



Item
Meeting2018 April 23

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2018 April 18

FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 49500 20
Reference: Rez #17-37

**SUBJECT: REZONING REFERENCE #17-37
 PRIVATE LIQUOR STORE
 UNIT 18 - 5901 BROADWAY
 RESPONSE TO PUBLIC HEARING ISSUES**

PURPOSE: To respond to issues raised at the Public Hearing for Rezoning Reference #17-37.

RECOMMENDATION:

1. **THAT** a copy of this report be sent to the applicant and those who spoke at, or submitted correspondence, to the Public Hearing for Rezoning Reference #17-37.

REPORT**1.0 BACKGROUND**

On 2018 March 27, a Public Hearing was held for Rezoning Reference #17-37. The subject rezoning application proposes the development of a private liquor store in a commercial retail unit (CRU) within a neighbourhood shopping centre in the Parkcrest-Aubrey residential neighbourhood (see *attached* Sketch #1). The subject site is located half a block north of the Holdom Station Area Guide Plan area and half a block northeast of the Brentwood Town Centre Development Plan boundary. The Residential Policy Framework of the Burnaby Official Community Plan (OCP) identifies the subject area as a future Urban Village.

The application is in accordance with established guidelines to be considered for assessing rezoning applications for liquor stores, including private liquor stores or Licensee Retail Stores (LRSs).

At the Public Hearing, 42 written submissions were received: one petition with 1,016 signatures and 39 letters in support of the rezoning application, and two letters in opposition to the rezoning application. At the Public Hearing, seven individuals made oral submissions regarding the rezoning application, with five speakers (including the applicant) in support of the rezoning application and two speakers, both residing at 2186 Fell Avenue, expressing concerns regarding the rezoning application.

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The written and oral submissions with concerns generally related to: the location of existing liquor stores relative to the proposed LRS, the distance of the proposed LRS to schools and daycares, the potential for increased crime and criminal activity, especially as a result of the proposed LRSs hours of operation, and the potential for reduced neighbourhood property values. At the Public Hearing, Council requested that a staff report be submitted on the issues raised. The following report addresses this request.

2.0 ISSUES RAISED

2.1 Location of Existing Liquor Stores

Comments were made regarding the location of existing liquor stores relative to the proposed LRS.

Response:

The City's adopted Guidelines for Assessing Rezoning Applications locational criteria require that there is a reasonable distribution of both BC Government liquor stores and LRSs to sufficiently serve the City while avoiding a concentration of stores in any one area. The locational criteria for liquor stores require establishment of a Liquor Distribution Branch (LDB) Signature Store in a Town Centre prior to establishment of smaller supporting LDB stores or LRSs in the same quadrant. In the City's northwest quadrant, which includes the subject site, the locational criteria requires the establishment of an LDB Signature Store in the Brentwood Town Centre area. This criteria has been met as the *Solo Liquor Store (4455 Skyline Drive)* was approved as an LDB Signature store under Rezoning Reference #13-22.

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 above, is identified for future Urban Village use in the OCP. It is also noted that the Liquor Control and Licensing Branch (LCLB) regulations require that a proposed LRS be at least 1km from any existing or proposed LRS or LDB Store. The distances from the proposed LRS to the closest liquor stores in Burnaby, as determined by City staff, are as follows:

- The *Bainbridge Liquor store (7000 Lougheed Highway)*, located in the Bainbridge Urban Village, is approximately 1.75 km (1.1 miles) to the southeast;
- The *Bottle Jockey Liquor Store (#107-1899 Rosser Avenue)* and the *Solo Liquor Store (4455 Skyline Drive)* located in the Brentwood Town Centre area are approximately 2 km (1.2 miles) to the west;
- The *Kensington Liquor Store (6512 Hastings Street)*, located in the Lochdale Urban Village, is approximately 2.7 km (1.7 miles) to the northeast;
- The *Hop and Vine Liquor Store (1601 Burnwood Drive)*, located in Montecito Urban Village, is approximately 2.25 km (1.5 miles) to the east; and,

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- The **North Burnaby Government Liquor Store (4450 Hastings Street)** and the **Liquor Barn Liquor Store (4125 Hastings Street)** located in the Heights Urban Village are more than 2.5 km (3.1 miles) to the northwest.

In this regard, the closest LDB and LRS stores meet and exceed the minimum distance required under the City's Guidelines and LCLB regulations.

2.2 Distances to Schools and Daycares

Comments were made regarding the distance of the proposed LRS to schools and daycares.

