



City of Maple Ridge

PUBLIC HEARING

September 15, 2015

CITY OF MAPLE RIDGE
NOTICE OF PUBLIC HEARING

TAKE NOTICE THAT a Public Hearing will be held in the Council Chamber of the Municipal Hall, 11995 Haney Place, Maple Ridge, North-East corner entrance, at 7:00 p.m., Tuesday, September 15, 2015 to consider the following bylaws:



1) 2014-014-RZ

MAPLE RIDGE ZONE AMENDING BYLAW NO. 7071-2014

LEGAL: Lot 3, Section 28, Township 12, New Westminster District, Plan 3007
Except: Reference Plan 15218, Plans 66891, LMP46668, LMP47584,
BCP10664, BCP42355, EPP9001 and EPP23139

LOCATION 13316 235 Street

FROM: RS-3 (One Family rural Residential)

TO: R-1 (Residential District)  and
RS-1b (One Family Urban (Medium Density) Residential) 

PURPOSE To permit a subdivision into 13 lots.



2) 2015-212-RZ

MAPLE RIDGE ZONE AMENDING BYLAW NO. 7161-2015

PURPOSE: To amend the Maple Ridge Zoning bylaw to prohibit the sale of liquor and wine in grocery stores by adding the following under Part 4, GENERAL REGULATIONS, Section 401(3);

g) The sale in or from a grocery store, or in or from a store located in a grocery store, of beer, cider, wine or spirits, or any other product intended for human consumption, that contains more than 1% alcohol by volume, except a product produced primarily for cooking purposes

AND FURTHER TAKE NOTICE that a copy of the aforesaid bylaws and copies of staff reports and other information considered by Council relevant to the matters contained in the bylaws will also be available for public inspection at the Municipal Hall, Planning Department counter, between 8:00 a.m. and 4:00 p.m. from September 3, 2015 to September 15, 2015, Saturdays, Sundays and Statutory Holidays excepted. Some of this information will also be posted on the City website www.mapleridge.ca on the Your Government /Meet Your Council/Council Meetings page.

ALL PERSONS who deem themselves affected by any of these bylaws shall be afforded a reasonable opportunity to be heard at the Public Hearing before Council on the matters contained in the bylaws or by making a written submission to the attention of the Manager of Legislative Services or by sending an e-mail to the Clerk's Department at clerks@mapleridge.ca, by 4:00 p.m., September 15, 2015. Please note that all written submissions provided in response to this consultation will become part of the public record which includes the submissions being made available for public inspection.

Dated this 3rd day of September, 2015.

Ceri Marlo
Manager of Legislative Services

**DEVELOPMENT APPLICATION CHECKLIST
FOR FILE 2014-014-RZ
File Manager: Therese Melser**

Official Community Plan or Zoning Bylaw Amendments:	RECEIVED	NOT REQUIRED
1. A completed Application Form (Schedule "A" – Development Procedures Bylaw No. 5879-1999)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. An application fee, payable to the District of Maple Ridge, in accordance with Development Application Fee Bylaw no. 5949-2001.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. A Certificate of Title and Consent Form if the applicant is different from the owner shown on the Certificate of Title.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. A legal survey of the property(ies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Subdivision plan layout	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Neighbourhood context plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Lot grading plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Landscape plan**	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Preliminary architectural plans including site plan, building elevations, accessory off-street parking and general bylaw compliance reconciliation**.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

* These items may not be required for single-family residential applications

+ These items may be required for two-family residential applications, as outlined in Council Policy No. 6.01

Additional reports provided:

Geotechnical Report – Valley Geotechnical

Environmental Assessment – Envirowest Consultants

Storm Water Management Plan – Don Bowins

WildFire Development Permit Assessment Report – Diamond Head Consulting

CITY OF
MAPLE RIDGE

Agenda Item: 1102
Council Meeting of: July 14, 2015

- 1) That Bylaw No. 7071-2014 be given second reading, and be forwarded to Public Hearing;
- 2) That Council require, as a condition of subdivision approval, the developer to pay to the City an amount that equals 5% of the market value of the land, as determined by an independent appraisal, in lieu of parkland dedication in accordance with Section 941 of the *Local Government Act*; and,
- 3) That the following terms and conditions be met prior to final reading:
 - i) Registration of a Rezoning Servicing Agreement as a Restrictive Covenant and receipt of the deposit of a security, as outlined in the Agreement;
 - ii) Road dedication on Larch Avenue as required;
 - iii) Registration of a Restrictive Covenant for the geotechnical report, which addresses the suitability of the subject property for the proposed development;
 - iv) In addition to the Site Profile, a disclosure statement must be submitted by a Professional Engineer advising whether there is any evidence of underground fuel storage tanks on the subject property. If so, a Stage 1 Site Investigation Report is required to ensure that the subject property is not a contaminated site.

(2014-014-RZ, 13316 235 Street – to rezone from RS-3 [One Family Rural Residential] to R-1 [Residential District] and RS-1b [One Family Urban (Medium Density) Residential] to permit subdivision into 13 lots)

OPPOSED - C. MASSE

☒ CARRIED

☐ DEFEATED

☐ DEFERRED

"Nicole Read"

MAYOR

ACTION NOTICE

TO: ☐ Chief Administrative Officer
☐ Gen Mgr – Corporate & Financial
☐ Mgr - Accounting
☐ Director of Information Technology
☐ Gen Mgr – Public Works & Development
☒ Dir - Planning
☐ Dir - Licenses, Permits & Bylaws
☐ Municipal Engineer
☐ Dir - Engineering Operations
☐ Gen Mgr - Com. Dev. & Rec. Services
☐ Dir - Parks & Facilities
☐ Dir - Recreation
☐ Dir - Community Services

Clerk's Section
☐ Corporate Officer
☐ Property & Risk Manager
☐ Front Desk Reception
☒ Legislative Clerk
☐ Committee Clerk
☒ Confidential Secretary
☐ Conveyancing Clerk

Prepare PH package

Notification

3rd reading Sept. 15

The above decision was made at a meeting of the City Council held on the date noted above and is sent to you for notation and/or such action as may be required by your Department.

July 14, 2015

Date

Ceri Marlo

Corporate Officer

City of Maple Ridge

TO: Her Worship Mayor Nicole Read
and Members of Council
FROM: Chief Administrative Officer
SUBJECT: **Second Reading**
Zone Amending Bylaw No. 7071-2014
13316 235 Street

MEETING DATE: July 6, 2015
FILE NO: 2014-014-RZ
MEETING: C of W

EXECUTIVE SUMMARY:

An application has been received to rezone the subject property from RS-3 (One Family Rural Residential) to R-1 (Residential District) and RS-1b (One Family Urban (Medium Density) Residential), to permit a subdivision into 13 lots; 8 R-1 (Residential District) bare land strata lots and 5 RS-1b (One Family Urban (medium Density) Residential) lots. Council granted first reading to Zone Amending Bylaw No. 7071-2014 on April 14, 2014. This application is in compliance with the Official Community Plan (OCP).

As there is no land on the subject property identified for park land in either the Official Community Plan or the Parks Master Plan in accordance with Section 941 of the Local Government Act, it is recommended that Council require the developer to pay to the City an amount that equals 5% of the market value of the land, as determined by an independent appraisal.

RECOMMENDATIONS:

- 1) That Maple Ridge Zone Amending Bylaw No. 7071-2014 be given second reading, and be forwarded to Public Hearing;
- 2) That Council require, as a condition of subdivision approval, the developer to pay to the City an amount that equals 5% of the market value of the land, as determined by an independent appraisal, in lieu of parkland dedication in accordance with Section 941 of the Local Government Act; and,
- 3) That the following terms and conditions be met prior to final reading:
 - i) Registration of a Rezoning Servicing Agreement as a Restrictive Covenant and receipt of the deposit of a security, as outlined in the Agreement;
 - ii) Road dedication on Larch Avenue as required;
 - iii) Registration of a Restrictive Covenant for the geotechnical report, which addresses the suitability of the subject property for the proposed development;
 - iv) In addition to the Site Profile, a disclosure statement must be submitted by a Professional Engineer advising whether there is any evidence of underground fuel storage tanks on the subject property. If so, a Stage 1 Site Investigation Report is required to ensure that the subject property is not a contaminated site.

DISCUSSION:

1) Background Context:

Applicant:	Ed Brett and Paul Hayes
Owner:	Landmark Enterprises Ltd.
Legal Description:	Lot 3, Section 28, Township 12, NWD Plan 3007
OCP:	
Existing:	Med-High Density Residential
Zoning:	
Existing:	RS-3 (One Family Rural Residential)
Proposed:	R-1 (Residential District) and RS-1b (One Family Urban (Medium Density) Residential)
Surrounding Uses:	
North:	
Use:	Single Family and Duplex Residential
Zone:	RT-1 (Two Family Urban Residential), RS-3 (One Family Rural Residential), and RS-1b (One Family Urban (Medium Density) Residential)
Designation:	Medium Density Residential
South:	
Use:	Single Family and Larch Avenue
Zone:	RS-3 (One Family Rural Residential), and RS-1b (One Family Urban (Medium Density) Residential)
Designation:	Medium-High Density Residential, Neighbourhood Park, and Conservation
East:	
Use:	Single Family and Street Townhouses (new development under construction)
Zone:	R-1 (Residential District) and RST-SV (Street Townhouse)
Designation:	Medium-High Density Residential
West:	
Use:	Single Family Residential
Zone:	RS-1b (One Family Urban (Medium Density) Residential)
Designation:	Medium Density Residential
Existing Use of Property:	Vacant
Proposed Use of Property:	Single Family Residential
Site Area:	0.770 Hectares (1.90 acres)
Access:	235 Street and Larch Avenue
Servicing requirement:	Urban Standard

2) Project Description:

This subject property (Appendix A) is a remnant parcel and is the last parcel or undeveloped land north of Larch Avenue and west of 235th Street. There is an existing 3.0 metre wide statutory right-of-way for drainage along the northern property boundary serving land to the north, which is to be retained.

The preliminary subdivision plan (Appendix C) shows a total of 13 single family residential lots, of which 5 lots are proposed to be zoned RS-1b (One Family Urban (Medium Density) Residential), ranging in size from 557 m² to 635 m² and accessed off of 235th Street. The remainder lot will be part of a bare land strata subdivision into eight (8) lots, ranging in size from 373 m² to 392 m², accessed off of Larch Avenue.

The topography of the subject property is challenging with some areas showing 15-25% slopes. The proposed RS-1b (One Family Urban (Medium Density) Residential) lots facing 235 Street follow the existing lot pattern to the north and west of the subject property. This will leave an inaccessible, deeper remainder lot on the eastern portion, which can only be accessed off of Larch Avenue. Further subdivision of this remainder lot is not possible due to the lack of possible fronting public road. Therefore, a subdivision is required utilizing a private road to create the remaining 8 lots. (Appendix C)

The proposed R-1 (Residential District) lot sizes within the bare land subdivision arrangement are compatible with lots to the east of the subject property (RZ/075/09). The RS-1b (One Family Urban (Medium Density) Residential) lots facing 235 Street will not have access off the private bare land strata lane. All the off-site upgrades to roads and servicing will be required as a condition of final reading.

3) Planning Analysis:

i) Official Community Plan:

The subject property is designated *Medium-High Density Residential*, and is located within the Silver Valley Area Plan between the Forest Hamlet and the River Village. The proposed RS-1b One Family Urban (Medium Density) Residential lots and R-1 (Residential District) zones align with the OCP designation.

In February 2012, Council approved a development proposal (RZ/075/09), east of the subject property for 13 single family lots zoned R-1 (Residential District) and 17 street townhouses zoned RST-SV (Street Townhouse – Silver Valley). That application RZ/075/09 included the construction of the new Larch Avenue. The proposal fits with the existing neighborhood context. The proposed zones follow the neighborhood's pattern and align with the existing OCP designation. An OCP amendment is not required.

ii) Zoning Bylaw:

The application proposes to rezone the property located at 13316 235 Street to R-1 (Residential District) and RS-1b (One Family Urban (Medium Density) Residential) to permit a subdivision of 13 lots; 5 R-1 (Residential District) residential lots and 8 bare land strata lots zoned RS-1b (One Family Urban (Medium Density) Residential).

