

December, 2014
PLANNING DEPARTMENT

LIQUOR LICENSE APPLICATION

This bulletin is intended to provide information on the Planning and Development Department Liquor Application Process.

PROVINCIAL LIQUOR LICENSING REGULATIONS

There are three (3) types of Provincial Liquor Licenses:

1. Food-Primary Licenses: where the primary focus is serving food.
2. Liquor-Primary Licenses: associated primarily with the hospitality, entertainment, or beverage service businesses.
3. Manufacturer's Licenses: which allow the licensee to manufacture and store beer, wine, and spirits, and provide samples of product in a designated sampling area.

Food-Primary Licenses do not require public input and are not, therefore, handled by the Planning and Development Department. *Food Primary Licenses* are processed by Surrey's By-law Enforcement & Licensing Section in conjunction with the Surrey Building Division.

Liquor-Primary Licenses require public input and local government input.

Manufacturer's Licenses do not require public input or local government input.

Liquor License Amendments

In addition to the three (3) types of Provincial Liquor Licenses noted above, there are five (5) types of Provincial Liquor License Amendments:

1. Addition of a patio to a *liquor-primary license* or a lounge endorsement;
2. Addition of patron participation entertainment to *food primary licenses*;
3. Extension of hours of liquor service past midnight for *food-primary licenses*;
4. Extension of hours of liquor-primary licenses or manufacturer's license endorsements; and
5. Increase in person capacity of liquor-primary licenses or manufacturer's license endorsements.

Liquor License Amendments require public input and local government input.

Manufacturer's License Endorsement

1. Picnicking endorsement that allow the consumption of products supplied from the tasting area or purchased from the on-site store.
2. Manufacturer tour areas that permit patrons to consume samples provided or sold (up to the maximum sample sales permitted) on the tour. If a winery has a lounge and/or special event area, patrons on a tour can also consume wine manufactured and bottled in BC; otherwise only the winery's product may be consumed.
3. Manufacturer's lounge endorsement that allows:
 - a) Breweries: sale and consumption of product registered to the Brewery only.
 - b) Distilleries: sale and consumption of product registered to the Distillery only.
 - c) Wineries: sale and consumption of Wine products manufactured in B.C. only.
4. Manufacturer's special event areas that set hours and locations on the manufacturer's site for special events at which the following is allowed:
 - a) Breweries: sale and consumption of product registered to the Brewery only.
 - b) Distilleries: sale and consumption of product registered to the Distillery only.
 - c) Wineries: sale and consumption of Wine products manufactured in B.C. only.

The City of Surrey has no involvement in Picnicking Endorsements and Tour Area permits.

Lounge Endorsements are processed the same way as Liquor License Amendment Applications.

Special Event Area Endorsements are processed the same way as Liquor Primary License applications.

SURREY LIQUOR PERMIT APPLICATION PROCESS

Those making an application to the Liquor Control and Licensing Branch (LCLB) for either a Liquor-Primary License, Liquor License Amendments, or certain Manufacturer's License Endorsements must also submit a Liquor Application to the Planning and Development Department.

Liquor-Primary Licenses (Including Special Event Area Endorsements)

Step 1: Plan Your Liquor Application

- Make inquiry to the Planning and Development Department.
- Identify regulations and policies relevant to the proposal for a Liquor-Primary License (zoning or other City policies etc.).
- Inquire as to what other approvals (servicing, etc.) may be required.

Step 2: Submit Your Liquor Application

- Make an application to the LCLB for a Liquor-Primary License.
- Submit a Liquor Application to the Planning and Development Department and pay the appropriate application fees. A copy of the application form that the applicant submitted to the LCLB must also accompany the Surrey Liquor Application.

Step 3: The City Considers Your Liquor Application

- The Liquor Application is assigned to a Planner in the Planning and Development Department for review.
- As part of the review process, the applicant is required to erect a Development Proposal Sign on the site informing the public of the application.
- The Planner sends out preliminary notification letters to apprise land owners within 100 metres (300 ft.) of the subject site to solicit their opinion with respect to the proposal.
- The Planner sends the application to internal and external agencies for their review and comment.
- If the proposal involves the construction of a new building or patio, the application will also be subject to design review.

Step 4: Council Makes a Decision on Your Liquor Application

- Upon receiving comments from internal and external referral agencies, and upon resolution of design and other issues, a Planning Report is submitted to City Council.
- This report includes an assessment of the application and a recommendation that the application be supported or not supported by Council.
- If Council supports the application, Council will hold a Public Hearing to solicit opinions from area residents and businesses.
- After the Public Hearing, Council will pass a resolution to support, or not support, the application and will forward this resolution to LCLB, who, in turn, will determine whether or not to issue the Liquor-Primary License.

