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**To:** Richmond City Council  
**From:** Mayor Malcolm D. Brodie  
Chair, General Purposes Committee  
**Date:** April 20<sup>th</sup>, 2005  
**File:** 12-8060-20-  
7929/2005-Vol 01  
**Re:** LICENCEE RETAIL STORES AND LIQUOR PRIMARY ESTABLISHMENTS

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The General Purposes Committee, at its meeting held on Monday, April 18<sup>th</sup>, 2005, considered the attached report, and recommends as follows:

**Committee Recommendation**

- (1) *That staff prepare a set of policies and guidelines for consideration by Council, which would deal with 'temporary' changes to existing liquor licences.*
- (2) *That Development Application Fees Bylaw No. 7276, Amendment Bylaw No. 7279, (as amended by Committee) which establishes the City's notification process for Liquor-Related licences, be introduced and given first, second and third readings.*
- (3) *That the following Policy on Food Primary Licence and Liquor Primary Licence – Hours of Operation (Attachment 2 to the report dated April 5th, 2005 from the Director of Development and the Manager, Customer Services), be adopted:*

*"It is Council policy that:*

1. *All applicants seeking approval to extend hours for a Liquor Primary Licence or a Food Primary Liquor Licence (new or amended) beyond 2:00 a.m. will not be recommended by the City.*
  2. *All applicants seeking approval to extend hours for Liquor Primary Licence with the exclusion of Neighbourhood Pubs or a Food Primary Liquor Licence (new or amended) up to and including 2:00 a.m. shall submit an application to the Licence Inspector, and such application will be processed in accordance with the procedure specified in Bylaw 7276.*
  3. *All Neighbourhood Pub applicants seeking approval for an extension of hours up to current permitted neighbourhood pub hours as outlined in Policy 9302 shall submit an application to the Licence Inspector and such application will be processed in accordance with the procedure specified in Bylaw 7276."*
- (4) *That staff bring forward amendments to Zoning and Development Bylaw No. 5300 to:*
    - (a) *amend Liquor Licence related definitions to ensure consistency with Provincial Liquor Control and Licensing Regulations;*
    - (b) *amend the applicable zoning districts to remove Licensee Retail Stores as an outright permitted use;*

- (c) *amend the “Downtown Commercial District (C7)” in order to limit Licensee Retail Stores to an accessory use to a Neighbourhood Public House; and*
- (d) *amend the “Comprehensive Development District (CD/157)” and the “Comprehensive Development District (CD/161)” in order to limit Licensee Retail Stores to an accessory use to a Neighbourhood Public House.*

(5) *That:*

- (a) *Policy No. 9300 – Liquor Licences (adopted July 9th, 1984), be rescinded;*
- (b) *the following Policy for Rezoning Applications Intended to Facilitate Provincially Licensed “Liquor Primary” Uses (Attachment 5 to the report dated April 5th, 2005 from the Director of Development and the Manager, Customer Services), be adopted:*

*“It is Council Policy that:*

1. *Liquor Primary License Applications – Appropriately Zoned Sites*

- (a) *In the case of a Liquor Primary License application for a property that is appropriately zoned to permit a Liquor Primary Use, the applicant will be so informed.*
- (b) *Should an application for a Liquor Primary Licence be submitted to the City on a site that permits a Liquor Primary Use, the application will be processed in accordance with the procedure specified in Section 1.9 of the Development Application Fees Bylaw.*

2. *Liquor Primary Use Applications – Site Rezoning Required*

- (a) *In the case of a Liquor Primary application for a property that is not appropriately zoned to permit a Liquor Primary Licence Use, the applicant will be so informed along with the Liquor Control and Licensing Branch.*
- (b) *Should the applicant wish to Rezone the property to permit a Liquor Primary Use, a rezoning application must be submitted to the Development Applications Department and all applicable application fees provided.*
- (c) *A rezoning application must, at the discretion of Council, be supported by a Neighbourhood Survey that is intended to collect public opinion on the proposed Liquor Primary use. The Neighbourhood Survey will be required to be conducted by an independent Market Research Company at the sole cost of the applicant. The Director of Development will confirm approval in writing the following:*
  - (i) *the minimum catchment area for the required Neighbourhood Survey;*
  - (ii) *the name of the Market Research Company approved to conduct the Survey;*
  - (iii) *the method used to conduct and compile the results of the Neighbourhood Survey; and*

- (iv) *the dates during which the Neighbourhood Survey must be conducted.*
- (d) *The results of the Neighbourhood Survey, together with any comments the Director of Development feels are appropriate, shall be presented to Council, through the appropriate standing committee, with a staff report including a recommendation either to support or deny the rezoning application.”; and*
- (c) *the following Policy for Licensee Retail Store (LRS) Rezoning Applications (Attachment 9 to the report dated April 5th, 2005 from the Director of Development and the Manager, Customer Services), be adopted:*

*“It is Council Policy that:*

*Rezoning applications intended to facilitate a stand-alone Licensee Retail Store (i.e. not an accessory use to a Neighbourhood Public House) will be considered under the following general guidelines and criteria:*