The proposed R-1 (Residential District) zone requires a minimum lot size of 371 m²; a minimum lot width of 12 metres and a minimum lot depth of 24 metres. The proposed lots meet the minimum zoning provisions and it is anticipated no Development Variance Permit will be required. The proposed RS-1b (One Family Urban (Medium Density) Residential) zone requires a minimum lot area of 557 m²; a minimum lot width of 15 metres and a minimum lot depth of 27 metres. The maximum

height permitted in the RS-1b (One Family Urban (Medium Density) Residential - Medium Density) zone is 9.5 metres, and in the R-1 (Residential District) zone is 9.0 metres. The developer may seek in the future a variance for building heights to 11.0 metres as is common in the immediate vicinity.

iii) Development Permits:

- Pursuant to Section 8.10 of the OCP, a **Natural Features Development Permit** application is required for all development and subdivision activity or building permits for all lands with an average natural slope of greater than 15 percent;
- Pursuant to Section 8.12 of the OCP, a Wildfire Development Permit application is required for all development and subdivision activity identified in wildfire risk areas.

iv) Parkland Requirement:

As there are more than two additional lots proposed to be created, the developer will be required to comply with the park dedication requirements of Section 941 of the Local Government Act prior to subdivision approval.

No parkland is identified by the OCP or the Parks Master Plan on this site. Therefore Council will require the developer to pay to the City an amount that equals the market value of 5% of the land required for parkland purposes. The amount payable to the City in lieu of park dedication must be derived by an independent appraisal at the developer's expense. Council consideration of the cash-in-lieu amount will be the subject of a future Council report.

4) Interdepartmental Implications:

i) Fire Department:

The application is within the Wildfire Development Permit Area, and the Fire Department has reviewed the development application to start discussion on the wildfire mitigation requirements. An assessment report will be required. Since the property is not against the forest edge, the focus for this property will be on appropriate fire smart construction materials and appropriate landscaping features as prescribed in the fire smart BMP guide.

ii) Engineering Department:

The Engineering Department has reviewed the development application and has advised that all required off-site services do not exist; therefore, a Rezoning Servicing Agreement is necessary prior to final reading. The Engineering Department will also require a small amount of road dedication on Larch Avenue, in line with the development to the east.

iii) Building Department:

The Building Department has reviewed the application and commented on the Stormwater Management Plan/Geotech report and Comprehensive Lot Grading Plan. The comments were communicated back to the applicant; the comments that needed to be dealt with immediately are now solved. Restrictive covenants are required for registration of the Stormwater Management Plan and GeoTech report. No-Build/No-Disturb covenant is required for future maintenance of the drainage behind the wall. No part of the proposed retaining wall can encroach the Sewer Right-Of-Way.

5) School District No. 42 Comments:

Pursuant to Section 881 of the Local Government Act, consultation with School District No. 42 is required at the time of preparing or amending the OCP. A referral was sent to School District No. 42 on March 5, 2015 and comments have not been received at this point.

CONCLUSION:

It is recommended that second reading be given to Maple Ridge Zone Amending Bylaw No. 7071-2014, and that application 2014-014-RZ be forwarded to Public Hearing.

It is further recommended that Council require, as a condition of subdivision approval, the developer to pay to the City an amount that equals 5% of the market value of the land, as determined by an independent appraisal, in lieu of parkland dedication.

**Originally signed by Therese Melser*

Prepared by: Therese Melser
Planning Technician

**Originally signed by Christine Carter*

Approved by: Christine Carter, M.PL, MCIP, RPP
Director of Planning

**Originally signed by Frank Quinn*

Approved by: Frank Quinn, MBA, P.Eng
GM: Public Works & Development Services

**Originally signed by Frank Quinn*

Concurrence: Frank Quinn, MBA, P.Eng
Acting Chief Administrative Officer

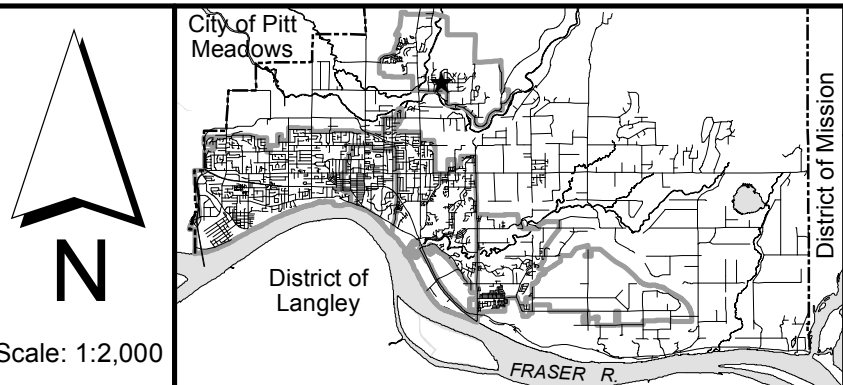
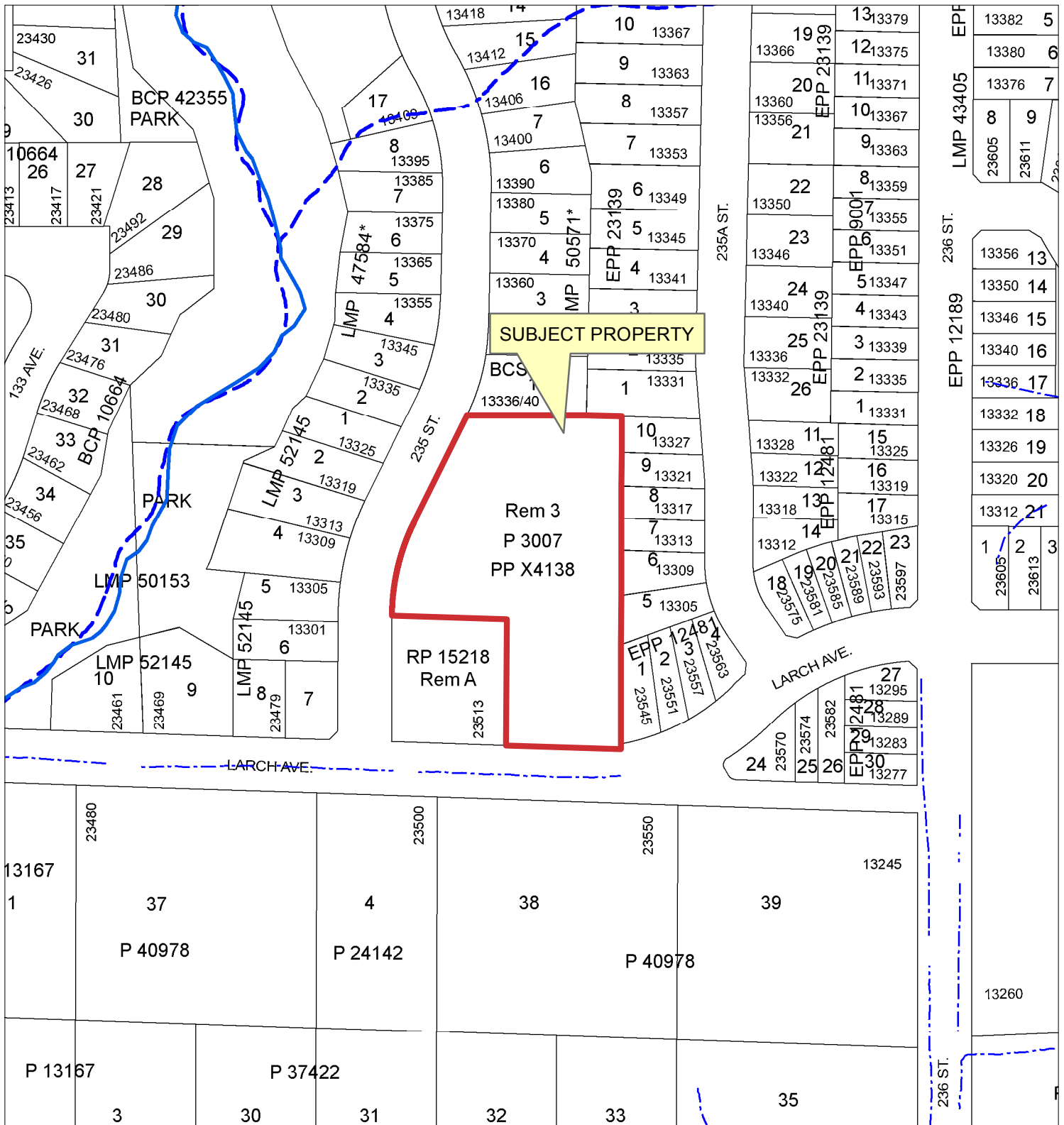
The following appendices are attached hereto:

Appendix A – Subject Map

Appendix B – Maple Ridge Zone Amending Bylaw No. 7071-2014

Appendix C – Subdivision Plan

APPENDIX A



ROLL #73884-0000-X
(LARCH AVENUE)



CORPORATION OF
THE DISTRICT OF
MAPLE RIDGE
PLANNING DEPARTMENT

DATE: Feb 24, 2014 FILE: 2014-014-RZ BY: PC

Scale: 1:2,000

CITY OF MAPLE RIDGE

BYLAW NO. 7071-2014

A Bylaw to amend Map "A" forming part of Zoning Bylaw No. 3510 - 1985 as amended

WHEREAS, it is deemed expedient to amend Maple Ridge Zoning Bylaw No. 3510 - 1985 as amended;

NOW THEREFORE, the Municipal Council of the City of Maple Ridge, enacts as follows:

1. This Bylaw may be cited as "Maple Ridge Zone Amending Bylaw No. 7071-2014."

2. That parcel or tract of land and premises known and described as:

Lot 3 Section 28 Township 12 New Westminster District Plan 3007
Except: Reference Plan 15218, Plans 66891, LMP46668, LMP47584, BCP10664,
BCP42355, EPP9001, AND EPP23139.

and outlined in heavy black line on Map No. 1615 a copy of which is attached hereto and forms part of this Bylaw, is hereby rezoned to R-1 (Residential District), and RS-1b (One Family Urban (Medium Density) Residential).

3. Maple Ridge Zoning Bylaw No. 3510 - 1985 as amended and Map "A" attached thereto are hereby amended accordingly.

READ a first time the 22nd day of April, 2014.

READ a second time the 14th day of July, 2015.

