



PLANNING & DEVELOPMENT DEPARTMENT

## NEW LIQUOR-PRIMARY LICENCE APPLICATION PROCESS AND CHECKLISTS

*This document presents the application process, adopted by Council on 2003-NOV-03 and amended on 2007-JUN-25, for all new liquor-primary licences. The process reflects the discussion and recommendations from the Liquor Control Strategy (pages 27-29), and the Liquor Control and Licensing Branch (LCLB) requirements of municipalities that choose to review applications. Council will be directly involved in the process and has not delegated portions of the review process to a committee. Should Council decide to create a committee in the future this document will need to be amended. Included are various checklists intended to assist Staff in ensuring that all documents have been received and all required considerations have been made.*

### THE PROCESS:

#### **1. LCLB Notifies City of Application**

- (a) The City's review process begins once the City has been notified by LCLB of an application for a new liquor-primary licence.
- (b) The LCLB provides the City with a Summary Report that offers preliminary comments on the degree to which the application appears to meet the regulatory criteria set out in the Liquor Control and Licensing Act. The LCLB also provides the City with population figures for Nanaimo, socio-economic data and information on contraventions committed by existing licensed establishments in the area surrounding the proposed establishment.
- (c) The materials provided by the LCLB are received by DSD which is responsible for managing the review process for new liquor-primary licences.
- (d) Once the information has been received from the LCLB, the City has 90 days to provide a Council resolution on the application to the LCLB.

#### **2. Staff Provides City Package to Applicant**

- (a) As suggested in the Liquor Control Strategy, City Staff is to provide a copy of an additional package (Package No. 2), titled Downtown Nanaimo / Town Centre Background Package for Liquor Licence Applicants, to applicants interested in downtown / town centre locations. Package No. 2 includes:
  - (i) An outline of the community's vision for the downtown core / town centre locations.
  - (ii) A list of efforts undertaken to date by the City and its partners to realize the community vision.

- (iii) A description of the liquor-related issues (profiled in the Liquor Control Strategy) that have undermined the efforts to date and that the community is trying to address.
  - (iv) A copy of the City's Good Neighbour Agreement that liquor-primary licensed establishments located in the downtown core, as well as other establishments requested for inclusion by the RCMP, are required to sign.
  - (v) Information regarding a proposal for the formation of a Nanaimo Bar Watch Society.
- (b) The purpose of distributing the Background Package is to advise downtown / town centre applicants, early in the process, of the community's concerns and expectations with respect to licensed establishments in the city core / town centre locations.

### **3. Staff Advises Applicant of City's Requirements**

- (a) The applicant is required to submit to the City 3 copies of a detailed information package. This information package, it should be noted, is in addition to the materials and information submitted by the applicant to the LCLB. A checklist of the items which comprise the package required by the City is set out as follows:
- (i) Detailed and complete description of the proposed establishment, outlining:
    - The proposed person capacity and hours of liquor service;
    - Nature of the venue (nightclub, sports bar, lounge, neighbourhood pub);
    - Proposed activities and entertainment (dancing, games, adult entertainment, live music);
    - The specific market segment being targeted (19-25 crowd, over-35 market);
    - The noise abatement measures to be taken for noise that occurs within the venue, and for patron-generated noise that occurs as patrons leave the venue;
    - Specific staff training that will be provided ("Serving it Right", conflict management training, first aid training)
  - (ii) Detailed floor plan of the proposed establishment
  - (iii) Community impact statement that outlines the proposed establishment's potential:
    - positive impacts on the community
    - negative impacts on the community
 Measures to be taken to prevent and/or address the negative impacts should be described.
  - (iv) Letter of undertaking to enter into a "Good Neighbour Agreement" with the City, if required
- (b) In addition to providing 3 copies of the information package identified above, the City requires the applicant to pay a non-refundable \$500 application processing fee. This fee is intended to cover all City costs related to the processing of the application. Payment of the \$500 fee must accompany the submission of the applicant's information package.

### **4. Staff Distributes Application Materials**

- (a) Staff distributes copies of the applicant's information package, along with the materials received from the LCLB, to various internal and external review agencies. The following checklist identifies the agencies and the specific issues on which each agency is expected to comment:

(1) Nanaimo Detachment, RCMP

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

- police resources
- levels of criminal activity in the City
- levels of public disorder, including noise and
- issues typically associated with the type of venue being proposed
- the suitability of the proposed staff training measures, given the type of venue being proposed and the issues expected

The RCMP is also expected to comment on the applicant's proposed noise mitigation measures.

(2) Building Inspection

Building Inspection is expected to provide comments on:

- the proposed establishment's conformity to the City's building bylaw
- the proposed establishment's conformity to the *BC Building Code* (including the *Code's* regulations on occupant load)
- the degree of conformity to other applicable building regulations
- the applicant's proposed noise abatement measures

Note that a detailed review of building regulations, including those in the *Code*, will be done as a matter of course in cases where a building permit is required. The applicant is responsible for applying separately for the required building permit. The fee required to process a building permit is in addition to the \$750 fee associated with the liquor licence review process.

(3) Fire Department

The Fire Department is expected to comment on:

- any fire related concerns that may be posed by the proposed establishment
- occupant load issues

(4) Engineering Division

The Engineering Division is expected to provide comments on the proposed establishment's:

- potential impact on local traffic

If the potential impact is deemed to be problematic, the Engineering Division is expected to recommend that a traffic impact study be undertaken for the site. The cost of any traffic impact study is the responsibility of the applicant.

