



Planning and Land Use Committee Report

For the Meeting of July 9, 2015

To: Planning and Land Use Committee Report **Date:** June 25, 2015
From: Lucina Baryluk, Senior Process Planner
Subject: Review of the Licensee Retail Stores Rezoning Policy

RECOMMENDATION

That Committee forward this report to Council, and Council consider the following changes to the Licensee Retail Stores Rezoning Policy:

"The Licensee Retail Stores Rezoning Policy be amended as follows:

- The distinction between private liquor stores and government liquor stores be eliminated, and that the policy be renamed the Liquor Retail Store Rezoning Policy to provide clarity that the policy applies to all liquor retail stores, regardless of the operator.
- The recommended store size be increased to 275 m².
- References to primary, neighbourhood or district centres in the General Characteristics section of the policy be replaced with references to Large Urban Villages or Town Centres to reflect the terminology within the Official Community Plan."

EXECUTIVE SUMMARY

At the March 12, 2015 meeting of the Governance and Priorities Committee, staff were directed to consult with representatives of the Liquor Distribution Branch, Island Health, Victoria Police Department, Centre for Addictions Research, Victoria Chamber of Commerce, private operators and Neighbourhood Association representatives for each of the neighbourhoods with a Village Centre to explore the viability of using the District of Saanich's approach to liquor stores as a basis for the City's policy.

A workshop was hosted on May 14, 2015, and the participants expressed the following opinions:

- The City's Licensee Retail Stores Rezoning Policy should not differentiate between private operators and government liquor stores.
- The City's current Licensee Retail Stores Rezoning Policy's store size of 200 m² is too small to be functional and should be increased to 275 m², which would be the same as the smaller size limit within the District of Saanich. Additional stores in excess of this size were not seen as appropriate within the City of Victoria.
- Developing a municipal liquor policy was encouraged to provide a broader perspective to inform policy directions on liquor-related issues.

BACKGROUND

The purpose of this report is to present Council with information, analysis and recommendations for amendments to the City's current Licensee Retail Stores Rezoning Policy. Other changes to the provincial liquor laws as they affect the City of Victoria were discussed at the May 12, 2015 Governance and Priorities Committee Meeting, and it was noted only a minor amendment to the *Business License Bylaw* is required to address changes to the provincial legislation.

In addition, at the March 12, 2015 meeting of the Governance and Priorities Committee, the following motion was passed relating to Liquor Retail Stores:

- *Direct staff to report back on the amendments made to the District of Saanich, 2004 Zoning Bylaw, related to Liquor Retail Stores.*
- *Direct staff to consult with representatives of the Liquor Distribution Branch, Island Health, Victoria Police Department, Centre for Addictions Research, Victoria Chamber of Commerce, private operators and Neighbourhood Association representatives for each of the neighbourhoods with a Village Centre within the City of Victoria and report back within eight weeks.*

Introduction of the Licensee Retail Stores Rezoning Policy in Victoria

In 2003, in response to changes to provincial liquor licensing legislation, the City's *Zoning Regulation Bylaw* was amended to restrict liquor retail stores to zones that specifically allowed this use, giving Council the authority to approve, through the rezoning process, the location and other regulations for liquor retail stores. The existing liquor retail stores were provided legal non-conforming status. To guide decision-making, Council introduced the Licensee Retail Stores Rezoning Policy (attached). Both the policy and the changes to the *Zoning Regulation Bylaw* were the subject of public consultation.

The policy was further amended in 2006 to include a reference to a maximum total floor area of 200 m² for liquor retail stores. At that time, Council specifically considered the Saanich model and felt the smaller store size was appropriate for the Victoria context and was also in keeping with the applications that were being received at that time.

The City of Victoria's Current Licensee Liquor Retail Stores Rezoning Policy in Practice

Council has dealt with over 20 rezoning applications since the introduction of the policy. The applications have generally specified a size of store, so the size of the store has been stipulated in the *Zoning Regulation Bylaw*, similar to the District of Saanich, but on a site-specific basis.

In terms of size, three private liquor stores were approved that exceeded the recommended size of 200 m² size (Harris Green, Shark Club and Crossroads Plaza) and the two Liquor Distribution Branch stores approved by Council both exceeded this size (Menzie's Street (442 m²) and Hillside Centre (785 m²)).

Official Community Plan and the Downtown Core Area Plan

In 2012, the City of Victoria adopted the *Official Community Plan* (OCP), which provides further guidance on the type of uses anticipated in various urban place designations. The OCP has identified the types of commercial uses appropriate for different levels of centres. For example, a liquor store has been identified as appropriate within a large urban village and within a town centre.

The large urban villages have been identified as Selkirk, Victoria West, James Bay Village, Cook Street Village, Ross Bay, North Park, Stadacona Village, Jubilee Village, Humber Green Village and Quadra Village. Currently, only Selkirk does not have a liquor store; however, a rezoning application was approved for that location but the store was relocated. The town centres in the OCP have been identified as Mayfair and Hillside. Mayfair does not have a liquor retail store, and the liquor retail store in Hillside Centre was approved over a year ago.

