

## CITY OF BURNABY

**PLANNING AND BUILDING  
REZONING REFERENCE #19-04  
2019 April 24**

### ITEM #04

#### 1.0 GENERAL INFORMATION

- 1.1 Applicant:** Van Land Use Consulting  
413 Alberta Street  
New Westminster, BC V3L 3J6  
Attn: Joe Van Vliet
- 1.2 Subject:** Application for the rezoning of:  
Lot 247 District Lot 85 Group 1 NWP 49735
- From:** C2 Community Commercial District
- To:** CD Comprehensive Development District (based on C2h Community Commercial District)
- 1.3 Address:** 5097 Canada Way
- 1.4 Location:** The site is comprised of one commercial retail unit (CRU) within a commercial development located on the south side of Canada Way, between Sperling Avenue and Chiselhampton Street (Sketch #1 *attached*).
- 1.5 Size:** The site consists of one CRU with an area of approximately 167.23 m<sup>2</sup> (1,800 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 a private retail liquor store use.

#### 2.0 POLICY FRAMEWORK

The advancement of the rezoning application aligns with the following goals and sub-goals of the Corporate Strategic Plan:

##### **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 NEIGHBOURHOOD CHARACTERISTICS**

The subject site is located within a commercial development located on the south side of Canada Way, between Sperling Avenue and Chiselhampton Street. The site is improved with surface parking and a one-storey commercial building. There are currently two active business licences issued for the property, one for a 24 seat Subway restaurant and the other for Ming Kee Kitchen Chinese food delivery. The proposed liquor store space, located on the eastern end of the development next to the food delivery business, was most recently occupied by a kickboxing school.

The subject site is located within the Morley-Buckingham neighbourhood, with R1 Residential District properties to the south across the lane. Immediately west of the subject property is another C2 Community Commercial District property, with a gas station beyond zoned CD Comprehensive District (based on the C6b Gasoline Service Station District), and immediately east are other C2 District properties. To the north across Canada Way is a CD RM2 Multiple- Family Residential District property improved with newer townhouse dwellings under Rezoning Reference #07-49, a C2/R4 District property improved with a heritage building, and a CD P5 Institutional District property improved with a place of public worship. Vehicular access to the site is from both Canada Way and the rear lane.

The subject site and properties to the west, south, and east are not located within a Community Plan area, while the properties to the north across Canada Way are located in the Rayside Suburban Multi-Family Community Plan area. The Commercial Policy Framework of the Burnaby Official Community Plan (OCP) identifies the subject site as a Neighbourhood Centre.

**4.0 BACKGROUND INFORMATION**

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.

**5.0 GENERAL INFORMATION**

- 5.1 The applicant wishes to relocate an existing LRS from outside of Burnaby to the subject site, and is therefore seeking to rezone the subject unit, a 167.23 m<sup>2</sup> (1,800 sq. ft.) CRU within a

three-unit commercial development, from the C2 Community Commercial District to the CD Comprehensive Development District (based on C2h Community Commercial District guidelines), in order to and permit the establishment of an LRS (see *attached* Sketch #1). The proposed use is located within the easternmost CRU in the development. It is noted that the proposed C2h District zoning for the subject unit would permit the LRS use, in addition to all other uses permitted in the C2 District.

- 5.2 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:

### ***5.2.1 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 criterion 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 is located in an established commercial development which, as indicated above, is identified as a Neighbourhood Centre in the OCP.

Further locational criteria require a reasonable distribution of both LDB liquor stores and LRS stores. The closest liquor stores to the subject site are the Bainbridge Liquor Store (7000 Lougheed Highway), located approximately 2.16 km (1.34 miles) to the north in the Bainbridge Urban Village, Jak's Beer Wine Sprits (5665 Kingsway), located approximately 2.22 km (1.38 miles) to the southwest in the Royal Oak Urban Village, the Oliver Twist Liquor Store (7555 Edmonds Street), located approximately 2.32 km (1.44 miles) to the southeast in the Edmonds Town Centre, and the Highgate Village Liquor Store (7155 Kingsway), located approximately 2.36 km (1.47 miles) to the south in the Edmonds Town Centre. As such, there are no other liquor stores within a 2 km radius of the proposed LRS, and there is a disbursed distribution of liquor stores within this area of Burnaby.

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

- ***Private and public schools, particularly secondary schools***

Buckingham Elementary School is located more than 0.8 km (0.5 miles) southeast of the subject site, and Burnaby Central Secondary School is located more than 0.9 km (0.56 miles) northwest of the site.

- ***Adjacent residential dwellings and parks***

The site is across the lane from single-family residential dwellings, and across the street from a single-family heritage building and newer multiple-family dwellings. The nearest park, Deer Lake Park, is located approximately 100 m (328 ft.) west of the site.

