



Item .....
Meeting ..... 2017 January 23

COUNCIL REPORT

**TO:** CITY MANAGER 2017 January 18

**FROM:** DIRECTOR PLANNING AND BUILDING

**SUBJECT: REZONING REFERENCE #16-49**

**SUBJECT SITE:**

**ADDRESS:** Unit #2 – 2900 Bainbridge Avenue (see *attached* Sketch #1)

**LEGAL:** 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, and in accordance with the development plan entitled “Bainbridge Liquor Store” prepared by John McNally Designers Inc.)

**EXISTING SITE:**

**ADDRESS:** 7000 Lougheed Highway (Unit #5 – 2909 Bainbridge Avenue) (see *attached* Sketches #1 and #2)

**LEGAL:** Portion of Parcel 1, DLs 59 and 78, Group 1, NWD Reference Plan 78006, as shown on *attached* Sketch #3)

**FROM:** CD Comprehensive Development District (based on C1 Neighbourhood Commercial District, C2h Community Commercial District, M5 Light Industrial District and P2 Administration and Assembly District) and R2 Residential District

**TO:** Repeal C2h District zoning as shown on *attached* Sketch #3

**APPLICANT:** Kooner Hospitality Group (Attn: Jisbender Kooner)  
7125 Curragh Avenue, Burnaby, BC V5J 4V6

**PURPOSE:** To seek Council authorization to forward this application to a Public Hearing on 2017 February 28.

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To: City Manager  
From: Director Planning and Building  
Re: REZONING REFERENCE #16-49  
2017 January 18..... Page 2

## RECOMMENDATIONS:

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2017 February 06 and to a Public Hearing on 2017 February 28 at 7:00 p.m.
2. **THAT** the following be established as a prerequisite to the completion of the rezoning:
  - a) The submission of a suitable plan of development.
  - b) The provision of any necessary statutory rights-of-way deemed requisite.
  - c) The granting of a Section 219 Covenant to ensure that operating hours are maintained as described in Section 3.2.3 of this report.
  - d) The submission of an undertaking to ensure removal of the existing private liquor store as described in Section 3.6 of this report.

## REPORT

### 1.0 REZONING PURPOSE

The purpose of the proposed rezoning bylaw amendment is to permit the development of a private liquor store.

### 2.0 BACKGROUND

- 2.1 The subject site of the proposed private liquor store 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 existing location of the proposed private liquor store and also part of this rezoning application, is located to the west across Bainbridge Avenue, and the former Telus industrial complex is beyond. An R1 Residential District

To: City Manager  
From: Director Planning and Building  
Re: REZONING REFERENCE #16-49  
2017 January 18..... Page 3

neighbourhood is located immediately 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.

- 2.2 The subject site 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 Urban Village Centre development.
- 2.3 On 2016 April 26, Council granted Final Adoption to Rezoning Reference #08-13, which rezoned the subject 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.
- 2.4 Council, on 2006 May 08, 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.
- 2.5 On 2016 November 21, Council received the report of the Planning and Building Department concerning the subject rezoning 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.

### **3.0 GENERAL COMMENTS**

- 3.1 The applicant is seeking to rezone two commercial units within the building on the subject site, having a combined area of approximately 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 two middle CRUs in the existing commercial development. No changes are

To: City Manager  
From: Director Planning and Building  
Re: REZONING REFERENCE #16-49  
2017 January 18..... Page 4

proposed to the exterior of the building. 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 to operate.

The applicant is seeking rezoning in order to relocate their existing LRS located in a commercial building at 7000 Lougheed 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 Lougheed 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. As such, the former location could not be reoccupied or redeveloped with a new LRS. Notwithstanding, this rezoning application includes the repealing of Bylaw #11951 to eliminate the existing C2h District zoning at 7000 Lougheed Highway (see *attached* Sketches #1, #2, and #3) and thereby remove the permitted LRS use at 7000 Lougheed Highway. The applicant has indicated that the owner of 7000 Lougheed Highway has been advised that the C2h District zoning currently in place will be removed. Once the C2h District zoning has been removed from 7000 Lougheed Highway, the current liquor store use will be legal non-conforming.

- 3.2 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.

