

2012-MAR-02

STAFF REPORT

REPORT TO: B. ANDERSON, ACTING DIRECTOR OF PLANNING,
COMMUNITY SAFETY & DEVELOPMENT

FROM: T. KNIGHT, MANAGER, CURRENT PLANNING,
COMMUNITY SAFETY & DEVELOPMENT

RE: LIQUOR APPLICATION NO 74 / PERMANENT CHANGE TO A LIQUOR PRIMARY
LICENSE
QUEENS HOTEL- 34 VICTORIA CRESCENT

STAFF'S RECOMMENDATION:

That Council recommend the Liquor Control and Licensing Branch (LCLB) approve the application to extend the Queen's opening hour of liquor service from 12:00 noon to 11:30 a.m., Monday to Sunday.

EXECUTIVE SUMMARY:

The City received correspondence from Mr. Jerry Hong, owner of the Queens Hotel, requesting a local resolution in support of his application for a permanent change to the nightclub's current liquor primary license in order to begin liquor service 30 minutes earlier. A local government resolution is required by LCLB before it will consider the application.

BACKGROUND:

Mr. Hong wishes to amend the hours of liquor service from:

<i>Monday - Sunday</i>	<i>12:00 p.m. to 2:00 a.m.</i>
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To:

<i>Monday - Sunday</i>	<i>11:30 a.m. to 2:00 a.m.</i>
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This proposed change, if approved, will not affect the nightclub's hours of liquor service at closing but will allow them to open 30 minutes earlier in order to operate a Chinese food kitchen. The subject property is located at 34 Victoria Crescent and is included within the Terminal Avenue (DT4) zone, where a nightclub is permitted as an 'entertainment use' within the City's Zoning Bylaw. The nightclub is located in a mixed-use portion of Nanaimo's downtown core, in an area with a high concentration of liquor-primary establishments.

Hours of Service Policy

In response to changes in provincial liquor laws and an increase in liquor related incidents in Nanaimo's downtown core, the City of Nanaimo retained Neilson-Welch Consulting Inc. to prepare a Liquor Control Strategy in June of 2002, which Council subsequently adopted. The Liquor Control Strategy recommended that Council not endorse any extension to hours of liquor service. However, Council, at its meeting of 2007-MAY-28, amended Nanaimo's Hours of Service Policy to allow liquor service to 1:30 a.m. in all areas of the City. The nightclub's existing closing hours predate this policy. The hours of service policy does not comment on when an applicant can begin serving liquor. As the applicant is not seeking to serve liquor any later than they are already permitted to but instead is requesting to serve 30 minutes earlier, the application is consistent with Council's hours of liquor service policy.

Liquor Control and Licensing Branch Criteria

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 nightclub is located on Skinner Street in Nanaimo's downtown core; an area with a high concentration of liquor-primary establishments, as such, expected noise levels in this area are much higher than those in the rest of the city. As the application will not affect the nightclub's late night hours of liquor service Staff does not anticipate approval of the application will result in increased noise and disturbance in the area. No concerns were raised during the public notification phase of this application relating to noise levels.
2. ***The impact on the community if the application is approved:*** As part of any liquor license application for any establishment within the downtown core, Council is asked to weigh the benefit of extended entertainment opportunities within the downtown core with the concerns raised by the RCMP and the Neilson-Welch Liquor Control Strategy regarding the high level of liquor related disorder within Nanaimo's downtown.

In regards to Mr. Hong's application, Staff does not feel the proposed earlier liquor service hours will have any negative effect on the community. By opening earlier the applicant wishes to provide another lunch time option in Nanaimo's downtown core. The RCMP has no concerns with respect to the application.

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 100 m of the subject property. A total of 193 comment sheets were mailed and delivered. Of the 17 responses received, 15 are in support of the application and two are opposed. It should be noted in two separate cases, the same person sent in three separate response as they own three different properties within the notice area in both cases the person is in support of the application. Copies of responses received are attached (Attachment 'C').

