Meeting 2020 June 01

COUNCIL REPORT

PLANNING AND DEVELOPMENT COMMITTEE

HIS WORSHIP, THE MAYOR
AND COUNCILLORS

SUBJECT: GOVERNMENT CANNABIS STORE GUIDELINES

RECOMMENDATIONS:

1. THAT Council adopt the proposed guidelines for government cannabis stores, as discussed in Section 4.0 of this report.

2. THAT a copy of this report be forwarded to Mark Long and Rory Mandryk, the respective applicants for Rezoning References #19-16 and #19-17, BC Liquor Distribution Branch, 3383 Gilmore Way, Burnaby, BC V5G 4S1.

REPORT

The Planning and Development Committee, at its meeting held on 2020 May 26, received and adopted the *attached* report recommending guidelines regarding the location of government cannabis stores.

Respectfully submitted,

Councillor P. Calendino
Chair

Councillor S. Dhaliwal
Vice Chair

Copied to: City Manager
Director Planning & Building
Director Public Safety and Community Services
Director Engineering
Director Finance
Director Parks, Recreation, and Cultural Services
Fire Chief
Officer-in-Charge - RCMP
Chief Building Inspector
Chief Licence Inspector
City Solicitor

City of Burnaby

Item	
Meeting	2020 May 26

COMMITTEE REPORT

TO:	CHAIR AND MEMBERS PLANNING AND DEVELOPMENT COMMITTEE	**DATE:**	2020 May 20
FROM:	DIRECTOR PLANNING AND BUILDING	**FILE:** *Reference:*	42000 20 *Non-Medical Cannabis*

SUBJECT: GOVERNMENT CANNABIS STORE GUIDELINES

PURPOSE: To recommend guidelines regarding the location of government cannabis stores.

RECOMMENDATIONS:

1. **THAT** the Committee recommend Council adopt the proposed guidelines for government cannabis stores, as discussed in Section 4.0 of this report.

2. **THAT** a copy of this report be forwarded to Mark Long and Rory Mandryk, the respective applicants for Rezoning References #19-16 and #19-17, BC Liquor Distribution Branch, 3383 Gilmore Way, Burnaby, BC V5G 4S1.

REPORT

1.0 INTRODUCTION

The purpose of this report is to provide information on cannabis retail sales in British Columbia and to recommend guidelines for assessing rezoning applications for government cannabis stores on a case-by-case basis. If adopted, these guidelines will help ensure the appropriate location, size, and operation of government cannabis stores in Burnaby's four Town Centres.

2.0 POLICY

The subject approach 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 BACKGROUND

3.1 Stemming from the Federal government's legalization of the use of non-medical cannabis by adults on 2018 October 17, the Province's *Cannabis Distribution Act* establishes a public wholesale distribution monopoly to be administered by the Liquor Distribution Branch (LDB), as well as public cannabis retail sales, both in stores and online. The government cannabis stores are operated by the LDB under the brand name of BC Cannabis Stores. In addition, the *Cannabis Control and Licensing Act* establishes a non-medical cannabis retail licensing regime for non-government stores, similar to the current licensing regime for private liquor stores. Local government is responsible for zoning, business licensing, and other local matters related to cannabis retail stores, to the extent prescribed by the Province. In British Columbia, there are currently 16 government cannabis stores and 228 private cannabis stores open or opening soon. Within Metro Vancouver, there are no government cannabis stores; 28 private cannabis stores are open or opening soon in Vancouver, two are open in Port Coquitlam, one in North Vancouver, one in Port Moody, one on Bowen Island, and one in Maple Ridge.

3.2 The 2018 July 23 report to Council recommended text amendments to the Burnaby Zoning Bylaw to create the C2i Community Commercial District and the C3i General Commercial District to accommodate government cannabis stores. This approach ensures that all government cannabis stores – defined in the Zoning Bylaw as a "retail store established by the government under the *Cannabis Distribution Act*, as amended or replaced from time to time, for the sale of cannabis and cannabis accessories to consumers" – are assessed for suitability of location through the rezoning process, to allow for the evaluation of each proposal on its own merits, and to provide an opportunity for public comment through a Public Hearing. On 2018 September 24, Council granted Final Adoption to the proposed text amendments.

