



POLICY REPORT
DEVELOPMENT AND BUILDING

Report Date: March 24, 2015
Contact: Jane Pickering
Contact No.: 604.873.7456
RTS No.: 10879
VanRIMS No.: 08-2000-20
Meeting Date: April 28, 2015

TO: Vancouver City Council

FROM: General Manager of Planning and Development Services

SUBJECT: Amendments to the Zoning and Development, License and Street Vending By-Laws to Allow Sampling and Sale of Local Liquor at Farmers' Markets

RECOMMENDATION

- A. THAT the General Manager of Planning and Development Services be instructed to make application to amend the Zoning and Development By-Law to allow the sampling and sale of local liquor at Farmers' Markets, generally in accordance with **Appendix A**;

FURTHER THAT the application be referred to a Public Hearing;

AND FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amending by-law, generally in accordance with **Appendix A**, for consideration at Public Hearing.

- B. THAT, subject to enactment of the amendments to the Zoning and Development By-Law, the License By-Law be amended generally as set out in **Appendix B**;

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendment to the License By-Law at the time of enactment of the amendments to the Zoning and Development By-Law.

- C. THAT, subject to enactment of the amendments to the Zoning and Development By-Law, the Street Vending By-Law be amended generally as set out in **Appendix C**;

FURTHER THAT the Director of Legal Services be instructed to bring forward the amendments to the Street Vending By-Law at the time of enactment of the amendments to the Zoning and Development By-Law.

- D. That, subject to enactment of the amendments to the Zoning and Development By-Law, the *Farmers' Market Guidelines* be amended generally as set out in Appendix F.

REPORT SUMMARY

This report proposes amendments to the Zoning and Development, License, and Street Vending By-Laws to permit the sampling and sale of local¹ liquor at farmers' markets in the City. Relevant information about selling local liquor at the Markets will also be incorporated into the Farmers' Market Guidelines to assist farmers' market operators. The proposed changes are in response to 2014 Provincial legislative amendments which enable local liquor manufacturers to sample and sell their products at farmers' markets. The intent of the provincial changes is to allow local liquor producers to expand their market opportunities and customer base, while addressing the health, safety and social issues inherent in expanding access to alcohol.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

- In July 2010, the Zoning and Development By-Law was amended to allow farmers' markets in all districts.
- In January 2013, additional amendments were made to the Zoning and Development By-Law to require farmers' markets to have a minimum of 11 stalls or booths; sell only local offerings; and restrict the number of stalls or booths of local ready-to-eat foods and local artisan crafts to 40% of the total vendors.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The General Manager of Planning and Development Services RECOMMENDS approval of the foregoing.

REPORT

Background/Context

In the summer of 2014, Council approved a pilot to allow the sampling and sale of local liquor at five of the twelve farmers' markets in the City (Oak Street; Mount Pleasant; Kerrisdale

¹ "Local" is defined as wine, cider, beer and spirits produced in British Columbia using as many ingredients grown in British Columbia as possible.

Village; River District and Yaletown). Each market was restricted to no more than three liquor vendors and nuisance and neighbourhood impacts were monitored. Following the pilot, market operators advised that alcohol vendors managed their booths and customers well and complied with City requirements. Furthermore, customers, neighbours and other vendors appeared to be generally satisfied with the integration of local liquor sales. The success of the pilot has helped shape the by-law amendments now being brought forward for Council consideration.

Reporting back on the Mount Pleasant, Kerrisdale Village and Yaletown Markets, the Vancouver Farmers Market Association confirmed that the pilot went smoothly. A similar report on the Oak Street Market was provided by the Oak Street Farmers' Market Manager. The alcohol vendors were mindful of their sampling restrictions and managed their booth and customers well. In general, customers, neighbours and other vendors were satisfied with the integration of retail alcohol sales into the five participating markets.

Provincial Liquor Regulations

Licences for the manufacture and sale of liquor in BC are issued and monitored by the Liquor Control and Licensing Branch (LCLB) under the authority of the *Liquor Control and Licensing Act*. The LCLB licenses three types of liquor manufacturers: breweries, wineries and distilleries. Manufacturers can apply for an on-site store endorsement and also distribute their products through the Liquor Distribution Branch and private retail stores, or sell to bars and restaurants.

