



Item
Meeting..... 2020 December 14

COUNCIL REPORT

TO: CITY MANAGER 2020 December 09

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: **REZONING REFERENCE #19-45**
Licensee Retail Store (Private Liquor Store)

SUBJECT SITE:

ADDRESS: #102 – 2900 Bainbridge Avenue (see *attached* Sketches #1 and #2)

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: 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 2021 January 26.

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RECOMMENDATIONS:

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2020 December 14 and to a Public Hearing on 2021 January 26 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 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 4.4.3 of this report and to clarify that the only permitted C2h District use on the subject site would be the proposed private liquor store use.
 - d) The submission of a letter of undertaking to ensure removal of the existing private liquor store as described in Section 4.7 of this report.

R E P O R T

1.0 REZONING PURPOSE

The purpose of the proposed rezoning bylaw amendment is to permit a private liquor store (licensee retail store) within two existing commercial retail units (CRUs).

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 two CRUs within a small commercial development on the southeast corner of Lougheed Highway and Bainbridge Avenue (see Sketch #1 *attached*). The

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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 proposed private retail liquor store space, located in the middle of the development, is proposed to consolidate and occupy the two vacant CRUs.

- 3.2 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 licensee retail store, or LRS (see Sketch #1 *attached*), and also part of this rezoning application, 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.
- 3.3 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. However, it is noted that on 2020 July 27, Council endorsed the preliminary goals and land use framework for a new Bainbridge Urban Village Community Plan, as a basis for receiving community input, and authorized staff to undertake public consultation. The preliminary land use framework for the Plan proposes to include the subject property as part of an area designated for future mixed-use development along Lougheed Highway.
- 3.4 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.
- 3.5 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.
- 3.6 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. Council, subsequent to the introduction of this rezoning, has requested that staff review the adopted

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Framework and to hold any new LRS applications until the review has been completed and approved by Council

- 3.7 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. Following the passing of the above minimum six month period, the subject rezoning application was initiated by a new applicant.
- 3.8 On 2019 October 28, 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 is seeking to rezone two CRUs within the subject building, having a combined area of 140.84 m² (1,516 ft²), 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 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.
- 4.2 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 has been purchased for the purpose of redevelopment. The applicant has indicated that the proposed new location would be temporary, with the operator intending to return to the current site once the redevelopment has been completed. For information, 7000 Lougheed Highway is located within the Bainbridge Urban Village Community Plan area and, like the subject property as indicated above, is part of an area being looked at for future mixed-use development under the preliminary land use framework of the new Plan.

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- 4.3 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. Notwithstanding, this rezoning application includes the repealing of Bylaw #11951 to eliminate the existing C2h District zoning at 7000 Loughheed Highway (see *attached* Sketches #1, #2, and #3) and thereby remove the permitted LRS use at 7000 Loughheed Highway. It has been confirmed that the owner of 7000 Loughheed 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 Loughheed Highway, the current liquor store use would be non-conforming.
- 4.4 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:

4.4.1 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 Loughheed 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 km 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 which, as indicated previously, is located in an area designated in the OCP for commercial use and is being considered for inclusion in the new Bainbridge Urban Village Community Plan area.

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

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miles) to the northwest, and the CW Liquor Store (5097 Canada Way), located approximately 2.16 km (1.34 miles) to the south. As such, 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***

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 location between other CRUs, its existing presence – across the street from the subject site – in the neighbourhood, and its general separation from the proximate single-family neighbourhood and other sensitive land uses, 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 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.

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

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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). The site thus provides adequate vehicular and pedestrian access, as required by the locational criteria. Nevertheless, 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 LRS deliveries where the vehicle size exceeds the capacity of the property's loading stall. Accordingly, the applicant has indicated that the subject LRS has also secured two smaller vehicles for delivery of product to the proposed LRS. The suitable plan of development shows the appropriate maneuvering of the proposed smaller vehicle, as well as the size of vehicle that complies with the Zoning Bylaw loading space requirements. In addition, the applicant has submitted a letter indicating that the schedule of deliveries to the LRS will not conflict with other vehicles that service the site.

4.4.2 Store Size Criteria

The proposed LRS, at 140.84 m² (1,516 ft²), does not exceed the maximum store size criteria of 418.06 m² (4,500 ft²). 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 m² (2,206 ft²).

4.4.3 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, with further hours regulated by the City.

