

City of Nanaimo
REPORT TO COUNCIL

DATE OF MEETING: 2015-AUG-17

AUTHORED BY: D. STEWART, PLANNER, PLANNING & DESIGN SECTION

RE: LIQUOR LICENCE APPLICATION NO. LA000117 - APPLICATION FOR A NEW LIQUOR
PRIMARY LICENCE - 75 FRONT STREET (THE NANAIMO BAR)

STAFF RECOMMENDATION:

That Council receive the report and recommend that the Liquor Control and Licensing Branch (LCLB) approve the application to transfer the liquor-primary licence from 489 Wallace Street (Tandoori Junction) to 75 Front Street (Nanaimo Bar), provided that:

1. the Nanaimo Bar enter into a Good Neighbour Agreement (GNA) with the City of Nanaimo;
2. Nanaimo Bar representatives become members in Nanaimo's Bar Watch community; and,
3. the liquor licence hours do not extend beyond 1:30 a.m. Monday through Sunday.

PURPOSE:

The purpose of this report is to seek Council resolution regarding a liquor licence application from Ms. Sonia Komen. Ms. Komen is requesting a local government resolution in support of her application to the Provincial Liquor Control and Licensing Branch (LCLB) to transfer the liquor-primary licence from 489 Wallace Street (Tandoori Junction) to 75 Front Street (Nanaimo Bar).

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. Sonia Komen requesting a local government resolution in support of her application to the LCLB to transfer the liquor-primary licence from 489 Wallace Street to 75 Front Street, Unit 2 (Attachment A). The proposed unit is currently vacant and was previously occupied by the Corner Bistro Restaurant. On 2010-OCT-04, Council supported a food-primary liquor licence patron participation entertainment endorsement for the Unit 1, next door to proposed lounge location (formally the Red Room now Pirate Chips).

The liquor-primary licence is owned by Mr. Paul Manhas and will be sold to Ms. Komen as part of the transfer. The licensed capacity for 489 Wallace Street is currently 60 persons. The proposed licensed capacity for 75 Front Street is 42 persons, as confirmed by building inspections. As part of the liquor licence amendment process, the applicant is required to

Council
 Committee.....
 Open Meeting
 In-Camera Meeting
Meeting Date: 2015-AUG-17

provide a letter of rationale for the proposed amendment. The letter of rationale is included as Attachment B.

DISCUSSION:

The applicant is proposing to relocate the liquor-primary licence from 489 Wallace Street to 75 Front Street. The licence at 489 Wallace Street was previously transferred to 489 Wallace Street following the close of Dizzy’s Nightclub, as a result of the Vancouver Island Conference Centre construction. The licence was previously used by Dining Under The Stars, which has since closed and been replaced by the Tandoori Junction Restaurant. The existing licence capacity is 60 persons with a 1:00 a.m. closing time.

The property at 75 Front Street is currently occupied by the Corner Bistro, which has a food-primary (restaurant) liquor licence. The applicant wishes to cancel the restaurant licence and rebrand the establishment as the Nanaimo Bar with a 42 person liquor-primary licence.

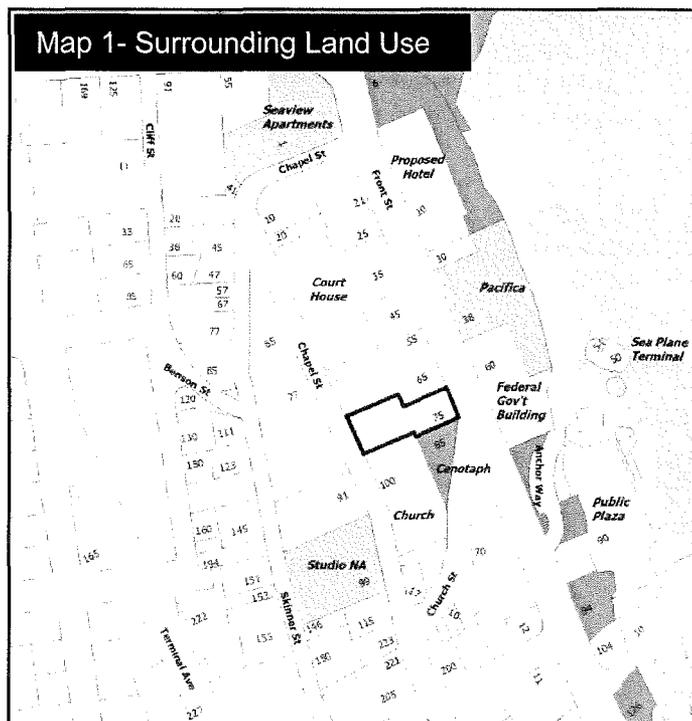
Provincial and Municipal Application Review and Requirements

As Council is aware, a local government resolution is required before the LCLB will consider the application further. Traditionally, the LCLB has requested that relocation applications be reviewed in terms of the following criteria:

1. Location of the Proposed Establishment

The applicant plans to transfer the liquor license to Unit 2, 75 Front Street. The unit was formally occupied by the Corner Bistro Restaurant and is located next door to Pirate Chips Restaurant.

The subject property is located on Front Street and is included within the Downtown Urban Node in the City’s Official Community Plan (OCP). The Downtown Urban Node, is described as a “city-wide and regional centre for arts and culture, celebrations and festivals, commercial services, civic facilities, government and professional offices, and higher density residential.” The character of the downtown is further defined within the Nanaimo Downtown Plan, which is used as the guiding document for the downtown. The subject property is included in the Chapel Front character area within the Plan. The Chapel Front area supports the development of a major high density mixed use neighbourhood with a significant addition of medium and high density development.



The neighbouring land uses around the subject include a mixture of commercial, residential and institutional uses. Pacifica (38 Front Street), a 164 unit multiple family residential building is located approximately 38m from the subject property on the opposite side of Front Street; while Studio NA (99 Chapel Street) a mixed use development with 66 residential units is located approximately 85m from the subject property. On 2014-OCT-27, Council approved a rezoning to support a 303 room hotel building (10 Front Street) approximately 85m north of the subject property; the hotel has not yet been constructed.

The federal government Service Canada building (60 Front Street) is located immediately across the street from the subject property and the Nanaimo Courthouse (35 Front Street) is approximately 65m to the north.

A map showing the location of multiple family dwellings, the proposed hotel, and significant institutional and public uses within the area is included as 'Map 1- Surrounding Land Use.'

