



PLANNING & DEVELOPMENT DEPARTMENT

FOOD-PRIMARY LIQUOR LICENCE APPLICATION PROCESS AND CHECKLIST

Local Governments are asked to comment on Food-Primary Licence applications where the application includes:

- *An extension of hours of liquor service past 12:00 a.m.; and*
- *Patron participation entertainment.*

THE PROCESS:

1. LCLB Notifies City of Application

City staff receives a copy of the application and date stamps the original application form to indicate the date it was received. The City has 90 days from the date the application was received to respond to LCLB. The applicant provides staff with a non-refundable \$250.00 processing fee. The applicant shall provide the City with a letter of rational. The letter must include:

- The nature of the business;
- The proposed hours of liquor service;
- The type of entertainment to be offered;
- A community impact statement that outlines the establishments positive and negative impacts on the community; and
- Measures to be taken to prevent and / or address the negative impacts described including noise abatement measures.

- (a) Staff reviews the application to ensure that the use conforms to the City's Zoning Bylaw. ***It should be noted that zoning does not allow dancing within any restaurant use.***
- (b) Staff sends a letter to the applicant acknowledging that the application has been received.

2. Staff Distributes Application Materials

Staff sends a request for comment to various internal and external departments. The following checklist identifies the agencies and the specific issues on which each agency is expected to comment:

RCMP, Nanaimo Detachment

The RCMP is expected to comment on the potential impact of the proposed amended licence on:

- Police resources;
- Levels of criminal activity in the city;
- Levels of public disorder, including noise; and
- Any previous RCMP related incidents in the immediate vicinity of the establishment.

□ ***Building Inspection***

Building Inspection is expected to provide comments on:

- The establishments conformity to the City's building; and
- The establishment's conformity to the BC Building Code (including the Code's regulations on occupant load).

□ ***Fire Department***

The Fire Department is expected to comment on:

- A history of fire related concerns by the establishment;
- Code and fire safety inspections; and
- Where the amendment includes an increase in capacity, the Fire Department should also comment on occupant load issues.

□ ***Bylaw Services/ Business Licensing***

The Manager of Bylaw Services is expected to comment on:

- Any complaints or concerns related to the business licence of the premises
- Any history of disturbances or nuisances in the immediate vicinity

□ ***Downtown Nanaimo Partnership***

The Partnership is expected to review only those applications that relate to the proposed establishments in Downtown Nanaimo. For each of these applications a representative is expected to comment on:

- The existing downtown business community
- The amendments potential impact on the Partnerships vision of downtown Nanaimo

□ ***Neighbourhood Associations***

Where a Neighbourhood Association which includes the location of the establishment exists, a representative of that association is asked to comment on:

- The character of the existing neighbourhood
- The neighbourhoods existing relationship with the applicants establishment
- The proposed amendments potential impact on the neighbourhood

3. Public Notification

The public notification stage may be done concurrently with Step 2. Upon receipt of the application, Staff will mail and deliver a Public Notice and Comment Sheet to the owners and occupants of all buildings within a 100 metre radius of applicant's establishment. The Public Notice shall include the name and location of the applicant's establishment, the proposed amendment, the City Staff contact, a map showing the establishment and the notification area and an area in which the public can comment on the application. A copy of these responses will be presented to Council.

4. Staff Report

(a) Shortly after the application has been received Staff will provide Council with an Information Only Report at a regular Council meeting. The report is intended to give Council members a heads up that an application has been received. After receiving this report Council may choose to exercise their option to not comment on the application. If Council choose to opt out of the application process Staff will inform the LCLB of Council's decision and no further action will be taken by Staff or Council regarding the application.

(b) Upon completion of the Public Notification phase a second Staff report will be forwarded to Council. The second report should contain Staff's recommendation for or against the

application, a summary of comments from the referrals, and a summary of the responses received from the Public Comment sheets. The report should also include staff's comments on the applications potential for noise and the impact on the community.

- (c) Owners and occupants of all buildings within a 100 metre radius of applicant's establishment shall be notified of the date the second Staff report will be presented to Council.

5. Council Provides Resolution

The final step in the process is for Council to make its recommendation on the application to the LCLB. Staff will provide notice of Council's resolution to the LCLB and provide a reason for Council's recommendation. The resolution must comment on the local governments regulatory criteria and indicate the method used to gather the views of residents and a summary of there views.