



Item
Meeting 2017 December 11

COUNCIL REPORT

TO: CITY MANAGER 2017 December 06
FROM: DIRECTOR PLANNING AND BUILDING
SUBJECT: REZONING REFERENCE #17-21
Private Liquor Store

SUBJECT SITE:

ADDRESS: 8687 and 8689 Tenth Avenue (see *attached* Sketch #1)
LEGAL: Lot N, DL 13, Group 1, NWD Plan 13703
FROM: C1 Neighbourhood Commercial District
TO: CD Comprehensive Development District (based on C1 Neighbourhood Commercial District and C2h Community Commercial District as guidelines and in accordance with the development plan entitled "Proposed Liquor Store" prepared by John McNally Designers Inc.)

EXISTING SITE:

ADDRESS: #8 – 1601 Burnwood Drive (see *attached* Sketch #2)
LEGAL: Portion of Lot 526, DLs 135 and 138, Group 1, NWD Plan 66144, as shown on *attached* Sketch #2
FROM: CD Comprehensive Development District (based on C2, C2h Community Commercial District as guidelines)
TO: Repeal C2h District zoning as shown on *attached* Sketch #2

APPLICANT: Jisbender Kooner
7125 Curragh Avenue
Burnaby, BC V5J 4V6

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2018 January 30.

RECOMMENDATIONS:

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2017 December 11 and to a Public Hearing on 2018 January 30 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 3.2.3 of this report and to permit only C1 Commercial District and Licensee Retail Store (LRS) uses.
 - c) 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 is located within a small shopping mall situated on the west corner of 10th Avenue and Langley Street. The site is improved with surface parking and three one-storey commercial buildings. There are currently twelve (12) active business licences issued for the site’s tenants, which include a supermarket, a pharmacy, five restaurants, a salon, an esthetic studio, a bakery, a bank, and an insurance company. The proposed liquor store, located between the bakery and the bank, is currently occupied by the show suite for Derby Manor, a nearby affordable senior’s rental housing development.

The subject site is located within the Cariboo-Armstrong residential neighbourhood, with R10 Residential District properties to the southwest and to the northwest across 11th Avenue. To the northeast across Langley Street are R10 and R2 Residential District properties. To the southeast and southwest across 10th Avenue in New Westminster is a single-family residential neighbourhood and Westburnco Park. Vehicular access to the site is from 10th Avenue, 11th Avenue, and Langley Street.

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) identifies the subject site as a Neighbourhood Centre.

- 2.3 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.
- 2.4 On 2017 July 24, 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 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 a 152.18 m² (1,638 sq. ft.) CRU (commercial retail unit) within the shopping mall from the C1 Neighbourhood Commercial District to the CD Comprehensive Development District (based on C1 Neighbourhood Commercial District and C2h Community Commercial District as guidelines) in order to permit the establishment of an LRS (see *attached* Sketch #1). The proposed use is located within an interior CRU in the northernmost building of the shopping mall. No changes are proposed to the exterior of the building. Under the proposed amendment, the subject unit would retain the underlying C1 District zoning, in addition to the proposed C2h District zoning for the LRS use, in order to allow future reversion of the unit to C1 District uses should the private liquor store use cease.

The applicant is seeking rezoning in order to relocate their existing LRS, the Hop and Vine Liquor Store, 5 km (3.1 miles) from their current location at #8 - 1601 Burnwood Drive. Rezoning Reference #05-02c was given Final Adoption by Council on 2005 April 11 to rezone the existing LRS location at #8 – 1601 Burnwood Drive from the CD (C2, C2a District) to the CD (C2, C2h District). The applicant has indicated that the move is requested as the current landlord wishes to repurpose the existing LRS space for a coffee shop; the pub associated with the Hop and Vine Liquor Store is not proposed to move.

It is noted that Liquor Control and Licensing Branch (LCLB) regulations allow LRSs to apply to relocate anywhere within the province, provided they do not relocate within 1 km of another existing or proposed LRS or LDB store. In this regard, the former location under its existing zoning could potentially be reoccupied or redeveloped with a future

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LRS; however, this rezoning application includes the repealing of Bylaw #11891 to eliminate the existing C2h District zoning at #8 – 1601 Burnwood Drive (see *attached* Sketch #2) and thereby remove the permitted LRS use at that address. The applicant has indicated that the owner of 1601 Burnwood Drive has been advised that the C2h District zoning currently in place will be removed. Once the C2h District zoning has been removed from #8 – 1601 Burnwood Drive, the current liquor store use will be legal non-conforming.

