



Item
Meeting.....2015 March 30

COUNCIL REPORT

TO: CITY MANAGER 2015 March 25

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #14-46**
Proposed Liquor Store

ADDRESS: 8982/8992 – 8900 University High Street

LEGAL: Lot 2 Except: Part Subdivided By Air Space Plan BCP12692, D.L. 211, Group 1, NWD Plan BCP6258

FROM: CD Comprehensive Development District (based on C3 and C3f General Commercial District, RM4 Multiple Family Residential District, P1 Neighbourhood Institutional District and SFU Community Plan guidelines)

TO: Amended CD Comprehensive Development District (based on C3a General Commercial District and SFU Official Community Plan guidelines and in accordance with the development plan entitled “Cornerstone Development” prepared by NSDA Architects as amended by the plan entitled “SFU” by the BC Liquor Distribution Branch)

APPLICANT: SFU Community Trust
150 – 8960 University High Street
Burnaby, BC V5A 4Y6
(Attn: Dale Mikkelsen)

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2015 April 28.

RECOMMENDATIONS:

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2015 April 13 and to a Public Hearing on 2015 April 28 at 7:00 p.m.
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 4.2.3 of this report.

REPORT

1.0 REZONING PURPOSE

The purpose of the proposed rezoning bylaw amendment is to permit the development of a Liquor Distribution Branch (LDB) retail store in two combined commercial retail units.

2.0 NEIGHBOURHOOD CHARACTERISTICS

The subject site is located on the ground level of the Cornerstone Building, a mixed use commercial/residential building immediately adjacent to the SFU campus. The subject commercial retail units are located at the northeast corner of the building, at the intersection of University High Street and Cornerstone Gate. Adjacent tenants include ScotiaBank to the immediate west, with a variety of food service outlets, a print shop, hair salon, and travel agent completing the retail frontage along University High Street and the plaza to the west. Additional retail storefronts, as well as second storey office tenants, are located in the rear of the building along Cornerstone Mews. Three levels of residential units are located immediately above the subject unit. A mixed use commercial/residential development of similar scale is located to the east of the site, across Cornerstone Gate. To the north of the site, across University High Street, is a partially undeveloped lot that contains temporary residential sales centres for nearby developments. This lot is designated for mixed use commercial/residential/transit hub development in the SFU Community Plan (see *attached* Sketches #1 and #2).

3.0 BACKGROUND

- 3.1 On 2003 July 21, Council granted Final Adoption to Rezoning Reference #03-12 for the development of a mixed-use commercial/residential development on the subject site. The approved development consists of 2,375 m² (25,560 ft²) of retail floor area, 2,237 m² (24,083 ft²) of office space, and 7,186 m² (77,350 ft²) of residential floor area on three levels, consisting of 115 one and two bedroom units. The approved development also designated the westernmost portion of the main floor for C3f District use to accommodate a 120 seat pub-style liquor primary establishment (this unit currently contains a food primary establishment).
- 3.2 On 2006 May 08, Council adopted a Liquor Store Location Framework (“Framework”) for Burnaby, along with Guidelines for Assessing Rezoning Applications for Liquor Stores (*attached*). The Framework divides the City into four quadrants based on the Town Centres, in order to ensure a balanced distribution of liquor stores throughout the City. Principal objectives of the Framework include the establishment of an LDB Signature Liquor Store in each Town Centre prior to the establishment of smaller LDB and private liquor stores in the respective quadrants. The Framework also prioritizes the establishment of LDB stores in the Big Bend and at Kensington Shopping Centre. The purpose of these objectives is to offer equity and certainty for consumers throughout the City in terms of product availability, convenience, and stable pricing.