The 2018 July 23 report also recommended that Council approve a non-medical cannabis regulatory approach. This approach considers the location of only government cannabis stores, limited to one store in each of the four Town Centres in the initial phase of cannabis store establishment in Burnaby, a measured approach which allows the City to assess community impacts while ensuring reasonable access to legal cannabis products. The report acknowledged that in the future, subject to further review, supporting private cannabis stores (licensee cannabis stores) could serve a supplemental role to government cannabis stores.

The report also recommended that guidelines for assessing rezoning applications for government cannabis retail stores be advanced to Council along with the first rezoning application for a government cannabis store. On 2019 June 10, Council received reports from the Planning and Building Department regarding the first two rezoning applications for government cannabis stores – Rezoning Reference #19-16 for commercial space within the Old Orchard Shopping Centre in the Metrotown Town Centre and Rezoning Reference #19-17 for commercial space within the Kings Crossing mixed-use development in the Edmonds Town Centre.

3.3 This report outlines recommended guidelines for assessing rezoning applications for government cannabis stores. If the guidelines are adopted by Council, the first two government cannabis store rezoning applications referenced above, which generally meet the guidelines, will be further reviewed. Should the proposals for those stores be supported, the applicants will be required to submit suitable plans of development prior to the applications being recommended for advancement to Public Hearing.

4.0 DISCUSSION

4.1 The Planning Department's support for individual applications would be dependent upon each applicant demonstrating that the proposed store would be generally compatible with nearby existing and planned uses. Guidelines for assessing rezoning applications for government cannabis stores are required in order to provide a higher degree of certainty regarding appropriate location, store size, and operational criteria. The proposed guidelines (see Attachment #1 ***attached***) generally resemble the guidelines applicable to liquor store rezonings, but are applicable only to government cannabis stores. In addition, while the guidelines applicable to liquor stores do not refer to specific minimum distances from other land uses, given a review of other Metro Vancouver municipalities' requirements[1] and the potential sensitive nature of this new land use, a minimum distance of 200 m is recommended. This recommended distance is based on a review of minimum distances from various land uses in each Town Centre in order to find a balance between appropriate land use separation and a reasonable amount of designated commercial/mixed-use sites (see Sketches #1 to #4 ***attached***). The land uses referred to in the guidelines are generally those that, based on past policy for other locational guidelines and on the requirements of other Metro Vancouver municipalities, are considered to be most sensitive with respect to youth in the community.

4.2 With regards to locational criteria for assessing rezoning applications to the C2i and C3i Commercial Districts, it is recommended that there be a rational distribution throughout the City, with one government cannabis store established in each Town Centre. Distance, where applicable, would be measured from the main entrance of a store to the property line of a school site, to the edge of a playground, or to the main entrance of a community/recreation centre, community resource centre, neighbourhood house, or youth centre. Discretion regarding distance may be applied as applications are assessed on a case-by-case basis, taking into account factors such as orientation of the development, major physical barriers between uses, and traffic flow from the site. Furthermore, in the future, the land uses mentioned below would not be precluded from locating in proximity to an existing government cannabis store, provided the operator is fully aware of the government store.

[1] Eight Metro Vancouver municipalities currently permit retail cannabis stores, all of which are regulated by specific minimum distance requirements from various uses.

The core locational criteria that would be considered include:

1. A location within one of the four designated Town Centres on a site that is designated for commercial or mixed commercial/residential uses (maximum of one government cannabis store per each Town Centre).

2. General observance of a minimum 200 m (656 ft.) separation from the following uses:
   a) public and private schools;
   b) public playgrounds; and,
   c) community/recreation centres, community resource centres, neighbourhood houses, and youth centres.

3. Observance of an appropriate relationship to the following adjacent uses in terms of their direct proximity or orientation to the government cannabis store:
   a) residential and mixed-use developments;
   b) café/restaurant outdoor patios;
   c) public parks; and,
   d) potential "sensitive" uses such as temporary shelters or group homes.

4. Adequate vehicular and pedestrian circulation on the site, including the satisfaction of all parking requirements; safe, convenient and non-intrusive means of vehicular access to the site; and, avoidance of any undue traffic impacts on the surrounding area.

4.3 With regards to store size, government cannabis stores are typically 186 m^2 (2,000 sq. ft.) to 465 m^2 (5,000 sq. ft.). Therefore, government cannabis stores should not exceed a gross floor area of 465 m^2 (5,000 sq. ft.).

