Supports Item No. 1 P&E Committee Agenda July 14, 2005



CITY OF VANCOUVER

POLICY REPORT LICENSING

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Meeting Date: July 14, 2005

TO: Standing Committee on Planning and Environment

FROM: Chief License Inspector

SUBJECT: Liquor License Policy: Liquor Primary Size, Capacity, and Location

RECOMMENDATIONS

A. THAT Council approve amendments to the License By-law to update definitions for businesses in which the primary function is the sale and consumption of alcohol on the premises, generally as set out in the this report and in Appendix A; and,

FURTHER THAT Council instruct the Director of Legal Services to bring forward a by-law amending the License By-law, generally as set out in this report and in Appendix A.

B. THAT Council endorse the proposed policy and guidelines for Liquor Primary venue size and location, as set out in Appendix B.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS the approval of the foregoing.

COUNCIL POLICY

In November 1990, Council approved a moratorium on new liquor licences and new seats in the Downtown Eastside and Gastown.

In May 1992, Council approved a moratorium on new liquor licences and new seats in Downtown South.

In June 1997, Council approved a liquor licence policy for the downtown, which included the Theatre Row Entertainment District and surrounding uses.

In May 2000, Council approved a liquor licence policy for the West End, which provided for a variety of neighbourhood-oriented licensed outlets.

In September 2001, Council approved a liquor licence policy for the Central Business District, which provided for a greater variety of entertainment opportunities.

PURPOSE AND SUMMARY

The purpose of this report is to both amend the License By-law with updated definitions for businesses primarily engaged in the sale and consumption of alcohol on the premises, and to recommend policy and guidelines relating to the location of new Liquor Primary licensed venues.

The policy/guidelines build on the By-law amendments by making explicit the areas of the city in which the seven new classes of Liquor Primary venue may be considered, and also lay out the distancing and other guidelines that relate to each class of venue. The policy/guidelines will be used to inform the recommendations that Council makes to the Provincial Liquor Control and Licensing Branch regarding new applications.

BACKGROUND

Liquor license regulation has traditionally been, and remains today, the jurisdiction of the Province. Prior to 2002, the Provincial Liquor Control and Licensing Branch (LCLB) also maintained policy related to establishment capacity and location criteria. However, reforms made in December 2002 streamlined the license process by eliminating much of these criteria, but simultaneously left policy gaps for local government. At present, there are no regulations for seating capacity or overall policies inherent to the *liquor license* application process at the City (there are, however, applicable Zoning and Development, Health, and Fire By-laws). Consequently, License staff have been working to develop a framework to provide guidance and to determine:

- the size of Liquor Primary licensed venue that is suitable and supportable for a given neighbourhood/area,
- the number of Liquor Primary licensed venues that are appropriate for a given neighbourhood/area, and
- methods that can be used to implement this policy.

This work on seating capacity and venue location is part of a larger body of liquor license policy work. The list below shows what has been accomplished to date, and those work items that will be tackled next. Together these policies will help inform new applicants for Liquor Primary licenses, and will result in options for liquor service that are appropriate for the different parts of the city.

1. Liquor Retail Study - COMPLETE

Hours of Service - NEAR COMPLETION
 Impact Reduction - NEAR COMPLETION

Capacity - COMPLETE
 Restaurant Hours - upcoming

DISCUSSION

Process

License staff began by creating new categories and definitions, and associated capacities for Liquor Primary establishments (i.e. Standard Hours Liquor Establishment - Classes 1 to 7). Although staff considered various ways of classifying a venue, the number of seats was chosen as the key criteria because seating capacity is both easy to understand and enforce.

Work on size and location guidelines started with a detailed GIS mapping exercise in which existing Liquor Primary locations were assigned to the new classifications, and then mapped (see Appendix C). Staff considered several different buffer zones and distancing requirements to see how close existing locations were to each other and how many opportunities would exist for new venues. This exercise resulted in the development of draft options that were refined with input from staff in Social Planning, the Housing Centre, Development Services, and the Police.

Next staff developed the draft guidelines regarding size (capacity) and location - essentially, the appropriate locations for each class of venue, and the distancing and other requirements. The draft policy was taken to the public at two open houses (see Public/Industry Consultation below).