In 2013, the Province undertook an extensive Liquor Policy Review, involving considerable stakeholder consultation, with the goal of strengthening regulations for liquor production and regulation, access and distribution, and health, safety and social responsibility. The Review concluded in 2014 with 73 recommendations for updating liquor laws, including expanding off-site sale and sampling opportunities for locally-made liquor. The expanded retail opportunities will provide residents and visitors with greater exposure to liquor manufactured in BC, and will strengthen the local winery, brewery and distillery sector.

The Province's requirements and conditions for the sale of liquor by BC manufacturers at farmers' markets are outlined in **Appendix E**.

City of Vancouver Farmers' Market Regulations

The Zoning and Development By-Law defines "Farmers' Market" as follows:

Farmers' Market, means an open air or fully or partly covered market, for the sale directly by the producers, or their representatives who are involved in the production, of local fresh, dried or frozen fruit and vegetables, local dried or frozen meat and seafood, local eggs, local dairy products, local plants, local prepared and local ready-to-eat foods and local artisan crafts.

Current zoning regulations permit farmers' markets as a conditional approval use in all zoning districts. Farmers' markets must:

- be no larger than 2,323 m² (25,000 sq. ft.);
- have at least 11 stalls or booths;
- ensure vendors sell only those products/items listed in the above definition; and
- limit the sale of ready-to-eat foods and local artisan crafts to 40% of the total number of stalls or booths.

The table below provides the names, locations and hours of operation for the twelve farmers' markets currently operating in the City.

Farmers' Markets		Operating Times		
Name	Location	Months	Day	Hours
Main St Station	City street	June - Oct	Wednesday	3 pm - 7 pm
Yaletown	City street	Mid-Aug - Sept	Thursday	2 pm - 6 pm
River District	City street	May - Oct	Saturday	10 am - 3 pm
Kerrisdale Village	City street	June - Oct	Saturday	10 am - 2 pm
West End	City street	June - Oct	Saturday	9 am - 2 pm
Nat Bailey Stadium - Winter	City park	Nov - April	Saturday	10 am - 2 pm
Hastings Park (PNE) Winter	City park	Nov - April	Sunday	10 am - 2 pm
Kitsilano	City park	May - Oct	Sunday	10 am - 2 pm
Trout Lake	City park	May - Oct	Saturday	9 am - 2 pm
Oak Street	Private church site	June - Jan	Wednesday	3 pm - 7 pm
Mount Pleasant	School site	June - Oct	Sunday	10 am - 12 pm
Italian Night	Privately owned	May - Nov	Every 3 rd Friday/month	3 pm - 7 pm

Owners of sites accommodating farmers' markets can choose whether to allow local liquor sales on their properties.

Strategic Analysis

1. Proposed Zoning and Development By-Law Amendments

The by-law amendments proposed in this report will allow, on an ongoing basis, the sampling and sale of liquor by licensed BC manufacturers at farmers' markets. The amendments seek to minimize negative impacts related to alcohol at farmers' markets.

The following Zoning and Development By-Law amendments are recommended:

- Amend Section 2 to insert local wine, cider, beer or spirits into the definition of Farmers' Markets; and
- Amend Section 11.21 to restrict the number of local liquor vendors at each market to a maximum of three.

2. Proposed License By-Law and Street Vending By-Law Amendments

If Council approves the Zoning and Development By-law amendments, consequential amendments will be required for the License By-Law and Street Vending By-Law (see **Appendix B and C**)

3. Farmers' Market Guidelines

On March 12, 2013, Council adopted Farmers' Market Guidelines to assist both farmers' market applicants and City staff in evaluating applications for farmers' markets. Revisions to the Guidelines have been made to reflect the by-law amendments proposed above. The proposed changes to the Guidelines are in **Appendix F**.

Financial

There are no financial implications.

