



# City of Richmond

## Report to Committee

**To:** General Purposes Committee **Date:** September 14, 2017  
**From:** Carli Edwards, P.Eng.  
Acting Senior Manager, Community Safety,  
Policy & Programs and Licencing **File:** 12-8275-30-001/2017-  
Vol 01  
**Re:** **One-year Review of Council Policy related to Liquor Licence Applications**

### Staff Recommendation

That the staff report titled, "One-year Review of Council Policy related to Liquor Licence Applications", dated September 14, 2017, from the Acting Senior Manager, Community Safety, Policy & Programs and Licencing be received for information.

Carli Edwards, P.Eng.  
Acting Senior Manager, Community Safety, Policy & Programs and Licencing  
(604-276-4136)

Att. 2

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Law Development Applications Policy Planning	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS:  CS	APPROVED BY CAO 

## Staff Report

### Origin

On July 25, 2016 Council approved a new consolidated policy titled “Applications for Liquor Licences – New or Amended” (Attachment 1) as well as amendments to Richmond Zoning Bylaw 8500 to amend the definition of **Retail, general** and to add a new definition for **Wine store**. At that time, Council also recommended:

*That staff review the policies and bylaws and report back to Council after 12 months.*

### Findings of Fact

The consolidated policy titled “Applications for Liquor Licences – New or Amended” replaced and consolidated seven previous policies related to the City of Richmond’s role in liquor licencing. The new policy harmonizes with recent changes to Provincial regulation related to liquor licencing, in particular the changes add wine and liquor sales to grocery stores.

Changes to the Liquor Control and Licencing Act that that occurred in 2015, approved new licencing models for wine or liquor sales in grocery stores. However, the locations for these uses were left to local governments to determine based on municipal zoning and licencing regulations. Prior to July 2016, any location of liquor retail sales (wine or all liquor) had to be approved as part of a site specific zoning application and all locations were required to be no closer than 1km. As a result of the policy and bylaw amendments, wine stores were defined separate from other liquor retail and the requirement for wine stores to be located 1km from other wine or liquor retail was rescinded. Also, as part of the bylaw changes, wine sales were added as a permitted use in grocery stores larger than 2,322 m<sup>2</sup> (25,000 ft<sup>2</sup>) such that adding wine sales in grocery stores would not be required to undergo site specific rezoning.

By July 2016, the Province had implemented most, but not all, of the proposed changes to the licencing process. The new Liquor Control and Licencing Regulation (complementary to the Liquor Control and Licencing Act) was approved in January of 2017 and introduced several changes to the liquor licencing process, including one change that impacts the approval roles of local governments. According to previous regulations, any application requiring local government approval was required to be given as part of a Council recommendation. Under the new regulations, Council can delegate decisions to staff as part of a bylaw. These changes do not alter the responsibility of a local government to consult with the public on liquor licences, this is required in all cases.

### Analysis

#### Wine Stores

The Save-On Foods at 3000 - 11666 Steveston Hwy (Ironwood) has received a provincial licence and has added wine sales to their store. This is the only grocery store, located within the City of Richmond, to add wine sales since Council passed the new policy and amendments to Richmond Zoning Bylaw 8500. Previous this, there was a stand-alone wine store (“Sips Wine”) located in

the same area (Ironwood Mall). City staff are not aware of any complaints or concerns regarding the new licence at Save-On Foods.

### Liquor Retail Stores

There have been no applications or inquiries to add liquor sales to a grocery store, which would require a rezoning application, and no applications to add a liquor store in the year since the previous report. However, the Lulu Island Liquor Store was relocated (from 8088 Park Road) to 9291 Alderbridge Way as approved by Council through Zoning Bylaw amendment ZT 14-677144 adopted on October 24, 2016. A list of the locations of this and all licenced retail stores is shown in Attachment 2.

### Operating Hours for Neighbourhood Public Houses

At the General Purposes meeting on September 5, 2017, Council requested additional information about the hours of liquor service at Neighbourhood Public Houses and how the permitted hours compare to other licenced establishments. The current policy recommends that businesses approved as Neighbourhood Public Houses be permitted hours of operation to 12:00 a.m. Sunday to Thursday and 1:00 a.m. Friday and Saturday. The policy further supports that other types of businesses requiring liquor licences be considered for hours of liquor service extending to 2:00 a.m., all on a case by case basis. According to the policy, all applicants seeking approval to extend liquor service past 2:00 a.m. will not be supported by the City.

In all cases, Council has the authority to approve applications related to hours of service and may approve hours beyond what is recommended in the policy, so long as it fits within the LCLB regulations. Council has the discretion to direct staff to review the policy, should there be a desire to amend the language related to hours or other items.