Staff have also been involved in a related piece of work that looks more closely at the means by which capacity is calculated. In response to concerns from the industry regarding the discrepancy between how the City of Vancouver and the rest of the province calculate capacity, License staff worked with the Fire Chief, the Chief Building Official and industry to create a unified method of calculating occupant load. The results of this work will be brought to Council for consideration in the near future.

License By-law Amendments - Categorization/Capacity

Previous Liquor Primary license definitions (such as Cabaret, Neighbourhood Pub etc.) were dated, and did not reflect the changes made to the Provincial license structure in 2002. Staff developed seven new definitions, based loosely on the previous categories. The new classes of Liquor Primary licensed venues and their seating capacities, listed below, will be used to amend the License By-law (Appendix A).

<u>Class</u>	Number of Seats	Example of Venue Type
Standard Hours Liquor Establishment - Class 1 Standard Hours Liquor Establishment - Class 2 Standard Hours Liquor Establishment - Class 3 Standard Hours Liquor Establishment - Class 4	up to 65 66 to 150 151 to 300	boutique pub/wine bar pub lounge nightclub
Standard Flours Liquor Establishinent - Class 4	301 10 300	Hightelab

Standard Hours Liquor Establishment - Class 5 501 to 950 large nightclub

Standard Hours Liquor Establishment - Class 6 950+ special entertainment venue

Standard Hours Liquor Establishment - Class 7 assess individually private club

Guidelines for Liquor Establishment Size, Location and Distancing

(Please refer to Appendix B for the draft Guidelines).

At the outset, staff established the following objectives to guide the policy/guideline work:

- establish parameters and policies to guide the liquor license application process in terms of size and location of venues
- develop policies that are clear and helpful to the public, and that are based on sound experience
- develop policies and guidelines that are responsive to neighbourhoods and residents, but are - at the same time - not overly restrictive

The guidelines were developed through a mapping exercise that showed where Liquor Primary venues were located. These maps clearly indicated the areas of concentration, as well as areas that could afford more opportunities for Liquor Primary establishments. In addition to the maps, staff experience and previous LCLB policy played a role in determining where each class of venue would best be located, and how far apart each venue should be from other Liquor Primary venues.

The guidelines refer to location and distancing requirements, and any additional requirements (usually food-related) for the seven classes of liquor establishments. The seventh class, (a private club), is sufficiently different from the other six classes to merit its own set of regulations in addition to the guidelines (see Appendix A).

Staff based the location requirements on logic and past experience. For example, to minimize conflicts, large venues would be best suited away from residential areas and toward more commercial or industrial areas. Smaller venues (Standard Hours Liquor Establishments - Classes 1 and 2) would not be restricted by location, as staff felt that these more intimate, neighbourhood-based venues did not need guidance in regard to location.

In terms of distancing requirements, it should be noted that the limitations on each class refer only to Liquor Primary venues within that class. For example, there are limits on Standard Hours Liquor Establishments - Class 1 venues locating beside each other ("no Standard Hours Liquor Establishments - Class 1 venue shall be located within 50 m. of another Standard Hours Liquor Establishments - Class 1 venue"), but a Standard Hours Liquor Establishments - Class 6 venue could locate near each other. The underlying rationale is that restricting only by individual class will help encourage variety in experience. As well, the immediate community will retain a certain level of control in that it will be able to indicate a level of comfort with grouping Liquor Primary licenses via the notification/consultation process that each application will undergo.

There are also some important general notes about the proposed policy/guidelines. First, these guidelines would apply to new applications only. Second, each application would still be assessed on its own merit and undergo public review, therefore there are steps in place to ensure the compatibility of a proposed venue with a given neighbourhood. And finally, this

policy would supersede existing West End and Central Business District policies in terms of capacity, distancing, and location. The Theatre Row policy and Downtown Eastside moratorium remain in effect.

One final point to consider - Liquor Primary uses are conditional under current zoning, and - as already noted - each application would still have to undergo individual assessment and neighbourhood consultation, and would have to receive Council's support. Straightforward applications should proceed without incident, and - in passing these several layers of evaluation - contentious ones should be resolved.

Public/Industry Consultation

Staff held two public open houses in April - one in the downtown area, and one in the mid-Main/Riley Park neighbourhood.

There were approximately 80-100 people that participated in the downtown open house, and approximately 25 at Riley Park. Staff fielded questions and received comments, and found that overall, there was public support for creating these parameters to guide the liquor license application process. A commonly heard comment was that anything that makes this process more transparent and navigable is welcome.