On the subject property, the three other tenant spaces are occupied by restaurants which, prior to the Covid-19 pandemic, advertised 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. It is noted that the current advertised Monday to Friday operating hours end between 9:00 pm and 10:30 pm, Saturday hours end between 9:00 pm and 10:00 pm, and Sunday hours end at 9:00 pm. The proposed hours of operation for the subject site, 10:00 am to 11:00 pm, seven days a week, are the same as the liquor store's current hours of operation, and are generally in line with the normal (pre-pandemic) operating hours of the development. The proposed hours are therefore 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. A letter from the operator has been provided, indicating that these measures will be undertaken.

- 4.5 No servicing is required in conjunction with this rezoning application.

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- 4.6 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 4.4.3 and to clarify that the only permitted C2h District use on the subject site would be the proposed LRS use; and,
 - a 2.0 m (6.56 ft.) statutory right-of-way along Lougheed Highway for pedestrian and bicycle facilities.
- 4.7 As indicated above, the subject rezoning includes the repealing of the bylaw that permitted the existing LRS location at 7000 Lougheed in order to eliminate the existing C2h District zoning. Should this rezoning application receive Final Adoption, the existing LRS at 7000 Lougheed would become 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.

5.0 DEVELOPMENT PROPOSAL

- 5.1 Lot Area (no change) - 2,052 m² (22,087.54 ft²)
- 5.2 Gross Floor Area
Unit #102 - 140.84 m² (1,516 ft²)
- 5.3 Height (no change) - 1 storey
- 5.4 Parking and Loading (no change)
- | | <u>Required</u> | <u>Provided</u> |
|---------|-----------------|-----------------|
| Parking | 11 spaces | 20 spaces |
| Loading | 1 space | 1 space |



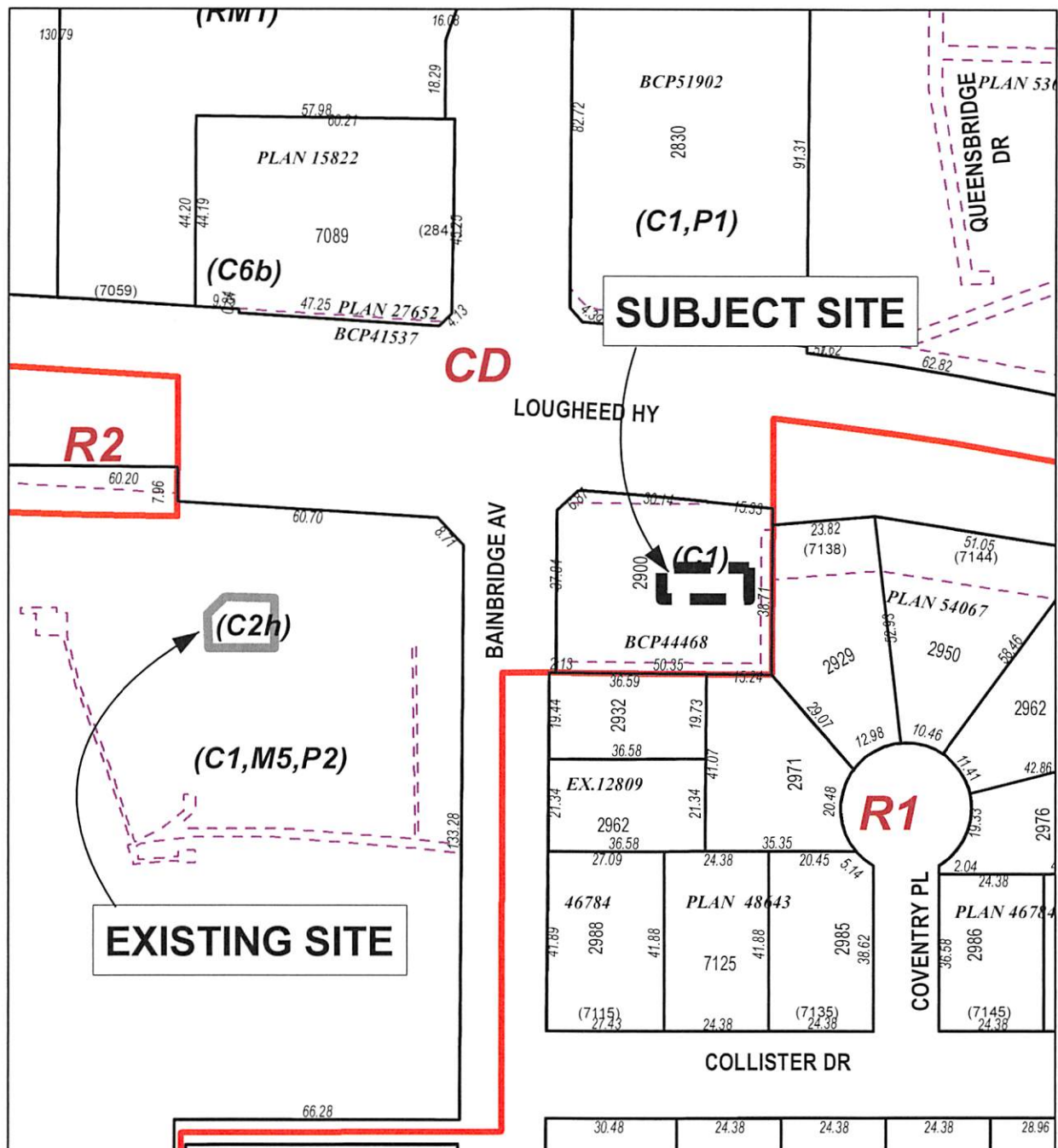
E. W. Kozak, Director
PLANNING AND BUILDING