Response:

The City's adopted locational criteria for assessing rezoning applications for liquor stores includes that there is an appropriate relationship in terms of direct proximity or orientation with respect to the following uses:

- Private and public schools, particularly secondary schools;
- Other potential sensitive uses (e.g. child care centres).

Specific minimum distances to the above land uses are not indicated in the guidelines, and rezoning applications for liquor stores are evaluated on an individual basis. The proposed LRS is located in the end unit of a small shopping centre and is oriented to the south towards the surface parking lot. Parkcrest Elementary School is located approximately 330 m (0.2 miles) to the north of the subject site, Burnaby North Secondary School is located approximately 1.5 km (0.9 miles) to the north, and Broadway Woolwich Park is located more than 350 m (0.2 miles) to the east. There are two family childcare centres (6100 Broadway and 6050 Halifax Street) located approximately 175 m (574 ft.) and 275 m (902 ft.) respectively, to the southeast and north of the subject site, and one in-home multi-age child care facility (5530 Halifax Street) located approximately 500 m (0.3 miles) to the northwest. The proposed LRS is therefore not in direct proximity or oriented to the area's closest schools or daycares.

2.3 Increased Crime and Criminal Activity

Concerns were raised regarding the increased potential for crime and criminal activity, especially as a result of the proposed LRS hours of operation.

Response:

The City's adopted Guidelines for Assessing Rezoning Applications operational criteria ensure that safety and security measures are undertaken. In line with the guidelines, the applicant has advised that they would provide for a minimum of two employees to be present at all times and that there would be 12 to 16 HD cameras with a recorder set up outside and throughout the interior of the store. Additionally, the applicant will install an alarm system that will be monitored at all times and will include door contacts, inside motion detectors, glass break detectors and panic buttons.

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While bollards currently exist at the front of the store and lighting exists behind the LRS, the applicant is proposing to implement additional safety and security related upgrades such as three new lights along the eastern edge of the building and a new front door to enable better flow and theft prevention within the store.

A comment was raised that the LRS should be open no later than 8 pm in order to align with the Buy-Low supermarket closing time. In line with Guidelines, the proposed LRS operating hours of 9 am until 9 pm would be generally consistent with, and not later than, those of other commercial tenants. Currently, on Monday through Friday, there are four tenants open until 9 pm (three restaurants and one insurance office), on Saturday there are three restaurants open until 9 pm and on Sunday there is one restaurant open until 9 pm. As such, the 9 pm closing time would be consistent with the balance of the CRU's in the centre.

In an initial email to the RCMP, they noted their only concern would be the potential increase in traffic that may result from the LRS. After the Public Hearing, staff followed up with the RCMP to obtain further comments on the specific concerns with regards to increased crime and criminal activity and the proposed LRS hours of operation. The RCMP indicated that the likelihood of increased criminality is difficult to predict. As noted above, the proposed LRS is proposing to take steps to increase security.

2.4 Reduced Neighbourhood Property Values

Concerns were raised regarding the reduction in neighbourhood property values as a result of the proposed LRS.

Response:

With respect to property values, staff do not have any basis or information to indicate whether the proposed LRS would affect the value of properties in the area. However, it should be noted that while the Parkcrest shopping centre is adjacent to, and across the street from, residential dwellings, the proposed LRS is well setback from Fell Avenue and from Broadway, and is oriented to the parking lot, not towards any residential dwellings. The LRS is further screened from the residential dwellings on the eastern side of Fell Avenue by landscaping along the western side of Fell Avenue.

Staff reviewed a study submitted by the applicant, written in 2007 and titled "Do Liquor Stores Increase Crime and Urban Decay? Evidence from Los Angeles". Given the Los Angeles focus of the research, the extrapolation of information from the United States to Canada is unreliable given differences in culture and regulatory practices. Nevertheless, the study notes that liquor stores located in middle and higher income areas have a smaller effect on property prices than liquor stores located in lower socio-economic neighbourhoods. In summary, there is not a basis to draw a conclusion regarding the impact of an LRS in this location on property values. It is noted that property values in the Lower Mainland are also affected by a range of market conditions which could not be analyzed separately from the retail make-up of this shopping centre.

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3.0 CONCLUSION

As outlined in the Public Hearing report to Council dated 2018 February 21, for Rezoning Reference #17-37 for a LRS at 5901 Broadway, the subject proposal meets Council’s adopted guidelines for assessing rezoning applications for liquor stores.

This report provides information related to the key comments and concerns raised at the Public Hearing on 2018 March 27, including: the location of existing liquor relative to the proposed LRS, the distance of the proposed LRS to schools and daycares, the potential for increased crime and criminal activity especially as a result of the proposed LRS hours of operation, and the potential for reduced neighbourhood property values.