The *Downtown Core Area Plan* does not provide any specific guidance on the location or size of liquor stores. However, within the Central Business District in particular and Historic Commercial District are envisioned to have a strong concentration of commercial uses including retail stores to provide the daily amenities and services required by businesses, employees and residents within the Central Business District.

Zoning Regulation Bylaw

The Zoning Bylaws for the City of Victoria and the District of Saanich are not parallel documents, and it is difficult to impose the structure of the District of Saanich's Zoning Bylaw on the City of Victoria's *Zoning Regulation Bylaw*. However, it is important to note that at this time most of the liquor retail stores within the City are in site-specific zones that allow the use and most contain upper size limits based on the application and context.

If an owner of an existing store wants to increase the floor area, there is nothing preventing an operator from pursuing this option through a rezoning application. Since the City has not had applications of this nature, it would appear that the existing size limits within each zone are generally acceptable to operators.

Provincial Legislation

In addition to the City regulations, the provincial *Liquor Control and Licensing Act* also imposes restrictions on liquor retail stores. The most important fact to note for the purposes of this discussion is that there is a requirement of a one kilometre distance between stores, which means that new liquor store locations (both public and private, relocated licenses and new stores) would not be able to locate within 1 km of a site held by an existing store. (Wine stores are not subject to this 1 km rule.) The other important fact is that the Province has a moratorium on the issuance of new private liquor store licenses until 2022, and no new wine store licenses are available.

One further note on changes to liquor licensing and the introduction of liquor sales in grocery stores: under the terms of the *Zoning Regulation Bylaw*, any liquor retail sales require a rezoning if it is on property that does not specifically allow the use. Therefore, liquor sales in grocery stores would be treated in the same manner as a liquor retail store and would require a rezoning application.

The District of Saanich Approach to Liquor Retail Stores

In 2004, the District of Saanich used a similar approach for this land use, which was to only allow liquor retail stores where the zoning bylaw specifically permitted this use. However, the District of Saanich also rezoned parcels that had existing liquor stores, whereas the City's approach did not include rezoning existing stores but to process new applications for stores as rezoning applications were received. Please refer to the attached excerpts from the District of Saanich's Zoning Bylaw and public hearing summary.

The District of Saanich has two categories based on size, which is dependent on location:

- 275 m² intended for smaller commercial centres
- 700 m² intended for shopping centres.

Public Engagement

A workshop was hosted on May 14, 2015. The focus of the meeting was to bring together stakeholders to provide input and recommendations regarding the City of Victoria's approach to the size of liquor stores and whether a model similar to Saanich would be appropriate for the City of Victoria.

Invitations were sent to representatives from the Liquor Distribution Branch, Private Liquor Store Association, Greater Victoria Chamber of Commerce, Downtown Victoria Business Association, neighbourhood associations, Island Health, Centre for Addictions Research, and Victoria Police. Stakeholders were also invited to submit a letter on behalf of their organization.

Attendance at the meeting included representatives from the Centre for Addictions Research, Island Health, Fairfield Neighbourhood Association, Burnside Gorge Community Association, Private Liquor Store Association, and Oaklands Community Association, along with staff from the City.

Letters were received from the Greater Victoria Chamber of Commerce and Centre for Addictions Research (attached).

Staff facilitated a 90-minute discussion with the group, including an overview of the current policy and examined possible changes under a new model. Questions explored with the group included:

- What are the opportunities and challenges presented with the current model?
- How could the issues be addressed under a new policy?
- How could Saanich's model work in the City of Victoria? Are the sizes and limits to specific areas appropriate for the City of Victoria?
- Should sizes be stipulated in policy only or should zoning regulations apply?

Overall the group was very appreciative of the opportunity to provide input and welcomed the opportunity to continue to be involved in future discussions regarding the development of a municipal liquor policy. The following top themes emerged from the groups' discussion:

- The City of Victoria's rezoning process should be applied equally to private and government-owned liquor stores.
- The size and location of liquor stores can be stipulated in policy (not pre-determined in zoning). Liquor store applications should be reviewed on a case-by-case basis to determine if they are an appropriate size for the location.
- A liquor store size of 275 m² (75m² larger than current allowable size in Victoria) is an appropriate size for liquor stores in Victoria in most cases, based on the rationale that a 200 m² size was not an optimal size for a small liquor store due to the amount of area required for receiving and storage.
- Victoria's walkability and sense of community are distinguishing characteristics of our city and there is concern that allowing big box liquor stores would not be well suited to Victoria.