4.4 Regarding operational criteria, given that hours of operation could have impacts on adjoining land uses, especially residential, hours should be determined through the rezoning process and based on any anticipated community impacts. The established business hours would be formalized through the registration of a Section 219 Covenant. The general pattern of operating hours of the commercial businesses in the subject development, as well as the Town Centre location, may inform the specific operating hours recommended for each government cannabis store. It is noted that government cannabis store operating hours are typically 10 am to 10 pm, seven days a week.

It is also recommended that government cannabis stores have a security plan, as well as a strategy to ensure they are good neighbours. In addition, government cannabis stores would be required to post signs regarding any relevant smoking regulations.

4.5 Should Council adopt the guidelines outlined above, they would be used to evaluate relevant rezoning applications for government cannabis stores and facilitate their appropriate location, size, and operation. In addition, the rezoning process would ensure the opportunity for community input through a mandatory Public Hearing.

If private cannabis stores become a permitted use in the future, following the establishment of one government cannabis store in each Town Centre, the guidelines would be reviewed and amended for Council's consideration.

5.0 CONCLUSION

This report provides Council with information on recommended guidelines for assessing rezoning applications for government cannabis stores on a case-by-case basis. It is recommended that Council adopt the proposed guidelines, which will help ensure the appropriate location, size, and operation of government cannabis stores in Burnaby's four Town Centres. If adopted by Council, the first two rezoning applications for government cannabis stores, which generally meet the proposed guidelines, will be further reviewed. Should the proposals for those stores be supportable, the applicants will be required to submit suitable plans of development prior to the applications being recommended for advancement to Public Hearing.

E. W. Kozak, Director
PLANNING AND BUILDING

LS:tn
Attachments

cc: City Manager
Director Engineering
Director Finance
Director Public Safety and Community Services
Director Parks, Recreation, and Cultural Services
Fire Chief
Officer-in-Charge – RCMP
Chief Building Inspector
Chief Licence Inspector
City Solicitor
City Clerk

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ATTACHMENT #1

Guidelines for Assessing Rezoning Applications for Government Cannabis Stores (C2i and C3i Commercial Districts)

The Planning Department's support for individual applications for government cannabis stores would be dependent upon each applicant demonstrating that the proposed store would be generally compatible with nearby existing and planned uses. The following guidelines for assessing rezoning applications are intended to provide a higher degree of certainty as to the appropriate location, size, and operation of government cannabis stores.

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. 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 in which the store would serve as a component of an overall development (maximum of one government cannabis store per each Town Centre).

2. General observance of a minimum 200 m (656 ft.) separation from the following uses:[1]
   a) public and private schools;
   b) public playgrounds; and,
   c) community/recreation centres, community resource centres, neighbourhood houses, and youth centres.

3. Observance of an appropriate relationship to the following adjacent uses in terms of their direct proximity or orientation to the government cannabis store:
   a) residential and mixed-use developments;
   b) café/restaurant outdoor patios;
   c) public parks; and,
   d) potential "sensitive" uses such as temporary shelters or group homes.

4. Adequate vehicular and pedestrian circulation on the site, including the satisfaction of all parking requirements; safe, convenient and non-intrusive means of vehicular access to the site; and, avoidance of any undue traffic impacts on the surrounding area.

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[1] Distance would be measured from the main entrance of a store to the property line of a school site, to the edge of a playground, or to the main entrance of a community/recreation centre, community resource centre, neighbourhood house, or youth centre. Discretion regarding distance may be applied as applications are assessed on a case-by-case basis, taking into account factors such as orientation of the development, major physical barriers between uses, and traffic flow from the site.

