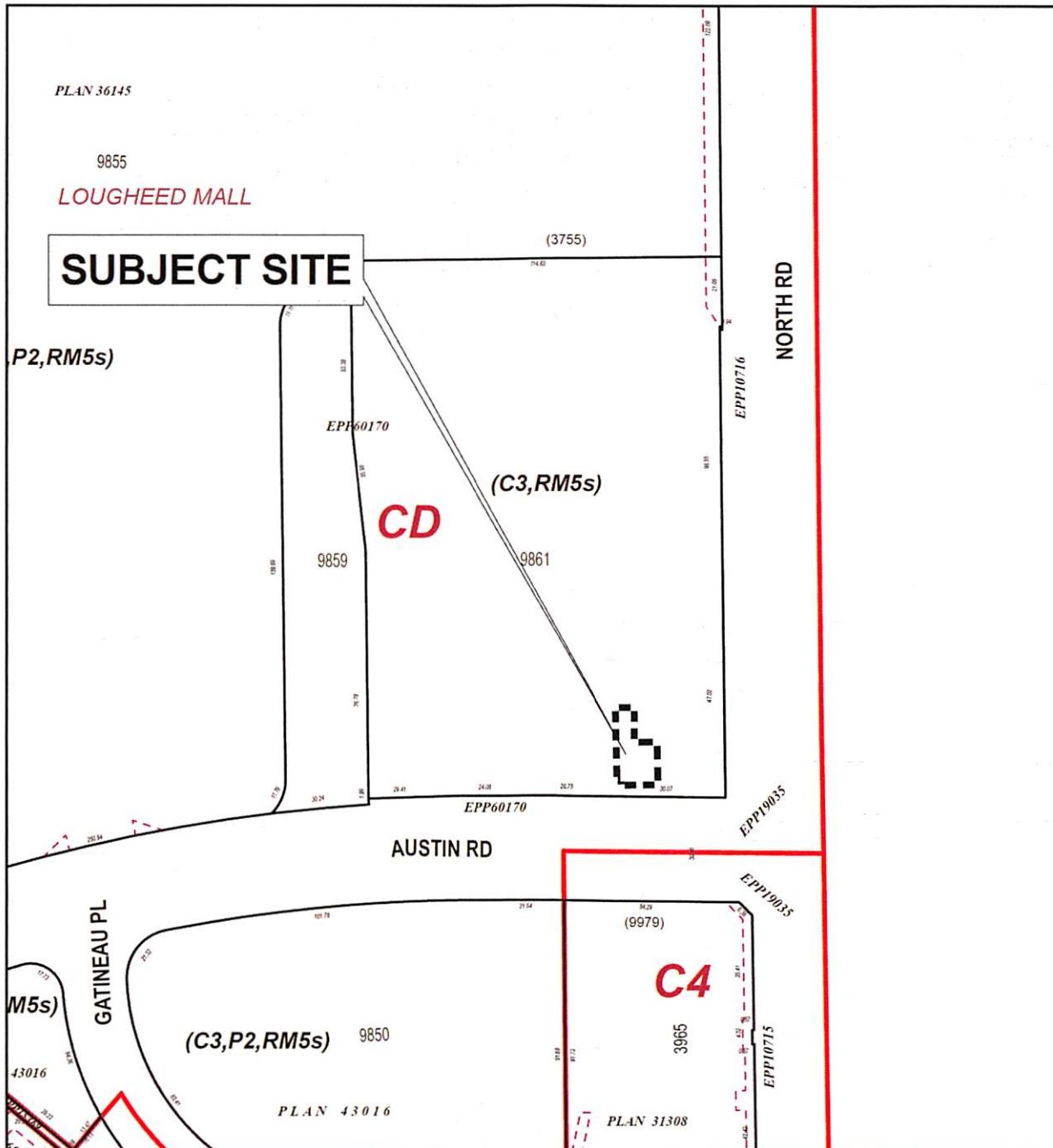
5.2 Gross Floor Area
Subject unit area - 234.2 m² (2,521 sq. ft.)

