



City of Richmond

Report to Committee

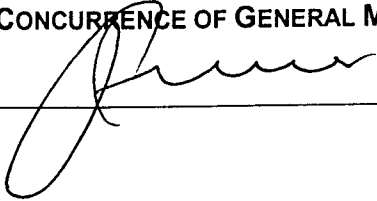
To: General Purposes Committee
From: Anne Stevens
Manager, Customer Services
Re: **Liquor Regulations**

To General Purposes - March 1, 2004
Date: February 6, 2004
File: 8060-20-7576
8060-20-7677
8275-05

Staff Recommendation

1. That Zoning Bylaw 5300 Amendment Bylaw 7576, adding a new Neighbourhood Pub District (NHP) zone and parking requirements for a Licensee Retail Store, be introduced and given first reading.
2. That Council decline comment to the Liquor Control and Licensing Branch with regard to the Top Century Development relocation application.
3. That for all future Liquor Licence applications (new or amended) the following process, for obtaining public input for Liquor Licences, be endorsed:
 - a. Three ads placed in the local newspaper.
 - b. Sign posted in front of the establishment for at least 30 days.
 - c. Letters sent to the residents (commercial and residential) within 50 metres of the property named in the application.
 - d. All cost associated with the collection of information from the public be born by the applicant.
 - e. All input from the public would come directly to the City.
4. That Bylaw 7677 which amends the Development Application Fees Bylaw 7276 be introduced and given first, second and third reading.

Anne Stevens
Manager, Customer Services
(4273)

| FOR ORIGINATING DIVISION USE ONLY | | |
|-----------------------------------|--|--|
| ROUTED TO: | CONCURRENCE | CONCURRENCE OF GENERAL MANAGER |
| R.C.M.P..... | Y <input checked="" type="checkbox"/> N <input type="checkbox"/> |  |
| City Clerk..... | Y <input checked="" type="checkbox"/> N <input type="checkbox"/> | |
| Law..... | Y <input checked="" type="checkbox"/> N <input type="checkbox"/> | |
| Zoning..... | Y <input checked="" type="checkbox"/> N <input type="checkbox"/> | |
| Development Applications..... | Y <input checked="" type="checkbox"/> N <input type="checkbox"/> | |

Origin

In August 2002 the Provincial Government reduced the number of liquor licence classes from 19 to two. The two classes are: "Food Primary," for businesses like cafes and restaurants; and "Liquor Primary," for businesses like bars, pubs and lounges.

Definitions:

Food Primary Liquor Licences (FP) – This type of licence is issued to an establishment whose primary business focus is the service of food, i.e. a restaurant who offers hot and cold meals etc. Proper preparation and service of food to the public is required during all hours of liquor service. All types of liquor can be served once licensed.

Liquor Primary (LP) – This type of Licence is issued to an establishment whose primary business focus is hospitality, entertainment or beverage service, i.e. lounge, bars, night clubs, etc., but may not cater to youth oriented activities such as video arcades. Proper preparation and service of food is required during all hours of liquor service. Restaurants are not eligible for Liquor Primary Licence.

Other regulations relaxed under the Province include possible longer hours of liquor service, patron participation, relocation of establishment and liquor retail store requirements. These changes have created more Local Government involvement and as a result policies and procedures need to be in place in order to deal with various applicants' requests.

This report outlines the issues and provides Council with recommendations to deal with the following issues:

1. Temporary Change to Liquor Licence Applications - Special Requests
2. Zoning for Licensee Retail Stores in Neighbourhood Pubs
3. Public Participation Process
4. Hours of Operation

TEMPORARY CHANGE TO LIQUOR LICENCE- One Time Only Special Request

On some occasions an establishment may ask for permission to extend their hours of liquor service for a particular day or weekend. This is a 'one time only' occurrence. A resolution of Council is not required for a temporary change, just comment. Similarly, there is no requirement to gather public input for a temporary change.

Presently staff review these applications, and seek input from the RCMP. These comments are forwarded to the Liquor Control and Licensing Branch for implementation.

It is staff's opinion that the City continue with this process as there have been no problems to date.

ZONING FOR LICENSEE RETAIL STORES (LRS) AND NEIGHBOURHOOD PUBS

Prior to the new legislation in August 2002 all Licensee Retail Stores (LRS) were to be attached to an associated Pub. With the new legislation, establishments who had an associated retail outlet could apply to the Province to relocate the retail portion of the business.