### ***3.2.1 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 Lougheed 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 (over 2.5 km away) and would continue to serve the same community as at its current location across the street, it

To: City Manager  
From: Director Planning and Building  
Re: REZONING REFERENCE #16-49  
2017 January 18..... Page 5

is not expected that the proposed development would impact the viability of a potential 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 to be 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 subject 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,

To: City Manager  
From: Director Planning and Building  
Re: REZONING REFERENCE #16-49  
2017 January 18..... Page 6

panhandling or loitering, is considered low. As such, the proposed LRS 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.

### **3.2.2 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.).

### **3.2.3 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. Of the seven LRS establishments in Burnaby, opening hours range from 9:00 am to 11:00 am, and all close at 11:00 pm.

The proposed LRS's operating hours are from 10:00 am to 11:00 pm, Monday to Sunday, the same as the current operating hours for the existing LRS at 7000 Lougheed Highway. At the subject site at 2900 Bainbridge Avenue, the three other tenant spaces are occupied by restaurants which have the following operating hours:

- a Subway restaurant, located immediately north of the proposed development, is open from 7:00 am to 12:00 midnight Monday to Friday, 8:00 am to 12:00 midnight on Saturdays, and 9:00 am to 11:00 pm on Sundays;
- Rolling Dough Pizza is open from 11:00 am to 9:00 pm Monday to Saturday (closed Sundays); and,
- Gaya Sushi is open from 11:00 am to 10:00 pm Monday to Saturday and from 12:00 noon to 9:00 pm on Sundays.

The proposed operating hours are therefore less than those of the commercial tenant to the north and are not significantly longer than, and are generally consistent with, those of the other two commercial tenants. In addition, the hours are the same as the liquor store's current hours of operation, and the RCMP and Environmental Services have indicated that they do not have concerns regarding the proposed development. To ensure that the

To: City Manager  
From: Director Planning and Building  
Re: REZONING REFERENCE #16-49  
2017 January 18..... Page 7

proposed 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.

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. The applicant has indicated that these measures will be undertaken in the proposed development.

- 3.3 No servicing is required in conjunction with this rezoning application.
- 3.4 Any necessary easements, covenants, and statutory rights-of-way for the subject site are to be provided, including, but not necessarily limited to:
- a Section 219 Covenant limiting operating hours to those indicated in Section 3.2.3; and,
  - a 2.0 m (6.56 ft.) statutory right-of-way along Lougheed Highway for pedestrian and bicycle facilities.
- 3.5 Given there is no additional gross floor area proposed as part of the subject rezoning application, the GVS&DD Sewerage Charge of \$8.73 per m<sup>2</sup> (\$0.811 per sq. ft.) is not required in conjunction with this rezoning application.
- 3.6 As noted above, the subject rezoning includes the repealing of the bylaw that permitted the existing LRS location at 7000 Lougheed Highway in order to remove that property's C2h District zoning. Should this rezoning application receive Final Adoption, the existing LRS at 7000 Lougheed Highway will become legal non-conforming and allow the applicant to transition to the proposed new location. The applicant will be required to submit a letter of undertaking indicating that the existing LRS will cease operation no later than six months after obtaining Final Occupancy at the proposed new location.

#### **4.0 DEVELOPMENT PROPOSAL**

- |     |                              |  |
|-----|------------------------------|--|
| 4.1 | <u>Site Area</u> (no change) | 2,052 m <sup>2</sup> (22,087.54 sq. ft.) |
| 4.2 | <u>Gross Floor Area</u>      |  |
|     | Unit #2                      | 140.84 m <sup>2</sup> (1,516 sq. ft.).   |
| 4.3 | <u>Height</u> (no change)    | 1 storey                                 |

To: City Manager  
From: Director Planning and Building  
Re: REZONING REFERENCE #16-49  
2017 January 18..... Page 8

4.4	<u>Parking</u> (no change)	<u>Required</u>	<u>Provided</u>
	Parking	11 spaces	20 spaces
	Loading	1 space	1 space

