

DATE OF MEETING | September 17, 2018 |

AUTHORED BY | DAVID STEWART, PLANNER, CURRENT PLANNING AND
SUBDIVISION |

SUBJECT | LIQUOR LICENCE APPLICATION NO. LA000134 – 1630 EAST
WELLINGTON ROAD – ROYAL CANADIAN LEGION, BRANCH 256 |

OVERVIEW

Purpose of Report

To present Council with a liquor license application to convert an existing liquor primary club licence to a liquor primary licence.

Recommendation

That Council:

1. waive the requirement for a Public Meeting for Liquor Licence Application No. LA134 at 1630 East Wellington Road; and
2. recommend that the Liquor and Cannabis Regulation Branch approve the application to convert an existing liquor primary club license to a liquor primary licence for the Royal Canadian Legion, Branch 256, located at 1630 East Wellington Road.

BACKGROUND

A Notice of Application was received from the Royal Canadian Legion Branch 256 requesting a local government resolution in support of their application to the Provincial Liquor and Cannabis Regulation Branch (LCRB) to transition from a club licence to liquor primary licence. A club licence is a sub-class of the liquor primary licence with terms and conditions regarding membership. By transferring to a liquor primary licence, liquor service will be available to the general public, as opposed to legion members and their guests only. The Legion's hours of service are from 12:00 noon to 1:00 a.m., and the licensed capacity is 430 persons with a 50-person patio. The patio area is not included within the occupant load calculation. The hours of service and licensed capacity will remain unchanged if the application is approved.

A municipal resolution is required before the Province will consider the application further. The City of Nanaimo does not yet have a policy for the review of an application to transition from a liquor primary club licence to a liquor primary licence. Typically, the City requires all new liquor licence applications include a public meeting during the Public Hearing (Special Council Meeting); however, as the applicants already have a liquor licence and the capacity and hours of service are not proposed to change, Staff are recommending the public meeting requirement be waived for this application.

DISCUSSION

In order to allow the Legion to serve members of the public and attract more members, the applicant is proposing to replace the Legion's existing liquor primary club licence with a liquor

primary licence. The Royal Canadian Legion was founded by veterans and continues to provide services to veterans, including serving military and RCMP members and their families, promotes remembrance, and serves the community. In order for the Legion to continue to provide services, they are looking to increase their profile within the community and welcome the community at large. The applicants intended to remain a member-driven organization and will encourage membership by offering discounted prices to members.

Provincial and Municipal Application Review Requirements

A local government resolution is required before the LCRB will consider the application further. The LCRB has requested that the local government comment on the following criteria:

1. The location of the liquor primary establishment

The subject property is located on the northeast corner of Bowen Road and East Wellington Road with dual frontage on Townsite Road. The property and surrounding properties are zoned Community Corridor (COR3); a neighbourhood pub is a permitted use within the COR3 zone.

The property is located within a mixed-use area, which includes recently developed medium- to high-density residential development (Summerhill) on the opposite side of Townsite Road. The subject property borders, but is not included within, the boundaries of the Hospital Area Plan and Neighbourhood Association.

Given the licensed capacity of the establishment is not changing, no additional parking will be required.

2. The proximity of the lounge to other social or recreational facilities

The subject property is located on the opposite side of East Wellington Road from Ecole Quaterway Elementary School. The historic Chinese Cemetery is located approximately 183m from the subject property; Bowen park is approximately 750m to the south of the property. No other liquor primary licences exist within the immediate area.

Given the use will remain a legion and the hours and capacity will not increase, Staff do not anticipate the proposed licence change will negatively impact the school or other social or recreational facilities.

3. The person capacity and hours of service of the liquor primary

The Legion's hours of service are from 12:00 noon to 1:00 a.m., and the licensed capacity is 430 persons. The hours of service and licensed capacity will remain unchanged if the application is approved. The hours of service are consistent with Council's late night hours of service policy.