1. *The proliferation of stand-alone Licensee Retail Stores is generally discouraged;*
2. *Licensee Retail Store Rezoning Applications intended to facilitate the replacement of an existing BC Liquor Store, operated by the Liquor Control and Licensing Branch or an existing LRS, will be considered on a case-by-case basis;*
3. *Except as noted in Section 4 below, all proposals for relocation of an existing or new Licensee Retail Store within the City of Richmond must be supported by a neighbourhood survey that is intended to collect public opinion on the proposed new location of the Licensee Retail Store. The neighbourhood survey will be required to be conducted by an independent Market Research Company at the sole cost of the applicant. The Director of Development will confirm approval in writing the following:*
  - (i) *the minimum catchment area for the required neighbourhood survey;*
  - (ii) *the name of the market research company selected by the applicant to conduct the Survey;*
  - (iii) *the method used to conduct and compile the results of the neighbourhood survey; and*
  - (iv) *the dates during which the neighbourhood survey must be conducted.*
4. *Notwithstanding Section 3 above, proposals to replace an existing BC Liquor Store or existing LRS on the same site will not be required to conduct a neighbourhood survey.”*

- (6) *That staff prepare a policy on the appropriate locations in which to allow Licencee Retail Stores.*

Mayor Malcolm D. Brodie, Chair  
General Purposes Committee

Attach.

VARIANCE

Please note that staff recommended the following:

- (1) That Bylaw 7929 to amend the Development Application Fees Bylaw 7276, establishing the City's notification process for Liquor-Related licences be introduced and given first, second and third reading;
- (2) That a Policy on Food Primary Licence and Liquor Primary Licence – Hours of Operation be adopted;
- (3) That, (as per the report dated April 5<sup>th</sup>, 2005, from the Director of Development and the Manager, Customer Services):
  - a) the existing Policy 9300 – Liquor Licences be rescinded;
  - b) a new Policy for Rezoning Applications Intended to Facilitate Provincially Licensed “Liquor Primary” Uses be adopted; and
  - c) a new Policy for Licensee Retail Store (LRS) Rezoning Applications be adopted; and
- (4) That Council authorize staff to bring forward future amendments to the Zoning and Development Bylaw 5300 in order to:
  - a) amend Liquor Licence related definitions to ensure consistency with Provincial Liquor Control and Licensing Regulations;
  - b) amend the applicable zoning districts to remove Licensee Retail Stores as an outright permitted use;
  - c) amend the “Downtown Commercial District (C7)” in order to limit Licensee Retail Stores to an accessory use to a Neighbourhood Public House; and
  - d) amend the “Comprehensive Development District (CD/157)” and the “Comprehensive Development District (CD/161)” in order to limit Licensee Retail Stores to an accessory use to a Neighbourhood Public House.

## Staff Report

### Origin

At the July 5, 2004 General Purposes Committee Meeting, Council passed a resolution requesting that staff develop a policy regarding:

- A process for managing requests for extending the hours of operation for various establishments that serve liquor.

In addition, changes in the Province's Liquor License Regulations in 2002 has resulted in the need for new City policies, and modifications to existing policies and regulations, to reflect the new rules respecting the types of liquor establishments and the local government role in these approvals. As a result, staff are providing policy and bylaw recommendations regarding:

- Rezoning applications for a provincially licensed "liquor primary licence" use (i.e. neighbourhood pub, bar, lounge and nightclub); and
- Rezoning applications for stand-alone Licensee Retail Stores.

This report will address the above.

### Analysis

#### Background

##### *Provincial Liquor Licence Regulations:*

In late 2002 major changes to the province's Liquor Licence Regulations came into effect. The main implications of these regulation changes were:

- A reduction from seven (7) Liquor Licence categories and 19 licence classes to two (2) licence types:
  - "Food primary" licence (i.e. restaurants); and
  - "Liquor primary" licence (i.e. neighbourhood pubs, bars, lounges and nightclubs).

The current Provincial regulations make no distinction between a neighbourhood pub and a bar, lounge or nightclub. Any business where the primary business purpose is the serving of alcoholic beverage, hospitality or entertainment requires a "Liquor Primary" licence;

- The introduction of Licensee Retail Stores (LRS), which may retail any type of liquor expressly approved for sale by an agreement between the Liquor Distribution Branch and the Licensee. Prior to the legislation change, all LRS had to be attached to and associated with a neighbourhood pub. The regulation change removed the requirement for these stores to be attached to the associated pub, and allows for the retail sale of any type of alcoholic beverage. This change also enabled a potential proliferation of LRS, as pubs that did not have an existing LRS were able to apply to the Province for a new LRS licence.

**1. *Managing requests for extending hours of operation for various establishments that serve liquor.***

*Background:*

As part of the provincial liquor licensing process, local governments must provide written comment to the Liquor Control and Licensing Branch (LCLB). A Council resolution must be provided within 90 days of receiving the initial notice of application.

The Development Application Fees Bylaw 7276 was amended in early 2004, to introduce a process for gaining public input as part of a liquor licence application on an appropriately zoned site. Section 1.9 of the Development Application Fees Bylaw identifies procedures for every applicant seeking approval from the City in connection with:

- Any new application to serve liquor (Liquor Primary or Food Primary); or
- Any changes to an existing Liquor Licence due to a patio addition; licence relocation; change in operating hours; patron participation, increase in person capacity.

The current procedure, established in Bylaw 7276, requires applicants for all Liquor Licence applications to adhere to the following process for acquiring public input:

- A clearly visible sign, indicating the intent of the application, must be posted and maintained on the property for at least 30 days. The sign must also indicate the specified expiry date for the public input process;
- Publish a notice in three (3) consecutive editions of a newspaper that is distributed at least weekly in the area affected by the application; and
- Direct mail-out, from the City, sent to the residents (commercial and residential) within 50 m of the subject property.