3.2 The Liquor Store Location Framework contains 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 southeast quadrant, which includes the subject site, the locational criteria require the establishment of an LDB Signature Store in the Edmonds Town Centre area. As the HighGate Village Liquor Store is an LDB Signature store, this criteria has been met.

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 which, as indicated above, is identified as a Neighbourhood Centre in the OCP.

Further locational criteria require that there is a reasonable distribution of both LDB liquor stores and LRS stores. The Northgate Signature store in the Lougheed Town Centre (#103 – 3433 North Road) is located approximately 2.5 km away from the proposed LRS, while the HighGate Village Signature store (#235 – 7155 Kingsway) in the Edmonds Town Centre is located more than 3.5 km away. The Oliver Twist Liquor Store (7557 Edmonds Street), the only LRS in the southeast quadrant, is located approximately 3 km away, while Wings Tap and Grill (6879 Kingsway), a Liquor Primary facility with an endorsement for off-premises sales, is located more than 4 km away. As such, there is a reasonable distribution of both LDB and LRS liquor stores within this area of Burnaby, and the proposed LRS does not present a concern with regard to oversaturation in the quadrant.¹

¹ It is noted that there are two liquor stores approximately 1 km away (as well as additional liquor stores more than 2.5 km away) from the subject site in New Westminster. The applicant will need to ensure that these liquor stores are not within the 1 km minimum distance mandated by the LCLB.

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).

The proposed LRS is located in the interior of a small shopping mall and is oriented to the southeast towards the mall's surface parking lot. Armstrong Elementary School and Cariboo Hill Secondary School are located more than 250 m (820 ft.) north and northwest of the site. A family childcare centre is located 100 m (328 ft.) to the southwest of the site, an in-home multi-age child care facility is located 250 m (820 ft.) to the west, and a preschool operates from Armstrong Elementary School.

The overall shopping centre site is adjacent and across the street from residential dwellings, across from Westburnco Park in New Westminster, and more than 250 m (820 ft.) from Cariboo Park; however, the proposed CRU for the LRS is located at the centre of the northernmost building and is oriented to the parking lot, not towards any residential dwellings or parks. Given the modest size of the proposed LRS and its integration into an established commercial development, the opportunity for nuisance behaviours, such as public drinking, panhandling or loitering, is considered low. As such, the proposed LRS outlet is not expected to pose a conflict with nearby child-oriented uses neighbouring residential dwellings, or parks.

Proposals must also provide adequate vehicular and pedestrian circulation, and allow for safe and convenient vehicular access to the site, without causing undue traffic impacts on the surrounding area. Vehicular access to the subject site is from 10th Avenue, 11th Avenue, and Langley Street, and there is sufficient off-street parking and loading provided under previous Preliminary Plan Approval (PPA) applications. Sidewalks are provided on all abutting streets and the site is located approximately 250 m (820 ft.) from bus stops located on Armstrong Avenue. 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 152.18 m² (1,638 sq. ft.) does not exceed the maximum store size criteria of 418.06 m² (4,500 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.

At the subject site, the other tenant spaces are occupied by a variety of businesses with varying hours, none of which are open past 9:00 pm. The applicant has indicated that the proposed hours of operation are 10:00 am to 9:00 pm, seven days a week, which are generally consistent with those of other commercial tenants. To ensure that the proposed hours are maintained, it is recommended that, as a condition of rezoning approval, the operating hours are 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. The applicant has indicated that these measures will be undertaken.

- 3.3 No servicing is required in conjunction with this rezoning.
- 3.4 A Section 219 Covenant is required to ensure that hours of operation are maintained as described in Section 3.2.3 and to permit only C1 Commercial District and LRS uses.
- 3.5 Given there is no additional gross floor area proposed as part of the subject rezoning application, the GVS & DD Sewerage Charge does not apply to this rezoning.
- 3.6 As noted above, the subject rezoning includes the repealing of the bylaw that permitted the existing LRS location at #8 – 1601 Burnwood Drive in order to remove that property’s C2h District zoning. Should this rezoning application receive Final Adoption, the existing LRS at #8 – 1601 Burnwood Drive 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 immediately upon the first day of operation of the new liquor store proposed to be located at 8687 and 8689 Tenth Avenue.