2. *Proximity of Social / Recreational Facilities in Public Buildings*

The subject property is located next door to the Nanaimo Cenotaph and St. Paul's Anglican Church. A public plaza and the waterfront walkway, which leads to Maffeo Sutton Park, are also within 100m of the subject property. No public school or community centres are located within 400m of the subject property.

3. *Patron Capacity and Hours of Liquor Service*

On 2007-MAY-28, Council amended Nanaimo's Hours of Service Policy to permit liquor-primary establishments to serve to 1:30 a.m. and no later. Prior to Council's adoption of a 1:30 a.m. Hours of Service Policy, Nanaimo's Liquor Control Strategy did not support the extension of liquor service in Nanaimo past 2:00 a.m.

The applicant originally requested to serve until 2:00 a.m. but has agreed to amend their application to reduce the hours of service to 1:30 a.m. in order to comply with Council's Hours of Service Policy.

Since the adoption of the City's Liquor Control Strategy in 2002, Nanaimo has seen a trend in larger-scale nightclubs closing or being reformatted into smaller establishments. Since 2002, the number of seats within a downtown liquor-primary (not including the 6,000-seat conference centre) has decreased by 1,107 seats. The Downtown Nanaimo Business Improvement Association (DNBIA) and the RCMP have both expressed an interest in ensuring this trend away from large-scale nightclubs continues. As the liquor licence is being transferred from one downtown location to another, and the occupant load is decreasing by 18 persons, the application represents a decrease in the number of seats in the downtown core. The 48 person licensed capacity is consistent with the City's goal of encouraging small-scale liquor licensed venues within the downtown core.

4. *Concentration of Existing Establishments within the Market Area*

The subject property is located within Nanaimo's downtown core, an area with a high concentration of restaurants and liquor-primary establishments; however the majority of liquor-primary licensed establishments are located elsewhere in the downtown area. Liquor primary licenses within 100m of the subject property include the Dorchester Inn (70 Church Street), the Lighthouse Bistro (50 Anchor Way) and the former Globe Hotel (25 Front Street). It is Staff's understanding that the Globe Hotel's liquor-primary licence has been cancelled at the request of the licence holder.

5. *Traffic, Noise, Parking and Zoning*

The subject property is located within the downtown specified parking area; as such, no parking is required for any commercial use within this area. Given the relatively small occupant load, Staff does not anticipate an increase in traffic or parking demand if the application is approved.

The subject property is included within the Chapel Front (DT5) Zone; a lounge and nightclub are both permitted uses within this zone. As nightclubs, neighbourhood pubs and other late night entertainment uses are permitted within the downtown core; expected noise levels in this area are much higher than those in the rest of the city.

As part of the public consultation process, a number of local residents expressed concerns related to noise. In particular, residents commented on existing noise and disturbances related to other liquor-primary uses in the area and concern that if the application is approved it will lead to an increase in late night noise in the neighbourhood. In order to mitigate potential noise concerns, noise generated by the venue noise will be monitored by a decibel meter within the venue, doors will be closed during peak times and late night hours, and signage be will posted requesting patrons be respectful of neighbouring residences. As a condition of Council's support of the applicant, Staff is also requesting the applicant enter into a GNA with the City. The GNA will require the applicant "undertake to ensure that noise emissions from the establishment do not disturb surrounding residential developments, businesses and neighbourhoods." The applicant has signed the GNA which is included as Attachment C.

6. *Population Densities and Operation Trends*

Over the last fifteen years, downtown Nanaimo and, in particular, the Front/Chapel Street area has been a focal point of redevelopment in Nanaimo. The construction of Pacifica (38 Front Street) in 2008 and Studio NA (99 Chapel) in 2010 brought an additional 230 residences to the downtown core. The construction of the Vancouver Island Conference Centre (VICC), the nearby Cruise Ship Terminal and proposed hotel construction has also lead to an increased tourist presence downtown. With the influx of tourists and residents within our downtown core, it is expected that the demand for entertainment facilities within the downtown will increase. The challenge for Council with this and future liquor licence applications will be to balance downtown resident's concerns regarding potential noise and disturbance with the demand for entertainment opportunities within the city's downtown core.

7. *Socio-economic Factors*

The 2011 census indicates that the City of Nanaimo has a median household income level that is slightly lower than the provincial average. Despite recent efforts to revitalize the downtown core, it is evident that some areas of the downtown still suffer from drug-related criminal activity and disorder. These issues are not significantly linked to the presence of liquor-primary establishments.

The application was reviewed by the City's Social Planning Advisory Committee (SPAC) on 2015-JUL-07. SPAC recommended that Council support the application and further recommended that the applicant meet with neighbours who would potentially be affected by the noise, in order to open lines of communication, prior to the commencement of business, should the application be successful.

8. *Community Impact*

As part of a liquor licence application for any establishment within the downtown core, Council is asked to weigh the social and economic benefit of extended entertainment opportunities within the downtown core against concerns related to potential liquor-related noise and disorder. The RCMP note, that due to the small capacity of the proposed lounge venue the application will not significantly impact police resources or criminal activity in the area, provided that the licensee participates in the Bar Watch program. A copy of the RCMP's referral response is included as Attachment D.

Public Consultation

As a requirement for any new liquor-primary licence application, a public meeting was held following the public hearing on 2015-AUG-06. The public meeting was advertised in the 2015-JUL-28 and 2015-JUL-30 editions of the Nanaimo News Bulletin and a notice and comment sheet was delivered to all residents, businesses and property owners within 100m of the subject property. A total of seven members of the public spoke during the public meeting with six speaking in favour of the application and one resident speaking against and suggesting a midnight closing time may be more appropriate.

Those who received notices were encouraged to provide comments by email or returning the comment sheets delivered. Twelve comments were received by email or through comment sheets, with six in support of the application and six opposed. It should be noted that two of those comments sheets returned in favour of the application are from the same address. A summary of the responses is included as Attachment E.

In addition to the public consultation performed by the City, the applicant has also provided a number of letters of reference supporting her application, one of which is from a local resident. The applicant's letters of support are included as Attachment F. At the time this report was finalized the applicant was scheduled to meet with residents of Pacifica (38 Front Street) on August 12th.