4. The impact of noise on the community in the immediate vicinity of the lounge

During the public consultation process, some residents expressed concerns related to potential increased noise if the application is approved. Specifically, residents were concerned about the late night hours of service and potential for increased patronage. While it is understandable to assume the change of licence type to allow the public to attend the Legion may lead more patrons attending the legion, the licensed capacity of the Legion will remain unchanged. As the hours of service will also remain unchanged,

Staff anticipate the proposed change will not result in increased late night noise from the establishment.

5. The impact on the community if the application is approved.

As part of any liquor licence application, Council is asked to weigh the social and economic benefit of extended entertainment opportunities against concerns related to potential liquor-related noise and disorder. If the application is approved, the impact is expected to be positive in that it will support the Legion and their continued service to veterans and active service members and allow members of the public to access the Legion. The Legion hopes that by allowing the public into the legion, they can attract future members to assist with their charitable events.

The RCMP and City of Nanaimo Bylaw Department do not object to the application.

Public Consultation

A notice and comment sheet was delivered to all residents, businesses, and property owners within 100m of the subject property. Please note the notice incorrectly stated the licensed capacity as 399 persons. The LCRB has since confirmed the capacity is 430 persons. The licensed capacity will remain unchanged. As Staff are requesting Council waive the public meeting requirement of the application, details of tonight's Council meeting were included on the notice and comment sheets.

Those who received notices were encouraged to provide comments by email or by returning the comment sheets delivered. A total of 11 were received, within 8 in support of the application and 3 opposed. Those opposed to the application cited concerns related to the hours of liquor service and potential for noise or increased traffic.

SUMMARY POINTS

- The application, if approved, will convert an existing liquor primary club licence to a liquor primary licence in order to allow liquor service to be available to the general public.
- As the applicant has an existing liquor licence, Staff are recommending Council waive the public meeting typically required for a new liquor primary licence application.
- Given the existing hours of liquor service and licensed capacity will remain unchanged and the establishment will continue to operate as a Legion, Staff do not anticipate the proposed licence change will negatively affect the surrounding community.

ATTACHMENTS

- ATTACHMENT A: Location Plan
- ATTACHMENT B: Applicant's Letter of Rationale
- ATTACHMENT C: RCMP Response
- ATTACHMENT D: Public Comment Sheets |

