

# **REPORT**

## ***Climate Action, Planning and Development***

**To:** Mayor Johnstone and Members of Council  
**Date:** July 10, 2023

**From:** Jackie Teed, Acting Director, Climate Action, Planning and Development  
**File:** REZ00242

**Item #:** 2023-481

**Subject:** **Zoning Bylaw Amendment for Retail Liquor Store: 812 Twentieth Street – Preliminary Report**

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### **RECOMMENDATION**

**That** Council direct staff to work with the applicant to prepare a Zoning Amendment Bylaw for the subject property suitable for consideration of First, Second, and Third Readings, as outlined in the “Application Review Process” section of this report.

**That** Council direct staff to work with the applicant to address issues identified at the Land Use and Planning Committee meeting of July 21, 2021 and report back to Council.

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### **PURPOSE**

To seek Council’s approval to process the Zoning Bylaw amendment application for a proposed retail liquor store at 812 Twentieth Street as outlined within this report.

### **EXECUTIVE SUMMARY**

An application for a site-specific Zoning Bylaw text amendment has been received to facilitate a proposed retail liquor store. The use is proposed to be located within an existing commercial retail unit at 812 Twentieth Street.

A similar application was reviewed by the Land Use Planning Committee (LUPC) in June 2021, when LUPC instructed staff to discourage advancement of the proposed Zoning Bylaw amendment, though the decision was not unanimous. The applicant has requested to bring forward their application again, for Council’s consideration. Staff recommends Council direct staff to advance with review, including examining the issues raised by LUPC in 2021 and reporting back on these as part of Council consideration.

## **BACKGROUND**

### **Previous Related Applications**

Previously, an application for rezoning was made for a proposed retail liquor store on the subject site, but for a different commercial unit (810 and 810A Twentieth Street), which was presented to the Land Use and Planning Committee (LUPC) in June 2021. LUPC directed staff to discourage advancement of the proposed Zoning Bylaw amendment, citing a number of operational and locational issues, such as public drinking, potential for increased underage sales, heavy intersection traffic nearby, and the City's practice to not create standalone liquor stores. The option to explore liquor sales uses as part of the 22<sup>nd</sup> Street Station Area planning work was also noted.

The June 21, 2021 LUPC report and meeting minutes can be accessed on the City's website via the following links:

- [Report](#) (starting on p. 41)
- [Meeting minutes](#) (starting on p. 5)

### **Policy and Regulations**

The subject site is designated *Comprehensive Development (CD)* in the Official Community Plan, which is intended to transition the Frequent Transit Development Area surrounding the 22<sup>nd</sup> Street SkyTrain Station from low density residential uses to a mixed use node. As part of Council's climate emergency declaration, the approach that was endorsed for this area's master planning process is to create a Bold Vision for a Climate Friendly Future. This work was placed on hold during the pandemic; however, staff recently presented a revised plan and timeline for relaunching the project at the [June 12, 2023 Council meeting](#).

As the property's current *Local Commercial (C-1)* zone does not include a retail liquor store as a permitted use, a Zoning Bylaw text amendment would be required.

The Province's Liquor and Cannabis Regulation Branch is responsible for liquor licences. Its Licensee Retail Store Terms and Conditions handbook outlines the Provincial requirements for retail liquor stores, such as stipulating that a retail liquor store has to be located at least one kilometre away from another one or a BC Liquor Store (government liquor store).

A summary of related City policies and regulations is included in Attachment 1.

### **Site Characteristics and Context**

The subject site is located at the north-west corner of Twentieth Street and Eighth Avenue, along the eastern edge of the Connaught Heights neighbourhood. The parcel has an approximate area of 1,497 sq. m. (16,113 sq. ft.), and includes an existing single storey multi-tenant commercial building with around 10 units built in the mid-1940s. Existing parking is located at the rear of the building off of the lane.

Surrounding land uses include a one and a half storey office building to the north and single detached dwellings to the east, south, and west. There is also a two storey commercial/residential building directly to the south across Eighth Avenue. A site context map is shown as Figure 1.



Figure 1. Site Context Map

**PROJECT DESCRIPTION**

The proposed application is for a site-specific Zoning Bylaw text amendment to the *Local Commercial (C-1)* zone in order to allow a private retail liquor store. The proponent wishes to relocate their existing Licensee Retail Store licence from Clinton, BC to the subject site.

The retail liquor store is proposed to be located within an existing commercial unit on the subject site, and modifications would include interior building alterations (Figure 2). The unit has an approximate area of 137 sq. m. (1,475 sq. ft.). A copy of the applicant’s project summary letter is provided as Attachment 2.



Figure 2. Existing commercial unit for proposed retail liquor store.