Respectfully submitted,



B. Anderson
MANAGER
PLANNING & DESIGN SECTION

Concurrence by:



for
D. Lindsay
DIRECTOR
COMMUNITY DEVELOPMENT

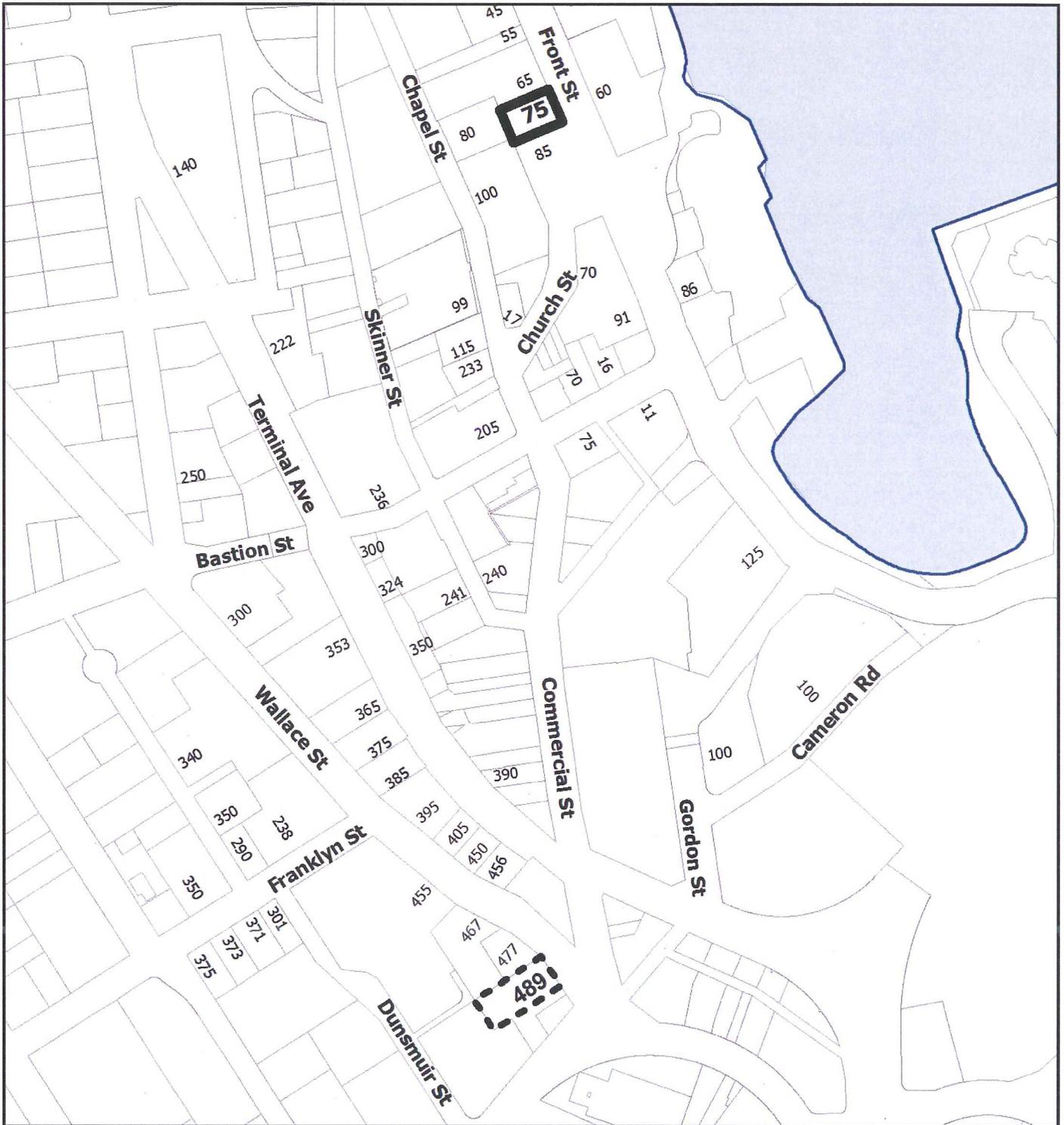
CITY MANAGER COMMENT:

I concur with the Staff recommendation.



T. Seward
ACTING GENERAL MANAGER
COMMUNITY DEVELOPMENT &
PROTECTIVE SERVICES

ATTACHMENT A



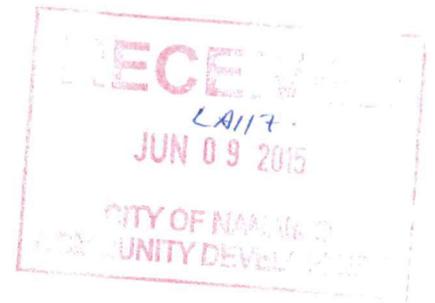
LIQUOR LICENSE APPLICATION NO. LA000117

LOCATION PLAN

Civic: Current Location 489 Wallace Street
Proposed Location 75 Front Street



ATTACHMENT B



The Nanaimo Bar.

Submission to The City Of Nanaimo

June 9, 2015

New Liquor-Primary Licence Application Process and Checklist 3.(a)

-The Nanaimo Bar is to be a Lounge/Social House style venue. Offering booth, bar and table seating arrangements. It will be an open inclusive environment where people of all ages can enjoy a drink, conversation and music.

-Hours of operation are to be between 1700hrs and 0200hrs, 7 days per week.

-It is anticipated that Live Music will be offered on certain nights of the week as will pre-recorded music. It will all be aimed at a discerning clientele in the 25+ age group.

- Dancing will be permitted and encouraged in a safe manner in the limited space available.

-Occupancy is to be set as per city limits, 60 people inclusive of staff

-Staff will be required to hold Serving it Right Certification. It is also anticipated that any door staff will hold some form of dispute resolution training.

-The issue of noise abatement will be addressed by keeping the music to reasonable levels, the front door to the establishment shall remain closed and any patron generated noise outside will be monitored by staff.

Community Impact Statement

- The Nanaimo Bar will have a positive impact on the community and the downtown core as it will be the only venue of its kind, A Lounge and Social House where people with a thirst for quality and hospitality can have their expectation surpassed. It will be a quality establishment the priority is placed on exceptional service and quality. As owner and operator, Sonia Malek Komen will be able to share her contagious enthusiasm for creating a space for community.

-While no negative impact on the community is expected, as always with this type of venue, there is the potential for noise to be an issue. It is anticipated that the only point of complaint would be the Pacifica Apartment complex. Noise generated from the venue itself, will be monitored by a Db monitoring meter within the venue, maintaining a closed access door during peak times. Signage will be visible requesting patrons to be respectful of the neighbors and external noise levels will be monitored by door staff as required.