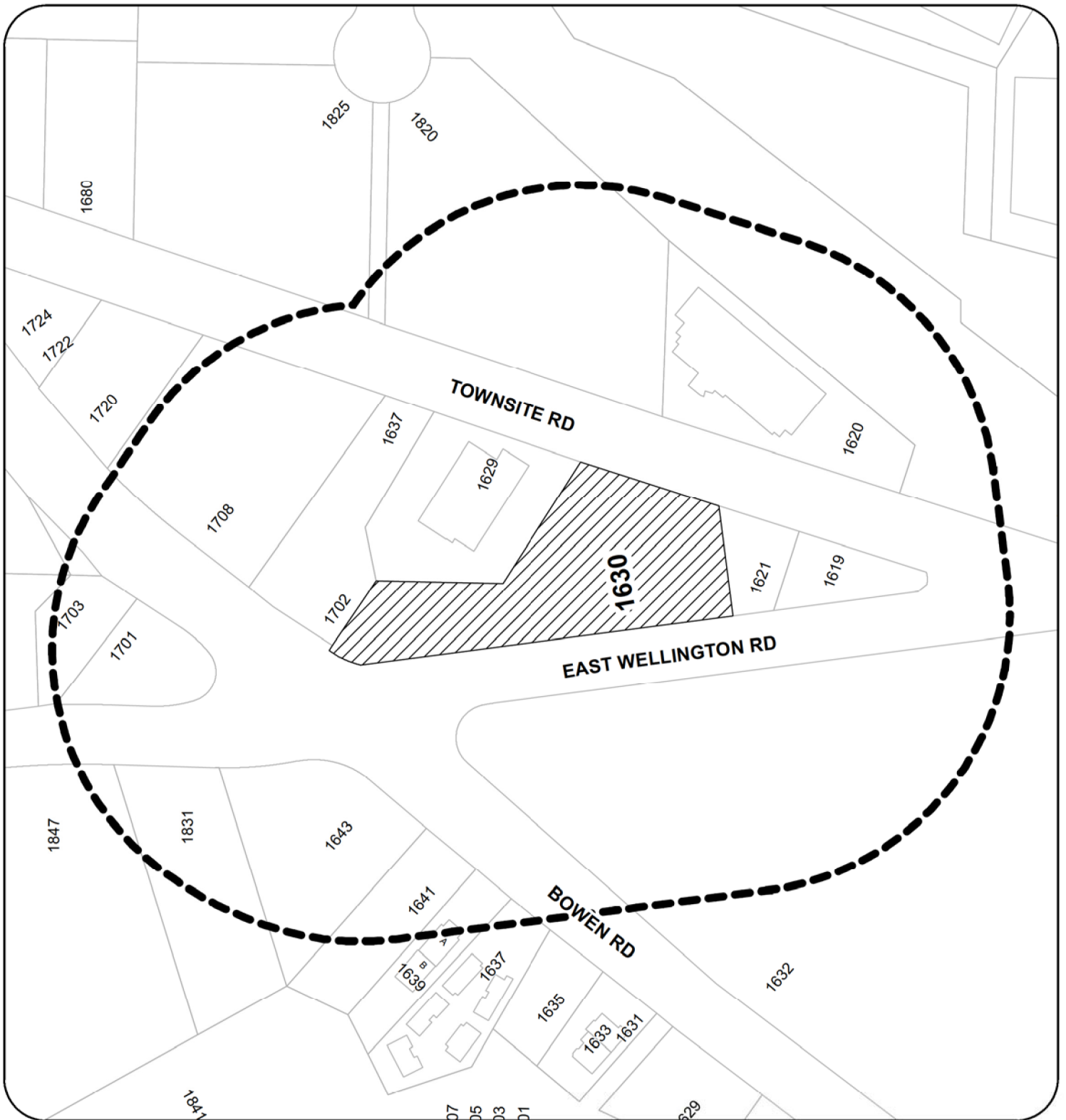
Submitted by:

L. Rowett
Manager, Current Planning and Subdivision

Concurrence by:

D. Lindsay
Director, Community Development

**ATTACHMENT A
LOCATION PLAN**

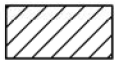



LIQUOR LICENCE APPLICATION NO. LA000134

LOCATION PLAN



Civic: 1630 EAST WELLINGTON ROAD
Legal: LOT 1, SECTIONS 14 & 15,
RANGE 8, MOUNTAIN DISTRICT, PLAN 39076

 Subject Property
 Notification Area

1 of 2

**ATTACHMENT B
APPLICANT'S LETTER OF RATIONALE**

**APPLICATION TO TRANSITION FROM A LIQUOR PRIMARY CLUB LICENSE
TO LIQUOR PRIMARY LICENSE**

AT: 1630 EAST WELLINGTON ROAD, NANAIMO BC

APPLICANT: ROYAL CANADIAN LEGION, BRANCH NO. 256

LETTER OF INTENT

INTRODUCTION

This letter of intent is provided in support of the application submitted to the Liquor Control & Licensing Branch by the Royal Canadian Legion Branch #256 Mount Wellington for a conversion of the existing Liquor Primary – Club License to a straight Liquor Primary License. The proposed conversion will maintain a member only section and will also allow for a general public section.

The liquor primary license will provide an added amenity for liquor service to the public and a wide variety of events such as Fundraisers, Seasonal Parties (i.e. Christmas Parties, Halloween Parties) Corporate Meetings, Receptions, Functions, Ceremonies, Sporting Events, Celebrations of Life, Meat Draw, Music Events, Karaoke, Card Games, and Ball Room Dancing. The license will also provide a section for members to come and play darts, pool, and cards. Food service will be available during open hours and Friday Night Steak Nights, Burger Nights and Sunday Brunch will be implemented in the near future.

