

City of Nanaimo
REPORT TO COUNCIL

COPY

DATE OF MEETING: 2013-DEC-16

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

RE: LIQUOR LICENSE APPLICATION NO. LA98 – PERMANENT CHANGE TO A LIQUOR LICENSE – ROYAL CANADIAN LEGION / MOUNT BENSON BRANCH 256

STAFF RECOMMENDATION:

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

PURPOSE:

The purpose of this report is to provide information and request Council comment regarding the application from the Royal Canadian Legion, Branch 256, to amend their hours of liquor service. As Council is aware, a municipal resolution is required before the province will consider the application further.

BACKGROUND:

The City has received a copy of an application to the LCLB from Ms. Marie Rickwood, on behalf of the Royal Canadian Legion Branch 256, for a permanent change of liquor primary licensed hours for the Legion at 1630 East Wellington Road (Attachment A). Ms. Rickwood is applying to increase the hours of liquor service in order to serve 1.5 hours earlier, at 10:30am, and to decrease the hours of late night liquor service from 1:00am to 12:30am. The current hours of liquor service at the Legion are as follows:

Day of Week	Hours of Service
Monday - Saturday	12:00pm to 1:00am
Sunday	11:00am to 12:00am

The applicant has applied to amend the hours of liquor service at the Legion as follows:

Day of Week	Hours of Service
Monday - Sunday	10:30am to 12:30am

The applicant is applying for the amended hours change in order to allow Legion patrons to consume an alcoholic beverage during luncheons.

At its meeting of 2013-JUL-08, Council supported a liquor license amendment request from the Royal Canadian Legion Branch 256 in order to permit liquor service on an outdoor patio. As the requested change in liquor service hours was not included in the previous application, a new application is required.

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:*** When considering liquor license applications, the majority of noise complaints are related to late night hours of service. As the applicant is requesting to serve earlier in the day and not later, Staff does not believe the proposed license hours change will result in a noise concern for surrounding property owners. By decreasing the hours of liquor service from 1am to 12:30am, the application may actually reduce any existing noise caused by late night hours of liquor service.
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. By allowing the Legion to serve liquor earlier, the Legion will be better able to accommodate veterans and other Legion members during regular luncheons, as described in the applicant letter (Attachment B). The revised hours will also help the Legion host early morning community events.

The Legion is located immediately across from Quarterway Elementary school. The school principal noted they have no concerns with the application and the Legion are “very good neighbours”.

The RCMP is not opposed to the application providing the Legion is aware of the potential for noise emanating from their business and disturbing the residential neighborhood. A copy of the RCMP letter is attached (Attachment C).

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 11 responses received, 10 are in support of the application and 1 was neither in support or opposed. Copies of responses received are attached (Attachment D).

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’s recommendation. The LCLB will then rely on the Council recommendation when determining whether or not to grant the liquor license amendment request.

Respectfully submitted,



B. Anderson, MCIP, RPP
MANAGER
PLANNING & DESIGN SECTION

Concurrence by:



D. Lindsay, MCIP, RPP
DIRECTOR
COMMUNITY DEVELOPMENT

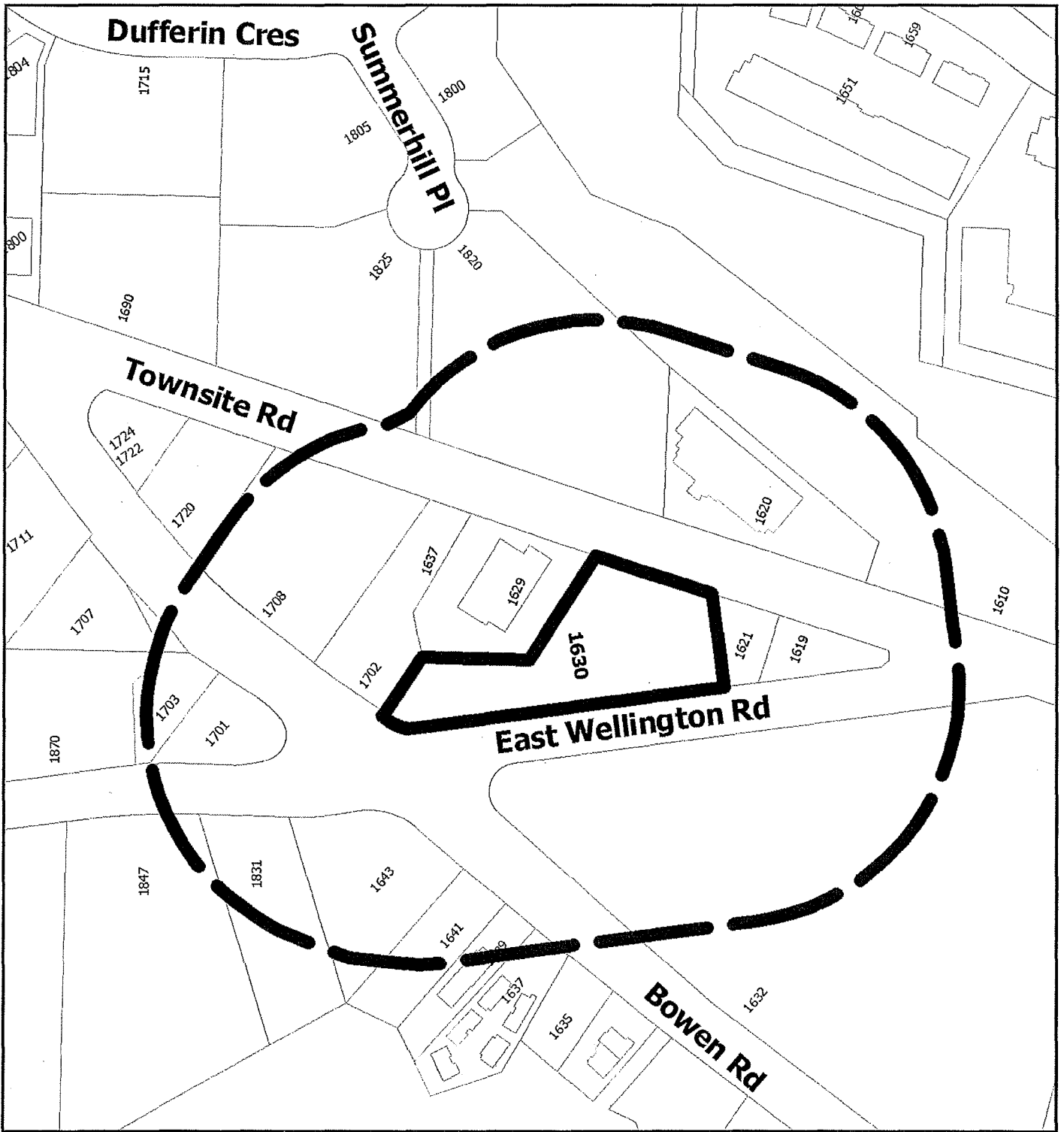


I. Howat
GENERAL MANAGER
CORPORATE SERVICES

CITY MANAGER COMMENT:

I concur with the staff recommendation.

*Drafted: 2013-DEC-05
Prospero: LA000098
DS/pm*





LIQUOR LICENSE APPLICATION NO. LA000098



LOCATION PLAN

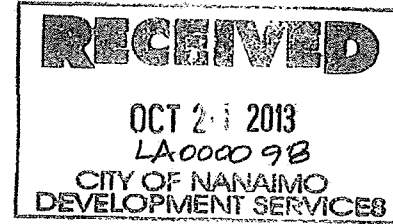
Civic: 1630 East Wellington Road
Branch 256 Legion

-  Subject Property
-  Notification Area

ATTACHMENT B



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



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

ATTN: David Stewart, City Hall Planner

**Re: Liquor Primary and Liquor Primary Club
Change of Hours of Operation**

Dear Mr. Stewart:

Further to the application for the change of hours, please be advised of the following reason for this change:

Often and luncheons occur at 11:00AM at which time our patrons would like to have a glass of wine before eating, and during their lunch.