- Overall, there was concern regarding recent provincial changes allowing the sale of alcohol in grocery stores. It was expressed that the updated policy should apply to grocery stores that will be allowed to sell alcohol. (Staff note: the policy applies to all outlets selling liquor.)
- The group suggested that the City of Victoria establish a broader municipal liquor policy, and the municipal liquor policy should inform the other policies associated with liquor.
- A new municipal overall liquor policy should consider the following:
 - No distinction between private liquor stores or government liquor stores for all aspects relating to liquor policies.
 - Number and size of allowable liquor establishments should take into account population density of the area and number of establishments already in existence.
 - Guidance regarding appropriate allowable proximity from schools, community centres, supportive housing or treatment centres and other facilities where access to alcohol may be a concern.
 - Appropriate hours of operation of a liquor establishment for the area.
 - Enforcement of liquor regulation in the City of Victoria.
 - Include guidance related to bars and pubs, beer gardens, special occasion events, grocery stores that sell alcohol, and other establishments where alcohol is sold or served including theatres, arenas and sporting events venues.

ANALYSIS

Based on the feedback received through the workshop as well as the existing policy and application-driven approach to liquor retail store rezonings within the City of Victoria, further exploration of the following policy-related topics is of value:

- applicability of the Licensee Retail Stores Rezoning Policy
- policy support for larger liquor retail stores
- policy support for two sizes of liquor retail stores
- Urban Place Designations within the *Official Community Plan*.

Applicability of the Licensee Retail Stores Rezoning Policy

The Licensee Retail Stores Rezoning Policy should clearly identify that the policy applies without distinction to all operators (BC Liquor stores and private liquor stores). This has been the City practice over the past several years; however, the policy document lacks clarity in this regard.

Policy Support for Larger Liquor Retail Stores

The workshop participants indicated that the 200 m² floor area limit creates issues for store operations. A 275 m² upper limit would be more appropriate and is in keeping with the Saanich approach.

Policy Support for Two Sizes of Liquor Retail Stores

The workshop participants indicated that at this time there were no compelling reasons to amend the Licensee Retail Store Rezoning Policy to consider larger liquor retail stores in Victoria due to the existing availability of large stores. This is consistent with the OCP focus of creating walkable villages for pedestrians rather than encouraging larger stores that would require more automobile traffic.

Urban Place Designations within the Official Community Plan

It would be appropriate at this time to update the Licensee Retail Stores Policy to reflect the direction of the *Official Community Plan* to state that the preferred locations for liquor retail stores are within Large Urban Villages or Town Centres. The current wording in the policy references primary, neighbourhood or district centres so this proposed change would make the policy consistent with the language contained in the OCP.

CONCLUSIONS

Based on the comments from the stakeholders and staff review, staff recommend for Council's consideration a number of changes to the policy to clarify its applicability, to increase the maximum recommended store size and to update locational references to be consistent with the new OCP Urban Place Designations.

Respectfully submitted,



Lucina Baryluk
Senior Process Planner




Alison Meyer, Assistant Director
Development Services



Jonathon Tinney, Director
Sustainable Planning and
Community Development

Report accepted and recommended by the City Manager:

Date:


July 3, 2015

LB:lw

W:\Liquor License General Info\PLUC Liquor policy update.docx

List of Attachments:

- Licensee Retail Stores Rezoning Policy (showing proposed amendments)
- District of Saanich, Excerpt from Council Meeting of October 19, 2004, and Zoning Bylaw
- Letter from The Chamber, dated May 13, 2015
- Letter from the Centre for Addictions Research of BC, dated May 8, 2015.



~~LICENSEE RETAIL STORES REZONING POLICY~~

LIQUOR RETAIL STORES REZONING POLICY

As a result of regulatory changes from the Province with respect to Liquor Licensee Retail Stores, the City of Victoria amended its Zoning Regulation Bylaw to remove the sale of beer, wine, and spirits from the retail sales definition. As a result, any new liquor licensee retail stores will require a zoning amendment to permit this use.

In conjunction with this zoning amendment, the attached criteria for assessing future rezoning applications to permit this use were adopted by a Resolution of Council on March 27, 2003.

For More Information

For further information on development applications, please contact the City of Victoria Planning & Development staff, located on the second floor of City Hall. The Planning Technicians and Planners will advise you on how to make an application. The business hours of Planning & Development are 8:00 am to 4:30 pm, Monday to Friday, except statutory holidays.

City of Victoria
Planning & Development
1 Centennial Square
Victoria, BC V8W 1P6
Phone: (250) 361-0382
Fax: (250) 361-0386

Amended December 29, 2008
Proposed Amendments July 2015

LIQUOR LICENSEE RETAIL STORES REZONING POLICY

GENERAL CHARACTERISTICS

- An application for a Liquor Licensee Retail Store must be accompanied by a letter of preliminary approval from the Province of BC.
- The store should be in an established or planned retail location to minimize nuisance to nearby neighbours. This may be within a large urban village or town centre a primary or district centre as identified in the Official Community Plan, within a commercial area identified in a neighbourhood plan or in a location zoned for other retail use.
- Entrance to the store should be from an existing street frontage or from within an existing shopping centre.
- Required parking may range from one space per 37.5 m² of gross floor area in suburban malls to nil in highly walkable locations, e.g. Downtown or a corner store.
- The store should be at least 200 m from an elementary or secondary school.
- The City wishes to avoid concentrations of this use, e.g. in the same block or at the same intersection. Generally, the store should be at least 200 m from an existing Licensee Retail Store, BC Liquor Store, wine or beer store, liquor retail store. A reduced distance may be warranted in locations such as neighbourhood or district centres a large urban village or town centre.

