

**COMMUNITY DEVELOPMENT COMMITTEE**

*HIS WORSHIP, THE MAYOR  
AND COUNCILLORS*

**SUBJECT: PRIVATE WINE STORES IN BURNABY**

**RECOMMENDATION:**

1. THAT Council adopt the revised guidelines for assessing rezoning applications for liquor stores (private wine stores), as outlined in Section 4.0 of this report.

**REPORT**

The Community Development Committee, at its meeting held on 2009 March 24, received and adopted the *attached* report responding to a Council request to review the locational criteria for establishing private wine stores in Burnaby, as it relates to the established Liquor Store Location Framework.

Respectfully submitted,

Councillor C. Jordan  
Chair

Councillor D. Johnston  
Vice Chair

Councillor P. Calendino  
Member

Copied to: City Manager City Solicitor Chief Licence Inspector OIC, RCMP Director Planning & Building
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Item.....
Meeting.....2009 March 23

COUNCIL REPORT

**TO:** CHAIR AND MEMBERS  
COMMUNITY DEVELOPMENT  
COMMITTEE

**DATE:** 2009 March 19

**FROM:** DIRECTOR PLANNING AND BUILDING

**FILE:** 46000 06  
*Reference: Liquor Licence Gen.*

**SUBJECT: PRIVATE WINE STORES IN BURNABY**

**PURPOSE:** To respond to a Council request to review the locational criteria for establishing private wine stores in Burnaby, as it relates to the established Liquor Store Location Framework.

**RECOMMENDATION:**

1. **THAT** Council adopt the revised guidelines for assessing rezoning applications for liquor stores (private wine stores), as outlined in Section 4.0 of this report.

**REPORT**

**1.0 INTRODUCTION**

On 2008 April 07, Council defeated a rezoning application to establish a private wine store within the Marine Way Market Shopping Centre (Rezoning Reference #08-01). The concerns raised by Council were:

- a) the size of the proposed wine store, and
- b) the need for further clarification and refinement of the liquor policy framework as it relates to the establishment of such stores.

Arising from the discussion, Council requested staff to examine the liquor policy framework and to provide clarification on the criteria for assessing rezoning applications for private wine stores. This report responds to that request.

**2.0 BACKGROUND INFORMATION**

- 2.1 On 2005 April 11, Council amended the Zoning Bylaw to create the C2h and C3h zoning categories for all new Licensee Retail Stores (LRSs), which ensures that Council approval through the rezoning process is required for all new LRS applications, including wine stores.

To: Chair and Members, Community Development Cmte  
From: DIRECTOR PLANNING AND BUILDING  
Re: Private Wine Stores in Burnaby  
2009 March 19..... Page 2

- 2.2 On 2006 May 15, Council adopted a Liquor Store Location Framework for Burnaby. The cornerstone of the Framework is to seek the establishment of a Liquor Distribution Branch (LDB) ‘Signature’ liquor store in each of Burnaby’s four town centres. The Framework also seeks the establishment of an additional Signature store in the southwest quadrant in the Big Bend commercial precinct, and re-establishment of a neighbourhood scaled LDB store in the Kensington Shopping Centre area in North Burnaby, as an interim step to a larger Signature store. As the City’s Town Centres areas have the highest concentration of population and the broadest range of supporting commercial services in high density commercial cores, the Framework establishes that the largest liquor stores with the broadest selection and most stable pricing are to be located in the Town Centres and to act as the ‘anchors’ for all other liquor stores in Burnaby. The Framework also established that consideration and support for additional, smaller LRSs, within a quadrant, serving a supplementary and convenience role, would occur only after the desired LDB store(s) has been established for that quadrant.
- 2.3 At the time the Burnaby Liquor Store Location Framework was adopted by Council, private wine stores, licenced by the Liquor Distribution Board (LDB), were not considered in the same category as LRSs licenced by the Liquor Control Licencing Branch (LCLB). As such, small private wine stores were excluded from the location framework policy. New private wine store locations are, however, still be subject to Council rezoning approval based on assessment in relation to Council established guidelines for new LRSs.
- 2.4 On 2007 November 01, the licensing of new and existing private wine stores (VQA wine stores, private independent wine stores, off-site stores associated with a particular winery, and tourist wine stores) was transferred from the LDB to the LCLB and grouped under the single LRS classification. It is noted that the Provincial government has imposed a moratorium on all new LRS applications, which includes new private wine stores.

