

## CITY OF BURNABY

### PLANNING AND BUILDING REZONING REFERENCE #19-45 2019 OCTOBER 23

#### ITEM #10

#### 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 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:** #102 – 2900 Bainbridge Avenue
- 1.4 Location:** The subject site is located within a small commercial development on the southeast corner of Lougheed Highway and Bainbridge Avenue (see Sketches #1 and #2 *attached*).
- 1.5 Size:** The site consists of two commercial retail units (CRUs) 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 a licensee retail store (private liquor store).

#### 2.0 POLICY FRAMEWORK

The proposed development aligns with the following goals and sub-goals of the Corporate Strategic Plan:

**A Connected Community**

- Partnership - Work collaboratively with businesses, educational institutions, associations, other communities, and governments.

**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 small commercial development on the southeast corner of Lougheed Highway and Bainbridge Avenue (see Sketch #1 *attached*). The subject property is improved with surface parking and a one-storey commercial building with five CRUs. Three CRUs are currently occupied by three different restaurants, and two CRUs are vacant. The licensee retail store (LRS) – private liquor store – is proposed to consolidate and occupy the two vacant CRUs.

The subject site is adjacent to R1 Residential District properties located immediately to the south and east of the property. To the north, across Lougheed Highway, is a low-scale commercial development and a gasoline service station, with townhouses and single family dwellings beyond. A small commercial development, which includes the existing location of the proposed LRS (see Sketch #1 *attached*), is located directly across Bainbridge Avenue to the west, and the former Telus industrial complex is beyond. The Millennium SkyTrain guideway traverses the northerly portion of the subject site. Vehicular access to the site is from Bainbridge Avenue.

The subject property and adjacent single family residential neighbourhood are adjacent to the existing Bainbridge Urban Village Community Plan area (see Sketch #2 *attached*). The Commercial Policy Framework of the Burnaby Official Community Plan (OCP) indicates that the intersection of Lougheed Highway and Bainbridge Avenue is designated for commercial use.

### **4.0 BACKGROUND INFORMATION**

- 4.1 On 2010 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.

- 4.2 On 2005 July 25, Council granted Final Adoption to Rezoning Reference #05-12, which rezoned the proposed LRS' existing site at 7000 Lougheed Highway from the CD (C1, M5) District to the CD (C1, C2h, M5) District, in order to permit the existing LRS.
- 4.3 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 of the four Town Centres prior to the establishment of smaller LDB stores and LRSs (private liquor stores) 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.
- 4.4 On 2016 October 27, Rezoning Reference #16-49 was applied for in order to permit an LRS on the subject site. The rezoning application, which was generally consistent with Council adopted guidelines for assessing rezoning applications for liquor stores, was supported by staff and advanced to Public Hearing on 2017 February 28. Second Reading was given by Council on 2017 March 06. On 2017 July 24, the rezoning was defeated by Council at Third Reading.

Section 7.8(5) of the Burnaby Zoning Bylaw states that no new rezoning application may be considered again by Council where the requested change has been denied within the six month period immediately preceding the filing of such a rezoning application. The above six month period has passed, and the subject rezoning application has been initiated by a new applicant.

## 5.0 GENERAL INFORMATION

- 5.1 The applicant is seeking to rezone two CRUs within the subject 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 Sketch #1 *attached*). The proposed use is located within the two middle CRUs of the existing commercial development. If this rezoning is successful, a Building Permit would be sought to consolidate the two abutting CRUs into one store. 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 LRS use cease.

- 5.2 The applicant is seeking rezoning in order to relocate the existing LRS from directly across Bainbridge Avenue at 7000 Lougheed Highway which, as indicated above, was rezoned in 2005 to permit an LRS use. Relocation of the LRS is sought because, as indicated by the applicant, 7000 Lougheed Highway is listed for sale with the intention of demolition and redevelopment. For information, 7000 Lougheed Highway is located within a portion of the existing Bainbridge Urban Village Community Plan area designated as “under review” (see Sketch #2 *attached*).