Note that provincial regulations may require a higher distance between stores. The most restrictive regulation shall apply.

- For applications with street frontage, the applicant should refer to the City's Crime Prevention Through Environmental Design (CPTED) guidelines and indicate, as part of the application, how the guidelines will be observed.
- Facility size is limited to a total floor area of 275 200 m².
- Revitalization of a heritage building and/or improved shop frontage on a street is encouraged.

APPROVAL PROCESS

- Recognizing the impact of this type of application, all residents and owners of neighbouring lots must be polled by the applicant as to the acceptability of the application, with the results submitted as part of the site plan information.
- The application will be referred to School District #61 and Victoria City Police for up to 30 days to ensure that their comments are considered in Council's decision.
- In addition to the policies for Licensee Retail Stores, the applicant must undertake the processes required for a rezoning application. This will include participation in a community meeting (CALUC) prior to the submission of the application.

SPECIAL COUNCIL MEETING
FOR THE PURPOSES OF A PUBLIC HEARING
HELD IN THE COUNCIL CHAMBERS
SAANICH MUNICIPAL HALL, 770 VERNON AVENUE
TUESDAY, OCTOBER 19, 2004 AT 7:30 P.M.

Present: **Chair:** Mayor Leonard
Council: Councillors Brownoff, Cubberley, Derman, Ngai, Pickup, Wade and Wergeland.
Staff: Tim Wood, Municipal Administrator; Chris Nation, Municipal Solicitor; Russ Fuoco, Director of Planning Services; Dwayne Halldorson, Development Manager; and MaryAnn Greco, Senior Committee Clerk.

No. 387
Bylaw No. 8608
ADM40

"ZONING BYLAW, 2003, AMENDMENT BYLAW, 2004 NO. 8608"

PROPOSED BYLAW AMENDMENT TO PROHIBIT ALL LIQUOR RETAIL STORES EXCEPT IN EXISTING LICENSED LOCATIONS

The intent of this proposed bylaw is to amend the Zoning Bylaw as follows:

- i) Include a new definition of "Liquor Retail Store" as follows:

Liquor Retail Store – means an establishment that engages in the retail sale of wine, beer or other liquor, as defined by the *Liquor Control and Licencing Act*, for consumption elsewhere than in that establishment.
- ii) To amend Section 5.2 to prohibit liquor retail stores in all commercial zones except where expressly permitted.
- iii) To amend the C-14 (Neighbourhood Public House) zone to include liquor retail stores as a permitted use and to limit the gross floor area for a liquor retail store to 275 m² (2960 sq. ft).
- iv) To create a new C-3L (Shopping Centre/Major Liquor Retail Zone). This new zone is identical to the existing C-3 (Shopping Centre) zone with the exception that liquor retail store has been added as a permitted use with a limit of one liquor retail store per site with a gross floor area not to exceed 700 m² (7535 sq. ft).
- v) To create new C-2LRS (General Commercial/Liquor Retail Zone), C-3LRS (Shopping Centre/Liquor Retail Zone), C-5LRS (Civic Core/Liquor Retail Zone), and C-11LRS (Tourist Accommodation/Liquor Retail Zone – High Density) zones. These new zones are identical to the existing C-2 (General Commercial), C-3 (Shopping Centre), C-5 (Civic Core Zone) and C-11 (Tourist Accommodation Zone – High Density) zones with the exception that liquor retail store has been added as a permitted use with a limit of one liquor retail store per site with a gross floor area not to exceed 275 m² (2960 sq. ft).
- vi) To rezone the following properties that currently have a licensee retail store, VQA wine shop, specialty wine shop or government liquor store from their existing zones to proposed new zones C-2LRS (General Commercial/Liquor Retail Zone), C-3L (Shopping Centre/Major Liquor Retail Zone), C-3LRS (Shopping Centre/Liquor Retail Zone), C-5LRS (Civic Core/Liquor Retail Zone), and C-11LRS (Tourist Accommodation/Liquor Retail Zone – High Density) as listed below:

SCHEDULE 826 SHOPPING CENTRE / MAJOR LIQUOR RETAIL ZONE • C-3L

826.1 Uses Permitted

Uses Permitted:

Shopping Centre: which may include the following uses:

- (a) Display and/or Retail Sale of all Classes of Goods, Wares, and Merchandise
- (b) Personal Service
- (c) Medical Services
- (d) Restaurant
- (e) Drive-In Restaurant
- (f) Fast Food Restaurant
- (g) Office
- (h) Recreation Facility
- (i) Assembly
- (j) Apartment
- (k) Congregate Housing
- (l) Service Station
- (m) Supplementary Off-Street Parking
- (n) Cable Hub Site
- (o) Beverage Container Depot
- (p) Liquor Retail Store
- (q) Daycare, Adult
- (r) Daycare, Child