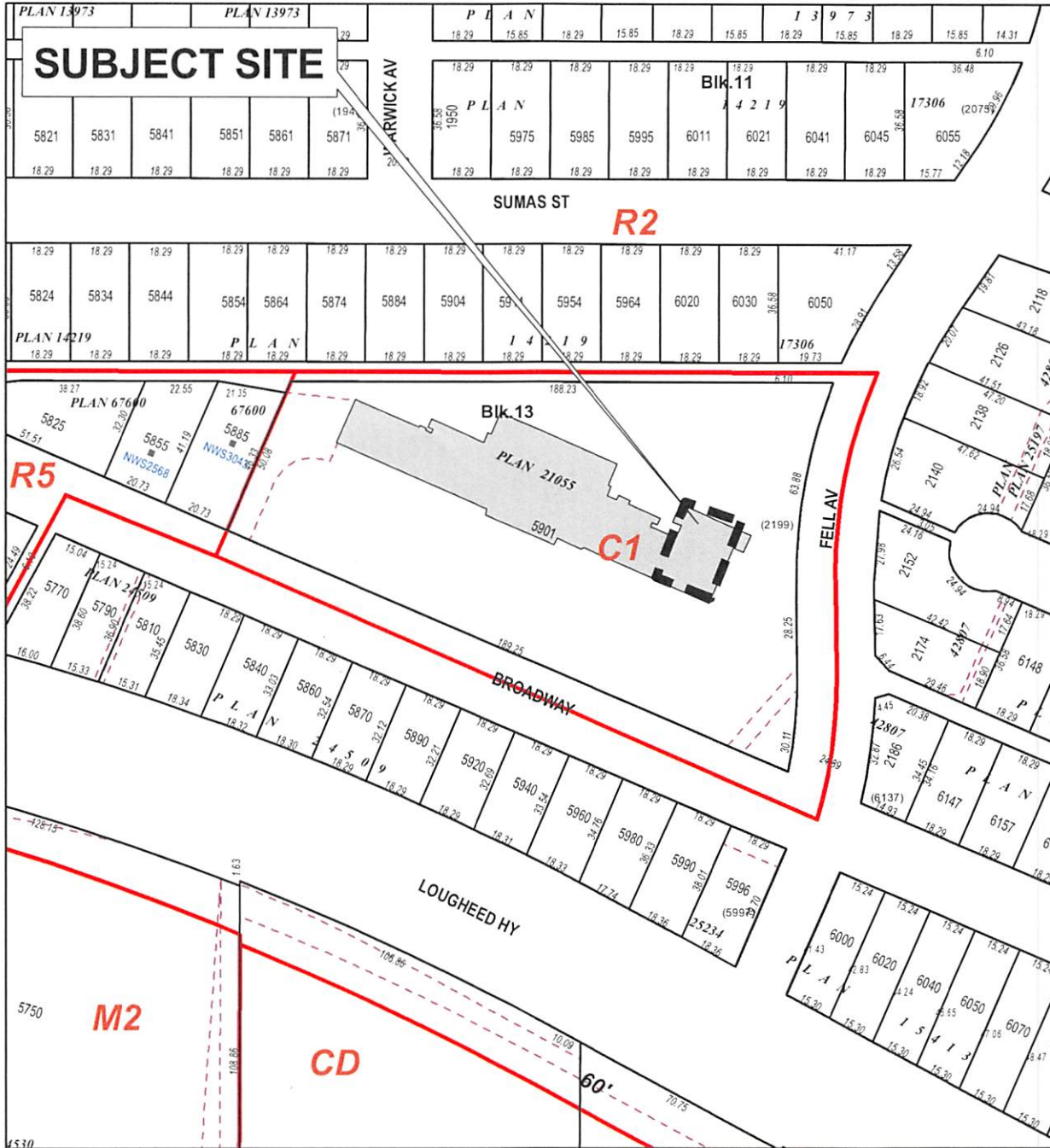
It is recommended that a copy of this report be sent to the applicant, and to those who submitted correspondence or spoke to the proposed LRS at the Public Hearing for Rezoning Reference #17-37.


Lou Pelletier, Director
PLANNING AND BUILDING

KL:eb
Attachment

cc: Director Corporate Services
Director Public Safety and Community Services
Officer-in-Charge, RCMP, Burnaby Detachment
City Solicitor
City Clerk

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PLANNING & BUILDING DEPARTMENT

DATE: JAN 02 2018

SCALE: 1:2,000

DRAWN BY: AY

REZONING REFERENCE #17-37
PORTION OF 5901 BROADWAY

 Subject Site

Sketch #1