Store Size:

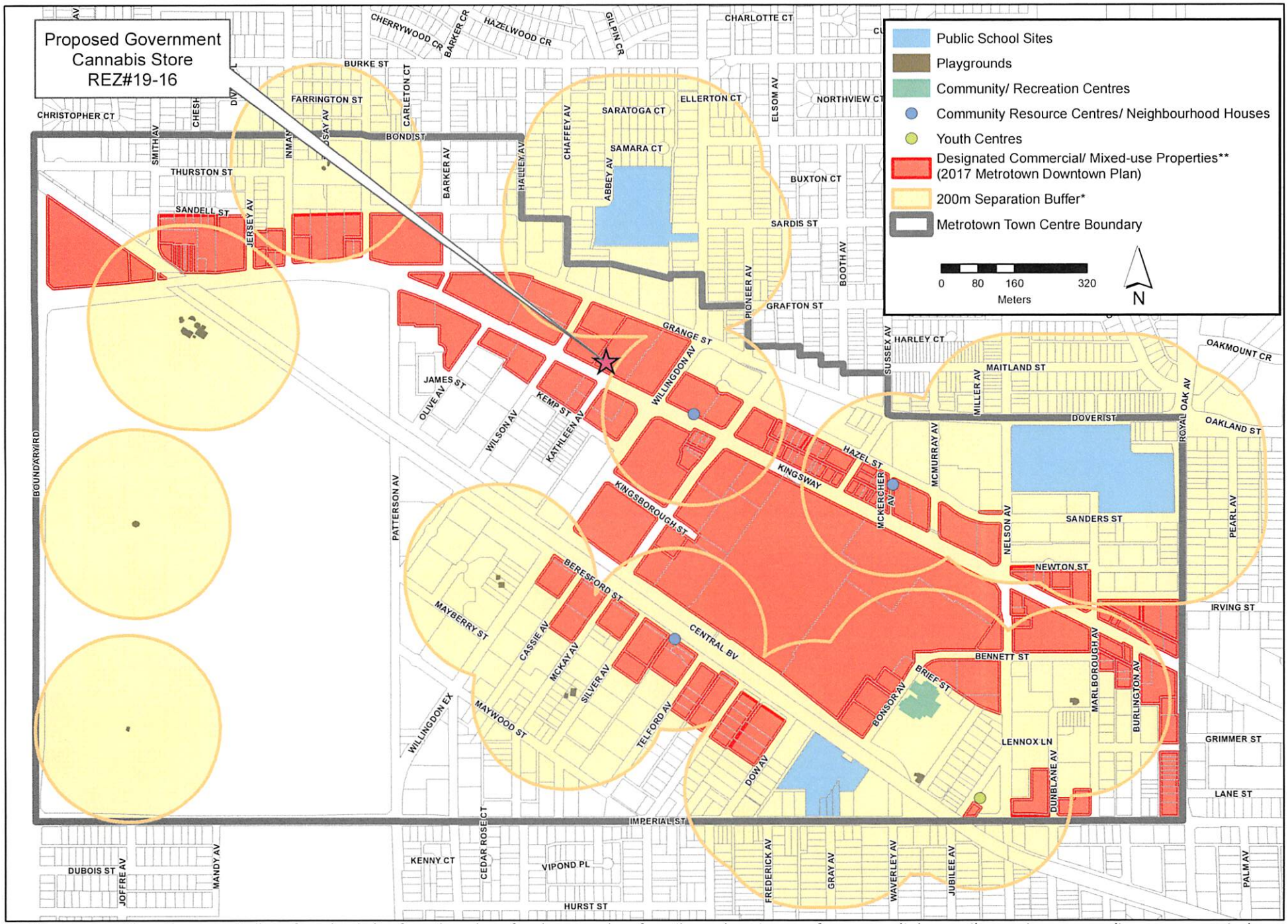
With regards to store size, government cannabis stores are typically 186 m^2 (2,000 sq. ft.) to 465 m^2 (5,000 sq. ft.). Therefore, government cannabis stores should not exceed a gross floor area of 465 m^2 (5,000 sq. ft.).

Operational Criteria:

With regards to operational criteria, given that hours of operation could have impacts on adjoining land uses, especially residential, hours should be determined through the rezoning process and based on any anticipated community impacts. The established business hours would be formalized through the registration of a Section 219 Covenant. The general pattern of operating hours of the commercial businesses in the subject development, as well as the Town Centre location, may inform the specific operating hours recommended for each government cannabis store.

Government cannabis stores should have a security plan, as well as a strategy to ensure they are good neighbours. In addition, government cannabis stores would be required to post signs regarding Burnaby's smoking bylaw, when it has been adopted by Council.

