

# REGIONAL DISTRICT OF NANAIMO

## P O L I C Y

SUBJECT: <i>Liquor License Applications</i>	POLICY NO: B1.6 CROSS REF.:
EFFECTIVE DATE: June 10, 1997	APPROVED BY: Board
REVISION DATE: October 26, 2004 January 27, 2009	PAGE: 1 of 4

### PURPOSE

#### 1. Scope

This document is intended to outline the process employed by the Regional District of Nanaimo in the review and processing of requests for local government resolutions for liquor license applications and requests for input on rural agency stores. This policy applies to:

- a) Regional District of Nanaimo Board resolutions required by the Liquor Control and Licensing Branch (LCLB) associated with Liquor Primary or Food Primary liquor licenses and Winery endorsements, and
- b) requests for input from the Liquor Distribution Branch (LDB) to the Regional District of Nanaimo regarding rural agency stores.

#### 2. Applications

##### a) Application Forms

Applications for a Board resolution shall be made to the General Manager of Development Services on the form provided by the General Manager, and shall contain:

- i) Name, address, and signature of the applicant
- ii) Name, address, and signature of registered owner, if different from the applicant, or a letter of consent from the owner, if the applicant is not the owner
- iii) Title search for the property, including copies of any charges on title
- iv) The legal description of the property and street address of the property
- v) Type of application being made:
  - Application for new liquor primary license
  - Application for an amendment to an existing liquor primary license
  - Application for a food primary license
  - Application for a temporary amendment to an existing liquor license
- vi) The reasons, comments, or plans in support of the application
- vii) For an application for a new liquor primary license, the required LCLB summary report and notice that the application is at Stage 3 of the LCLB's process

- viii) For all other applications, receipt of a copy of a completed LCLB application form.
- b) Application Fees

At the time of application for a local government resolution the applicant shall pay the Regional District of Nanaimo an application fee in the amount set out in Regional District of Nanaimo Fees and Charges Bylaw No. 1259, 2002, and any amendments thereto.
- c) Consideration of Applications

Applications for local government resolution shall be presented to the Board for consideration at a regular meeting of the Board. A report shall be prepared for the Board by the Development Services Department that shall contain: details of the application; an evaluation of the proposal; a summary of referral responses; and a draft resolution for the Board's consideration in accordance with the Liquor Control and Licensing Act and Regulation. The Board may approve the draft resolution, amend the draft resolution and approve it, or provide no comment.
- d) Public Consultation

The Regional District of Nanaimo will solicit and receive the views of residents that may be impacted by the application in accordance with section 2(d) i), ii), and iii) of this document.

  - i) Hearings

The RDN shall hold a hearing, which shall be advertised in accordance with Section 2(e). On the date identified in the public notice the Board, or designate, will hear the applicant and members of the public it considers may be impacted if the liquor license is granted.
  - ii) Liquor License Application with an Official Community Plan (OCP) Amendment and/ or Land Use and Subdivision Bylaw Amendment

Where an application for a local government resolution is associated with an Official Community Plan (OCP) Amendment or an application for land use and subdivision bylaw change, the Public Hearing for that application shall be used to obtain public input on the liquor license application, provided the requirements of Section 2(e) are met.
  - iii) Public Information Meetings

The RDN may, at its discretion, hold a public information meeting prior to the hearing to facilitate additional consultation with the public.
- e) Public Notice
  - i) Upon receipt of a complete application the RDN shall post a notice on the parcel in a location unobstructed to view from the adjacent highway or street, advertising that the property is subject to a liquor license application.
  - ii) The RDN will mail, or otherwise deliver, written notice to owners and tenants in occupation of any part of a parcel which is the subject of the application, and within a distance of 200 metres of all parcels that are the subject of the application at least 10 days prior to the date of the hearing advising the public of the application and their right to be heard at the hearing.

- iii) The RDN shall place advertisements in a local newspaper. The publication will appear not less than 3 nor more than 10 days before the date the Board will hold the hearing advising the public of the application and their opportunity to be heard at the hearing.
- iv) The purpose of the letter and newspaper notice will be to:
  - inform the public that the Board has received a request for a local government resolution for a specific site
  - identify the type of resolution applied for, and the specific terms requested in the application
  - make available the time and date on which public representations will be heard by the Board, or designate
  - outline any proposed changes to an existing liquor license if the application is for an existing licensed facility
- f) Resolution Outline

The resolutions passed by the Board shall take the form outlined in the document Role of Local Government and First Nations in the Provincial Liquor Licensing Process prepared by the Liquor Control and Licensing Branch.

The Board may make a resolution conditional upon some term or condition; however, prior to doing so Council should ensure that the term or condition is within the jurisdiction of the Liquor Control and Licensing Branch to impose or enforce.
- g) Special Occasion Licenses

This policy does not apply to public special occasion licenses.

### **3. Local Government Resolution Application Evaluation Criteria**

- a) Community Impact

The Board may consider the following when providing a resolution with respect to an application for a new liquor license, or an amendment to an exiting license:

  - i) Location of the establishment
  - ii) Proximity of the establishment to other social or recreational facilities and public buildings
  - iii) Occupant load and hours of liquor service
  - iv) The number and market focus or clientele of liquor primary establishments within a reasonable distance
  - v) Traffic, noise, parking and zoning
  - vi) Population, density, and trends
  - vii) Relevant socio-economic information
  - viii) In the case of a food primary license application, whether the proposed amendment will result in the establishment being operated in a manner that is contrary to its primary purpose
  - ix) The impact on the community if the application is approved

b) Occupant Load

Occupant load shall be taken as the lesser number of persons allowed in a license establishment under the following provisions:

- i) British Columbia Building Code
- ii) Fire Services Act and British Columbia Fire Code
- iii) Guidelines for calculating occupant load for licensed liquor establishments published by the Building Policy Branch, Ministry of Social Development and Economic Security

c) Minor Amendments

Notwithstanding the above the Board may also consider a minor amendment application to an existing liquor license, without the requirement to hold a public hearing, if the proposal will not negatively impact the surrounding community and it complies with other applicable RDN bylaws and policies. All other requirements of the Liquor License Applications Policy must be met, including the requirements for newspaper advertising.

**4. Temporary Change to a Liquor License Application**

The General Manager of Development Services, or a staff member appointed by the General Manager, is hereby delegated the authority to provide comment to the LCLB on behalf of the RDN for temporary changes to a liquor license. The General Manager will provide input in accordance with the following conditions:

- a) not more than 5 temporary changes for each individual liquor license are approved per calendar year,
- b) the temporary change is in accordance with all RDN Bylaws,
- c) the temporary change application is referred to the RCMP and Bylaw Services, and
- d) the potential social and land use impacts are considered.

If the General Manager of Development Services, or RCMP, is not supportive of a temporary change the applicant may have the Board consider his application under the same process as a permanent change to a liquor license application.

**5. Rural Agency Store Input Process**

Where an invitation for input is received from the LDB regarding a Rural Agency Store the General Manager of Development Services shall provide the following to the Liquor Distribution Branch.

- a) Comment on the conformity of the proposed Rural Agency Store to the Regional Growth Strategy, and the applicable Official Community Plan and land use and subdivision bylaw.
- b) The opinion of the Rural Area Director for the area in which the Rural Area Store is to be located.

At the discretion of the Rural Area Director the RDN may hold a public information meeting to obtain input for consideration by the Rural Area Director when determining his comments for the Liquor Distribution Branch.