



City of Richmond

Report to Committee

To: General Purposes Committee
From: Holger Burke
Acting Director of Development

Anne Stevens
Manager, Customer Services

Date: June 7, 2005
File: 08-4000-01/2005-Vol 01

Re: Guidelines for Managing Requests for Temporary Changes to Existing Liquor Licences, Free-Standing Licensee Retail Store Rezoning Applications and Liquor Primary Licensed Establishment Rezoning Applications

Staff Recommendation

1. That, as per the report dated May 25, 2005, from the Acting Director of Development and the Manager, Customer Services, Council adopt new policies for the following:
 - a) Temporary Changes to Liquor Licences - Short Term Requests by Licence Holders;
 - b) Guidelines for Free-Standing Licensee Retail Store (LRS) Rezoning Applications; and
 - c) Guidelines for Liquor Primary Licensed Establishment Rezoning Applications.

Holger Burke
Acting Director of Development

Anne Stevens
Manager, Customer Services

Att.

| FOR ORIGINATING DIVISION USE ONLY | | | | | |
|-----------------------------------|---------------------------------------|----------------------------|---------------------------------------|--------------------------|--------------------------|
| ROUTED TO: | CONCURRENCE | | CONCURRENCE OF GENERAL MANAGER | | |
| Business Licences | Y <input checked="" type="checkbox"/> | N <input type="checkbox"/> | | | |
| REVIEWED BY TAG | YES | NO | REVIEWED BY CAO | YES | NO |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> | <input type="checkbox"/> |

Staff Report

Origin

At the Regular Council Meeting held on April 25, 2005, Council considered a Staff Report providing information and policy recommendations on a variety of liquor sales and service issues. Included in this staff report were recommendations on Licensee Retail Stores (i.e. private liquor stores), Liquor Primary Licensed Establishments and requests for Temporary Changes to existing Liquor Licences. After considering the Staff Report, Council passed the following resolutions:

- *“That staff prepare a set of policies and guidelines for consideration by Council which would deal with ‘temporary’ changes to existing liquor licences”*; and
- *“That staff prepare a policy on appropriate locations in which to allow Licensee Retail Stores and Liquor Primary Establishments where a rezoning is required”*.

This report responds to Council’s request for the above referenced policies.

Analysis

1. Managing requests for temporary changes to existing liquor licences.

Issues:

The Liquor Control and Licensing Branch (LCLB) occasionally receives requests from Liquor Licence holders for a temporary change to their existing Liquor Licence. The LCLB has historically requested that the City provide a comment on each temporary change as part of the LCLB approval process. Past practice was that staff reviewed each temporary liquor licence change request in consultation with the RCMP and then provided a comment on the application directly to the LCLB.

Staff, as part of the report considered by Council on April 25, 2005, proposed an amendment to the Development Application Fees Bylaw No. 7276 in order to authorize the City Licence Inspector to deal directly with each request for a temporary change to an existing liquor licence. Council expressed concerns regarding this delegation of authority and requested that staff prepare a policy establishing procedures and guidelines for managing requests for temporary changes to existing liquor licences, and clarify the conditions under which staff could deal with temporary changes to liquor licences without Council approval.

Solution:

A Policy establishing procedures for managing requests for temporary changes to existing liquor licences is provided for Council consideration (**Attachment 1**).

The proposed policy includes:

- i. Guidelines under which the City Licence Inspector is delegated the authority to provide comments directly to LCLB. The proposed Policy would enable the City Licence Inspector to provide comments directly to LCLB for temporary changes to Liquor Licences without Council approval in the following cases:

- a. Requests for a temporary change involving a maximum of three (3) consecutive days; and
 - b. A maximum of two (2) requests for a temporary change for any applicant in a 12 month period.
- ii. A procedure to advise Council by memorandum when the City Licence Inspector provides comments directly to LCLB without Council approval; and
 - iii. A procedure for gaining a Council resolution on requests for temporary changes to existing liquor licences that do not meet the criteria for consideration by the City Licence Inspector.