FINANCIAL IMPLICATIONS

There are no financial implications.

SOCIAL IMPLICATIONS

The alcohol policy research commissioned in June 2004 by Social Planning indicated that governments need to think in terms of a mixture of alcohol policies, and that the two most effective (and cost-effective) measures which are within City control are limits to outlet density and limits to hours of service. The proposed capacity and locational guidelines will permit new venues, but provide a framework for assessing the appropriateness of different sizes of venue to different types of neighbourhoods. This policy seeks to accommodate economic and social benefits while limiting social harms, and it provides a much clearer and more comprehensive approach than the City has had in the past.

CONCLUSION

In this report, staff have proposed amendments to the License By-law to update the categorization (definitions and capacities) of Liquor Primary licenses. Policies and guidelines are also recommended to address the location and number of new venues in order to provide clear guidance to staff, the public, and industry in connection with liquor licence applications.

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APPENDIX A - Draft Amendments to the License By-law

- 1. Repeal the definitions for: "Cabaret", "Club Lounge", "Neighbourhood Public House", "Marine Public House".
- 2. Add the following definitions:
 - "Standard Hours Liquor Establishment" means a Standard Hours Liquor Establishment Class 1, Standard Hours Liquor Establishment Class 2, Standard Hours Liquor Establishment Class 3, Standard Hours Liquor Establishment Class 4, Standard Hours Liquor Establishment Class 5, Standard Hours Liquor Establishment Class 6, and Standard Hours Liquor Establishment Class 7.
 - "Standard Hours Liquor Establishment Class 1" means a business the primary purpose of which is the sale and service of alcoholic drinks to customers for consumption on the premises where the seating capacity does not exceed 65.
 - "Standard Hours Liquor Establishment Class 2" means a business the primary purpose of which is the sale and service of alcoholic drinks to customers for consumption on the premises where the seating capacity does not exceed 150.
 - "Standard Hours Liquor Establishment Class 3" means a business the primary purpose of which is the sale and service of alcoholic drinks to customers for consumption on the premises where the seating capacity does not exceed 300.
 - "Standard Hours Liquor Establishment Class 4" means a business the primary purpose of which is the sale and service of alcoholic drinks to customers for consumption on the premises where the seating capacity does not exceed 500.
 - "Standard Hours Liquor Establishment Class 5" means a business the primary purpose of which is the sale and service of alcoholic drinks to customers for consumption on the premises where the seating capacity does not exceed 950.
 - "Standard Hours Liquor Establishment Class 6" means a business the primary purpose of which is the sale and service of alcoholic drinks to customers for consumption on the premises where the seating capacity exceeds 950.
 - "Standard Hours Liquor Establishment Class 7" means a business located in a club which includes the sale and service of alcoholic drinks to customers for consumption on the premises.
- 3. Repeal section 23.3 Pubs.
- 4. Insert the following after section 25.5:

STANDARD HOURS LIQUOR ESTABLISHMENT

- 25.5A (1) The licensee of a standard hours liquor establishment class 1, standard hours liquor establishment class 3, standard hours liquor establishment class 4, standard hours liquor establishment class 5, or standard hours liquor establishment class 6, must:
 - (a) wear, and cause each employee who works in the establishment as a manager, door attendant, server, busser, or security person to wear, a

- name plate that is clearly visible and that shows a name and identification number;
- (b) maintain a list showing the full name, address, telephone number, and identification number of any person required to wear such a name plate;
- (c) allow the Inspector or Chief Constable to inspect and copy such list at any time.
- (2) The licensee of a Standard Hours Liquor Establishment Class 7 must:
 - (a) maintain, at the Standard Hours Liquor Establishment Class 7, a current list of names and addresses of members of the club in which the Standard Hours Liquor Establishment Class 7 is situate;
 - (b) allow only members of the club and their guests, as permitted by this section, to attend the Standard Hours Liquor Establishment Class 7;
 - (c) require members to sponsor guests, and to sign in the guests in a guest register including the name and address of the guest and the date; and
 - (d) allow the Inspector or Chief Constable to inspect and copy the guest register at any time, and retain any guest register for two years.
 - (e) wear, and cause each employee who works in the establishment as a manager, door attendant, server, busser, or security person to wear, a name plate that is clearly visible and that shows a name and identification number:
 - (f) maintain a list showing the full name, address, telephone number, and identification number of any person required to wear such a name plate;
 - (g) allow the Inspector or Chief Constable to inspect and copy such list at any time.
- 5. Repeal the title "DANCE HALLS AND CABARETS", and substitute "DANCE HALLS".
- 6. Repeal section 13.2(5), (8), (9), (10), and (11) and change "cabaret" to "dance hall" in (12) and (13).
- 7. Repeal the business license fees in Schedule A for: "Cabaret", "Club Lounge", "Neighbourhood Public House", "Marine Public House", and substitute:

Class	New	Fee for	Term
	License	Previously	
		Issued	
		License	
Standard hours liquor establishment	\$4.30 per	\$4.30	Per annum per seat, based on
classes - 1, standard hours liquor	seat + \$50		the number of seats set out on
establishment - class 2, standard			the Provincial liquor license for
hours liquor establishment - class 3,			the establishment, except that
standard hours liquor establishment -			despite the number of seats, the
class 4, standard hours liquor			minimum fee will be \$103 and
establishment - class 5, or standard			the maximum fee will be \$2159

hours liquor establishment - class 6			
Standard Hours Liquor Establishment - Class 7	\$4.30 per seat + \$50	\$4.30	Per annum per seat, based on the number of seats set out on the Provincial liquor license for the establishment, except that despite the number of seats, the minimum fee will be \$103 and the maximum fee will be \$333

APPENDIX B - Draft Liquor License Capacity and Location Policy and Guidelines

STANDARD HOURS LIQUOR ESTABLISHMENT - CLASS 1

allowed in all areas of the city where liquor primary venues are a permitted land use

Downtown

• no Standard Hours Liquor Establishment - Class 1 venue shall be located within 50 m. of another Standard Hours Liquor Establishment - Class 1 venue

Non-Downtown

• no Standard Hours Liquor Establishment - Class 1 venue shall be located within 500 m. of another Standard Hours Liquor Establishment - Class 1 venue

STANDARD HOURS LIQUOR ESTABLISHMENT - CLASS 2

• allowed in all areas of the city where liquor primary venues are a permitted land use

Downtown

- no Standard Hours Liquor Establishment Class 2 venue shall be located within 100 m. of another Standard Hours Liquor Establishment Class 2 venue
- in residential areas: only allowed with food service, specified kitchen size, and limited type and size of entertainment

Non-Downtown

- no Standard Hours Liquor Establishment Class 2 venue shall be located within 500 m. of another Standard Hours Liquor Establishment - Class 2 venue
- in residential areas: only allowed in local shopping areas (*see list that follows), and with food service, specified kitchen size, and limited type and size of entertainment

STANDARD HOURS LIQUOR ESTABLISHMENT - CLASS 3

- allowed in all commercial/industrial areas, and mixed-use areas of the city where liquor primary venues are a permitted land use
- not allowed in locations abutting primarily residential areas
- preference will be granted to applications relocating equivalent Liquor Primary liquor licence seats from an undesirable location within the City of Vancouver (Private Club liquor license seats will not be considered for relocation)
- requirements may be relaxed for an establishment located within a hotel or other major business/development with internal access, security, and additional impact reduction strategies

Downtown

• no Standard Hours Liquor Establishment - Class 3 venue shall be located within 100 m. of another Standard Hours Liquor Establishment Class 3 venue

Non-Downtown

• no Standard Hours Liquor Establishment - Class 3 venue shall be located within 500 m. of another Standard Hours Liquor Establishment - Class 3 venue

STANDARD HOURS LIQUOR ESTABLISHMENT - CLASS 4

- allowed in: all commercial/industrial areas of the city where liquor primary venues are a
 permitted land use, and in mixed-use areas in the downtown, and in mixed-use areas of the
 non-downtown only in conjunction with a major hotel development
- not allowed in locations abutting primarily residential areas
- preference will be granted to applications relocating equivalent Liquor Primary liquor licence seats from an undesirable location within the City of Vancouver (Private Club liquor license seats will not be considered for relocation)
- requirements may be relaxed for an establishment located within a hotel or other major business/development with internal access, security, and additional impact reduction strategies

Downtown

- no Standard Hours Liquor Establishment Class 4 venue shall be located within 100 m. of another Standard Hours Liquor Establishment - Class 4 venue
- in mixed-use areas: only allowed with food service, specified kitchen size, and limited type and size of entertainment