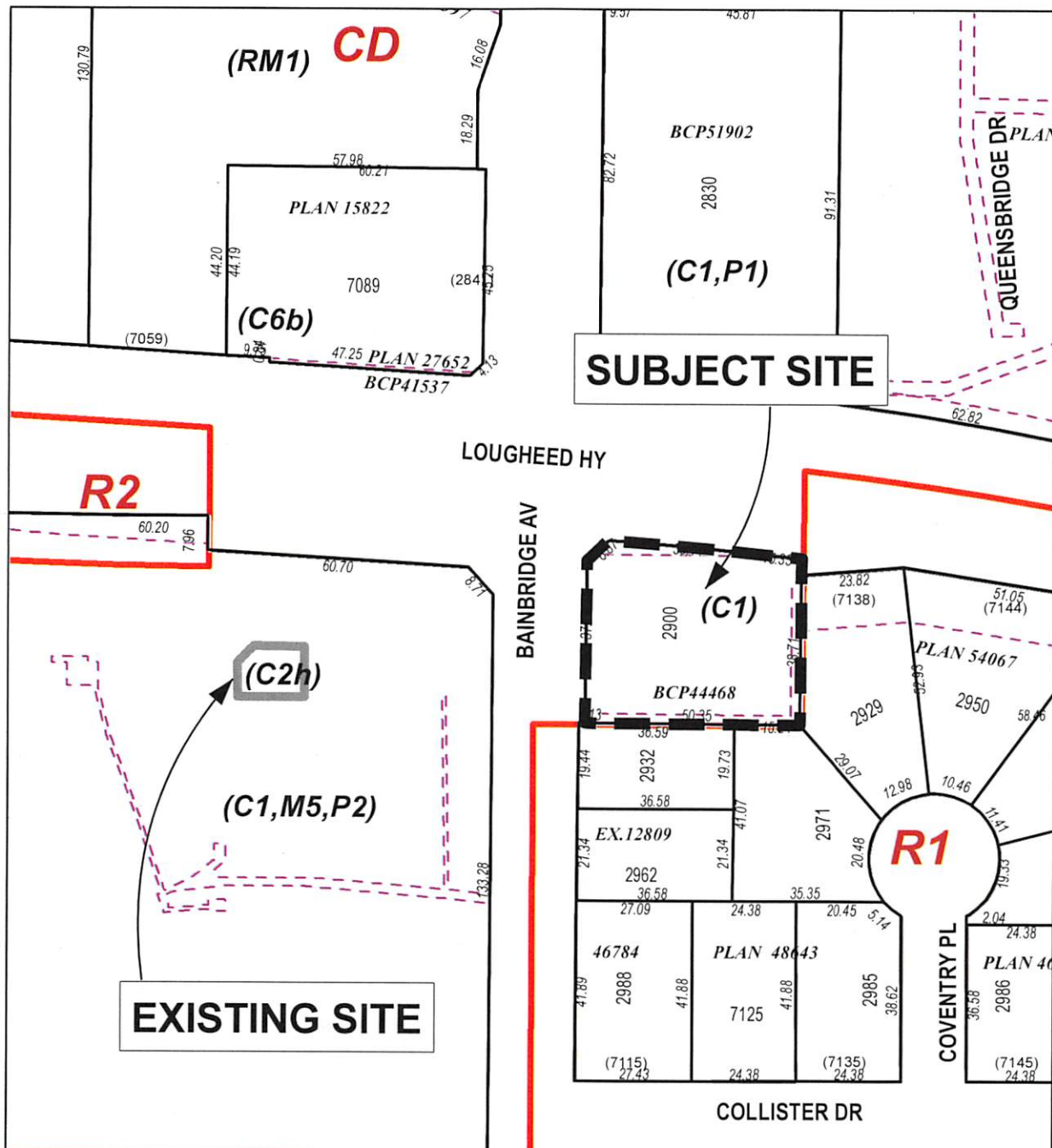
  
Lou Pelletier, Director  
PLANNING AND BUILDING

LS:spf  
*Attachments*

cc: Director Engineering  
City Solicitor  
City Clerk  
Officer-in-Charge, RCMP, Burnaby Detachment