The Nanaimo Bar Management are committed to maintaining a positive, open and communicative relationship with all members of the community.

ATTACHMENT C



CITY OF NANAIMO

GOOD NEIGHBOUR AGREEMENT

WHEREAS the City of Nanaimo ("the City"), the RCMP Nanaimo Detachment ("the RCMP") and the Owners of THE NANAIMO BAR ("the Licensed Establishment") (collectively "the Parties") recognize that liquor licensed establishments have a civic responsibility, beyond the requirements of the *Liquor Control and Licensing Act*, to control the conduct of their patrons; and

WHEREAS the Licensed Establishment wishes to demonstrate to the citizens of Nanaimo its desire to be a responsible corporate citizen; and

WHEREAS the Parties wish to promote Nanaimo as a vibrant, safe and attractive community for the enjoyment of everyone, including residents, visitors, businesses and their workers;

NOW THEREFORE the Licensed Establishment agrees with the City and the RCMP to enter into this Good Neighbour Agreement, the terms and conditions of which follow:

Noise and Disorder

1. The Licensed Establishment shall undertake to ensure that noise emissions from the Establishment do not disturb surrounding residential developments, businesses and neighbourhoods, as provided by the *City of Nanaimo Noise Bylaw*.
2. The Licensed Establishment shall undertake to monitor and promote the orderly conduct of patrons immediately outside of the Establishment, particularly those congregating outside during open hours as well as at closing time, and to discourage patrons from engaging in behaviour that may disturb the peace, quiet and enjoyment of the neighbourhood.
 - 2.1 In cases where the presence of employees does not facilitate the orderly conduct of patrons, staff shall contact the RCMP to request assistance in dealing with any persons or crowds.

Criminal Activity

3. The Licensed Establishment shall not tolerate any criminal activity within the Establishment.

- 3.1 The Establishment shall make every reasonable effort to scrutinize patrons as they enter the building to ensure that no items of contraband, including weapons and controlled substances, are brought onto the premises.

Minors

4. The Licensed Establishment shall not allow any person under the age of 19 into the Establishment.
 - 4.1 The Establishment shall check two pieces of identification for any person who appears to be under the age of 25; one piece must be picture identification and may be a driver's licence, a government identification card or a passport.

Sale and Consumption of Alcohol

5. While it is recognized that there may be occasional price reductions or promotions for specific alcoholic beverages, the Licensed Establishment shall offer no deep discounts (i.e., "cheap drinks") or across-the-board discounts.
 - 5.1 When offering price reductions and promotions, the Establishment shall be particularly mindful of its legal and moral obligation to refuse service to persons who may, based on appearance or amount of alcohol consumed, be intoxicated.
6. The Licensed Establishment shall not allow patrons to carry or consume open beverages in areas that are not licensed for such purposes, including areas outside of the Establishment.

Entertainment

7. Stripping and exotic dancing shall only be permitted as forms of entertainment in the Licensed Establishment if the Establishment's zoning allows for such forms.
8. If stripping and exotic dancing are permitted, as per the Establishment's zoning, the Establishment shall ensure that advertisements are not offensive to the community.

On-Duty Employees

9. Each on-duty employee of the Licensed Establishment shall wear a clearly visible nameplate showing his or her first name and/or employee number.
10. The Licensed Establishment shall maintain a work schedule showing each on-duty employee and shall make the work schedule available to the RCMP, upon request.

Cleanliness

11. The Licensed Establishment shall assign staff to inspect the outside of the premises each night after closing to ensure that there is no litter, garbage, broken glass or other foreign objects associated with the Establishment left within the general area of the Establishment.
12. The Licensed Establishment shall undertake to remove, as soon as is practicable, any

graffiti from the building's exterior.

13. The Licensed Establishment agrees to work with the City and its departments, including the RCMP, to resolve any concerns that arise with respect to the operation of the Establishment.
 - 13.1 The Licensed Establishment agrees to attend a formal meeting, as required, with the City and the RCMP to discuss issues and concerns.
14. The Licensed Establishment shall demonstrate complete support for the RCMP and its members.
 - 14.1 When incidents occur which require RCMP involvement, all staff of the Licensed Establishment shall cooperate fully with RCMP members, and shall not impede or obstruct members in performing their duties.
15. The Licensed Establishment shall participate as an active member in the local Hospitality Industry Liquor Licensing Advisory Committee (HILLAC).
16. If the Licensed Establishment is a nightclub located within the downtown core, the Establishment will be strongly encouraged to participate in the Nanaimo Bar Watch Program.
17. The Licensed Establishment shall support programs which aim to eliminate occurrences of drinking and driving.
 - 17.1 A free telephone shall be available to patrons for the purpose of contacting a taxi or arranging other transportation from the Establishment.
 - 17.2 Non-alcoholic beverages shall be provided at prices which are below those set for alcoholic beverages.

Amendment and Transferability

18. Any proposed changes to the terms of the Good Neighbour Agreement shall be discussed and resolved among the Parties.

Enforcement

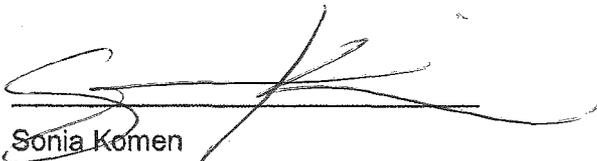
19. Obtaining a business license is contingent upon accepting and signing this Agreement; notwithstanding this fact, the parties recognize that the success in reaching the objectives of the Good Neighbour Agreement is largely dependent upon each establishment's willingness to make a concerted effort to support and adhere to the principles outlined in the Agreement.
 - 19.1 Any failure on the part of the Licensed Establishment to comply with the terms outlined herein will result in the following:
 - (a) the City will attempt to resolve the matter by requesting a meeting with the licensee.

- (b) If the matter is not satisfactorily resolved during a meeting, the City will provide a written warning. The letter will clarify what action is needed in order for the licensee to comply with the terms of the agreement. The letter will also specify how much time will be provided for the licensee to comply. The length of time will depend on the nature of the infraction.
- (c) Continued non-compliance may be brought to the attention of City Council, which may in turn require the owners of the Establishment to attend a "show cause" hearing related to the suspension of their Business Licence.

It should be noted that a "show cause" hearing would only be used when all other reasonable attempts to gain compliance have failed.

