

TO: CITY MANAGER

2005 January 12

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: LIQUOR STORE REGULATIONS

PURPOSE: To propose commencement of a zoning bylaw review pertaining to liquor stores in Burnaby.

RECOMMENDATION:

1. **THAT** Council direct staff to initiate the preparation of a zoning bylaw text amendment which distinguishes government from private liquor stores.

R E P O R T

In 1988, the Liquor Control and Licensing Branch (LCLB) created the potential for a limited number of Licensee Retail Stores (LRS's, or private liquor stores) to be established throughout the Province, including a number in Burnaby, through a time-limited application period for qualifying liquor licensees. In response to this legislative change, Council amended the Burnaby Zoning Bylaw to create the C2a and C3a commercial zoning sub-categories, within which liquor stores are a permitted use. All new liquor store locations in Burnaby thus required Council approval through the rezoning process. The Zoning Bylaw was also amended to include the following definition for "liquor store":

- (a) A government liquor store, a government beer store, a government wine store or an agency established by the general manager under the *Liquor Distribution Act*, or
- (b) A licensee retail store (LRS) licenced under the Liquor Control and Licencing Act to sell liquor for off-premises consumption.

In 2002, the Provincial government temporarily lifted a moratorium on receiving LRS applications. The LCLB received seven applications from Burnaby liquor primary licensees, of which five are still pending. The Provincial government also amended LRS regulations to allow private liquor stores to sell spirits in addition to beer and wine.

In 2003, the Provincial government made further amendments to LRS regulations, permitting LRS licensees or applicants to relocate their stores away from their adjoining liquor primary establishment within the local government jurisdiction in which it is presently located. Alternatively, the store may

relocate to a neighbouring local government jurisdiction provided the distance from the original site is less than 5 km. In 2004, the Provincial government also announced that applications to relocate an LRS will not be approved if the proposed site is within 0.5 km of an existing LRS or the site of an LRS application already in progress.

There are currently six government liquor stores and seven private LRS's in Burnaby. The Provincial government has recently advised that it will be maintaining the current moratorium on new LRS applications for a number of years. Nevertheless, the ability for private liquor stores to re-occupy pre-zoned sites that have historically been accommodating public liquor stores remains.

As the issue of private versus publically-owned liquor stores has considerable potential impacts, both from a social and land use planning perspective, it is proposed that Council direct staff to initiate a policy review pertaining to these issues, with a view to providing a more comprehensive report which would also provide recommended amendments to the zoning bylaw, if required, at a later date.



J. S. Belhouse
Director Planning and Building

EK:gk

cc: Officer-In-Charge, Burnaby RCMP
Chief Licence Inspector
Chief Building Inspector
City Solicitor
City Clerk