All costs associated with the collection of information from the public are the responsibility of the applicant through payment of an application fee. All information from the public is provided directly to the City. The information received from the public is then summarized and forwarded to Council with a recommendation as part of the staff report on the proposed liquor licence application.

*Issues:*

The LCLB as part of the licensing process requires that a local government be consulted and provide comment on applicants requesting the following:

- Any extension of operating hours beyond 12:00 a.m. for a “Food Primary” licensed business; and
- Any change for a “Liquor Primary” licensed business.

Prior to the regulations changes in 2002, all requests for changes to operating hours for restaurants, bars or neighbourhood pubs were issued by LCLB without comment from the appropriate local government.

Upon review of the Development Applications Fees Bylaw 7276 amendments in the following areas were required:

- Definition of Liquor Primary Licence and Food Primary Licence
- the procedure dealing with a direct mail out from the City to residents (commercial and residential) within 100 metres of the subject property

- Temporary change to a Liquor Licence

*Challenges:*

Hours of Operation - Since the introduction of the new Provincial Liquor Licensing Regulations, which permits hours of operation until 4:00a.m. a number of establishments have requested extension of hours to 2:30 a.m.; 3:00 a.m.; 3:30 a.m., etc. As Council has expressed a strong concern regarding the extension of hours, it is necessary to establish operating hour policy for “Food Primary” and “Liquor Primary” establishments for Council consideration. The present hours for liquor sales regardless of the establishment being “Liquor Primary” or “Food Primary” range from 11:00 p.m. to 2:00 a.m. Research from the City of Vancouver shows that additional City costs and increased pressure on staff resources are associated with extended hours of liquor sales.

Bylaw 7276 Clarification - Bylaw 7276 does not clearly outline the City’s responsibility with respect to the mail outs to residents. Although the practice has been to mail out to residents within 50 metres of the proposed establishment, it was not clearly stated in the Bylaw. Staff are also recommending 100-metre radius to ensure more residents can comment on the proposed changes.

Temporary Changes to Liquor Licences - Over the years request have come to the City for temporary changes to a Liquor Licence. The province has asked the City to make comment on each temporary change by either showing objection to the temporary change request or showing no objection. The practice has been that staff has accepted the application and consulted with the RCMP and then signed off the application.

*Solution:*

Policy 9302 – “Neighbourhood Pubs – Hours of Operation” (**Attachment 1**), adopted on June 22, 1981, provides Council Direction on Neighbourhood Pub hours of operation. Staff recommends this Policy be retained, as the intent is still valid.

A 2:00 a.m. Limit

Staff also propose a Policy (**Attachment 2**) in order to establish parameters under which Council considers requests for new or amended hours of operation for Liquor Primary and Food Primary establishments. The proposed policy indicates that any application to permit operating hours beyond 2:00 a.m. for a “Liquor Primary” or “Food Primary” establishment is not recommended by the City.

Basic Public Consultation

Staff will process applications in accordance with Section 1.9 of the Development Application Fees Bylaw. Upon completion of the procedural requirements established in the Development Application Fees Bylaw, a Report to Council, including a staff recommendation, will be forwarded through the appropriate standing committee. A Council resolution on the proposed operating hours will then be forwarded to LCLB for a final decision on whether to issue a licence.

Possible Additional Public Consultation

Should Council deem that additional public consultation is required prior to providing a resolution on the proposed application, Council has the discretionary authority to require an applicant to conduct additional public consultation, such as a neighbourhood survey, prior to providing a resolution on the proposed application.

### The Casino – An Exception

The only exception to this policy restriction on operating hours is the RiverRock Casino Resort, as it has authority under the Gaming Control Act. The Casino's current hours of operation for liquor sales are seven days/week until 2:00 a.m.

A policy to formalize the public process for reviewing requests for liquor-related licence applications is not required as the procedures are established in Bylaw 7276.

### Bylaw 7276 - Public Notification Area Increase

Staff are, however, proposing an associated amendment to Bylaw 7276 to clarify the City notification process for all liquor-related applications and to increase the notification area for direct-mail out from the City from the current 50 m radius around the subject site to a 100 metre radius around the subject site. The increased notification area for direct mail-out from the City is proposed to ensure that an adequate opportunity for public consultation is provided. The increased notification area will not impose any additional financial costs to the City as all costs associated with the mail-out are borne by the applicant.

### Temporary Change to a Liquor Licence

Staff are proposing a change to Bylaw 7276 that would authorize the Licence Inspector to deal directly with each temporary change to liquor licences.

## **2. *Rezoning applications intended to facilitate a provincially licensed "Liquor Primary" use (i.e. neighbourhood pub, lounge, bars, lounges and nightclubs, etc.).***

### *Background:*

Attached for Council's information is a table outlining the status of all liquor licence related policies to date (**Attachment 3**).

### *The Challenge:*

- a. The existing Policy 9300 – "Liquor Licences" that deals with Council preclearance approvals is no longer applicable, given the 2002 changes to Provincial Licensing classifications, and should be rescinded (**Attachment 4**);
- b. Historically, Policy 9000 and Policy 9300 have provided information on neighbourhood pub rezoning applications and the associated liquor licence approval process. However, at this time, Council does not have a policy outlining a process to receive public input when a rezoning application is required to facilitate a Provincially Licensed "Liquor Primary" use (i.e. neighbourhood pubs, lounges, bars, etc.).

