



Item.....
Meeting..... 2020 September 28

COUNCIL REPORT

**TO:** CITY MANAGER 2020 September 23

**FROM:** DIRECTOR PLANNING AND BUILDING

**SUBJECT: REZONING REFERENCE #19-63  
Licensee Retail Store (Private Liquor Store)**

**ADDRESS:** 7755 6<sup>th</sup> Street (see *attached* Sketches #1 and #2)

**LEGAL:** Strata Lot 1, District Lot 28, Group 1, NWD Strata Plan NW2348, Together with an Interest in the Common Property in Proportion to the unit Entitlement of the Strata Lot as Shown on Form 1

**FROM:** C2 Community Commercial District

**TO:** CD Comprehensive Development District (based on C2h Community Commercial District and Sixth Street Plan guidelines, and in accordance with the development plan entitled "Tenant Improvement Rezoning for Liquor Store" prepared by Van Land Use Consulting)

**APPLICANT:** Van Land Use Consulting  
413 Alberta Street  
New Westminster, BC V3L 3J6  
Attn: Joe Van Vliet

**PURPOSE:** To seek Council authorization to forward this application to a Public Hearing on 2020 October 27.

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**RECOMMENDATIONS:**

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2020 October 05 and to a Public Hearing on 2020 October 27 at 5:00 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 4.2.3 of this report.

## REPORT

### 1.0 REZONING PURPOSE

The purpose of the proposed rezoning bylaw amendment is to permit a private liquor store (licensee retail store) within an existing commercial retail unit (CRU).

### 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 BACKGROUND

- 3.1 The subject site is comprised of one CRU within a commercial development located on the west corner of 6<sup>th</sup> Street and 12<sup>th</sup> Avenue (Sketch #1 *attached*). The property is improved with surface parking and a one-storey commercial building. Other tenants in the building include two restaurants, a hair and aesthetics salon, a non-profit grocery market, a pharmacy, and a public hall. The proposed private retail liquor store space, located in the middle of the development between the grocery market and the salon, was most recently occupied by an insurance company.
- 3.2 The subject site is located within the Sixth Street Community Plan area (Sketch #2 *attached*) and is designated for medium density multiple-family residential use. Single-family residential dwellings are located directly southwest of the site, with single and two-family dwellings beyond. Directly to the northwest is a single-family dwelling with a commercial development beyond. To the northeast, across 6<sup>th</sup> Street, is a multiple-family residential development, while to the south across 12<sup>th</sup> Avenue are commercial developments. Vehicular access to the site is from both 6<sup>th</sup> Street and 12<sup>th</sup> Avenue. Loading access is from 12<sup>th</sup> Avenue.
- 3.3 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 retail liquor stores, or licensee retail stores (LRS), in the respective quadrants. 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.

- 3.4 On 2020 February 10, 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.

**4.0 GENERAL COMMENTS**

- 4.1 The applicant wishes to relocate an existing private retail liquor store (LRS) from outside of Burnaby to the subject site, and is therefore seeking to rezone the subject site, a 159.9 m<sup>2</sup> (1,721 sq. ft.) CRU in a middle unit of a multi-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 permit the establishment of an LRS. It is noted that the proposed C2h District zoning for the subject site would permit the LRS use, in addition to all other uses permitted in the C2 District.
- 4.2 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:

**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 southeast quadrant, which includes the subject site, the locational criteria requires the establishment of an LDB Signature Store in the Edmonds Town Centre area. As the Highgate Village Liquor Store at 7155 Kingsway is an LDB Signature store, this criterion has been met.

Additional locational criteria requires 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 Official Community Plan). The proposed LRS is located in an established commercial development within the Sixth Street Community Plan, an Urban Village.

Further locational criteria requires a reasonable distribution of both LDB liquor stores and LRSs. The closest liquor stores to the subject site is the Oliver Twist Liquor Store, located approximately 1 km (0.62 miles) to the northwest at 7557 Edmonds Street<sup>1</sup>, the Highgate Village Liquor Store, located approximately 1.9 km (1.2 miles) to the west at 7155 Kingsway, and the CW Liquor Store, located more than 3 km (1.86 miles) to the northwest at 5097 Canada Way. As such, there is a disbursed distribution of liquor stores within this area of Burnaby.<sup>2</sup>

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

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

Twelfth Avenue Elementary School is located more than 0.4 km (0.25 miles) southwest of the subject site, and St. Thomas More Collegiate (a private high school) is located more than 0.7 km (0.43 miles) southwest of the site. It is also noted that New Westminster Secondary School is located approximately 0.3 km (0.19 miles) south of the site.