2. Guidelines for Free-Standing Licensee Retail Store (LRS) Rezoning Applications

Issues:

Council, on April 25, 2005, authorized staff to bring forward amendments to the Zoning and Development Bylaw No. 5300 in order to:

- i. Ensure that liquor licence related definitions are consistent with Provincial Liquor Control and Licensing Regulations; and
- ii. To require all new Licensee Retail Stores to be accessory to a neighbourhood pub unless otherwise approved through a rezoning application, thus enabling Council to take a proactive approach to influencing the location of future LRS in the City.

Proposed amendments to the Zoning Bylaw will be brought forward to Council for consideration separately in conjunction with a rezoning application for a free-standing LRS.

Council also requested that staff provide a Policy to establish locational and operational guidelines to be considered when a free-standing licensee retail store rezoning application is proposed.

Solution:

A Policy establishing guidelines for a free-standing licensee retail store rezoning applications is provided for Council consideration (**Attachment 2**).

The proposed Policy includes provisions regarding:

- i. Avoiding concentrating these uses in any certain area;
- ii. Ensuring that adequate on-site vehicle and pedestrian circulation, site planning and buffering is provided;
- iii. The preference to locate these uses in well established commercial areas. The proposed policy recommends that free-standing LRS be located in commercial areas having a gross floor area of at least 2,800 m² (30,150 ft²);

- iv. Information on the maximum gross floor area. To determine an acceptable maximum floor area staff reviewed LRS policies and regulations from other jurisdictions within the GVRD (**Attachment 3**), existing business licence data on LRS currently operating in the City and consulted the Liquor Distribution Branch (LDB). Business Licence records indicate the existing LRS in the City range in size from approximately 20 m² (215 ft²) to 300 m² (3,230 ft²); however, it should be noted that the majority of these stores are accessory to a liquor primary establishment. The LDB has indicated that BC Liquor Stores in the City typically range in size from approximately 510 m² (5,500 ft²) to 835 m² (9,000 ft²) with plans to create signature stores that are approximately 1,020 m² (11,000 ft²). The LDB has also indicated that generally 70% of the BC Liquor Store gross floor area is used for retail space. Staff propose that the maximum gross floor area be limited to 510 m² (5,500 ft²), unless the LRS is intended to replace an existing BC Liquor Store. This proposed maximum floor area would accommodate retail space and the associated office, warehouse and loading areas;
- v. Minimum reasonable separation from schools, parks, community centres, public buildings and other LRS or BC Liquor Stores. LCLB guidelines indicated a new LRS should be located a minimum of 500 m (1,640 ft.) from an existing LRS. The summary of LRS policies and regulations from other jurisdictions within the GVRD (**Attachment 3**) also indicates which jurisdictions use location guidelines for LRS applications. Staff recommend that Council establish a minimum 500 m (1,640 ft.) separation from schools, parks community centres, publicly owned buildings and other LRS or BC Liquor Stores. The only exception to this proposed minimum separation is where a rezoning is intended to facilitate the replacement of an existing BC Liquor Store or an existing LRS; and
- vi. The requirement to demonstrate an acceptable land use compatibility and appropriate integration strategy where a LRS is proposed adjacent to residential uses. Staff will review these factors as part of each rezoning process and advise Council how potential issues are being addressed.

3. Guidelines for Liquor Primary Licensed establishments Rezoning Applications

Issues:

Council, on April 25, 2005, also requested that staff provide a Policy to establish guidelines to be considered when a rezoning is required for a liquor primary licensed establishment (i.e. neighbourhood pub, bar, cabaret or lounge).

Solution:

A Policy establishing guidelines for a liquor primary licensed establishment rezoning applications is provided for Council consideration (**Attachment 4**).

