

ITEM	7
MANAGER'S REPORT NO.	50
COUNCIL MEETING	92/07/27

TO: MUNICIPAL MANAGER 1992 JULY 10

FROM: ACTING DIRECTOR PLANNING AND BUILDING

SUBJECT: PROPOSED RETAIL BEER AND WINE STORE
7557 EDMONDS STREET
LIQUOR LICENCE APPLICATION #11/90

PURPOSE: To provide the Liquor Control and Licensing Branch with the required resolution for the subject liquor licence application noting the public input results.

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RECOMMENDATIONS:

- 1) THAT Council resolve to approve the subject retail beer and wine store, as Council considers that the majority of the local residents are in favour of granting the liquor licence.
- 2) THAT a copy of the report be sent to the applicant, Mr. R. Shulman, Berger and Nelson, #300 - 171 Water Street, Vancouver, B.C. V6B 1A7 and the Liquor Licensing Committee, Liquor Control and Licensing Branch, 1019 Wharf Street, Victoria, B.C. V8V 1X4.

REPORT

On 1992 February 17, Council received a report (see attachment A) regarding the above application to establish a retail beer and wine store on the subject site. The report provided the conclusions of the liquor licence application process, including the required neighbourhood survey. Of the valid ballots returned on the survey, 64.7% of the ballots were in favour of the beer and wine store. At that time, the recommendation that Council resolve to approve the subject retail beer and wine store, subject to Rezoning Reference #6/91 receiving Final Adoption, was adopted.

The applicant then completed the prerequisite conditions to rezoning and Rezoning Reference #6/91 was given Final Adoption by Council on 1992 June 22.

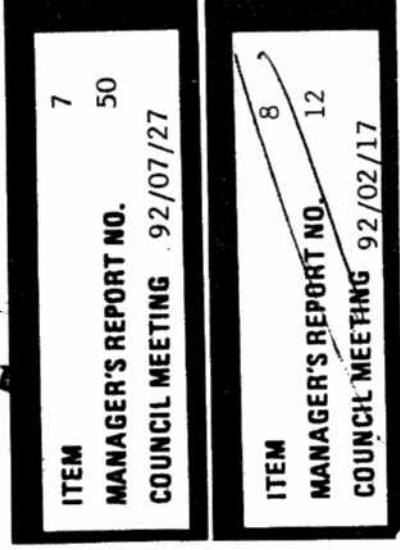
The Liquor Control and Licensing Branch has advised staff that the Council resolution for the application must clearly indicate whether or not Council considers local residents to be in favour of granting the licence. In light of the survey results and in order to provide the required resolution wording to the Liquor Control and Licensing Branch, it is recommended that Council resolve to approve the subject retail beer and wine store, as Council considers that the majority of the local residents are in favour of granting the licence.

The Liquor Control and Licensing Branch has advised that a resolution clearly indicating Council's consideration of resident input will be required for applications for Class "D" Neighbourhood Pubic Houses, Class "F" Marine Public Houses and possibly, applications for Class "G" Licensee Retail Stores in connection with a hotel, at the discretion of the General Manager, Liquor Control and Licensing Branch.

BW:yg

Attach.


D.G. Stenson, Acting Director
Planning and Building



TO: MUNICIPAL MANAGER 1992 FEBRUARY 12

FROM: DIRECTOR PLANNING AND BUILDING 114

SUBJECT: CLASS "G" LICENSE RETAIL STORE
7557 EDMONDS STREET (SEE ATTACHED SKETCH)
LIQUOR LICENCE APPLICATION #11/90
REZONING REFERENCE #6/91

PURPOSE: To provide Council with the results of the required neighbourhood survey conducted in connection with the subject application for a retail beer and wine store.

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RECOMMENDATIONS:

- 1) THAT Council resolve to approve the subject retail beer and wine store subject to Rezoning Reference #6/91 receiving Final Adoption.
- 2) THAT a copy of this report be sent to the applicant, Mr. R. Shulman, Berger and Nelson, #300 - 171 Water Street, Vancouver, B.C. - V6B 1A7.