Similarly establishments who did not have a Retail Store associated with their pub could apply to the Province between August 2002 and November 2002 for a LRS. The new LRS would not have to be physically adjacent to the pub. All LRS's would need to be located in the appropriate zones as deemed by City Bylaws.

If the proprietor chooses to have the Retail Store adjacent to the pub/lounge, additional space would have to be provided. If the proprietor wishes to move or open a LRS to another site other than their pub or lounge they can presently relocate to a number of commercially zoned areas within the City, which permits retail. This means that the sale of liquor is acceptable in commercial zones as a retail use because it meets zoning compliance. Should Council wish to amend the locations in which Liquor Retail Stores can be located, direction to staff, to review the Zoning bylaw, would be required.

The table on the following page gives the name, address, hours of operation and the zoning for each establishment. Pubs or bars noted in **bold lettering** already have a LRS on-site or have applied to the Province for a LRS licence.

In August 2003, Planning Committee and Council had been dealing with amendments to the Zoning Bylaw and Official Community Plan to not permit LRS's automatically in the Neighbourhood Pub District, to introduce additional parking requirements for LRS's and to consider Development Permit requirements for LRS's. This matter is to be addressed in the following manner:

- It is proposed to introduce a new Neighbourhood Pub District (NHP) zone for the one existing site (Triple 6 Bar & K @ 8320 Alexandra Road) that does not have a LRS. This new zone would not permit a LRS, thus requiring this bar to go through the rezoning process if it wanted to open such a store. The other four pubs zoned Neighbourhood Pub District (NHP) would retain their existing zoning and continue to be permitted to have the LRS that they have already opened.
- It is proposed that an additional parking requirement of 4 spaces for each 100 m² (1,076.43 ft²) of floor area be added for a LRS consistent with the parking requirements for retail uses in the Zoning Bylaw.
- It is proposed in a separate report that the Official Community Plan be amended to require that LRS's have to go through the Development Permit process unless the internal or external renovation costs less than \$5,000.

The Triple 6 Bar & K and Doc Marlin's Pub would have to go through a rezoning application if they wanted to open a LRS on-site.

| Name | Address | Weekday Closing (Sunday-Thursday) | Weekend Closing (Friday – Saturday) | Zoning |
|---|------------------------------------|--|--|--------------------------------|
| Pioneer Pub | 200-1011 No. 3 Rd | Midnight | 1:00 a.m. | Neighbourhood Pub (NHP) |
| Kingswood Arm | 9 – 9371 No. 5 Rd | Midnight | 1:00 a.m. | NHP |
| O'Hare's | 5031 Steveston Hwy | Midnight | 1:00 a.m. | NHP |
| JP Malone's (Extended hours trial) | 9031 Blundell Rd | 2:30 a.m. | 3:30 a.m. | NHP |
| Triple 6 Bar & K | 8320 Alexandra Rd | 1:00 a.m. & Midnight Sunday | 1:00 a.m. | NHP |
| Steveston Hotel | 12111 3Rd Ave | 1:00 a.m. | 2:00 a.m. | C4 |
| Shady Island Bar and Grill | 3800 Bayview | Midnight | Midnight & 1:00 a.m. | C4 |
| Legend's Pub | 6511 Buswell | Midnight & 11:00p.m. Sunday | 1:00 a.m. | C7 |
| Garage Sports Bar & Grill | 1450 – 8260 Westminster Hwy | Midnight | 1:00 a.m. | C7 |
| Foggy Dew | 7311 Westminster Hwy | 2:00 a.m. & Midnight Sunday | 2:00 a.m. | C7 |
| Doc Marlin's Pub | 8811 River Rd | 1:00 a.m. & Midnight Sunday | 1:00 a.m. | MA2 |
| Tugboat Annie's | 100- 6911 Graybar Rd | Midnight | 1:00 a.m. | LUC 127 |
| Pumphouse | 6031 Blundell Rd | Midnight | 1:00 a.m. | LUC 128 |

Top Century Development Application – VII

Top Century Development applied to the Liquor Control Licensing Board (LCLB) for a relocation of their Liquor Primary Licence. They had to relocate from the Aberdeen Shopping Centre due to the rebuild.