826.2 Prohibited Uses

Prohibited Uses:

All uses not permitted by Section 826.1 and without limiting the generality of the foregoing:

- (a) Lumber and Building Supply Yard
- (b) The Sale, Servicing, or Repair of New or Used Vehicles, Trailers, Mobile Homes, Recreation Vehicle Units, Boats, Farm and Industrial Machinery, and Internal Combustion Engines except as an Accessory Use to a Department or Hardware Store
- (c) Unenclosed Storage
- (d) Neighbourhood Public House
- (e) Carnivals, Circuses, and Fairs
- (f) Beverage Container Depots where the total leasable floor area of all classes of uses in 1000 m² and less.

826.3 Density

Density:

- (a) Buildings and structures shall not exceed a Floor Space Ratio of 1.20.
- (b) The Gross Floor Area of a Liquor Retail Store shall not exceed 700 m² (7535 ft²).

826.4 Buildings and Structures

Buildings and Structures:

- (a) Shall be sited not less than:
 - (i) 7.5 m (24.6 ft) from any lot line abutting a street except that where the area between the building and lot line is landscaped and not used for the provision of off-street parking the minimum setback may be reduced to 3.75 m (12.3 ft).
 - (ii) 0 m from a rear lot line which does not abut a street provided that where a building or structure is not sited immediately adjacent to, or within, 0.5 m (1.6 ft) of the rear lot line, it shall be sited not less than 3.0 m (9.8 ft) from the rear lot line, and, where a rear lot line abuts an A, RS, RD, RC, RT, RM, RA, or RP zone, the minimum setback shall be 7.5 m (24.6 ft).
 - (iii) 0 m from an interior side lot line which does not abut a street provided that where a building or structure is not sited immediately adjacent to, or within, 0.5 m (1.6 ft) of the interior side lot line it shall be sited not less than 3.0 m (9.8 ft) from the interior side lot line, and, where an interior side lot line abuts an A, RS, RD, RC, RT, RM, RA, or RP zone the minimum setback shall be:
 - 3.0 m (9.8 ft) in the case of a one-storey building
 - 6.0 m (19.7 ft) in the case of a building of more than one-storey
 - (iv) 7.5 m (24.6 ft) from a front, exterior side and interior side lot line and 10.0 m (32.8 ft) from a rear lot line for the portion of the building used for an apartment use of a congregate housing use.
- (b) Shall not exceed a height of 15.0 m (49.2 ft).

B. 9163.2012

818.1 Uses Permitted

Uses Permitted:

- (a) Retail Sales of Goods and Services
- (b) Wholesaling Accessory to a Retail Sales Use
- (c) Medical Services
- (d) Rental and Repair of Household Items, Tools, and Appliances
- (e) Personal Service
- (f) Office
- (g) Restaurant
- (h) Assembly
- (i) Apartment
- (j) Congregate Housing
- (k) Accessory Residential
- (l) Supplementary Off-street Parking
- (m) Cable Hub Site
- (n) Beverage Container Depot
- (o) Liquor Retail Store
- (p) Daycare, Adult
- (q) Daycare, Child

818.2 Prohibited Uses

Prohibited Uses:

All uses not permitted by Section 818.1 and without limiting the generality of the foregoing:

- (a) Lumber and Building Supply Yard
- (b) The Sale, Servicing, or Repair of New or Used Vehicles, Trailers, Mobile Homes, Recreation Vehicle Units, Boats, Farm and Industrial Machinery, and Internal Combustion Engines except as an Accessory Use to a Department or Hardware Store.
- (c) Unenclosed Storage
- (d) Neighbourhood Public House
- (e) Beverage Container Depots where the total leasable floor area of all classes of uses is 1000 m² and less.

818.3 Density

Density:

- (a) Buildings and structures shall not exceed a floor space ratio of 1.20.
- (b) The Gross Floor Area of a Liquor Retail Store shall not exceed 275 m² (2960 ft²).

818.4 Buildings and Structures

Buildings and Structures:

- (a) Shall be sited not less than:

- (i) 7.5 m (24.6 ft) from any lot line abutting a street except that where the area between the building and lot line is landscaped and not used for the provision of off-street parking the minimum setback may be reduced to 3.75 m (12.3 ft).
- (ii) 0 m from a rear lot line which does not abut a street provided that where a building or structure is not sited immediately adjacent to, or within, 0.5 m (1.6 ft) of the rear lot line, it shall be sited not less than 3.0 m (9.8 ft) from the rear lot line, and, where a rear lot line abuts an A, RS, RD, RC, RT, RM, RA, or RP zone, the minimum setback shall be 7.5 m (24.6 ft).
- (iii) 0 m from an interior side lot line which does not abut a street provided that where a building or structure is not sited immediately adjacent to, or within, 0.5 m (1.6 ft) of the interior side lot line it shall be sited not less than 3.0 m (9.8 ft) from the interior side lot line, and, where an interior side lot line abuts an A, RS, RD, RC, RT, RM, RA, or RP zone the minimum setback shall be:
 - 3.0 m (9.8 ft) in the case of a one-storey building
 - 6.0 m (19.7 ft) in the case of a building or more than one-storey.
- (iv) 7.5 m (24.6 ft) from a front, exterior side and interior side lot line and 10.0 m (32.8 ft) from a rear lot line for the portion of the building used for, apartment use or a congregate housing use.