4.0 DEVELOPMENT PROPOSAL

- 4.1 Lot Area (no change) - 10,099.44 m² (108,709.44 sq. ft.)
- 4.2 Gross Floor Area (no change)
 - All Buildings - 2,997.05 m² (32,260 sq. ft.)
 - 8687 and 8689 Tenth Avenue - 152.18 m² (1,638 sq. ft.)
- 4.3 Height (no change) - 1 storey

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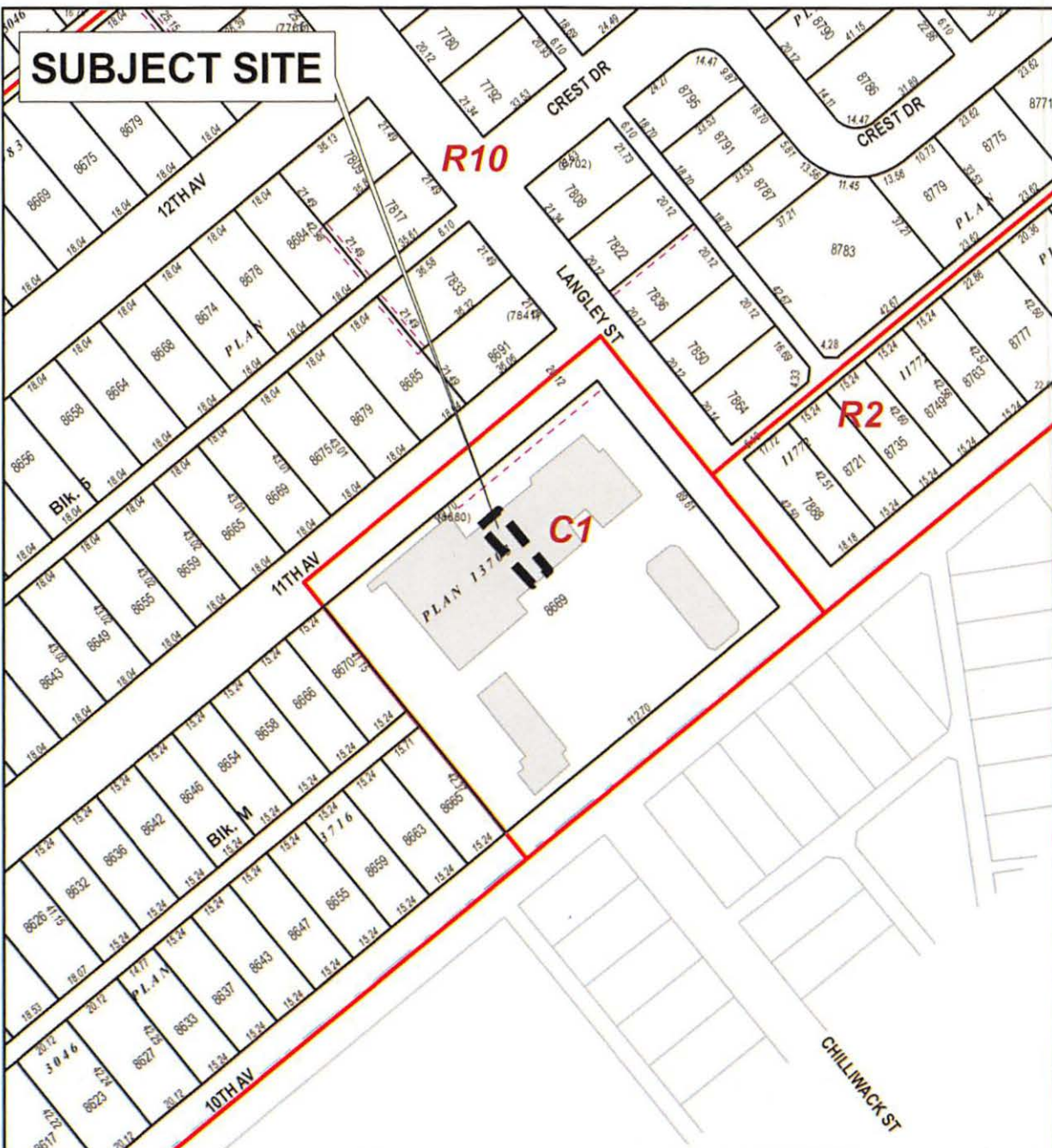
4.4	<u>Parking (no change)</u>	<u>Required</u>	<u>Provided</u>
	Parking (8687 and 8689 Tenth Avenue)	10.19	10.19
	Loading (8687 and 8689 Tenth Avenue)	1	1 (shared)