### Other Policy Implications

The new Liquor Control and Licencing Regulation introduced several changes to the liquor licencing process, including one change that was not contemplated in the previous report to Council in July 2016. This change potentially impacts the local government licencing process as it allows Council to delegate licencing decisions to staff through bylaw.

The following types of applications for new or permanent changes to existing licences require local government approval according to the Provincial legislation. These decisions are currently forwarded to Council for approval:

- Liquor Primary licences (bars, clubs, neighbourhood pubs);
- Changes to existing Liquor Primary licences (extension of hours, addition of seats, addition of dancing, karaoke or live music);
- Food Primary Licences looking to extend the hours of liquor service beyond midnight or add patron participation (dancing, karaoke or live music); and
- Manufacturer Lounge or Special Event Area.

Local governments are required to consider public input in their consideration of the applications described above. The requirements for public notification and input in the City of Richmond are defined by regulations in Development Fees Bylaw 8951.

Temporary changes to licences, for an event, are also forwarded to local governments for approval but do not require Council approval. The new Council Policy delegates these decisions to the Chief Licence Inspector but limits this authority to those events that occur on no more than three consecutive days or no more than six times in a calendar year.

While the Provincial legislation allows Council to delegate decisions to staff on new or permanent changes to existing licences, staff do not recommend changing the current approach. Council oversight of decisions related to these types of liquor licences is a valued part of the public process and delegating to staff could be perceived as not transparent or fair to the public that submit input on the applications.

### **Financial Impact**

None.

### **Conclusion**

The Council Policy and bylaw amendments that were introduced in July 2016 related to liquor licence applications have resulted in the addition of one location where wine sales have been added to a grocery store in the City of Richmond. There have been no complaints about this location and there have been no other locations of any type of other liquor retail locations added in Richmond. Also since this time, there have been additional changes to provincial legislation related to liquor licencing but there are no further changes to policy or bylaws recommended at this time.



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- Att. 1: Council Policy, "Applications for Liquor Licences – New or Amended"
- 2: List of all Liquor Retail Stores in Richmond



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Adopted by Council: July 25, 2016

Policy 9400

File Ref: 12-8275-00

**APPLICATIONS FOR LIQUOR LICENCES – NEW OR AMENDED**

## Purpose

To provide direction to City staff, the public, potential applicants and Council when dealing with applications for liquor licences associated with provincially regulated and licensed liquor establishments within the City of Richmond.

## 1. Definitions

The following definitions are provided for the purposes of this policy:

**Act** means the British Columbia *Liquor Control and Licensing Act*;

**Liquor Primary Club Facility** means the facility of a club which is applying to be licenced as a liquor primary club under the Act;

**Liquor Primary Establishment** means the establishment to which a liquor primary licence may be issued and where liquor will be consumed on-site;

**Neighbourhood Public House** has the meaning ascribed to Neighbourhood Public House in the Richmond Zoning Bylaw 8500;

**Retail Liquor 1** means an establishment for the retail sale of beer, wine, spirits, cider and coolers to the public as a secondary use to a Neighbourhood Public House;

**Retail Liquor 2** means an establishment for the retail sale of beer, wine, spirits, cider and coolers to the public, having a total floor area not exceeding 510 square meters that is not accessory to a Neighbourhood Public House, is licensed under the Act and for the purposes of this policy does not include Wine Stores;

**Retail Liquor Establishment** means collectively Retail Liquor 1, Retail Liquor 2 and BC Government Liquor Stores; and

**Wine Store** means a facility for the retail sale of only wine or wine products, including, mead, sake and cider, licensed under the Act and operated as stand-alone business or as part of a grocery store.

## 2. Application Requiring Rezoning

- a) All rezoning applications for new or relocated uses and facilities/establishments defined in this policy should meet the guidelines given below:



Type of new or relocated facility/establishment	Distance Criteria		
	Should be at least 1km from Retail Liquor Establishment	Should be at least 500m from a school, park or community centre	Located in a commercial shopping centre with aggregate floor area of at least 2,800 sq. metres
Liquor Primary Club	No	No	No
Liquor Primary Establishment	No	Yes	No
Neighbourhood Public House	No	Yes	No
Retail Liquor 1	Yes	Yes	No
Retail Liquor 2	Yes	Yes	Yes
Wine Store	No	Yes	Yes

b) All rezoning applications for new or relocated uses and facilities/establishments defined in this policy must be supported by a neighborhood survey intended to collect public opinion on the proposed liquor use. The survey shall be conducted by an independent research or consulting firm at the sole cost of the applicant. Prior to conducting the neighbourhood survey, the applicant will submit the following information to the City's Director of Development for comment and/or approval:

- i. the minimum catchment area for the neighbourhood survey;
- ii. the name of the independent research or marketing group who will conduct the survey;
- iii. the method that will be used to conduct and compile the results; and
- iv. the dates during which the neighborhood survey will be conducted.