**DISCUSSION**

**General Considerations**

General considerations in favour and counter to the proposal are discussed in the sections below, as summarized here:

Considerations in Favour of the Proposal	Considerations Counter to the Proposal
<ul style="list-style-type: none"> <li>• The proposed retail liquor store would occupy an existing vacant commercial space</li> <li>• The site is on the edge of the 22<sup>nd</sup> Street Station area, in an area the conceptual plan designates as <i>Commercial (C)</i></li> <li>• There are limited areas in the city where a retail liquor store use would be supported by the OCP while also meeting the Province’s 1 km. distance requirement as described below</li> </ul>	<ul style="list-style-type: none"> <li>• LUPC provided direction to discourage advancing a similar application</li> <li>• The 22<sup>nd</sup> Street Station area visioning work is not yet complete – the OCP stipulates that a master plan would be completed for this area prior to the consideration of rezoning applications</li> </ul>

**22<sup>nd</sup> Street Station Area**

Based on the Official Community Plan (OCP), rezoning applications within the Comprehensive Development area would only be considered after the Bold Vision work is completed and a master plan is in place. Rationale for this includes preventing or limiting speculation as much as possible, and ensuring that new development does not preclude goals and opportunities that the City would be aiming to achieve through the project (e.g. transportation improvements, infrastructure renewal, amenities) as a result of premature reinvestment into the area.

The proposal involves an existing building and the property is located at the edge of the 22<sup>nd</sup> Street Station area. While conceptual in nature and with confirmation to take place after the visioning work, the OCP includes a map of proposed land use designations for the area, including a potential *Commercial (C)* designation for the property in the future, which would be in keeping with the building’s existing uses (Attachment 1). Should the proposal be approved, it would be unlikely to limit redevelopment potential under the new neighbourhood plan.

**Location of Proposed Retail Liquor Store**

New Westminster currently has 11 private retail liquor stores and two BC Liquor Stores (government liquor stores). Per provincial requirements, retail liquor stores cannot be located within one kilometre of an existing or proposed private or BC Liquor Store. The map in Attachment 3 shows the proposed location in relation to other liquor store sites.

Apart from a few site-specific exceptions (e.g. Queensborough Landing in the C-10 zone), retail liquor stores are typically contiguous to a licensed liquor primary establishment (e.g. a bar or pub), consistent with the use’s Zoning Bylaw definition (Attachment 1). This application proposes the retail liquor store as stand-alone and not attached to a liquor primary establishment.

The City’s regulations related to retail liquor stores used to match the Province’s regulations. When the provincial regulations were changed several years ago, a number of municipalities have made updates to their own regulations for consistency. This request to amend the City’s requirements to match the Province’s has previously been made by some members of the business community.

**Licensee Retail Store Licences**

Retail liquor stores are required to hold a Licensee Retail Store licence from the Province’s Liquor and Cannabis Regulation Branch (LCRB). The Province currently has a freeze on new licensee retail stores until July 1, 2032, and new applications are not being accepted. However, as the proponent is intending to relocate their existing licence from another location, they would not be covered by this freeze, and an application to the LCRB for the relocation of a liquor licence would be required.

The City typically processes Zoning Bylaw amendment applications concurrently with liquor licence applications. Should this Zoning Bylaw amendment application move forward, staff would require the applicant provide confirmation that a licence relocation application has been submitted to the LCRB prior to further advancing the application.

**Previous LUPC Feedback**

Previously, LUPC directed staff to discourage advancement of the proposed Zoning Bylaw amendment. Staff would examine the issues raised by LUPC as part of the application review process and report back on these as part of Council consideration.

**APPLICATION REVIEW PROCESS**

Should Council instruct staff to proceed with the review of this Zoning Bylaw amendment application, the anticipated next steps in the review process include:

1. Preliminary Report to Council (July 10, 2023) – **we are here**;
2. Confirmation from applicant of submission of Transfer of Location application to the Province;
3. Interdepartmental review (ongoing);
4. Creation of a Be Heard New West webpage and survey;
5. Comprehensive Report to Council and Council consideration of Public Hearing Not Held;
6. Council consideration of First, Second, and Third Readings of proposed Zoning Amendment Bylaw following issuance of Notice of Public Hearing Not Held;

7. Approvals or approvals in principle by relevant external agencies (e.g. Liquor and Cannabis Regulation Branch, Ministry of Transportation and Infrastructure);
8. Council consideration of adoption of Zoning Amendment Bylaw.

### **INTERDEPARTMENTAL LIAISON**

The City has a project-based team approach for reviewing development applications, which facilitates interdepartmental review. This proposal has been circulated to staff from various departments, including Climate Action, Planning and Development; Economic Development; Engineering Services; Parks and Recreation; Fire; and Electrical Operations.

### **FINANCIAL IMPLICATIONS**

Financial considerations will be evaluated as part of the application review process and any relevant details will be included in the comprehensive report.

### **OPTIONS**

The following options are offered for Council's consideration:

1. That Council direct staff to work with the applicant to prepare a Zoning Amendment Bylaw for the subject property suitable for consideration of First, Second, and Third Readings, as outlined in the "Application Review Process" section of this report.
2. That Council direct staff to work with the applicant to address issues identified at the Land Use and Planning Committee meeting of July 21, 2021 and report back to Council.
3. That Council direct staff to advise the applicant that the proposed application should not be advanced further, given the previous direction from the Land Use and Planning Committee.
4. That Council provide staff with alternative direction.

Staff recommends Options 1 and 2.

### **ATTACHMENTS**

Attachment 1: Summary of Related City Policies and Regulations  
Attachment 2: Applicant's Project Summary Letter  
Attachment 3: Map of Existing Retail Liquor Stores

## **APPROVALS**

This report was prepared by:  
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Lisa Spitale, Chief Administrative Officer