20. Nothing contained or implied in this Good Neighbour Agreement shall prejudice or affect the City's rights and authorities in the exercise of its functions pursuant to the *Community Charter* and *Local Government Act*, as amended, and the rights and powers of the City and the RCMP under provincial and federal statutes and regulations, and City bylaws.

Signed this 3 day of AUGUST, 2015, in Nanaimo, British Columbia.


Sonia Komen
The Nanaimo Bar

Mayor Bill McKay
City of Nanaimo

Mark Fisher, Superintendent
Nanaimo Detachment, RCMP

G:\Liquor Licensing\Guidelines and Procedures\Good Neighbour Agreement



Royal Canadian
Mounted Police

ATTACHMENT D

Service
Gendarmerie royale
du Canada

Security Classification
/Designation
Classification/désignation

RCMP Nanaimo
303 Prideaux Street
Nanaimo, BC V9R 2N3

Your File - Votre référence

LA117

Our File - Notre référence

City of Nanaimo
Community Safety & Development Division
Attention: Dave Stewart

Date

July 14, 2015

Dear Sir,

Application for a liquor primary license transfer of location – 75 Front Street

It is our understanding that an application has been received from Ms. Sonia Komen requesting a local government resolution supporting a request to transfer the liquor primary license from 489 Wallace Street to 75 Front Street. The proposed venue, "The Nanaimo Bar" will be a 60 seat liquor primary establishment featuring a lounge / social house type venue with live music and dancing.

This location was the previous site of the Red Room restaurant / lounge which featured live entertainment and the Corner Bistro, a food primary establishment with occasional live music.

The proposed venue is consistent to previous use, and is suitably situated in the downtown entertainment district. The venue is in close proximity to the Best Western Hotel and within a block of the Globe Hotel.

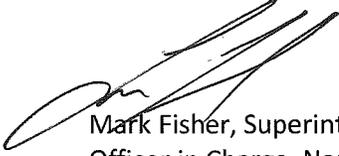
We would strongly encourage the City to request that any new liquor primary establishment situated in the downtown district undertake to join the Downtown Bar Watch and remain a member in good standing. The application will be required to develop management and training standards that conform to the requirements of the Liquor Control and Licensing Branch.

The proposed venue has a small capacity (60 patrons) that will not significantly impact on police resources or criminal activity in the area provided that the licensee participates in the Bar Watch program.

There is a potential for public disorder and noise from the venue to impact on the Pacifica condominiums on Front Street. Residents from Pacifica have made numerous complaints about noise emissions from both the Globe Hotel and the former businesses operated at 75 Front Street. It is our experience that relatively low noise emissions are sufficient to disturb the residents with condominiums facing Front Street. The licensee has suggested several measures that would be undertaken to mitigate the potential for disturbances, including signage, use of sound measurement equipment and the closure of exterior doors. It is recommended that the licensee also be required to sign the standard Good Neighbour Agreement in use with other downtown liquor primary establishments and to undertake to communicate directly with neighbouring residents.

If these measures are undertaken, we would be in support of the proposed application. If you require further information, please contact Corporal David LaBerge of the Bike Patrol Unit. Thank you for the opportunity to comment on this application.

Yours truly,



Mark Fisher, Superintendent
Officer in Charge, Nanaimo Detachment

Attachment E
Returned Public Comment Sheets

For:

I SUPPORT THE APPLICATION.

I DO NOT SUPPORT THE APPLICATION.

Comments: We need more entertainment for adults over 50. I think
75 Front Street will achieve that, like it has in the past, with
bands that play music that appeals to an older crowd.
Also dancing would also be ideal!

For Residents	For Businesses
Name: <u>JOAN C. SHILLABEER</u>	Business Name: _____
Address: <u>701 - 38 FRONT STREET</u>	Address: _____
Signature: <u>Joan Shillabeer</u>	Signature: _____

I SUPPORT THE APPLICATION.

I DO NOT SUPPORT THE APPLICATION.

Comments: I regularly attended previous nightclubs at this location,
the Red Room, Front Street Grill, and Corner Bistro, which
were also suited to the 25 to 75 year-old, earlier-evening
customers. My understanding is that the proposed Nanaimo Bar
is similar. It will help re-establish needed and vibrant entertainment
in downtown Nanaimo. I fully support the application, and will
support the ongoing operation by attending, along with my friends.

For Residents	For Businesses
Name: <u>DAVID SHILLABEER</u>	Business Name: _____
Address: <u>701-38 FRONT STREET</u>	Address: _____
Signature: <u>D. Shillabeer</u>	Signature: _____

I SUPPORT THE APPLICATION.

I DO NOT SUPPORT THE APPLICATION.

Comments: _____

For Residents

For Businesses

Name: _____ Business Name: 1200 North Lincoln Ave
Address: _____ Address: #102 - 17 Church St
Signature: _____ Signature: [Signature]

I SUPPORT THE APPLICATION.

I DO NOT SUPPORT THE APPLICATION.

Comments: _____

For Residents

For Businesses

Name: _____ Business Name: Jar Retainers
Address: _____ Address: 203-75 Front Street
Signature: _____ Signature: [Signature]

I SUPPORT THE APPLICATION.

I DO NOT SUPPORT THE APPLICATION.

Comments: _____

For Residents

For Businesses

Name: _____ Business Name: VINING SENINI
Address: _____ Address: 30 FRONT STREET NANAIKO
Signature: _____ Signature: 

I SUPPORT THE APPLICATION.

I DO NOT SUPPORT THE APPLICATION.

Comments: _____

For Residents

For Businesses

Name: _____ Business Name: J&K Refining
Address: _____ Address: 203-75 Front Street
Signature: _____ Signature: D. Jennison

Against



I SUPPORT THE APPLICATION.

I DO NOT SUPPORT THE APPLICATION.

Comments: I have concerns over a liquor primary share
washrooms with a family restaurant. Mostly security
and liability concerns. PC steps serving liquor Fri/Sat
nights at midnight.

POTENTIAL Problem for KIDS SHARING washrooms (2) Toilets
with DRINKERS + what adults get up to
when drunk in bathrooms
NOT FOR KIDS

For Residents

For Businesses

Name: _____ Business Name: PIRATE CITY'S
Address: _____ Address: 1-75 FRONT Nanaimo, BC
Signature: _____ Signature: [Handwritten Signature]

- 1.
- 2.

