

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

DATE OF MEETING: 2014-JUN-23

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

RE: LIQUOR LICENCE APPLICATION NO. LA000107 - APPLICATION FOR AN ENTERTAINMENT ENDORSEMENT FOR A FOOD PRIMARY LIQUOR LICENCE – NEW YORK STYLE PIZZA AND PASTA – 299 WALLACE STREET

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STAFF RECOMMENDATION:

That Council recommend the Liquor Control and Licensing Branch (LCLB) approve an application to include patron participation entertainment as part of New York Style Pizza and Pasta's existing food primary liquor licence.

PURPOSE:

The purpose of this report is to request Council comment regarding New York Style Pizza and Pasta's (299 Wallace Street) application to permit patron participation entertainment within the existing food primary licensed restaurant. As Council is aware, a municipal resolution is required before the province will consider the application further.

BACKGROUND:

The City has received correspondence from Ms. Vivian Maltesen (New York Pizza) requesting a local government resolution in support of her application to the provincial LCLB to allow for patron participation (karaoke) within her existing food primary licensed establishment.

The subject property is located within the City's downtown core and is included within the Downtown-Fitzwilliam (DT2) zone. The DT2 zone permits a neighbourhood pub where live entertainment, dancing and karaoke are allowed.

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 Council support restaurants that wish to include patron participation, but only in cases where the restaurant provides, in writing, an outline of the types of entertainment proposed, and the assurance that food service will remain as the primary function. The restaurant wishes to allow patrons to partake in karaoke in an environment that permits children and families. The applicant has provided a letter of assurance (Attachment B).

Council  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
Meeting Date: 2014 Jun 23

## DISCUSSION:

As part of the food primary amendment review process, the LCLB asks the local government to comment on the following:

- ***The potential for noise if the application is approved:*** The subject property is located on the corner of Fitzwilliam and Wallace Streets, both of which are major collector roads within the City's downtown core, bordering the Old City Neighbourhood Plan area. The surrounding land use within the area is predominantly commercial. No residential buildings are within 100m of the subject property.

The restaurant's hours of operation are 11am to 9pm Sunday to Thursday and 11am to 10pm on Friday and Saturday. The applicant is proposing to offer a family karaoke event from 6pm to 9pm.

Given the limited hours of the event and the absence of neighbouring residential buildings in the area, Staff believes the application will not result in any increased noise and disturbance to neighbouring residents.

- ***The impact on the community if the application is approved:*** The subject property is included within the Downtown Urban Node within the City's Official Community Plan (OCP). The Downtown Urban Node supports "the continued development of unique and interesting commercial and service uses" and a strong arts and culture theme. While karaoke is commonly offered in other Nanaimo area pubs, the applicant is proposing to host a unique activity in which children will be able to participate in karaoke with their families.

A referral was sent to the Nanaimo Old City Association and the Downtown Business Improvement Association (DNBIA).

The RCMP has no concerns with the proposed entertainment endorsement for the restaurant. A copy of the RCMP referral response is included (Attachment C).

- ***Where the amendment may result in the establishment being operated in a manner contrary to its primary purpose:*** The restaurant will provide a full menu and has provided written assurance that the primary function will be that of a restaurant (Attachment B). All restaurant guests will be seated at tables but will have the opportunity to get up and sing during the three hour karaoke event.
- ***The views of residents / neighboring businesses:*** A public notice and comment sheet was mailed and hand delivered to the owners, residents and business owners of buildings and properties within 100m of the subject property. A total of 70 comment sheets were delivered. Twelve responses have been received; 12 are in support of the application while none are opposed. A summary of the responses received is attached (Attachment D).

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

With respect to all food and liquor primary licence 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 recommends that Council does not opt out of the decision making process regarding this application.

**Next Steps**

Once Council has made a recommendation regarding the application to endorse patron participation entertainment, Staff will forward the recommendations to the LCLB. The final decision regarding this food primary licence amendment application will be made by the LCLB.

Respectfully submitted,



B. Anderson  
MANAGER  
PLANNING & DESIGN SECTION

Concurrence by:



D. Lindsay  
DIRECTOR  
COMMUNITY DEVELOPMENT



I. Howat  
GENERAL MANAGER  
CORPORATE SERVICES

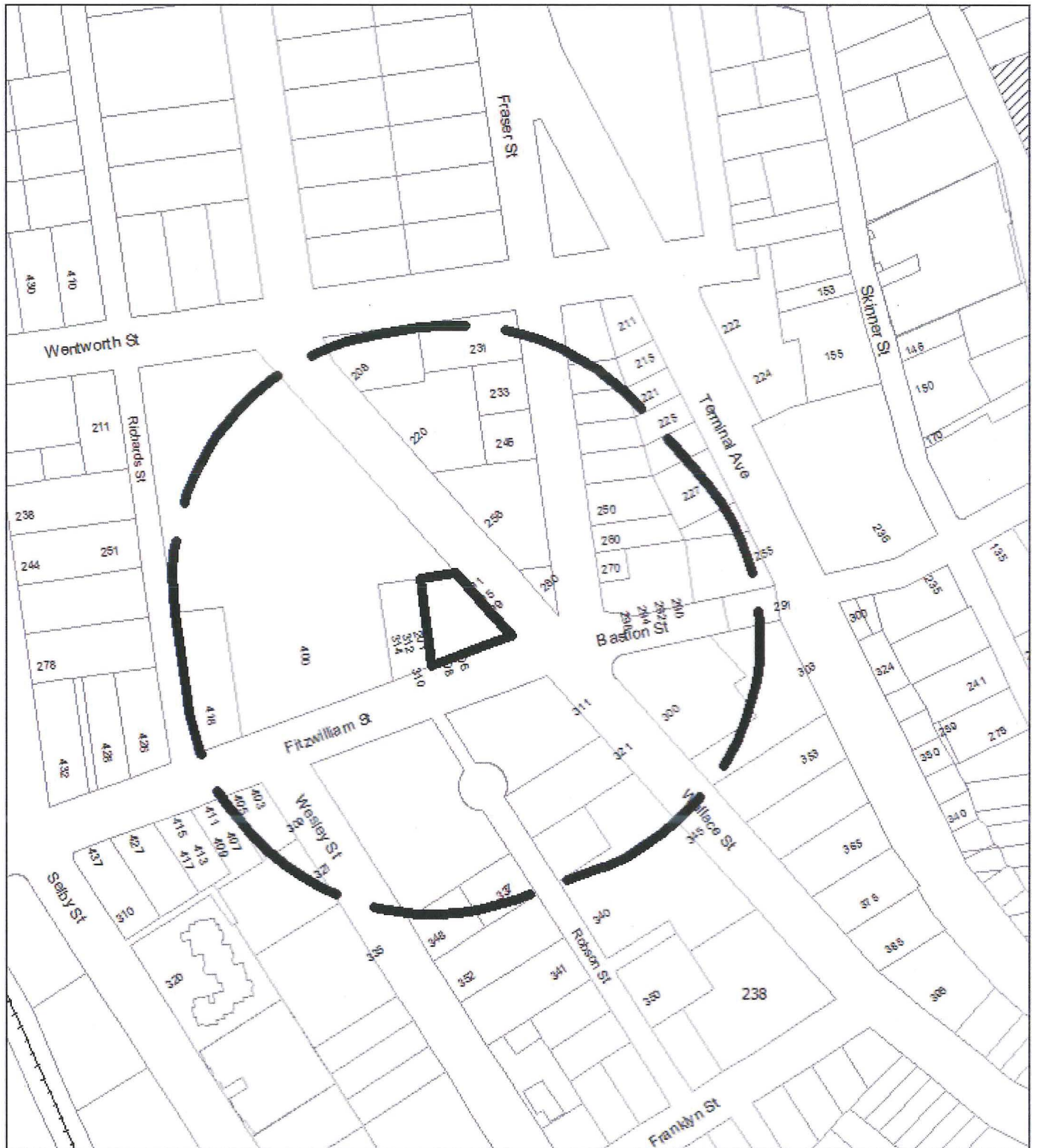
CITY MANAGER COMMENT:

I concur with the staff recommendation.

*Drafted: 2014-JUN-13  
Prospero: LA000107  
DS/pm*



# Attachment A



LIQUOR LICENSE APPLICATION NO. LA000107

LOCATION PLAN

CIVIC: 299 WALLACE STREET

NEW YORK STYLE PIZZA AND PASTA



Notification Area



Subject Property

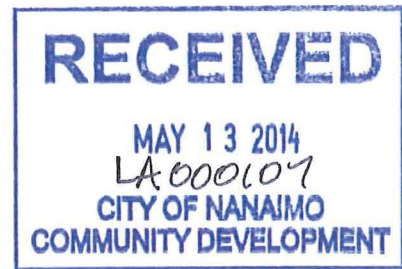
# ATTACHMENT B



New York Pizzeria Ltd.  
DBA New York Style Pizza & Pasta  
299 Wallace Street  
Nanaimo, BC  
V9R 5B4  
Ph: 250-754-0111 Fx: 250-754-0151  
Email: newyorkstyle@shaw.ca

New York Pizzeria  
Licensee Number: 211147  
Food Primary License

Hours of Operation:  
11:00 AM to 9:00 PM Sunday to Thursday  
11:00 AM to 10:00 PM Friday & Saturday



Dear Mr Dave Stewart

We, New York Style Pizza & Pasta, are looking for the addition of Patron Participation Entertainment through the Liquor Control and Licensing Branch and need the approval of the city for this endorsement.

We are a family restaurant and would like to offer family karaoke for our guests. Most karaoke happens in bars and parents cannot bring young children in. We want to offer family karaoke early in the evening from 6:00 PM to 9:00 PM so that parents can bring their whole family in for dinner and also have a venue to showcase their kids singing talents as well as their own.

On the Disney Cruise ships they have family karaoke and it is very popular with the families as this is something the whole family can do together.