827.1 Uses Permitted

Uses Permitted:

Shopping Centre: which may include the following uses:

- (a) Display and/or Retail Sale of all Classes of Goods, Wares, and Merchandise
- (b) Personal Service
- (c) Medical Services
- (d) Restaurant
- (e) Drive-In Restaurant
- (f) Fast Food Restaurant
- (g) Office
- (h) Recreation Facility
- (i) Assembly
- (j) Apartment
- (k) Congregate Housing
- (l) Service Station
- (m) Supplementary Off-Street Parking
- (n) Cable Hub Site
- (o) Beverage Container Depot
- (p) Liquor Retail Store
- (q) Daycare, Adult
- (r) Daycare, Child

827.2 Prohibited Uses

Prohibited Uses:

All uses not permitted by Section 826.1 and without limiting the generality of the foregoing:

- (a) Lumber and Building Supply Yard
- (b) The Sale, Servicing, or Repair of New or Used Vehicles, Trailers, Mobile Homes, Recreation Vehicle Units, Boats, Farm and Industrial Machinery, and Internal Combustion Engines except as an Accessory Use to a Department or Hardware Store
- (c) Unenclosed Storage
- (d) Neighbourhood Public House
- (e) Carnivals, Circuses, and Fairs
- (f) Beverage Container Depots where the total leasable floor area of all classes of uses in 1000 m² and less.

827.3 Density

Density:

- (a) Buildings and structures shall not exceed a Floor Space Ratio of 1.20.
- (b) The Gross Floor Area of a Liquor Retail Store shall not exceed 275 m² (2960 ft²).

827.4 Buildings and Structures

Buildings and Structures:

- (a) Shall be sited not less than:
 - (i) 7.5 m (24.6 ft) from any lot line abutting a street except that where the area between the building and lot line is landscaped and not used for the provision of off-street parking the minimum setback may be reduced to 3.75 m (12.3 ft).
 - (ii) 0 m from a rear lot line which does not abut a street provided that where a building or structure is not sited immediately adjacent to, or within, 0.5 m (1.6 ft) of the rear lot line, it shall be sited not less than 3.0 m (9.8 ft) from the rear lot line, and, where a rear lot line abuts an A, RS, RD, RC, RT, RM, RA, or RP zone, the minimum setback shall be 7.5 m (24.6 ft).
 - (iii) 0 m from an interior side lot line which does not abut a street provided that where a building or structure is not sited immediately adjacent to, or within, 0.5 m (1.6 ft) of the interior side lot line it shall be sited not less than 3.0 m (9.8 ft) from the interior side lot line, and, where an interior side lot line abuts an A, RS, RD, RC, RT, RM, RA, or RP zone the minimum setback shall be:
 - 3.0 m (9.8 ft) in the case of a one-storey building
 - 6.0 m (19.7 ft) in the case of a building of more than one-storey
- (b) Shall not exceed a height of 15.0 m (49.2 ft).

B. 9183 2012



City of Victoria Liquor Policy Engagement Summary Report

Introduction

On Thursday, May 14, the City of Victoria hosted a discussion with stakeholders regarding the City of Victoria's liquor policy, specifically related to the size and location of new liquor stores in Victoria.

The focus of the meeting was to bring together stakeholders to provide input and recommendations regarding the City of Victoria's existing liquor policy and whether a model similar to Saanich would be appropriate for the City of Victoria.

Invitations were sent to representatives from the Liquor Distribution Branch, Private Liquor Store Association, Victoria Chamber of Commerce, Downtown Victoria Business Association, neighbourhood associations, Island Health, Centre for Addictions Research, and Victoria Police. Stakeholders were also invited to submit a letter on behalf of their organization.

Attendance at the meeting included representatives from the Centre for Addictions Research, Island Health, Fairfield Neighbourhood Association, Burnside Gorge Community Association, Private Liquor Store Association, and Oaklands Community Association along with staff from Sustainable Planning and Community Development and Citizen Engagement and Strategic Planning including the liaison for the City's Late Night Great Night program.

Letters were received from the Greater Victoria Chamber of Commerce and Centre for Addictions Research and are attached with this summary report.

Background

The City's current Licensee Retail Store Rezoning Policy recommends that the total floor area of a retail liquor store be limited to 200 metres square (650 square feet). The existing policy does not provide enough clarity that the policy applies to both private liquor stores and government liquor stores.