- ***Other potential sensitive uses (e.g. cabarets, child care centres)***

The closest childcare centre (Deer Lake Child Care at 5135 Sperling Avenue) is located approximately 125 m (410 ft.) southwest of the site. The closest facilities with liquor primary licences (James Cowan Theatre at 6450 Deer Lake Avenue and Burnaby Winter Club at 4990 Canada Way) are located more than 400 m (1,312 ft.) to the northwest. A future supportive housing project at 3986 Norland Avenue, approved under Rezoning Reference #18-35, is located more than 1.2 km (0.75 miles) northwest of the site.

Given the modest size of the proposed LRS, its integration into an established commercial development and orientation towards Canada Way, and its general separation from the proximate single-family neighbourhood and other sensitive land uses, 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 schools, parks, child-oriented and sensitive uses, or neighbouring residential dwellings.

As per the guidelines, assessment for rezoning applications for liquor stores also includes consideration of adequate vehicular and pedestrian circulation on the site, and 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 both Canada Way and the lane. It is noted that, for safety purposes and as a condition of Rezoning Reference #07-49 (for the townhouses located across Canada Way), a raised concrete median will be constructed along Canada Way in front of the subject site that will limit Canada Way access to right-in right-out movements only. Sufficient off-street parking and loading is provided on-site, and there would be no change in parking and loading requirements for this use (relative to other commercial uses in the C2 District). Sidewalks are provided along Canada Way, and the site is located less than 50 m (164 ft.) from a bus stop located on Canada Way. Therefore, the subject site generally provides adequate vehicular and pedestrian access, as required by the locational criteria.

### ***5.2.2 Store Size Criterion***

The proposed LRS, at 167.23 m<sup>2</sup> (1,800 sq. ft.) does not exceed the maximum store size criterion of 418.06 m<sup>2</sup> (4,500 sq. ft.).

### ***5.2.3 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 Liquor and Cannabis Regulation Branch (LCRB) permits LRS establishments to be open from 9:00 am to 11:00 pm, seven days a week, with hours further regulated by the City.

On the subject property, the other tenant spaces are occupied by two separate businesses that have Monday to Thursday operating hours ending at 11:30 pm and 12:00 am, Friday and Saturday hours ending at 12:00 am and 12:30 am, and Sunday hours ending at 11:00 pm. If authorized by Council, this Department will determine 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 to ensure that appropriate safety and security measures are undertaken.

- 5.3 The Director Engineering will be requested to provide an estimate for any services necessary to serve the site.
- 5.4 The owner will be required to enter into a Section 219 Covenant to establish operating hours.
- 5.5 Ministry of Transportation approval of this rezoning is required.
- 5.6 The proposed prerequisite conditions to the rezoning will be included in a future report.

## 6.0 RECOMMENDATION

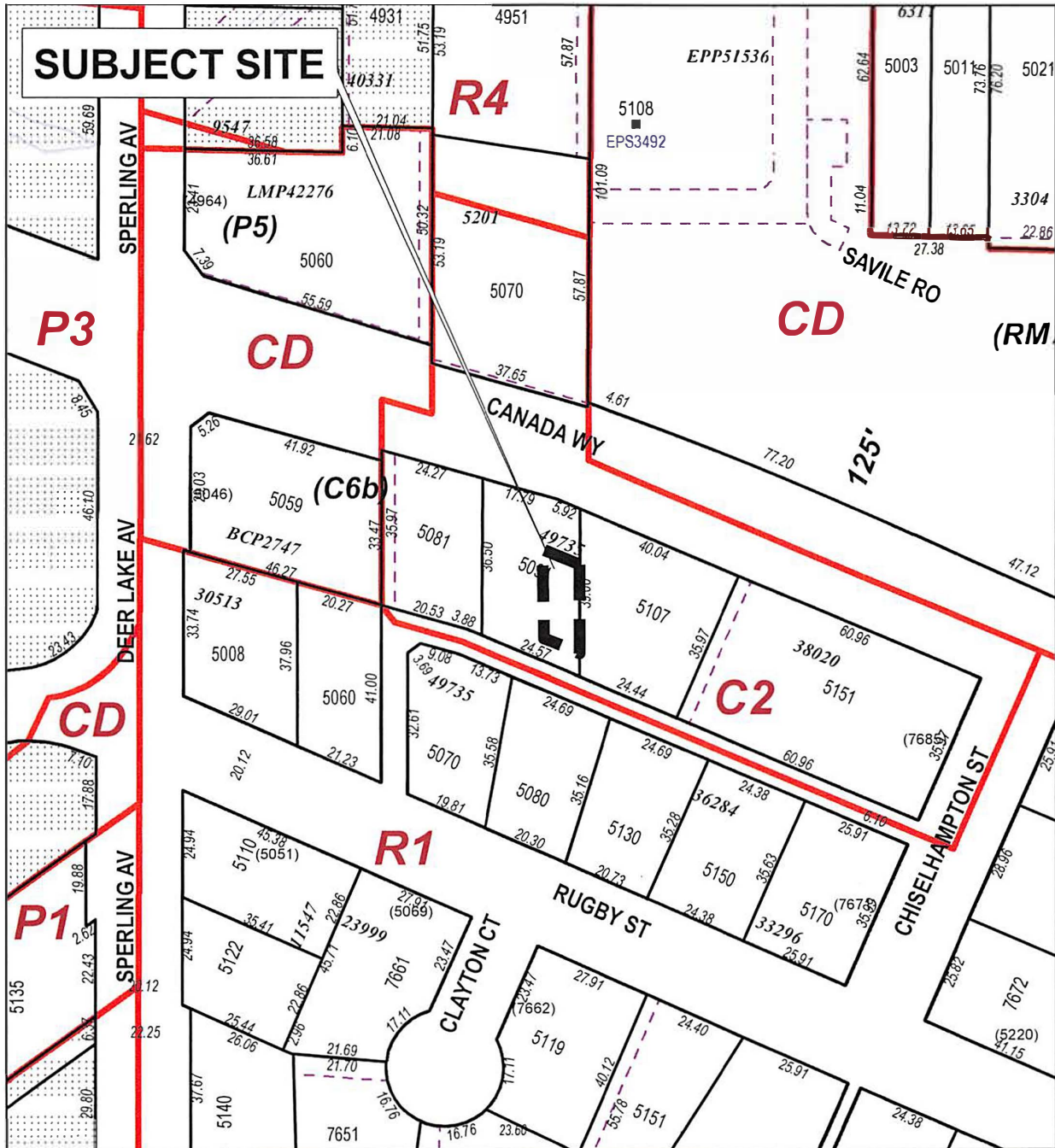
**THAT** the Planning and Building Department be authorized to continue to work with the applicant towards the preparation of a suitable plan of development for presentation to a Public Hearing on the understanding that a more detailed report will be submitted at a later date.