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

The site is adjacent a single and two-family neighbourhood and across the street from multiple-family dwellings. The nearest park, Eastburn Park, is located more than 100 m (328 ft.) northeast of the site.

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

The nearest Liquor Primary facility is the Oliver Twist Pub at 7557 Edmonds Street, approximately 1 km (0.62 miles) northwest of the site. The closest child care is a home-based child care facility at 7738 14<sup>th</sup> Avenue, approximately 0.3 km (0.19 miles) west of the site.

Given the modest size of the proposed LRS, its integration into an established commercial development, its location within an interior CRU, and its orientation towards 6<sup>th</sup> Street and away from proximate single and two-family dwellings, the potential for adverse neighbourhood impacts or nuisances 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 property, and safe and convenient vehicular access, without causing undue traffic impacts on the surrounding area. Vehicular access to the subject site is from both 6<sup>th</sup> Street and 12<sup>th</sup> Avenue. It is noted

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<sup>1</sup> It is noted that the Liquor and Cannabis Regulation Branch (LCRB) requires that liquor stores are not located closer than 1 km to each other. The applicant is required to ensure that this requirement is met.  
<sup>2</sup> New Westminster liquor stores are also located more than 1 km from the subject site.

that the 6<sup>th</sup> Street driveway will be required to be relocated to the northwest within the property in order to increase the driveway's separation from the 12<sup>th</sup> Avenue intersection. Sufficient off-street parking and loading is provided on the property, 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 both adjacent streets, and the site is located less than 50 m (164 ft.) from a bus stop. Therefore, the subject site generally provides adequate vehicular and pedestrian access, as required by the locational criteria.

#### **4.2.2 Store Size Criterion**

The proposed LRS, at 159.9 m<sup>2</sup> (1,721 sq. ft.), does not exceed the maximum store size criterion of 418.06 m<sup>2</sup> (4,500 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 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.

The other CRUs on the subject property are occupied by businesses that advertise Monday to Thursday closing times between 1:30 pm and 1:00 am, and Friday and Saturday closing times between 12:30 am and 2:00 am. Therefore, the proposed hours of operation for the subject site, 9:00 am to 11:00 pm, seven days a week, do not exceed the operating hours of other tenants in the development, and are considered generally acceptable. To ensure that the proposed hours are maintained, it is recommended that, as a condition of the Rezoning approval, the operating hours 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. The applicant has indicated that these measures will be undertaken.

- 4.3 The Director Engineering will be requested to provide an estimate for any services necessary to serve the site, including, but not necessarily limited to, a cash-in-lieu contribution towards the relocation of the commercial development's 6<sup>th</sup> Street driveway.
- 4.4 A Section 219 Covenant is required to ensure that hours of operation are maintained as described in Section 4.2.3.
- 4.5 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.

To: City Manager  
From: Director Planning and Building  
Re: REZONING REFERENCE #19-63  
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**5.0 DEVELOPMENT PROPOSAL**

- 5.1 Lot Area (no change) - 2,562.46 m<sup>2</sup> (27,582 sq. ft.)
- 5.2 Gross Floor Area (no change)  
Subject unit - 159.9 m<sup>2</sup> (1,721 sq. ft.)
- 5.3 Height (no change) - 1 storey
- 5.4 Parking (no change)  
Required and Provided (entire building) - 29 spaces
- 5.5 Loading (no change)  
Required and Provided (entire building) - 2 spaces