October 14, 2003 Council adopted a resolution (attachment 1) supporting the relocation of this licence. The LCLB wrote the City in November 2003 stating that “The resolution failed to comment on the views of the residents or to provide information about why the views of the residents was not gathered”. As the views of the residential **and** commercial residents were not gathered the LCLB has not granted permission to relocate. This information is a statutory requirement.

Options

1. Follow through on the process as outlined below and acquire input from the commercial residents.
2. The City opt out of the process in this particular case only. The onus would be on the LCLB to ensure resident input is acquired. If Council chooses this option a ‘resolution’ stating Council opts out of the Top Century application would be required and forwarded to LCLB.

Staff are recommending **OPTION 2**

PUBLIC PARTICIPATION PROCESS

Liquor Primary or Food Primary may ask the Province to consider:

- o A change in hours of operation;
- o A relocation of their establishment;
- o To have patron participation or
- o The addition of a patio

When considering any of the above requests, the legislation states that the views of the residents must be gathered. Council has the option of either gathering the views of the public or allowing the Province to do so.

The City may use one or more of the following methods to gather the views of the residents:

- receiving written comments in response to a public notice posted at the site and in local newspapers;
- conducting a public hearing;
- holding a referendum, or,
- any other similar method

In any of the above situations the regulatory criteria which is stated below, must be part of the resolution.

Regulatory Criteria:

- o Location of the establishment;
- o Proximity of the establishment to other social or recreational facilities;
- o Person capacity and hours of liquor service;
- o Number and market focus of liquor primary licence establishments;
- o Potential for noise;
- o Population, population density and population trends; and
- o Relevant socio-economic information and impact on the community.

A resolution of Council, must contain comment on the regulatory criteria, the findings from the local public and how the public input was gathered. This resolution is then sent to the LCLB.

It is legislated that all applications (new or amended) require either the Province or the City to collect the opinions of the public. Should Council wish to become involved in the public process the following procedure is being proposed for the City of Richmond:

- Three ads placed in the local newspaper.
- Sign posted in front of the establishment for at least 30 days.
- Letters sent to the residents (commercial and residential) within 50 metres of the property named in the application.
- All cost associated with the collection of information from the public be born by the applicant.
- All input from the public would come directly to the City.

HOURS OF OPERATION

Over the years the Province has set the hours of operation for all Liquor Primary and Food Primary establishments. Previous documentation from the Province show that the closing times of these establishments range from 11:00 p.m. to 2:00 a.m.

It is Council's wish that the liquor service hours for all Liquor Primary and Food Primary be no later than 2:00 a.m.

When an establishment requests an amendment to their licence they could be asking for

- an extension of hours,
- increase in capacity,
- relocation,
- patron participation or
- the addition of a patio.

In any of the requests listed above the city would have to gather the views of the public. As Richmond is a large city and each community is different, it is staff's opinion that the public process as outlined in this report be adhered to for all applications and the City assume responsibility for the administration of this process. The cost associated with the public process and any administrative costs would be born by the applicant. Staff has prepared an amendment to the Development Application Fees Bylaw which sets out requirements for public process. Should Council approve the public consultation process this amendment should be given first , second and third reading.

OPTIONS

1. For each application (new or amended) the City opt out of the process and have the Province deal with public input portion. A resolution of Council is required to opt out of each individual application or of all applications. Council's comments would be sent to the Province for their consideration.
2. For each application (new or amended), City reviews each one individually; collects the views of the public based on the proposed public process outlined in this report. A resolution of Council with the public information be sent to the Province.

As the Province has the final say in the hours of operation it is imperative the City become involved in this process. Staff are recommending **OPTION 2**. It is important that the citizens that would be affected be

consulted when dealing with new or amended Liquor Licenses. The results of the public process would form Council's resolution to the Province.

Financial Impact

The City will be faced with costs associated with the collection of public input. This can be born by the applicant through the amendment to the Development Application Fees Bylaw requiring the applicant to assume all costs associated with this process.

Conclusion

The procedures and policies in place will deal with the new Liquor legislation and address the following issues:

- Temporary Change to Liquor Licence Applications - One Time Only Request
- Zoning for Licensed Retail Stores and Neighbourhood Pubs
- Hours of Operation
- Procedures for Public Input Process

As the City gains experience on the type and frequency of requests ,a more streamlined approach to the review of the applications would be brought forward to Council for their consideration.



