

Attachment 1: Policies and Regulations

Official Community Plan - Land Use Designation

Official Community Plan:

The subject property is situated within (I) Industrial designation.

(I) Industrial: *The purpose of this land use is to allow low industrial uses including heavy and light industrial uses and those industrial uses that are dependent on riverfront access. Large sites with this designation should be preserved for large scale or land intensive uses and as such, subdivision is discouraged.*

Official Community Plan - Development Permit Area

This subject site is located within the Industrial Employment Lands, Development Permit Area 6.4, designated in order to protect and allow the intensification of New Westminster's industrial land base. Should the proponent require changes to the exterior of the building, a minor Development Permit would likely be required which could be issued by the Director of Development Services.

Zoning Bylaw

The subject property is zoned Heavy Industrial Districts (M-2). The intent of this district is to allow heavy industrial uses and the proposed arcade use is not permitted. As such, an arcade located in one of the units in this building would require a Rezoning or a Temporary Use Permit in order to be permitted.

Zoning Bylaw Definitions

Amusement arcades are defined under Section 120.11 of the Zoning Bylaw as *means the use of a building, or portion of a building, for providing entertainment in the form of any combination of video amusement machines, or other mechanical or electronic games, totaling four or more in number, but does not include a casino.*

Amusement arcades are permitted in the Community Commercial Districts (High Rise) (C-3) under Section 514.3 which states: *Amusement arcades, provided any such use is located within a fully enclosed mall and does not have any door to the exterior or is located within the lobby of a theatre and does not have any door to the exterior and does not exceed a size of 1,000 square feet or 10 percent of the floor space of the building, whichever is less;*

Business License Bylaw

The Business License Bylaw includes the following definitions:

- “Amusement Machine” as: *means a machine on which mechanical, electrical, automatic or computerized games or contests that are played for amusement or entertainment and for which a coin or token must be inserted or a fee is charged for use;*

- “Amusement Centre” *any premises containing three or more amusement machines except a premise which is validly licensed pursuant to the Liquor Control and Licensing Act*;

The Business License Bylaw regulates amusement centres, billiard rooms and pool halls in the same manner. Specific to amusement arcades, under Section 20 (1), as follows:

Every person or individual carrying on the business of an amusement centre shall:

- (a) not permit more than 12 amusement machines in the amusement centre at any one time;
- (b) provide one designated area consisting of a minimum of 100 square feet of floor space for each amusement machine;
- (d) not use the designated area for any purposes other than the location and use of amusement machines;
- (e) clearly separate the designated area from other areas of the premises not used exclusively for the location and use of amusement machines; and
- (f) not open for business earlier than 10:00 am or later than 10:00 pm

Development Services Fees and Rates Bylaw

The Development Services Fees and Rates Bylaw includes the following business licence fee rates for Amusement Halls:

- \$759.80/year
- \$456.76/month
- \$229.42/day

Temporary Use Permits

The Local Government Act authorizes municipalities to issue Temporary Use Permits, which allow uses which would not normally be permitted to operate on a temporary basis. The permits can be issued for a maximum of three years and, after that time they may be extended once by application for a time equal to the length of the first permit. Council may attach conditions to the issuance of the permit to ensure that the impacts of the temporary use on existing businesses and properties are mitigated. Considerations related to Temporary Use Permits are included in the Zoning Bylaw.

Historic Restrictions of Arcades

In New Westminster, amusement arcades became restricted in 1999, as part of a regional trend at that time as many municipalities were responding to various complaints related to noise, hours of operation and disrespectful or unlawful behavior. The City’s Zoning Bylaw was amended and amusement arcades were removed as a permitted use in the C-4, CS-1 and M-1 zoning districts. Amusement arcades were permitted to operate only in the C-3 zoning district and the following conditions were added:

- Must be located within a fully enclosed mall;
- Does not have any exterior door (to the street); and

- Does not exceed 1000 square feet or 10 of the floor space of the buildings.

The rationale was that this zoning district captured most malls and theatres in the city at this time. Amusement arcades were also later included in the C-CD-2 and C-CD-3 zoning districts with the same conditions.

Contemporary Arcades

Amusement arcades have regained popularity given the resurgence of the classic arcade, or an arcade which also serves alcohol ('barcade') games geared towards adults and arcade games from the 1970s, 1980s and 1990s. An arcade has been operating nearby along East Columbia Street for the past year without any concerns, under a TUP. They are currently seeking the permitted, long term use of an arcade at their location.