

## CITY OF BURNABY

### PLANNING AND BUILDING REZONING REFERENCE #16-49 2016 NOVEMBER 16

#### ITEM #04

#### 1.0 GENERAL INFORMATION

- 1.1 Applicant:** Kooner Hospitality Group  
7125 Curragh Avenue  
Burnaby, BC V5J 4V6  
(Attn: Jisbender Kooner)
- 1.2 Subject:** Application for the rezoning of:  
Lot A, DL 59, Group 1, NWD Plan BCP44468
- From:** CD Comprehensive Development District (based on C1 Neighbourhood Commercial District)
- To:** Amended CD Comprehensive Development District (based on C1 Neighbourhood Commercial District and C2h Community Commercial District)
- 1.3 Address:** Unit #2 – 2900 Bainbridge Avenue
- 1.4 Location:** The subject site is comprised of two commercial retail units within a small commercial development located at the southeast corner of Lougheed Highway and Bainbridge Avenue (Sketch #1 *attached*).
- 1.5 Size:** The site consists of two commercial retail units with a combined area of approximately 140.84 m<sup>2</sup> (1,516 sq. ft.).
- 1.6 Services:** The Director Engineering will be requested to provide all relevant servicing information.
- 1.7 Rezoning Purpose:** The purpose of the proposed rezoning bylaw amendment is to permit the development of a private liquor store.

#### 2.0 NEIGHBOURHOOD CHARACTERISTICS

The subject site is a small commercial development located on the southeast corner of Lougheed Highway and Bainbridge Avenue. The site is improved with a one-storey commercial building with five commercial retail units (CRUs). The current tenants include three restaurants and a hair

salon, while the fifth CRU is vacant. The liquor store is proposed to occupy the existing hair salon unit and the vacant unit.

To the north, across Lougheed Highway, are a low-scale commercial development and a gasoline service station, with townhouses and single family dwellings beyond. A small commercial development, which is the current location of the proposed private liquor store, is located to the west across Bainbridge Avenue, and the former Telus industrial complex is beyond. An R1 Residential District neighbourhood is located to the south and east of the subject site. The Millenium SkyTrain guideway traverses the northerly portion of the subject site. Vehicular access to the site is from Bainbridge Avenue.

The subject property and the adjacent single family residential neighbourhood are not located within a Community Plan Area. The Commercial Policy Framework of the Burnaby Official Community Plan (OCP) indicates that the intersection of Lougheed Highway and Bainbridge Avenue is intended for a future Urban Village Community Plan.

### **3.0 BACKGROUND INFORMATION**

- 3.1 On 2016 April 26, Council granted Final Adoption to Rezoning Reference #08-13, which rezoned the site from C6 Gasoline Service Station District and P8 Parking District to CD Comprehensive Development District (based on C1 Neighbourhood Commercial District) in order to permit the redevelopment of the site with a one-storey commercial retail development.
- 3.2 On 2006 May 08, Council adopted a Liquor Store Location Framework ("Framework") for Burnaby, along with the Guidelines for Assessing Rezoning Applications for Liquor Stores. 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 a Liquor Distribution Branch (LDB) Signature Liquor Store in each Town Centre prior to the establishment of smaller LDB and private liquor stores, or Licensee Retail Stores (LRS) in the respective quadrants. The Framework also prioritized the establishment of LDB stores in the Big Bend Community Plan area and at the 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.

### **4.0 GENERAL INFORMATION**

- 4.1 The applicant is seeking to rezone two commercial units within the building, having a combined area of 140.84 m<sup>2</sup> (1,516 sq. ft.), from CD Comprehensive Development District (based on C1 Neighbourhood Commercial District) to Amended CD Comprehensive Development District (based on C1 Neighbourhood Commercial District and C2h Community Commercial District) in order to permit the establishment of an

LRS (see *attached* Sketch #1). The proposed development is located within the two middle CRUs in the existing commercial development. Under the proposed amendment, the subject units would retain the underlying C1 District zoning, in addition to the proposed C2h District zoning, in order to allow future reversion of the units to C1 District uses should the private liquor store use cease.

The applicant is seeking rezoning in order to relocate their existing LRS located in a commercial building at 7000 Loughheed Highway, which the applicant indicates is slated for demolition, to the subject site across Bainbridge Avenue. Rezoning Reference #05-12 was given Final Adoption by Council on 2005 July 25 to rezone the existing LRS location at 7000 Loughheed Highway from the CD (C1) District to the CD (C2h) District.

It is noted that Liquor Control and Licensing Branch (LCLB) regulations allow LRSs to apply to relocate anywhere within the province; however LRSs may not relocate within 1 km of another existing or proposed LRS or LDB store. In this regard, the former location could not be reoccupied or redeveloped with a second LRS. Nevertheless, it is recommended that a prerequisite to this rezoning would include the rezoning of 7000 Loughheed Highway to eliminate the existing C2h District zoning and thereby formally remove the permitted LRS use at 7000 Loughheed.

