



COMMUNITY DEVELOPMENT DEPARTMENT

AMENDMENT TO A FOOD PRIMARY LIQUOR LICENCE - APPLICATION PROCESS -

Local governments are asked to comment on an amendment to an existing Food Primary Licence where the application includes:

- an extension of hours of liquor service past 12:00am; and / or
- patron participation entertainment.

THE PROCESS:

1. Applicant Notifies City of Application

- a. Applicant obtains application form from the Liquor Control and Licensing Branch (LCLB).
- b. City Staff receive 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 the LCLB.
- c. The applicant shall provide Staff with a non-refundable \$250 processing fee.
- d. The applicant shall provide Staff with a letter of rationale. The letter must include:
 - i. the nature of the business;
 - ii. the proposed hours of liquor service;
 - iii. the type of entertainment to be offered;
 - iv. a community impact statement that outlines the positive and negative impacts of the establishment on the community; and
 - v. measures to be taken to prevent and / or address the negative impacts described, including noise abatement measures.
- e. Staff reviews the application to ensure the use conforms to the City's Zoning Bylaw and the application is complete. ***It should be noted that the zoning does not allow dancing within any restaurant use.***
- f. 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**

The Building Inspection Section is expected to provide comments on:

- whether or not the establishment conforms to the City's Building Bylaw ; and
- whether or not the establishment conforms 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; and
- 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; and
- the amendments potential impact on the Partnership's vision of downtown Nanaimo.

□ **Neighbourhood Associations**

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

- the character of the existing neighbourhood;
- the existing relationship between the Neighbourhood Association and the applicant establishment; and
- the proposed amendments potential impact on the neighbourhood.

3. Council Memo

A memo will be forwarded to Mayor and Council and posted in Council chambers notifying Council that an application has been received and Staff will begin the notification process.

4. 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 the applicant establishment. The Public Notice and Comment Sheet will include the name and location of the applicant establishment, the proposed amendment, the City Staff contact, a map indicating the establishment and the notification area and space on the sheet in which the public can comment on the application. A copy of these responses will be presented to Council.

5. Staff Report

- a. Upon completion of the public notification phase, a Staff report will be forwarded to Council. The 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 Notice and Comment sheets. The report should also include Staff comment regarding any potential noise issues or community impact on the community.
- b. Owners and occupants of all buildings within a 100 metre radius of applicant establishment shall be notified of the date the second Staff report will be presented to Council.

6. Council Provides Resolution

The final step in the process is for Council to make its recommendation regarding 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 local government regulatory criteria and indicate the method used to gather the views of residents and a summary of their views.