Non-Downtown

• no Standard Hours Liquor Establishment - Class 4 venue shall be located within 500 m. of another Standard Hours Liquor Establishment - Class 4 venue

STANDARD HOURS LIQUOR ESTABLISHMENT - CLASS 5

- allowed in all commercial/industrial areas of the city where liquor primary venues are a permitted land use
- not allowed in locations abutting primarily residential or mixed-use areas
- preference will be granted to applications relocating equivalent Liquor Primary liquor licence seats from an undesirable location within the City of Vancouver (Private Club liquor license seats will not be considered for relocation)
- requirements may be relaxed for an establishment located within a hotel or other major business/development with internal access, security, and additional impact reduction strategies

Downtown

 no Standard Hours Liquor Establishment - Class 5 venue shall be located within 500 m. of another Standard Hours Liquor Establishment Class 5 venue

Non-Downtown

• no Standard Hours Liquor Establishment - Class 5 venue shall be located within 750 m. of another Standard Hours Liquor Establishment - Class 5 venue

STANDARD HOURS LIQUOR ESTABLISHMENT - CLASS 6

- allowed in all commercial/industrial areas of the city where liquor primary venues are a permitted land use
- not allowed in locations abutting primarily residential or mixed-use areas
- preference will be granted to applications relocating equivalent Liquor Primary liquor licence seats from an undesirable location within the City of Vancouver (Private Club liquor license seats will not be considered for relocation)
- requirements may be relaxed for an establishment located within a hotel or other major business/development with internal access, security, and additional impact reduction strategies

Downtown

• no Standard Hours Liquor Establishment - Class 6 venue shall be located within 750 m. of another Standard Hours Liquor Establishment - Class 6 venue

Non-Downtown

• no Standard Hours Liquor Establishment - Class 6 venue shall be located within 1 km. of another Standard Hours Liquor Establishment - Class 6 venue

STANDARD HOURS LIQUOR ESTABLISHMENT CLASS - 7 (note additional regulations in Appendix A)

- allowed in all areas where "Club" is a permitted land use
- all clubs will have to be in operation for at least one full year with a valid "Club" business license before consideration will be given to a Provincial application for a Liquor Primary liquor license

*Re: Standard Hours Liquor Establishment - Class 2, non-downtown - Selected Local Shopping Areas

Local Shopping Area #	Description
1	W. 10th: Tolmie to Discovery
2	W. 4 th : Highbury to Collingwood
3	W. 16th N side, Alma to Dunbar and south side opposite, Dunbar 17 - 19th
4	Dunbar: Iane S of King Edward to W 30th
5	Dunbar: W 39th to lane S of W 41st; W 41st: Dunbar to Collingwood
6	W 4th: W of Bayswater to Trafalgar
7	Broadway: Collingwood to Larch
8	4th Avenue: Burrard to Balsam
9	Broadway: Vine to Arbutus; Arbutus: Broadway to 12th
10	Arbutus Village Shopping Mall
11	W. Blvd: 37th to 49th; E. Blvd: lane N of 41st to 49th; W. 41st: Larch to Maple
12	Granville: 10th to 16th
13	Granville: W 64th to S of 71st
14	Oak: W 21st to S of King Edward, King Edward Mall
15	Cambie: 12th to 16th, east side; w 16th to W 19th
16	Cambie: W 29th to W 43rd, Oakridge Centre
17	Main to Gore; Pender, Keefer
18	Main Street: 12th to 16th
19	Main Street: 16th to 33rd
20	Main Street: 48th to 51st
21	Fraser: 23 rd to 28 th
22	Fraser: 41 st to 51st
23	Kingsway: Inverness to Perry, Knight: Iane N of Kingsway to King Edward
24	Commercial: Charles to 3rd
25	Commercial: Grandview Hwy. S to 16th, Broadway: E and W of Commercial
26	Victoria: 37th to 44th, 47th to 50th

27	Hastings: Semlin to Renfrew
28	Kingsway: Earles to Nanaimo
29	Renfrew: Graveley to 3rd, 1st: S side, Kaslo to Renfrew
30	Kingsway: Rupert to Boundary
31	Champlain Mall, 54th and Kerr
32	East Fraserlands

APPENDIX C - Maps of Existing Liquor Primary Licenses by Class with Buffer Zones