LS:rh

**Attachment**

cc: City Solicitor  
City Clerk




PLANNING & BUILDING DEPARTMENT



DATE:	MAY 13 2019
SCALE:	1:1,500
DRAWN BY:	AY

REZONING REFERENCE #19-04  
5097 CANADA WAY

 Subject Site

Sketch #1

# VAN LAND USE CONSULTING

February 22, 2019

Lisa Scott  
City of Burnaby  
Planning and Building Department  
4949 Canada Way  
Burnaby, BC, V5G 1M2

Dear Lisa:

## **RE: Letter of Intent for 5097 Canada Way, Burnaby**

On behalf of Van Land Use Consulting, this letter is to outline the intent for the rezoning of 5097 Canada Way.

There is an existing retail building located on the south side of Canada Way devised into three separate commercial units (5093, 5095, and 5097 Canada Way). A Licensee Retail Store is being proposed to operate in the vacant unit at 5097 Canada Way. The unit is approximately 1800 square feet. The site is currently zoned C2 and requires a rezoning to C2h.

The location seems ideal for a Licensee Retail Store to operate as there are no schools close by and there is adequate parking both in front of and behind the store. A Signature BC Liquor Store is currently operating in this quadrant of the City.

**A petition of support has been gathered with 121 Burnaby residents that live within 1km of the proposed store**, who provided their names, contact number and addresses. This petition has been attached with our application, as well as a map to show the proximity of supporters to the proposed store.

The City of Burnaby, compared to other municipalities, is greatly underserved for liquor retail. There are only 16 private and government stores serving its residents (approximately one store for every 15,000). The City of Vancouver, for example, has 74 stores (approximately one store for every 8,250 residents).

The neighborhoods that this store is intended to serve are greatly underserved to liquor retail. **The closest liquor stores are nearly 2 kilometers away.** Approval of this location would fill a large void that the residents of this area are currently facing. Attached to our application is a map that shows the closest BC Liquor Stores and Licensee Retail Stores.

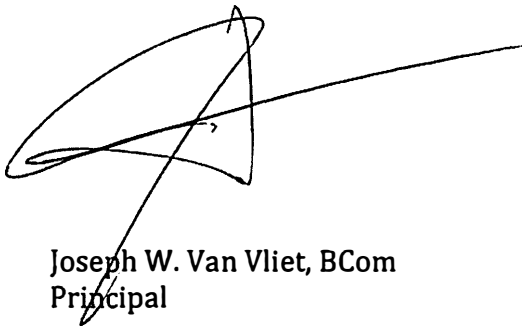
## VAN LAND USE CONSULTING

Our proposed location fits well within all required provincial regulations, as well as Burnaby's Liquor Store Location Framework.

Should you have any questions regarding this application for rezoning, please do not hesitate to contact me at (778) 551-0067.

Best regards,

Van Land Use Consulting

A handwritten signature in black ink, consisting of a large, stylized 'J' and 'V' that are interconnected, with a long horizontal stroke extending to the right.

Joseph W. Van Vliet, BCom  
Principal