### *Solution:*

#### a. Sites Already Zoned to Permit a Liquor Primary

Staff recommend that Council rescind Policy 9300. It is noted that the current procedures require, that at the licensing stage, all liquor licence applications on sites already zoned to permit a "Liquor Primary" use must place three (3) ads in the local paper; post a sign for 30 days, and the City in turn sends letters to residents within 50 m of the establishments. A report comes to Council with all the findings. At that time, a recommendation is made to support the application or deny the application. This information is then sent to the LCLB for final decision on whether a Liquor Licence should be issued for the site.



b. Sites Not Zoned to Permit a Liquor Primary – Rezoning Required

Staff recommends that Council adopt a Policy to establish Procedures for Considering “Liquor Primary” Uses (i.e. neighbourhood pub, lounges, bars and nightclubs) on Appropriately Zoned Sites and Sites Requiring Rezoning. The proposed Policy is attached for Council consideration (**Attachment 5**). This Policy will replace Policy 9000, which was rescinded by Council as part of development application RZ 04-286494, and will address any rezoning application intended to facilitate a “Liquor Primary” use.

Provincial requirements allow a variety of options of collecting public input on any liquor application, including neighbourhood survey or referendum, Public Hearing process, specific public meetings, etc. In order to adequately address possible community concerns around the issue of Liquor Primary Uses, the proposed Policy requires a neighbourhood survey to ensure appropriate public input is provided at the Rezoning stage. The neighbourhood survey requirement would be in addition to the statutory Public Hearing required as a condition of the Rezoning Bylaw.

3. ***Rezoning applications intended to facilitate stand-alone Licensee Retail Stores.***

*Background:*

Amendments to Zoning and Development Bylaw No. 5300 (Bylaws 7576 & 7688) were adopted in early 2004, to bring the Zoning Bylaw into conformance with the Provincial regulations and to regulate the location of LRS. These amendments included:

- Introducing a definition for LRS and specifically excluding LRS from the Retail Trade definition, thereby, restricting these establishments to only those zoning districts that have LRS as a permitted use;
- Establishing off-street parking requirements for a LRS; and
- Identifying appropriate zoning districts for LRS as a permitted use. Initially, LRS was restricted to an accessory use in the Neighbourhood Public House District (NHP). Subsequently, the Zoning Bylaw was amended to introduce LRS as a permitted use in a number of higher order commercial districts (Steveston Commercial (2-Storey) District (C4), Steveston Commercial (3-Storey) District (C5), Automobile-Oriented Commercial District (C6) and Downtown Commercial District (C7). The current Zoning Bylaw definition of LRS, however, restricts the use to only those sites where a LRS is an accessory to a Neighbourhood Public House. The C4, C5 and C6 Districts do not permit a Neighbourhood Public House; therefore, LRS is currently not permitted in these zoning districts by definition. This discrepancy appears to have been a staff oversight.

*Issue:*

Council does not have a policy on how to deal with rezoning applications intended to facilitate a stand-alone LRS, although, notwithstanding the above noted discrepancy, Council has previously endorsed the idea of stand-alone LRS in a number of higher order commercial districts (C4, C5, C6 and C7) through the adoption of Bylaw 7688 on April 19, 2004.

Currently, only two stand-alone LRS exists in the City (Legends Pub Liquor Store – 3671 Westminster Highway, zoned CD/65, Lansdowne Mall, zoned C6). These stand-alone

LRS are a non-conforming use as the applicant applied for a Business Licence prior to the Zoning Bylaw amendment, which defined LRS and excluded the use from the definition of Retail Trade (Bylaw 7576, adopted on April 19, 2004).

The other LRS in operation are accessory to neighbourhood pubs or other “Liquor Primary” licensed businesses (i.e. bars and lounges) and were all established prior to the April 19, 2004 Zoning Bylaw Amendment, making these stores non-conforming uses. A list of all the existing LRS in the City is provided for reference (**Attachment 6**).

The Report to Council that accompanied Bylaw 7688 also identified that the majority of existing Provincially operated BC Liquor Stores are located in the “Community Commercial District (C3)” and suggested Council consider LRS rezoning applications intended to facilitate the replacement of a Provincially operated Liquor Store, on a case-by-case basis.

*The Challenge:*

The provincial liquor licence regulations enable any operator of a provincially licensed liquor primary use to submit an application to the LCLB for a Licensee Retail Store. The current LCLB regulations do, however, indicate that LRS applications will not be approved if the subject site is within 0.5 km of an existing LRS, unless otherwise approved by the LCLB General Manager.

Staff have received two (2) rezoning applications to permit a stand-alone LRS:

- RZ 04-286382 (8040 Garden City Road) – The application is for a stand-alone LRS as a replacement for a BC Liquor Store, in a commercial site zoned Community Commercial District (C3), which is scheduled to cease operation this year; and
- RZ 04-287605 (4121 No. 5 Road) – The application is for a stand-alone LRS in a commercial site zoned C3. The applicant has recently withdrawn this application.

Staff are also in receipt of two (2) rezoning applications to permit a LRS accessory to a Neighbourhood Pub:

- RZ 04-286494 (Sandhill Holdings Ltd./JAB Enterprises Ltd. - 12000 Steveston Highway) – The rezoning bylaw received third reading, subsequent to a Public Hearing held on February 21, 2005; and
- RZ 05-293222 (6031 Blundell Road) – The application is for an accessory LRS to the Pumphouse Pub. The rezoning to a Neighbourhood Pub District is required as the site is currently zoned Land Use Contract (LUC 128).