To: City Manager
From: Director Planning and Building
Re: Rezoning Reference #14-46

2015 March 25 Page 3

- 3.3 On 2007 March 05, Council granted Final Adoption to Rezoning Reference #06-24 to permit a place of public worship in an approximately 242 m² (2,600 ft²) office unit on the main floor of the building.
- 3.4 On 2015 January 26, Council received the report of the Planning and Building Department concerning the proposed rezoning of the subject site and authorized the Department to continue to work with the applicant towards the preparation of a suitable plan of development with the understanding that a further and more detailed report would be submitted at a later date. 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 consolidate and rezone two grade-level commercial retail units with a combined area of 382.95 m² (4,122 ft²) from the CD Comprehensive Development District (based on the C3 and C3f General Commercial District, RM4 Multiple Family Residential District, P1 Neighbourhood Institutional District and SFU Community Plan guidelines) to the Amended CD Comprehensive Development District (based on the C3a General Commercial District and SFU Community Plan guidelines and in accordance with the development plan entitled "Cornerstone Development" prepared by NSDA Architects as amended by the plan entitled "SFU" by the BC Liquor Distribution Branch) in order to permit the establishment of an LDB retail store (see *attached* Sketches #1 and #2).
- 4.2 The Liquor Store Location Framework established revised Guidelines for Assessing Rezoning Applications for Liquor Stores, including locational, store size, and operational criteria. The following subsections review the consistency of the proposed development with these criteria.

4.2.1 Locational Criteria

The locational criteria for liquor stores require establishment of an LDB Signature Store in a Town Centre prior to establishment of supporting LDB outlets in the same quadrant. In the Northeast Quadrant, which includes the subject site, the locational criteria require the establishment of an LDB Signature Store in the Lougheed Town Centre, as well as re-establishment of an LDB Neighbourhood Store in the Kensington Shopping Centre. In addition, the guidelines note that a private licensee retail store (LRS) that would affect the viability of an LDB outlet at Kensington Shopping Centre would not be supported until an LDB Signature store is established in that location.

With respect to the proposed LDB retail store, the above locational criteria have been met. An LDB Signature Store is located in the Lougheed Town Centre at 3433 North Road. In addition, a neighbourhood scale LDB retail store was recently opened at Kensington Shopping Centre. Although a private LRS would require additional analysis

To: City Manager
From: Director Planning and Building
Re: Rezoning Reference #14-46
2015 March 25 Page 4

to determine its impact on the viability of an LDB Signature Store at Kensington Shopping Centre, a supporting LDB store is consistent with all criteria. Furthermore, because the SFU campus is sufficiently removed from both the Lougheed Town Centre and the Kensington Shopping Centre, and retail outlets in the area generally serve a highly localized market consisting of students, faculty, staff, and UniverCity residents, the proposed LDB retail store does not present a concern with regard to oversaturation in the quadrant.

Other locational criteria require appropriate relationships between a proposed liquor store and the following uses:

- private and public schools, particularly secondary schools;
- adjacent residential dwellings and parks; and,
- other potential sensitive uses (e.g. cabarets, child care centres)

In addition, any proposed liquor store in mixed-use projects must be compatible and appropriately integrated with component residential uses. Proposals must also provide safe, convenient vehicular and pedestrian access to the site and no undue traffic impacts on the surrounding area.

The proposed LDB retail store is located in a ground floor commercial unit of a five storey commercial/residential building adjacent to the SFU campus. No secondary schools are located in the immediate vicinity; the nearest elementary school is located approximately 170 m (558 ft.) northeast of the site. The nearest child care centres are located approximately 150 m (492 ft.) and 425 m (1,394 ft.) to the northeast of the site. In addition, the proposed outlet will be located immediately below three storeys of multi-family residential development.

Given the modest size of the proposed outlet and its integration into a varied and active retail streetscape, the opportunity for nuisance behaviour, such as public drinking, panhandling or loitering, is considered low. As such, the proposed LDB outlet is not expected to pose a conflict with nearby child-oriented uses or the adjacent residential units, and is fully supportive of objectives for a complete community in this area.

Vehicular access to the subject unit is from Cornerstone Gate, which is accessed from University High Street. Under the initial development approval, off-street parking for the subject units was provided in an underground parking garage at reduced rates (one space per 184 m²/1,981 ft²), reflective of the pedestrian character of the area. This character is supported by the proximity of the SFU campus and surrounding residences, most of which are located within walking distance (1 km) of the subject site and connected by separated sidewalks, pedestrian walkways, and developed trails. In addition, the site is served by five bus routes, which terminate at a transit centre located immediately northwest of the subject building. The site thus provides adequate vehicular and pedestrian access, as required by the locational criteria.