PUBLIC HEARING held the day of , 20

READ a third time the day of , 20

ADOPTED the day of , 20

PRESIDING MEMBER

CORPORATE OFFICER





MAPLE RIDGE ZONE AMENDING

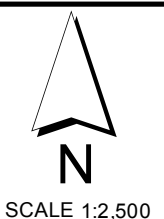
Bylaw No. 7071-2014

Map No. 1615

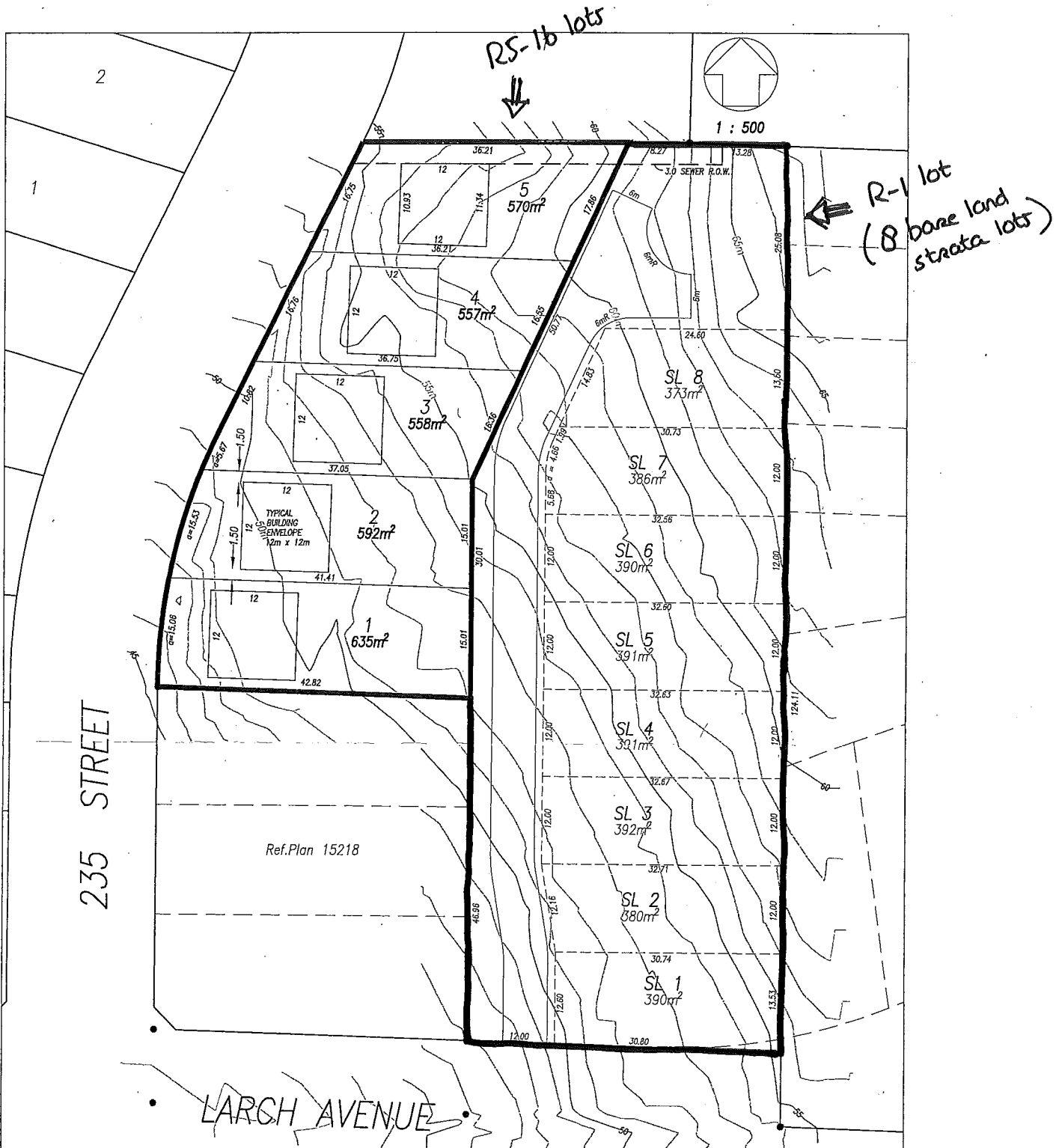
From: RS-3 (One Family Rural Residential)

To:  R-1 (Residential District)

 RS-1b (One Family Urban (Medium Density) Residential)



APPENDIX C



PROPOSED SUBDIVISION INTO 5 RS-1b LOTS

DATE: 20 JANUARY, 2014

LEGAL DESCRIPTION: LOT 3 SECTION 28 TOWNSHIP 12 NEW WESTMINSTER
DISTRICT PLAN 3007 EXCEPT: REFERENCE PLAN 15218, PLANS 66891,
LMP 46668, LMP 47584, BCP10664, BCP42355, EPP9001, AND EPP23139

+ 1 R-1 lot, which will be
subdivided into 8 bare land strata
lots

**DEVELOPMENT APPLICATION CHECKLIST
FOR FILE 2015-212-RZ
File Manager: Adrian Kopystynski**

Official Community Plan or Zoning Bylaw Amendments:	RECEIVED	NOT REQUIRED
1. A completed Application Form (Schedule "A" – Development Procedures Bylaw No. 5879-1999)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. An application fee, payable to the District of Maple Ridge, in accordance with Development Application Fee Bylaw no. 5949-2001.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. A Certificate of Title and Consent Form if the applicant is different from the owner shown on the Certificate of Title.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. A legal survey of the property(ies)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Subdivision plan layout	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Neighbourhood context plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Lot grading plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Landscape plan ⁺⁺	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Preliminary architectural plans including site plan, building elevations, accessory off-street parking and general bylaw compliance reconciliation ⁺⁺ .	<input type="checkbox"/>	<input checked="" type="checkbox"/>

* These items may not be required for single-family residential applications

+ These items may be required for two-family residential applications, as outlined in Council Policy No. 6.01

Additional reports provided:

CITY OF
MAPLE RIDGE

Agenda Item: 5.1
Council Workshop Meeting of: August 31, 2015

1. That the Zoning Bylaw be amended to prohibit liquor sales in all grocery stores, such that a site specific Zoning Bylaw amendment would be required for any grocery store wishing to sell wine or other liquor;

And

2. That Maple Ridge Zone Amending Bylaw No. 7162-2015 attached as Appendix G to the staff report dated August 31, 2015 be given first and second reading, and forwarded to the September 15, 2015 Public Hearing.

☒ CARRIED ☐ DEFEATED ☐ DEFERRED "Nicole Read" ☐ MAYOR

ACTION NOTICE

TO: ☐ Chief Administrative Officer
☐ Dir - Human Resources
☐ Dir - Corporate Support
☐ Mgr - Strategic Economic Initiatives
☐ Mgr - Sustainability & Corp Planning
☐ Mgr - Communications
☐ Gen Mgr - Corporate & Financial
☐ RCMP
☐ Fire Chief
☐ Mgr - Accounting
☐ Director of Information Technology
☐ Gen Mgr - Public Works & Development
☒ Dir - Planning
☐ Dir - Licenses, Permits & Bylaws
☐ Municipal Engineer
☐ Dir - Engineering Operations
☐ Gen Mgr - Com. Dev. & Rec. Services
☐ Dir - Parks & Facilities
☐ Dir - Recreation
☐ Dir - Community Services

☐ Clerk's Section
☐ Corporate Officer
☐ Property & Risk Manager
☐ Committee Clerk
☐ Front Desk Reception
☒ Legislative Clerk
☒ Confidential Secretary
☐ Conveyancing Clerk

Prepare P11 package

*Notification
3rd of final Sept. 22*

The above decision was made at a meeting of the City Council held on the date noted above and is sent to you for notation and/or such action as may be required by your Department.

August 31, 2015
Date

Ciri Marlo
Corporate Officer

City of Maple Ridge

TO: Her Worship Mayor Nicole Read
and Members of Council
FROM: Chief Administrative Officer
SUBJECT: First and Second Reading
Maple Ridge Zone Amending Bylaw No. 7162-2015
Zoning Bylaw Text Amendment for a “1 km rule” OR to require site specific text
amendments for Wine Stores in Grocery Stores.

MEETING DATE: August 31, 2015
FILE NO: 2015-212-RZ
MEETING: Workshop

EXECUTIVE SUMMARY:

At a Council Meeting held on July 28, 2015, Council directed staff to prepare a report implementing a minimum 1 kilometre distance rule (the 1-km Rule) through a Zoning Bylaw amendment for all future alcohol beverage retailers in Maple Ridge. Council passed the following resolution:

That staff be directed to prepare a report on options for the implementation of a minimum one km distance rule for all future beverage alcohol retailers in Maple Ridge.

Through the Council discussion, it was acknowledged that the report would also include the actual bylaw amendments. The report provides for two alternative approaches to achieving the 1 kilometre distance rule. The first prohibits alcohol and wine sales in grocery stores (Appendix G) and the second is a general regulation to establish a 1 kilometre distance rule for all future alcohol beverage retailers in Maple Ridge (Appendix H), along with the rationale for the proposed amendments.

A third option (status quo) is also included in the report.

RECOMMENDATION:

1. That Council proceed with one of the following:
 - (a) Make no changes and maintain the “status quo” with the Liquor Control Licencing Branch regulating the licensing of liquor sales in grocery stores through their regulations and directives; or
 - (b) Amend the Zoning Bylaw to prohibit liquor sales in all grocery stores, such that a site specific Zoning Bylaw amendment would be required for any grocery store wishing to sell wine or other liquor; or
 - (c) Amend the Zoning Bylaw to prohibit the sale of liquor in grocery stores that are located within 1 kilometre of an existing liquor store.and
2. In conjunction with options (b) or (c), if selected, Council grant version 1 or 2 of Maple Ridge Zone Amending Bylaw No. 7162-2015 first and second reading, and forward the bylaw to the September 15, 2015 Public Hearing.

DISCUSSION

1. Background Context

Council received a letter dated June 18, 2015 from the Alliance of Beverage Licensees (ABLE BC) (see Appendix A) regarding Bill 22, the new Special Wine Store Licence Auction Act (see Appendix B). The Alliance expressed concern about the impact of wine sales in grocery stores on private liquor stores (referred to as “licensee retail stores” under the Liquor Control and Licensing Act and the Liquor Control and Licensing Regulation). The Alliance noted that licences issued under the new Act “are not subject to the 1 kilometre distance rule” and requested that the City “implement a minimum 1 kilometre distance rule for all future beverage alcohol retailers in Maple Ridge.”

In reading this report, these terms are included and are described for convenience as follows:

- **Liquor (Licensee) Retail Store (LRS)** otherwise known as a Private Liquor Store. At this time, no more of these licences are being issued.
- **BC Liquor Store (BCLS)** otherwise known as a Government Liquor Store.
- **Wine Store (WS)** licences are for wine stores including winery-operated stores, independent wine stores (IWS), VQA stores and tourist wine stores. At this time, no more of these licences are being issued.
- **VQA Store** is a wine store owned and operated by the BC Wine Institute.
- **Special Wine Store** licences will be issued through an auction process once Bill 22 Special Wine Store Licence Auction Act is enacted.

Also, there are essentially two key points around which much of this report revolves. The first key point is that there are two different legislative changes: (a) the changes to the Liquor Control and Licensing Regulation made by BC Reg 42/2015 on April 1, 2015; and (b) the changes that will be made by the new Act, the Special Wine Store Licence Auction Act, once that Act is brought into force. Both of these legislative changes will allow for liquor sales in grocery stores. The amendments to the Regulation do this by allowing existing wine store licences or licensee retail licences to be changed and to be relocated to within a grocery store. The Special Wine Store Licence Auction Act will also allow wine sales in grocery stores (once it is enacted) by providing for the issuance of a number of new special wine store licences to sell wine in grocery stores. The second key point is that neither of the legislative changes alters the 1 kilometre rule which was, and will continue to be, applicable to licensee retail stores but which was not, and will continue not to be, applicable to wine stores.

There are several elements of the ABLE BC letter that may require some clarification. First, as noted above, Bill 22 (the Special Wine Store Licence Auction Act) was enacted on May 14, 2015, but is not yet in force. It is unknown at this time when that Act will be brought into force. Second, while the Special Wine Store Licence Auction Act provides a mechanism by which a limited number of new wine store licences to sell wine in grocery stores will be available through an auction, that Act when enacted will not establish any distance separation rules. Even before the current amendments, wine stores were not subject to a rule requiring them to be located at least 1 kilometre from licensee retail stores. In other words, a wine store could locate next door to a licensee retail store even

before Bill 22 was drafted. By contrast, licensee retail stores are subject to a the 1 kilometre separation rule from another licensee retail store and they will remain subject to that rule after the Special Wine Store Licence Auction Act is brought into force. The third thing to note about the ABLE letter is that it does not mention the changes that were made to the Liquor Control and Licensing Regulation by Bill 27 on April 1, 2015. Unlike Bill 22, those regulatory changes are in force, thereby permitting the relocation of existing licensed Wine Stores into grocery stores. In other words, there is no 1-kilometre rule before or after the regulations changed and no provision in Bill 22 once enacted to have a 1-kilometre rule for wine store or special wine store licensees.

