



Item
Meeting 2018 March 05

COUNCIL REPORT

TO: CITY MANAGER **DATE:** 2018 February 28

FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 49500 20
Reference: Rez #17-21

SUBJECT: REZONING REFERENCE #17-21
 PRIVATE LIQUOR STORE
 8687 AND 8689 TENTH AVENUE
 RESPONSE TO PUBLIC HEARING ISSUES

PURPOSE: To respond to issues raised at the Public Hearing for Rezoning Reference #17-21.

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 #17-21.

REPORT**1.0 BACKGROUND**

On 2018 January 30, a Public Hearing was held for Rezoning Reference #17-21. The subject rezoning application proposes the development of a private liquor store in a commercial retail unit (CRU) within a small shopping centre in the Cariboo-Armstrong residential neighbourhood (see *attached* Sketch #1). 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).

Two written submissions were received at the Public Hearing: one letter and one petition which represented 50 individuals. At the Public Hearing, three individuals, including a representative for the applicant, made verbal submissions regarding the rezoning application.

The written and verbal submissions in opposition raised issues generally related to: the location of existing liquor stores and liquor primary establishments relative to the proposed LRS; the distance of the proposed LRS to schools, parks, and daycares; potential increased crime and criminal activity if the LRS is approved; the potential for a future liquor primary establishment if the LRS is approved; and the potential for cannabis sales at liquor stores. At the Public Hearing, Council requested that a staff report be submitted on the issues raised by the delegations. The following report addresses this request.

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2.0 ISSUES RAISED

2.1 Location of Existing Liquor Stores and Liquor Primary Establishments

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

Response:

The proposed LRS is a relocation of the existing Hop and Vine Liquor Store, which is located at #8 - 1601 Burnwood Drive (approved under Rezoning Reference #05-02c on 2005 April 11), to the subject site. Liquor Control and Licensing Branch (LCLB) regulations allow an LRS to apply to relocate anywhere within the province, provided they do not relocate within 1 km of another existing or proposed LRS or BC Government liquor store, measured from the front door to the front door of each establishment “as the crow flies.” The City’s adopted locational criteria also 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 distances from the proposed LRS to the closest liquor stores in Burnaby, as determined by City staff, are as follows:

- Northgate BC Liquor Store in the Lougheed Town Centre (#103 – 3433 North Road) – approximately 2.5 km to the northeast;
- Oliver Twist LRS (7557 Edmonds Street) – approximately 3 km to the southwest; and,
- HighGate Village BC Liquor Store (#235 – 7155 Kingsway) in the Edmonds Town Centre – more than 3.5 km to the southwest.

For information, it is noted that the distances from the proposed LRS to the closest liquor stores in adjacent municipalities, measured from the front door to the front door of each establishment, exceed the LCLB 1 km distance requirement and, as determined by staff, are as follows:

- Sapperton LRS (444 East Columbia Street, New Westminister) – approximately 1.02 km to the east;
- Royal Square Mall BC Liquor Store (#14 – 800 McBride Boulevard, New Westminister) – approximately 1.1 km to the southwest;
- Coquitlam Inn LRS (319 North Road, Coquitlam) – approximately 1.7 km to the northeast;
- Jak’s Beer Wine and Spirits LRS (525 7th Street, New Westminister) – approximately 2.4 km to the southwest;
- Woody’s LRS (933 Brunette Avenue, Coquitlam) – approximately 2.7 km to the northeast; and,
- Royal Towers LRS (140 6th Street, New Westminister) – approximately 2.8 km to the south.

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It is noted that, as part of its assessment of liquor store relocations, the LCLB confirms, using precise measurements, whether the minimum 1 km criteria between liquor stores has been met. If a proposed liquor store location is determined to be within 1 km of an existing or proposed liquor store, the LCLB will not approve that location.

It is also noted that the LCLB's minimum 1 km criteria applies to liquor stores only and does not apply to liquor primary establishments (i.e. a Liquor Licence Establishment, which is defined in the Zoning Bylaw as an "establishment selling or dispensing liquor for which a liquor primary licence is required under the *Liquor Control or Licensing Act*"). Notwithstanding, it is noted that the approximate distances from the proposed LRS to the closest liquor primary establishments in Burnaby, as determined by staff, are as follows:

- Oliver Twist Pub (7557 Edmonds Street) – approximately 3 km to the southwest; and,
- Lougheed Village Bar & Grill (9304 Salish Court) – approximately 2.5 km to the north.