Anne Stevens
Manager, Customer Services
(4273)

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Regular Council Meeting

Tuesday, October 14th, 2003

RES NO. ITEM

15. APPLICATION FOR A LIQUOR PRIMARY LOUNGE LICENCE WITH AUDIENCE PARTICIPATION (KARAOKE) AT UNIT 130 – 8500 ALEXANDRA ROAD

(Report: September 26/03, File No.: 8275-05) (REDMS No. 1059488)

R03/18-14

It was moved and seconded

That the application by Top Century Development Ltd. to the Liquor Control and Licencing Branch for a Liquor Primary Lounge Licence with audience participation (Karaoke) be supported, and that the Liquor Control and Licencing Branch be advised that:

- (i) *the potential for noise if the application is approved has been reviewed and is not an issue;*
- (ii) *the impact on the community if the application is approved has been reviewed, and, as the premise is located in a commercial development with no immediate residential presence it is deemed an appropriate location that would create no impact;*
- (iii) *the establishment of a Liquor Primary Lounge with audience participation (Karaoke) would not be contrary to its primary use; and*
- (iv) *the views of residents is not an issue because the Lounge is located in a commercial development away from residential development, and therefore not affected.*

CARRIED

16. APPLICATION FOR AGRICULTURAL LAND RESERVE FOR NON-FARM USE AT 10320 NO. 5 ROAD - KABEL ATWALL

(Report: September 17/03, File No.: AG 02-221655) (REDMS No. 936309)

R03/18-15

It was moved and seconded

That authorization for Kabel Atwall to apply to the Agricultural Land Commission for Non-Farm Use at 10320 No. 5 Road be approved.

CARRIED



**Development Application Fees Bylaw No. 7276,
Amendment Bylaw No. 7677**

The Council of the City of Richmond enacts as follows:

1. Bylaw No. 7276 is amended by adding the following as subsection 1.9 and re-numbering the remaining sections accordingly:

1.9 Reviews of Applications for Liquor-Related Permits

1.9.1 Every **applicant** seeking approval from the **City** in connection with:

- (a) a licence to serve liquor under the *Liquor Control and Licensing Act and Regulations*; or
- (b) any of the following in relation to an existing licence to serve liquor:
 - (i) addition of a patio;
 - (ii) relocation of a licence;
 - (iii) change of hours; or
 - (iv) patron participation

must proceed in accordance with subsection 1.9.2.

1.9.2 Pursuant to an application under subsection 1.9.1, every **applicant** must:

- (a) pay an application fee of \$500;
- (b) post and maintain on the subject property a clearly visible sign which indicates the intent of the application; and
- (c) publish a notice in at least three consecutive editions of a newspaper that is distributed at least weekly in the area affected by the application.

1.9.3 The sign specified in clause (b) of subsection 1.9.2 must:

- (a) be at least 1.2 metres by 2.4 metres in size;
- (b) contain block lettering that is at least 5 cm high on a background of contrasting colour;
- (c) be located in a location which has been approved by the **City**;
- (d) be posted for at least 30 days following the first publication of the notice in the newspaper under clause (e) of subsection 1.9.1;
- (e) specify an expiry date for receipt of public input which is at least 30 days after:
 - (i) the date the sign is posted on the property; or
 - (ii) the date the notice is published in the newspaper,whichever is later; and
- (f) be in the form set out in Schedule A which is attached and forms a part of this bylaw.

1.9.4 The notice specified in clause (c) of subsection 1.9.2 must:

- (a) be at least 12 cm wide and 15 cm long in size;
- (b) specify an expiry date for receipt of public input which is at least 30 days after:
 - (i) the date the sign is posted on the property; or
 - (ii) the date the notice is published in the newspaper,whichever is later; and
- (c) be in the form set out in Schedule A.