While Liquor and Cannabis Regulation Branch (LCRB) regulations allow LRSs to apply to relocate anywhere within the province, LRSs may not relocate within 1 km of another existing or proposed LRS or LDB store. In this regard, the existing LRS 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 Lougheed Highway to eliminate the existing C2h District zoning and thereby formally remove the permitted LRS use at 7000 Lougheed.

- 5.3 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:

#### **5.3.1 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 requires 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 (more than 2.5 kilometres away) and would continue to serve the same community as at its current location directly across the street, it is not expected that the proposed development would impact the viability of an LDB Signature Store at the 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, as indicated previously, is located in an area designated in the OCP for commercial use.

Further locational criteria require that there is a reasonable distribution of both LDB stores and LRSs. The closest liquor stores to the subject site are the Hop and Vine Liquor Store (1601 Burnwood Drive), located approximately 1.5 km (0.93 miles) to the northeast in the Montecito Urban Village, Jak's Beer Wine Spirits (5901 Broadway), located approximately 1.75 km (1.09 miles) to the northwest, and the Kensington Liquor Store (6512 Hastings Street), located approximately 2.5 km (1.55 miles) to the north in the Lochdale Urban Village. As such, there is a reasonable distribution of both LDB stores and LRSs, 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***

No secondary schools are located in the immediate vicinity, while the nearest elementary school is located more than 600 m (0.37 miles) northeast of the site.

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

The nearest residential dwellings are located to the south and southeast of the site, separated from the commercial development by an approximately 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. The nearest park (Camrose Park) is approximately 400 m (0.25 miles) to the northeast across Lougheed Highway.

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

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 closest facilities with liquor primary licences (Bill Copeland Sports Centre and the Burnaby Lake Clubhouse) are located approximately 1 km (0.62 miles) to the southwest.

Given the modest size of the proposed LRS, its integration into an established commercial development oriented towards Bainbridge Avenue at Lougheed Highway, its existing presence in the neighbourhood, and its general separation from the proximate single-family neighbourhood and other sensitive land uses, the opportunity for nuisance behaviours is considered low. As such, the proposed LRS 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, without causing undue traffic impacts on the surrounding area. 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 station. Vehicular access to the subject unit is from Bainbridge Avenue and there is sufficient off-street parking and loading provided, as per the Zoning Bylaw. Specifically, there are 20 parking spaces provided where 11 parking spaces are required, and one loading stall is required and provided. It is noted that there would be no change in parking and loading requirements for this use (relative to other commercial uses in the C1 District). However, following up on concerns expressed at the Public Hearing for Rezoning Reference #16-49 by some residential neighbours regarding large delivery vehicles, the applicant has noted that the subject LRS has an agreement to lease off-site storage space that would receive all major deliveries where the vehicle size exceeds the capacity of the property's loading stall. Accordingly, the subject LRS has also secured two smaller vehicles for delivery of product to the proposed LRS. If this rezoning is advanced, the suitable plan of development required prior to Public Hearing would include a detailed loading plan showing the manoeuvring of the proposed smaller vehicles. The site thus provides adequate vehicular and pedestrian access, as required by the locational criteria.

### ***5.3.2 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 also noted the proposed store is smaller than the existing LRS at 7000 Lougheed Highway, which has a gross floor area of 204.94 m<sup>2</sup> (2,206 sq. ft.).

### ***5.3.3 Operational Criteria***

Operational criteria includes appropriate hours of operation, which must be formalized through registration of a Section 219 Covenant. The guidelines also require that the general pattern of operating hours of nearby commercial businesses be considered. The LCRB permits LRSs to be open from 9:00 am to 11:00 pm, seven days a week. On the subject property, the three other tenant spaces are occupied by restaurants which have Monday to Saturday operating hours ending between 9:00 pm and 12:00 am, and Sunday hours ending between 9:00 pm and 11:00 pm. 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 to ensure appropriate safety and security measures are undertaken.

