

**City of Nanaimo**  
**REPORT TO COUNCIL**

DATE OF MEETING: 2013-JUL-08

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

RE: LIQUOR LICENSE APPLICATION NO. LA90 – PERMANENT CHANGE TO A LIQUOR LICENSE – ROYAL CANADIAN LEGION MOUNT BENSON BRANCH 256

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STAFF RECOMMENDATION:

That Council recommend the Liquor Control and Licensing Branch (LCLB) approve the application for a structural change to an existing licensed establishment at 1630 East Wellington Road.

PURPOSE:

The City has received a copy of an application to the Liquor Control and Licensing Branch (LCLB) from Mr. Darwyn Henry, on behalf of the Royal Canadian Legion Branch 256 for a structural change to an existing licensed establishment at 1630 East Wellington Road (Attachment A). Mr. Henry is applying for an outdoor licensed patio.

As Council is aware, a municipal resolution is required before the province will consider the application further.

BACKGROUND:

Royal Canadian Legion Branch 256 has applied to the LCLB for permission to license a proposed outdoor patio area. The proposed patio area will have an occupancy of approximately 50 people. The patio will be located to the rear of the building on the eastern side, 8.84m from the property line shared with the two-storey, mixed use office and residential building to the east (Attachment B). As the patio will be located behind the building it will not be visible from Quarterway Elementary school, located on the opposite side of East Wellington Road. The applicants have advised that the patio will be closed at 10pm each evening.

DISCUSSION:

Prior to making a recommendation to support or deny an application, the LCLB asks the local government to consider 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). 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.

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.

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 neighborhood. A copy of the RCMP letter is attached (Attachment D).

3. **The views of the 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 9 responses received, 6 are in support of the application and 3 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).

#### **Opt Out of Application Process**

With respect to all food and liquor primary license applications, it is worth noting that Council has the option to provide no comment. If Council chooses to opt out of the application process, Staff will inform the LCLB of Council's decision and no further action will be taken by Staff regarding the application. If a local government chooses to opt out, the LCLB will start their own review process, which could considerably delay the application process. As such, Staff does not recommend Council opt out of the decision making process regarding this application.

#### **Next Steps**

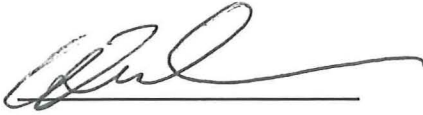
Following Council's decision regarding the application, Staff will notify the LCLB of Council recommendation. The LCLB will then rely on the Council recommendation when determining whether or not to grant the liquor license amendment request.

Respectfully submitted,

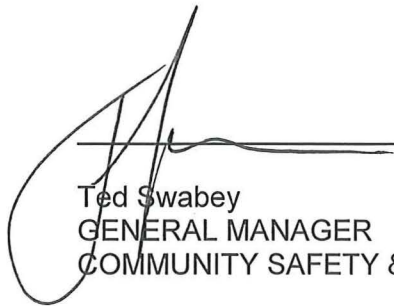


Bruce Anderson, MCIP  
MANAGER  
PLANNING & DESIGN SECTION

Concurrence by:



Andrew Tucker, MCIP  
DIRECTOR  
PLANNING



Ted Swabey  
GENERAL MANAGER  
COMMUNITY SAFETY & DEVELOPMENT

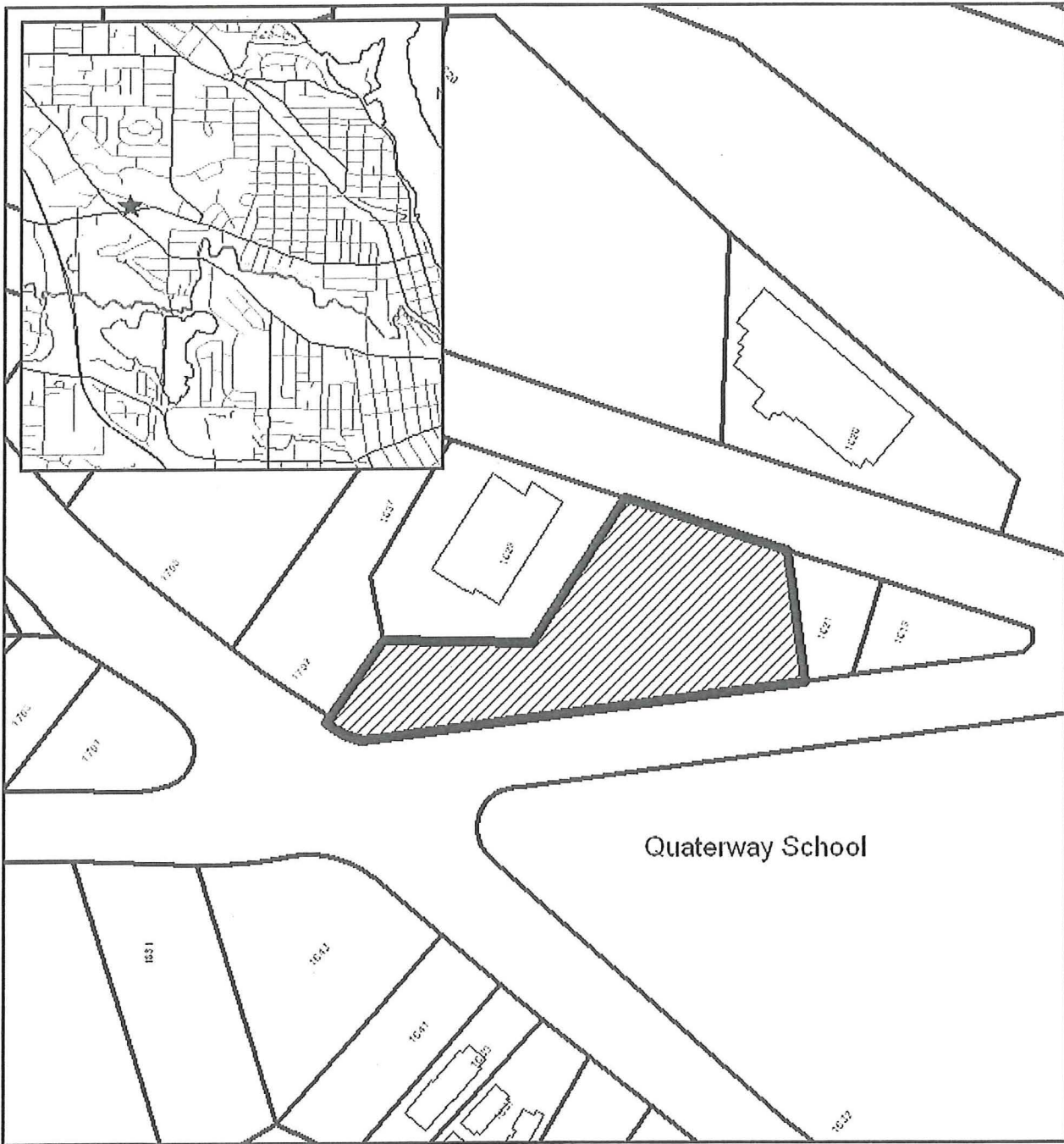
CITY MANAGER COMMENT:

I concur with the staff recommendation.