For information, it is noted that the distances from the proposed LRS to the closest liquor primary establishments in adjacent municipalities, measured from the front door to the front door of each establishment, as determined by staff, are as follows:

- Sapperton District Taphouse (421 East Columbia Street, New Westminister) - approximately 1.01 km to the southeast;
- Royal City Curling Club (75 East 6th Avenue, New Westminister) – approximately 1.02 km to the south;
- Best Western Plus Coquitlam Inn (319 North Road, Coquitlam) – approximately 1.7 km to the northeast;
- Executive Plaza Coquitlam (405 North Road, Coquitlam) and Ramada Hotel (631 Lougheed Highway) – approximately 2 km to the northeast;
- Royal Canadian Legion Branch No. 2 (631 6th Street, New Westminister) – approximately 2.2 km to the southwest;
- Union Jack Public House and Carvery (525 7th Street, New Westminister) – approximately 2.4 km to the southwest;
- River's Reach Pub (320 6th Street, New Westminister) – approximately 2.5 km to the southwest;
- Town Hall (925 Brunette Avenue, Coquitlam) – approximately 2.6 km to the northeast;
- Woody's Pub (935 Brunette Avenue, Coquitlam) – approximately 2.7 km to the northeast; and,
- Royal Towers Hotel (140 6th Street, New Westminister) – approximately 2.8 km to the south.

2.2 Distances to Other Land Uses

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

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Response:

While the LCLB does not have regulations regarding the minimum distance of a liquor store to uses other than existing/proposed liquor stores, 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;
- Adjacent residential dwellings and public parks; and,
- Other potential sensitive uses (e.g. cabarets, 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 an interior unit of a small shopping centre, between other CRUs, and is oriented to the southeast towards the shopping centre's surface parking lot. It is therefore not in direct proximity or oriented to the area's closest schools (Armstrong Elementary School and Cariboo Hill Secondary School), which are located more than 250 m north and northwest of the site. While the overall shopping centre is adjacent to and across the street from residential dwellings, and across the street from Westburnco Park in New Westminster, the proposed LRS is located at the centre of the northernmost building, well setback from the 10th Avenue, and is oriented to the parking lot, not towards any residential dwellings or parks. Finally, the proposed LRS is also not in direct proximity or oriented to other potentially sensitive uses. Specifically, the closest liquor primary establishment, as noted, is located approximately 1 km to the east in New Westminster; the closest child care centre is located approximately 100 m to the southwest and is not in direct proximity or oriented to the shopping centre.

2.3 Increased Crime and Criminal Activity

Concerns were raised regarding increased crime and criminal activity if the proposed LRS is approved.

Response:

One speaker at the Public Hearing presented a slide which referenced a study from the United States in support of their concerns of increased crime and criminal activity if the proposed LRS is approved. The RCMP has commented that they do not have an opinion on the applicability of the study, and that extrapolation of information from the United States to Canada can be unreliable given differences in culture and regulatory practices. The speaker also presented a map prepared by the RCMP that shows the general distribution of calls for service to the police, inferring that the high call areas are related to the proximity of liquor stores. The RCMP has noted that the map was not compiled for the purpose of comparing liquor establishments to areas where there are calls for service, and consequently, the map cannot be used to make conclusions in that regard. The RCMP has also noted that, if there was a liquor store at the proposed location, there would be an increased likelihood of liquor consumption in the area, and that liquor consumption increases the likelihood of aberrant behaviour. However the degree of such

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behaviour would be difficult to predict. It is noted that while not in direct proximity or oriented to sensitive uses, the proposed location is close to neighbourhood schools, parks, and other community uses.

It is also noted that the adopted guidelines were created to include operational criteria that would 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, that there would be constant interior and exterior closed circuit television surveillance, and that an emergency call button would be available for employees' use. In addition, bollards would be installed at the front of the store, similar to existing bollards at adjacent CRUs, and proposed operating hours would be generally consistent with (and not later than) those of other commercial tenants.

2.4 Potential for a Future Liquor Primary Establishment

Concerns were raised regarding the potential for a future liquor primary establishment to locate at the subject site if the proposed LRS is approved.

Response:

With respect to concerns that an LRS at the subject site would create the potential for a future liquor primary establishment at the subject site, it is noted that potential approval of the subject rezoning would be based on specific Comprehensive Development (CD) plans for an LRS only; the pub associated with the Hop and Vine Liquor Store is not proposed to move to the subject site. Regardless, an LRS approval does not establish a precedent for a liquor primary establishment, and any future liquor primary establishment proposal for the subject site would need to be subject to a separate rezoning application, for specific Council approval, to include the appropriate "f" Zoning District designation.

2.5 Potential for Cannabis Sales at Liquor Stores

Concerns were raised regarding the potential for the future introduction of cannabis sales through liquor stores.

Response:

On 2018 February 05, subsequent to the Public Hearing for this rezoning application, the provincial government announced that, in preparation for the federal government's legalization of non-medical cannabis in July 2018, the LCLB will be responsible for licensing and monitoring the retail sector in BC using a mixed public/private model. At this time, it is anticipated that non-medical cannabis retail stores would be self-contained businesses operated in a separate CRU, apart from any liquor and/or tobacco sales. Under this provincial government distribution model for non-medical cannabis sales, liquor stores would therefore not be permitted to sell non-medical cannabis.

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Regardless, in order to satisfy concerns about any changes to the provincial government distribution model for non-medical cannabis sales, a Section 219 Covenant prohibiting the sale of any cannabis products at the proposed LRS can be established as part of the suitable plan of development for this rezoning application. Should Council grant Second Reading, staff would make this a condition for completion of the suitable plan of development for the proposed LRS.

