



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 4320-20

From: Chief Administrative Officer

Date: October 7th, 2019

Subject: Structural Change to Liquor Licence Application (Crown Isle Golf Club) – 399 Clubhouse Drive

PURPOSE:

The purpose of the report is to obtain Council direction to request public input with respect to Crown Isle Golf Club's application for a structural change to expand the liquor primary licence to cover the entirety of a patio that is currently licensed partially liquor primary and partially food primary at the above referenced business location.

CAO RECOMMENDATIONS:

THAT, based on the October 7th, 2019 staff report, 'Structural Change to Liquor Licence Application (Crown Isle Golf Club) – 399 Clubhouse Drive', Council approve OPTION 1 and direct staff to post notice on the City's website requesting public input on Crown Isle Golf Club's proposed structural change application.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

The applicant is making application for a structural change to their existing liquor licence to the Liquor & Cannabis Regulation Branch (LCRB) for the property at 399 Clubhouse Drive. The proposed change is to increase the liquor primary licensed area to include the entire patio area. This will expand the existing licensed capacity from 44 to 105. The subject patio is located at the rear of the clubhouse building (**Figure 1**) and is currently licensed partially as liquor primary, with permitted hours of operation of 11:00am to 1:00am (midnight Sundays); and partially as food primary, permitted to be open 9:00am (11:00am Sundays) to 11:00pm (midnight Sundays). If approved the entire patio would have hours of operation consistent with the existing liquor primary licence.

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.



Figure 1. Context

DISCUSSION:

The subject location is zoned Comprehensive Development One B (CD-1B), which permits the intended use. The applicant is not proposing to make changes or alterations to the building and is not subject to development permit requirements.

The total number of patrons and seating is not expected to change. The target licence type would require opening later (11:00am vs. 9:00am), but would allow closing later also (1:00am vs. 11:00pm every day but Sunday - midnight in either case). The patio is located at the southwest corner of the building, backing onto the golf course but largely unscreened from residences starting about 100m away. The later hours could increase noise nuisance for some of these residents; however, the patio section in question is directly adjacent to the existing liquor primary area (**Figure 2**), so perceived volume increases may be minimal.