I cannot make the meeting. Is it possible to register my thoughts with an email ? I have lived at 38 Front street for 3 years, and the full 3 years has been a constant battle with The Globe Hotel. The bylaws office, the liquor licensing area representative, and the police have all been involved during this time frame. The premises had transitioned from a strip club, a pub, a radio station / live music venue / pub (a nightmare), then another pub, and now a medicinal pot dispensary / music venue / whatever ???

Throughout these transitions the noise was insupportable, and the bylaws infractions were constant. A number of tickets were issued. It was a noisy mess. Just down the street Pirate fries tried evening jazz nights as well, doors and windows wide open---- more noise ! The area is fast becoming residential, and with a new hotel, and new condos coming online, and the govt building, the character of the neighbourhood is changing. Bars are closing in this city, for multiple reasons.

What bars that remain should be located in an 'entertainment' area NOT in an upcoming residential area. The city is trying to populate the downtown core, and make it liveable. The number one modern complaint in city cores is now noise, and many studies have been done recently on the effects of urban noise on residents-----everything from property value drops to adverse health effects. . The desperate rush to make Nanaimo more 'fun' is creating a noisy nightmare. We can't have it both ways----residents have to be considered, or they will leave. Front street is like a funnel for noise. We could literally 'hear' individual loud conversations in the globe when their windows were open, and we are a half block away !! imagine how loud the music !! please, refuse this license request

thank you,
Fraser Archibald, 38 Front street

- 3. Good afternoon Mr Stewart,
I am sending this e-mail today in the hope that it may be included in the public forum regarding the application of a liquor license at 75 Front Street.

I was very disturbed to hear that another venue is seeking an opportunity to operate this premise with a liquor license.

I have been a resident of The Pacifica at 38 Front Street for four years and have encountered much noise that has created a negative impact on my quality of living in this community, due directly to the surrounding bars that have been opening in our residential neighbourhood as of late.

One bar of such has been the Globe, which has operated as many guises over the years, none being good neighbours to say the least, it now appears to be a Pot Dispensary and I doubt as such it is operating with a license at this time.

We now are to be faced with another bar which will only add more transience to the street as well as traffic and pedestrian noise to be sure.

The Pacifica is home to over three hundred residents, all who pay very high property taxes. Front street has been in transition for several years and adding more bars to the mix is definitely a negative move for our city to take. Church Street and Commercial Street have many such venues which offer people the opportunity to enjoy bars and restaurants removed from residential housing.

In closing I strongly urge Council to not grant a liquor license at 75 Front street, Thank you for your consideration in this matter.

Sincerely,

Bruce Smith

1005-38 Front Street, Nanaimo

4. It has come to my attention that a Bar is applying to open across the street from the Pacifica

My wife and I are owners of a condo in the Pacifica and enjoy a balcony view from our unit as well as having windows that open for air circulation.

My understanding is that when restaurants/bars/outdoor seating is open directly across the street from the Pacifica, specifically with late opening hours and drunk noisy patrons exiting late into the night that this is very disruptive to the quiet enjoyment of residents at Pacifica

We would love to enjoy our balcony and sleep with windows open but do not wish to put up with noise from an establishment directly opposite.

Perhaps you are familiar with Whyte Avenue in Edmonton?

This area has seen closing of businesses and people moving out of their homes in the area because bars with noisy patrons spilling out on to the street late at night (early in the mornings) urinating in public, vandalizing, fighting, and of course making unnecessary noise has ruined the neighborhood. Is a bar necessary in this area of Nanaimo at all? Are late drinking hours necessary?

We **STRONGLY** oppose any approval of an establishment that would stop us from enjoying our rights to peaceful enjoyment of our home.

Regards,

Dr. David Berry and Sylvie Desjardins

#1501 Pacifica 38 Front Street

5. See attached letter.
6. See attached letter.

July 31, 2015

David Stewart
Planner
City of Nanaimo
411 Dunsmuir Street
Nanaimo, BC

Dear Mr. Stewart,

We are writing to provide our views on the request for a new Liquor Primary License at 75 Front Street for an establishment called The Nanaimo Bar.

We live at 1502 - 38 Front Street in the Pacifica – a residential community of 169 units. About half of the units in our building face Front Street and late evening noise affects many of us. We are a community of all ages from pre-school aged children to seniors.

Our community's vision as developed and endorsed by the owners is:

At Pacifica, an upscale waterfront development located in Nanaimo, British Columbia, we strive to create and maintain a community that is safe, secure, financially prudent and well managed.

We understand that the request for the new Liquor Primary License is for a 42 seat venue with operating hours that would end at 1:30am seven days per week. We are not supportive of this request. The vacant unit at 75 Front Street is suitable for a Food Primary establishment.

We have two other Liquor Primary Licensed establishments within a 5-minute walk of the Pacifica. The Minnoz Lounge located at 11 Bastion Street in the Coast Hotel is 250 metres away and the Corner Lounge located at 121 Bastion Street is 350 metres away. From our on-line research, their advertised hours are:

	Monday to Saturday	Sunday
Minnoz Lounge	4pm to midnight	4pm to 10pm
Corner Lounge	8pm to 1am	8pm to 1am

These establishments are sufficient for our neighbourhood. We have already had to deal with many noise issues from the Globe Hotel. We do not know what, if any impact, the new venture called Nature's Source Society may have on the area. In addition, we anticipate the new Hilton Hotel to be built next door will provide lounge services in the future.

We request that Council support the existing residential neighbours and not support this new Liquor Primary Licence request at 75 Front Street. Thank you.

Sincerely,



Felicity Adams and Carol Delaney
Owners, 1502 -- 38 Front Street

Copy to: Mayor and Council

1701-38 Front Street
Nanaimo, BC V9R 0B8
August 5, 2015

Regarding The Nanaimo Bar
75 Front Street, Nanaimo, BC

Nanaimo is trying to revitalize its downtown. This is not going to happen if the city allows a bar to open across the road from 169 families and in very close proximity to at least 2 other residential condos. Who will want to live across the street from a venue that would be open until 1:30, seven days a week? Pacifica residents will no longer be able to open their windows or patio doors in the evening or at night. Why would the city want to allow a business with those hours to operate right in in such close proximity to so many residents?

In the past there were tenants operating either a bar and or bistro in that same location. The noise from the music or from people either visiting outside, smoking or entering and leaving the premises in the late evening or at closing was sometimes very disruptive. People would often visit up to an hour outside the business after closing. You could clearly hear them returning to their vehicles late at night, whether they were rowdy or not, as sound carries so well especially near water!