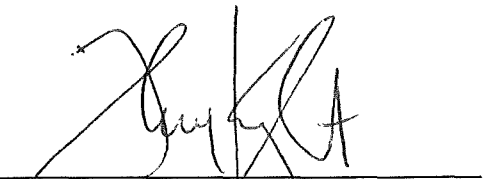
Opt Out of Application Process

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

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

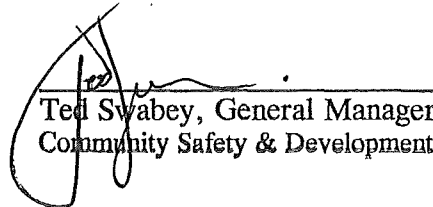
Respectfully submitted,



T. Knight, MCIP
Manager, Current Planning
Community Safety & Development
DS/hd
Council: 2012-MAR-12
Prospero: LA000074

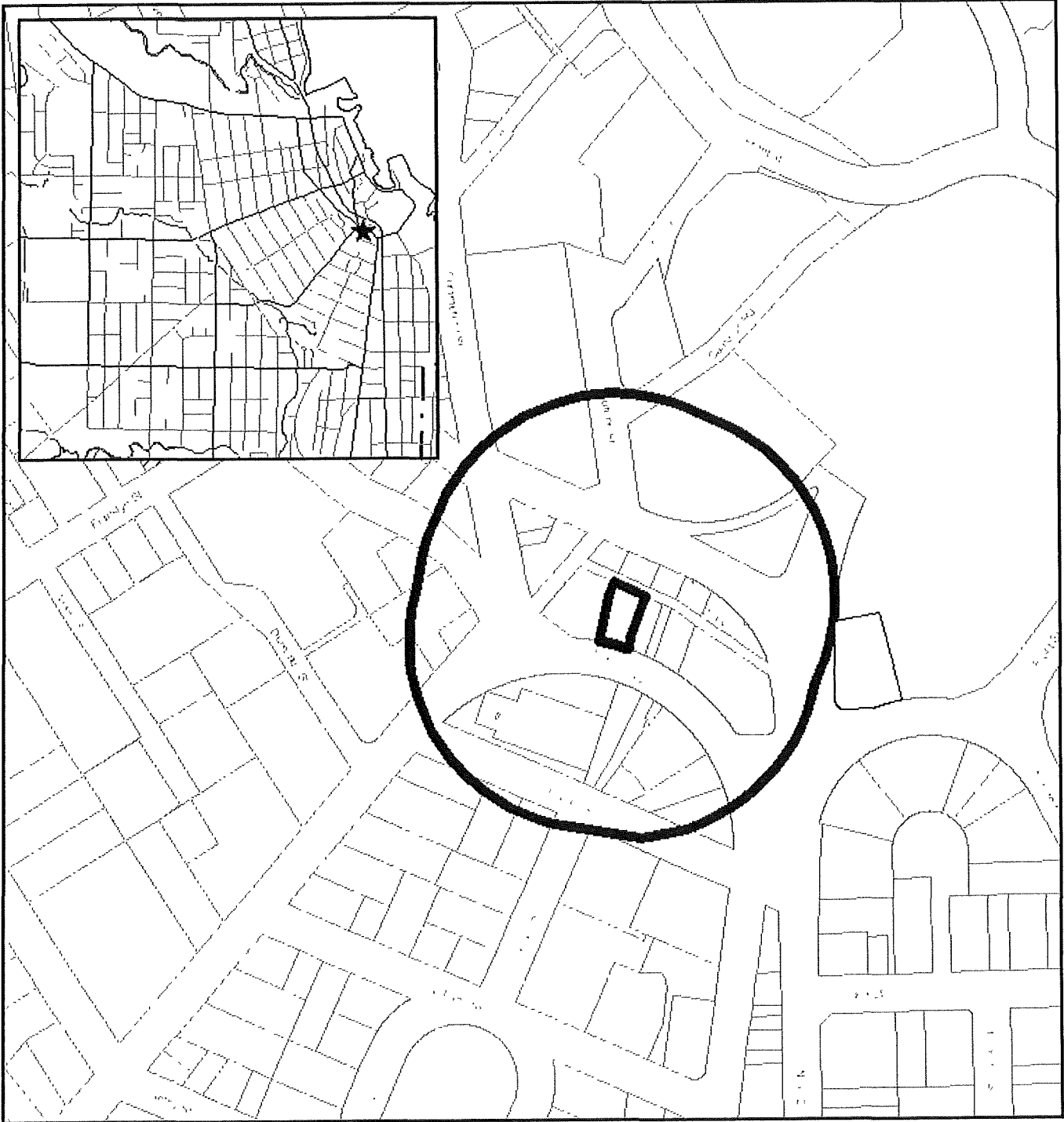


B. Anderson, MCIP
Acting Director of Planning
Community Safety & Development



Ted Swabey, General Manager
Community Safety & Development

Attachment A



LIQUOR LICENSE APPLICATION NO. LA74

LOCATION PLAN

Civic: 34 VICTORIA CRESCENT
QUEEN'S HOTEL



 Subject Property

 Notification Area

ATTACHMENT B



February 6th, 2012

To: City of Nanaimo and Mayor and Council

My name is Jerry Hong for The Queen's Hotel. We were traditionally a pub/bar/nightclub. But within the last 2 years we have opened a Chinese kitchen on the premises. I am writing you this letter to ask for your consent in changing our liquor license hours. We currently open from noon to 2am daily and I am asking for permission to open from **11:30am** to 2 am. We are currently the only place downtown where people can come for Chinese food. We require the extra 30 minutes so we can better serve our customers for our lunch food service. This will not have any negative impacts of any sorts with regards to noise abatement and such. Having another business open sooner in the day on Victoria Crescent will benefit everyone around the area.