Our restaurant is surrounded by businesses that usually close by 5:00 PM. We do not have a lot of residential property near the restaurant so the noise would not affect nearby tenants. Most of the noise still would be contained in the restaurant.

I hope that you can start this process for us. If you need more information from me, please call me at 250-754-0112.

Thank you!

Vivian Maltesen

# ATTACHMENT C



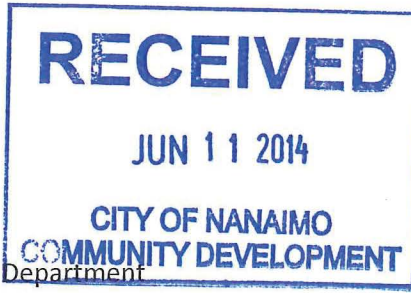
Royal Canadian  
Mounted Police

Gendarmerie royale  
du Canada

Security Classification  
Designation  
Classification/désignation  
sécurité

RCMP Nanaimo  
303 Prideaux Street  
Nanaimo, BC V9R 2N3

City of Nanaimo  
Community Safety and Development Department  
Attention David Stewart



Your File - Votre référence

LA107

Our File - Notre référence

Date

June 10, 2014

Dear Sir,

Re: New York Style Pizza – Permanent Change to a Food Primary Liquor License

It is our understanding that Vivian Maltesen has made an application on behalf of New York Pizza at 299 Wallace Street for an amendment to the restaurant's food primary liquor license to permit patron participation in Karaoke entertainment.

The proposed amendment would have no adverse impact on policing resources. Nanaimo Detachment has no record of noise, public disorder or nuisance related incidents relating to this restaurant. We have no objection to the applicant's request for an entertainment endorsement to permit karaoke activities.

If you require any additional information, please contact Corporal David LaBerge of the Nanaimo Detachment Bike Patrol Unit.

Yours truly,  
  
Mark Fischer, Superintendent  
Officer in Charge, Nanaimo Detachment

# ATTACHMENT D

## Public Comment Sheets

For:



I SUPPORT THE APPLICATION.



I DO NOT SUPPORT THE APPLICATION.

Comments:

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Name: DAVID WILTEAKER Resident Street Address: 348 WESLEY ST

Name of Business: WILTEAKER & BODEN Business Address: 348 WESLEY ST



I SUPPORT THE APPLICATION.



I DO NOT SUPPORT THE APPLICATION.

Comments:

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Name: Patricia Garcia Resident Street Address:

Name of Business: Yoga Therapy Business Address: #330-2510 William St



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

Comments: \_\_\_\_\_  
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Name: WENDY CALDWELL Resident Street Address: #314 - Ft + 2 William St  
 Name of Business: Love your Hair Business Address: #312-150 Promenade  
Nanaimo BC

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

Comments: \_\_\_\_\_  
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Robert N. Stacey  
 Barrister & Solicitor  
 410 - 511 Wesley Street  
 Nanaimo, BC V9R 2T5  
 (Ph) 250-753-0854  
 (Fax) 250-753-0877

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



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

Comments: \_\_\_\_\_  
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Name: L. Dawes Resident Street Address: 256 Wallace St  
Name of Business: ~~597500~~ 597500 Business Address: 256 Wallace St  
BC Ltd Suite 320

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

Comments: \_\_\_\_\_  
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Name: PATRICK O'BRIEN Resident Street Address: \_\_\_\_\_  
Name of Business: CU TRAINING INC Business Address: 420-256 WALLACE ST  
NANAIMO, BC V9R 5B3

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

Comments: \_\_\_\_\_  
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Name: Rob Dadds Resident Street Address: 120 PACIF  
Name of Business: PRIMAL COMMUNICATIONS LTD. Business Address: 11-321 WE

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

Comments: \_\_\_\_\_  
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Name: JAKEOB'S ICECREAM Resident Street Address: 306 FITZWILLIAM ST  
Name of Business: JAKEOB'S ICECREAM Business Address: 306 FITZ-WILLIAM ST

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

Comments: \_\_\_\_\_  
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Name: S.F. BRUNER Resident Street Address: \_\_\_\_\_  
 Name of Business: OFF SERVICE LTD Business Address: 227 TERMINAL AVE

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

Comments: \_\_\_\_\_  
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Name: Tasha Vitalis Resident Street Address: \_\_\_\_\_  
 Name of Business: Sartorial Boutique Business Address: 310 Fitzwilliam St

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

Comments: \_\_\_\_\_  
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Name: Laura Ewing Resident Street Address: \_\_\_\_\_  
 Name of Business: G.E.M. Fabrications Business Address: 308 Fitzwilliam St.  
Gates & Gifts.



I SUPPORT THE APPLICATION.



I DO NOT SUPPORT THE APPLICATION.

Comments: \_\_\_\_\_  
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Name: Zabrina Murphy Resident Street Address: \_\_\_\_\_

Name of Business: Gold Automotive Business Address: 300 Wallace St  
Nanaimo BC  
V9R 5B5

Against

There were no submissions in opposition to the application.