We clearly urge City Council not to approve a bar at 75 Front Street. This would disrupt the peace and quiet of hundreds of families. Thank you for your consideration.

Gilbert and Rose-Marie Requenaf

ATTACHMENT F

To His Worship Mayor Bill McKay, and Members of Nanaimo City Council,

This letter is to express my wholehearted support for the proposed granting of a liquor primary license to Sonia Komen's new venture, 'The Nanaimo Bar'.

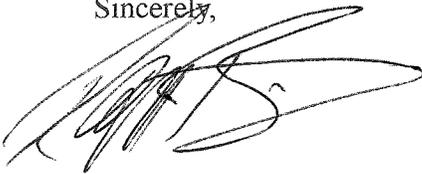
Living in Pacifica, directly opposite the intended location, I feel the addition of this new business will enhance the neighbourhood, providing a welcome casual rendezvous for both residents and workers in the immediate area. Given an intimate venue such as that put forward for consideration tends to foster a genuine and loyal community around it, it's my feeling that this venture will meet with considerably more success than larger concerns have had at this location in past. Further, Sonia has on many occasions voiced her desire to work collaboratively with other stakeholders in the downtown business community, having both the commercial and social success of the region as key concerns. Front Street seems to have had a perennial disconnection from the rest of the downtown core, and I believe Ms. Komen's efforts in this area will prove beneficial in mitigating this shortcoming.

With the new Hilton hotel under consideration, and the natural symbiotic relationship which will form between Ms. Komen's business and others on Front Street, including Pirate Chips and Cousin Nick's Pizza, I feel the proposed venue will additionally serve as a conduit for traffic flow to the rest of the downtown area. From a supporting infrastructure perspective, there is also plentiful parking in the area which can easily accommodate any increased vehicular volume during The Nanaimo Bar's intended hours of operation.

On a more personal note, having relocated to the city just over four years ago, Sonia was one of the first people I encountered while exploring my new neighbourhood. What immediately impressed me was not only her ability to manage the Corner Lounge – which she made look effortless even during the busiest of conditions – but her genuine warmth and sense of community. Through Sonia, both in and outside her place of business, I was able to expand my social circle and attendant sense of civic engagement to a greater degree in four years, than in the previous fifteen I had spent in Ottawa. I feel more at home here in Nanaimo than in any place I have ever lived, and I feel Sonia has been a large part of that.

The choice of venue, when coupled with Ms. Komen's infectious enthusiasm, drive, and industry savvy, can't help but combine to prove a successful venture. I strongly urge you to approve this application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ray Richards', written over a white background.

Ray Richards
38 Front Street, Suite 1001
Nanaimo, B.C.
V9R 0B8

July 19, 2015

Attn: City Council

Good Evening. My name is Michael Atherton, part-owner of the Firehouse Grill, and I am writing to you in support of Sonia Komen's proposed downtown business venture.

I met Sonia approximately 15 years ago while she was working in the downtown service industry, and since that time we have become friends as most anyone that has met Sonia more than once has. Her ability to make people feel welcomed, important and remembered is second to none. It doesn't matter where she is working, people come to see her. She already has a following, now she just needs her own place for them to come and visit.

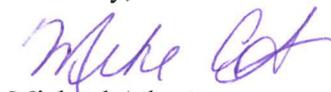
Apart from Sonia's innate people skills she is extremely hard working and has plenty of experience. She has been actively involved during the start-up of other businesses, she is willing to, and has, put in long work hours and has also in what little spare time she has, raised thousands of dollars for the Canadian Cancer Society by organizing a number of successful fundraising events.

Finally I would like to address Sonia's already long-standing involvement in the downtown community. Having already been an integral part of it for so long, Sonia understands the need to work together as a close-knit community. We are not meant to be in competition with each other but to support each other because when one of us succeeds, we all succeed. It is this type of person that brings life to our community. Sonia brings life to our community.

What Sonia Komen is asking for is not a new idea to downtown, she has already been doing it for years, what is new is that it will finally be hers alone to put her own positive stamp on. I strongly believe that any business Sonia is involved with can only be an asset to downtown and downtown businesses and I wish her all the best.

Please do not hesitate to contact me further regarding her endeavour.

Sincerely,



Michael Atherton
Firehouse Grill
7 Victoria Street
(250) 716-0323

June 13 2015

To Whom It May Concern;

I am writing this letter in regards to a very customer service orientated woman in Nanaimo Sonia Malek Komen. I understand she is working towards opening up her own establishment here and I am excited to see that happen. No matter where I have seen her work, she is the example of customer service at its finest. Everyone loves this woman for her upbeat and positive outlook on the job. She has this way of making everyone around her feel just as special as the next. It also helps that she is quick witted and is a savvy business woman. I have observed her on many occasions and have noticed that it is not only the customers who respect and look forward to her presence but also her co-workers, new and old. Any business Sonja opens will be a thriving success and I 100% know this. I am hoping the City of Nanaimo can give her a chance to open up a professional, positive establishment to our town.

If given the chance I guarantee the people of Nanaimo will not be disappointed.

Thank you for your time and consideration,

A handwritten signature in black ink, appearing to read "Terri Ensign". The signature is fluid and cursive, with a large loop at the beginning and end.

Terri Ensign
382 Selby Street
Nanaimo, BC
V9R 2R5
250-755-1242



4911 Wellington Rd
Nanaimo, BC

Memo: Sonia Malek Komen / Downtown Lounge/Bar Start-up
To: Sonia Malek Komen, Nanaimo City Council
Date: July 15, 2015
From: Jeremiah Ford (supplier, previous employee, friend)

To all concerned,

My name is Jeremiah Ford, I am a buyer of Sysco Foods, business consultant, and previous employee of Corner Lounge (managed at that time by Sonia Malek Komen) I am very excited to endorse Sonia Malek Komen's endeavor to start up a new Nanaimo Downtown Lounge/Bar.

Having worked for her for 3 years as security and support staff at the Corner Lounge, I saw firsthand how Sonia's focus, energy, and customer-centered service, continually draws repeat business and establishes new business with first-time customers who always come back.

Her experience in the industry covers over twenty years working in bars and clubs in Vancouver and Nanaimo, with experience in managing, training, events, and fund raising. She is incredibly suited to running a well-organized business that is fun, profitable and considerate to the neighborhood and municipal policies.

