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## CITY OF KELOWNA

# MEMORANDUM

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**Date:** February 7, 2001  
**File No.:** 4320-00

**To:** City Manager

**From:** Planning and Development Services

**Subject:** AMENDMENT TO DEVELOPMENT APPLICATION FEE BY-LAW NO. 8034 FOR NEIGHBOURHOOD PUB APPLICATIONS

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### RECOMMENDATION

THAT Development Application Fee Bylaw No. 8034 be amended by adding the following categories after the section titled "Neighbourhood Pub Applications":

Liquor License applications requiring a Council Resolution to expand their licensed capacity to the building/fire code - \$500.00;

Liquor License applications requiring City approval [NO Council Resolution] - \$50.00;

AND THAT Council endorse Council Policy No. 295 as detailed in Schedule A attached to the report from the Planning & Development Services Department dated February 7, 2001;

AND THAT Council name the Current Planning Manager as the signing authority for Liquor License Applications when NO Council Resolution is required;

AND FURTHER THAT the Business License fees for liquor licensed establishments not be changed until the review of the entire Business License Bylaw has been completed.

### BACKGROUND

Previously, a Council Resolution was required for a 'D' License [Pubs], a 'C' License [Cabarets], an 'A' License [Hotels, Resorts, Clubs, etc], 'E' License [Sports Stadiums], a 'J' License [Wineries] and an Entertainment Endorsement in a 'B' Restaurant. Also, City endorsement was required for changes to the hours of sale, changes in seating capacity and the creation of an outdoor patio.

Some of the new liquor regulations approved recently by the Provincial Government are as follows:

1. Existing liquor establishments may expand their licensed capacity to the building/fire code [Council Resolution required].
2. Restaurants may have a limited area where patrons can be served liquor without having to consume food [Council Resolution required or no comment].

3. Wineries and breweries may charge for samples provided in a sampling room.
4. The "J" License for wineries will no longer be in use but will be replaced with a revised Winery Lounge License.
5. Golf courses with an "A" License may now apply to operate licensed beverage carts which will allow golfers to purchase liquor on the golf course.

Not only are Council Resolutions required as per previous regulations, but will now be required for licensed capacity increases and 'designated food optional' areas in restaurants. Council has the option of not providing comments for the 'designated food optional' areas and the attached draft Council Policy No. 295 recommends that Council endorse a "no comment" policy for designated food optional area applications.

The City can now recover costs of reviewing requests for Liquor License applications. Presently the City's fee for a "D" Pub License is \$500.00. It is recommended that, where a Council Resolution is required, the processing fee should be \$500.00 because consideration must be given to parking, code requirements, affects on adjoining properties, zoning issues, etc. It is also recommended that where City endorsement is required [No Council Resolution] that the fee be \$50.00. Should Council approve the new fee structure, the Planning and Development Services Department will prepare an application form for Liquor License Applications that will outline the process involved and the information required to be supplied by the applicant.

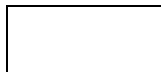
It is also recommended that the Current Planning Manager be the signing authority for Liquor License applications when NO Council Resolution is required because these applications deal with regulating uses.

Finally, it is recommended that the Business License fees should not be changed at this time for liquor licensed establishments while the review of the entire Business License By-Law is taking place.

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Keith Skinner  
Manager, Inspections Branch

Approved for inclusion



R.L. (Ron) Mattiussi, ACP, MCIP  
Director of Planning and Development Services

AB/hb  
Attach.



# CITY OF KELOWNA

## COUNCIL POLICY MANUAL

POLICY:	295
PAGE:	1 of 1
APPROVAL DATE:	@
RESOLUTION #:	@
REPLACING #:	@
DATE OF LAST REVIEW:	February 2001

**SUBJECT:** CITY REVIEW OF APPLICATIONS FORWARDED BY LIQUOR CONTROL & LICENSING BRANCH FOR DESIGNATED "FOOD OPTIONAL AREAS"

New liquor licensing regulations permit class "B" liquor license holders (licensed restaurants) to apply for a portion of their existing licensed capacity to be designated as food optional areas. This means that the seats in the designated area can be served liquor without food. The maximum permitted designated food optional area is the lessor of 10% of the existing licensed capacity or 20 seats.

The legislation allows the municipality to provide comments by way of individual Council resolutions on each application or the municipality has the option of providing no comments on the application. Designated food optional areas do not impact the existing seating capacity and therefore do not have any implications for parking, fire protection, building code, etc. It is therefore the policy of the City of Kelowna that the Current Planning Manager will reply "no comment" to all designated food optional area applications within the boundaries of the City of Kelowna.

This policy does not apply where a designated food optional application accompanies additional applications for change to an existing or a new liquor license application.

**REASON FOR POLICY:** To direct staff on replying to designated food optional area applications forwarded to the City by the Liquor Control & Licensing Branch

**LEGISLATIVE AUTHORITY:** Liquor Control & Licensing Act

**PROCEDURE FOR IMPLEMENTATION:** As outline in policy