### **3.0 PRIVATE WINE STORES IN BURNABY**

- 3.1 The establishment of new private wine stores, while excluded from the Liquor Store Location Framework policy, are subject, as noted, to rezoning and the attached guidelines for assessing rezoning applications for liquor stores. These guidelines have generally worked well in assessing proposals for new LRSs.
- 3.2 There are two small private wine stores currently approved and established in Burnaby:
- Kensington Square VQA Wines – Ptn. of 6620 Hastings Street (Rezoning Reference #03-34); and
  - MA Artisan Wine Shop – Unit #1140, 4700 Kingsway, Metropolis at Metrotown (Rezoning Reference #06-06).

The above referenced private wine stores were specific proposals approved through the rezoning process, which included an assessment of each store based on locational, size

and operational criteria. The registration of a Section 219 Covenant limiting the sales of alcohol to wine only was also a prerequisite of both rezoning applications.

#### 4.0 CLARIFICATION OF GUIDELINES

4.1 As previously noted, private wine stores were excluded from the Liquor Store Location Framework policy, as they are typically smaller, more innocuous, specialty stores serving a niche market which does not raise the same concerns as those related to other LRSs (i.e. beer and wine stores, beer only, and full-service LRSs). Staff have surveyed a number of private wine stores throughout the Lower Mainland and provide the following observations - Private wine stores are:

- a) typically smaller boutiques or specialty shops serving a niche market,
- b) located within an established commercial precinct or shopping area, and
- c) licenced to retail only wine products (i.e. table, sparkling and fortified wines, rice wine, mead, and cider and wine coolers) and non-wine products approved by the LCLB (i.e. items specifically identified with the storage or serving of wine; education material on wine; wine-related food items such as cheese and crackers; items that identify wine sold in the store such as T-shirts, umbrellas, and aprons; and de-alcoholised wine.) Individual licences may further restrict the retail of wine products by type (i.e. VQA BC wines only, 100 percent BC-wine content only).

Based on the specialty character and nature of wine stores, they generally do not pose the same locational, size, and operational concerns as those related to other LRSs. Given the above, it is proposed that rezoning approvals for small private wine shops continue to be reviewed outside of the Liquor Store Location Framework policy.

4.2 It is, however, proposed that further clarification to the guidelines for assessing rezoning applications for private wine stores be provided, to ensure that applications are in keeping with this established character and intent for wine stores, and to further support the City's LRS Framework, as follows:

#### 4.3 Maximum Wine Store Size

The guidelines for assessing rezoning applications for new full-service LRSs would allow for the establishment of such stores with a gross floor area of up to 4,500 sq. ft. Private LRS wine stores which have been established in Burnaby, however, are generally smaller with a gross floor area not exceeding 1,500 sq. ft (including retail, storage and "back-of-store" components of the business). The review of other wine stores in the Lower Mainland indicates that most stores are in the range of 950 sq. ft. to 2,500 sq. ft. On this basis, it is proposed that the guidelines for assessing rezoning applications for LRSs be amended to clarify that private LRS wine stores are smaller than the typical LRS with a gross floor area to not exceed 1,500 sq. ft.

To: Chair and Members, Community Development Cmte  
From: DIRECTOR PLANNING AND BUILDING  
Re: Private Wine Stores in Burnaby  
2009 March 19..... Page 4

#### 4.4 Limiting Sale of Alcohol to Wine Only

In light of recent regulatory changes in which the licensing of private wine stores has been transferred from the LDB to the LCLB and grouped under the single LRS classification, it is proposed that the registration of a Section 219 Covenant limiting the sales of alcohol to wine only for new private wine stores be required as a prerequisite condition of any wine store rezoning. The intent of the above guideline is to preclude the future conversion of any approved wine store to a full-service LRS, contrary to the Council-adopted Liquor Store Location Framework policy.

### 5.0 CONCLUSION

The establishment of private wine stores have generally been considered outside the Liquor Store Location Framework policy, given their small size and limited impact on the established policy framework. To ensure that the establishment of new private wine stores continue to be small-scale establishments serving a niche market, and to further support the City LRS Framework, it is recommended that Council adopt the proposed revisions to the City's established liquor stores and private wine stores approval guidelines for assessing rezoning applications, as outlined in Section 4.0 of this report.



B. Luksun, Director  
PLANNING AND BUILDING

ZM:gk

**Attachment**

cc: City Manager  
City Solicitor  
City Clerk  
Chief Licence Inspector  
O.I.C. RCMP

## ATTACHMENT #1

### **Guidelines For Assessing Rezoning Applications For Liquor Stores (C2a, C2h, C3a and C3h Commercial Districts)**

These guidelines are intended to provide a higher degree of certainty for the City, the British Columbia Liquor Distribution Branch (BCLDB) and the private sector as to the appropriate locations, types, sizes, general operating considerations and development sequencing for LDB and Licensee Retail Store (LRS) outlets within the City of Burnaby.