5.3 Required/Provided Parking for entire site
(no change)
Total commercial - 247 spaces required
- 393 spaces provided


E. W. Kozak, General Manager
PLANNING AND DEVELOPMENT

AY:tn
Attachments

cc: General Manager Engineering
General Manager Community Safety
Officer-in-Charge, RCMP, Burnaby Detachment
City Solicitor
City Clerk



PLANNING AND DEVELOPMENT DEPARTMENT




Date:
MAR 1 2022

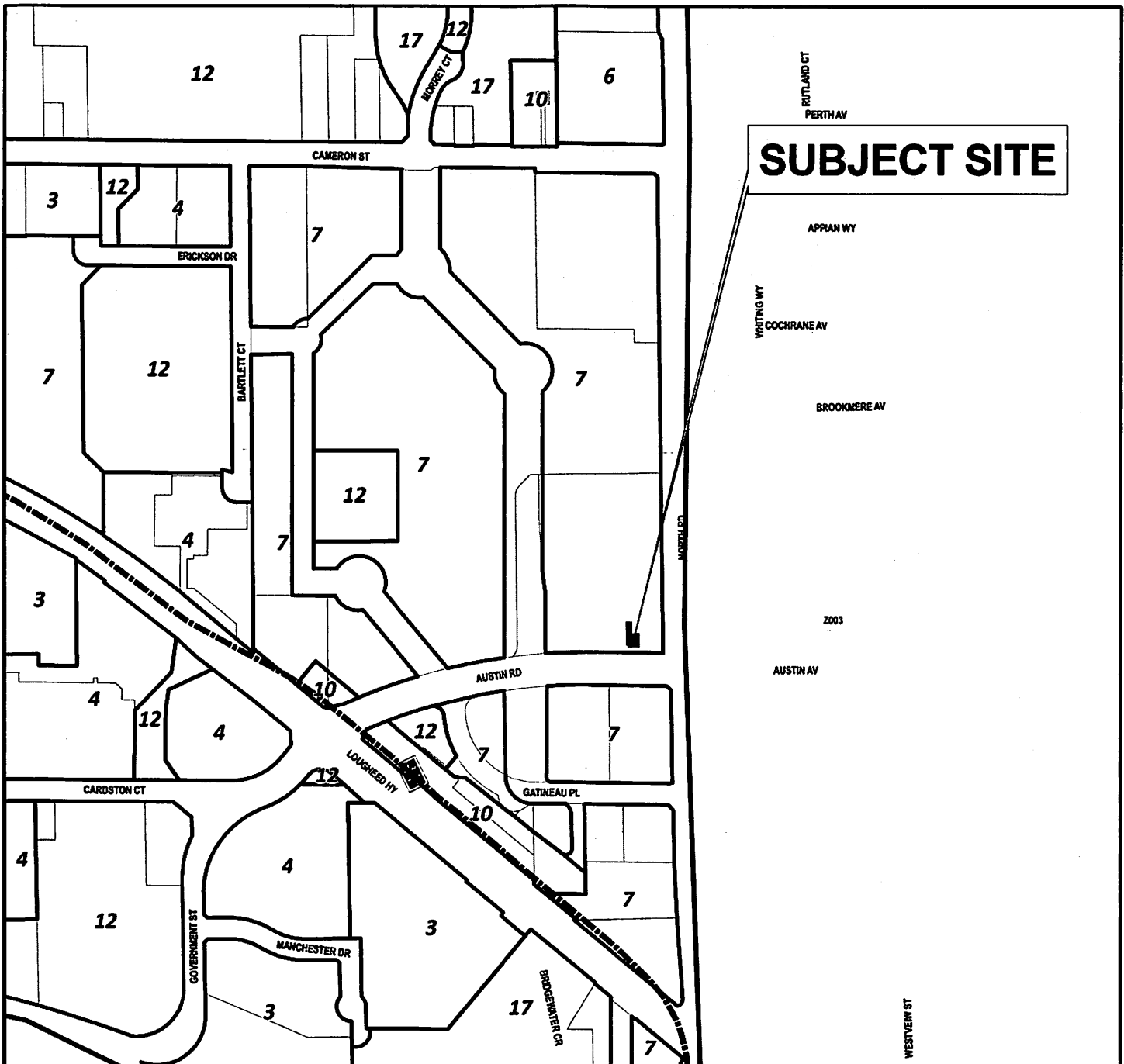
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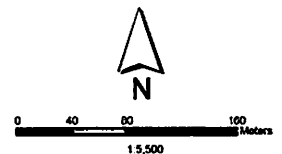
REZONING REFERENCE #21-42
9861 AUSTIN ROAD

 Subject Site

Sketch #1



- | | |
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| 1 Single and Two Family Residential | 9 Industrial |
| 3 Medium Density Multiple Family Residential | 10 Institutional |
| 4 High Density Multiple Family Residential | 12 Park and Public Use/Public School |
| 5 Commercial | 17 Low or Medium Density Multiple Family Residential |
| 6 Medium Density Mixed Use | 18 Recreational Vehicle Park |
| 7 High Density Mixed Use | |



PLANNING AND DEVELOPMENT DEPARTMENT

Lougheed Town Centre Plan