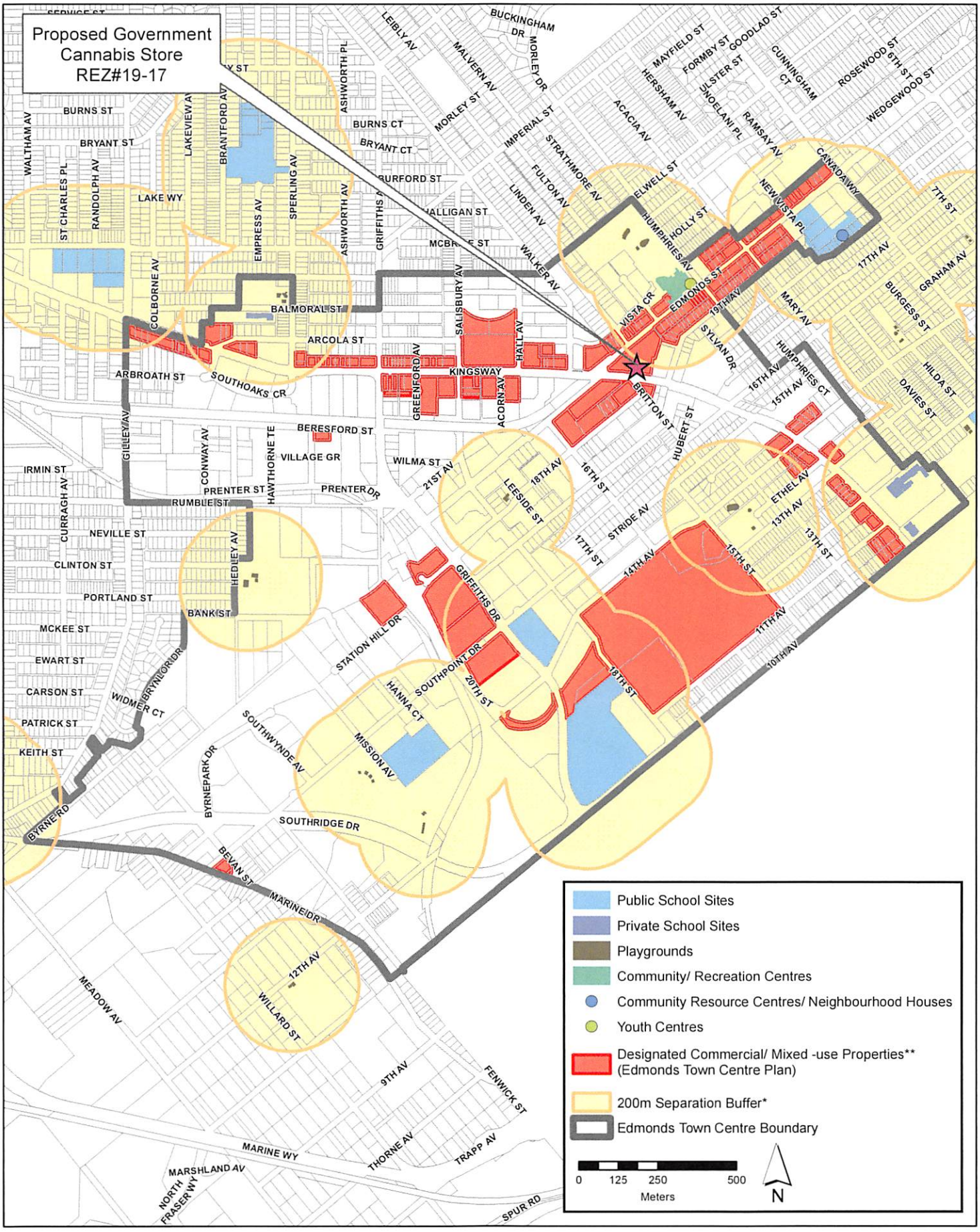
Sketch #1 - Metrotown Town Centre - Government Cannabis Store Separation Guidelines



*Buffer measured from the property line of a school site, from the edge of a playground, or from the main entrance of a community/ recreation centre, community resource centre/ neighbourhood house, or youth centre.

**Only those commercial/ mixed-use designated properties that support C2i or C3i District zoning would be considered for a government cannabis store.

