

ITEM	1
MANAGER'S REPORT NO.	7
COUNCIL MEETING	91/02/04

TO: MUNICIPAL MANAGER

1991 JANUARY 29

FROM: DIRECTOR PLANNING &
BUILDING INSPECTION

SUBJECT: PROPOSED CLASS "G" LICENSEE RETAIL STORE
7557 EDMONDS STREET (REFER TO ATTACHED SKETCH)
LIQUOR LICENCE APPLICATION #11/90

PURPOSE: To provide Council with a recommendation on the subject application for a retail beer and wine store.

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RECOMMENDATIONS:

1. THAT Council not give favourable consideration to the subject request to establish a retail beer and wine store.
2. THAT a copy of this report be sent to the General Manager, Liquor Control and Licensing Branch, 1019 Wharf Street, Victoria, B.C., V8V 1X4, and to the applicant, Mr. Thomas R. Berger, #300 - 171 Water Street, Vancouver, B.C., V6B 1A7.

R E P O R T

1.0 BACKGROUND INFORMATION:

- 1.1 On 1989 May 23, Council received a report from the Director Planning and Building Inspection regarding a request to rezone the subject site from the C1 and C4 District to the C2a Community Commercial District to permit the establishment of a retail beer and wine store.

The rezoning report noted that the report recommending the creation of the C2a District and the C3a District stated that the C2 District and the C3 District are considered to be the most suitable zones through which liquor outlet locations should be assessed in terms of the appropriate commercial orientation. In connection with the above-noted text amendment, Council concurred with the general conclusion that liquor stores are most compatible with the orientation of the C2 Community Commercial District and the C3 General Commercial District.

In utilizing the adopted criteria for assessing this specific rezoning application, the following comments were also made:

- a) The nearest liquor store to the subject site is the Government liquor store and the Government beer store located at Middlegate Mall, which is just over half a mile from the proposed neighbourhood pub. This Department would question the need for another liquor store this close to Middlegate Mall.

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b) Staff would express concern regarding the effect a combination neighbourhood pub and retail beer and wine store at this location would have on the immediately adjacent senior citizens' housing development to the north, as well as the single-family residential area north of Edmonds Street. This higher intensity retail use, with its associated increase in noise and activity levels, as well as other possible liquor related problems, is not considered appropriate at this location.

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It was also noted that the Edmonds School site is virtually adjacent the subject site, and has recently been approved for a continuing public use orientation, with the possibility of increased park/recreational features provided on the site. The establishment of a retail beer and wine store less than one block from the Edmonds School site may create social and land use conflicts.

1.3 The report also noted that if the subject site were rezoned to the C2a Community Commercial District, all the uses permitted in the C2 District would be permitted uses on the subject site. The low-intensity commercial strip along Edmonds Street between the Edmonds Town Centre and Sixth Street is not considered to be appropriate for the much higher intensity C2 District zoning, which is oriented towards the daily and occasional shopping needs of residents of several neighbourhoods.

1.4 The report concluded that in view of the site not being appropriate for C2 District oriented development, the proximity of the site to the existing liquor stores at Middlegate Mall, concerns over the compatibility of the proposed beer and wine store with the adjacent senior citizens' housing development and the Edmonds School site, the Planning and Building Inspection Department recommended that the rezoning request not be favourably considered.

At that time, Council adopted the recommendation to not give favourable consideration to this rezoning request.

1.5 On 1990 March 26, a second application was submitted to Council to rezone the subject site to the C2a Community Commercial District in order to establish a retail beer and wine store. In considering the proposed zoning of the site, staff again asserted that the subject site is not suitable for rezoning to the C2 District, which is intended to provide for the daily and occasional shopping needs of several neighbourhoods. The current C1 Neighbourhood Commercial District zoning of the site permits only such uses as are necessary to satisfy those limited basic shopping needs which occur daily or frequently and require shopping facilities in close proximity to places of residences.

In addition, the Planning and Building Inspection Department stated again that the application should not be supported due to the proximity of the site to the existing liquor stores at Middlegate Mall and the potential land use conflicts this higher intensity liquor orientation could have with the adjacent senior citizens' housing development and the public use orientation of the Edmonds School site.

On 1990 March 26, Council once again adopted the recommendation to not give favourable consideration to this rezoning request.

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1.6 Since Council last rejected an application to rezone the subject property to permit the establishment of a retail beer and wine store, the legal representatives for the owners of the property have contended that the proposed beer and wine store could be considered a permitted use in connection with the earlier application for a neighbourhood pub. This contention is based on a beer and wine store notation appearing on the Preliminary Plan Approval plans for the site, which were approved prior to Final Adoption of the amendment to the Zoning Bylaw which eliminated liquor stores as a permitted use in the C1, C2, C3 and C4 Commercial Zoning Districts. The contention is made despite the fact that the Rezoning, Preliminary Plan Approval and Building Permit applications for the neighbourhood pub did not include reference to a beer and wine store.

This contention notwithstanding, the matter of the prevailing zoning is not relevant to the subject liquor licence application, as a beer and wine store has never been actually established as an operating use on this site, nor has the property ever received a licence to operate for this purpose. The Provincial regulations continue to require a specific liquor licence for the operation of a beer and wine store, and require that the local government signify its position on the application for a liquor licence through a Council resolution in order for the Liquor Control and Licencing Branch to even consider an application for a Class "G" liquor licence.

2.0 GENERAL DISCUSSION:

2.1 In examining the proposal for a beer and wine store once again, in the context of the adopted criteria for assessing applications for liquor stores, the community and social concerns outlined previously continue to exist and to apply to the current proposal.