Yours Truly,

Jerry Hong
Owner

THE QUEEN'S 34 VICTORIA CRESENT NANAIMO BC CANADA

PHONE: (250) 754-6751 FAX: (250) 753-1981

Attachment C

Public Comments

For:

I SUPPORT THE APPLICATION.

I DO NOT SUPPORT THE APPLICATION.

Comments: _____

Name: Lemire, Joan Resident Street Address: 175 Park Ave
Name of Business: SOUND HERITAGE Business Address: 33 VICTORIA BLVD

I SUPPORT THE APPLICATION.

I DO NOT SUPPORT THE APPLICATION.

Comments: _____

Name: Margaret Peterson Resident Street Address: 210 - 30 Cavan St
Name of Business: _____ Business Address: _____

I SUPPORT THE APPLICATION.

I DO NOT SUPPORT THE APPLICATION.

Comments: _____

Name: ANDY CHAPMAN-COOMBES Resident Street Address: 25 CAVAN ST. NANAIMO.
Name of Business: IMPACT VISUAL COMMUNICATIONS Business Address: VAR 219.

I SUPPORT THE APPLICATION.

I DO NOT SUPPORT THE APPLICATION.

Comments: _____

Name: Sharon Logan Resident Street Address: 60 Commercial ST
Name of Business: IRIS Business Address: "

I SUPPORT THE APPLICATION.

I DO NOT SUPPORT THE APPLICATION.

Comments: _____

Name: Graham Macey Resident Street Address: 201-96 Cavan St.
Name of Business: Nanaimo Association for Comm. Business Address: 201-96 Cavan St.

I SUPPORT THE APPLICATION.

I DO NOT SUPPORT THE APPLICATION.

Comments: As this will help him in business than
I support it.
Morris MacDonald

Name: Morris MacDonald Resident Street Address: _____

Name of Business: JAMES ST BILLARDS Business Address: #7-73 VICTORIA CRES.

I SUPPORT THE APPLICATION.

I DO NOT SUPPORT THE APPLICATION.

Comments: _____

Name: JULIE BROWETT Resident Street Address: 467 MACHLEARY ST.

Name of Business: WHISPERS Business Address: 525 TERMINAL AVE.

I SUPPORT THE APPLICATION.

I DO NOT SUPPORT THE APPLICATION.

Comments: I have no concerns with
this business and all!

Name: LEONARD KROB Resident Street Address: _____

Name of Business: MBA OFFICE Business Address: #4-77 VICTORIA CRES
NANAIMO

I SUPPORT THE APPLICATION.

I DO NOT SUPPORT THE APPLICATION.

Comments:

It would be nice, because they have
wonderful food at a very good
price.

Name: Lorna Landon Resident Street Address: #106-30 CAVAN ST.
NANAIMO, BC
Name of Business: _____ Business Address: _____

I SUPPORT THE APPLICATION.

I DO NOT SUPPORT THE APPLICATION.

Comments:

THIS IS VERY GOOD FOR THE
DOWNTOWN REVITALIZATION

Name: (FRANK W. WANGAT) Frank Wangat Resident Street Address: 4334 Guelph St.
Name of Business: 331399 Alberta Ltd Business Address: 477 Wallace St

I SUPPORT THE APPLICATION.

I DO NOT SUPPORT THE APPLICATION.

Comments:

EXCELLENT - Everything helps

FOR THE DOWNTOWN REVITALIZATION
IT'S ALREADY BETTER NOW THAN LAST
YEAR

Name: IRENE WANGAT Resident Street Address: 4334 Guelph St.
Name of Business: 331399 Alberta Ltd Business Address: 39 VICTORIA CRES.

I SUPPORT THE APPLICATION.

I DO NOT SUPPORT THE APPLICATION.

Comments: _____

EVERYTHING HELPS TO BRING PEOPLE
TO THE DEVELOPMENT.

Steve Z. Wang

Name: IRAK WELWAT Resident Street Address: 477 Wallace

Name of Business: 331399 Atlantic Business Address: 33 VICTORIA CREES.

I SUPPORT THE APPLICATION.

I DO NOT SUPPORT THE APPLICATION.

Comments: _____

Name: Rick Hype Resident Street Address: _____

Name of Business: Cranchaw Holdings Business Address: 2 Commercial St

I SUPPORT THE APPLICATION.

I DO NOT SUPPORT THE APPLICATION.

Comments: _____

Name: Rick Hype Resident Street Address: _____

Name of Business: Cranchaw Holdings Business Address: 10 Commercial St

Against

I SUPPORT THE APPLICATION.

I DO NOT SUPPORT THE APPLICATION.

Comments: People should not be drinking before
noon. Are you part of the
problem or part of the solution?

Name: W. Holland Resident Street Address: 30 Cavan St
Name of Business: _____ Business Address: _____

I SUPPORT THE APPLICATION.

I DO NOT SUPPORT THE APPLICATION.

Comments: _____

Name: Barbara Johnston Resident Street Address: 301-30 Cavan St
Name of Business: _____ Business Address: _____