- 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 stores or LRSs in the same quadrant. In the City's northeast quadrant, which includes the subject site, the locational criteria require the establishment of an LDB Signature Store in the Loughheed Town Centre area, as well as the re-establishment of an LDB Neighbourhood Store in the Kensington Shopping Centre as an interim step to a larger LDB Signature store once surrounding population densities increase. Both of these criteria have been met.

In addition, the guidelines note that an LRS that would affect the viability of an LDB Signature store at Kensington Shopping Centre would not be supported until an LDB Signature store is established at that location. Although the LDB store at Kensington Shopping Centre is a Neighbourhood and not a Signature store, given that the subject LRS is sufficiently removed from Kensington Shopping Centre (more than 2.5 kilometres away) and would continue to serve the same community as at its current location across the street, it is not expected that the proposed development would impact the viability of an LDB Signature Store at Kensington Shopping Centre.

Additional locational criteria require that supporting LRSs are a component of an established or new commercial service centre (Town Centre, Urban Village, or Neighbourhood Centre as outlined in the OCP). The proposed LRS location is part of an established commercial development and is located in an area designated in the OCP for Urban Village commercial centre uses.

Further locational criteria require that there is a reasonable distribution of both LDB liquor stores and LRS stores. The LDB Signature store in Lougheed Town Centre is located approximately 4.5 km away from the proposed LRS, while LDB Neighbourhood stores at Kensington Shopping Centre and at SFU are located approximately 2.5 km and 4 km away respectively. The Hop and Vine Beer Store, the only LRS in the quadrant other than the subject one, is approximately 1.5 km away at 1601 Burnwood Drive. As such, there is a reasonable distribution of both LDB and LRS liquor stores, and the proposed LRS 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
- Other potential sensitive uses (e.g., cabarets, child care centres)

Proposals must also provide adequate vehicular and pedestrian circulation and safe, convenient vehicular access to the site and no undue traffic impacts on the surrounding area.

The proposed LRS is located in two units of a small one-storey commercial development. No secondary schools are located in the immediate vicinity, while the nearest elementary school is located more than 600 m (1,968.5 ft.) northeast of the site. The nearest child care centre is located less than 100 m (328 ft.) to the north of the site, across Lougheed Highway, and was established subsequent to the development of the existing LRS at 7000 Lougheed Highway. The nearest residential dwellings are located to the south and southeast of the site, separated from the commercial development by an approximately 5.5 m (18 ft.) high by 2.5 m (8 ft.) deep hedge which is protected by a Section 219 Covenant as a condition of the site's previous rezoning approval.

Given the modest size of the proposed LRS, its integration into an established commercial development, and its existing presence in the neighbourhood without complaints to the City, the opportunity for nuisance behaviours, 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 neighbouring residential dwellings.

Vehicular access to the subject unit is from Bainbridge Avenue and there is sufficient off-street parking and loading provided. Sidewalks are provided on Bainbridge Avenue and the site is served by a bus route which terminates at the Brentwood Town Centre and Lake City SkyTrain stations. The site thus provides adequate vehicular and pedestrian access, as required by the locational criteria.

#### **4.2.2 Store Size Criteria**

The proposed LRS, at 140.84 m<sup>2</sup> (1,516 sq. ft.), does not exceed the maximum store size criteria of 418.06 m<sup>2</sup> (4,500 sq. ft.). It is noted that the existing LRS at 7000 Lougheed Highway has a gross floor area of 204.94 m<sup>2</sup> (2,206 sq. ft.).

#### **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 LCLB permits LRS establishments to be open from 9:00 am to 11:00 pm, seven days a week.

At the subject site, the three other tenant spaces are occupied by restaurants which close between 9:00 pm and 12:00 midnight. If authorized by Council, this Department will work with the applicant on determining operating hours to be established under a Section 219 Covenant.

The Guidelines also recommend that, for safety and security purposes, a minimum of two employees be present at all times and video surveillance systems be installed. If authorized by Council, this Department will work on ensuring appropriate safety and security measures are undertaken.

- 4.3 As indicated above, a prerequisite of this rezoning will be the rezoning of 7000 Lougheed Highway to eliminate the existing C2h District zoning and prevent a future LRS from reoccupying or redeveloping at that location. The applicant will be required to advise the property owner of 7000 Lougheed Highway of this prerequisite prior to advancing a development proposal to a Public Hearing.
- 4.4 The Director Engineering will be required to provide an estimate for all site servicing.
- 4.5 The owner will be required to enter into a Section 219 Covenant to establish operating hours.

- 4.6 A complete outline of all proposed prerequisite conditions to the rezoning will be included in a more detailed report to be submitted at a future date prior to advancing a development proposal to a Public Hearing.