Kindly give this request your full consideration. Thank you.

Yours truly,

**Marie Rickwood
Secretary,
Branch 256 Legion.**



Royal Canadian
Mounted Police

ATTACHMENT C

Gendarmerie royale
du Canada

Security Classification/Designation
Classification/désignation sécuritaire

OIC Nanaimo RCMP
Attention: Bike Unit
303 Prideaux St.,
Nanaimo, B.C. V9R 2N3

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

December 2, 2013

RE: Branch 256 Legion, 1630 East Wellington Road - Permanent change to liquor primary licence hours.

The Nanaimo RCMP Detachment has received a request to comment on an application by Branch 256 Legion for a permanent change to their liquor primary licence hours. Currently the hours of service are from noon until 1:00 am. The legion is requesting that their hours of service be from 10:30 am until 12:30 am.

A check of data bases indicates that there have not been any calls for service to Branch 256 Legion for 2013. The few calls for service over the past several years are of a typical nature to a liquor establishment.

It is anticipated that the proposed change to liquor service hours will have little, if any, impact on police resources.

The Nanaimo RCMP are not opposed to Branch 256 Legion being granted a change to their liquor primary licence hours 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,

(A.F.) O'Donnell) Inspector
A/Officer in Charge
Nanaimo Detachment

ds



Attachment D

Public Comments Summary

Neither for or against:

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

Comments:

HAND DELIVERED, MAILED AS WELL

I'm GLAD TO SEE YOU ARE PUSING AWAY MY TAX DOLLARS. WE NEED AN ADULT TO SEE WHERE THE MONEY GOES

Name: _____ Resident Street Address: _____
Name of Business: _____ Business Address: _____

For:

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

Comments:

1. No impact on our school.
2. Very good neighbours.

Name: Peter Hewitt Resident Street Address: 1632 Bowen Rd
Name of Business: Quarterway Elementary Business Address: ✓

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

Comments: _____

Name: Dr. John Olesen Resident Street Address: _____
 Name of Business: Seven Sails Dental Business Address: 101-1629 Townsite Road, NANAIMO

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

Comments: _____
Subject to change if problems arise
in our medical practice due to 9 hours
of liquor service

Name: Dr. K. Houghton Resident Street Address: Dr. Kelvin Houghton, MSP# 28367
GRACEMED CLINIC
 Name of Business: _____ Business Address: 102-1629 Townsite Road
Nanaimo, BC V9S 1N3
P: (250) 755-4031 F: (250) 755-4081

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

Comments: _____
AWAITING TO GET THE LATE NIGHT
PARTY HALL NOISE DOWN

Name: Frank Kawan Resident Street Address: 1619 TOWNSITE
 Name of Business: 40 PEB Business Address: 1619 TOWNSITE



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

Comments: _____

Name: SUDITH EDMISON Resident Street Address: 303-1620 TOWNSITE
Name of Business: _____ Business Address: _____



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

Comments: _____

Name: Laura Easton Resident Street Address: 1620 TOWNSITE
Name of Business: _____ Business Address: _____



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

Comments: _____

Dr. Miguel Berola, MSP# 27856
GRACEMED CLINIC
102-1629 Townsite Road
Nanaimo, BC V9S 1N3
P:(250) 755-4031 F:(250) 755-4081

Name: _____ Resident Street Address: _____
Name of Business: _____ Business Address: _____

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

Comments: _____

Name: _____ Resident Street Address: _____
Name of Business: QUARTERWAY TOWN Business Address: 1643 Bowen Rd.
PANTRY

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

Comments: _____

Name: CAMBRIE Resident Street Address: 430 WATFIELD
Name of Business: BOSLEY'S Business Address: 1708 BOWEN RD.

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

Comments: _____

Name: AL PANTHER Resident Street Address: _____
Name of Business: BONS MASTER BATTERY Business Address: #20-1706 Bowen Rd.