



**City of Richmond**

**Report to Committee**

*To Council Mar 8, 2004*

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

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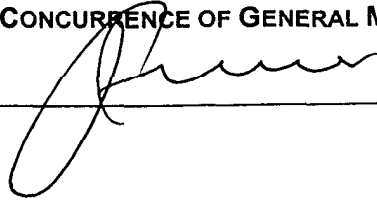
*To General Purposes - March 1, 2004*  
**Date:** February 6, 2004  
**File:** 8060-20-7576  
8060-20-7677  
8275-05

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**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 m<sup>2</sup> (1,076.43 ft<sup>2</sup>) 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 3 <sup>Rd</sup> 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:

- o Temporary Change to Liquor Licence Applications - One Time Only Request
- o Zoning for Licensed Retail Stores and Neighbourhood Pubs
- o Hours of Operation
- o 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 14<sup>th</sup>, 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

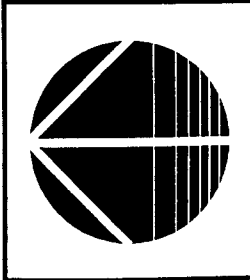
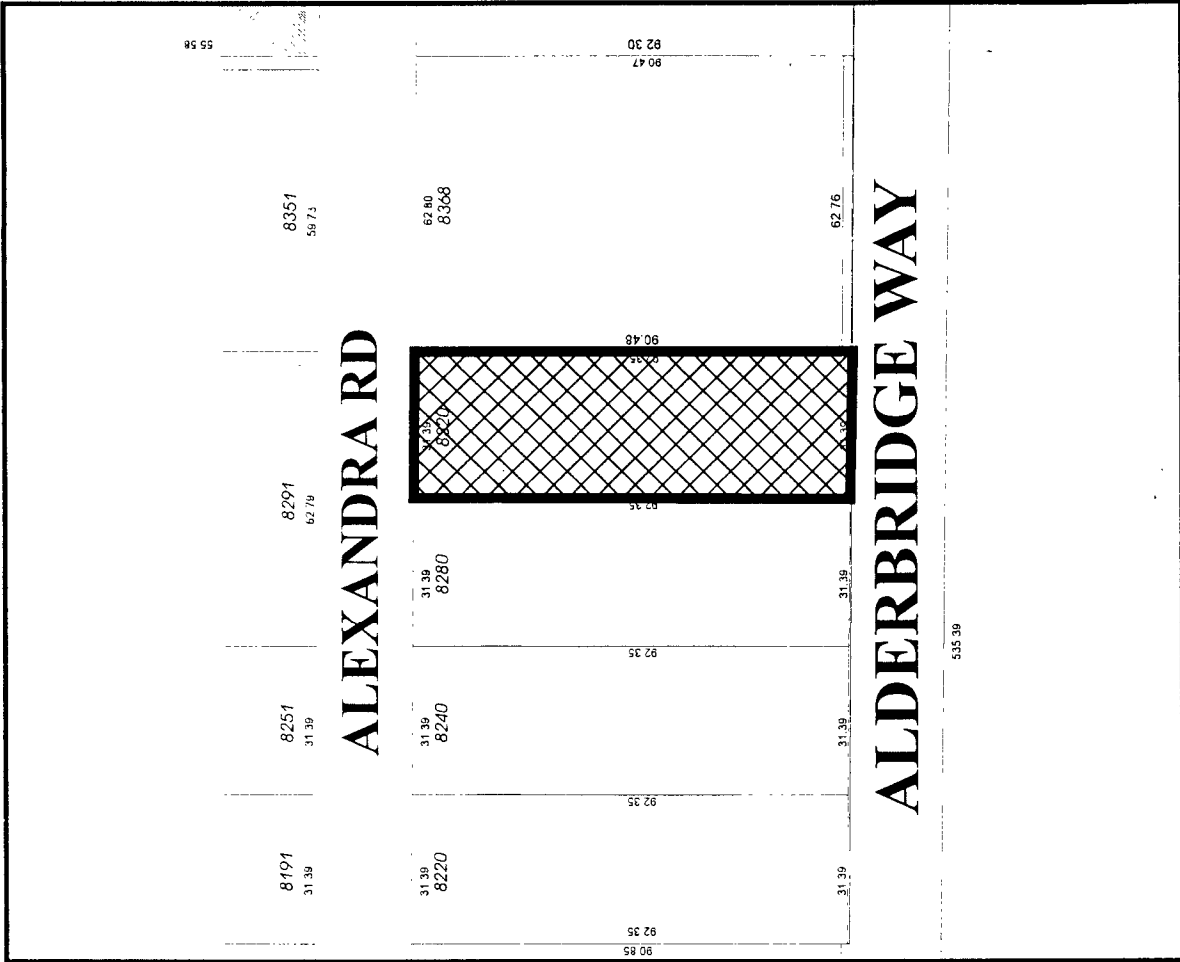
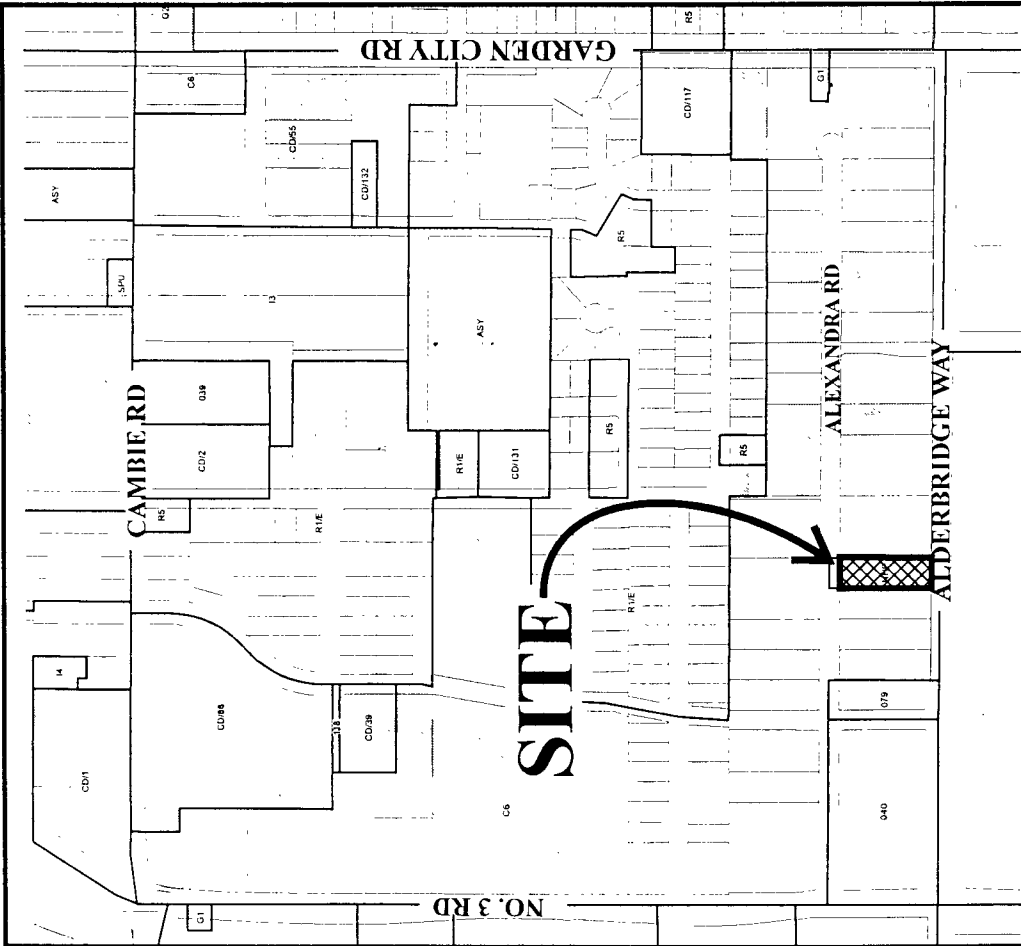
It was moved and seconded

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

CARRIED



# City of Richmond



## 8320 Alexandra Road

Original Date: 03/29/04

Revision Date:

Note: Dimensions are in METRES