## 5.0 RECOMMENDATION

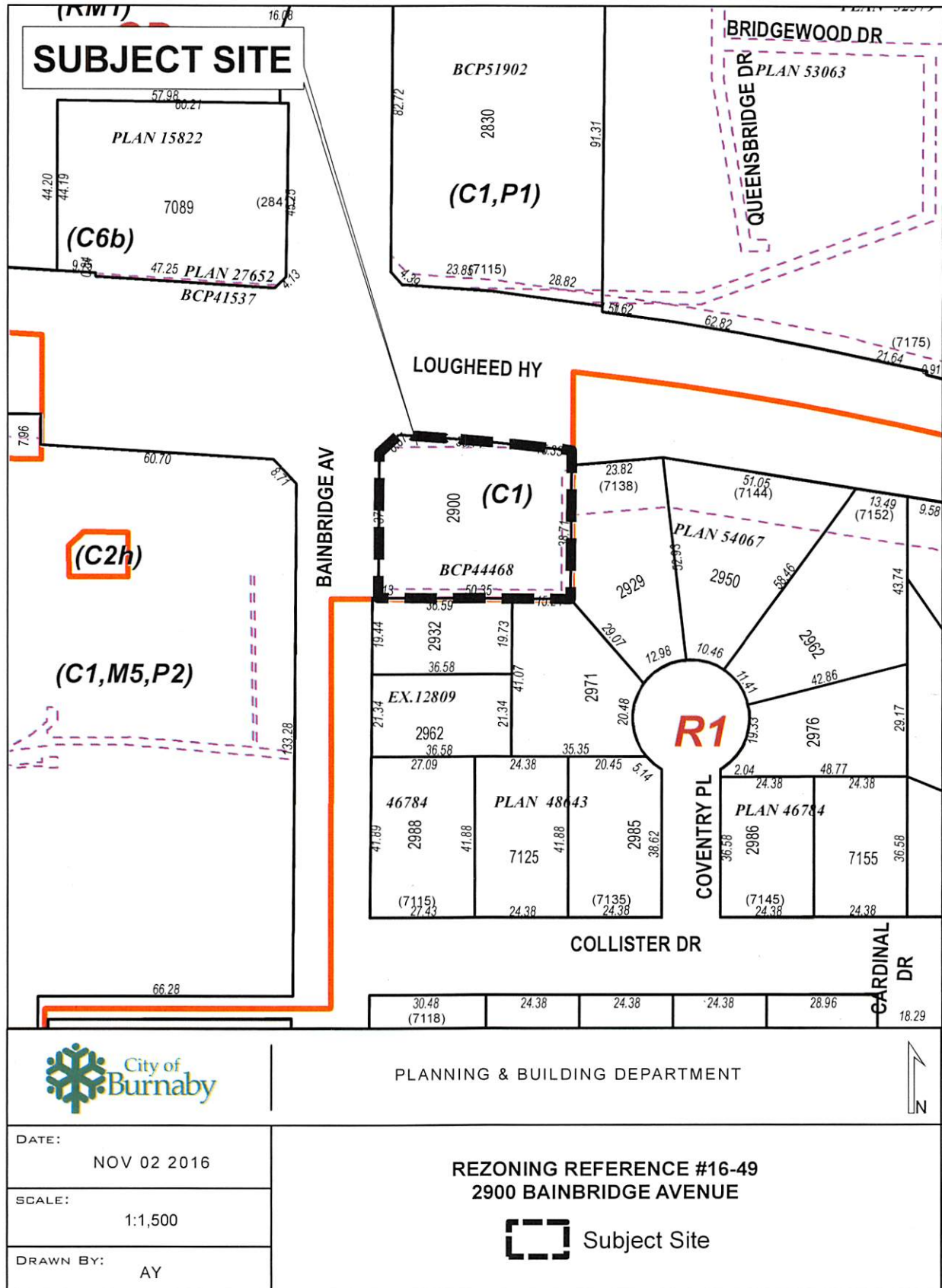
**THAT** the Planning and Building Department be authorized to continue to work with the applicant towards the preparation of a suitable plan of development for presentation to a Public Hearing on the understanding that a more detailed report will be submitted at a later date.



LS:spf  
**Attachment**

cc: Director Engineering  
OIC RCMP Burnaby Detachment  
City Solicitor  
City Clerk

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October 21, 2016

Lou Pelletier  
Planning Department  
City of Burnaby  
4949 Canada Way  
Burnaby, BC  
V5G1M2

Dear Mr. Pelletier,

**RE:   Rezoning Application - 2900 Bainbridge Ave**

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On behalf of the owners of the above-listed property, we are pleased to submit this application to rezone parcel 028-222-504 from CDC1 to C2h.

This rezoning application is to be able to accommodate a Retail Liquor Store on the premises. The Bainbridge Liquor Store, currently located at 5-7000 Lougheed Highway right across the street from the proposed location, has been serving the local community for over 10 years. The Kooner Hospitality Group took over ownership and operation of the store in 2011. Our current location is slated for demolition and this new proposed location is right across the street. Although the proposed location is smaller than our current location our goal is to be able to continue to serve the local community for years to come.

Thank you for your consideration, and we look forward to continuing to work with City staff on this proposal.

Sincerely,

Jisbender Kooner  
Owner