In the District of Saanich, the size of a permitted store is based on zoning with stores up to 275m² (900 square feet) permitted in smaller commercial centres and larger liquor stores up to 700m² (2300 square feet) permitted in larger commercial centres.

Engagement Approach

Staff facilitated a 90 minute discussion with the group, including an overview of the current policy and examined possible changes under a new model. Questions explored with the group included:

- What are the opportunities and challenges presented with the current model?
- How could the issues be addressed under a new policy?
- How could Saanich's model work in the City of Victoria? Are the sizes and limits to specific areas appropriate for the City of Victoria?
- Should sizes be stipulated in policy only or should zoning regulations apply?

What We Heard

When asked about the City of Victoria's liquor policy, the following were the top themes that emerged from the conversation:

- The City of Victoria's policy should be applied equally to private and government owned liquor stores.
- The size and location of liquor stores does not need to be set in zoning. Liquor store applications should be reviewed on a case by case basis to determine if they are an appropriate size for the location.
- A liquor store size of 275m² (smaller size in Saanich, 75m² larger than current allowable size in Victoria) is an appropriate size for liquor stores in Victoria in most cases, based on the rationale that a 200 m² size was not an optimal size for small liquor store due to the amount of area required for receiving and storage
- Victoria's walkability and sense of community are distinguishing characteristics of our city and there is concern that allowing big box liquor stores would not be well suited to Victoria.
- Overall, there was concern regarding recent provincial changes allowing the sale of alcohol in grocery stores. It was expressed that the updated policy should apply to grocery stores that will be allowed to sell alcohol.
- It was recommended by the group that the City of Victoria establish a broader municipal liquor policy, and the municipal liquor policy should inform the other policies associated with liquor, such as the Licensee Retail Stores Rezoning Policy.
- A new municipal liquor policy should include the following:
 - Fair treatment of liquor store applicants, regardless of whether they are private or government owned.
 - Number and size of allowable liquor establishments should take into account population density of the area and number of establishments already in existence.
 - Guidance regarding appropriate allowable proximity from schools, community centres, supportive housing or treatment centres and other facilities where access to alcohol may be a concern.
 - Appropriate hours of operation of a liquor establishment for the area.
 - Enforcement of liquor regulation in the City of Victoria.
 - In addition to liquor stores, the new municipal policy should include guidance related to bars and pubs, beer gardens, special occasion events, grocery stores that sell alcohol, and other establishments where alcohol is sold or served including theatres, arenas and sporting events venues.

- Overall the group was very appreciative of the opportunity to provide input and welcomed the opportunity to continue to be involved in future discussion regarding the development of a municipal liquor policy.

Next Steps

Based on the input, staff will provide suggested updated to the City's current Licensee Retail Stores Rezoning Policy and bring forward this engagement summary report to Mayor and Council.

May 13, 2015

Engagement
City of Victoria
Via Email

Re: Victoria Liquor Policy

This policy is being reviewed as a result of a recent application for a 1282 square metre liquor store at Blanshard Square. The sale of liquor is highly regulated in BC and there have been a number of recent changes to the Provincial Liquor regulations that should be taken into account in the development of a new policy. The Chamber promotes fair competition for legitimate businesses in Victoria and that fair competition principle is valid in the liquor segment.

Liquor retailing has been highly regulated for a considerable period of time and, due in part to these regulations, businesses have made long-term investments in our community. As regulations evolve, at both the Provincial and local level, it is important to recognize and respect these investments. To suddenly change from a liquor regulation that limits stores to 200 square metre to a situation where anyone can apply for 1500 square metres puts both the businesses and the community in a tenuous situation. A process that would allow existing licensees, who met certain criteria regarding responsible operation, to expand within the confines of a new bylaw after a period of five years is an example of a solution that might be reasonable.

The new regulation should recognize that it may be more reasonable to have a larger liquor retailer in a major commercial area but such a retailer would not be appropriate for a village setting. For example; there may be a place for "mega" liquor stores in malls but a similar-sized retail location should not be permitted in Fernwood or Cook Street Village.

The new city bylaw should also be blind to bias in ownership of such retailers. Government-owned retailers should not be preferred to private or vice versa.

In summary new municipal policies should support fair competition, respect existing licensees, recognize the character of the neighborhood, and protect against bias towards private or public ownership.

Yours truly,



Bruce Carter
Chief Executive Officer



University
of Victoria

Centre for Addictions Research of BC
PO Box 1700 STN CSC
Victoria British Columbia V8W 2Y2 Canada
Tel 250-472-5445, Fax 250-472-5321
Email carbc@uvic.ca Web www.carbc.ca

ADDICTIONS
RESEARCH OF BC

May 8, 2105

Letter to City of Victoria

To whom it may concern:

Re: Liquor Store Policy Discussion

Thank you for inviting participation from the Centre for Addictions Research of BC (CARBC) in this important process. At your invitation, I am writing to comment on the specific issue of the permitted size of liquor stores in different areas as well as some other possibilities for reducing alcohol-related harm through municipal action.