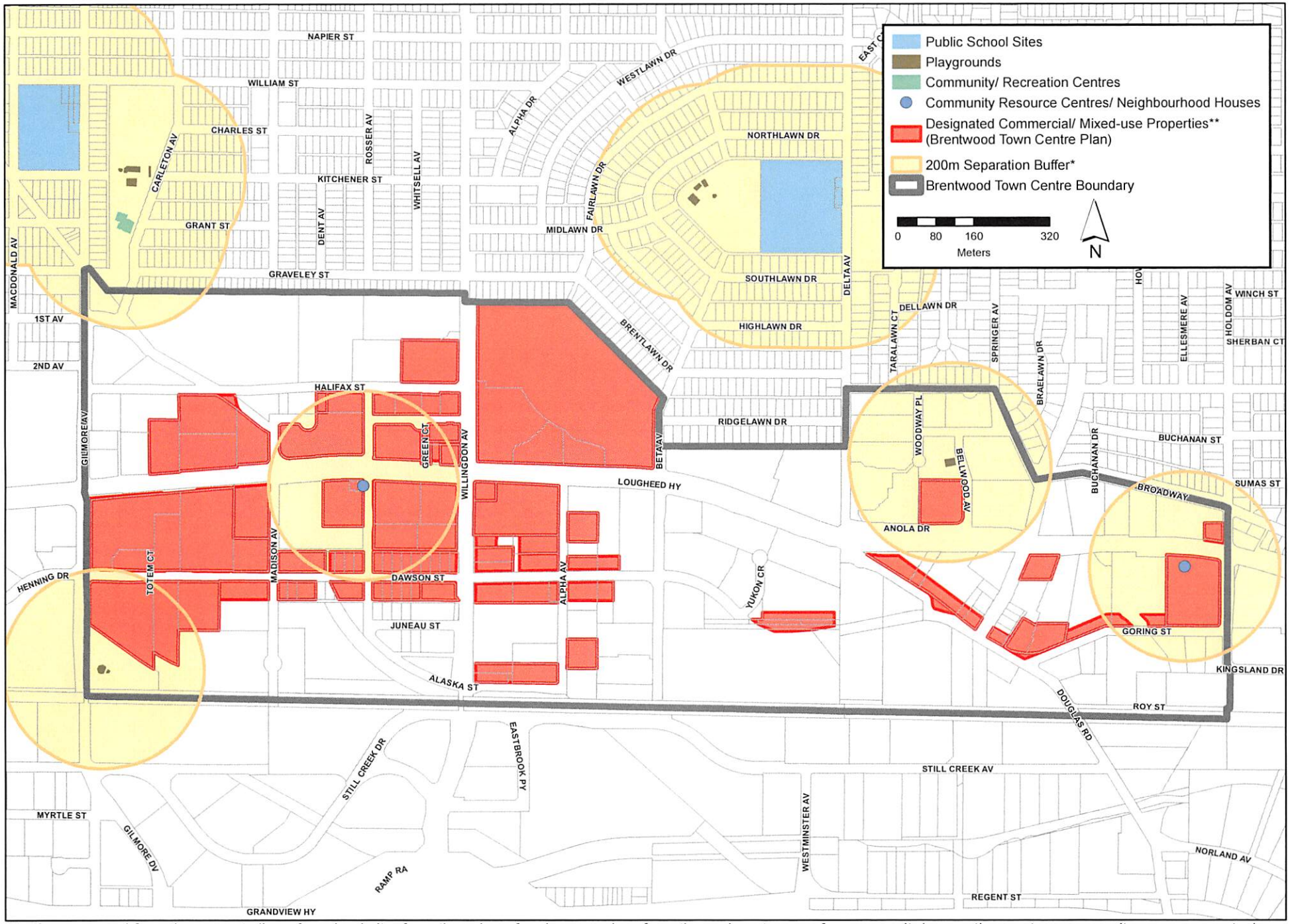
Sketch #2 - Edmonds Town Centre - Government Cannabis Store Separation Guidelines



*Buffer measured from the property line of a school site, from the edge of a playground, or from the main entrance of a community/ recreation centre, community resource centre/ neighbourhood house, or youth centre.

** Only those commercial/ mixed-use designated properties that support C2i or C3i District zoning would be considered for a government cannabis store.