LS:ll

Attachments

cc: Director Engineering
Chief Licence Inspector
City Solicitor
City Clerk

Director, Public Safety and Community Services
Officer-in-Charge, RCMP, Burnaby Detachment



PLANNING & BUILDING DEPARTMENT



Date:
NOV 30 2020

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Drawn By:
JS

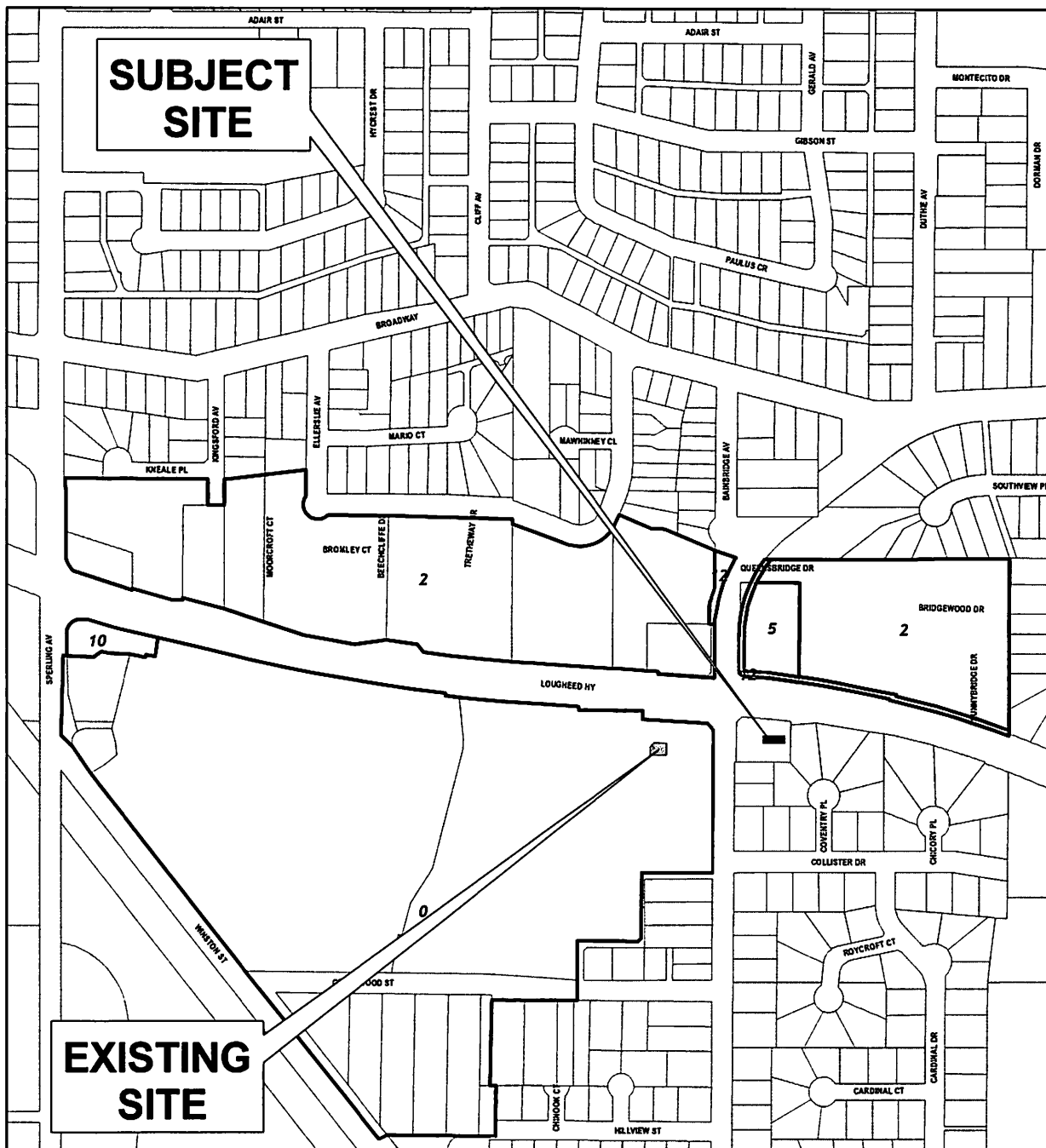
REZONING REFERENCE #19-45



Unit #102
2900 Bainbridge Avenue