While the ABLE BC letter does not mention the April 1, 2015 amendments of the Liquor Control and Licensing Regulation, staff assumes that ABLE BC wishes Council to implement a 1 kilometre rule in relation to the relocation of existing wine stores to grocery stores pursuant to those amendments in addition to implementing such a rule in relation to special wine store licences to sell wine in grocery stores under the Special Wine Store Licence Auction Act, once that Act is brought into force. In any event, Council's resolution of July 28, 2015 directed staff to report on options for implementing a minimum 1 kilometre distance rule that would apply to "all future beverage alcohol retailers in Maple Ridge" This would introduce a restriction that would apply to (a) existing wine stores that wish to relocate to a new location under the Liquor Control and Licensing Regulation; (b) licensee retail stores that wish to relocate to a new location under the Liquor Control and Licensing Regulation; and (c) special wine stores for which new licences are issued once the new Special Wine Store Licence Auction Act is brought into force.

The following is further explanation of the regulatory changes that have been made as of April 1, 2015 and of the changes that will be effected by the new Special Wine Store Licence Auction Act once it is brought into force.

(a) Old Provincial Regulations

Prior to April 1, 2015, the following rules were in place under the Liquor Control and Licensing Regulation:

1. No *new* licences could be issued for wine stores or licensee retail stores, but existing licences could be amended including for the purpose of allowing the licensee to operate from a different location.
2. Wine store licences could be amended (with approval of the General Manager) to allow relocation of the store to a new location, no matter what distance the new wine store was from another wine store or from a licensee retail store or a government liquor store.
3. Licensee retail store licences could be amended (with approval of the General Manager) to allow relocation of the store to a new location so long as (a) the new location was not within 1 km of another licensee retail store and (b) the new location was not less than 5 km from the location of the old store (if the old store was in another local government's territorial jurisdiction).

4. Wine stores and licensee retail stores could not be located within a building containing another business unless the wine store or licensee retail store had a separate entrance and was separated from other businesses within the building by floor to ceiling walls.
5. Wine stores and licensee retail stores could not appear to be associated with another business.

Under the old provincial regulations, existing wine stores could be relocated to any location (no distance separations rules), including locations next to grocery stores or next to licensee retail stores, but could not be located within a grocery store (or within any other store for that matter). Rules 4 and 5 effectively prevented any liquor outlet (whether a wine store or licensee retail store) from locating within another store.

Existing licensee retail stores could also be relocated to any location, including locations next to grocery stores or wine stores, subject to the requirement (not applicable to wine store relocations) that the new location was not within 1 kilometre of an existing licensee retail store. Under the old provincial regulations, licensee retail stores (like wine stores) were prevented from being relocated to within any other store, including a grocery store.

(b) New Provincial Regulations

(i) BC Reg 42/2015 (April 1, 2015)

On April 1, 2015, the Province amended the Liquor Control and Licensing Regulation to relax the rules regarding the relocation of existing wine stores and licensee retail stores to allow relocation to within grocery stores. The amendments accomplish this by changing rules 4 and 5 above for grocery stores only. As of April 1, 2015, a wine store licence or a licensee retail store licence can be amended to allow wine stores or licensee retail stores to be located within grocery stores as “stores in stores” or, in the case of certain types of wine store licences, to a “wine on shelf” model. This will be discussed further below. Grocery stores are the only type of store in relation to which the structural and associational rules (rules 4 and 5) of the old provincial regulations have been relaxed by the April 1 amendments. A licensee retail store or a wine store still cannot be located within any other type of store. The relaxation (in relation to grocery stores) of the structural separation rule and the rule prohibiting licensee retail stores or wine stores from appearing to be associated with another store is the main change made by the April 1, 2015 amendments.

The April 1, 2015 amendments do not allow the issuance of any new licences: they deal only with licence amendments to allow existing licences to be relocated to new establishments, except to extend the rule so that licensee retail stores are now unable to relocate to within 1 kilometre of another licensee retail store *or a government liquor store*. The April 1, 2015 amendments also did not change the 1 kilometre distance separation rule. It remains the case that licensee retail store licences cannot be amended to allow relocation to a new location that is within 1 kilometre of another licensee retail store. That remains the case even if the new location is a grocery store. It also remains the case that wine store licences can be amended to allow the wine store to relocate to a new location whether or not that location is within 1 kilometre of another wine store or a licensee retail store.

The 5 kilometre rule for the relocation of licensee retail stores was removed by the April 1, 2015 amendments. It is now the case that a licence can be amended to allow a licensee retail store to relocate to another location even if the location of the old store is in another local government jurisdiction and is more than 5 kilometres from the new location.

It should be noted that while the 1 kilometre rule for licensee retail stores was not changed by the April 1, 2015 amendments, that rule is not absolute. The General Manager is authorized to grant relief from it under section 14(6) of the Liquor Control and Licensing Regulation. That subsection is as follows:

(6) *If an application to amend a licence in respect of a licensee retail store to relocate the store does not comply with subsection (5) (a), the general manager may approve that application in one of the following circumstances only:*

(a) if a licensee proposes to relocate its licensee retail store to a new location that has the same parcel identifier number as the current location, even if the new location is within 1.0 km of another licensee retail store or liquor store or the proposed location of another store;

(b) if a licensee proposes to relocate its licensee retail store that is currently within 1.0 km of another licensee retail store or liquor store or the proposed location of another store, and the new location is not closer to the licensee retail store or liquor store or proposed location of another store than the licensee retail store's current location;

(c) if a licensee proposes to relocate its licensee retail store and the shortest travelling distance by road between the new location and another licensee retail store or liquor store or the proposed location of another store is 1.0 km or more because of a natural barrier between the new location and the licensee retail store or liquor store or proposed location of another store;

(d) if a licensee proposes to relocate its licensee retail store because the licensee retail store was substantially damaged by fire or natural disaster, even if the new location is within 1.0 km of another licensee retail store or liquor store or the proposed location of another store.

Section 14(6)(c) has relevance in Maple Ridge, because the Specialty Liquor Store at 160 – 20398 Dewdney Trunk Road could conceivably relocate to within the Safeway at 20201 Lougheed Highway if Council decides not to proceed with a zoning amendment. Specialty Liquor Store at 160 – 20398 Dewdney Trunk Road is currently within 1 kilometre of several other licensee retail stores. If it was relocated to Safeway at 20201 Lougheed Highway, it would be moving to a location that is also within 1 kilometre of those licensee retail stores, but it would be moving further away from them than it was before the move. In those circumstances, the General Manager is authorized to approve the move under s.14(6)(c) despite the new location being within 1 kilometre of a licensee retail store.

Following the 2014 Liquor Policy Review undertaken by the Province, the Province published Policy Directive 15-01 (attached as Appendix C) to explain the (then pending) April 1, 2015 regulatory amendments. The Policy Directive describes in the introduction the general key policies reflected in the amendments:

The implementation of the Liquor Policy Review (LPR) report recommendations will permit the implementation of liquor sales in grocery stores, effective April 1, 2015. This directive describes the following key policies that will allow liquor and wine sales in grocery stores effective April 1, 2015:

- *Grocery store eligibility has been defined*
- *Grocery stores may sell liquor either in a store-within-a-store or 100% BC wine on the shelf, but not both at the same location*
- *Licensee Retail Stores (LRS) and BC Liquor Stores (BCLS) may relocate to a store within-a-store grocery store, subject to distance restrictions*
- *The 1 km distance criteria separating LRS's has been retained and extended to include BCLS's*
- *The regulation restricting LRS relocation outside its local government/First Nation jurisdiction (i.e. the 5 km rule) has been repealed*
- *The LRS moratorium has been maintained*
- *Wine stores, other than winery-owned and sacramental wine stores, may relocate to grocery stores in either a store-within-a-store model or for the sale of 100% BC wine off store shelves*
- *LRS's and wine stores owned by or located within eligible grocery stores may cobrand.*

The Policy Directive describes eligible grocery stores as follows:

Eligibility to be eligible for liquor sales, a grocery store must have a minimum of 10,000 square feet of space, including storage space, and must be primarily engaged in retailing a general line of foods including canned, dry and frozen food, fresh fruits and vegetables, fresh and prepared meats, fish and poultry, dairy products, baked products and snack foods, and non-liquor beverages. To maintain eligibility, these conditions must continue to be met, along with the following additional requirements: that the sales revenue from food and non-liquor beverages:

- *totals at least 70% of non-liquor sales, and*
- *totals at least 50% of all sales, including liquor sales from a retailer located in the grocery store.*

Convenience stores and multipurpose stores are not eligible.

Separate sections are included in the Policy Directive explaining the rules applicable to licensee retail store licensees wishing to relocate to a grocery store and to wine store licensees wishing to relocate to a grocery store, in the latter case with an outline of the rules for both the “store in store” model and the “wine on shelf” model.

Those sections of the Policy Directive are set out here:

Liquor stores within grocery stores

The liquor store within the grocery store must be at least 1 km away from any other LRS or BC Liquor Store. Distance is measured from the front door of the other liquor store to the front door of the store within the grocery store, as the crow flies.

Liquor stores within grocery stores must be physically separated from the rest of the grocery store with controlled access and separate cash tills within the liquor store. The same shopping cart will be permitted to move between the grocery and liquor stores.

The entire perimeter of the licensed area must be identifiable. The majority of the perimeter of the licensed area must be bounded by a fixed and immoveable barrier. For the portion of the perimeter that is not fixed and immovable, the barrier must be sufficient to:

- monitor and control entrance to the licensed area,*
- prevent unaccompanied minors from accessing the area,*
- secure the retail area when required (i.e. when operating hours for the liquor retail area do not align with grocery store hours), and*
- identify the main entrance (including what is considered to be the front door) to the licensed area.*

An eligible grocery store will be able to co-brand with an LRS that is located within the grocery store or with any stand-alone LRS that the eligible grocery store owns, regardless of its location. The grocery store and the associated LRS must be legally affiliated and either the same legal entity or wholly owned subsidiaries of the same legal entity for stand-alone stores.

Wine in Store

Effective April 1, 2015, wine store licences, other than winery-owned or sacramental wine stores, may be relocated to a grocery store.

A wine store licence can relocate within a grocery store, either in a separate store or on shelf.

There is no distance restriction between other liquor retail or wine store outlets that prohibits the relocation of a wine store.

Wine stores within grocery stores must be physically separated from the rest of the grocery store in the same manner as a liquor store within a grocery store, as described above.

The wine store-within-a-store may sell any type of wine that is permitted under the terms and conditions of their licence. For example, an independent wine store can sell any imported or domestic product. A BC VQA store can only sell BC VQA wine.

An eligible grocery store will be able to co-brand with a wine store that is located within the grocery store or with any stand-alone wine store that the grocery store owns. The owner of the grocery store and the wine store must be the same legal entity for standalone stores.

Wine on Shelf

A wine store licence can relocate to a shelf within a grocery store effective April 1, 2015.

The wine store licensee must transfer the wine store licence to the grocery store owner. The exception is for BC VQA stores whose licences are held by the BC Wine Institute (BCWI). In that case, the BCWI will continue to hold the licence but must apply to appoint the grocery store as the third party operator. The types of products that may be sold off the shelf will be determined by the type of wine store licence as described below.

If the wine store licence allows the sale of only BC VQA wines, then only BC VQA wines can be sold off the shelf.

If the wine store licence allows wine to be sold that is made from 100% BC agricultural products, all types of BC wine, including cider, mead and sake, can be sold off the shelf. If the wine store licence allows all types of wine (imported and domestic) to be sold, only 100% BC produced wine (including cider, mead and sake) may be sold off the shelf, and the terms and conditions of the wine store licence will be amended to reflect this restriction.

Wine that is sold off the shelf may be purchased at designated tills or regular tills. Regardless of the type of till, the staff making the sale must have Serving it Right certification and be at least 19 years of age.

The Policy Directive deals exclusively with the rules applicable to the relocation of existing licences. It does not deal with the new *Special Wine Store Licence Auction Act*.