R E P O R T

1.0 BACKGROUND INFORMATION:

- 1.1 This site has been the subject of two previous applications to rezone the property in order to permit the establishment of a beer and wine store. On both of these occasions, the Planning and Building Department recommended that Council not give favourable consideration to the rezoning request, based on the adopted criteria for assessing rezoning applications to the C2a and C3a commercial zoning districts and input from other staff and agencies. Council adopted the recommendations of the Director Planning and Building on the pertinent dates the rezoning requests were submitted to Council (1989 May 23 and 1990 March 26).
- 1.2 On 1991 February 04, Council received correspondence from Thomas Berger on behalf of the owners of the property. The correspondence stated that the retail beer and wine store should be considered a non-conforming use and be permitted to proceed through the liquor licensing process. Arising out of this correspondence and a further report from the Director Planning and Building on the proposal, Council directed staff to work with the developer toward a suitable plan of development for Council's consideration.

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Subsequent to this, the applicant submitted an application to rezone (Rezoning Reference #6/91) the site to CD Comprehensive Development District (based on C2a Community Commercial District guidelines) and the rezoning was later forwarded to Public Hearing based on the submitted suitable plan of development. On 1991 June 03, Council gave Second Reading to Rezoning Reference #6/91.

- 1.3 It is standard procedure to process liquor licence applications which also require rezoning in a concurrent manner with the neighbourhood survey being conducted after Council has given the rezoning Second Reading. In this case, the Liquor Control and Licensing Branch granted Preliminary Site and Applicant Approval on 1991 May 27 and once the Branch receives a resolution from Council on the application, the Liquor Licensing Committee will consider granting pre-clearance approval to the application. The neighbourhood survey has been completed and the results have been reviewed, as follows.

2.0 SURVEY RESULTS:

- 2.1 A total of 3,135 ballots were distributed to eligible voters within the prescribed area (550 meter radius from the proposed establishment), of which 1,865 or 59.5% of the total distributed ballots were returned.

BALLOTS RETURNED	1,865
SPOILED BALLOTS	67
VALID BALLOTS	1,798
YES VOTES	1,163 or 64.7%
NO VOTES	635 or 35.3%

- 2.2 Prior to receiving the survey report and all supporting documentation, staff requested and received a proposal concerning a review of the survey and survey results from Cinnamon, Jang, Willoughby and Company. Council will recall that on 1991 October 15, Council authorized staff to engage Cinnamon, Jang, Willoughby and Company as the Municipality's Consultant on the Public Opinion Process for Liquor Licence Applications. After some discussion between staff and the Consultant which resulted in refinement and improvement to the review process, staff accepted the proposal and informed the applicant of the decision. The applicant then deposited sufficient monies to cover the cost of the Consultant's review of the survey as stipulated in an earlier report to Council on the processing procedure for the liquor licence application.

Cinnamon, Jang, Willoughby and Company have now completed their review and submitted their report to this Department. The Consultant reviewed in detail the survey materials and methodology utilized by the marketing company, observed the ballot count, conducted interviews and made observations within the survey area, investigated areas of concern and performed statistically based sampling of addresses and votes cast to form their opinion on the quality of the survey. The Consultant's report concluded:

"In our opinion, Marktrend has conducted a well organized and thorough enumeration of the survey area. We believe that it is reasonable to rely on the results of their survey".

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2.3

It should be noted that in the past, surveys conducted under the jurisdiction of the Liquor Control and Licensing Branch required 60% of the valid ballots to indicate that the persons voting were in favour of the proposal for the application to be considered further. However, Burnaby has not to date stipulated a specific minimum level of support in a survey, but rather has evaluated the results of each survey on its own merit as an indication of local area response to a liquor licence application.

3.0 CONCLUSION:

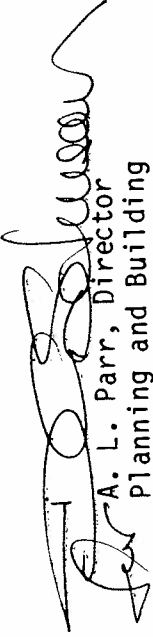
3.1 In light of Council granting Second Reading to the pertinent rezoning amendment bylaw and directing staff to proceed with the required neighbourhood survey, and the favourable results of the neighbourhood survey, the Planning and Building Department recommends that Council resolve to approve Liquor Licence Application #11/90, subject to Rezoning Reference #6/91 receiving Final Adoption.

If Council concurs in this recommendation, the subject rezoning application may then be advanced to Third Reading, pending substantial completion of the prerequisite conditions and to Final Adoption upon completion of the prerequisite conditions.

AW

BW:ap

Attach.


A. L. Parr, Director
Planning and Building