
CITY OF KELOWNA

MEMORANDUM

Date: August 8, 2001
File No.: B/L 8709, BL8717. 0550-06
To: City Manager
From: Planning and Development Services Department
Subject: Class "C" Liquor Licensing Procedures

RECOMMENDATION

THAT Council Policy No. 255 be amended to include Class "C" Liquor Licenses as attached to the report of the Planning and Development Services Department dated August 8, 2001.

BACKGROUND

City of Kelowna City Council recently instructed staff to rescind portions of the Business Licensing Bylaw that effectively imposed a moratorium on Class "C" Liquor Licensed establishments (Cabarets) within a significant portion of the downtown area. The City Clerks Department has prepared the amending bylaws for Council's consideration.

Staff were also instructed to develop a policy for processing applications for new or amended Class "C" liquor licenses. Council Policy No. 255 currently deals with a process for neighbourhood pub applications and includes a public meeting or a public hearing where rezoning is required to accommodate the proposed pub. This process seems to work well and covers a public input process. Staff, therefore, recommend that this policy be expanded to also include applications for Class "C" liquor licenses (see attached).

Finally, Council directed staff to solicit input from a number of stakeholders regarding the elimination of the moratorium for Class "C" liquor licensed establishments. The Planning and Development Services Department will attempt to contact by fax the following stakeholders with the aim of receiving input prior to Council's final consideration of the amending bylaw:

Chamber of Commerce
Downtown Kelowna Association
UDI
Existing Cabaret license holders
LCLB (local office)
RCMP
Fire Department
Kelowna Hotel and Motel Association
British Columbia Restaurant and Foodservices Association

Planning and Development Services Staff will make a verbal presentation to Council prior to final adoption of the amending bylaws including a summary of responses.

Andrew Bruce
Current Planning Manager

Attach



CITY OF KELOWNA

CORPORATE POLICY MANUAL

POLICY:	255
PAGE:	1 of 3
APPROVAL DATE:	2000/08/14
RESOLUTION #:	R675/00/08/14
REPLACING #:	Council Policy #205
DATE OF LAST REVIEW:	August 2000

SUBJECT: LIQUOR LICENSING PROCEDURES FOR A CABARET OR NEIGHBOURHOOD PUB

That an application be made in writing to the Director of Planning and Development Services. In all cases, pre-clearance (Preliminary Site and Applicant Approval) from the Liquor Control and Licensing Branch must be granted prior to any municipal considerations. As well, if approval is required by the Land Reserve Commission, this must be presented in writing to City Staff at the time of application to the Director of Planning and Development Services.

Staff reviews the application and determines what other municipal procedures (i.e. zoning, development permit, etc.) are required. If a zoning and/or development permit is required, the applicant is requested to make the appropriate application(s) to the Planning & Development Services Department. If a rezoning application is submitted, Municipal Staff will ensure that the Public Hearing to review the Liquor Licensing Application will be completed concurrently with the rezoning proposal. If rezoning is not required then a Public Meeting of Council shall be held to determine the community opinion.

It is strongly recommended that the applicant discuss the development proposal plans with neighbours and the local resident's association prior to proceeding to Municipal Council. The applicant should consider accomplishing this by hosting a neighbourhood information meeting to provide an informal opportunity to discuss and resolve the neighbourhood concerns with the proposal prior to the Public Hearing (or Public Meeting) which will be hosted by Council.

An information sheet must be made available to the public, as well as Municipal Staff. This information sheet must contain the following:

- The street/civic address of the proposed site;
- The seating capacity of the proposed establishment permitted under the legislation;
- The proposed days and hours of operation permitted under the legislation for that license type;
- Information about any other factors of interest to local residents, (e.g. patio extension and/or hours of operation);
- A map of the area, specifically noting the location of the proposed establishment serving liquor, in relation to schools, playgrounds, day cares and other facilities of this nature.

Procedures

- (a) The applicant will be required to place "Cabaret Proposal" or "Pub Proposal" signs on the property in accordance with Development Application Procedures Bylaw No. 8140, (at least ten days prior to the Public Hearing meeting date, and fill out the appropriate affidavit after having erected the sign(s).
- (b) Notification to abutting property owners, within a distance of 100 in Town Centres as defined in the Official Community and 400 metres in all other areas, shall be the responsibility of Municipal Staff.

Newspaper advertisements must take place in a least two consecutive issues, with the last publication to appear not less than three and not more than ten days before the Public Hearing or Public Meeting. Municipal Staff shall be responsible for the placement of the notification with the appropriate papers. The applicant is responsible to pay for costs of the Public Hearing or Public Meeting related to the Cabaret or Pub License application.



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RESOLUTION #:	R675/00/08/14
REPLACING #:	Council Policy #205
DATE OF LAST REVIEW:	August 2000

SUBJECT: LIQUOR LICENSING PROCEDURES FOR NEIGHBOURHOOD PUBS

In reviewing the information which accompanies an application, the Municipal Council shall give due consideration to the following:

1. Pertinent input from the R.C.M.P.
2. Traffic patterns for area and current zoning.
3. Availability of on-site and off-site parking.
4. Proximity of playgrounds and schools.
5. General impact on the local neighbourhood.
6. Any correspondence received from abutting property owners.

The Planning & Development Services Department shall make a recommendation to Municipal Council regarding the proposal. Council shall make its decision based on this recommendation as well as the information received at the Public Hearing or Public Meeting.

The decision rendered by Municipal Council is then forwarded to the Liquor Control and Licensing Branch for their final review and to the Land Reserve Commission for their information where required. A sample resolution has been prepared by the Liquor Control and Licensing Board and is as follows:

**Municipal Resolution
For Cabaret (Type "C") or Neighbourhood Pub (Type "D") Application**

Date: _____

Mr. John Doe
1111 First Street
Kelowna, BC
V1V 1V1

Dear Mr. Doe:

RE: Application for a Type "D" – Neighbourhood Pub at:
RE: Application for a Type "C" - Cabaret

Address of Proposed Establishment



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At the Council meeting held on _____, Council passed the following resolution with respect to the application for the above-named license:

"Be it resolved that:

1. The Council of the City of Kelowna considers the majority of residents to be (*in favour/not in favour*) of the licence being granted.
2. The Council's views on the proposed location are as follows:
 - (a) Proximity of the establishment to other social facilities and public buildings (*detail and explain the Council views*).
 - (b) Traffic, road access and availability of parking (*detail and explain Council views*).
 - (c) Noise and appearance of the establishment (*detail and explain Council views*).
 - (d) Local issues which may influence or be influenced by the proposal (*detail and explain Council views*).

The undersigned hereby certifies the above resolution to be a true copy of the resolution passed by the Council of the City of Kelowna on _____ (date) _____.

Sincerely,

City Clerk/Council Recording Secretary

cc: Senior Liquor Inspector, Liquor Control and Licensing Branch

Note:

1. All of the factors outlined above in points 1 and 2 (a) through (d) must be addressed in the local government resolution in order for the resolution to comply with section 5.2(3) and 5(3) of the Liquor Control and Licensing Regulations.
2. The resolution can specify any terms and conditions that Municipal Council recommends being part of the specific Liquor License.
3. The City Clerk/Council Recording Secretary may attach to the resolution, any report presented to the Council by an advisory board or any sub-committee.

REASON FOR POLICY: To establish procedures for processing Cabaret or Neighbourhood Pub Applications

LEGISLATIVE AUTHORITY: *Liquor Control and Licensing Act*

PROCEDURE FOR IMPLEMENTATION: As outlined in policy