2. Bylaw No. 7276 is amended by adding the following as Schedule A:

SCHEDULE A

**[NEW LIQUOR LICENCE APPLICATION] OR
[LIQUOR LICENCE AMENDMENT APPLICATION]**

Notice of Intent

Under the Liquor Control and Licensing Act

An application has been received by the Liquor Control and Licensing Branch, Victoria B.C. and by the City of Richmond from:

_____ *[Company name]* operating the
_____ *[Name of Establishment]* at
_____ *[Address of Establishment]*, Richmond, BC

The intent of the application is to _____

Residents, property owners and business owners may comment on this proposal by writing to:

THE CITY OF RICHMOND
PERMITS SECTION
LIQUOR LICENCE APPLICATIONS
6911 NO. 3 RD
RICHMOND, BC, V6Y 2C1

To ensure the consideration of your views, your letter must be received on or before *[expiry date]*. Your name and address must be included on your letter.

Please note that your comments may be made available to the applicant where disclosure is necessary to administer the licensing process.

- 3. This bylaw is cited as **“Development Application Fees Bylaw No. 7276, Amendment Bylaw No. 7677”**.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

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| CITY OF RICHMOND |
| APPROVED for content by originating dept. |
| APPROVED for legality by Solicitor |

MAYOR

CITY CLERK



**Richmond Zoning and Development Bylaw 5300
Amendment Bylaw 7576 (0107-10-01)**

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

Richmond Zoning and Development Bylaw 5300 is amended as follows:

1. Division 100: Scope and Definitions, Section 104 Definitions is amended by:
 - a) Replacing the last sentence in the definition of “Neighbourhood Public House” with:

“Neighbourhood Public House” includes Marine Pub but excludes **Licensee Retail Stores.**”
 - b) Adding the following definition of “Licensee Retail Store”:

“LICENSEE RETAIL STORE

“Licensee Retail Store” means a store, accessory to a **Neighbourhood Public House**, that sells liquor to the public and which is licensed under the Liquor Control and Licensing Act.”
2. Division 253: Neighbourhood Pub District (NHP) is amended by:
 - a) Replacing the statement of intent with:

“The intent of this zoning district is to provide for neighbourhood public houses and accessory licensee retail stores.”
 - b) Replacing Section 253.1 Permitted Uses with:

“253.1 PERMITTED USES

NEIGHBOURHOOD PUBLIC HOUSE;
LICENSEE RETAIL STORE, as an **accessory use;**
ACCESSORY USES, BUILDINGS & STRUCTURES.”

3. Inserting the following as Section 253(A):

“253(A) NEIGHBOURHOOD PUB DISTRICT 2 (NHP2)

The intent of this zoning district is to provide for neighbourhood public houses.

- 253(A).1 PERMITTED USES**
- NEIGHBOURHOOD PUBLIC HOUSE;
ACCESSORY USES, BUILDINGS & STRUCTURES.**
- 253(A).2 PERMITTED DENSITY**
- .01 **Maximum Floor Area Ratio:** 0.35
- 253(A).3 MAXIMUM LOT COVERAGE:** 35%
- 253(A).4 MINIMUM SETBACKS FROM PROPERTY LINES**
- .01 **Road Setbacks:** 6 m (19.685 ft.).
- .02 **Side & Rear Yards:** 3 m (9.843 ft.).
- 253(A).5 MAXIMUM HEIGHTS**
- .01 **Buildings:** 9 m (29.528 ft.).
- .02 **Structures:** 20 m (65.617 ft.).”
4. Division 400: Off-Street Parking and Loading is amended by replacing the current definition of “Neighbourhood Pub Use” in Section 407 Parking Spaces Required, with the following
- “NEIGHBOURHOOD PUBLIC HOUSE USE:**
- 25 spaces for each **Neighbourhood Public House;** plus
- 4 spaces for each 100 m² (1,076.43 ft²) of gross floor area of **Licensee Retail Store space.**”
5. The Zoning Map of the City of Richmond, which accompanies and forms part of Richmond Zoning and Development Bylaw 5300, is amended by repealing the existing zoning designation of the following area and by designating it **NEIGHBOURHOOD PUB DISTRICT 2 (NHP2).**
- P.I.D. 001-853-236 (8320 Alexandra Road)
Lot 47 Section 33 Block 5 North Range 6 West New Westminster District Plan 6979
6. This Bylaw may be cited as **“Richmond Zoning and Development Bylaw 5300, Amendment Bylaw 7576”.**

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED

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|--|
| CITY OF RICHMOND |
| APPROVED for content by originating dept. |
| HB |
| APPROVED for legality by Solicitor |

MAYOR

CITY CLERK