The hours of licensing will be maintained at Monday to Saturday 11 am – 1:00 am; and Sunday 11 am – midnight.

TARGET MARKET

The target market for this venue will be local residents, businesses and Legion Members. The Liquor Primary license will allow the Legion to include the general public in it's many functions and provides an additional venue for community events, fundraisers and special events. It will also provide a venue for local musicians to perform and therefore support local artists.



The Legion will not be increasing its seating capacity and will basically be operating in the same format as it currently is. The removal of the club endorsement will negate the requirement to sign in guests and should not result in any increase in the noise factor in the community.

OTHER FACTORS

The applicant also submits the following additional factors for consideration:

- A Liquor Primary License would be of great benefit to the Legion and the community.
- The maximum licensed capacity of this facility will not be increased.
- There is a need for this type of space within the community.
- There are approximately 500 new residential units behind the Legion
- There will be food service available.
- The applicant wishes to retain their Family Food Services endorsement
- The applicant wishes to retain their Off Premises Sales endorsement
- There should be no notable noise increase.
- The Legion will continue to provide space for the many non-profits, Cadets, Minor Sports, and fitness groups from the community.
- The Legion contributed over \$31,000 to Veterans, Seniors, and local organizations in 2017.
- The Legion has been a part of the Nanaimo community since 1958

ATTACHMENT C RCMP RESPONSE



Royal Canadian Mounted Police Gendarmerie royale du Canada

Security Classification/Designation

Non-sensitive

OIC Nanaimo RCMP
303 Prideaux Street,
Nanaimo, B.C. V9R 2N3

Your File

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

Our File

2018-08-31

RECEIVED
LA 134
2018-AUG-31
Current Planning & Subdivision

Dear Sir

RE: 1630 East Wellington Road – Royal Canadian Legion, Branch No. 256 - Licence Transition Application

The Nanaimo RCMP Detachment has received a request to provide further comment regarding the potential impact of the proposed Application to transition the Club Licence of Branch No. 256. to a Liquor Primary Licence.

A check of data bases indicates that in the past several years the RCMP have been called to 1630 East Welloington Rd a handfull of times. These calls for service have been in response to community issues and the Branch was not directly involved and the issues did not stem directly from their activity. As a whole the Liquor Primaries in the City of Nanaimo are well run and have few significant issues. Many of the busiest Primaries in the City are Members of the Nanaimo Bar Watch Liquor Control Strategy and joint partnership has created a safe and efficient environment.

There are several other Legion Branches in the Province who have undertaken a similar Licence Transition, by and large this has been a positive improvement for the Branches as well as for the community.

The Nanaimo RCMP does not anticipate a significant change in the calls for service, level of public disorder, criminality or nusiance calls as a result of this transition. The Royal Canadian Legion, and Branch No. 256 in particular, have an outstanding record. They have been responsible and diligent licence holders.

It is significant to note that the Legions capacity is 480 persons. If they are granted this transition they will become the largest Liquor Primary in the City of Nanaimo by over double.

Security Classification/Designation

Non-sensitive

Branch No. 256's Application has not addressed any measures to deal with a potential increase in their regular customer base. For the most part, until now, only responsible Members in good standing have been allowed in the premises. The Branch should be prepared to take any measures necessary, including hiring extra staff and/or security should this become an issue in the future.

The Nanaimo RCMP will continue to monitor the frequency and types of calls for service at this location. At this time the Nanaimo RCMP are not opposed to The Royal Canadian Legion, Branch 256, being granted a transition from a Club Licence to a Liquor Primary Licence.

Should you require further information or assistance concerning this matter, please contact Cst. Dave Scherr of the Nanaimo Bike Unit at (250) 754-2345.