(ii) Bill 22 (Special Wine Store Licence Auction Act)

On May 14, 2015, the Province enacted the *Special Wine Store Licence Auction Act*. The Act is not yet in force and it is not known when it will be brought into force. When it is brought into force, the *Special Wine Store Licence Auction Act* (and the yet to be enacted regulations to be made under it) will provide for an auction system by which a limited number of successful bidders will be sold the right to acquire new “special wine store licences” under the *Liquor Control and Licensing Act*. It is not known how many new licences the Province intends to distribute under this Act. The new licences issued under the Act will allow wine, cider and sake produced from British Columbia products to be sold from approved locations within grocery stores. Like existing wine store licensees who relocate to grocery stores (or to any other location), persons who acquire special wine store licences under the *Special Wine Store Licence Auction Act* will not be subject to the requirement that the grocery store within which wine, cider and sake is to be sold be located at least 1 kilometre from an existing licensee retail store.

Under the Act, “grocery store” is defined as follows:

"grocery store" means a store that

- (a) is primarily engaged in retailing food and non-alcoholic beverages that are specified in the regulations, and*
- (b) has an area of at least 929 square metres;*

2. Planning Analysis

Location of Existing Liquor Stores and Eligible Grocery Stores:

Appendix D shows the locations of existing grocery stores in Maple Ridge that meet the eligibility criteria under the Provincial regulations. It also shows the location of private and government liquor stores (see Appendix E for LCLB category and City Zoning). The proximity of those stores to the eligible grocery stores is shown by a 1 kilometre circle around each grocery store. The following is a list of the eligible grocery stores in Maple Ridge and the private and government liquor stores:

Grocery Stores

1. Safeway, located at 20201 Lougheed Highway (Zoned CD-2-98)
2. Overwaita Foods (Save-on-Foods), located at 20395 Lougheed Highway (C-2)
3. Langley Farmers Market, located at 11935 207 Street (C-2)
4. Extra Foods, located at 22427 Dewdney Trunk Road (C-3)
5. Thrifty Foods, located at 11900 Haney Place (C-3)
6. Overwaita Foods (Save-on-Foods), located at 22703 Lougheed Highway (C-3)
7. Save-on-Foods (former Cooper's Foods), located at 23981 Dewdney Trunk Road (C-2)

Liquor Stores (Private and Government)

- A. Specialty Liquor Store, located at 160 20398 - Dewdney Trunk Road (Westgate Mall)
- B. Maple Ridge Liquor Store, located at 20690 Lougheed Highway (former Buffalo Club)
- C. Dartford's Liquor Store, located at 11232 Dartford Street
- D. The Office Liquor Store, located at 21525 Dewdney Trunk Road
- E. Firefly Fine Wines and Ales (Maple Ridge) , located at 21755 Lougheed Highway
- F. Haney Motor Hotel, located at 22222 Lougheed Highway
- G. Witch of Endor LRS, located at 22648 Dewdney Trunk Road
- H. Haney (Government Liquor Store #065), located at 300-22709 Lougheed Highway
- I. Black Sheep Pub Liquor Store, located at 12968 232 Street
- J. Outpost Liquor Store (The) , located at 23988 Dewdney Trunk Road
- K. Shake & Shingle Liquor Store, located at 9610 287 Street

Zoning Bylaw:

Maple Ridge Zoning Bylaw No. 3510-1995 defines the terms “Retail” and “Licensee Retail Store” as follows:

***RETAIL** means a use providing for the sale for final consumption, in contrast to a sale for further sale or processing, and includes accessory manufacturing or assembly of the articles for sale, and excluding adult entertainment and pawnshop use.*

***LICENSEE RETAIL STORE** means an establishment with a valid Licensee Retail Store License provided by the Liquor Control and Licensing Branch that is permitted to sell all types of packaged liquor for consumption off the premise.*

Wine stores engage in retail use falling within the definition of “retail” in the bylaw. Wine stores do not fall within the definition “licensee retail store,” because they are permitted under their licence to sell limited types of packaged liquor. Wine stores are thus currently permitted only in zones in which the use “retail” is allowed.

Private liquor stores operate under the provincial regulations pursuant to a licensee retail store licence, a type of licence which is described under the regulations as allowing the sale of all types of packaged liquor (subject to case specific licence limitations). They therefore fit within the definition of “licensee retail store” in the Zoning Bylaw. Accordingly, private liquor stores are currently permitted in those zones in which “licensee retail store” is permitted.

The seven eligible grocery stores identified in a previous section are all zoned either COMPREHENSIVE DEVELOPMENT CD-2-98 (permits a grocery store), COMMUNITY COMMERCIAL C-2 and TOWN CENTRE COMMERCIAL: C-3. Are zones in which both “retail” and “licensee retail store” are permitted uses. Other zones where both “retail” and “licensee retail store” are permitted uses include: VILLAGE CENTRE COMMERCIAL C-5, HERITAGE COMMERCIAL H-1, CD-2-85, CD-1-86, CD-1-87, CD-5-88, CD-6-88, CD-3-92 (permits a grocery store) and the proposed CD-1-13 (located at Brown Avenue and Edge Street currently at 3rd reading). Under the current zoning wine stores or licensee retail stores could both be located within any of the seven grocery stores listed in the previous section.

Possible Outcomes if No Zoning Amendment:

Wine in Grocery Stores

Based on the definition of “eligible grocery store” in the Liquor Control and Licensing Regulation and of “grocery store” in the *Special Wine Store Licence Auction Act*, certain grocery stores in Maple Ridge would be eligible to have a wine store licence relocated to the store under the Liquor Control and Licensing Regulation as of April 1, 2015 or to have a wine, cider and sake sold in the store pursuant to a special wine store licence issued in respect of its location once the *Special Wine Store Licence Auction Act* is in force.

These grocery stores are as follows:

1. Safeway, located at 20201 Lougheed Highway
2. Overwaita Foods (Save-on-Foods), located at 20395 Lougheed Highway
3. Langley Farmers Market, located at 11935 207 Street
4. Extra Foods, located at 22427 Dewdney Trunk Road
5. Thrifty Foods, located at 11900 Haney Place
6. Overwaita Foods (Save-on-Foods), located at 22703 Lougheed Highway
7. Save-on-Foods (former Cooper's Foods), located at 23981 Dewdney Trunk Road

Liquor stores in grocery stores

The Liquor Control and Licensing Regulation would prevent any licensee retail store from outside Maple Ridge relocating to any grocery store in Maple Ridge, because the eligible grocery stores are all within 1 kilometre of an existing licensee retail store. However, there appear to be two licensee retail stores in Maple Ridge that could possibly relocate to a Maple Ridge grocery store. The Specialty Liquor Store (Westgate Mall) at 160 – 20398 Dewdney Trunk Road could possibly relocate to Safeway store because it would be moving further away from the other licensee retail stores that are currently within a kilometre from it. The General Manager would have discretion under section 14(6)(c) of the Liquor Control and Licensing Act to approve the move. Second, the General Manager could approve a move by the Outback Liquor Store from its current location at 240th, to Save-on-Foods (former Cooper's Foods) at 240th Street, because it would not be moving to within a kilometre of another licensee retail store.

The Policy Directive augments one aspect of the distance separation rule. Previously exempt, Government liquor stores became subject to the 1 kilometre separation rule. The following is quoted from the Directive:

- *Licensee Retail Stores (LRS) and BC Liquor Stores (BCLS) may relocate to a store within-a-store grocery store, subject to distance restrictions*
- *The 1 km distance criteria separating LRS's has been retained and extended to include BCLS's*

The Policy Directive sets out the following:

BC Liquor Store Relocations

Effective April 1, 2015, the one kilometre rule is extended to BC Liquor Stores, prohibiting them from locating within one kilometre of a LRS and vice versa. There is an exception for BC Liquor Stores that already have store relocations in process. If a BCLS can demonstrate they had valid interest the new location prior to February 27, 2015, they will be exempt from the one kilometre rule. The same exception was applied previously to LRS's when the distance restriction was implemented.

Other Municipalities:

LCLB staff has indicated a number of municipalities have been prompted by ABLE BC or generally about the absence of a geographic criteria for the licensing of wine sales in grocery stores. The following are some examples or practices in place in other municipalities:

Kamloops

A bylaw was taken forward to Public Hearing in Kamloops on July 28, 2015, to amend the General Regulations by adding the following provision:

“No retail liquor sales may occur within 1 km of another retail liquor sales use (as measured in a straight line from the primary retail entrance to the primary retail entrance).”

Following the Public Hearing, the amendment was defeated on a tie vote. However, there was a more recent motion to bring the matter back for reconsideration and the decision was made to proceed with the bylaw.

Vancouver:

The City of Vancouver’s Zoning and Development Bylaw defines a “liquor store” and excludes it from “retail” and “commercial” uses. They also have Liquor Store Guidelines, which limit the number of liquor stores within a Local Shopping Area. The City is currently holding all of their “wine-on-the-shelf” applications until they conduct a formal review of their bylaws later this year or in 2016.

Pitt Meadows:

Staff was directed by Council to contact the City of Pitt Meadows to determine if they intend to apply the 1 km distance restriction on their alcohol retailers, as Council was concerned about the impact of this on the grocery stores located on the west side of Maple Ridge. Their Staff responded on July 29, 2015, that they are looking into the implications of the new regulations. They have forwarded some questions to the LCLB and are awaiting a response before determining their course of action. Staff will inform Maple Ridge of their correspondence moving forward.

Burnaby:

The City of Burnaby has broader restrictions in place. Their Zoning Bylaw has restricted private and government stores for a number of years. LRS and BCLS are defined and each is allowed in its own separate zone. For example, their General Commercial District (C3) zone permits a wide range of uses, but not a LRS or BCLS. The C3a zone includes all C3 Zone uses plus a BCLS; the C3h zone allows all C3 zone uses plus a LRS.

Therefore, any new or an existing liquor and wine store being transferred to a property not allowing these uses is assessed through rezoning on its own merits. Therefore, the recent change in legislation with the absence of the “1-km Rule” does not change the process and wine stores in grocery stores would require rezoning.

Coquitlam:

Coquitlam's Zoning Bylaw prohibits liquor sales in grocery or convenience stores and requires stores permitted to sell liquor to be located a minimum of 300 metres (984 feet) from each other and from schools, parks and places of worship. Coquitlam Council is considering these options for retail sales of wine in grocery stores:

- Maintain the current prohibition;
- Amend to permit BC wines on the sales by grocery stores; or
- Amend to permit BC wines on the sales by grocery stores, but apply the 300 metre (983 foot) or some other separation distance requirement.

Surrey:

The South Point Save-On-Foods in Surrey become the first grocery store in BC where wine is sold in a grocery store. It is a wine on a shelf model. In this location, a BC Wine Institute VQA Wine licence was transferred to establish a "wine-on-shelf" section in the existing store. The front portion of about three food aisles, closest to the check out and customer service desk, have wines on shelves for sale (Appendix F for photos). City of Surrey staff advised that no regulations to limit wine sales in grocery stores are being contemplated at present.

Options:

Keep the status quo

There are no wine store licences in Maple Ridge at present. If a person wished to relocate a wine store to any location in Maple Ridge before the recent amendments to the provincial regulations, they could have done so as long as the site was zoned for "retail" use and so long as the store operated in accordance with the old provincial regulations. Those regulations did not impose a distance separation rule for wine stores, but until the April 1, 2015 amendments they did effectively prohibit liquor from being sold in grocery stores, because they required all liquor retail outlets to be separated from, and not associated with other stores.

Recognizing that the 1 kilometre separation rule that is applicable to licensee retail stores was not applicable to wine stores even under the old provincial regulations, one option for Council is to keep the status quo. This would result in the possibility of wine store licences being relocated to any of the seven eligible grocery stores in Maple Ridge.

Implement a rule that would prevent liquor sales in any grocery store that is within 1 kilometre of an existing licensee retail store

Staff has identified two options if Council wishes to proceed with a bylaw amendment:

- (a) Outright prohibition of the sale of liquor in grocery stores.