*Drafted: 2013-JUL-02  
Prospero: LA000090  
DS/pm*



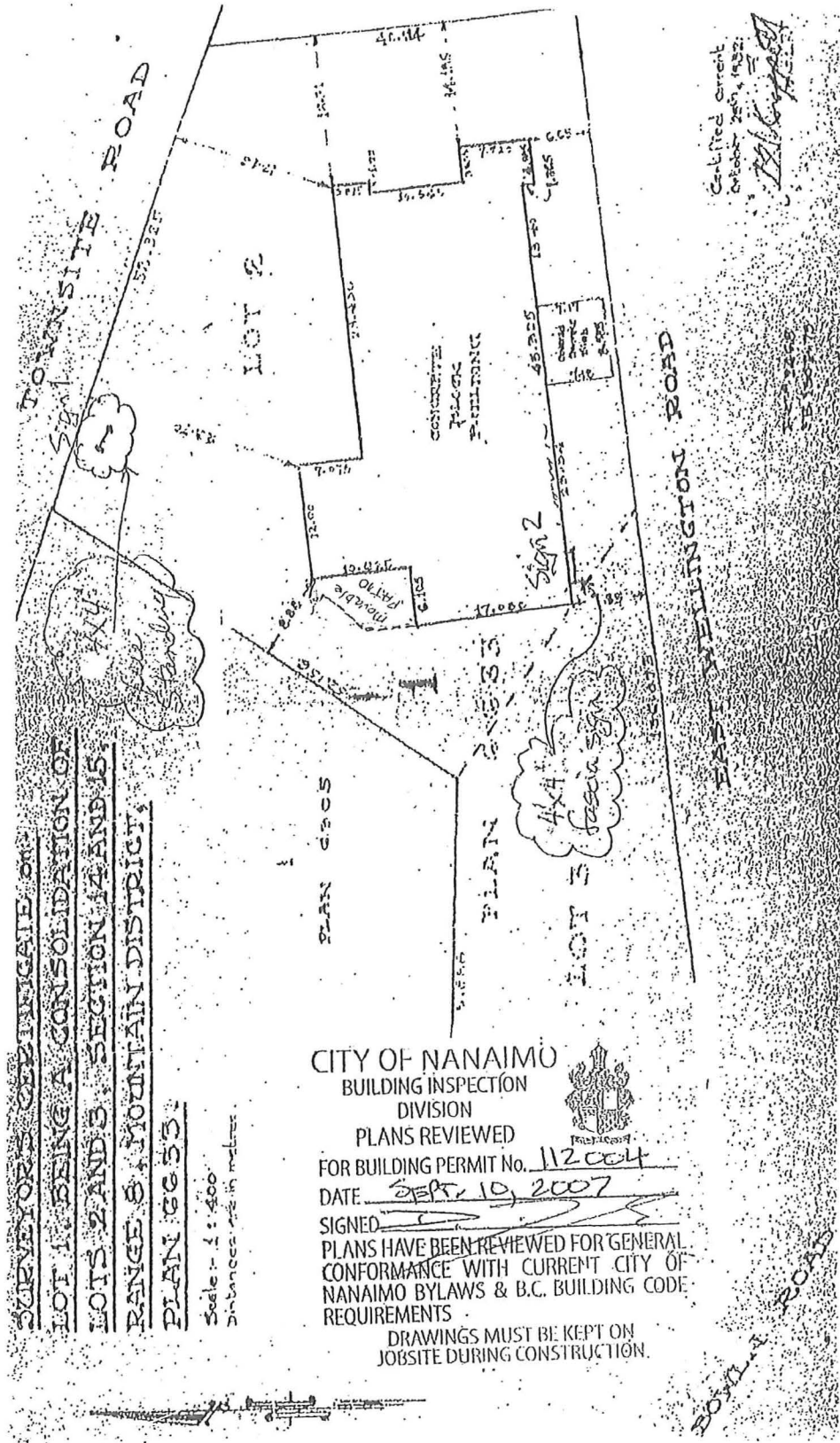
Attachment A



LA90- Royal Canadian Legion Branch 256  
**LOCATION PLAN**  
Civic: 1630 East Wellington Road

 **Subject Property**

Attachment B



SURVEYORS CERTIFICATE ON  
 LOT 1 BEING A CONSOLIDATION OF  
 LOTS 2 AND 3, SECTION 14 AND 15,  
 RANGE 8, MOUNTAIN DISTRICT,  
 PLAN 6653

Scale: 1 : 400  
 Distances are in metres.

CITY OF NANAIMO  
 BUILDING INSPECTION  
 DIVISION  
 PLANS REVIEWED  
 FOR BUILDING PERMIT No. 112004  
 DATE: SEPT. 10, 2007  
 SIGNED: \_\_\_\_\_  
 PLANS HAVE BEEN REVIEWED FOR GENERAL  
 CONFORMANCE WITH CURRENT CITY OF  
 NANAIMO BYLAWS & B.C. BUILDING CODE  
 REQUIREMENTS

DRAWINGS MUST BE KEPT ON  
 JOBSITE DURING CONSTRUCTION.

Certified correct  
 October 25th, 1992  
*[Signature]*

SOVIET ROAD

## Attachment C



Mount Benson Branch #256  
ROYAL CANADIAN LEGION  
1630 East Wellington Road,  
Nanaimo, B.C. V9S 5P8  
(250) 754-8128

June 3<sup>rd</sup>, 2013

City of Nanaimo  
455 Wallace Street  
Nanaimo, B.C.  
V9R 5J6

**ATTN: Dave Stewart, City Hall Planner**

**Re: Liquor Primary and Liquor Primary Club  
Structural Change Application.**

Dear Mr. Stewart:

Further to our telephone conversation this date attached are:

- a.) Application for Structural Change
- b.) Cheque for \$250.00
- c.) Copy of the floor plan of the proposed patio.

Branch 256 Legion is a non-profit organization, staffed by volunteers whose main objective is to operate a club that not only benefits the Veterans and their families but also reaches out to help the community. Towards this end it we have given over \$80,000 to the Emergency Department of the local hospital, and regular financial aid to other various organizations along with student bursaries.

The outdoor patio will enhance the social aspect of our Legion by providing a small area where the members will have the opportunity to experience fresh air while they visit. We are always endeavouring to make the Legion more attractive to encourage membership growth which has been showing a trend to wane.

The area in question will have occupancy of approximately 25 people and will not be a permanent structure. It will always be supervised by trained Bar Tenders and will be closed at 10:00 P.M. each evening. For the most part the area in question is surrounded by businesses so there shouldn't be any disturbance to residents.

I trust the above information will suffice to secure approval of this application.

Thank you in advance for your anticipated expediency.

Sincerely,

  
Darwyn L. Henry  
PRESIDENT.