Yours truly,



Superintendent Cameron MILLER
Officer in Charge
Nanaimo RCMP

NL

ATTACHMENT D
PUBLIC COMMENT SHEETS

PUBLIC COMMENT SHEETS

Support:

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

Comments: Good neighbours they deserve it to
Stay alive

Name: Bouman Motors LTD Resident Street Address: 1831 East Wellington Rd
Name of Business: _____ Business Address: 1204 - 154 Promenade dr
LA134-1630 EAST WELLINGTON ROAD - Comment Sheet
Nanaimo

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

Comments: _____

Name: _____ Resident Street Address: # 205-1620 Townsite
Name of Business: _____ Business Address: _____

Sent: Friday, August 24, 2018 7:13 PM
To: Liquor.License
Subject: Application by Legion Branch 256

I support this application.

#425 - 1820 Summerhill Place, Nanaimo, BC

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

Comments: _____

Name: _____ Resident Street Address: 302-1620 Townsite Rd
 Name of Business: _____ Business Address: _____

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

Comments: _____

 Dr. Kelvin Houghton, MSP# 28367
 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: _____

LA134-1630 EAST WELLINGTON ROAD - Comment Sheet

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

Comments: _____

Name of Business: _____ Resident Street Address: _____

LA134-1630 EAST WELLINGTON ROAD - Comment Sheet

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

Comments: _____

Name: _____ Resident Street Address: 401-1620 Townsite Rd
 Name of Business: _____ Business Address: _____

LA134-1630 EAST WELLINGTON ROAD – Comment Sheet

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

Comments: _____

101 - 1620 Townsite Rd.
 Nanaimo, BC
 V9S 1N3

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

Do not support:

Sent: Wednesday, August 29, 2018 11:53 AM
To: Liquor.License
Subject: Non support of liquor license change for Legion Branch 256

Sent from [Mail](#) for Windows 10
 We do not support the request for Legion Branch 256 to change from their existing licence to a liquor primary licence. This is a pretty quiet residential area directly behind the Legion and the additional traffic and noise would not be appreciated. Specially at closing time on the weekends. The Legion is also directly across the street from a primary school where any extra traffic would be dangerous for the students.

202 – 1620 Townsite Road

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

Comments: This area is already getting louder & louder with all of the
new development. This change to the RCLB256's license is not
going to help

Name: _____ Resident Street Address: 201-1620 Townsite Rd.
 Name of Business: _____ Business Address: _____

LA134-1630 EAST WELLINGTON ROAD - Comment Sheet

Sent: Thursday, August 23, 2018 6:25 PM
 To: Liquor.License
 Subject: DO NOT SUPPORT - Royal Canadian Legion Branch 256 - 1630 East Wellington Road

Horrible idea to allow liquor sales to public and to allow until to 1am..
 I just moved to my apt on Summerhill Place in Nanaimo in late April - I chose it because it was a new little residential community (I am from busy, noisy Vancouver and I had a **serious** surgery in December - I wanted to recuperate somewhere quiet, safe and peaceful). I am paying premium \$ to rent for a year - \$1330 per month for quiet, peace, safety.

There are many hardworking residents here that leave for work as early as 630 am - i.e. Ledcor and there are also elderly citizens who have paid many years tax dollars to enjoy their home in peace and quiet and safety. I think it is shameful that the Legion would issue this request - alcohol is a problematic issue for many - if they think that is their way to stay in business - I truly think they should look at their conscience and be ethical and think of other ways to stay in business.

No one needs to by alcohol late at night and even earlier - this is a new little residential community that would be harmed by people and cars making noise, putting residents in danger who walk at early evening need-want to go to sleep early. Shame on the Legion for just looking at profits over the health and safety of their customers and neighbours and immediate community.

p.s. I am not against people enjoying a glass of wine, etc, there are enough commercial areas to buy alcohol.

 416 - 1820 Summerhill Place
 Nanaimo, BC
 V9A 6G8