

NO: **R117**

COUNCIL DATE: **May 28, 2012**

---

## REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **May 28, 2012**

FROM: **General Manager, Planning and Development**

FILE: **3900-20**

SUBJECT: **Proposed Amendments to Surrey Zoning By-law, 1993, No. 12000  
Related to Licensee Retail Stores**

---

## RECOMMENDATION

The Planning and Development Department recommends that Council:

1. Receive this report as information;
2. Adopt the course of action identified as Option "A" in this report, which is to amend each of the "Community Commercial (C-8)" Zone and the "Town Centre Commercial (C-15)" Zone to allow a stand-alone licensee retail store as a permitted principal use, all as documented in Appendix I to this report;
3. Authorize the City Clerk to bring forward for the required readings the necessary amending by-law to Surrey Zoning By-law, 1993, No. 12000 and to set a date for the related public hearing; and
4. Instruct the City Clerk to forward a copy of this report and the related Council resolution to Rising Tide Consultants.

## INTENT

This report responds to the requests related to the location of licensee retail stores that were made by a delegation before Council-In-Committee at its meeting held on March 12, 2012 Council-in-Committee meeting.

## BACKGROUND

At the March 12, 2012 Council-in-Committee meeting, Council heard a delegation from Rising Tide Consultants during which Council was requested to amend Surrey Zoning By-law, 1993, No. 12000 (the "Zoning By-law") such that licensee retail stores could be located on separate lots from the liquor primary licensed establishments. This request was based on changes to the Provincial liquor control regulations and to align Surrey's licensed establishment regulations with those of surrounding municipalities.

Between March and November 2002, the Province lifted the moratorium on new applications for cold beer and wine stores, now known as "licensee retail stores" ("LRS"). At that time, the

Provincial regulations required that an LRS had to be located in association with certain liquor primary licensed establishments, being a pub, hotel, cabaret or resort. Parties interested in establishing an LRS were required to make application to the Province by November 29, 2002. The moratorium was re-instated after the November deadline. No new application for an LRS has been accepted by the Liquor Control and Licensing Branch ("LCLB") since that time. There is no indication from the Province that the moratorium will be lifted again.

As mentioned above, based on the Provincial regulations in 2002, an LRS had to be tied to an existing liquor-primary operation, being a pub, hotel, cabaret or resort. In anticipation of potential de-regulation by the Province regarding liquor sales, in June 2003 Council approved amendments to the Zoning By-law to define "liquor store" and to amend the Commercial C-8 and C-15 Zones to permit liquor stores as a principal use but only in combination with a liquor primary licensed establishment. The relevant Comprehensive Development (CD) Zones were also amended to incorporate this restriction. The intent was to ensure that there would not be a proliferation of private liquor stores within the City.

In November 2003, the Province removed the requirement that an LRS be located on the same lot as the associated liquor primary licensed establishment.

## DISCUSSION

Based on the limitations on liquor stores contained in the Zoning By-law, the majority of private liquor stores have located on the same property as the associated liquor primary licensed establishment. There is, however, one exception to this restriction and one proposed exception as documented in the following table:

Address	Zone	Details
1554 – 128 Street	CD By-law No. 16433	Rezoning from C-8 to CD approved on September 14, 2009 to permit a free-standing LRS on a property adjacent the Forest Pub located at 12822 – 16 Avenue (Application No. 7907-0134-00).
17755 & 17745 – 64 Avenue	Proposed CD By-law Amendment By-law No. 17600 (Third Reading on April 2, 2012)	Rezoning to amend CD By-law No. 15727, to allow for the relocation of an LRS (currently at the Clover Inn) to a vacant building at the Cloverdale Crossing Shopping Centre (Application No. 7911-0318-00)

## Comparison to Other Metro Vancouver Municipalities

Planning and Development Department staff consulted surrounding municipalities to compare licensee retail store regulations. Of the municipalities contacted, Surrey is the only municipality that requires, through zoning, that an LRS be on the same lot as the related liquor primary licensed establishment (unless as noted above there is a Comprehensive Development (CD) Zone to specifically permit a stand-alone LRS). The following table is a summary of the zoning conditions related to LRS establishments from other municipalities in the region:

City/Municipality	LRS Tied to Liquor Primary Premise	Zones Permitting an LRS	Special Regulations
Burnaby	No	C2a, C3a and specific CD Zones	None
Coquitlam	No, unless an accessory liquor store	C-2, C-4, C-5, C-7 and specific CD Zones	Must be 300 metres (985 ft.) from another liquor store, accessory liquor store, school or place of worship.
Delta	No	C1, C1-A, C1-L and specific CD Zones	Must be 1 kilometre (1/2 mile) from another liquor store. LRS can only be located in a community Shopping Centre, hotel or in a freestanding building in or contiguous to a community shopping centre.
Langley Township	No, unless an accessory liquor store	C-1, C-2, C-2A, C-2B, C-2C, C-2D, C-12, C-17 and specific CD Zones	None
North Vancouver (District)	No	C1L, C2, C9, C10 and specific CD Zones	Have minimum size rules in most zones that permit liquor stores.
Port Coquitlam	No	Specific CD Zones	Requires site specific rezoning for all proposed LRS
Richmond	No	CC, CN, CDT1, CDT2, CDT3	Zoning By-law permits LRS on sites where a Provincial Government operated liquor store currently exists. All new stores require rezoning.
Surrey	Yes	C-8, C-15 and specific CD Zones	None
Vancouver	No	C-1, C-2, C-2B, C-2C, C-2C1, C-3A, C-5, C-6, C-7, C-8, FC-1, HA-2, HA-3	None

*Where LRS is licensee retail store and LP is liquor primary*

Of the eight other jurisdictions surveyed, none have regulations that require an LRS to be located on the same lot as the liquor primary licensed establishment; however, Richmond and Port Coquitlam require site specific rezoning to allow for the establishment of any new LRS.

### Options for Consideration

#### **Option "A": Amend the C-8 and C-15 Zones to Allow Stand-Alone Liquor Stores**

To reflect the Provincial liquor licensing regulations and to respond to the request of the recent delegation to Council, the Zoning By-law could be amended to allow a stand-alone LRS (i.e., not on the same lot as the liquor primary licensed establishment) as a principal use in each of the Community Commercial C-8 and Town Centre Commercial C-15 Zones, respectively.

Currently, "neighbourhood pubs" with a "liquor store" are a permitted use in each of the C-8 and C-15 Zones. Each of these Zones allows for a neighbourhood pub and a hotel as a principal use. These Zones are generally located in areas designated in the Official Community Plan as "Commercial or Town Centre", which limits the location of these zones to town centres and larger community shopping areas.

Appendix I documents the amendments that would be required to the Zoning By-law to implement this option. With adoption of such amendments, an LRS would be a permitted principal use within each of the C-8 and C-15 Zones. If an LRS was proposed to be located within any other Commercial Zone, a rezoning application would be required including a public hearing to allow for community input.

Under this option stand-alone liquor stores would not be permitted on any commercial site not regulated by a Comprehensive Development (CD) Zone. If the owner of such a site wanted to locate an LRS on the site, a rezoning application to amend the applicable CD Zone would be required and, if supported by Council, would involve a public hearing.

***Option "B": No Change to Zoning By-law (Permit Stand-Alone LRS only through Rezoning)***

An alternative approach that could be considered in relation to permitting any new stand-alone LRS in Surrey would be to require a rezoning of the related site that would include a public hearing. This would allow the community comment on the suitability of the proposed location.

As many existing commercial sites are zoned Comprehensive Development (CD), rezoning of these sites will be required to allow a stand-alone LRS. A recent example of a CD-zoned commercial site proposing a stand-alone LRS is the Cloverdale Crossing Shopping Centre at 64 Avenue and Highway No. 15 (Application No. 7911-0318-00). The rezoning by-law to amend the existing CD By-law received Third Reading on April 2, 2012.

## **Evaluation of Options**

In consideration of the general location of the lots that are zoned Community Commercial C-8 and Community Commercial C-15, being in Town Centre locations and in larger shopping districts and in recognition of the contained number of LRS licenses that have been issued by the Province, staff is satisfied that the course of action identified as Option 1 in this report will allow for the reasonable location of stand-alone LRS premises in the City and that the City will not experience a proliferation of LRS premises.

## **CONCLUSION**

Based on the above discussion it is recommended that Council:

- Adopt the course of action identified as Option "A" in this report, which is to amend each of the "Community Commercial (C-8)" Zone and the "Town Centre Commercial (C-15)" Zone to allow a stand-alone licensee retail store as a permitted principal use, all as documented in Appendix I to this report;
- Authorize the City Clerk to bring forward for the required readings the necessary amending by-law to the Zoning By-law and to set a date for the related public hearing; and

- Instruct the City Clerk to forward a copy of this report and the related Council resolution to Rising Tide Consultants.

*Original signed by*  
Jean Lamontagne  
General Manager  
Planning and Development

LAP/kms/saw

Attachments:

Appendix I Proposed Amendments to Surrey Zoning By-law, 1993, No. 12000

**Proposed Amendments to  
Surrey Zoning By-law, 1993, No. 12000, as amended**

The following amendments are proposed to Surrey Zoning By-law, 1993, No. 12000, as amended:

**1. Part 36 "Community Commercial (C-8) Zone"**

Delete Section B.7 in its entirety and replace it with the following:

"7. *Liquor store.*"

**2. Part 37 "Town Centre Commercial (C-15) Zone"**

Delete Section B.6 in its entirety and replace it with the following:

"6. *Liquor store.*"