Liquor License Amendments

Step 1: Submit Your Liquor Application

- The applicant must bring a Provincial "Permanent Change to a Liquor License Application" or an "Application for Structural Change" to the City for signature.
- Prior to the City signing the Provincial application, the applicant must submit a complete Liquor application to the Planning and Development Department and pay the appropriate fees.
- Once the Liquor Application is submitted, the City will sign the "Application for Structural Change" and "Permanent Change to a Liquor License Application" and the applicant can forward the application to Victoria.

Step 2: The City Considers Your Liquor Application

- Once the Liquor Application is submitted to Surrey, the application is assigned to a Planner in the Planning and Development Department for review.
- As part of the review process, the applicant is required to erect a Development Proposal sign on the site informing the public of the application.
- The Planner sends out preliminary notification letters to apprise landowners within 100 metres (300 ft.) of the subject site to solicit their opinion with respect to the proposal.

- The Planner sends the application to internal and external agencies for their review and comment.

Step 3: Council Makes a Decision on Your Liquor Application

- Upon receiving comments from internal and external referral agencies and upon resolution of design and other issues, a Planning Report is submitted to Council.
- This report includes an assessment of the application and a recommendation that the application be supported or not supported by Council.
- If Council supports the application, it proceeds to Public Notification. Public Notification letters are sent by the City Clerk to land owners and tenants within 100 metres (300 ft.) of the subject site to solicit their opinion with respect to the proposal.
- Council reviews comments generated by the Public Notification letters.
- After reviewing written comments generated by Public Notification, City Council passes a resolution to support, or not support, the application and forward the resolution to the LCLB, who, in turn, determines whether or not to issue the Liquor License Amendment.

LIQUOR STORES

Provincially Operated Liquor Stores

In Surrey, Provincially operated liquor stores are considered to be a "retail store" and are, therefore, permitted on sites where "retail stores" are a permitted use under the zone for that site.

Licensee Retail Stores (Privately Operated Liquor Stores)

A privately owned and operated liquor store is called a Licensee Retail Store (LRS) by the LCLB. These LRS's can sell beer, wine, cider, coolers and a full range of spirits, as well as B.C. lottery products, cigarettes, packaged snacks and liquor related items such as glasses, bottle openers, corkscrews, etc.

Those wishing to operate a LRS must have a LRS "License" issued by LCLB.

(It should be noted that, in November 2002, the Liquor Control and Licensing Branch placed a moratorium until July 21, 2022 on the acceptance of applications for new Licensee Retail Store permits. However, under certain conditions, existing LRS licenses may be sold and/or transferred to new locations. It is recommended that Liquor Control and Licensing Branch be contacted for further information.)

Under Surrey Zoning By-law, 1993, No. 12000, as amended, LRS establishments are classified as "liquor stores". "Liquor Stores" are defined as follows:

*"a licensee retail store licensed under the regulations of the British Columbia
Liquor Control and Licensing Act, R.S.B.C. 1996, c.267, s.84."*

Licensee Retail Stores are permitted in the C-8 Zone and C-15 Zone, and in certain Comprehensive Development Zones.

Retail Wine Stores

A privately owned and operated retail wine store is called an Off-Site Retail Wine Store by the LCLB. An off-site retail wine store includes any kind of wine store that is not on the site of a winery, including winery-operated off-site wine stores, off-site independent wine stores, VQA stores and tourist wine stores. Off-site retail wine stores can sell only wine (no other types of alcoholic beverages) and wine related products such as wine racks, corkscrews, wine glasses, chillers, books and pamphlets, etc.

Off-site retail wine stores are regulated and monitored by the LCLB.

In Surrey, off-site retail specialty wine stores are considered to be a "retail store" and are, therefore, permitted on sites where "retail stores" are a permitted use under the zone for that site.

Policies & Guidelines

Liquor Applications & Licensed Premises

LOCATIONAL CRITERIA FOR LIQUOR-PRIMARY ESTABLISHMENTS (NEIGHBOURHOOD PUB)

1. Neighbourhood public houses should:
 - (a) be close to but not surrounded by a residential area. The higher the residential density of the development the better the opportunity to develop a locally supported community facility. Densities of one house to the acre or less are in general not adequate for this purpose. Small, established rural communities would be an exception to this. It is desirable to locate a pub in the centre of a neighbourhood yet not surrounded entirely by houses. Where possible, a central location is preferred, if the pub can be located adjacent to other adult community facilities.
 - (b) be adjacent to or in local commercial nodes. Neighbourhood commercial areas designated for convenience and local shopping needs form an excellent node for community facilities. Local stores, grocery stores, service station and so on are areas where traffic and noise are presently generated and often these uses continue throughout evening hours. Therefore, it makes sense to locate another local community facility in or adjacent to such area.
 - (c) not be on a provincial highway. Because of highway speeds, the lack of parking and other restrictions, no pub should be located on a major highway. Accessibility is enhanced by locating on through collector roads adjacent to major arterials. Easy access is obtained without disturbing local residential roads.
 - (d) not be close to children's facilities. No pub should be located within 400 metres of a school, a children's park or playground. Some concern has been expressed by members of the community that exposing children to neighbourhood pub use is not a desirable influence.

