

# City of Nanaimo

## REPORT TO COUNCIL

DATE OF MEETING: 2014-SEP-08

AUTHORED BY: DAVE STEWART, PLANNER, PLANNING & DESIGN SECTION

RE: LIQUOR LICENCE APPLICATION NO. LA000108 - APPLICATION FOR A PERMANENT CHANGE TO A FOOD PRIMARY LIQUOR LICENCE - REWSTERS RESTAURANT - 223 COMMERCIAL STREET

STAFF RECOMMENDATION:

That Council receive for information the report pertaining to Liquor Application No. LA000108 (REWsters Restaurant - 223 Commercial Street).

PURPOSE:

The purpose of this report is to advise Council of an application received from REWsters Restaurant (223 Commercial Street) to extend the hours of liquor service and permit patron participation (dancing) for the existing licensed restaurant in advance of Staff requesting comments from adjacent property owners and occupants. As Council is aware, a municipal resolution is required before the Province will consider the application further.

BACKGROUND:

The City has received correspondence from Mr. Morgan Carey and Ms. Courtenay Althouse (REWsters Restaurant). The applicants are requesting a local government resolution in support of their application to the Provincial Liquor Control and Licensing Branch (LCLB) to extend the hours of the food primary liquor licence past 12am and permit patron participation.

The existing licence hours are:

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
10am - 10pm	10am - 10pm	10am - 10pm	10am - 12am	10am - 12am	10am - 12am	10am - 12am

The proposed license hours are:

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
10am - 1am	10am - 1am	10am - 1am	10am - 1am	10am - 1am	10am - 1am	10am - 1am

The existing restaurant, including the patio, has a licensed capacity of 120 persons.

The subject property is located within the city's downtown core and is included within the Core (DT1) zone. The DT1 zone permits neighbourhood pubs, nightclubs, lounges and restaurants.

In June 2002, the City of Nanaimo retained Neilson-Welch Consulting Inc., to prepare a Liquor Control Strategy, which Council subsequently adopted. In terms of food primary establishments, the Liquor Control Strategy recommends that the hours of food and liquor primary licensed establishments not be extended beyond current limits.

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The concern noted in the report is that restaurants with late night hours could “turn into a magnet for patrons forced to leave the pubs, bars and nightclubs”. Council, at it’s meeting of 2007-MAY-28, amended Nanaimo’s Hours of Service Policy to allow liquor service to 1:30am in all areas of the City.

Given that the requested 1am closing time is one hour earlier than the typical 2am closing time for most downtown liquor primary establishments and is 30 minutes earlier than the 1:30am Hours of Service Policy endorsed by Council for liquor primary establishments, the concerns identified above should not be an issue. The applicants letter of rationale concerning the proposed hours change is included (Attachment A).

In addition to extending the liquor licence hours of service to 1am, the applicants are requesting a patron participation endorsement in order to allow a DJ booth and dancing during special events.

The City’s Liquor Control Strategy recommends “that Council endorse restaurants’ requests for patron participation entertainment, but only in cases where the individual restaurant provides, in writing, an outline of the types of entertainment planned, and the assurance that food service will remain the primary function.” The applicants letter of assurance is included (Attachment B).

DISCUSSION:

A public notice and comment sheet will be mailed and delivered to all of the owners and occupants of buildings and properties surrounding the subject location at 223 Commercial Street. A referral request will also be sent to the Downtown Nanaimo Business Improvement Association (DNBIA). All referral responses, including comments from the RCMP and the DNBIA, will be summarized and attached to a future report. As per Council policy, this report has been placed on this evening’s agenda for information only.

Respectfully submitted,



B. Anderson  
MANAGER  
PLANNING & DESIGN SECTION

Concurrence by:



D. Lindsay  
DIRECTOR  
COMMUNITY DEVELOPMENT



T. SEWARD  
ACTING GENERAL MANAGER  
COMMUNITY DEVELOPMENT AND  
PROTECTIVE SERVICES

CITY MANAGER COMMENT:

I concur with the staff recommendation.

*Drafted: 2014-AUG-28  
Prospero: LA000108  
DS/pm*

# ATTACHMENT A

Attn: City of Nanaimo

My name is Morgan Carey and I am the owner for REWSters Restaurant located at 223 Commerical Street.

We are applying to have our hours of liquor service extended from the existing 10-10 (Sunday through Wednesday) and 10-midnight (Thursday through Saturday) to an across the board 10 AM to 1 AM service.

The reason we are applying for this extension is due to the fact that we did not realize that originally when we reported our hours for the "initial opening" we would be limiting ourselves to those hours for liquor service should we plan to extend the hours in the future.

Our goal is to have the hours as they are until we gauge traffic / interest however we are already seeing very encouraging signs from the city of Nanaimo and we feel that very soon we will be able to extend the hours of operation significantly. In order to do this, we need to ensure that we have appropriate licensing ahead of time so that the addition of the extra hours is not done so without liquor service (which would be detrimental to extension).

Also even on days where we do not plan to regularly extend the hours (say Monday / Tuesday) we still would like the option to be open later for special events (bath tub week, after dinner for special events at the port theater or for private bookings / staff parties etc)

We of course understand that we are a food primary and must provide "food service first" initiative including providing food sales at all times that liquor is available for purchase. And of course we will comply with the strictest intent with all relevant local / provincial and Canadian laws with respect to liquor consumption.

My personal contact information  
Morgan Carey

Please do not hesitate to contact me with questions / comments  
Thank you for your consideration.

## ATTACHMENT B

Liquor Control and Licensing Board

We are writing this letter in regards to applying for a food-primary entertainment endorsement license. Rewsters Restaurant is currently a food primary restaurant with no intention of becoming a bar or night club.

The reason we would like to request a patron participation license is due to several customer requests to have functions in our back room. We have been asked to use our back room for staff parties, Christmas parties, as well as retirement parties, where customers would like to bring in music and be allowed to dance if they chose to do so for these special occasions.

We appreciate your consideration,

Courtenay Althouse  
Manager  
Rewsters Restaurant