4.2.2 Store Size Criteria

The proposed 382.95 m² (4,122 ft²) LDB retail store meets the 3,500 ft² to 5,000 ft² size anticipated in the guidelines.

4.2.3 Operational Criteria

Operational criteria include appropriate hours of operation, which must be formalized through registration of a Section 219 Covenant. The guidelines anticipate that the hours for LDB Signature Stores in Town Centres will be longer and later than smaller stores; they also require that the general pattern of operating hours of nearby commercial businesses be considered.

The proposed operating hours are from 9:30 am to 9:00 pm Monday through Saturday, and 10:00 am to 6:00 pm on Sunday. These hours are within the range provided by other commercial tenants in the immediate area, particularly grocery and food service businesses. While some of the adjacent commercial tenants, such as Scotiabank and Nature's Garden Deli, are closed evenings and weekends, Nester's Market, a major retailer located immediately opposite the subject site, is open until 9:00 pm daily and several restaurants in the subject building, including Club Ilia, Renaissance Coffee, and Quesada Mexican Grill, close between 9:00 pm and 10:00 pm daily.

The proposed operating hours would thus be consistent with those of a number of other commercial tenants. To ensure that these hours are maintained, it is recommended that, as a condition of rezoning approval, the operating hours be formalized through registration of a Section 219 Covenant.

- 4.3 No servicing, road dedications, easements, statutory rights-of-way or covenants are required in conjunction with this rezoning application.
- 4.4 Given that there is no additional gross floor area proposed as part of the subject rezoning application, the GVS&DD Sewerage Charge of \$8.73 per m² (\$0.811 per ft²) is not required in conjunction with this rezoning application.

5.0 DEVELOPMENT PROPOSAL

5.1	<u>Lot Area</u> (no change)	-	4,230 m ² (1.04 acres)
5.2	<u>Gross Floor Area</u> (no change)		
	Cornerstone Building	-	11,680 m ² (125,733 ft ²)
	Units #8982 & #8992	-	382.95 m ² (4,122 ft ²)

To: City Manager
From: Director Planning and Building
Re: Rezoning Reference #14-46
2015 March 25 Page 6