Her professional and constructive relationships with vendors, other businesses, local liquor inspectors, and police demonstrate her commitment to running a top-notch business that is a part of the community, and a positive environment for controlled alcohol consumption.

In the time I worked for Sonia as security, I saw the Corner Lounge climb from a 20-30 customer night on weekends and less during the week – to being an at-capacity downtown hotspot 4 nights week with line-ups every Thursday to Saturday. She coordinated a successful open-mike night, comedy nights, and booked many guest performers from across Canada and the US. She has built strong relationships with many of the seasonal event visitors, such as the Dragon Boaters, Bathtub weekend participants and performers.

Please consider all of the above when reviewing Sonia's applications, I strongly believe that a new business run by her in Nanaimo's downtown would be a positive and profitable one

Thank you,
Jeremiah Ford
(250) 741-6483

To whom it may concern,

Re: Sonia Komen

This letter is in support of Sonia Komen's intent to open a liquor primary establishment in downtown Nanaimo.

The downtown core of Nanaimo has many wonderful attractions that range from historical attractions, boutique shops, grocery stores, and also many fantastic eateries. What we seem to lack in the downtown core is a reliable liquor primary establishment that is geared towards a diverse age group. At the moment the downtown nightlife seems to be geared towards a loud and rowdy young nightclub crowd. As a female over the age of 30, I welcome the idea of an establishment that is not about the "nightclub" scene. I embrace the idea of having a place in town that I can go to for a relaxing drink after work or to socialize with friends in an upscale, relaxed, and comfortable setting.

Not only will such an establishment like the one Sonia is proposing benefit Nanaimo residents and the downtown core it will also benefit the tourism industry. Tourists and those traveling to Nanaimo on business are quickly impressed by the beautiful scenery of the Nanaimo waterfront. They enjoy checking out the various shops, services, and fabulous eateries downtown. After the shops and restaurants close though the options seem to become limited. It would be nice for tourists, travelers, and citizens alike to be able to have another establishment that isn't a noisy nightclub or an average pub.

Sonia has worked extensively with the public in the bar and pub business. The establishments she has worked at or managed have become even more successful resulting from her employment. She has a vast following of customers already that have and will continue to support her in whichever establishment she chooses to work or operate.

Sonia's ability to operate an establishment and her dedicated and loyal customer following will help to ensure that Nanaimo will have another supported and successful business.

Colette Dame
B102-2104 Bowen Road
Nanaimo, BC V9S 1H5

July 19, 2015

To the city of Nanaimo,

We are writing this letter to state what an incredible asset Sonia Malek Komen is to my family's life and Nanaimo's downtown core. I am originally from Nanaimo and when I come to town with my friends and family we always go to wherever Sonia is.

She is always full of energy, positivity, and big smiles. I feel Sonia is more than capable to make something amazing happen to an old and dated downtown Nanaimo. In my opinion the world needs a whole lot more of what Sonia is putting out in the community/world. Myself and my family fully support this opportunity and are so excited to see how much greatness Sonia can and will be adding to the great city of Nanaimo.

Best regards,

Robyn Smith
Ofe Anukpe

302-2022 Foul Bay rd
Victoria BC
V8R 5A9

(250) 415 9717

Ian Herbison and Camille Miller 8048 Lindsay Place Crofton, BC V0R
1R0

August 6, 2015

Letter of Reference and Support for Sonia Komen

To whom it may concern,

We are writing in support of Sonia Komen's application to open a liquor primary establishment in the Nanaimo area.

We have known Sonia for almost 20 years as a friend and/or colleague in the Nanaimo area. Since the early 2000s Sonia has been an integral part of the Nanaimo entertainment and hospitality sector, working in many bars, restaurants and as a performer.

Throughout this time Sonia has not only been a tireless professional - adhering to the highest standards of professional and ethical behavior – but has also an outstanding member of the community, working tirelessly and successfully to fundraise for many local charities including The Canadian Cancer Society and Children's Hospital.

She is one of a small group of people that has been the 'heart and soul' of entertainment and hospitality in downtown Nanaimo, and we can think of no better individual to be granted a license to operate her own bar and restaurant, which we believe will not only be a commercial success but a strong, positive influence on the downtown area.

We are just two of many that would personally support any establishment run by Sonia. We strongly urge you to support her in establishing a local business. We are happy to answer any and all questions you may have and will watch proceedings with great interest.

Yours Sincerely,

Camille Miller

Vancouver Island based international singer/songwriter

www.camillemiller.com

Ian Herbison

Founder & CEO of Speyside Corporate Relations

www.speysidecr.com



Dear Mr. Mayor and City council members,

This letter is to support Sonia Malek in her effort to obtain a primary liquor license for the Nanaimo bar. I have know Sonia for 10 years and can attest to her knowledge and skill in running a bar. Privately I have used Sonia's services to host events and grand openings for my different developments and she has provided a great service and handled the distribution of alcohol with great care and responsibility.

I fully support her in her effort to establish the Nanaimo bar with a primary liquor license.

Sincerely,

*Alan Steeves
Character Developments*

Mr. Mayor and Nanaimo City Council Members,

My name is Lauren Semple and as a resident of Nanaimo and a regular patron of many of the businesses and establishments in the downtown area, I strongly urge you to approve the application made by Ms. Sonia Komen to your office for the transfer of the liquor primary license from 489 Wallace Street (Tandoori Junction) to 75 Front Street (The Nanaimo Bar).

Despite numerous savvy business owners and operators with sound business plans, a liquor primary license at the 489 Wallace Street location has failed to thrive amidst the other liquor primary establishments within the immediate area for some time now. I believe the transfer of this licence to The Nanaimo Bar will help to continue to make downtown Nanaimo, and specifically the Front Street area an exciting place for locals and tourists to visit.

I know that I am only one of many Nanaimo residents who support both Ms. Komen and her application. For over 15 years, Sonia has been a vibrant part of our downtown core at different establishments and in a variety of roles within the service industry. An approval of her request would be an action in support of a growing music scene, a fun and welcoming venue for the current downtown crowd and new visitors to enjoy, in addition to increased foot traffic and local spending at neighboring downtown businesses and establishments.

I am in full support of Ms. Komen's venture and the continued development and growth of beautiful downtown Nanaimo and sincerely hope to see her application granted.

Thank you for your time and consideration,

Sincerely,

Lauren Semple

302 – 130 Rosehill Street

Nanaimo, BC

V9S 1C8