In summary, the proposed LRS continues to be generally consistent with the Council adopted guidelines for assessing rezoning applications for liquor stores. As such, staff remain supportive of the application.

- 5.4 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.
- 5.5 The Director Engineering will be required to provide an estimate for all site servicing.
- 5.6 The granting of any necessary statutory rights-of-way or easements will be provided.
- 5.7 The owner will be required to enter into a Section 219 Covenant to establish operating hours and to clarify that the only permitted C2h District use on the subject site would be the proposed LRS use.
- 5.8 The proposed prerequisite conditions to the rezoning will be included in a future report.

## 6.0 RECOMMENDATION

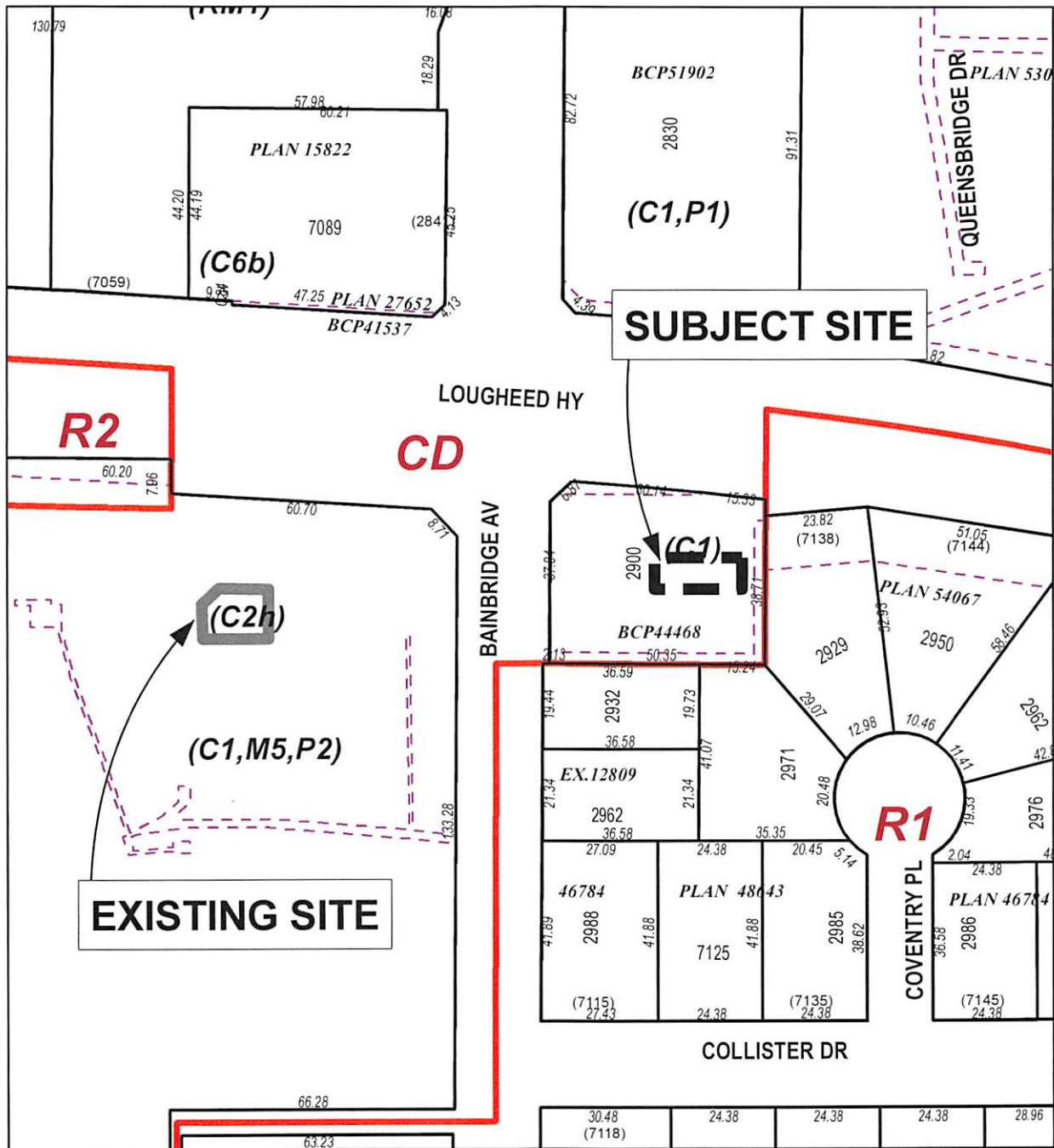
**THAT** the Planning and Building Department be authorized to continue to work with the applicant towards the preparation of a suitable plan of development for presentation to a Public Hearing on the understanding that a more detailed report will be submitted at a later date.