The LCLB website indicates that approximately ten (10) new or relocation LRS licence applications are proposed within the City (**Attachment 7**). Furthermore, the current LCLB moratorium on LRS applications could be removed, which could result in other new LRS applications in the City. The majority of these applications would require a rezoning application under the following proposed approach, thereby providing an opportunity to gain public input on the proposed LRS.

*Solution:*

The Provincial requirement for LRS to be operated in association with (but not attached to) a “Liquor Primary” licensed establishment, with no public consultation process required for appropriately zoned sites could possibly lead to a proliferation of LRS within the City. Staff recommend that Council restrict the LRS use to being an accessory to a Neighbourhood Public House and that LRS use be removed from the C4, C5 and C6 Districts as an outright permitted use.

Under this approach, all new stand-alone LRS applications would require a rezoning application, which provides an opportunity for public input on the proposed use. A survey of other local government jurisdictions in the GVRD has revealed that similar approaches are utilized to regulate LRS as most jurisdictions restrict LRS to an accessory use (i.e. adjacent to a “Liquor Primary”) or require new LRS applications to proceed through a rezoning or public consultation process (**Attachment 8**).

A Policy for Licensee Retail Store (LRS) Rezoning Applications is proposed for Council consideration (**Attachment 9**). The proposed Policy:

- Identifies guidelines under which Council would consider stand-alone LRS rezoning applications on a case-by-case basis, in keeping with previous Council decisions
- Provides direction for acquiring additional public input, through a neighbourhood survey, for LRS relocation applications within the City or new LRS applications (with the exception of proposals to replace existing BC Liquor Stores or a private LRS on the same site); and
- An additional requirement for an economic market and impact analysis for new LRS applications.

If adopted, this policy will enable Council, staff and applicants’ clarity regarding the guidelines under which stand-alone LRS rezoning applications will be considered along with identifying the requirements for obtaining public input on certain rezoning applications. A subsequent report to Council with appropriate Zoning Bylaw amendments would be required to fully implement this policy approach.

Zoning Bylaw Amendments

The final consideration for this report are amendments to the Zoning Bylaw 5300 to ensure that the various definitions and districts are updated based on new provincial regulations, and are in line with the proposed policies. The information below provides brief explanation of the required Zoning Bylaw amendments, which are necessary to update the City’s bylaw in accordance with provincial requirements and proposed City policies.

*Definitions:*

Zoning Bylaw definition amendments are required to bring City liquor licence related definitions into conformance with provincial liquor licence regulations, to potentially permit stand-alone LRS and to ensure that related definitions are concurrently amended.

*Zoning Districts:*

LRS is currently a permitted use in the NHP district along with a number of higher order commercial districts (C4, C5, C6 and C7). The prescribed policy approach provides Council with an ability to regulate the location of new stand-alone LRS by requiring such applications to submit a rezoning application. This approach necessitates the removal of LRS as an outright permitted use in the C4, C5 C6 districts, along with making LRS an accessory use to a Neighbourhood Pub in the C7 district.

Two (2) Comprehensive Development Districts have LRS as a permitted use, as well as permit a Neighbourhood Pub:

- CD/157, adopted on December 20, 2004, for the rezoning of the 2010 Olympic Speed Skating Oval Precinct (RZ 04-279499); and
- CD/161, currently at Third Reading, for the rezoning of 11000, 11020, 11040, 11080 and 11100 No. 5 Road and 12000 Steveston Highway (RZ 04-286494).

The intent of these Comprehensive Development Districts was not to have a stand-alone LRS, but that it be an accessory use to a neighbourhood pub, as these CD Districts were drafted based on the current definitions, which prohibit an LRS unless it is an accessory use to a Neighbourhood Pub. Therefore, should the definition of LRS be amended to enable stand-alone LRS, these Comprehensive Development Districts would be permitted to have a stand-alone LRS, unless they are also concurrently amended to make LRS an accessory use to a neighbourhood pub.

Therefore, should Council endorse the proposed approach, it is recommended that these Comprehensive Development Districts be concurrently amended to limit LRS as an accessory use to a neighbourhood pub, in keeping with the current LRS definition requires.

Preliminary Consultation with Industry

Staff met with representatives for various pub owners/operators on March 31, 2005 to discuss the above referenced information related to hours of operation, public consultation for liquor license and liquor primary rezoning applications and LRS regulations. A number of issues and concerns from the industry were identified including:

- The need for increased public consultation for all rezoning applications intended to facilitate Liquor Primary Establishments;
- The need for increased public consultation and notification as part of the liquor licence approval process;
- The potential proliferation of LRS throughout the City, especially the introduction of new LRS operated by Liquor Primary Establishments located outside the City; and
- The need for increased enforcement of Liquor Licence regulations.

There was generally positive feedback on the specific policy and bylaw changes proposed for hours of operation and public consultation (including the requirement for neighbourhood surveys where a site rezoning is required). The proposed LRS restrictions and subsequent approval processes required for new stand-alone LRS rezoning requests was also generally well received.

While not all issues were resolved at this meeting, there was a positive recognition to work with the pub owners/operators to ensure that an effective and efficient policy and regulatory framework was available within the City.

### Financial Impact

None.