#### **Primary Outlets - *LDB Signature Stores***

A rational distribution of LDB Signature outlets within the City are to serve as anchors to offer equity and certainty for clients throughout the City in terms of product availability, convenience and stable government pricing. LDB Signature stores would be established within each of the Town Centres in Burnaby's four quadrants as well as a potential signature store in the Big Bend commercial service centre and the re-establishment of the LDB Neighbourhood store in the Kensington Shopping Centre area, as conceptually shown on the **attached Sketch #2**.

#### **Supporting Outlets – Licensee Retail Stores *or LDB Neighbourhood Stores***

LRSs or smaller neighbourhood scale LDB liquor outlets are to provide a supporting or supplemental role to the primary LDB Signature stores. Rezoning applications for LRS or neighbourhood scale LDB liquor stores would not be supported in a quadrant until the associated LDB Signature store is first established. In the case of the Northeast and Northwest Quadrants, an application for an LRS which could affect the viability of an LDB outlet at the Kensington location would not be supported until the LDB has established a Signature store in the Kensington Shopping Centre area. In the case of the Southwest Quadrant, an LRS application will not be supported until an LDB Signature store is established in both Metrotown and the Big Bend commercial service area (to be reviewed in two years).

#### **Locational Criteria**

The core factors that would be considered in making this assessment would include:

1. The proposed locations for LDB Signature stores are within the designated Town Centres in which the liquor store would serve as a component of an overall retail/service development. In addition, a Signature store would be included within an appropriate location within the designated Marine Way/Byrne and the commercial Kensington Shopping centre areas.
2. Supporting LRSs would need to be a component of an established or new commercial service centre (Town Centre, Urban Village or Neighbourhood Centre as outlined in the OCP).
3. A reasonable distribution of both LDB liquor stores (existing/future identified) and LRS's that would allow these stores to sufficiently serve the Municipality while avoiding a concentration of stores in any one area.
4. Observance of an appropriate relationship in terms of direct proximity or orientation with respect to the following uses, particularly when assessing new locations for liquor outlets:
  - a) Private and public schools – especially secondary schools.

**Guidelines for Assessing Rez Apps. For Liquor Stores  
To the C2a, C2h, C3a and C3h Commercial Districts  
2006 May 03 ..... Page 2**

- b) Adjacent residential dwellings and public parks.
  - c) Other potential 'sensitive' uses (e.g. cabarets, child care centres)
  - d) Any proposed mixed-use projects involving a liquor store would need to be assessed in terms of their compatibility and appropriate integration with component residential uses.
5. Adequate vehicular and pedestrian circulation on the site, including the satisfaction of all parking requirements on the site. Safe, convenient and non-intrusive means of vehicular access to the site and avoidance of any undue traffic impact on the surrounding area.
6. It is acknowledged that in those instances where a liquor store is proposed as a "backfill" to a previous liquor store that has existed for a significant number of years without creating problems in the community, the above criteria may not be applied in the same manner.
7. Following the establishment of the LDB Signature store(s) within the defined quadrant, consideration of additional supporting LDB or LRS outlets would be assessed on their own merits in relation to the defined guidelines.

**Store Size**

1. Under the BCLDB concept plan, Signature stores are typically 10,000 to 12,000 sq. ft. in size, while neighbourhood scale LDB stores are typically 3,500 to 5,000 sq. ft. in size. LRS's should not exceed a gross floor area of 4,500 sq.ft.

**Operational Criteria**

1. **Business Hours:**

Given that hours of operation could have significant impacts on adjoining land uses, especially residential, they should be determined through the rezoning process and based on any anticipated community impacts. The established business hours would be formalized through registration of a Section 219 Covenant. The criteria to be used in recommending specific operating hours for each liquor store, through processing an application to the pertinent C2a, C2h, C3a or C3h commercial zoning districts, are:

- a. The proposed location of the liquor store in terms of the commercial designation of the subject commercial centre (i.e. Town Centre vs. local commercial). Generally, stores in the Town Centres would have longer and later operating hours than outlets in a more local commercial setting.
- b. The general pattern of operating hours of the commercial businesses in the subject commercial centre.

2. **Security**

For safety and security purposes, there should be a minimum of two (2) employees present at all times. Additionally, new liquor stores will be required to install, maintain and operate video surveillance systems as a component of their overall security system.