Since all of the grocery stores in Maple Ridge that are eligible for liquor sales under the provincial regime are located within 1 kilometre of an existing liquor store, one option is to simply prohibit liquor sales in grocery stores altogether. This option would extend the prohibition to include future grocery stores that may be located more than 1 kilometre from any liquor store, but if such a grocery store is constructed and an application made to locate a wine store or liquor store in it, Council

could deal with such a request by considering a site-specific zoning amendment at that time. The amending bylaw to implement this option is attached as Appendix G.

(b) 1 kilometre rule

This option would involve prohibiting the sale of liquor in any grocery store that is located within 1 kilometre of any existing liquor store. A bylaw to implement this option is attached as Appendix H.

Recommendation regarding bylaw amendment options:

If Council wishes to proceed with a zoning amendment, staff recommends option (a), the outright prohibition of liquor sales in grocery stores. That option would achieve the same result as a 1 kilometre rule given that all of the existing eligible grocery stores in Maple Ridge are located within a kilometre of an existing liquor store. It also eliminates the need for owners to look beyond the bylaw (to calculate distances) in order to determine the application of the bylaw in a particular case.

CONCLUSION

ABLE BC wrote to Council about the potential impact of the “1 km Rule” being absent from the requirements considered by the LCLB in the policy to transfer licenses for wine stores to grocery stores. To apply this rule, Council asked for this report to bring forward options to amend the Zoning Bylaw.

Given the “1-km Rule” has not applied to wine store licences in the past, one of the options available to Council is to keep the “status quo” and not proceed with a zoning bylaw amendment.

The other option is to proceed with a zoning amendment either (a) to prohibit liquor sales in all grocery stores or (b) to prohibit liquor sales in grocery stores that are within 1 kilometre of a liquor store. Zone amending bylaws for both options are attached for Council’s consideration.

If Council wishes to proceed with one of the zoning amendment bylaw options, it may give first and second reading of the applicable bylaw at Workshop and direct staff to forward the bylaw to the September Public Hearing.

“Original signed by Adrian Kopystynski”

Prepared by: Adrian Kopystynski, MCIP, RPP, MCAHP
Planner

“Original signed by Christine Carter”

Approved by: Christine Carter, M.PL, MCIP, RPP
Director of Planning

“Original signed by Frank Quinn”

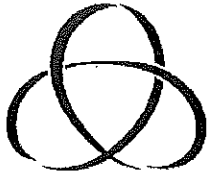
Approved by: Frank Quinn, MBA, P.Eng.
GM: Public Works & Development Services

“Original signed by Kelly Swift” for

Concurrence: Paul Gill,
Acting Chief Administrative Officer

The following appendices are attached hereto:

- Appendix A – Letter from Alliance of Beverage Licensees (ABLE BC)
- Appendix B – Bill 22
- Appendix C – Policy Directive 15-01
- Appendix D – Map of Liquor Stores and Eligible Grocery Stores
- Appendix E – LCLB issued licences Private Liquor Store & BC Liquor Store Locations in Maple Ridge
- Appendix F – South Surrey Save-on-Foods “Wine on Selves”
- Appendix G – Zone Amending Bylaw No. 7162-2015 for prohibiting liquor sales in all grocery stores
- Appendix H – Zone Amending Bylaw No. 7162-2015 for establishing 1 kilometre prohibition



ALLIANCE OF BEVERAGE LICENSEES FOR A RESPONSIBLE LIQUOR INDUSTRY

June 18, 2015

Maple Ridge City Council
11995 Haney Place
Maple Ridge, BC V2X 6A9

As President of BC's Alliance of Beverage Licensees (ABLE BC), I represent the interests of liquor licensees operating in your community. As the only association representing private liquor stores, bars, pubs, and hotel liquor primaries, ABLE BC is uniquely placed to provide industry expertise across the spectrum of our industry. Our 1,000 members operate in every region of the province, directly employ nearly 100,000 British Columbians, and account for almost 60 percent of the Liquor Distribution Board's annual revenue.

On behalf of ABLE BC, I want to bring to your attention our concerns about the **BC government's recent decision to allow wine on grocery shelves and the serious consequences it poses for BC's liquor industry.**

Allowing grocery stores to sell wine on shelves is a bad fit for BC's economy and BC's wine industry in the long term. ABLE BC's analysis of international experience demonstrates that, when wine is allowed on grocery shelves, between 65-70 percent of *all wine sold* in that jurisdiction is sold in grocery stores. Small distributors are squeezed out of the market and local businesses are forced to close.

Recently, the Legislature passed Bill 22 (Special Wine Store License Auction Act), which sets the stage for the government to auction off a limited number of special wine licenses to sell BC wine on grocery shelves. These licenses are not subject to the 1 kilometre distance rule, meaning your community could have a shopping plaza with a BC Liquor Store or private liquor store next door to a grocery store with a large section of wine. High density of alcohol retailers can pose serious social consequences and will present significant concerns for the future of BC's private retailers.

.../2

On June 2nd, Kamloops City Council passed a motion to institute a 1 kilometre distance rule for all future liquor licenses and stores, including Grocery Auctioned BC Wine Licenses. Following up on the leadership of Kamloops, ABLE BC strongly encourages Maple Ridge City Council to do the same and **implement a minimum 1 kilometre distance rule for all future beverage alcohol retailers in Maple Ridge**. This will help restrict liquor licenses for wine in grocery stores, protect small businesses and the people they employ, and provide necessary industry stabilization.

I am also pleased to send you a copy of *The Publican* – BC's premier liquor industry magazine. Distributed quarterly to nearly 3,000 bars and private liquor stores across the province, *The Publican* keeps ABLE BC members and the public up-to-date on current liquor industry issues, trends, and events. It is also an excellent way for elected officials to keep abreast of the day-to-day issues affecting our industry's small business owners.

Thank you very much for your time. I would like to reiterate ABLE BC's sincere interest in working with government to implement changes in the best possible way for BC's liquor industry.

If you require additional information or would like to meet with ABLE BC to discuss these issues further, please contact our Executive Director, Jeff Guignard at 604-688-5560 or jeff@ablebc.ca.

Sincerely,



Poma Dhaliwal
President of the Alliance of Beverage Licensees
Owner/Operator of Jolly Miller Pub and Liquor Store, Chilliwack

Home > Documents and Proceedings > 4th Session, 40th Parliament > Bills > Bill 22 – 2015: Special Wine Store Licence Auction Act

**2015 Legislative Session: 4th Session, 40th Parliament
FIRST READING**

The following electronic version is for informational purposes only.
The printed version remains the official version.

**HONOURABLE SUZANNE ANTON
MINISTER OF JUSTICE**

**BILL 22 – 2015
SPECIAL WINE STORE LICENCE AUCTION ACT**

Contents

- 1 Definitions
- 2 Auctions
- 3 Right to apply for special wine store licence
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Explanatory Note

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Definitions

- 1** (1) In this Act:

"auction" means an auction conducted under this Act;

"auction price" means the amount, determined under the auction procedures, that a successful bidder must pay for the right to apply for a special wine store licence;

"auction procedures" means the procedures referred to in section 5 (1);

"general manager's list" means the list of successful bidders that the general manager keeps in accordance with section 7;

"grocery store" means a store that

- (a) is primarily engaged in retailing food and non-alcoholic beverages that are specified in the regulations, and
- (b) has an area of at least 929 square metres;

"record of unsuccessful bidders" means the record of unsuccessful bidders that the general manager keeps in accordance with section 8;

"special wine store licence" means a licence that authorizes the licensee

- (a) to sell wine in respect of which the naturally occurring sugar used in the fermentation process comes from only
 - (i) plant products grown in British Columbia,
 - (ii) honey produced from beehives located in British Columbia, or
 - (iii) milk from animals located in British Columbia,
- (b) to sell cider in respect of which the naturally occurring sugar used in the fermentation process comes only from plant products grown in British Columbia,
- (c) to sell sake in respect of which the rice used in its production is grown only in British Columbia, and
- (d) to sell the wine, cider and sake from any location approved by the general manager within a specified grocery store;

"successful bidder" means a bidder whose bid at an auction is successful as determined under the auction procedures, and includes a bidder who is added to the general manager's list in accordance with section 11.

(2) The definitions in the *Liquor Control and Licensing Act* apply to this Act.

Auctions

- 2 (1) The general manager may conduct one or more auctions to receive bids for the right to apply for a special wine store licence.

(2) Bids may be accepted under this Act in respect of only a prescribed number of special wine store licences.

Right to apply for special wine store licence

- 3 Only a successful bidder on the general manager's list for a specified grocery store may apply under the *Liquor Control and Licensing Act* for a special wine store licence for that grocery store.

Requirements for bidders

- 4 The general manager must not accept a bid from a bidder unless
- (a) the bidder specifies an existing or proposed grocery store from which wine, cider and sake are intended to be sold,
 - (b) the bidder submits a deposit in the prescribed amount by certified cheque or in another prescribed form,
 - (c) the bid is equal to or greater than the minimum bid established by the auction procedures, and
 - (d) the bidder satisfies any other requirement of the auction procedures.

Auction procedures

- 5 (1) An auction must be conducted in accordance with procedures established by
- (a) the regulations, and
 - (b) the rules made by the general manager under section 16.
- (2) The general manager must post, in advance of an auction, the auction procedures on a publicly accessible website maintained by or on behalf of the minister.

Conduct of auctions

- 6 (1) The general manager is responsible for the conduct of an auction.
- (2) The general manager may enter into agreements authorizing a person or organization that has expertise in conducting auctions to conduct, under the supervision of the general manager, all or a part of an auction.

General manager's list

- 7 (1) The general manager must keep a list of all successful bidders, together with the grocery store specified in the bid of each successful bidder.
- (2) The number of grocery stores specified on the list must not exceed the

prescribed number of special wine store licences for which bids may be accepted.

(3) The general manager must substitute, on the list, a different existing or proposed grocery store in respect of a bid of a successful bidder if the successful bidder

- (a) submits an application in a form acceptable to the general manager requesting the substitution, and
- (b) pays the prescribed fee.

Record of unsuccessful bidders

8 The general manager must keep a record of

- (a) all bidders who met the requirements set out in section 4, but were unsuccessful, and
- (b) the grocery store specified in each unsuccessful bid.

Payment of auction price

9 No special wine store licence may be issued to a successful bidder on the general manager's list unless the auction price in respect of the bid has been paid within the prescribed time after the bidder has been notified by the general manager that the bidder's application for the special wine store licence has been approved.

Removal from general manager's list

10 The general manager must remove a successful bidder and the grocery store associated with the bid of the successful bidder from the general manager's list in the following circumstances:

- (a) the successful bidder has not submitted, within the prescribed time, a complete application or fees under the *Liquor Control and Licensing Act* for a special wine store licence for that grocery store;
- (b) the successful bidder has not paid the auction price in respect of the bid of that successful bidder within the prescribed time after being notified by the general manager that the successful bidder's application for a special wine store licence for that grocery store has been approved;
- (c) the successful bidder's application for a special wine store licence for that grocery store is refused under the *Liquor Control and Licensing Act*;
- (d) the successful bidder requests the general manager to do so.

Addition to general manager's list

- 11 If the general manager removes a successful bidder from the general manager's list, the general manager must add to the general manager's list the bidder on the record of unsuccessful bidders having the highest priority, as determined under the auction procedures, together with the grocery store specified in the bid of that bidder.

Forfeiture of deposit

- 12 Subject to any prescribed exceptions, the deposit of a successful bidder submitted in respect of a grocery store is forfeited to the government if the bidder and grocery store are removed from the general manager's list.

Return of deposit

- 13 (1) The general manager must return a deposit submitted by a bidder in respect of a grocery store if
- (a) the bidder is on the record of unsuccessful bidders and has requested the return of the deposit, or
 - (b) the bidder is on the record of unsuccessful bidders and the prescribed number of special wine store licences have been issued.
- (2) If a deposit is returned to an unsuccessful bidder under subsection (1) (a), the general manager must remove the bidder and the grocery store from the record of unsuccessful bidders and the unsuccessful bidder may no longer be added to the general manager's list in respect of that bid.

Offence Act

- 14 Section 5 of the *Offence Act* does not apply to this Act or the regulations.