### Conclusion

Provincial changes to liquor licence regulations in 2002 have necessitated a comprehensive review of City policies and regulations related to liquor service uses. Staff have conducted a review of existing processes for rezoning applications associated with liquor service and sales along with the approval processes for all liquor-related permits. As a result of this review, staff recommend that Council:

1. Adopt amendments to the Development Application Fees Bylaw 7276 to clarify the City notification process for Liquor-Related applications;
2. Adopt a policy under which Council will consider applications for new or amended operating hours for "Food Primary" and "Liquor Primary" establishments (**Attachment 2**);
3. Rescind Policy 9300 – "Liquor Licences" as the Policy is no longer consistent with Provincial regulations and the public consultation process obtaining public input on Liquor Licence applications is already included in Bylaw 7276;
4. Adopt two (2) new City policies (**Attachment 5 and 9**) and to provide direction on:
  - a. Administrative procedures and public consultation requirements for new Liquor Primary Uses on sites requiring rezoning; and sites which have the appropriate zoning in place
  - b. Administrative procedures and public consultation requirements for Licensee Retail Store (LRS) proposals; and
5. Authorize staff to bring forward amendments to the Zoning and Development Bylaw in order to implement the proposed policy approach for regulating Liquor Primary and Licensee Retail Stores (LRS) uses as outlined in this report.

  
for Wayne Craig  
Program Coordinator-Development  
(4625)

WC: blg

**City of Richmond****Policy Manual**

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Adopted by Council: June 22/81

**POLICY 9302**

File Ref: 8275-00

**NEIGHBOURHOOD PUBS – HOURS OF OPERATION****POLICY 9302:**

It is Council policy that:

Pub closing hours in Richmond are midnight, with the exception of Friday and Saturday nights, when they may remain open one hour longer (i.e., 1 a.m. Saturday and 1 a.m. Sunday).

(Planning Department)



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Adopted by Council:

Policy

File Ref:

Liquor Primary Licence and Food Primary Liquor Licence - Hours of Operation

**Policy:**

1. All applicants seeking approval to extend hours for a Liquor Primary Licence or a Food Primary Liquor Licence (new or amended) beyond 2:00 a.m. will not be recommended by the City.
2. All applicants seeking approval to extend hours for Liquor Primary Licence with the exclusion of Neighbourhood Pubs or a Food Primary Liquor Licence (new or amended) up to and including 2:00 a.m. shall submit an application to the Licence Inspector, and such application will be processed in accordance with the procedure specified in Bylaw 7276.
3. All Neighbourhood Pub applicants seeking approval for an extension of hours up to current permitted neighbourhood pub hours as outlined in Policy 9302 shall submit an application to the Licence Inspector and such application will be processed in accordance with the procedure specified in Bylaw 7276.

### Attachment 3

Table 1 - Council Liquor Licence Policies to Date

Policy No.	Date Adopted	Purpose	Status to Date
Policy 9000 - Neighbourhood Public House Applications – Process When Rezoning Required”	July 7, 1992	Outlined a process when rezoning of a site was required to permit a neighbourhood pub use, including the provision to carry out a neighbourhood opinion survey using a market research company.	Rescinded January 24,2005 Policy rescinded as part of RZ 04-286494 as it was not consistent with current Provincial Liquor Licence classifications and the public consultation process outlined in the Policy was considered redundant. A rezoning bylaw requires a statutory Public Hearing to gain public input. In addition, the public consultation process for Liquor Licence Applications outlined in the Development Application Fees Bylaw 7276 provided a further opportunity to gain public input on the Provincial Liquor Licence application. A Provincial “Liquor Primary” Licence is required to operate a neighbourhood pub.
Policy 9300 – “Liquor Licences”	July 9, 1984,	Provides information on the Provincial Liquor Control and Licensing Branch (LCLB) requirement for Council to give pre-clearance, by resolution, for the issuance of a Liquor Licence.	Recommend rescinding as Bylaw 7276 and amendment Bylaw 7929 establish procedures for all Liquor Permit related applications on appropriately zoned sites.
Policy 9301 – “Neighbourhood Pubs”	June 13, 1977	Outlined legislative criteria, location criteria and an administrative procedure for the review of neighbourhood pubs.	Rescinded January 24,2005 Council rescinded this Policy as part of development application RZ 04-286494 as it was no longer consistent with Provincial Liquor Licence classifications and the Policy was generally out of date. In addition, all rezoning applications review various site-specific conditions and all rezoning bylaws require a Public Hearing.
Policy 9302 – “Neighbourhood Pubs – Hours of Operation	June 22,1981	Neighbourhood Pub hours of operation.	The intent of this Policy is still valid and should be retained.





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Adopted by Council: July 9/84

**POLICY 9300**

File Ref: 8275-00

**LIQUOR LICENCES**

*(PROPOSED TO BE RESCINDED)*

**POLICY 9300:**

It is Council policy that:

As a result of the Provincial Liquor Control and Licencing Branch's (LCLB) requirement for Council to give pre-clearance, by resolution, for the issuance of a Class "A" or "D" Licence to an applicant before LCLB approval, the following process will apply:

1. In the case of an application for a property which is correctly zoned and meets all other requirements, Permits & Licences Department will report to Planning and Development Services Committee recommending that Council pass the desired resolution and have it forwarded to the LCLB.
2. In the case of an application for a property which is not appropriately zoned, the applicant will be so informed, and no other action will be taken.
3. In the case of an application for rezoning to a classification which permits the serving of liquor, i.e., Neighbourhood Public House District, the Planning Department will report to Planning and Development Services Committee recommending (or not recommending) that Council pass the desired resolution and have it forwarded to the LCLB for pre-clearance purposes. If pre-clearance is subsequently granted, the Permits & Licences Department will be prepared to accept a rezoning application from the applicant.

