



2013-JUL-10

Our File: LA90

Via email: liquor.licensing@gov.bc.ca

General Manager
Liquor Control and Licensing Branch
Ministry of Public Safety and Solicitor General
P.O. Box #9292, Station Provincial Government
Victoria, BC
V8W 9J8

To whom it may concern:

**Re: Application for a Structural Change to a Primary Liquor License
Branch 256 Legion – 1630 East Wellington Road, Nanaimo, BC**

I am writing to advise that Council, at its meeting of 2013-JUL-08, reviewed an application from the Royal Canadian Legion, Branch 256 Mount Benson, requesting a local government resolution in support of their application to the Liquor Control and Licensing Board (LCLB) for a structural alteration to an existing liquor primary license. Specifically, the Legion is seeking to permit a licensed outdoor patio area. **Council voted to support the application.**

As part of the review process, the local government commented on the following:

1. **The potential for noise if the application is approved:** The proposed patio location will be located less than 10m from the property line shared with the mixed use office/residential building located at 1629 Townsite Road. A twenty-seven unit residential strata building (1620 Townsite Road) is also located behind the legion on the opposite side of Townsite Road.

As such, when considering the application Council is asked to consider what impact increased noise from a licensed patio will have on these and other nearby residents. Given that the applicants have advised that the patio area will be closed at 10pm and that the occupant load for the patio is limited to 50 persons, Staff believes any increased noise concerns resulting from the proposed patio will be minimal.

2. **The impact on the community if the application is approved:** Like all legions, Branch 256 Legion is a non-profit society, staffed by volunteers to provide a social and supportive atmosphere for veterans and their families. Branch 256 has also contributed positively to the community through donations to the local hospital and student bursaries, as outlined in the applicants letter (Attachment C of the Council report). By constructing a licensed patio, the applicants hope to provide an outdoor space for existing members and make the legion more attractive to encourage membership growth.

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The legion is located immediately across from Quarterway Elementary School. Given that the proposed patio will be located behind the building and not visible from the school, Staff does not believe the proposed licensed patio will have a negative effect on the school. A public comment sheet was delivered to the school office and mailed to the School District office. Staff has also spoken with the school Principal directly and were advised the school did not have any concerns with the application.

The RCMP are not opposed the application, providing the legion is cognizant of the potential for noise emanating from their business and disturbing the residential neighbourhood. A copy of the RCMP letter is attached (Attachment D of the Council report).

- 3. The views of residents:** A public notice and comment sheet was mailed to all owners and occupants of the buildings and properties within 100m of the subject property. A total of 65 comment sheets were mailed and delivered. Of the nine responses received, six are in support of the application and three are opposed. One of those opposed did not include a name or address on their returned comment sheet. Copies of responses received are attached (Attachment E of the Council report).

Council, at its meeting of 2013-JUL-08, considered the application and Moved and Seconded that Council recommend the LCLB approve the application for a structural change to an existing licensed establishment at 1630 East Wellington Road. The Motion carried. As such, **Council recommends that the LCLB approve the application.**

I have attached a copy of the Staff report which was forwarded to Council regarding the application. If you have any questions or require further clarification, please do not hesitate to contact me at 250-755-4460, ext. 4332.

Sincerely,



Dave Stewart, MCIP, MURP
Planner, Planning & Design
Community Safety & Development

DS/pm

cc: Mr. Bruce Anderson, Manager, Planning & Design
Ms. Amada McKelvie, Liquor Inspector
Mr. Greg McCamon, Liquor Inspector
Corporal Dave Scheer, RCMP
Mr Darwyn Henry, applicant (rclbr256@shaw.ca)

Prospero: LA90