

ADMINISTRATIVE REPORT

Date: April 26, 2005
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Date: May 26, 2005

TO: Planning and Environment Committee
FROM: Director of Current Planning
SUBJECT: #111 - 1030 Denman Street (Denman Place Mall)
Private Liquor Store
Development Application Number DE408697

CONSIDERATION

A. THAT the Director of Planning be advised that Council would not favour approval of Development Application Number DE408697 for a Private Liquor Store (Type 1 - Wine Only) at #111 - 1030 Denman Street;

OR

B. THAT the Director of Planning be advised that Council would favour approval of Development Application Number DE408697 for a Private Liquor Store (Type 1 - Wine Only) at #111 - 1030 Denman Street.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services submits the foregoing for CONSIDERATION.

COUNCIL POLICY

On April 8, 2003, City Council adopted policies and guidelines for the review of Liquor Store applications in the City of Vancouver, including the following:

- (iii) submission of Liquor Control and Licensing Branch (LCLB) preliminary approval letter;
- (iv) neighbourhood notification of affected neighbours;
- (v) that Development Permits be time-limited;
- (vi) applications deemed controversial by the Director of Planning may be referred to Council for advice; and
- (vii) Liquor Stores to be separated by a minimum of 150 m from other Liquor Stores, and Schools (public and private), Churches and Parks.

At the same time Council instructed the Director of Planning to favourably consider development applications for Liquor Stores selling beer and wine, or hard liquor to “only” those sites in the city currently approved as Liquor Stores.

On November 2, 2004, Council resolved that the Liquor Store Guidelines be amended as necessary to allow consideration of two categories of Liquor Store as follows:

Type 1 (Boutique) Stores:

- 280 m² (3,000 sq. ft.) gross or less, that sells any combination of beer and wine.
- Maximum of one (1) store to be considered in each identified Local Shopping Area (LSA) that currently have no liquor store of any type.
- In Downtown and Central Broadway (where there are no identified LSAs) stores to be a minimum of 500 m from any Type 1 or Type 2 store.

Type 2 (Regular) Stores:

- More than 280 m² (3,000 sq. ft.) gross, that sells any combination of beer, wine and spirits.
- Only where Type 2 stores currently exist, but may be relocated within the same LSA or general commercial area.

A Type 1 or Type 2 (but not both) to replace each of the two recently closed liquor stores (Robson and Denman Streets, and Victoria Drive and East 49th Avenue, or close by) and in each of the two emerging neighbourhoods (Southeast False Creek and East Fraserlands).

Guidelines to also be amended to provide a separation of 150 m from family-oriented uses including elementary or secondary schools, community centres, neighbourhood houses, churches, and parks.

SUMMARY

In accordance with the Council resolution of November 2, 2004, this development application is being referred to Council for advice as the proposal does not comply to the new policies adopted by Council with regard to new Liquor Stores in a Local Shopping Area, and the application has generated some concerns in the community.

Given the conflict with the guidelines, the Director of Planning is not inclined to support this proposal, however, before making a decision, the application is being referred to Council for advice.

PURPOSE

This report seeks Council's advice on a development application to change the use of an area on the ground floor in the Denman Place Mall, to provide for a private Liquor Store (Type 1 - Wine only).

SITE DESCRIPTION AND CONTEXT

This private Liquor Store is proposed to be located in a ground floor commercial tenancy within the Denman Place Mall. The site contains a mixed-use development consisting of a Hotel (the Coast Plaza Hotel & Suites) with commercial uses at grade, some of which are within an enclosed mall area and three levels of off-street parking. The site is zoned C-5. The site and surrounding zoning are shown on the attached Appendix 'A'.

Staff carried out a land use survey of the surrounding area, similar to that which would be done for a liquor licensed premises, as covered by Council policy. The survey area contains a mix of commercial and residential uses. The site is located within a Local Shopping Area (Denman: Nelson to Davie; Davie: Denman to Cardero); however, there is already an existing government Liquor Store in this Local Shopping Area. (1655 Davie Street)

PROPOSED DEVELOPMENT

The application seeks approval to change the use of a tenancy within the Denman Place Mall to provide for a new private Liquor Store (Type 1 - Wine only) having a total area of approximately 37.7 m² (406 sq. ft.).

The applicant's submission includes a declaration that the liquor store would be used for the sale of "wine only" and has indicated proposed hours of operation of the store to be from 9:00 a.m. to 9:00 p.m., seven days a week. The applicant's operational proposal is attached as Appendix 'B'.

The proposed Type 1 - Liquor Store has been assessed against the applicable provisions of the Zoning and Development By-law, and the Parking By-law. Staff have also reviewed the application against the Liquor Store Guidelines Council amended on November 2, 2004. The following summarizes the results of the review process.

Local Shopping Area (LSA) B - Denman Street: Nelson to Davie Streets - Davie Street: Denman to Cardero Streets

The Local Shopping Area is L-shaped in configuration and includes a portion of Denman Street and Davie Street. The proposed location for this Liquor Store is within the boundaries of the Local Shopping Area as required by Council policy; however, there is already an existing government Liquor Store within this same Local Shopping Area at 1655 Davie Street. The guidelines anticipate only one liquor store of either type in any Local Shopping Area.

Separation from Family-Oriented Uses

The large site on which the Hotel and Mall is located, could be considered to be within 150 m of a nearby elementary school (Lord Roberts), and secondary school (King George) depending upon where the measurement is taken, however the actual location of the store within the mall meets the intent of the separation criteria. There are no Parks, or Churches within 150 m of the site. The location of the school sites is noted in Appendix 'A'.

Parking/Loading Provisions

The site provides a total of 325 off-street parking spaces and two off-street loading spaces, in compliance with the Parking By-law requirements. The applicant has submitted with his operational plan, a summary of how and when the wine deliveries would be made, noting that the delivery trucks would utilize the loading space adjacent to the lane, at the rear of the property. The applicant has also indicated how bottle storage and returns would be handled within the complex.

Simplified plans, including a context plan, and a detail of the path of delivery for goods from the loading space to the proposed liquor store are included in Appendix 'C'.

Notification - As part of the review of this development application, 607 neighbouring property owners were notified of the proposal. The Director of Planning received seven responses, five of which expressed concerns with the proposal, and two were in favour. The Vancouver School Board did not respond to the notification and the Police Department have no concerns regarding this application. The notification area is included in the attached Appendix 'A' map.

A summary of the neighbourhood objections is as follows:

- (i) concerns expressed about the negative impact of such a use including noise, deliveries, loitering and safety issues for the nearby residential neighbourhood; and
- (ii) the area is already well served for the sale of liquor products.

CONCLUSION

The proposal meets the technical requirements of the Zoning and Development By-law and the Parking By-law, but is contrary to Council-approved guidelines for liquor stores within an established Local Shopping Area. The proposal has generated some concerns in the neighbourhood. Given the current Council guidelines on store locations, the Director of Planning is not inclined to support the proposal, but before making a final decision on this application, is seeking advice which Council may wish to provide.

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