(5) Liquor Licence Inspector

One local LCLB Inspector is expected to comment on:

- Compliance and other issues associated with the particular applicant (in cases where the applicant holds, or has held, a separate liquor licence)
- liquor licence compliance and other issues typically associated with the type of venue being proposed
- the suitability of the proposed staff training measures, given the type of venue being proposed and the issues expected
- the applicant's proposed noise mitigation measures

(6) Downtown Nanaimo Partnership

The Partnership is expected to review only those applications that relate to proposed establishments in Downtown Nanaimo.

For each of these applications, the representative is expected to comment on the potential impact of the proposed establishment on:

- the existing downtown business community
- the key sectors (e.g., tourism) that comprise the downtown economy
- the image of, and vision for, Downtown Nanaimo

(7) Social Planning Advisory Committee (SPAC)

The Social Planning Advisory Committee is expected to provide comments on the proposed establishment's:

- potential impact on nearby residential development
- perceived impact on safety for the residents that live in the downtown area
- potential impact on the various municipal social planning goals, objectives, policy and priorities as set by Council

The comments of each of the agencies are forwarded to a Planner within Development Services Department.

5. Info Only Report

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 chooses 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.

6. Public Notification

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.

Staff will also advise all surrounding owners and occupants of buildings within a 100 metre radius of the date and time the application will proceed to Public Hearing (see step 7). Once Staff has received the applicant's complete information package and non-refundable processing fee, Staff will provide the applicant with a prescribed template for on-site sign. The applicant is required to post the signage ten days prior to the public hearing, as per the City's instructions and pay the associated cost. Staff will place an ad in the newspaper in accordance with the format and procedures used for a rezoning or OCP amendment application.

## 7. Public Hearing

- (a) The public hearing will be held in accordance with the same rules and procedures as a public hearing for a Rezoning or OCP amendment application.
- (b) Staff is responsible for constructing an impartial record of proceedings from the hearing. This record becomes part of Staff's report to Council (see step 8).

## 8. Staff Report

- (a) Following the public hearing stage, Staff will bring a second report to Council.
- (b) The report should contain a summary of the comments from the review agencies (step 4), a copy of the public comment sheets (step 6) and a summary of the proceedings from the public hearing (step 7). The report must also explicitly address certain criteria that Council must consider, as per the *Liquor Control and Licensing Act* and *Regulations*. These criteria, and the questions to be addressed in Staff's report, are presented in the checklist as follows:

- (1) Location of the Proposed Establishment

- Is the location of the proposed establishment suitable given the nature of the venue and the surrounding development?

- (2) Proximity to Social/Recreation Facilities and Public Buildings

- Is there adequate distance between the proposed establishment and existing, family-oriented social/recreational facilities or public buildings?

- (3) Patron Capacity and Hours of Liquor Service

- Is the proposed establishment considered to be too large relative to existing establishments?
- Are the proposed hours of liquor service consistent with the hours that existing establishments (various types) provide service?

- (4) Concentration of Establishments

- In the case of an application for a downtown location, how many existing establishments of a similar nature to the proposed establishment are located in close proximity to the proposed site?
- In the case of an application for a nightclub Liquor-Primary establishment, is the proposed location too close to existing nightclubs?
- In the case of an application outside of the downtown commercial zone, is the proposed location adequately separated in terms of distance from existing establishments?

(5) Traffic, Noise, Parking and Zoning

- Will the proposed establishment generate enough traffic to impact negatively the surrounding area?
- Do the noise mitigation measures proposed by the applicant appear to be adequate for containing noise generated within the proposed establishment?
- Do the measures proposed by the applicant to address noise associated with the departure of patrons from the establishment appear to be adequate?
- Has the applicant provided sufficient parking for the proposed establishment?
- Does the application meet the City's zoning regulations?

(6) Population, Population Densities and Population Trends

- Do Nanaimo's population data support the need for the proposed establishment?
- Does the applicant demonstrate a market demand for the proposed establishment?

(7) Socio-Economic Information

- Do Nanaimo's socio-economic data raise any concerns with respect to the proposed establishment?

(8) Community Impact

- Taking all considerations into account, including the input received at the public meeting, will the proposed establishment have a positive or negative impact on the community?
- Will the proposed establishment enhance or undermine the appearance, appeal, economy and quality of life in the part of the community in which the establishment is proposed to be located.

- (c) This Staff Report will provide a clear recommendation to Council. The recommendation may take one of three forms. Staff may:

- (1) recommend that Council support the application, as is;
- (2) recommend that Council support the application with amendments or conditions that the applicant agrees, in writing, to accept; or
- (3) recommend that Council not support the application.

10. COUNCIL PROVIDES RESOLUTION

- (a) The final step in the process is for Council to make its recommendation on the application to the LCLB.
- (b) It should be noted that a Council recommendation that is in support of application does not automatically enable the applicant to begin operations. As described in *Role of Local Government and First Nations in the Provincial Liquor Licensing Process*, the applicant must satisfy various provincial requirements before being awarded a liquor licence from the province. The applicant must also satisfy various City requirements. For example, the applicant has to obtain a business licence, and may have to obtain a zoning amendment, a development variance permit and a building permit.