Power to make regulations

- 15 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:
- (a) prescribing the number of special wine store licences in respect of which bids may be accepted under this Act;
 - (b) specifying the types of food and non-alcoholic beverages for the purposes of the definition of "grocery store";
 - (c) prescribing the amount of deposits submitted under section 4 (b);
 - (d) respecting the additional forms of deposits that may be

- submitted under section 4 (b);
- (e) prescribing the fee referred to in section 7 (3) (b);
- (f) respecting procedures for the conduct of an auction, including
- (i) how to determine successful bids,
 - (ii) how to calculate the amount that a successful bidder must pay for the right to apply for a special wine store licence,
 - (iii) how to determine the priority of unsuccessful bidders on the record of unsuccessful bidders, and
 - (iv) any contractual rights or obligations of the government or a bidder arising on acceptance of a bid at the auction;
- (g) prescribing the time periods for the purposes of sections 9 and 10 (a) and (b);
- (h) providing for exceptions to the forfeiture of deposits under section 12;
- (i) remedying any difficulty encountered in the conduct of an auction or in the administration of this Act.

Power to make rules

- 16** The general manager may make rules respecting procedures for the conduct of an auction, including
- (a) how to determine successful bids,
 - (b) how to calculate the amount that a successful bidder must pay for the right to apply for a special wine store licence,
 - (c) how to determine the priority of unsuccessful bidders on the record of unsuccessful bidders, and
 - (d) any contractual rights or obligations of the government or a bidder arising on acceptance of a bid at the auction.

Regulations prevail

- 17** If there is any conflict between the rules made by the general manager and the regulations, the regulations prevail.

Related Amendment

Liquor Control and Licensing Act

18 Section 16 of the *Liquor Control and Licensing Act*, R.S.B.C. 1996, c. 267, is amended by adding the following subsection:

(2.3) The requirements of subsection (1) (b) and (c) do not apply to a prescribed class of licence.

Repeal by regulation

19 This Act may be repealed by regulation of the Lieutenant Governor in Council.

Commencement

20 This Act comes into force by regulation of the Lieutenant Governor in Council.

Explanatory Note

This Bill authorizes the general manager to conduct auctions for the right to apply for special wine store licences to be issued under the *Liquor Control and Licensing Act* and sets out the framework for the conduct of the auctions. These licences will authorize the sale, from locations approved by the general manager within specified grocery stores, of wine, cider and sake made from British Columbia agricultural products. Only a prescribed number of these licences will be issued.

This Bill also amends the *Liquor Control and Licensing Act* to allow for regulations exempting certain classes of licences from the requirement that licensees own the business carried on at the establishment and that licensees own or lease the establishment.

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Liquor Control and Licensing Branch POLICY DIRECTIVE No: 15 - 01

February 26, 2015

To: All LCLB staff
All Industry Associations
All Local Government, First Nations, and Police Agencies

Re: **Liquor Policy Review Recommendations #19 and 20: Phased-in
Implementation of Liquor in Grocery stores**

Introduction

The implementation of the Liquor Policy Review (LPR) report recommendations will permit the implementation of liquor sales in grocery stores, effective April 1, 2015.

This directive describes the following key policies that will allow liquor and wine sales in grocery stores effective April 1, 2015:

- Grocery store eligibility has been defined
- Grocery stores may sell liquor either in a store-within-a-store or 100% BC wine on the shelf, but not both at the same location
- Licensee Retail Stores (LRS) and BC Liquor Stores (BCLS) may relocate to a store-within-a-store grocery store, subject to distance restrictions
- The 1 km distance criteria separating LRS's has been retained and extended to include BCLS's
- The regulation restricting LRS relocation outside its local government/First Nation jurisdiction (i.e. the 5 km rule) has been repealed
- The LRS moratorium has been maintained
- Wine stores, other than winery-owned and sacramental wine stores, may relocate to grocery stores in either a store-within-a-store model or for the sale of 100% BC wine off store shelves
- LRS's and wine stores owned by or located within eligible grocery stores may co-brand

Statutory Authority and Policy Rationale

Government has approved regulations setting out an application lottery procedure for the initial relocation applications. Sections 14.01, 14.02 and 14.03 have been added to the regulations. The new sections of the regulations have been posted to the LCLB website at www.pssg.gov.bc.ca/lclb.

Government intends to bring into force the necessary regulations prior to the April 1, 2015 implementation date to allow the movement of liquor and wine into grocery stores. The policy outcomes of these additional regulations are reflected below.

The following summarizes changes to the policies and regulations and describes the eligibility criteria, application period, application process, and related procedures.

Grocery stores

Eligibility

To be eligible for liquor sales, a grocery store must have a minimum of 10,000 square feet of space, including storage space, and must be primarily engaged in retailing a general line of foods including canned, dry and frozen food, fresh fruits and vegetables, fresh and prepared meats, fish and poultry, dairy products, baked products and snack foods, and non-liquor beverages.

To maintain eligibility, these conditions must continue to be met, along with the following additional requirements: that the sales revenue from food and non-liquor beverages:

- totals at least 70% of non-liquor sales, and
- totals at least 50% of all sales, including liquor sales from a retailer located in the grocery store.¹

Convenience stores and multipurpose stores are not eligible.

Liquor stores within grocery stores

The liquor store within the grocery store must be at least 1 km away from any other LRS or BC Liquor Store. Distance is measured from the front door of the other liquor store to the front door of the store within the grocery store, as the crow flies.

Liquor stores within grocery stores must be physically separated from the rest of the grocery store with controlled access and separate cash tills within the liquor store. The same shopping cart will be permitted to move between the grocery and liquor stores.

The entire perimeter of the licensed area must be identifiable. The majority of the perimeter of the licensed area must be bounded by a fixed and immovable barrier. For the portion of the perimeter that is not fixed and immovable, the barrier must be sufficient to:

- monitor and control entrance to the licensed area,
- prevent unaccompanied minors from accessing the area,
- secure the retail area when required (i.e. when operating hours for the liquor retail area do not align with grocery store hours), and
- identify the main entrance (including what is considered to be the front door) to the licensed area.

An eligible grocery store will be able to co-brand with an LRS that is located within the grocery store or with any stand-alone LRS that the eligible grocery store owns, regardless of its location. The grocery store and the associated LRS must be legally affiliated and either the same legal entity or wholly owned subsidiaries of the same legal

¹ Original wording was revised on March 17th, 2015 to clarify the eligibility requirements for grocery stores.

entity for stand-alone stores.²

Wine in Store

Effective April 1, 2015, wine store licences, other than winery-owned or sacramental wine stores, may be relocated to a grocery store.

A wine store licence can relocate within a grocery store, either in a separate store or on shelf.

There is no distance restriction between other liquor retail or wine store outlets that prohibits the relocation of a wine store.

Wine stores within grocery stores must be physically separated from the rest of the grocery store in the same manner as a liquor store within a grocery store, as described above.

The wine store-within-a-store may sell any type of wine that is permitted under the terms and conditions of their licence. For example, an independent wine store can sell any imported or domestic product. A BC VQA store can only sell BC VQA wine.

An eligible grocery store will be able to co-brand with a wine store that is located within the grocery store or with any stand-alone wine store that the grocery store owns. The owner of the grocery store and the wine store must be the same legal entity for stand-alone stores.

Wine on Shelf

A wine store licence can relocate to a shelf within a grocery store effective April 1, 2015.

The wine store licensee must transfer the wine store licence to the grocery store owner. The exception is for BC VQA stores whose licences are held by the BC Wine Institute (BCWI). In that case, the BCWI will continue to hold the licence but must apply to appoint the grocery store as the third party operator.

The types of products that may be sold off the shelf will be determined by the type of wine store licence as described below.

If the wine store licence allows the sale of only BC VQA wines, then only BC VQA wines can be sold off the shelf.

If the wine store licence allows wine to be sold that is made from 100% BC agricultural products, all types of BC wine, including cider, mead and sake, can be sold off the shelf.

If the wine store licence allows all types of wine (imported and domestic) to be sold, only 100% BC produced wine (including cider, mead and sake) may be sold off the shelf, and the terms and conditions of the wine store licence will be amended to reflect this restriction.

² Original wording was revised on May 13, 2015 to clarify the corporate relationship requirement for eligible grocery store to co-brand with stand-alone stores.

Wine that is sold off the shelf may be purchased at designated tills or regular tills. Regardless of the type of till, the staff making the sale must have Serving it Right certification and be at least 19 years of age.

Floor plans/separation requirements for wine on the shelf

The licensee is responsible for determining their product display area and the tasting area, if tastings are offered. The product display area does not need to be bounded and may encompass a variety of shelf configurations such as a small corner of the store, a kiosk, multiple shelves on one or both sides of an aisle, etc. as long as the following conditions are met:

- All product to which the public has access must be within one contiguous product display area within the grocery store; separate “wine sections” are not permitted.
- The liquor must be able to be secured and inaccessible to the public during the hours that liquor is not available for sale (e.g. when licensed hours do not align with the grocery store’s hours of operation)

The licensee may move the product display area within the grocery store without notifying the Branch, as long as it continues to meet the above-noted conditions.

Liquor inventory may be securely stored within the non-public areas of the store (i.e. stockroom) or in an approved off-site storage using the form found here: <http://www.pssg.gov.bc.ca/lclb/docs-forms/LCLB027.pdf>.

The licensee must submit a security plan to the LCLB indicating how they will guard against shop-lifting and ensure minors do not access the product on the shelf.

One tasting area is permitted. It must be immediately adjacent to the product display area and must be defined by a physical barrier (e.g. ropes and stanchions). Only product sold off the shelves may be offered for tasting. For additional information about tastings, please refer to the guidebook for wine store licensees at <http://www.pssg.gov.bc.ca/lclb/docs-forms/guide-winestore.pdf>.

Liquor Retail Stores

LRS distance and relocation criteria

Effective April 1, 2015 the restriction that limited LRS relocation to its own local government/First Nation jurisdiction or up to five kilometers if moving outside the jurisdiction will be eliminated. LRS’s can now apply to relocate anywhere in the province.

The regulation prohibiting the relocation of a LRS to within one kilometre of another LRS has been maintained.

BC Liquor Store Relocations

Effective April 1, 2015, the one kilometre rule is extended to BC Liquor Stores,

prohibiting them from locating within one kilometre of a LRS and vice versa. There is an exception for BC Liquor Stores that already have store relocations in process. If a BCLS can demonstrate they had valid interest the new location prior to February 27, 2015, they will be exempt from the one kilometre rule. The same exception was applied previously to LRS's when the distance restriction was implemented.

Application Process to relocate liquor stores from February 27 to March 27, 2015

The elimination of the 5 kilometre restriction may create an initial surge of LRS relocation applications. Due to the 1 km rule, it is critical to determine the order of applications. This is because applications assessed first may negatively affect applications assessed later if the proposed sites are within close proximity.

To ensure a fair process, Sections 14.01, 14.02 and 14.03 have been added to the regulations. These sections establish a lottery system to determine the order of applications.

Relocation Lottery

LRS licensees and BC Liquor Stores will have a four week window from February 27 to March 27, 2015 to apply to relocate. All complete applications received during this window will be placed in the lottery with the order of applications determined on April 1, 2015 and then communicated to applicants. Incomplete applications will not be entered into the lottery and will be dealt with after the lottery applications are processed.

On Friday 27 February 2015, the Liquor Control and Licensing Branch (LCLB) will no longer accept applications for consideration under the previous rules and procedures.

From Friday 27 February until 4:30pm on Friday 27 March 2015, all LRS and BCLS relocation applications received by the LCLB will be set aside to determine eligibility for the lottery. Applicants wishing to be included in the lottery process must download an updated application form package which lays out instructions and criteria for submitting a complete application. Other than for processing payments, the LCLB will not be contacting applicants until after the lottery takes place on April 1, 2015.

Only one application may be submitted per LRS licence number or BCLS store number. Once the application package has been submitted, the LCLB will not accept amendments to the application. Applicants have the option of contacting the LCLB to terminate their application if they wish to withdraw and submit a new application package during the lottery window; application fees will not be refunded. If an applicant submits a second application without cancelling the first one, the second application will be returned to the applicant.