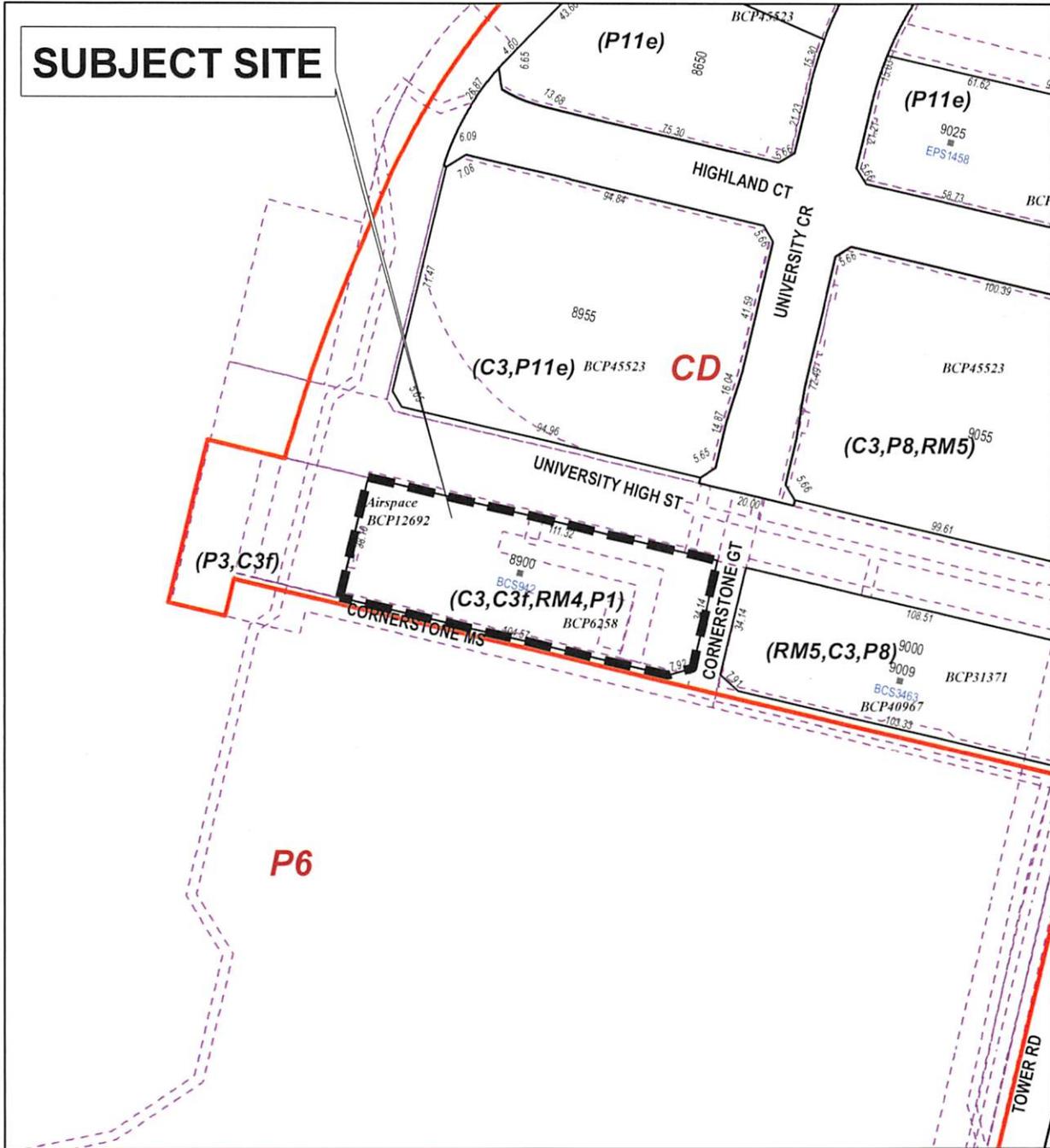
5.3	<u>Height</u> (no change)	-	5 storeys	
5.4	<u>Parking</u> (no change)		<u>Required</u>	<u>Provided</u>
	Parking (Units #8982 & #8992)	-	2	2
	Loading (Units #8982 & #8992)	-	1	1 (shared)