CONCLUSION

The amendments proposed in this report serve to permit the sampling and sale of liquor by BC-licensed manufacturers at farmers' markets. The report also proposes a maximum of three liquor vendors per market.

Liquor sales at farmers' markets benefit both markets and local liquor manufacturers by supporting objectives of sustainability and local, green jobs and offering consumers better access to new and unique products.

Staff will continue to monitor local liquor sampling and sales at farmers' markets to ensure compliance with the new regulations.

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Liquor Sales in Farmers' Markets

Proposed Zoning and Development By-Law Amendments

Note: An amending by-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

Liquor Sales in Farmers' Markets

1. In section 2, under "Retail Uses", Council strikes out the definition of "Farmers' Market" and substitutes:

"Farmers' Market, means an open air or fully or partly covered market, for the sale directly by producers or by their representatives who are involved in production, of: local fresh, dried or frozen fruit and vegetables; local dried or frozen meat and seafood; local eggs; local dairy products; local plants; local prepared foods; local ready-to-eat foods; local artisan crafts; or local wine, cider, beer or spirits."

2. In section 11, Council strikes out section 11.21.4 and substitutes:

- "11.21.4 A vendor at a Farmers' Market must only sell: local fresh, dried or frozen fruit and vegetables; local dried or frozen meat and seafood; local eggs; local dairy products; local plants; local prepared foods; local ready-to-eat foods; local artisan crafts; or local wine, cider, beer or spirits.
- 11.21.5 There must be no more than three vendors selling or providing samples of local wine, cider, beer or spirits at a Farmers' Market."

Liquor Sales in Farmers' Markets

Proposed License By-Law Amendments

Note: An amending by-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

Liquor Sales in Farmers' Markets

From section 2 Council strikes out the definition of "Farmers' Market" and substitutes:

"Farmers' Market" means an open air or fully or partly covered market, for the sale directly by producers or by their representatives who are involved in production, of: local fresh, dried or frozen fruit and vegetables; local dried or frozen meat and seafood; local eggs; local dairy products; local plants; local prepared foods; local ready-to-eat foods; local artisan crafts; or local wine, cider, beer or spirits."

Liquor Sales in Farmers' Markets

Proposed Street Vending By-Law Amendments

Note: An amending by-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

Liquor Sales in Farmers' Markets

In section 1.2, Council strikes out the definition of "farmers' market" and substitutes:

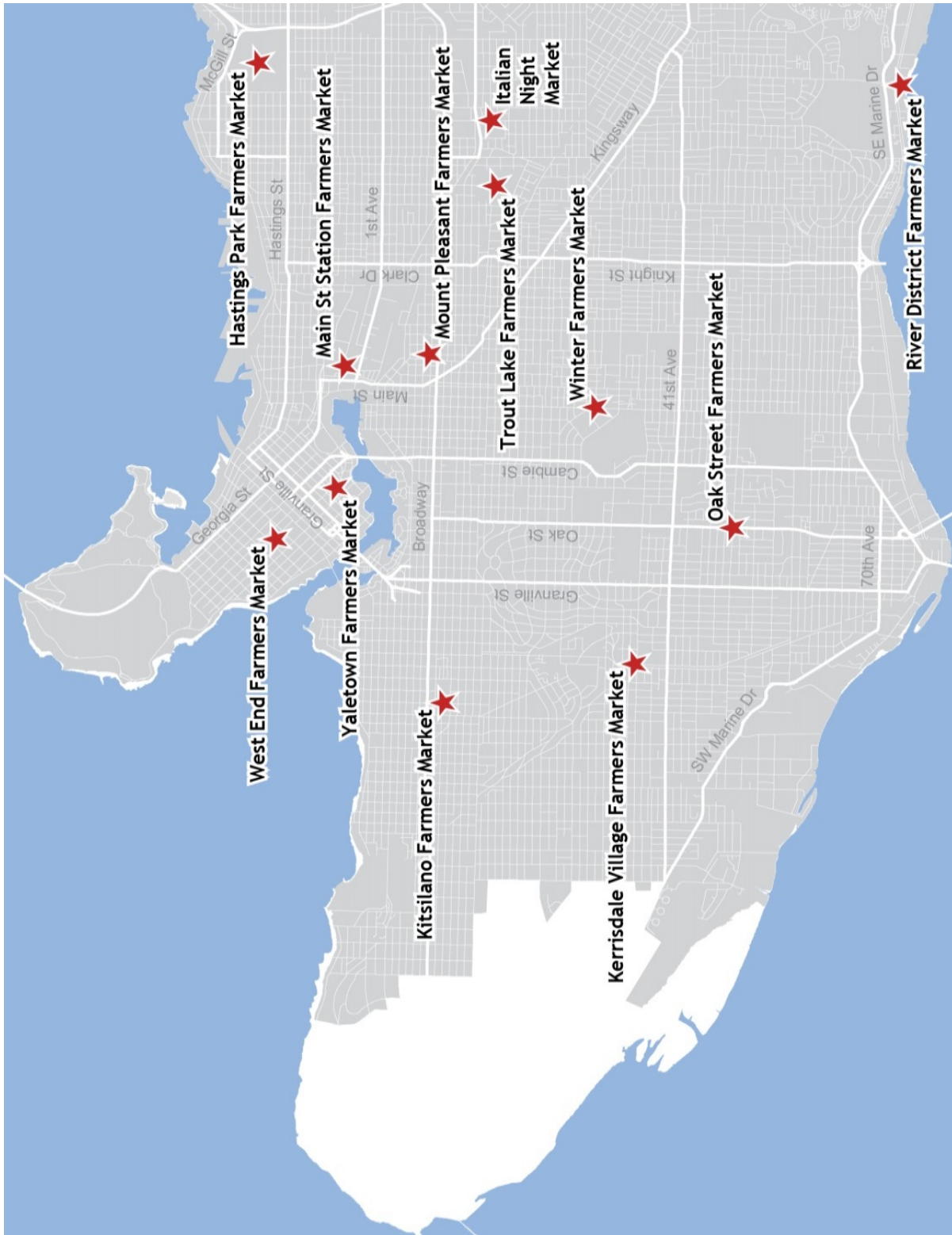
"farmers' market" means an open air or fully or partly covered market, for the sale directly by producers or by their representatives who are involved in production, of: local fresh, dried or frozen fruit and vegetables; local dried or frozen meat and seafood; local eggs; local dairy products; local plants; local prepared foods; local ready-to-eat foods; local artisan crafts; or local wine, cider, beer or spirits."

In section 7.1, Council strikes out section 7.1 and substitutes:

"7.1 The operator of a Farmers' Market on a street must comply with the provisions of Section 3 of this By-law and must ensure that the Farmers' Market:

- (a) consists only of open air stalls or booths or stalls, or booths partially or totally covered by tents or similar temporary structures;
- (b) has at least 11 stalls or booths;
- (c) does not occupy more than 2,323 m² of the street;
- (d) only sells local fresh, dried or frozen fruit and vegetables, local dried or frozen meat and seafood, local eggs, local dairy products, local plants, local prepared and ready-to-eat foods, local artisan crafts or local wine, cider, beer or spirits;
- (e) has no more than 40 % of the total number of stalls or booths used for the sale of local prepared and ready-to-eat foods and local artisan crafts, and
- (f) has no more than three vendors selling or providing samples of local wine, cider, beer or spirits."

Farmers' Market Locations in the City



British Columbia Liquor Control and Licensing Branch
POLICY DIRECTIVE No: 14 - 11
June 21, 2014

Re: Liquor Sales at Farmers' Markets

Introduction

The implementation of the recent Liquor Policy Review (LPR) report recommendation (#31) will permit licensed manufacturers to sell their products at farmer's markets. The new Liquor Control and Licensing Regulation sections 18.3 - 18.6 outline the criteria for eligibility and sale of liquor at a farmers market.