An important piece of context is the mounting evidence of serious health, safety and social harms from alcohol consumption both in Canada and the developed world generally. The World Health Organization recently estimated alcohol use to be the 5th leading cause of preventable disease and disability globally. Closer to home, CARBC has tracked rates of hospital admissions and deaths caused by alcohol in comparison with other substances (tobacco and illicit drugs) for BC as a whole and also for regions and localities. Our online tracking tool (see: <http://carbc21.cfar.uvic.ca/index-v2.php>) shows that in South Vancouver Island, by 2009, alcohol had overtaken tobacco as the leading cause of hospital admissions caused by substance use. Hospital admissions caused by the use of illicit drugs trailed a distant third. BC Vital Statistics estimates about 1900 deaths a year are related to alcohol use and data from the BC Centre for Disease Control indicate 23,875 hospital admissions were directly attributable to alcohol in 2012 (see: <http://www.uvic.ca/research/centres/carbc/assets/docs/aod/hd-alcohol-morbidity-reports.pdf>). On South Vancouver Island the annual number of alcohol-attributable hospital admissions has risen from 1,573 in 2002 to 2,073 in 2012. Applying international estimates of alcohol's contribution to crime events to BC data indicates that in 2012 there were approximately 18,000 violent incidents, 24,000 property offences and 26,000 other types of crime attributable to alcohol use in BC.

Municipal authorities have many means at their disposal for limiting harms that may arise both in the short and the longer term from the consumption of alcohol. In relation to the specific proposal to adopt the District of Saanich policy and thereby increase the permitted size of liquor stores in Victoria from 200 m² to 275 m² in smaller commercial centres and up to 700 m² in larger commercial centres, this move would likely worsen public health and safety outcomes for the city. I have recently seen specific research on this subject examining the connection between the size of liquor stores, prices charged and the incidence of intentional and unintentional injuries in the vicinity. This was an international study and the findings are not yet in the public domain. A large sample of different-sized liquor stores was examined in a large city, store floor areas and prices assessed and precise locations of injury events located. There were clear statistical relationships between larger liquor store size and a) lower prices and b) a higher incidence nearby of intentional and unintentional injuries. It was also found that liquor stores that were part of a larger chain charged lower prices than independent stores.

The basic concern is that larger stores have a greater economy of scale that enables them to undercut smaller establishments. This leads to downward pressure on price this in turn leads to more alcohol being purchased and consumed. The research literature on local, provincial and national level alcohol policies is clear that increased availability and affordability of alcohol is associated with increased rates of the serious alcohol-related harms mentioned above. Of course such policies may also be popular - especially with the local business community. If the City Council is to balance business interests against public interest concerns around health and there is much to learn from published research that could guide effective policy development.

There are many opportunities at the municipal level for minimizing harms associated with alcohol consumption while maintaining reasonably convenient access to our favourite recreational drug. In relation to zoning, Councils can ensure there are no exceptions to the "1 km rule" which has been proposed in the BC liquor law reforms i.e., no new liquor store can be introduced within 1 km of an existing one. It is likely that exceptions to this rule will be proposed allowing BC-made alcohol products to be sold regardless of how close an establishment (grocery store or new specialty liquor store) is to existing liquor stores. The local density of liquor outlets has been found both in international and in BC-specific research to predict level of consumption of alcohol and rates of serious harms such as alcohol related deaths and hospital admissions. The prices charged in liquor stores are subject to minimum pricing laws but these have not been enforced in any way in relation to

private liquor stores which have been shown in CARBC research to sometimes undercut government liquor store prices. Similarly, the City of Victoria can ensure compliance with the new BC wide "happy hour" regulations. They could also impose higher price limits. A recent CARBC study has found that the happy hour prices of beer in Victoria bars are sometimes below the recommended limit of three dollars per 12 ounce serve. The recommendation for minimum bar prices made by Chief medical health officers, health authorities and CARBC during the liquor review consultation was that minimum prices for bars should be charged per standard drink not per 12 ounce serve. The existing law permits a 12 ounce bottle of 8% strength beer to be sold for three dollars or \$1.87 per standard drink. This is not a good way to protect young people, vulnerable members of the community and anyone using public spaces near to drinking establishments.

Municipalities can also request police to provide more frequent and highly visible enforcement of impaired driving laws and of liquor laws such as service to intoxicated and/or underage customers. They can track premises which have persistently contributed to problems of violence and public nuisance and press for conditions to be placed on licences or even suspensions. Municipal authorities can also impose local- and time-specific restrictions on the hours of operation of liquor stores and bars.

I recommend the Council develops a strong Municipal Alcohol Policy which balances public and business demand for convenient access to alcohol with safeguards to protect public health and safety in the wider community. I am happy to provide further evidence or input should this be requested.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tim Stockwell', with a stylized, cursive script.

Tim Stockwell, PhD, FCAHS, MA (Oxon.), M.Sc.
Director, CARBC
Professor, Department of Psychology, University Victoria