



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 4320-20

From: Chief Administrative Officer

Date: August 7th, 2018

Subject: New Liquor Primary Licence Application (Carlos O'Bryan's Neighbourhood Pub) – 2910 Kilpatrick Avenue

PURPOSE:

The purpose of the report is to obtain Council direction to request public input with respect to a new liquor primary licence application for Carlos O'Bryan's Neighbourhood Pub at 2910 Kilpatrick Avenue.

CAO RECOMMENDATIONS:

THAT, based on the August 7th, 2018 staff report, 'New Liquor Primary Licence Application (Carlos O'Bryan's Neighbourhood Pub) – 2910 Kilpatrick Avenue', Council approve OPTION 1 and direct staff to post notice on the City's website requesting public input on their new liquor primary licence application for Council consideration at the regular meeting scheduled for August 20th, 2018.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

The applicant, a Kelowna-based company, is in the process of making application for a new liquor primary licence to the Liquor Control and Licencing Branch (LCLB) for the property at 2910 Kilpatrick Avenue.

Pursuant to section 38 (3)(c) of the *Liquor Control and Licensing Act*, the local government must gather the views of residents when the applicant has given the local government notice of the application. In order to gather the views of residents, the City will post notice of the application on the City's main website for two weeks.

DISCUSSION:

The subject location is zoned Commercial Two (C-2), which permits the intended use. The existing building was previously occupied by a restaurant, but it has been vacant since the restaurant closed several years ago. The applicant is leasing the building and planning on opening a new restaurant which also includes a licenced area.

The applicant is not proposing to make any major changes or alterations to the exterior of the building except a few minor changes such as new signs and façade painting, which is not subject to development permit requirement. Some interior functions such as seating layout, kitchen and bathroom will be remodelled or upgraded in accordance with the building code.

The proposed hours of service are from 9:00 a.m. to 1:00 a.m. all week except Sunday (closes at 12 a.m.). The proposed liquor primary licenced area is boarded in red on Figure 2 below and the remaining areas including the patio will be licenced under a food primary licence. Food primary licences allow liquor to be consumed on-site when food is served.



Figure 1. Proposed exterior with signs

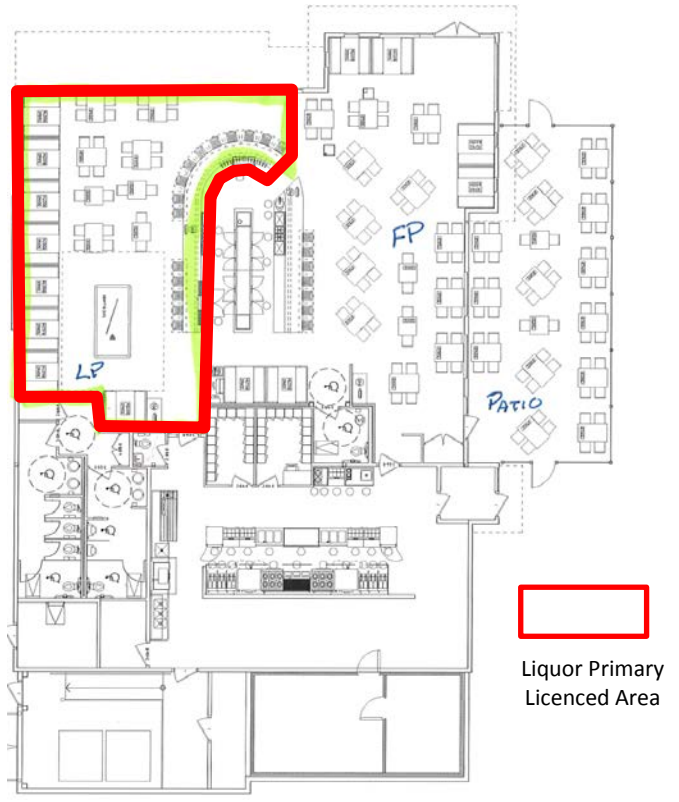


Figure 2. Proposed floor plan

Section 71 (9) of the *Liquor Control and Licensing Regulation* states that a local government or first nation that wishes to provide comments and recommendations for the LCLB under section 38 (3) of the Act must do so in accordance with the following requirements:

- (a) the comments and recommendations must be in writing;
- (b) the comments must include the views of the local government or first nation on
 - (i) the impact of noise on the community in the immediate vicinity of the establishment unless subparagraph (ii) or (iii) apply,
 - (ii) in the case of an application that involves a temporary use area endorsement, the impact of noise on the community in the immediate vicinity of the proposed locations of event sites under corresponding temporary use area authorizations,
 - (iii) in the case of an application that involves a lounge or special event area endorsement, the impact of noise on the community in the immediate vicinity of the location of the service area under the endorsement,

- (iv) the general impact on the community,
- (c) if the local government or first nation has gathered the views of residents under section 38 (3) (c) of the Act, the comments must include
 - (i) the views of the residents, and
 - (ii) a description of the method used to gather those views;
- (d) the recommendations must include whether the application should be approved or rejected; and
- (e) the recommendations must include the reasons on which they are based.