Lou Pelletier, Director
PLANNING AND BUILDING

LF:tn
Attachments

cc: Director Engineering
Chief Building Inspector
City Solicitor
City Clerk

SUBJECT SITE



PLANNING & BUILDING DEPARTMENT



DATE:
JAN 12 2015

SCALE:
1:2,000

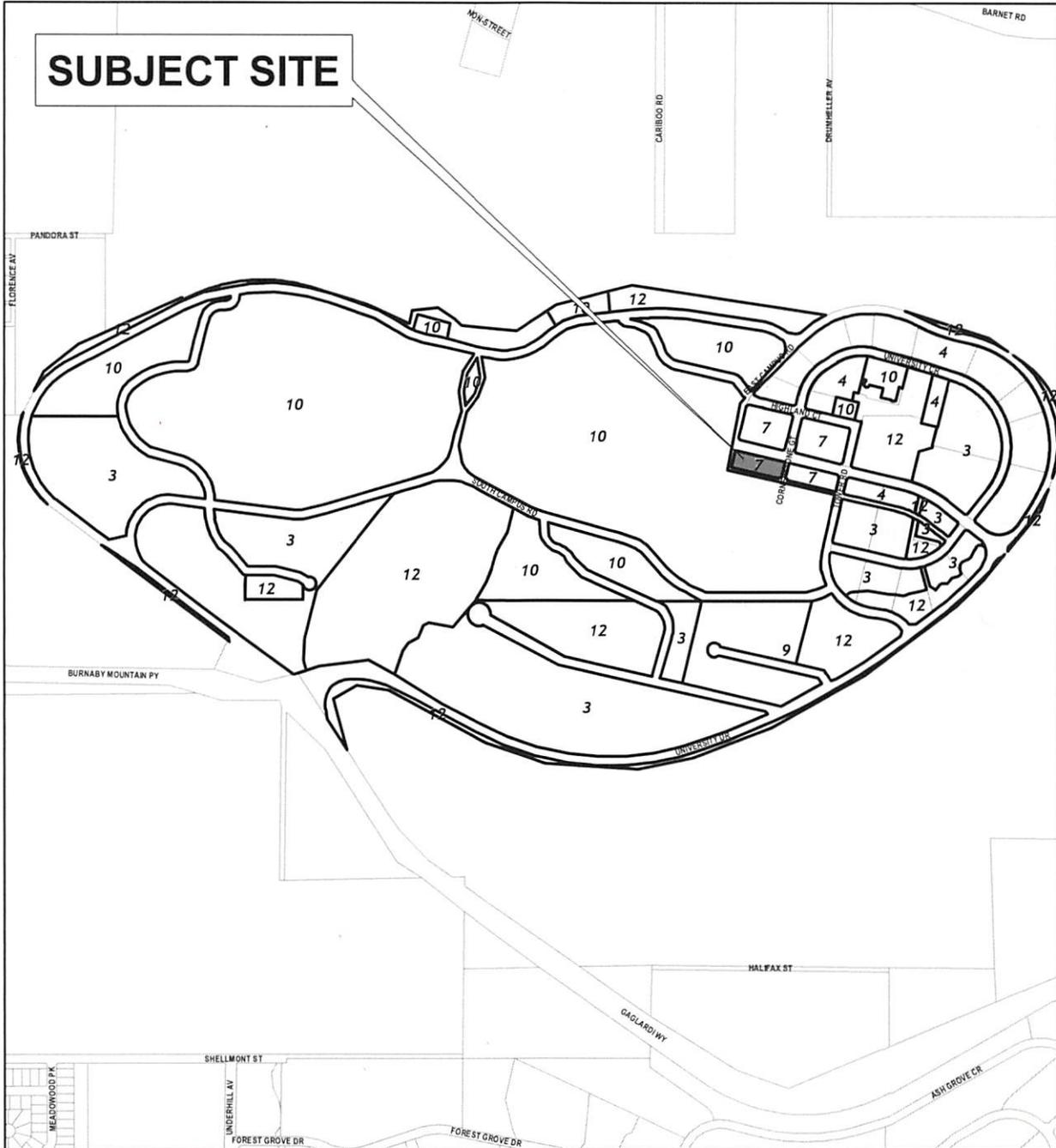
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AY

REZONING REFERENCE #14-46
8982 AND 8992 - 8900 UNIVERSITY HIGH STREET

 Subject Site

Sketch #1

SUBJECT SITE

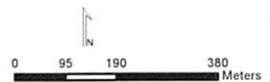


Simon Fraser University Community Plan



PLANNING & BUILDING DEPARTMENT

- 3** Medium Density Multiple Family Residential
- 4** High Density Multiple Family Residential
- 7** High Density Mixed Use
- 9** Industrial
- 10** Institutional
- 12** Park and Public Use



1:14,139

ATTACHMENT #1

Guidelines For Assessing Rezoning Applications For Liquor Stores (C2a, C2h, C3a and C3h Commercial Districts)

These guidelines are intended to provide a higher degree of certainty for the City, the British Columbia Liquor Distribution Branch (BCLDB) and the private sector as to the appropriate locations, types, sizes, general operating considerations and development sequencing for LDB and Licensee Retail Store (LRS) outlets within the City of Burnaby.