Any applications received by the LCLB after 4:30pm on Friday 27 March 2015, will be reviewed and considered in the order they are received, but only following all the applications received during the lottery intake period.

LCLB staff will determine the applications that are eligible to be placed into the lottery. Eligible and ineligible applicants will be notified regarding their status and any options for going forward, but not prior to the lottery being completed. Eligible applications will have their LRS licence number or BCLS store number entered into the lottery.

On April 1, 2015, the LCLB will conduct the lottery to determine the order in which eligible applications will be reviewed and considered for relocation. The procedures for the lottery draw are attached as Appendix A.

If an application is unsuccessful because it is within 1 km of another application drawn earlier in the lottery, the application fee will be returned to the unsuccessful applicant. The application fee will not be refundable if the proposed location is within 1 km of a LRS or BCLS whose address was posted on the LCLB website prior to February 27, 2015.

Complete Applications

Only complete applications will be eligible to be entered into the lottery. To be complete, the application must include:

1. The application form, with all fields completed
2. The application fee of \$330
3. Proof of valid interest for the proposed LRS or BC Liquor Store location
4. Scaled site plan of the proposed liquor store site showing all the buildings and entrances of those buildings, including any street names. The location for the front entrance door of the proposed LRS establishment must be identified on the site plan.
5. Photographs showing the proposed site
6. Grocery Store Declaration if the proposed liquor store site is located within a grocery store.

Applicants will not be advised if their application is incomplete until after the lottery has been concluded.

The application form, application guide, application checklist, grocery store declaration can be found at <http://www.pssg.gov.bc.ca/lclb/policy/relocation.htm>. The onus is on the applicant to ensure that all requirements set out in the application materials are complete and received at the Liquor Control and Licensing Branch no later than 4.30 p.m. on March 27, 2015. Any application received after that time will not be eligible to be entered into the lottery regardless of the reason.

Failure to provide the above documentation will result in an incomplete application with the following consequences:

- Incomplete applications will not be reviewed for compliance with the 1 km distance criteria
- Incomplete applications will not secure your proposed site or the 1 km radius surrounding it
- Incomplete applications will not be put into lottery

Structural changes and relocations

Structural changes are changes to existing construction, and are defined in detail in section 6.2.1 of the Liquor Licensing Policy Manual.

Where an LRS proposes to move to an address at the same site and within the existing building (with the same parcel identifier number) or to a location that is attached to or abutting the existing building, this is considered a structural change application.

A structural alteration that meets this criteria is not considered a relocation and is not subject to the 1 km distance restriction.

If a LRS or BCLS is attached to or abutting an eligible grocery store, they can apply for a structural alteration to remove the wall to create a store-in-store liquor store. The LRS or BCLC can submit an application for structural change as of February 27, 2015, together with the Grocery Store Declaration. The licensee cannot begin structural alterations until they have received approval in principle from LCLB. The final approval to complete the licensing of the store-within-a store cannot be concluded prior to April 1, 2015 when the prohibition against a LRS co-branding with an eligible grocery store is eliminated.

LRS Applications after March 27, 2015

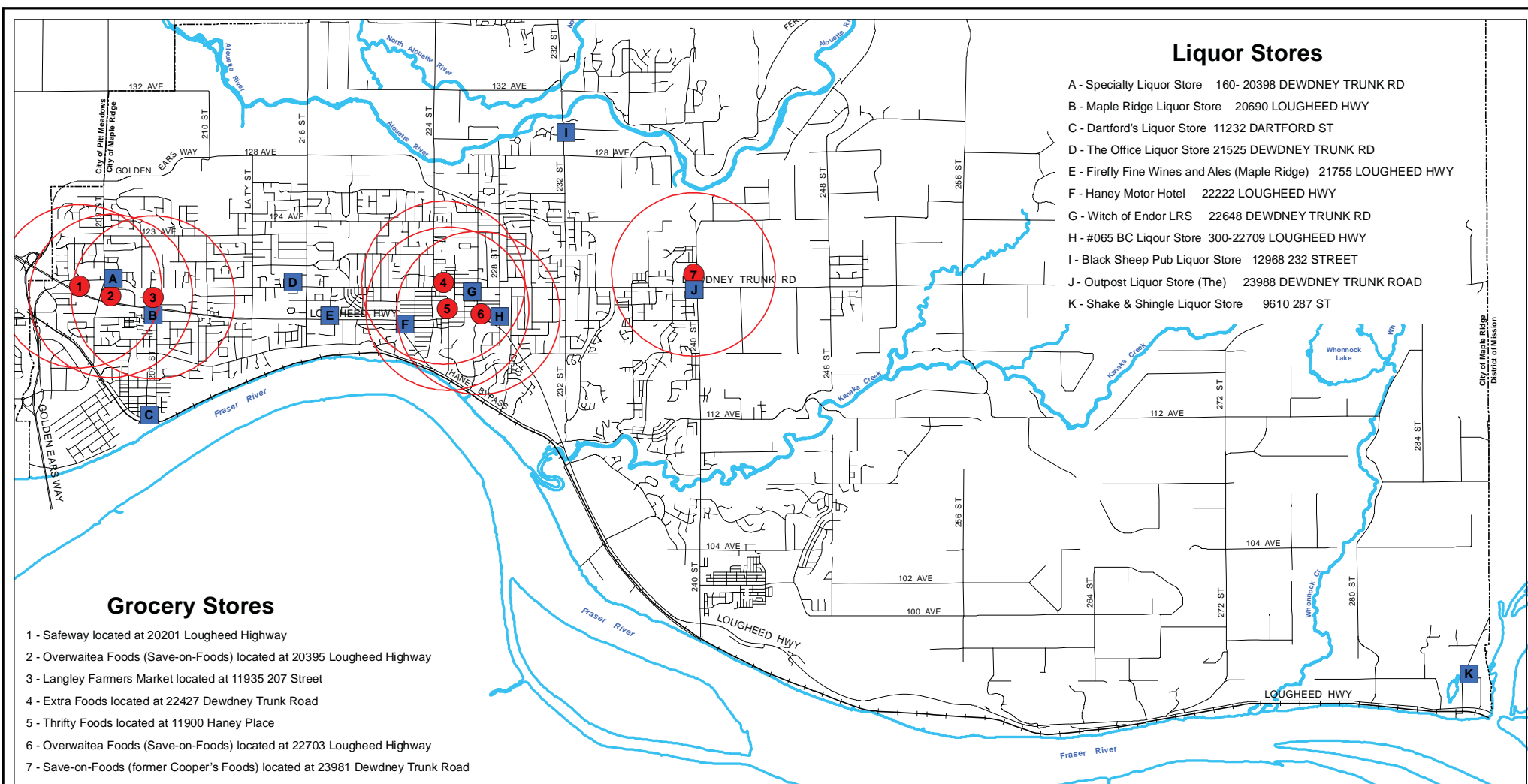
All LRS relocation applications received after 4.30 p.m. on March 27, 2015 will be reviewed in the date order they are received and only after the applications received during the lottery intake period.

Further Information

Further information regarding liquor control and licensing in British Columbia is available on the Liquor Control and Licensing Branch website at <http://www.pssg.govbc.ca/lclb>. If you have any questions regarding these changes, please contact the Liquor Control and Licensing Branch toll free in Canada at 1-866-209-2111 or 250 952-5787 if calling within the Victoria area.

Original signed by:

Douglas Scott
Assistant Deputy Minister and General Manager



Scale: 1:45,000

Legend

- Grocery Store and 1 Km Radius
- Liquor Store

The City of Maple Ridge makes no guarantee regarding the accuracy or present status of the information shown on this map.

Grocery and Liquor Stores

PLANNING DEPARTMENT

mapleridge.ca

FILE: GroceryLiquorStores.mxd
DATE: Aug 10, 2015
BY: DT

APPENDIX E: Private Liquor Store and BC Liquor Store Locations

MAP LOCATION	NAME	ADDRESS	CATEGORY	ZONING
A	SPECIALTY LIQUOR STORE	160- 20398 DEWDNEY TRUNK RD	Private Liquor Store	C-2
B	MAPLE RIDGE LIQUOR STORE	20690 LOUGHEED HWY	Private Liquor Store	C-2
C	DARTFORDS LIQUOR STORE	11232 DARTFORD ST	Private Liquor Store	C-4
D	THE OFFICE LIQUOR STORE	21525 DEWDNEY TRUNK RD	Private Liquor Store	C-4
E	FIREFLY FINE WINES AND ALES (MAPLE RIDGE)	21755 LOUGHEED HWY	Private Liquor Store	C-2
F	HANEY MOTOR HOTEL	22222 LOUGHEED HWY	Private Liquor Store	C-3
G	WITCH OF ENDOR LRS	22648 DEWDNEY TRUNK RD	Private Liquor Store	C-3
H	HANEY GLS 065	300 - 22709 LOUGHEED HWY	BC Liquor Store	C-3
I	BLACK SHEEP PUB LIQUOR STORE	12968 232 STREET	Private Liquor Store	CS-1
J	OUTPOST LIQUOR STORE (THE)	23988 DEWDNEY TRUNK ROAD	Private Liquor Store	CS-1
K	SHAKE & SHINGLE LIQUOR STORE	9610 287 ST	Private Liquor Store	C-4

Source: Liquor Control and Licensing Branch (August 4, 2015)
http://www.pssg.gov.bc.ca/lclb/licensed/liquor_retail_location.htm

Appendix F
South Surrey Save-on-Foods “Wine-on-Shelves” section



CITY OF MAPLE RIDGE

BYLAW NO. 7162-2015

A Bylaw to prohibit liquor sales in grocery stores

WHEREAS it is deemed expedient to amend Maple Ridge Bylaw No. 3510-1985;

NOW THEREFORE, the Municipal Council of the City of Maple Ridge enacts as follows:

Citation

1. This Bylaw may be cited as “Maple Ridge Zone Amending Bylaw No. 7162-2015.”

Amendments

2. Maple Ridge Zoning Bylaw No. 3510-1985 is amended by adding the following under Part 4, GENERAL REGULATIONS, Section 401(3):

(g) The sale in or from a grocery store, or in or from a store located in a grocery store, of beer, cider, wine or spirits, or any other product intended for human consumption, that contains more than 1% alcohol by volume, except a product produced primarily for cooking purposes.

READ a first time the 31st day of August, 2015.

READ a second time the 31st day of August, 2015.

PUBLIC HEARING held the day of 2015.

READ a third time the day of 2015.

ADOPTED, the day of 2015.

PRESIDING MEMBER

CORPORATE OFFICER

CITY OF MAPLE RIDGE

BYLAW NO. XXXX-XXXX

A Bylaw to prohibit liquor sales in grocery stores within one kilometre of a liquor store

WHEREAS it is deemed expedient to amend Maple Ridge Bylaw No. 3510-1985;

NOW THEREFORE, the Municipal Council of the City of Maple Ridge enacts as follows:

Citation

1. This Bylaw may be cited as “Maple Ridge Zone Amending Bylaw No. 7162-2015.”

Amendments

1. Maple Ridge Zoning Bylaw No. 3510-1985 is amended by adding the following under Part 4, GENERAL REGULATIONS, Section 401(3):

- (g) The sale in or from an ineligible grocery store, or in or from a store located in an ineligible grocery store, of beer, cider, wine or spirits, or any other product intended for human consumption, that contains more than 1% alcohol by volume, except a product produced primarily for cooking purposes, and for this purpose “ineligible grocery store” means a grocery store any part of any public entrance to which is located within 1 kilometre, measured in a straight line, from any part of any public entrance to a Licensee Retail Store or government liquor store that is carrying on business when sales referred to in this section commence.

READ a first time the day of 2015.

READ a second time the day of 2015.

PUBLIC HEARING held the day of 2015.

READ a third time the day of 2015.

ADOPTED, the day of 2015.

PRESIDING MEMBER

CORPORATE OFFICER