Eligibility

Licensees: A licensed manufacturer (winery, brewery, distillery) with an on-site store endorsement may apply for a Farmer's Market Authorization to sell their products at a farmer's market. Licensees are responsible for confirming that the farmer's market complies with local bylaws around the sale of packaged liquor and that the market where they plan to sell meets the following criteria:

- is comprised entirely of vendors who make, bake, grow or raise the products they sell at the market;
- is managed or carried on by an organization that is incorporated under the *Society Act* or the *Business Corporations Act*;
- is comprised of at least 6 vendors, and;
- operates for at least 2 hours in a day, at least 4 times per year, but no more than twice a week.

Markets: Farmer's markets do not have to apply to the Branch to host liquor vendors. However, it is recommended that all markets who intend to invite liquor vendors confirm with their local government/First Nation that the sale of packaged liquor is permitted in this manner within the municipality that the market takes place.

Licensees are required to confirm with markets that the market site is permitted by local government/First Nation bylaws to sell packaged liquor for off-site consumption. Licensees are required to submit the market's Society or business registration information as part of their authorization application and will request this from host markets.

Just like for any vendor, market organizers will provide the invited liquor licensees with a defined sales area for their products. Liquor licensees will then conduct all sales and sampling within that area.

Markets are not obliged to host liquor licensees. If a market chooses to invite liquor licensees as vendors they may limit the sale in other ways to ensure the principles of the market are maintained. For example, the market may choose to rotate licensees, limit the number of liquor vendor spots per market, or limit the type of liquor that licensees may sell.

Important for markets: if a liquor vendor cannot produce a Farmer's Market Authorization issued by the Branch they have not been authorized to sell liquor at a market.

Policies

The market authorization is valid during the market hours only and liquor may not be sold outside of store endorsement hours 9 am to 11 pm. This means that even if a market begins at 8 am a liquor vendor may not sell until 9 am.

Licensees may only sell the products registered to the licence and permitted in the on-site store. All market sales must be reported as usual through the on-site store endorsement.

Each manufacturer must have a distinct sales area and must post their authorization in a conspicuous location in their area during each market.

Staff at the market stall must have Serving it Right certification and must not be minors.

All sales must occur within the sales area provided for the licensee by the market organizers. Sampling must also take place within the market sales area and patrons may not remove samples from the sales area to walk around the market. Licensees may not charge for samples and sample sizes are restricted as follows (per person per day):

Type of Liquor	Single Product	Multiple Product
Wine	20 ml	30 ml
Spirits	10 ml	20 ml
Beer/Cider/Coolers	30 ml	45 ml

Procedures: Obtaining a Farmer's Market Authorization

Farmer's Market Authorization forms are available on the branch website.

Prior to completing the form, the licensee must:

- confirm that the market meets the definition of farmer's market. Farmers markets will have an emphasis on local produce and related farm products - markets that sell imported goods or flea markets may not host liquor vendors.
- Be accepted to sell at the market by the market organizers
- Request the market's registration information (e.g. Society registration number) needed for the authorization
- Confirm with the market that the municipality where the market occurs has permission to include liquor vendors in the market
- Determine which dates to sell at the market. Your authorization will only be valid for the series of market dates submitted.
- If you would like to sell at two different markets (e.g. one in Osoyoos and one in Penticton) you will need a separate authorization for each one.

FARMERS' MARKET GUIDELINES
Adopted by City Council on March 12, 2013
Amended on April __, 2015

1. Application and Intent

These guidelines have been prepared in response to Council's direction for staff to support farmers' markets in order to meet the Greenest City (2020) Action Plan targets that call for an increase in number of farmers' markets to improve access to healthy local foods.

The guidelines combine previous city policies into one document [i.e., the Interim Farmers' Market Policy (2010), the Farmers' Market Report Back and Recommendations (2013), and the Farmers' Market By-Law Amendments (2013)] and are to be used in conjunction with those provisions and District Schedules of the Zoning and Development By-law and Official Development Plan By-Laws that allow farmers' markets.

The purpose of the guidelines is to assist farmers' market applicants and City staff in evaluating applications for farmers' markets by:

- (a) Assessing suitability and feasibility of farmers' markets on select zoned lands, streets, and Park sites;
- (b) Ensuring that farmers' markets meet policy and regulations listed below; and
- (c) Ensuring that each location is compatible with adjacent uses to support neighbourliness: mitigation of noise, parking, traffic, pedestrian interface, size, privacy, and visual impacts on existing, neighbourhood uses.