The following comments refer:

- a) A Government liquor store and a Government beer store are located at Middlegate Mall just over half a mile from the proposed retail beer and wine store. This Department would question the need for another liquor store this close to Middlegate Mall.
- b) Staff would again express concern regarding the effect the higher intensity liquor orientation of a combination neighbourhood pub and retail beer and wine store could have on the immediately adjacent senior citizens' housing development to the north and the single-family residential area north of Edmonds Street.

It is also again noted that the Edmonds School site is virtually adjacent the subject site, and has been approved for continuing public use orientation, with the possibility of increased park/recreational features provided on the site.

2.2 In response to this application, the Planning and Building Inspection Department has solicited input from all relevant staff and other Municipal Departments. The Social Planner has stated he would recommend against the proposed retail beer and wine store due to its proximity to the Edmonds School site and the existing liquor stores at Middlegate Mall. In addition, the Burnaby School Board indicated at its meeting of 1991 January 22, that it was opposed to the proposed beer and wine store due to its proximity to Edmonds School.

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3.0 CONCLUSION:

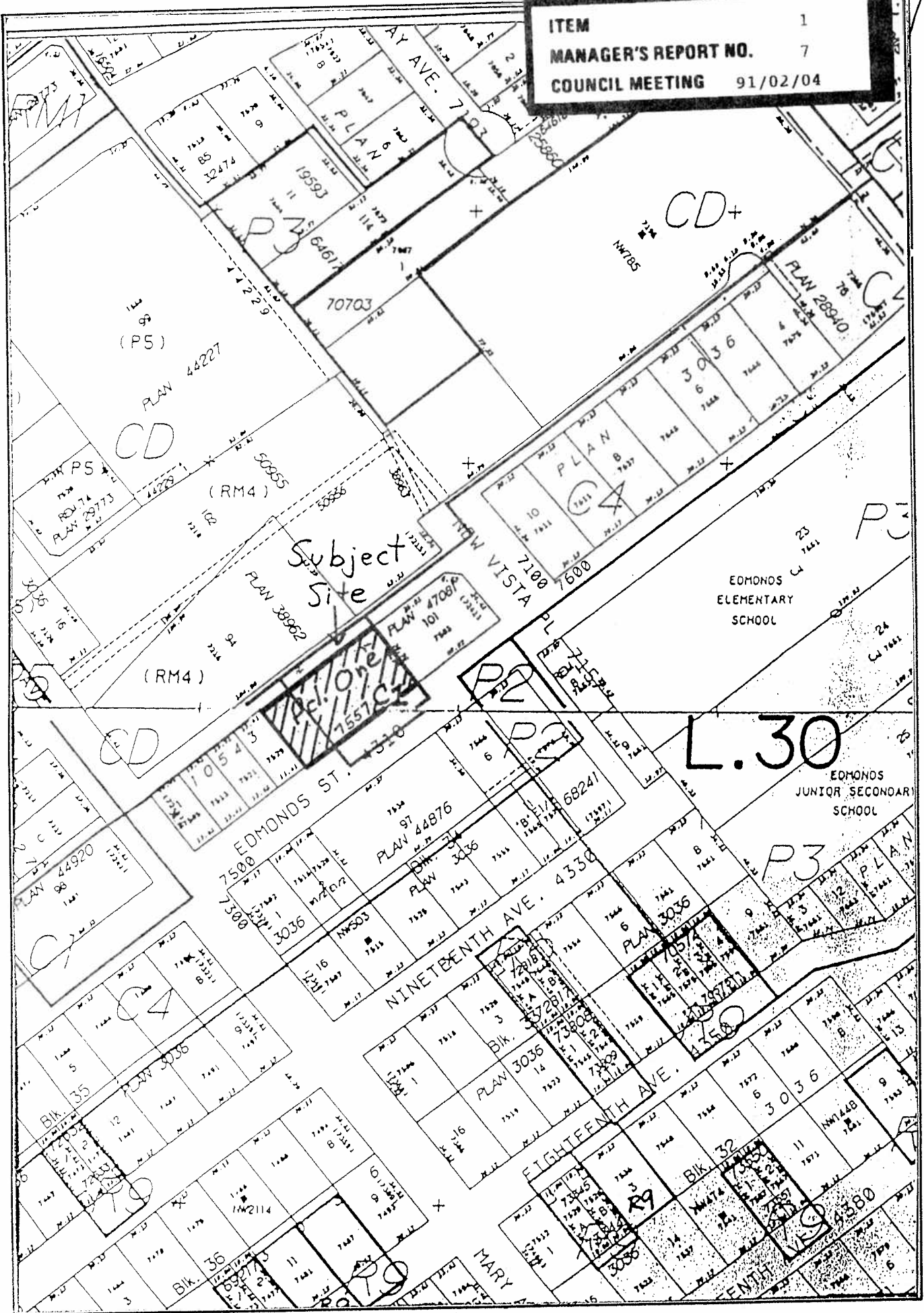
The Planning and Building Inspection Department would once again conclude that, in light of the proximity of the proposed beer and wine store to the existing liquor stores at Middlegate Mall and the possible land use conflicts with the senior citizens' housing development to the north, the single-family dwellings north of Edmonds Street and the Edmonds School site, this request for establishment of a retail beer and wine store should not be given favourable consideration. 104


A. L. Parr
DIRECTOR PLANNING &
BUILDING INSPECTION

ALP.
BW:ap/ds

Attach.

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Date:
 1990 Dec.

Scale:
 1:2000

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