The proposed Policy includes provisions regarding:

- i. Avoiding concentrating these uses in any certain area;
- ii. Ensuring adequate on-site vehicle and pedestrian circulation, site planning and buffering is provided;

- iii. Minimum reasonable separation from schools, parks, community centres, publicly owned buildings and other liquor primary licensed establishments. Staff recommend that Council establish a similar minimum separation as proposed in the LRS guidelines (i.e. 500 m - 1,640 ft.); and
- iv. The requirement to demonstrate an acceptable land use compatibility and appropriate integration strategy where a liquor primary use is proposed adjacent to residential uses. Staff will review these factors as part of each rezoning process and advise Council how potential issues are being addressed.

Financial Impact

None.

Conclusion

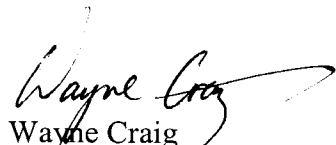
This report responds to Council's requests for a policy for:

1. Managing requests for temporary changes to existing liquor licence;
2. Locational and organizational guidelines for free-standing licensee retail store rezoning applications; and
3. Locational guidelines for liquor primary licensed establishment rezoning applications.

The proposed policy recommendations provide Council and the public with greater certainty with regards to the processing of these liquor sales and service related applications. In addition, the proposed guidelines for LRS and liquor primary licensed establishment rezoning applications provide a proactive approach to assessing the potential social and land use issues associated with these liquor sale and service uses. Should a rezoning application be advanced to Council, it would be assessed in terms of the proposal's ability to meet the Policy Guidelines with Council being advised accordingly of any inconsistencies.

Based on this report, staff recommend that Council adopt the attached policies for:

1. Temporary Changes to Liquor Licences - Short Term Requests by Licence Holders (**Attachment 1**);
2. Guidelines for Free-Standing Licensee Retail Store (LRS) Rezoning Applications (**Attachment 2**); and
3. Guidelines for Liquor Primary Licensed Establishment Rezoning Applications (**Attachment 4**).



Wayne Craig
Program Coordinator - Development
(4625)

WC:rg



Policy 2005:

It is Council Policy that:

1. Definitions:

- **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*
- **Licence Inspector** means the Chief Licencing Inspector for the City.

2. Licence Inspector Comments to the Province

- i. All Liquor Licence applicants requesting approval of a temporary change to their Liquor Licence shall apply to the City and pay the applicable fee.
- ii. The Licence Inspector is delegated the authority to submit comments to the Liquor Control and Licensing Branch for temporary changes to Liquor Licences to a maximum per applicant of:
 - a. three consecutive days
 - b. two applications in a twelve month period.
- iii. The Licence Inspector will provide a memo to Council members advising of the Licence Inspector's comments.

3. Council comments to the Province

- i. All Liquor Licence applicants requesting approval of greater than three consecutive days or submitting more than two applications in a twelve month period will have their application presented to Council.
- ii. Upon receipt of the completed application and payment of applicable fee, the Licence Inspector will prepare a report containing a recommendation to Council through the appropriate standing Committee.
- iii. After consideration of the report, any resolution of Council will be sent to the Liquor Control and Licensing Branch and the applicant will be provided with a copy the resolution.



Policy 2005:

It is Council policy that:

Definitions:

Free Standing Licensee Retail Store – means a retail store that sells alcoholic beverages to the public for off-site consumption and is licensed as a “Licensee Retail Store” under the regulations of the *Liquor Control and Licensing Act*. This does not refer to the Provincial Government liquor stores operated by the Liquor Distribution Branch.

The following criteria and factors are to be considered in making an assessment of a rezoning application to permit a free-standing Licensee Retail Store:

1. The need for a free-standing Licensee Retail Store is to be demonstrated.
2. Rezoning applications intended to facilitate a free-standing Licensee Retail Store (LRS) should demonstrate a community benefit and compatibility with nearby existing and planned uses.
3. A reasonable distribution of both British Columbia government operated liquor stores and Licensee Retail Stores that would allow these stores to sufficiently serve the City while avoiding a concentration of stores in any one area is to be achieved.
4. Unless a Licensee Retail Store rezoning is intended to facilitate the replacement of an existing BC Liquor Store or an existing Licensee Retail Store, new Licensee Retail Stores should avoid locations within 500 m (1,640 ft.) from the following uses:
 - a. Public and private schools, especially secondary schools;
 - b. Public parks, community centres and other publicly owned buildings; and
 - c. Other Licensee Retail Stores or BC government operated liquor stores.
5. A free-standing LRS should be located in neighbourhood shopping facilities (i.e. planned commercial developments which cater to the day-to-day needs of nearby residents) which have an aggregate floor area of at least 2,800 m² (30,150 sq. ft.).
6. A Licensee Retail Store should not be located directly adjacent to residential dwellings, unless where the proposal is able to demonstrate an acceptable land use compatibility and appropriate integration strategy.
7. The LRS should not exceed a gross floor area of 510 m² (5,500 sq. ft.), including refrigerated space, unless the LRS is intended to facilitate the replacement of an existing BC Liquor Store.
8. Potential traffic issues are to be addressed.



| | | |
|-------------|--|--------------------|
| Page 2 of 2 | Adopted by Council: xx / xx / 2005 | Policy 2005 |
| File Ref: | Guidelines for Free-Standing Licensee Retail Store (LRS) Rezoning Applications | |

9. Adequate vehicular, loading and pedestrian circulation, including the satisfaction of all off-street parking requirements are to be achieved.
10. Potential noise issues are to be addressed.

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 ² (3000 sq.ft.) or less in size, sells beer and wine Type 2: over 280m ² 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 Guidelines provide for 150m separation from family oriented uses such as schools, parks, churches, neighbourhood houses, community centres Must be adjacent to the Liquor Primary establishment 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 th Street, Scott Road or Ladner Trunk Road Private liquor store must be adjacent to the Liquor Primary establishment | Neighbourhood notification in place - letters sent to property owners within about 150m of proposal No neighbourhood notification No neighbourhood notification No neighbourhood notification Will study locational criteria in 2005 |
| New Westminster | Permitted use in Zoning By-law | Max. size of 2000 sq.ft. (excluding refrigerated space) | | |
| Delta | Permitted use in Zoning By-law | Max. size of 2000 sq.ft. of retail sales area (excluding refrigerated area, office, storage) | | |
| Surrey | Permitted use in Zoning By-law | No size limits | | |

| 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 ² (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 ² (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 (500 m); "reasonable distribution" of liquor stores to avoid concentration No guidelines | 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: | Guidelines for Liquor Primary Licensed Establishment Rezoning Applications | |

Policy 2005:

It is Council policy that:

Definitions:

Liquor Primary Licensed Establishment means an establishment that is primarily in the hospitality, entertainment or beverage service business. This may include establishments commonly known as bars, lounges, pubs, cabarets, etc. that are licensed under the regulations of the *Liquor Control and Licensing Act*.

The following criteria and factors are to be considered in making an assessment of a rezoning application to permit a Liquor Primary Licensed establishment:

1. A reasonable distribution of Liquor Primary Licensed establishments that would allow these businesses to sufficiently serve the City while avoiding a concentration of these uses in any one area is to be achieved.
2. Rezoning applications intended to establish Liquor Primary Licensed establishments are to demonstrate a community benefit and compatibility with nearby existing and planned uses.
3. Liquor Primary Licensed establishments should be located in commercial areas.
4. Liquor Primary Licensed establishments should avoid locations within 500 m (1,640 ft.) of the following uses:
 - a. Public and private schools;
 - b. Public parks, community centres and other publicly owned buildings; and
 - c. Other Liquor Primary Licensed establishments.
5. Liquor Primary Licensed establishments should generally not be entirely surrounded by residential dwellings. In the case where a Liquor Primary Licensed establishment is proposed directly adjacent to residential dwellings or as part of a mixed-use commercial/residential complex, the proposal will be assessed in terms of its compatibility with and the appropriate integration into the area.
6. The following requirements and concerns are to be met:
 - Adequate vehicle circulation
 - Loading/unloading
 - Pedestrian circulation
 - Off-street parking
 - Traffic and safety concerns
 - Noise concerns