With respect to the requirement in section 38 (3) (c) of the *Liquor Control and Licensing Act*, the current practice is to advertise a notice on the City's website. Staff consider that it will satisfy the requirements of the LCLB. Once Council receives public input on the application, a resolution addressing these points will be forwarded to the LCLB for final consideration. A proposed resolution in the correct format will be presented to Council for consideration at the regular Council meeting scheduled on August 20th, 2018.

FINANCIAL IMPLICATIONS:

There is no direct financial implication related to this application.

ADMINISTRATIVE IMPLICATIONS:

Administration of liquor licencing is included in the City's general statutory duties. To date, staff has spent two hours processing the application. It is anticipated an additional four hours will be required to complete the notification requirements, work with the applicant on the neighbours' concerns and bring a report back to Council.

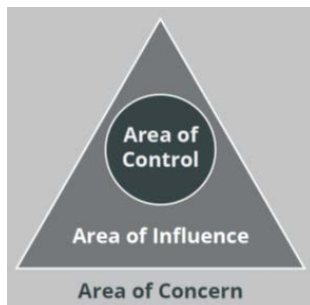
ASSET MANAGEMENT IMPLICATIONS:

There is no direct asset management implication related to this application.

STRATEGIC PRIORITIES REFERENCE:

We focus on organizational and governance excellence

- We support meeting the fundamental corporate and statutory obligations



- **Area of Control**
The policy, works and programming matters that fall within Council's jurisdictional authority to act.

OFFICIAL COMMUNITY PLAN REFERENCE:

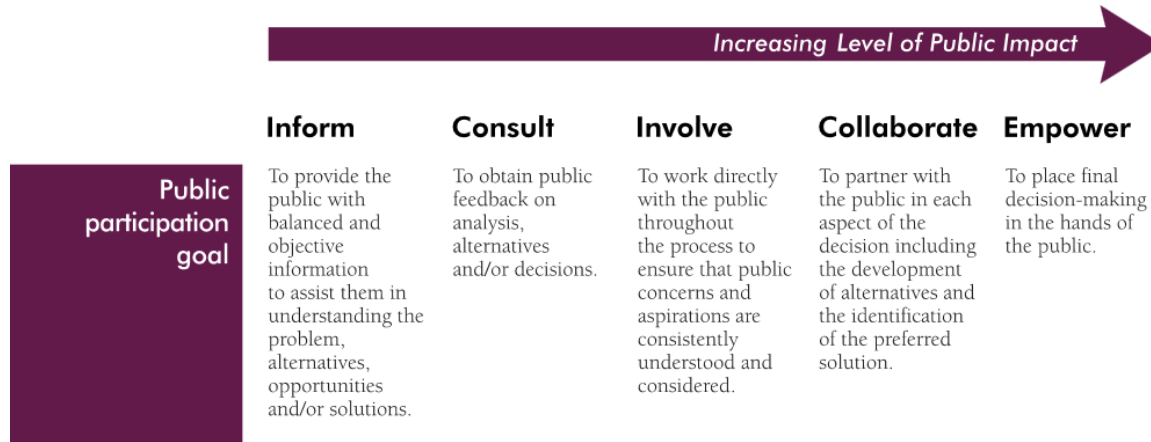
There is no direct reference related to this application.

REGIONAL GROWTH STRATEGY REFERENCE:

There is no direct reference related to this application.

CITIZEN/PUBLIC ENGAGEMENT:

Staff will **consult** members of the public based on the IAP2 Spectrum of Public Participation:



The public comment gathering period will be open between August 8th and August 20th, 2018 on the City's website. Any comments received from the public and the standard referral procedure will be attached to staff report for the Council meeting on August 20th, 2018.

OPTIONS:

- Option 1: Direct staff to publish notice on the City's website requesting public input on the proposed new liquor licence for Council consideration at the regular meeting scheduled for August 20th, 2018. **(Recommended)**
- Option 2: Direct staff to obtain public input through an alternative method.
- Option 3: Direct staff not to proceed with the application and advise the LCLB that the City does not support the request.

Prepared by:

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