

## **REPORT**

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

**To:** Mayor Johnstone and Members of Council  
**Date:** April 8, 2024

**From:** Jackie Teed, Director, Climate Action, Planning and Development  
**File:** EDMS #2449845  
REZ00242

**Item #:** 2024-175

**Subject:** **Zoning Bylaw Text Amendment: 812 Twentieth Street – Bylaw for Three Readings**

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#### **RECOMMENDATION**

**THAT** Council consider Zoning Amendment Bylaw No. 8443, 2024 for First, Second, and Third Readings.

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#### **PURPOSE**

To provide Council with information on the retail liquor store proposal at 812 Twentieth Street and to request that Council consider the proposed bylaw for Three Readings.

#### **EXECUTIVE SUMMARY**

An application for a site-specific Zoning Bylaw text amendment has been received to facilitate a proposed retail liquor store. The use would be located within an existing commercial retail unit at 812 Twentieth Street. Staff review and City-led consultation have been undertaken for the proposed project.

#### **BACKGROUND**

##### **Policy and Regulations**

The subject site is designated *Comprehensive Development* (CD) in the Official Community Plan (OCP), 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. The property also falls within the Twentieth Street Employment Lands Development Permit Area (DPA 6.1) in the OCP.

Under the City's Zoning Bylaw, retail liquor stores are currently required to be contiguous to a Liquor Primary establishment. 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 is required (Attachment 1).

The Province's Liquor and Cannabis Regulation Branch is responsible for liquor licences, and the provincial requirements for licensee retail stores (i.e. retail liquor stores) are outlined in its Liquor Policy Manual and its Licensee Retail Store Terms and Conditions handbook. These documents also include policies related to relocations of such stores, such as the "one kilometre rule" and the relocation process.

Unlike some other types of liquor applications (e.g. Liquor Primary, Manufacturer's lounge endorsement), the Province does not require a community input process for licensee retail store relocations. Local government input for these relocations is limited to zoning only.

A summary of related City and LCRB policies and regulations is included in Attachment 2.

### **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.

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 location map is provided in Attachment 2.

### **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 the proponent to relocate their existing Licensee Retail Store licence from Clinton, BC to the subject site and operate a private retail liquor store.

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, addition of an exterior CCTV, and down-shielded unobtrusive outdoor lighting fixtures. No additions or exterior modifications to the building are proposed (Figure 1). 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 3.



Figure 1. 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 as was defined in the OCP, in an area where the original proposed land use designation map envisioned 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</li> </ul>	<ul style="list-style-type: none"> <li>• LUPC provided direction to discourage advancing a similar application earlier</li> <li>• The 22<sup>nd</sup> Street Station area visioning work is still ongoing and proposed land use designations shown in the OCP are subject to change</li> </ul>

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

The Official Community Plan (OCP) notes rezoning applications within the 22<sup>nd</sup> Street Station Area should be considered after the visioning work is completed and a master plan is in place. The intent is to prevent or limit speculation as much as possible, and to ensure that new development does not proceed prematurely and preclude the opportunity to implement goals and opportunities identified through the visioning work as part of redevelopment. Visioning work is currently underway within the 22<sup>nd</sup> Street Station area, including boundaries beyond those initially defined in the OCP.

Given this proposal involves the use of an existing building rather than a redevelopment, it would be unlikely to limit redevelopment potential under a new neighbourhood vision and is consistent with the intent of the OCP.

## **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 existing liquor stores map in Attachment 2 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), zoning regulations require that retail liquor stores are contiguous to a licensed Liquor Primary establishment (e.g. a bar or pub) (Attachment 2). 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 are consistent with previous provincial regulations. Several years ago, the provincial regulations were changed to remove the requirement that a licensee retail store be located on the same lot as a licensed Liquor Primary establishment. Requests to amend the City's requirements to match the Province's has previously been made by some members of the business community. The City has not proceeded on making this change as there have been limited retail liquor store proposals, likely attributed to the Province's almost continuous freeze on new licensee retail stores since the 1990s (also refer to the next section). While the current relocation proposal is proceeding as a site-specific amendment, similar proposals in the future will be limited since there are few areas in the city where the use would be supported by the Official Community Plan while also meeting the Province's "one kilometre rule".