Primary Outlets - *LDB Signature Stores*

A rational distribution of LDB Signature outlets within the City are to serve as anchors to offer equity and certainty for clients throughout the City in terms of product availability, convenience and stable government pricing. LDB Signature stores would be established within each of the Town Centres in Burnaby's four quadrants as well as a potential signature store in the Big Bend commercial service centre and the re-establishment of the LDB Neighbourhood store in the Kensington Shopping Centre area, as conceptually shown on the attached Sketch #2.

Supporting Outlets – Licensee Retail Stores or *LDB Neighbourhood Stores*

LRSs or smaller neighbourhood scale LDB liquor outlets are to provide a supporting or supplemental role to the primary LDB Signature stores. Rezoning applications for LRS or neighbourhood scale LDB liquor stores would not be supported in a quadrant until the associated LDB Signature store is first established. In the case of the Northeast and Northwest Quadrants, an application for an LRS which could affect the viability of an LDB outlet at the Kensington location would not be supported until the LDB has established a Signature store in the Kensington Shopping Centre area. In the case of the Southwest Quadrant, an LRS application will not be supported until an LDB Signature store is established in both Metrotown and the Big Bend commercial service area (to be reviewed in two years).

Locational Criteria

The core factors that would be considered in making this assessment would include:

1. The proposed locations for LDB Signature stores are within the designated Town Centres in which the liquor store would serve as a component of an overall retail/service development. In addition, a Signature store would be included within an appropriate location within the designated Marine Way/Byrne and the commercial Kensington Shopping centre areas.
2. Supporting LRSs would need to be a component of an established or new commercial service centre (Town Centre, Urban Village or Neighbourhood Centre as outlined in the OCP).
3. A reasonable distribution of both LDB liquor stores (existing/future identified) and LRS's that would allow these stores to sufficiently serve the Municipality while avoiding a concentration of stores in any one area.
4. Observance of an appropriate relationship in terms of direct proximity or orientation with respect to the following uses, particularly when assessing new locations for liquor outlets:
 - a) Private and public schools – especially secondary schools.

**Guidelines for Assessing Rez Apps. For Liquor Stores
To the C2a, C2h, C3a and C3h Commercial Districts
2006 May 03 Page 2**

- b) Adjacent residential dwellings and public parks.
 - c) Other potential 'sensitive' uses (e.g. cabarets, child care centres)
 - d) Any proposed mixed-use projects involving a liquor store would need to be assessed in terms of their compatibility and appropriate integration with component residential uses.
5. Adequate vehicular and pedestrian circulation on the site, including the satisfaction of all parking requirements on the site. Safe, convenient and non-intrusive means of vehicular access to the site and avoidance of any undue traffic impact on the surrounding area.
6. It is acknowledged that in those instances where a liquor store is proposed as a "backfill" to a previous liquor store that has existed for a significant number of years without creating problems in the community, the above criteria may not be applied in the same manner.
7. Following the establishment of the LDB Signature store(s) within the defined quadrant, consideration of additional supporting LDB or LRS outlets would be assessed on their own merits in relation to the defined guidelines.

Store Size

1. Under the BCLDB concept plan, Signature stores are typically 10,000 to 12,000 sq. ft. in size, while neighbourhood scale LDB stores are typically 3,500 to 5,000 sq. ft. in size. LRS's should not exceed a gross floor area of 4,500 sq.ft.

Operational Criteria

1. **Business Hours:**

Given that hours of operation could have significant impacts on adjoining land uses, especially residential, they should be determined through the rezoning process and based on any anticipated community impacts. The established business hours would be formalized through registration of a Section 219 Covenant. The criteria to be used in recommending specific operating hours for each liquor store, through processing an application to the pertinent C2a, C2h, C3a or C3h commercial zoning districts, are:

- a. The proposed location of the liquor store in terms of the commercial designation of the subject commercial centre (i.e. Town Centre vs. local commercial). Generally, stores in the Town Centres would have longer and later operating hours than outlets in a more local commercial setting.
- b. The general pattern of operating hours of the commercial businesses in the subject commercial centre.

2. **Security**

For safety and security purposes, there should be a minimum of two (2) employees present at all times. Additionally, new liquor stores will be required to install, maintain and operate video surveillance systems as a component of their overall security system.