Lou Pelletier, Director
PLANNING AND BUILDING

LS:eb

Attachments

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





 DATE: NOV 20 2017


 SCALE: 1:2,000

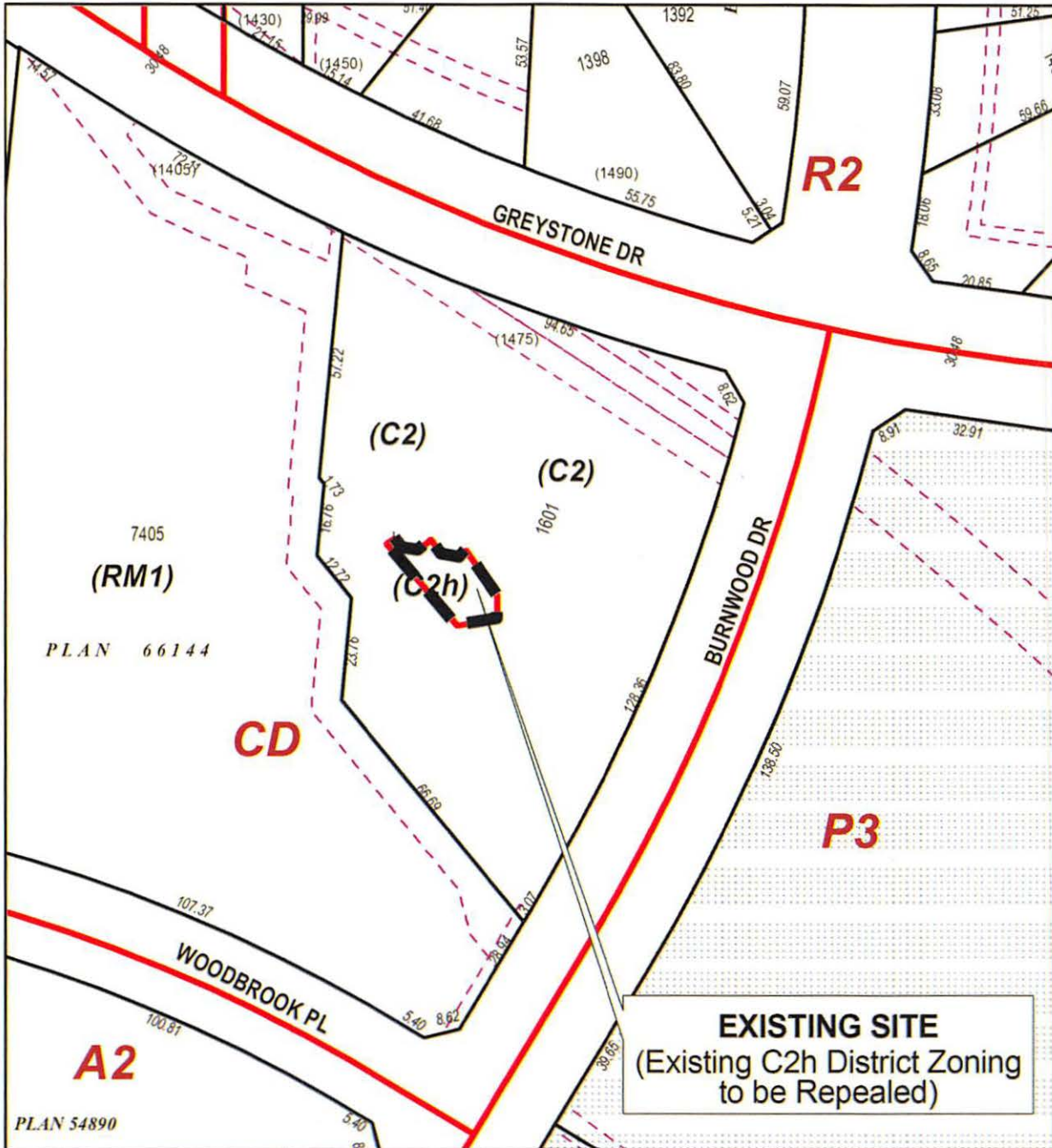
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PLANNING & BUILDING DEPARTMENT

 REZONING REFERENCE #17-21

 8687 AND 8689 10TH AVENUE

 Subject Site



PLANNING & BUILDING DEPARTMENT



DATE: DEC 04 2017

SCALE: 1:1,500

DRAWN BY: AY

REZONING REFERENCE #17-21
##8 - 1601 BURWOOD DRIVE



Existing Site (Zoning to be Repealed)