Based on the comments, if any, and approval of the City's Director of Development, the applicant will complete the survey and submit the same to the City's Director of Development. 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 reasons for the recommendation.

### **3. Permanent Changes to Liquor Licences**

- a. All applicants seeking approval to extend liquor hour service (new or amended) past 2:00 a.m. will not be supported by the City.
- b. Excepting a Neighborhood Public House, all applicants seeking approval for a permanent change to have service under their liquor licence (new or amended), extended up to and including 2:00 a.m. or seeking to modify the nature of service (i.e. patron participation), shall submit an application to the City's Chief Licence Inspector. Such applications will be processed in accordance with the procedure specified in the Development Application Fees Bylaw.
- c. Neighborhood Public House applicants seeking approval for an extension of hours to 12:00 a.m. Sunday to Thursday, or 1 a.m. Friday and Saturday shall submit an application to the City's Chief Licence Inspector. Such applications will be processed in accordance with the procedure specified in the Development Fees Bylaw.

### **4. Temporary Changes to Liquor Licenses**

- a. For the purposes of this policy, a "temporary change to a liquor licence includes those changes which:
  - i. are not for more than three consecutive days; and
  - ii. do not exceed six applications in a 12 month period.
- b. All applicants requesting approval for a temporary change to their liquor licence shall apply to the City in accordance with the Development Application Fees By-law.
- c. The City's Chief Licence Inspector will submit comments to the Liquor Control and Licensing Branch for temporary changes to liquor licenses.
- d. After submitting such comments, the City's Chief Licence Inspector will provide a memo to Council members advising of the City's Chief Licence Inspector comments.
- e. All applicants requesting approval of changes to their liquor licence which are not temporary changes should submit their application in accordance with 3. Permanent Changes to Hours of Liquor Service.



**5. All applications for New Liquor Licences or Permanent Changes to Liquor Licences**

In addition to the requirements in the Act, the Development Application Fees Bylaw, and this policy, all applications for new liquor licenses or permanent changes to liquor licenses that require City input must be supported by a neighbourhood survey to be conducted by City Staff. This survey will involve distributing notifications to surrounding property owners, residents and tenants for the purposes of gaining feedback on the proposed changes. Feedback received from this survey will be considered in accordance with the relevant procedure for new liquor licenses or permanent changes to the liquor licences.



## Attachment 2

### List of Licenced Liquor Retail Store in Richmond (as of September 11, 2017)

Establishment Name	Address	Licence Type
Bridgeport Liquor Store	180 - 3031 Beckman Place	Licensee Retail Store
Cambie Plaza Liquor Store	185- 11700 Cambie Rd	Licensee Retail Store
Executive Cold Beer & Wine Store	5931 Alderbridge Way	Licensee Retail Store
JAK's Beer Wine Spirits	135/140, 8555 Sea Island Way	Licensee Retail Store
Kingswood Pub Beer, Wine & Liquor Store	10 - 9371 No 5 Road	Licensee Retail Store
Legends Private Liquor Store	105/110-3671 Westminster Hwy	Licensee Retail Store
Lennox Liquor Store	400 - 9100 Blundell Road	Licensee Retail Store
Liquor Depot Lansdowne Centre	868-5300 No. 3 Road	Licensee Retail Store
Liquor Town	Unit 120 - 8180 Number 2 Road	Licensee Retail Store
Lulu Island Liquor Store	9291 Alderbridge Way	Licensee Retail Store
O'Hare's Liquor Store	5031 Steveston Highway	Licensee Retail Store
Pioneers Pub	200 - 10111 No.3 Road	Licensee Retail Store
Richmond Liquor Store Merchants	7551 Westminster Hwy	Licensee Retail Store
Shady Island Liquor Store	112 - 3800 BAYVIEW ST	Licensee Retail Store
Steveston Hotel	12111 3rd Ave	Licensee Retail Store
Tugboat Annie's Liquor Store	2175 - 21000 Westminster Hwy	Licensee Retail Store
West Coast Liquor Company YVR	1103 3211 Grant McConachie Way	Licensee Retail Store
Wines of British Columbia - Ironwood	3000 - 11666 Steveston Hwy	Wine Store