LS:tn

**Attachments**

cc: City Solicitor  
City Clerk



PLANNING & BUILDING DEPARTMENT



DATE:  
OCT 10 2019

SCALE:  
1:1,500

DRAWN BY:  
AY

### REZONING REFERENCE #19-45

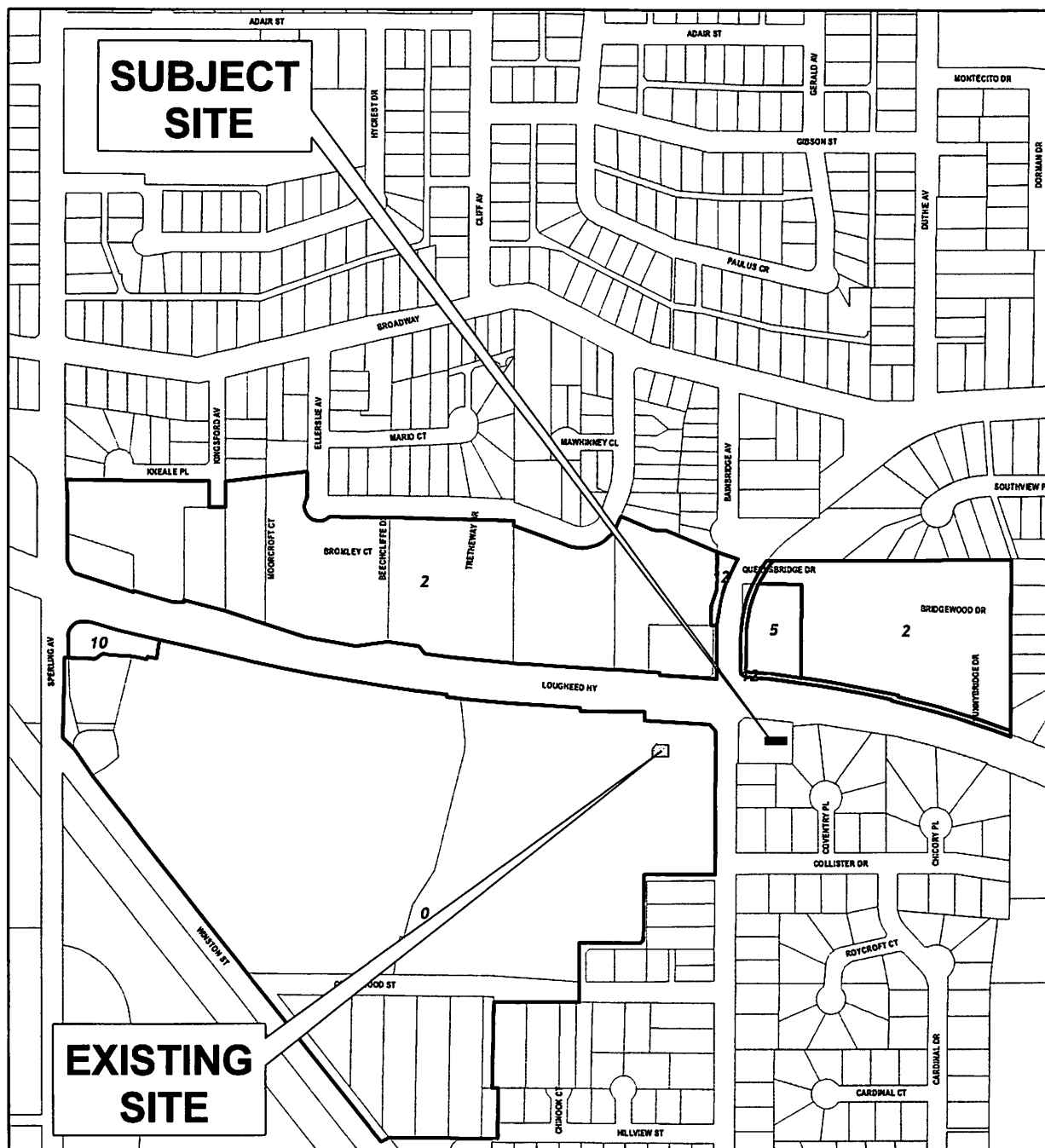


Unit #102  
2900 Bainbridge Avenue  
Subject Site



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





# *Bainbridge Community Plan*



PLANNING & BUILDING DEPARTMENT

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



# VAN LAND USE CONSULTING

August 23, 2019

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

Dear Lisa:

**RE: Letter of Intent for #2 – 2900 Bainbridge Ave, Burnaby**

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On behalf of Van Land Use Consulting, this letter is to outline the intent for the rezoning of #2 – 2900 Bainbridge Avenue, Burnaby.

The subject site has an existing retail building located on the southeast corner of Lougheed Highway and Bainbridge Avenue, devised into five commercial retail units. A Licensee Retail Store is being proposed to operate in two of the CRUs. The combined area of the two units is 1,516 square feet. The site is currently zoned CDC1 and requires a rezoning of the two CRUs to C2h.

The Bainbridge Liquor Store is currently operating directly across the street at 7000 Lougheed Highway. The current store was approved by Burnaby Council through rezoning in 2005 and has since been operating in that location to serve the local community. This site has been listed for sale with the intention for demolition and redevelopment. As such, the current terms of the lease pertaining to the demolition clause would result in the business being closed for an extended period of time.

