

ITEM 11
MANAGER'S REPORT NO. 13
COUNCIL MEETING 89/02/13

RE: LIQUOR LICENSE APPLICATIONS
REQUIRED NEIGHBOURHOOD SURVEY

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Director Planning & Building Inspection be adopted.

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TO: MUNICIPAL MANAGER 1989 FEBRUARY 08

FROM: DIRECTOR PLANNING &
BUILDING INSPECTION

SUBJECT: LIQUOR LICENSE APPLICATIONS
REQUIRED NEIGHBOURHOOD SURVEY

PURPOSE: To inform Council of the procedure agreed upon by Planning and Building Inspection staff and the Liquor Control and Licensing Branch for processing neighbourhood surveys in connection with liquor license applications.

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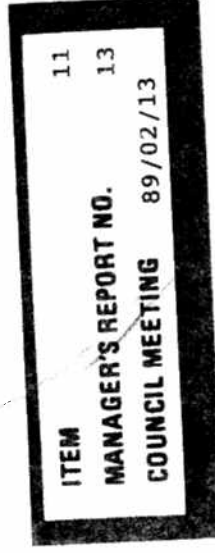
RECOMMENDATION:

1. THAT Council receive this report for information purposes.

REPORT

1.0 BACKGROUND INFORMATION:

- 1.1 On 1988 June 27 Council received a report from the Director Planning and Building Inspection regarding changes in the Municipal role in consideration of liquor license facilities. At that time, a Council policy was adopted that all applicants applying for retail beer and wine store be required to deposit sufficient monies with the Municipality in order to conduct a neighbourhood survey. The report also recommended that Burnaby continue to act as the independent marketing firm's client for the conducting of such surveys in order to avoid possible conflict of interest situations and to maintain Municipal control over the survey methodology.
- 1.2 During recent discussions with the Liquor Control and Licensing Branch, a procedural problem has been noted in the processing of liquor license applications involving neighbourhood surveys. As the situation stands now, the Liquor Control and Licensing Branch requires that pre-clearance must be obtained prior to the neighbourhood survey being conducted and that a Council resolution be provided prior to the application being considered for pre-clearance by the Branch, while the Municipality of Burnaby requires the applicant to complete the rezoning process (including the independent marketing firm completing the required survey) prior to Council adopting such a resolution in favour of the application.



Liquor Control and Licensing Branch and Planning and Building Inspection Department staff have discussed this processing issue and have come to an agreement on the manner in which the situation could be resolved, which is outlined below:

2.0 GENERAL DISCUSSION:

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2.1 In the discussion, the following approach was agreed upon regarding the processing of liquor license applications and the required neighbourhood survey in situations requiring rezoning (C2a and C3a District rezonings and rezonings for neighbourhood pubs).

1. If a rezoning application required in connection with a liquor license application were to receive Second Reading by Council, the Planning and Building Inspection Department would notify the Liquor Control and Licensing Branch of the Rezoning Amendment Bylaw receiving Second Reading.

At that time, the Liquor Control and Licensing Branch would proceed with assessing the application for pre-clearance, with the clear understanding that this does not constitute final approval of the application by the Municipality and that Municipal approval is subject to the successful completion of the neighbourhood survey and the completion of the rezoning process, including the satisfaction of all prerequisites to rezoning.

2. The Liquor Control and Licensing Branch would then grant pre-clearance to the applicant or reject his application.

3. If pre-clearance is granted, and upon receiving confirmation from the Province to that effect, the Municipality would then select an independent Marketing firm to conduct the neighbourhood survey.

4. The Municipality of Burnaby would continue with its normal process of coordinating the survey at the cost of the applicant.

5. Should the survey be successful, the applicant would then satisfy final zoning prerequisites and the Province would be notified of the Final Adoption of the zoning Bylaw and the Council resolution supporting the liquor license application.

2.2 In addition to the above-noted types of liquor license applications, the Municipality is also involved in liquor license applications which do not involve rezoning, but still require a neighbourhood survey. This applies to all liquor license applications for neighborhood pubs in which the current zoning permits neighbourhood pubs. The General Manager, Liquor Control and Licensing Branch may also require a neighbourhood survey to be conducted in connection with applications for other classes of liquor licenses. A similar processing difficulty to that noted in Section 2.1 arises in these situations.

In this regard, it is proposed that when the Planning and Building Inspection Department receives a liquor license application, which requires the conducting of a neighbourhood survey but not rezoning, that staff report to Council on the application, providing any pertinent input from the various Municipal departments or other agencies on this application.

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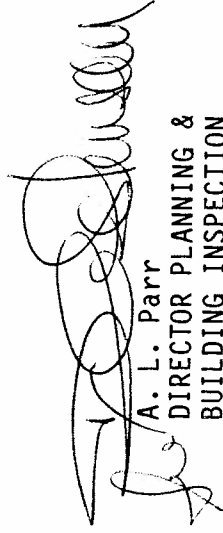
When it is considered appropriate, it will be recommended that the Liquor Control and Licensing Branch be advised that the Municipality does not object to the application being considered for pre-clearance by the Provincial authorities, with a clear statement that this does not constitute approval of the application by the Municipality and that Municipal approval will be subject to the successful completion of the neighbourhood survey and any other Municipal conditions. If pre-clearance is granted, and upon receiving confirmation to that effect, the Municipality would then select the marketing firm to conduct the neighbourhood survey.

This procedural approach is considered appropriate in order to allow Council to consider the liquor license application prior to requiring the applicant to deposit monies for the neighbourhood survey and to respect the Liquor Control and Licensing Branch's requirement that pre-clearance be granted prior to the conducting of the neighbourhood survey.

2.3 If Council approves this approach, the Planning and Building Inspection Department will inform the Liquor Control and Licensing Branch that Rezoning Reference #93/88, which involves a request to establish a retail beer and wine store at 4125 Hastings Street (North Burnaby Inn) and Rezoning Reference #85/88, which involves a request to establish a retail beer and wine store at 5820 Marine Drive (Marine Pub) have received Second Reading and that it would be appropriate to proceed with assessing the applications for pre-clearance.

2.4 Within the next two weeks, a report will be submitted to Council regarding the selection of two independent marketing firms to conduct neighbourhood surveys in connection with liquor license applications for the next two years, in accordance with the approach outlined in the 1988 June 27 report on Changes In the Municipal Role In Consideration Of Liquor License Facilities.

This is for the information of Council.


A. L. Parr
DIRECTOR PLANNING &
BUILDING INSPECTION

BW:ap