## **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 affected by this freeze.

The City typically processes Zoning Bylaw amendment applications concurrently with liquor licence applications. The applicant has already submitted a license relocation application to the Province, which has been granted Preliminary Site Approval by the LCRB for meeting all site eligibility requirements (e.g. the one kilometre rule, an offer to lease). The application will proceed to Approval in Principle (AIP) after the applicant provides a fully executed lease for the location and proof of zoning (either in place, or is under active review) to the LCRB. The AIP from the LCRB would be a condition of bylaw adoption.

## **PUBLIC CONSULTATION**

### **City-led Consultation**

City-led consultation included a project website and online survey, published on Be Heard New West and open between August 30 and September 20, 2023. Residents located within 100 metres of the project were notified of the survey, and an invitation to participate was also posted in the New West Record. A total of 20 survey responses were received, which voiced a mix of support and opposition for the project (55% felt that the use would fit well or somewhat well/neutral, and 45% felt that the use would not fit well). Key themes gathered during public consultation are summarized in the table below and all feedback received are included in Attachment 4.

Feedback in Favour of the Proposal	Feedback Counter to the Proposal
<ul style="list-style-type: none"><li>• Potential to bring more shoppers to the area</li><li>• May assist neighbouring businesses by attracting more foot traffic</li></ul>	<ul style="list-style-type: none"><li>• Possibility of more vehicle traffic</li><li>• Perception of decreased safety/increased disruption in area and/or rear lane</li></ul>

### **Safety Concerns and Experiences with Existing Stores**

Neither the City nor New Westminster Police have had complaints or concerns with any of the existing private retail liquor stores to date.

### **Parking and Traffic**

Since there is no additional floor space proposed on-site and the proposed use remains as commercial, City bylaws do not require additional parking to be added to the site. Existing parking is currently located at the rear of the existing commercial building. The proposal has been reviewed by Engineering Services and Transportation Division staff and no requirements or comments were noted.

## **APPLICATION REVIEW PROCESS**

The following steps have been completed in the application review process:

1. Preliminary Report to Council (July 10, 2023);
2. Confirmation from applicant of submission of Transfer of Location application to the Province (August 1, 2023);
3. City-led consultation, including creation of a Be Heard New West webpage and survey (August 30 to September 20, 2023);
4. Public notification of Public Hearing not held (March 29 to April 8, 2024);

The next steps in the review process include:

5. Council consideration of First, Second, and Third Readings of proposed Zoning Amendment Bylaw – **we are here**;
6. Approvals or approvals in principle by relevant external agencies (e.g. Liquor and Cannabis Regulation Branch, Ministry of Transportation and Infrastructure);
7. Council consideration of adoption of Zoning Amendment Bylaw.

Per the Interim Development Framework that was endorsed by Council on January 29, 2024, Public Hearings are not held for rezoning bylaws that are consistent with the Official Community Plan.

### **FINAL ADOPTION REQUIREMENTS**

Items that will need to be addressed to staff's satisfaction prior to the adoption of the proposed bylaw include, but are not limited to:

- Confirmation that valid interest is maintained for the proposed location in the form of a fully executed lease;
- Approval in Principle from the Liquor and Cannabis Regulation Branch;
- Approval from the Ministry of Transportation and Infrastructure (as the site falls within 800 m. of an intersection of a controlled access highway).

### **FINANCIAL CONSIDERATIONS**

The project would support growth of New Westminster's local economy by allowing new retail opportunities within an existing commercial area. Should the proposed project be approved, the retail liquor store will be captured under the City's Liquor Licence (Retail Store) business licence fee category.

### **INTERDEPARTMENTAL LIAISON**

The City has a team-based approach for reviewing development applications. 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.

### **OPTIONS**

The following options are offered for Council's consideration:

1. That Council consider Zoning Amendment Bylaw No. 8443, 2024 for First, Second, and Third Readings.
2. That Council provide staff with alternative direction.

Staff recommends Option 1.

## **ATTACHMENTS**

Attachment 1: Zoning Amendment Bylaw No. 8443, 2024

Attachment 2: Background Information

Attachment 3: Applicant's Project Summary Letter

Attachment 4: City-led Consultation Summary

## **APPROVALS**

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