3.0 CONCLUSION

The development proposal for the subject rezoning application (Rezoning Reference #17-21) is for a private liquor store (LRS). As outlined in the report to Council dated 2017 December 06, the subject proposal meets Council’s adopted guidelines for assessing rezoning applications for liquor stores.

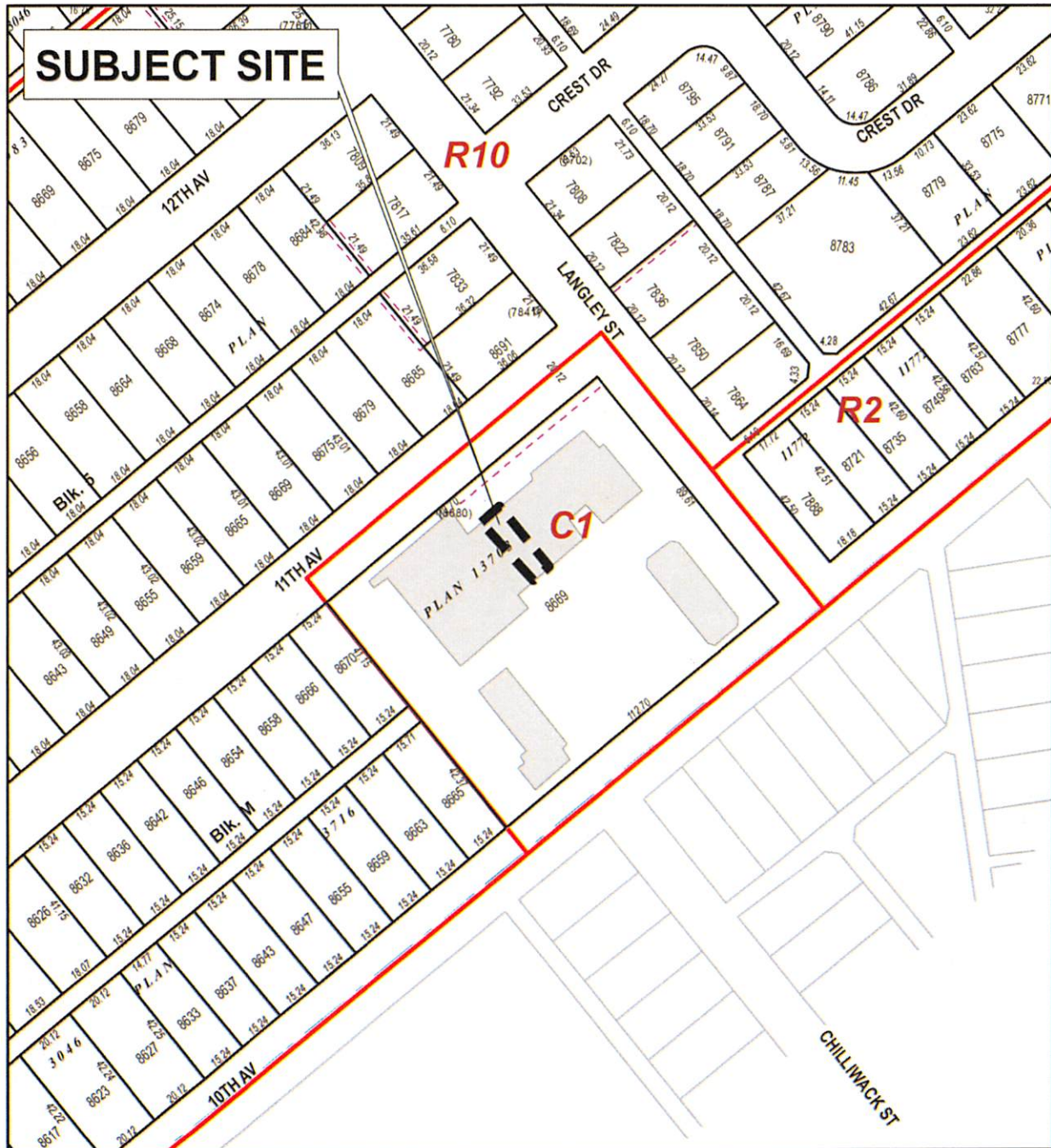
This report provides information related to the key comments and concerns raised at the Public Hearing, including: the location of existing liquor stores and liquor primary establishments relative to the proposed LRS; the distance of the proposed LRS to schools, parks, and daycares; an assessment of crime studies referenced; the rezoning requirements for any future liquor primary establishment; and the potential for cannabis sales at liquor stores.

It is recommended 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 #17-21.


Lou Pelletier, Director
PLANNING AND BUILDING

LS:eb
Attachment

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



PLANNING & BUILDING DEPARTMENT




DATE:
NOV 20 2017

SCALE:
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DRAWN BY:
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REZONING REFERENCE #17-21
8687 AND 8689 10TH AVENUE

 Subject Site

Sketch #1