In 2016, an application for rezoning was submitted for the same location at 2900 Bainbridge Avenue. The application was refused at third reading as while all concerns to available parking were addressed with the site exceeding bylaw requirements, there remained concerns pertaining to whether the loading area was adequate given the size of several of the trucks that would be delivering to the location. The Bainbridge Liquor Store has remedied this concern having reached an agreement to lease off-site storage that would receive all deliveries where

## VAN LAND USE CONSULTING

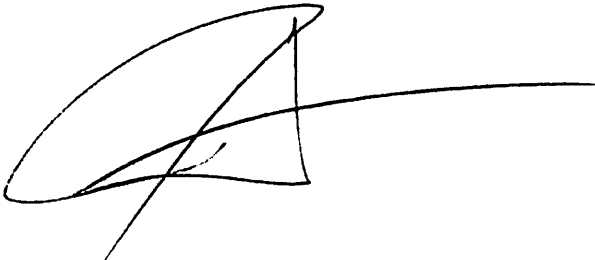
the vehicle length exceeds what the city deems appropriate for the space in question. The Liquor and Cannabis Regulation Branch has advised that the drafted application for the approval of the offsite storage would be approved upon submission. The Bainbridge Liquor Store has also secured two smaller vehicles which will then deliver product to the store ensuring that no large trucks are on site.

A petition of support has been gathered with 745 people in support of the Bainbridge Liquor Store to relocate across the street (including Burnaby residents and live near the proposed store as well as customers of the current store), who provided their names, contact number and addresses. This petition has been submitted with our application, as well as a map to show the proximity of supporters to the proposed store.

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' followed by a horizontal line extending to the right.

Joseph W. Van Vliet, BCom  
Principal