In these guidelines, "local" means:

- (a) Fresh, dried or frozen fruit and vegetables and plants grown within British Columbia;
- (b) Dried or frozen meat and seafood farmed within British Columbia or caught within local Pacific waters;
- (c) Eggs and dairy products produced on farms within British Columbia;
- (d) Prepared and ready-to-eat foods produced in British Columbia and including ingredients predominantly grown in British Columbia;
- (e) Artisan crafts made in British Columbia;
- (f) Wine, cider, beer and spirits produced in British Columbia using as many ingredients grown in British Columbia as possible.

2. Guidelines for City Staff

Applications for farmers' markets are submitted to the Enquiry Centre where staff:

- (a) determine if the market is on private property, city streets or sidewalks, or Park Board sites; and
- (b) streamline the application process to various departments in conjunction with the Farmers' Market Development Checklist (dated September 2014).

3. Policies and Guidelines for Farmers' Market Applicants

- (a) In coordination with City and Park Board regulations and policies, farmers' market operators must:
 - (i) Abide by food safety requirements and submit approval by the Provincial Health Services Authority's **Guidelines for the Sale of Foods at Temporary Food Markets**.
 - (ii) Ensure that local liquor vendors have provincial market authorization to sell their products and that they abide by all Provincial liquor control laws and regulations.
 - (iii) Ensure vendors are the producers of the product or the producer's representatives who are involved in the production of the goods being sold at the farmers' market.
 - (iv) Submit a site management plan during the application phase that:
 - a. Identifies location of way-finding signs and barricades for public safety prior to opening dates. Farmers' market operators may be required to hire traffic control professional (private service or traffic authority) to direct traffic;
 - b. Includes the size and separation distance between temporary structures (e.g. tents/booths/stalls) and/or permanent structures;
 - c. Includes a map restricting tents/booths/stalls to an area of 60 m². Multiple tents/booths/stalls must be at least 10 ft. (3 m) apart in all directions; otherwise, a building permit will be required.

The site management plan is to be approved by the City.

- (v) Prepare a traffic control plan to maintain the safety of the public if City streets are closed or restricted by the market. Traffic control professionals (private services, officers or traffic authority) may be required to direct traffic.

The traffic control plan is to be approved by the City.

- (vi) Submit a letter describing how the proposed use meets the definition and regulations of the Zoning and Development By-Law for Farmers' Markets and which confirms the following requirements:
- a. Hours of operation are 7 am - 8 pm, Monday to Sunday, excluding holidays for all products other than local liquor which can be sold only between the hours of 9 am - 11 pm. These hours include moving in and out of equipment and materials. The Director of Planning may approve a lesser operating time based on actual merits and circumstances of each specific market.
 - b. The maximum site area does not exceed 2,323 m² or 25,000 sq. ft.
 - c. No more than 40 percent of all vendors at each market may supply local ready-to-eat foods and local artisan crafts. A vendor list must be submitted to staff prior to market operation for approval.
 - d. No more than three vendors at each market may sell or provide samples of local wine, cider, beer or spirits.
 - e. Each farmers' market site must have a minimum of 11 stalls or booths.
 - f. Written confirmation that all waste and compost facilities will be removed immediately following each market.
- (vii) Obtain liability insurance for all sites held on city property prior to occupancy of the site.
- (viii) Obtain a farmers' market business licence prior to use or occupancy of the site.
- (ix) Adhere to good management practices and maintain the market to reasonably prevent un-neighbourly nuisances including minimizing traffic and noise, ensuring identifiable composting sites and garbage are disposed of prior to the completion of each market.

- (b) Staff to notify neighbours regarding the times, dates and contact information for farmers' markets.
- (c) Any permit issued for farmers' markets shall apply to the specified length of time determined by the Director of Planning. Permit lengths will be based on the actual merits and circumstances of each specific market.