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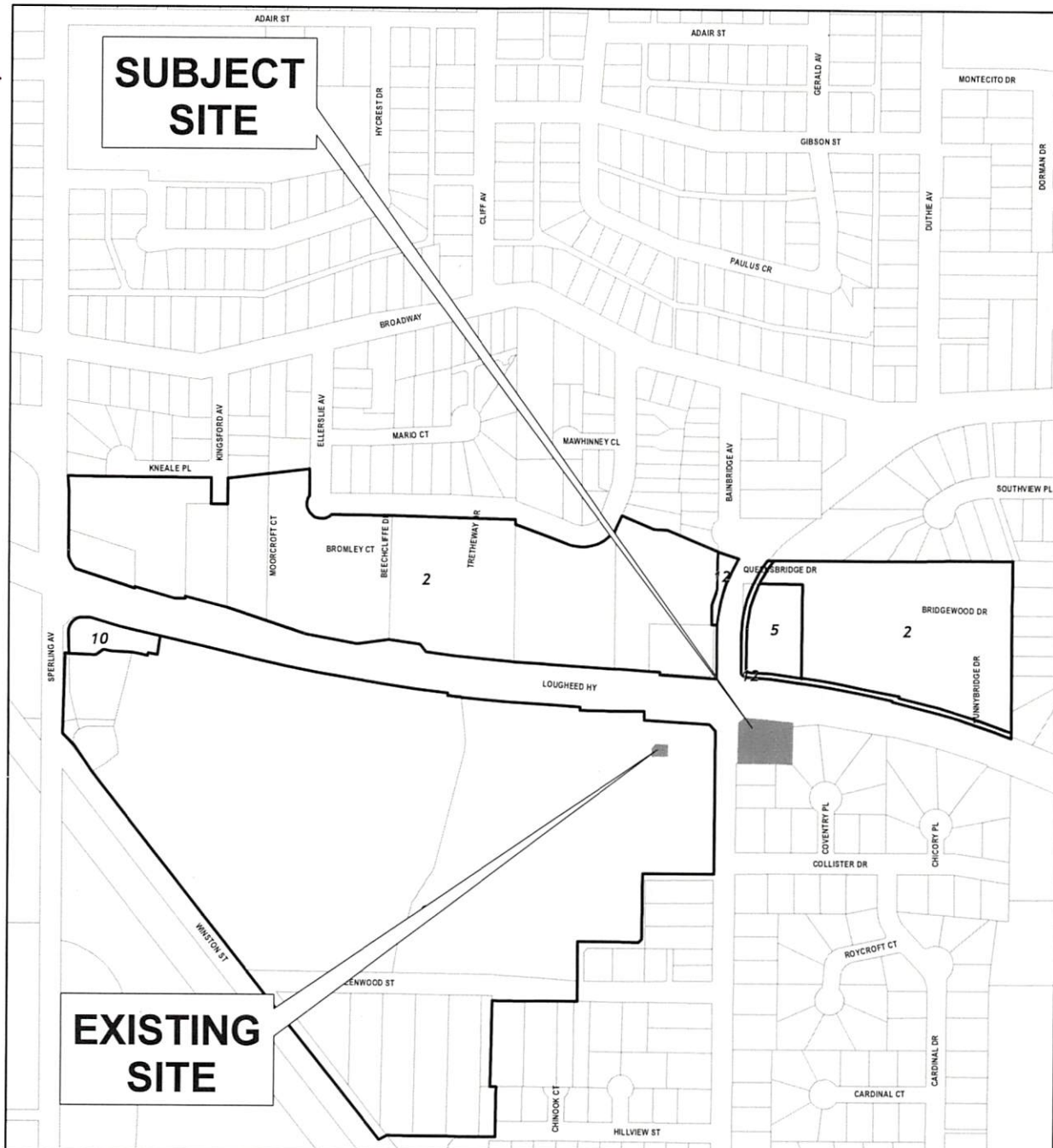
PLANNING & BUILDING DEPARTMENT



DATE:	JAN 04 2017
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### REZONING REFERENCE #16-49

-  7000 Lougheed Highway (Unit #5 - 2909 Bainbridge Avenue) Existing Site
-  Unit #2 - 2900 Bainbridge Avenue Subject Site