(Permits & Licences Department)



**Policy :**

**It is Council policy that**

1. Liquor Primary License Applications – Appropriately Zoned Sites

- a) In the case of a Liquor Primary License application for a property that is appropriately zoned to permit a Liquor Primary Use, the applicant will be so informed.
- b) Should an application for a Liquor Primary Licence be submitted to the City on a site that permits a Liquor Primary Use, the application will be processed in accordance with the procedure specified in Section 1.9 of the Development Application Fees Bylaw.

2. Liquor Primary Use Applications – Site Rezoning Required

- a) In the case of a Liquor Primary application for a property that is not appropriately zoned to permit a Liquor Primary Licence Use, the applicant will be so informed along with the Liquor Control and Licensing Branch.
- b) Should the applicant wish to Rezone the property to permit a Liquor Primary Use, a rezoning application must be submitted to the Development Applications Department and all applicable application fees provided.
- c) A rezoning application must, at the discretion of Council, be supported by a Neighbourhood Survey that is intended to collect public opinion on the proposed Liquor Primary use. The Neighbourhood Survey will be required to be conducted by an independent Market Research Company at the sole cost of the applicant. The Director of Development will confirm approval in writing the following:
  - i. the minimum catchment area for the required Neighbourhood Survey;
  - ii. the name of the Market Research Company approved to conduct the Survey;
  - iii. the method used to conduct and compile the results of the Neighbourhood Survey; and
  - iv. the dates during which the Neighbourhood Survey must be conducted.
- d) The results of the Neighbourhood Survey, together with any comments the Director of Development feels are appropriate, shall be presented to Council, through the appropriate standing committee, with a staff report including a recommendation either to support or deny the rezoning application.

List of Existing Licensee Retail Stores in the City

Name	Address	Provincial LRS Application Status	Zoning	Date Business Licence Issued	Notes
Tugboat Annie's	#100 - 6911 Graybar Road	Licensed	LUC 127	06/30/1989	Accessory to Pub
Legends LRS	#105-110 3671 Westminster Highway	Licensed	CD/65	02/22/2003	Stand-alone Non-conforming
Comfort Inn - Airport	3031 NO. 3 Road	Licensed	CD/85	02/24/1993	Accessory to "Liquor Primary"
Steveston Hotel	12111 3rd Ave	Licensed	C-4	01/08/1990	Accessory to "Liquor Primary"
Kimberly Lounge	8368 Alexandra Road	Licensed	C-6	08/18/2003	
Garage Sports Bar & Grill	1180 - 8260 Westminster Highway	Licensed	C-7	11/24/2003	Accessory to Pub
Executive Cold Beer & Wine	7211 Westminster Highway	Licensed	C-7	09/19/2003	Accessory to "Liquor Primary"
Richmond Inn	7551 Westminster Highway	Licensed	C-7	06/17/1991	Accessory to "Liquor Primary"
Sub Zero	8220 Lansdowne Road	Licensed	C-7	02/13/2004	Accessory to Pub
Pioneers Pub	#200 - 10111 No. 3 Road	Licensed	NHP	12/09/1986	Accessory to Pub
O'Hare's Pub	5031 Steveston Highway	Licensed	NHP	09/22/2003	Accessory to Pub
Kingswood Arms	#9 - 9371 No. 5 Road	Licensed	NHP	06/04/2003	Accessory to Pub
JP Malone's	9031 Blundell Road	Licensed	NHP	04/17/1991	Accessory to Pub
Big Box Depot	5300 No. 3 Road	Licensed	C-6	03/22/2003	Stand-alone Non-conforming

List of Licensee Retail Stores with Pending Provincial Licence Applications

<b>Address</b>	<b>Provincial LRS Application Status</b>	<b>Zoning</b>	<b>Notes</b>
12000 Steveston Highway	Relocation Application	C-1	RZ application at 3 <sup>rd</sup> reading (04-286494)
#400 - 9100 Blundell Road	Relocation Application	C-3	RZ application pending (04-286382)
4121 No. 5 Road	Relocation Application	C-3	RZ application pending (04-287605)
6031 Blundell Road	Licence Application	LUC 128	RZ application pending (05-293222)
10720 Cambie Road	Licence Application	C-6	Rezoning required under proposed policy approach
3233 St. Edwards Drive	Licence Application	C-6	Rezoning required under proposed policy approach
3800 Bayview Street	Licence Application	C-4	Rezoning required under proposed policy approach
7100 Elmbridge Way	Licence Application	C-7	Rezoning required under proposed policy approach
8811 River Road	Licence Application	MA-2	Rezoning required under proposed policy approach

## Key Features of Licensee Retail Store Policies - A Survey of GVRD Local Governments

City	Zoning Regulation	Store Type / Size Limits	Special requirements	Notification / Other
Vancouver	Permitted Conditional use in Zoning By-law	2 types of stores Type 1: 280m <sup>2</sup> (3000 sq.ft.) or less in size, sells beer and wine Type 2: over 280m <sup>2</sup> in size, sells any alcohol product	Type 1 stores: max. of 1 per significant Local Shopping Area that has no liquor store of any type; in Downtown and Central Broadway, stores to be a min. of 500m from Type 1 or Type 2 liquor store; Type 2 stores: can only replace existing Type 2 stores, within same Local Shopping or general commercial area	Neighbourhood notification in place - letters sent to property owners within about 150m of proposal
New Westminster	Permitted use in Zoning By-law	Max. size of 2000 sq.ft. (excluding refrigerated space)	Must be adjacent to the Liquor Primary establishment	No neighbourhood notification
Delta	Permitted use in Zoning By-law	Max. size of 2000 sq.ft. of retail sales area (excluding refrigerated area, office, storage)	Must be adjacent to the Liquor Primary establishment OR must be located in community shopping centres or hotels, or can be freestanding but adjacent to community shopping centre or hotel, within 200m of 56 <sup>th</sup> Street, Scott Road or Ladner Trunk Road	No neighbourhood notification
Surrey	Permitted use in Zoning By-law	No size limits	Private liquor store must be adjacent to the Liquor Primary establishment	No neighbourhood notification Will study locational criteria in 2005

