

# Report to Council



**Date:** October 21, 2024  
**To:** Council  
**From:** City Manager  
**Subject:** Updates to Development Application and Heritage Procedures Bylaw No. 12310 and Development Application Fees Bylaw No. 12552  
**Department:** Development Planning

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## **Recommendation:**

THAT Council receives, for information, the report from Development Planning, dated October 21, 2024, with respect to amending Development Application and Heritage Procedures Bylaw No. 12310, and Development Application Fees Bylaw No. 12552;

AND THAT Bylaw No. 12715, being Amendment No. 5 to the Development Application and Heritage Procedures Bylaw No. 12310, be forwarded for reading consideration;

AND FURTHER THAT Bylaw No. 12716, being Amendment No. 3 to the Development Application Fees Bylaw No. 12552, be forwarded for reading consideration.

## **Purpose:**

To update Development Application and Heritage Procedures Bylaw No. 12310 and Development Application Fees Bylaw No. 12552 with changes to liquor licence procedures.

## **Background:**

Application review processes are reviewed regularly to identify potential for improvement and streamlining. The process for seeking approvals for liquor licence applications goes through two separate processes, through the City of Kelowna for a local referral review and the Liquor and Cannabis Regulation Branch (LCRB) for final review and approval. Local government input is a key component of the LCRB's licensing decisions.

## **Discussion:**

The current Liquor Licence Application process requires all liquor licence applications to be forwarded to a Tuesday public meeting for Council consideration. In recent years, many legislative changes have

led to a reduction of Tuesday public hearings and meetings required per year. Applicants must often wait several weeks to go to Council after applications are ready for consideration.

To decrease the length of time and cost for an applicant to accomplish the City's liquor licence process, Staff are proposing the following three different processes for liquor licence applications depending on the scale and endorsement the applicant is seeking:

1. Delegation of Authority to Staff (<99 Person Capacity)

The LCRB allows liquor licence applications to be considered by employees of the local government (staff). Staff are proposing to review new small-scale liquor establishments for both Manufacturing Licenses and Liquor Primary Licences and new endorsements. Small scale establishments will be defined as establishments with 99 persons or less. This change will allow for quicker approvals for small businesses that want to add a liquor component to their existing business or small-scale Manufacturing or Liquor Primary establishments. Recent examples include several hair salons, cigar shops, and other similar establishments.

In addition to small establishments, staff are proposing that all considerations for Patron Participation Endorsements be directed to staff. In recognition of this proposed process change, Staff is recommending that a lower fee for liquor licence applications that are considered by Staff be created. The fee is consistent with the fee for staff-delegated Development Permits.

2. Monday PM Meetings (100 to 250 Person Capacity)

When applicants are seeking larger capacities having Council consideration will still be required. Staff are proposing that medium establishments, which will be defined as an establishment with a capacity between 100 – 250, be considered by Council at a Monday afternoon meeting. The benefit of Monday meetings is there are significantly more than the Tuesday Public Meeting dates. This allows applicants to receive consideration by Council more quickly. Public input will still be solicited via Council Policy No. 367 and correspondence received will be summarized as part of the Council report. City Council will have the opportunity to forward a liquor licence application from a Monday to a Tuesday Public Meeting if they believe further input from the public is required.

3. Large Establishments (>250 Person Capacity)

Large establishments, which will be defined as an establishment with a capacity of 250 or greater, will still require consideration at a Tuesday Public Meeting in accordance with the existing process.

### **Conclusion:**

The proposed changes will result in quicker processing times and cost-saving opportunities for small and medium businesses requiring liquor licence application changes in the City of Kelowna. All liquor licence applications, as per the Liquor Control and Licensing Act, require applicants to notify nearby residents and post signage for any new or proposed change. Public input will continue to be vital to the review process of new liquor applications.

***Legal/Statutory Authority:***

Community Charter, Section 154

Liquor Control and Licensing Act, Section 40

**Submitted by:** Jason Issler, Planner II**Approved for inclusion:** Nola Kilmartin, Development Planning Department Manager  
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cc:

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