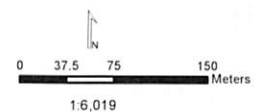


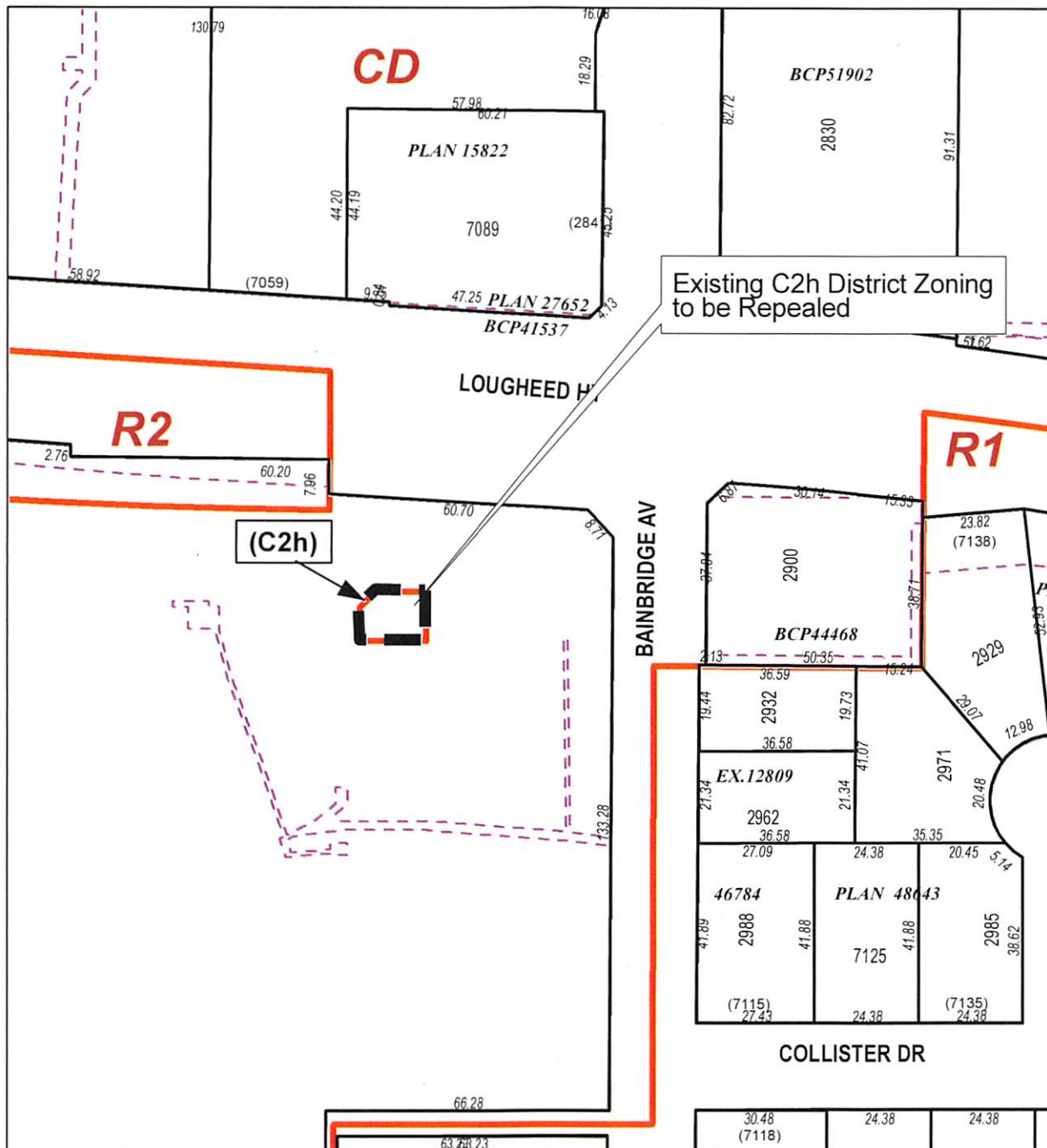
## Bainbridge Community Plan



PLANNING & BUILDING DEPARTMENT

- 2 Low Density Multiple Family Residential
- 5 Commercial
- 10 Institutional
- 12 Park and Public Use





PLANNING & BUILDING DEPARTMENT



DATE:  
JAN 18 2017

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REZONING REFERENCE #05-12  
7000 LOUGHEED HIGHWAY  
(Unit #5 - 2909 BAINBRIDGE AVENUE)



Zoning to be Repealed

Sketch #3