Subject Site



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



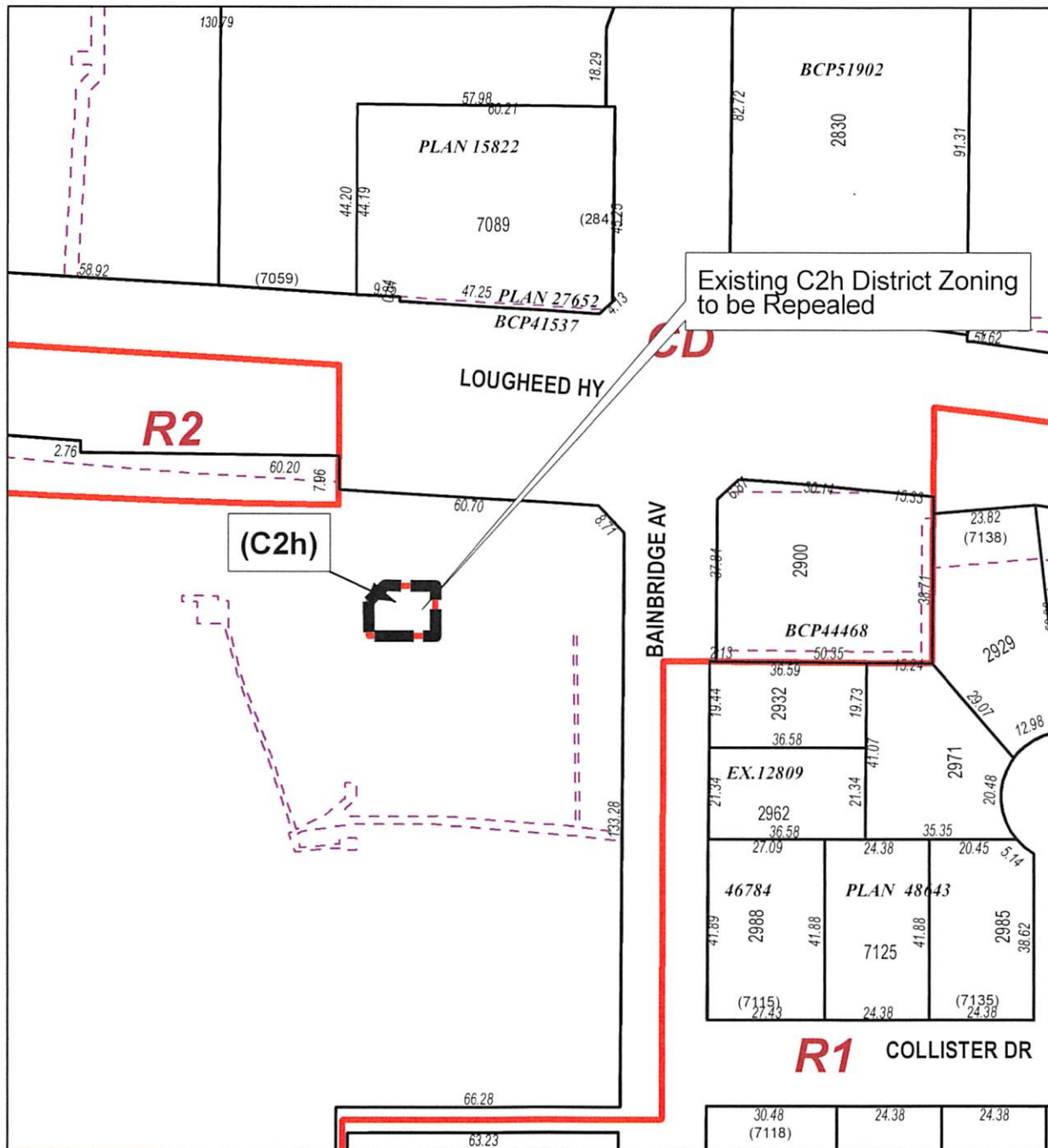
Bainbridge Community Plan



PLANNING & BUILDING DEPARTMENT

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





PLANNING & BUILDING DEPARTMENT



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NOV 30 2020

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



Zoning to be Repealed

Sketch #3