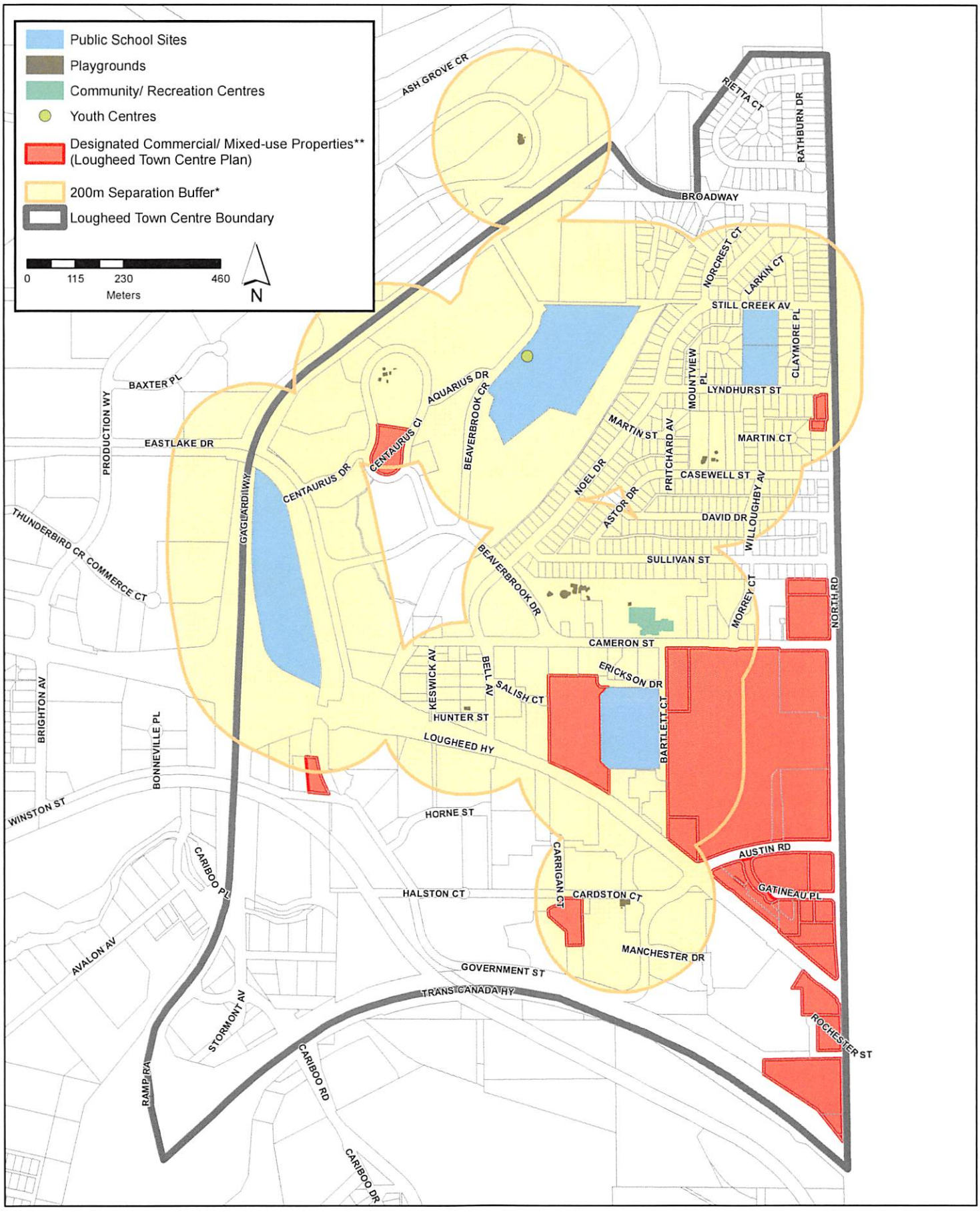
Sketch #3 - Brentwood Town Centre - Government Cannabis Store Separation Guidelines



*Buffer measured from the property line of a school site, from the edge of a playground, or from the main entrance of a community/ recreation centre, community resource centre/ neighbourhood house, or youth centre.

**Only those commercial/ mixed-use designated properties that support C2i or C3i District zoning would be considered for a government cannabis store.

Sketch #4 - Lougheed Town Centre - Government Cannabis Store Separation Guidelines



*Buffer measured from the property line of a school site, from the edge of a playground, or from the main entrance of a community/ recreation centre, community resource centre/ neighbourhood house, or youth centre.

**Only those commercial/ mixed-use designated properties that support C2i or C3i District zoning would be considered for a government cannabis store.