2. Neighbourhood public houses can be:
 - (a) adjacent or in industrial areas. Industrial areas which are adjacent to urban residential areas form good locations for neighbourhood pubs. In this way there is a supporting residential community for evening use and also a facility for use by the industrial work force. Additional noise and traffic generated by pub use can be easily absorbed in an industrial area.
 - (b) adjacent to agricultural areas. On the fringes of some urban residential areas there are areas of agricultural use. In certain areas such locations could provide a supporting residential population for a neighbourhood pub. Traffic and noise problems would be reduced in these fringe areas if some of the traffic would be dissipated through the agricultural areas.

- (c) at minor intersections. Neighbourhood pubs can be located at minor intersection for easy traffic dispersal. Location in the middle of a block containing non-residential land use is also recommended.

(Council Resolution No. X-369, December 3, 1979)

HOURS OF OPERATION FOR LIQUOR-PRIMARY ESTABLISHMENTS

Sunday through Thursday: 11:00 a.m. to no later than 1:00 a.m.; and

Friday and Saturday: 11:00 a.m. to no later than 2:00 a.m.

However, where special circumstances exist, operating hours may be further restricted.

(Council Resolution R04-0386, February 23, 2004)

HOURS OF OPERATION OF AN OUTDOOR PATIO

Where an outdoor patio of a licensed establishment is located within 100 metres of a residential area, the permitted hours of operation of the outdoor patio are between 11:00 a.m. to 10:00 p.m. every day of the week.

(Section 53(4) of Surrey Business License By-law, 1999, No. 13680, as amended)

GOOD NEIGHBOUR AGREEMENT

Every proprietor of a Licensed Premise (Liquor Primary) and of a Licensed Premise (Food Primary) that offers patron participation entertainment, or liquor service past midnight, or operates a separate lounge area where food service is optional, must enter into a good neighbour agreement with the City, the RCMP and Surrey Fire Services as a condition of receiving a new business license or amending an existing business license.

(Section 53(5) of Surrey Business License By-law, 1999, No. 13680, Amendment By-law, 2007, No. 16386)

LOCATIONAL GUIDELINES FOR PRIVATE LIQUOR STORES (LICENSEE RETAIL STORES)

Policy Guidelines

The following locational guidelines for private liquor stores (licensee retail stores) will be used as part of the analysis of determining the suitability of a site for a private liquor store when such a use is pursued through a rezoning application process.

1. Private liquor stores should not be located:
 - 1.1 Within 1 kilometre (0.6 mile) of another private liquor store; or
 - 1.2 Within 400 metres (1/4 mile) of a school, a public children's park, a public children's playground, a public library or a public recreation centre;

2. Where a private liquor store is proposed to be relocated within 400 metres of its current location, the new location for the private liquor store should be no closer to a school, a public children's park, a public children's playground, a public library or a public recreation centre than it was at its former location.

(Council Resolution R13-1895, September 9, 2013, Council Policy No. O-59)

SURREY LIQUOR LICENSING PROCESS

The *Liquor Control and Licensing Act* requires Local Government input on the following types of Liquor License applications:

1. Liquor-Primary Licenses
2. Liquor License Amendments as follows:
 - (a) Addition of a patio to a liquor-primary license or a lounge endorsement;
 - (b) Addition of patron participation entertainment to a food-primary license;
 - (c) Extension of hours of liquor service past midnight for a food-primary license;
 - (d) Extension of hours of a liquor-primary license or manufacturer's license endorsement; or
 - (e) Increase in person capacity of a liquor-primary license or manufacturer's license endorsement.

Applicants who apply to the Liquor Control and Licensing Branch (LCLB) for any Liquor License that requires Local Government input must submit a Liquor Permit Application to the Planning and Development Department.

Applications for a Liquor-Primary License

Applicants will be required to erect a Development Proposal sign on the site, which is the subject of the application in accordance with Council Policy O-8.

Within three weeks of the submission of the Liquor Application, the Planning and Development Department will send a pre-notification letter to all owners of properties within 100 metres (300 ft.) of the site, which is the subject of the application.

Council will hold a Public Hearing to obtain public input regarding the application. Staff of the Legislative Services Department will send a Public Hearing notification letter to all owners of properties and tenants of properties located within 100 metres (300 ft.) of the site which is the subject of the application and will advertise the Public Hearing in 2 consecutive editions of a local newspaper in a process similar to that used for rezoning applications.

Applications for a Liquor License Amendment

Applicants will be required to erect a Development Proposal sign on the site, which is the subject of the application in accordance with Council Policy O-8.

Applications for Liquor License Amendments will be processed following the same procedures used for Development Variance Permits except that public notification letters regarding such applications will be forwarded by staff of the Legislative Services Department to the owners of properties and tenants of properties located within 100 metres (300 ft.) of the site which is the subject of the application and the letters will state that all comments must be submitted in writing to the City within 3 weeks of the date of the Public Notification letter.

(Council Resolution R03-2634, September 29, 2003)