City	Zoning Regulation	Store Type / Size Limits	Special requirements	Notification / Other
Coquitlam	Permitted use in Zoning By-law;	Separate definitions for liquor store and accessory liquor store; Accessory liquor store max. size is 186m <sup>2</sup> (2000 sq.ft.)	Accessory liquor store must be adjacent to a neighbourhood pub;  Liquor store and accessory liquor store must be a minimum distance of 300m from another liquor store or accessory liquor store, and from a school, church or park	Neighbourhood notification within 35m radius when a variance is sought
District of North Vancouver	Liquor store is included in the list of "Uses Prohibited in all Zones" which provides for a blanket prohibition and several exceptions (see next 2 columns);  Liquor stores can seek rezoning	Maximum size of 165m <sup>2</sup> (1800 sq.ft.)	Liquor store can locate in Shopping Centre zone if certain criteria are met (minimum lot size, 1 liquor store/lot)  Liquor store can be adjacent to neighbourhood pub as an accessory use, to a maximum size of 25% of the pub size	Neighbourhood notification process in place (350m radius)
Burnaby	Rezoning required for a new liquor store	No store size limit	Guidelines provide for "reasonable separation" from churches, schools, residences; "reasonable distribution" of liquor stores to avoid concentration	Neighbourhood notification (30m radius) as part of Public Hearing
Port Coquitlam	Rezoning required for a new liquor store (including size details so that expansion would require Council approval)	No store size limit	No guidelines	Neighbourhood notification (120m radius) as part of Public Hearing
City of North Vancouver	Rezoning required for a new liquor store	Max. size of 2000 sq.ft. of retail or wholesale area (storage and office areas not limited in size)	No guidelines	Neighbourhood notification (40m radius) as part of Public Hearing



Page 1 of 1	Adopted by Council: xx / xx / 2005	Policy 2005
File Ref:	Licensee Retail Store (LRS) Rezoning Applications	

**Policy 2005:**

It is Council policy that:

Rezoning applications intended to facilitate a stand-alone Licensee Retail Store (i.e. not an accessory use to a Neighbourhood Public House) will be considered under the following general guidelines and criteria:

1. The proliferation of stand-alone Licensee Retail Stores is generally discouraged;
2. Licensee Retail Store Rezoning Applications intended to facilitate the replacement of an existing BC Liquor Store, operated by the Liquor Control and Licensing Branch or an existing LRS, will be considered on a case-by-case basis;
3. Except as noted in Section 4 below, all proposals for relocation of an existing or new Licensee Retail Store within the City of Richmond must be supported by a neighbourhood survey that is intended to collect public opinion on the proposed new location of the Licensee Retail Store. The neighbourhood survey will be required to be conducted by an independent Market Research Company at the sole cost of the applicant. The Director of Development will confirm approval in writing the following:
  - i. the minimum catchment area for the required neighbourhood survey;
  - ii. the name of the market research company selected by the applicant to conduct the Survey;
  - iii. the method used to conduct and compile the results of the neighbourhood survey; and
  - iv. the dates during which the neighbourhood survey must be conducted.
4. Notwithstanding Section 3 above, proposals to replace an existing BC Liquor Store or existing LRS on the same site will not be required to conduct a neighbourhood survey.



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**Development Application Fees Bylaw No. 7276  
Amendment Bylaw No. 7929**

The Council of the City of Richmond enacts as follows:

1. Bylaw 7276 is amended by deleting the existing subsection 1.9.1 and by substituting the following:

1.9.1 Every **applicant** seeking approval from the **City**, for

- (a) a Liquor Licence or
- (b) an amendment to an existing Liquor Licence for,
  - (i) the addition of a patio
  - (ii) the relocation of a licence
  - (iii) an extension of hours; or
  - (iv) audience participation
  - (v) an increase in person capacity

must proceed in accordance with subsection 1.9.2

2. Bylaw 7276 is amended:

- (a) by adding the following definition to Section 2.1:

**Liquor Licence** means a liquor primary licence; liquor primary club licence or a food primary licence as set out in the *Liquor Control and Licensing Act*; and

- (b) by adding the following as subsection 1.9.5:

1.9.5 The City must mail or otherwise deliver, after the first publication of the notice in the newspaper under clause (c) of subsection 1.9.4, written notice of the proposed application, to:

- (a) the **applicant**; and
- (b) the owners of all real property:
  - (i) which is the subject of the proposed application; and



(ii) which is within 100 metres of the proposed application, and

the notice must

- (a) identify by civic address which is the subject of the proposed application;
- (b) state the intent of the proposed application; and
- (c) state the place at which and the times during which a copy of the proposed application may be inspected.

3. This Bylaw is cited as “Development Application Fees Bylaw No. 7276 Amendment Bylaw No. 7929”.

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