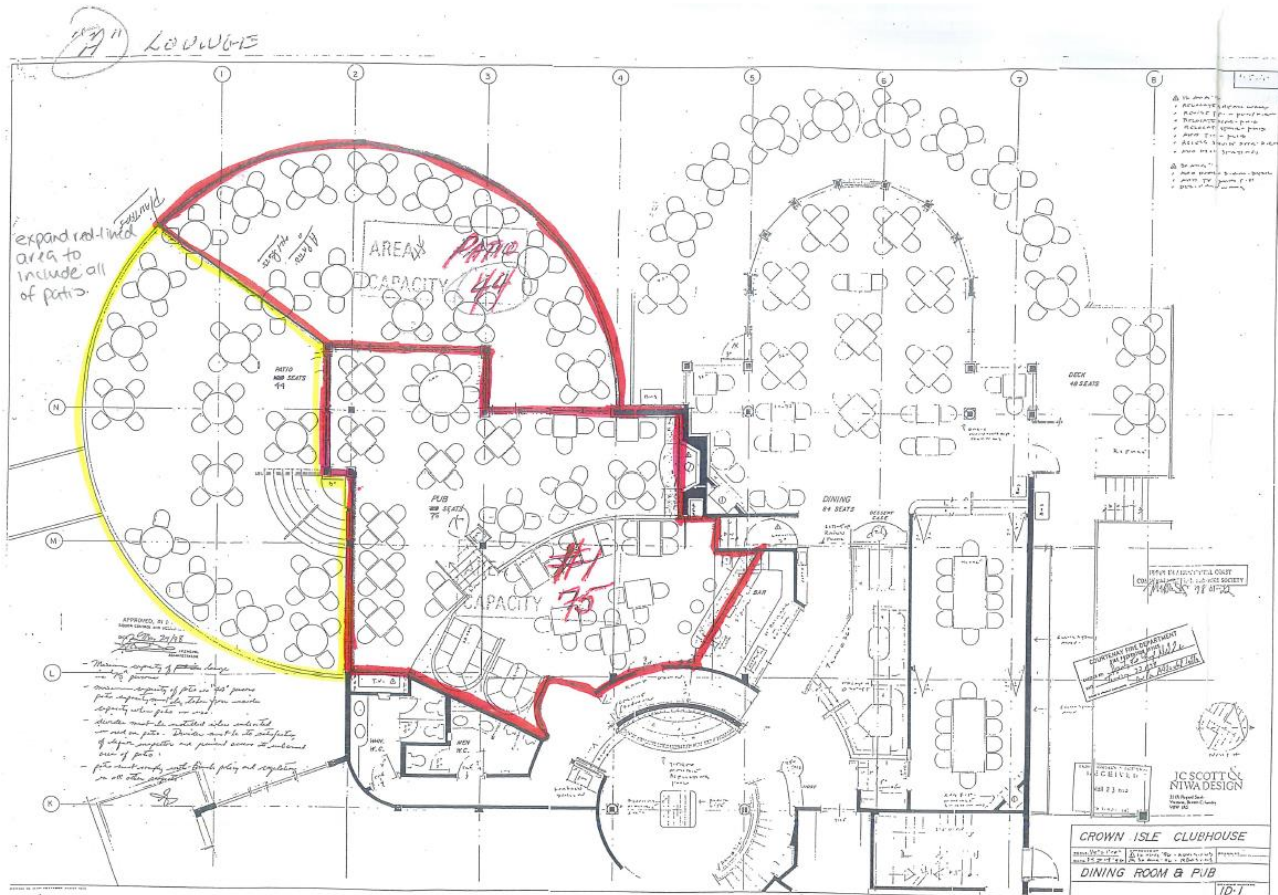


Figure 2. Plan

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 LCRB 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 LCRB. Once Council receives public input on the application, a resolution addressing these points will be forwarded to the LCRB for final consideration.

FINANCIAL IMPLICATIONS:

There is no direct financial implication related to this application. The application fee for all types of liquor licence applications is \$500 plus GST.

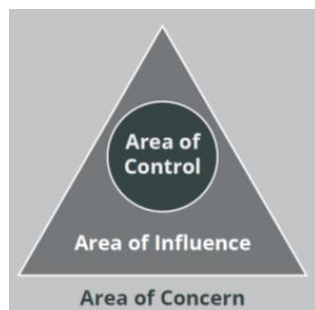
ADMINISTRATIVE IMPLICATIONS:

Administration of liquor licencing is included in the City's general statutory duties. To date, staff has spent four 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.

2019 – 2022 STRATEGIC PRIORITIES REFERENCE:



We focus on organizational & governance excellence

- Communicate appropriately with our community in all decisions we make
- Responsibly provide services at levels which the people we serve are willing to pay

● **Area of Control**

The policy, works and programming matters that fall within Council's jurisdictional authority to act.

OFFICIAL COMMUNITY PLAN REFERENCE:

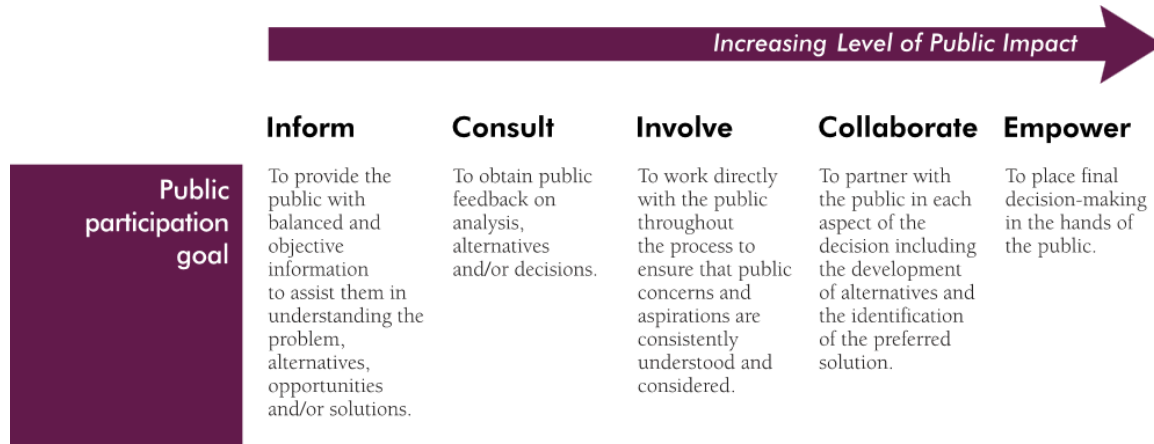
There is no direct reference related to this application.

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 October 8th and October 21st, 2019 on the City's website. Any comments received from the public and the standard referral procedure will be attached to the staff report for Council's final consideration at a future Council meeting.

OPTIONS:

- Option 1: Direct staff to publish notice on the City's website requesting public input on the proposed increase in patio area licensed as liquor primary for Council consideration at a future regular Council meeting. **(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:

Mike Grimsrud
Planner 2

Reviewed by:

Ian Buck, MCIP, RPP
Director of Development Services