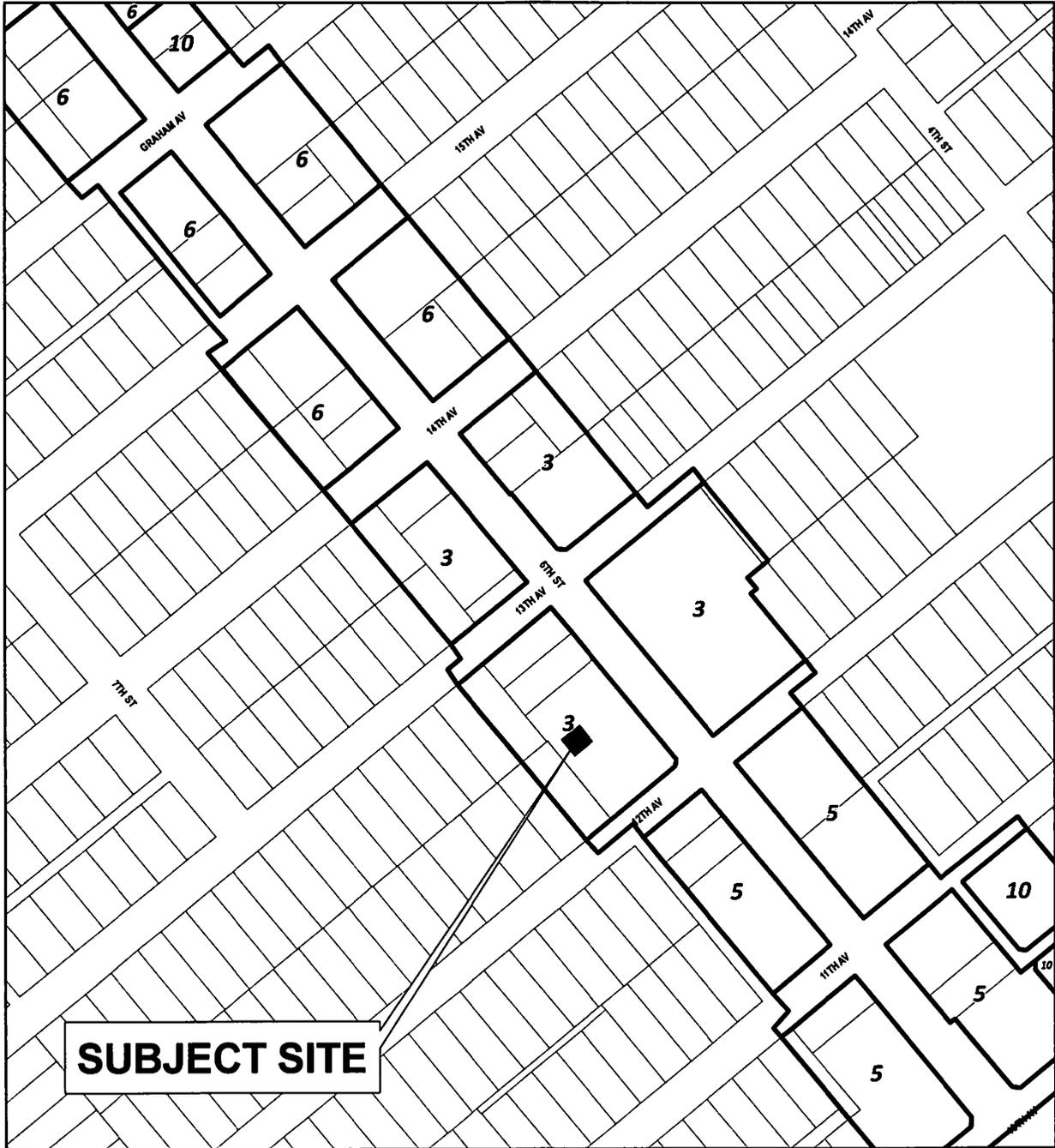
E. W. Kozak, Director  
PLANNING AND BUILDING

LS:tn

**Attachments**

cc: Director Engineering  
Director Public Safety and Community Services  
Officer-in-Charge, RCMP, Burnaby Detachment  
City Solicitor  
City Clerk





**SUBJECT SITE**

**General Land Use Designation Key**

- 3** Medium Density Multiple Family Residential
- 5** Commercial
- 6** Medium Density Mixed Use
- 10** Institutional



Planning and Building Dept

*Sixth Street Community Plan*