## Attachment D



Royal Canadian  
Mounted Police

Gendarmerie royale  
du Canada

Security Classification/Designation  
Classification/désignation sécuritaire

OIC Nanaimo RCMP  
Attention: Bike Unit  
303 Prideaux St.,  
Nanaimo, B.C. V9R2N3

Your File - Votre référence

Our File - Notre référence

City of Nanaimo  
Attention: Dave Stewart, Planning Dept.,  
455 Wallace Street,  
Nanaimo, B.C. V9R 5J6

Date

June 20, 2013

**RE: Branch 256 Legion, Wellington Rd - Structural change to Liquor Primary Licence**

The Nanaimo RCMP Detachment has received a request to comment on an application by Branch 256 Legion for a structural change to their liquor primary licence with an addition of a licensed patio area. The licensed patio area will have a capacity of 25 -30 persons and will not operate past 10 pm.

A check of data bases indicates that there have not been any calls for service to Branch 256 Legion that are of a concerning nature. Any calls for service are of a typical nature to a liquor establishment.

The proposal of not operating the patio area past 10 pm should have little impact on police resources.

The Nanaimo RCMP are not opposed to Branch 256 Legion being granted structural change to their liquor primary licence providing that they are cognizant of the potential for noise emanating from the business and disturbing the residential neighborhood. Should this occur Branch 256 Legion should be prepared to take measures to rectify this situation.

Should you require further information or assistance concerning this matter, please contact Cst. Dave SCHERR of the Nanaimo Bike Unit at (250) 755-3265.

Yours truly,

(S. N. McPhail) Superintendent  
Officer in Charge  
Nanaimo Detachment

ds

  
A.F. O'Donnell, Inspector  
Nanaimo RCMP Operations Officer

Canada

RCMP GRC 2823 (2002-11) WPT

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LA90

# Attachment E

## Returned Public Comment Sheets

For:

I SUPPORT THE APPLICATION.

I DO NOT SUPPORT THE APPLICATION.

Comments: THIS WOULD BE A GOOD ADDITION TO  
OUR NEIGHBORHOOD

Name: AL GIWITNER Resident Street Address:

Name of Business: BUNG MASTER BAK. Business Address: #20-1706 BOWEN RD

I SUPPORT THE APPLICATION.

I DO NOT SUPPORT THE APPLICATION.

Comments:

Name: CAROL ANN MCBRIDE Resident Street Address:

Name of Business: BOSLEY'S PET FOOD Business Address: #5-1708 BOWEN RD



- I SUPPORT THE APPLICATION.  
 I DO NOT SUPPORT THE APPLICATION.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name: Elizabeth Newcombe Resident Street Address: Pine Tree Square Business  
Name of Business: Vancouver Island Crisis Society Business Address: 1708 Bowen Rd  
Suite #16.

- I SUPPORT THE APPLICATION.  
 I DO NOT SUPPORT THE APPLICATION.

Comments: \_\_\_\_\_  
I WAS UNDER THE IMPRESSION THAT  
A LEGION IS NOT A PUBLIC BAR BUT A  
SOCIAL ~~BAR~~ CLUB ?? . IS THIS CORRECT ??  
\_\_\_\_\_  
\_\_\_\_\_

Name: FRANK HOWARD. Resident Street Address: 1619 TOWNSHIP RD  
Name of Business: 40 FEET. Business Address: 1619 TOWNSHIP RD  
(250) 753-0404

- I SUPPORT THE APPLICATION.
- I DO NOT SUPPORT THE APPLICATION.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_ Resident Street Address: \_\_\_\_\_

Name of Business: ADVANCED BUSINESS SERVICES Business Address: \_\_\_\_\_  
318-4-1150 N. TERMINAL AVE.  
NANAIMO, B.C. V9S 5L6

- I SUPPORT THE APPLICATION.
- I DO NOT SUPPORT THE APPLICATION.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#303-

Name: SUPATH EDMISON Resident Street Address: 1620 Townsite RD  
Name of Business: \_\_\_\_\_ Business Address: \_\_\_\_\_

Against:

I SUPPORT THE APPLICATION.

I DO NOT SUPPORT THE APPLICATION.

Comments: While we can appreciate the Legion's desire to have an outdoor patio area, I do not agree to the distribution of alcohol at the location. The Legion is right across from an elementary school and I believe that this sets a very poor example to our children. In addition, we have a large problem with public drunkenness at our condominium complex and this, I fear, could escalate the problem. Thank you for time and attention.

Name: Tim Bruessler

Resident Street Address: #1- 1637 Bowen Road, Nanaimo, BC, V9S 1G7

Name of Business: \_\_\_\_\_ Business Address: \_\_\_\_\_

I SUPPORT THE APPLICATION.

I DO NOT SUPPORT THE APPLICATION.

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name: Laura Easton Resident Street Address: 1620 TOWNSITE RD.

Name of Business: \_\_\_\_\_ Business Address: \_\_\_\_\_



- I SUPPORT THE APPLICATION.
- I DO NOT SUPPORT THE APPLICATION.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_ Resident Street Address: \_\_\_\_\_  
Name of Business: \_\_\_\_\_ Business Address: \_\_\_\_\_