

DATE OF MEETING February 6, 2023

AUTHORED BY SADIE ROBINSON, PLANNER, CURRENT PLANNING

SUBJECT LIQUOR LICENCE APPLICATION NO. LA147 – 1630 EAST WELLINGTON ROAD



Proposal:

To amend the existing liquor licence to change the hours of liquor service.

Zoning:

COR3 - Community Corridor

City Plan Land Use Designation:

Mixed Use Corridor

Lot Area:

0.53ha



OVERVIEW

Purpose of Report

To present Council with an application to amend the hours of liquor service within the existing liquor primary licence for the Royal Canadian Legion Branch No. 256 located at 1630 East Wellington Road.

Recommendation

That Council recommend the Liquor and Cannabis Regulation Branch approve the application to amend the existing liquor primary licence for the Royal Canadian Legion Branch No. 256 located at 1630 East Wellington Road to allow liquor service from 10:30 a.m. to 12:30 a.m., seven days a week.

BACKGROUND

An application was received from Royal Canadian Legion Branch No. 256 (the Legion) requesting a local government resolution in support of their licence amendment application to the Provincial Liquor and Cannabis Regulation Branch (LCRB) to change their hours of service. An information report was presented to Council on 2022-DEC-05 and public notice was mailed and hand-delivered to the owners and occupants of all buildings within a 100m radius of the subject property on 2022-DEC-06.

In 2013, Council supported a change in the hours of liquor service to 10:30 a.m. to 12:30 a.m. (7 days a week). In 2018, Council supported a conversion of the Legion's Liquor Club Licence to a Liquor Primary Licence. No changes in hours of service were proposed in 2018, however, the application and staff report to Council included incorrect hours of service (12 p.m. to 1:00 a.m.). Subsequently, the LCRB chose to amend the hours on the liquor licence to match the hours of service noted on the Council report. The Legion has submitted a new application for a Council resolution to amend the hours of liquor service to align with the hours previously approved by the LCRB and supported by the City of Nanaimo in 2013. The applicant states the revised hours will allow the Legion to provide an earlier lunch service and closing time.

The subject property is located northeast of the intersection of East Wellington Road and Bowen Road. City Plan designates the property as 'Mixed-Use Corridor' and is included within the COR3 – Community Corridor zone. Neighbourhood pub, and club/lodge are permitted uses within this zone. Residential uses exist approximately 53m north of the subject property. The Legion is an existing facility and no increase in occupant load is requested. A change from the existing hours is requested as follows:

	Monday to Sunday
Existing Hours	12:00 p.m. to 1:00 a.m.
Proposed Hours	10:30 a.m. to 12:30 a.m.

The proposed hours would be a reversion to hours previously approved by Council in 2013. The proposed hours are consistent with the City's practice of not supporting the extension of liquor service hours past 1:30 a.m.

Hours of service and capacity are subject to local government consideration and comment. A municipal resolution is required before the LCRB will consider the application further. |

DISCUSSION

The LCRB has requested liquor licence amendment applications be reviewed in terms of the following criteria, and requests the local government gather the views of nearby residents and business owners:

- The impact of noise on nearby residents; and,
- The impact on the community if the application is approved.

Public Consultation

The following summarizes opportunities for information sharing and public consultation for the proposed amendment to the liquor licence:

- An information report was presented at the 2022-DEC-05 Council meeting.
- A public notice and comment sheet was mailed and hand-delivered to the owners and occupants of all buildings within a 100m radius of the subject property on 2022-DEC-06. A total of eight responses to the public notification were received by the City from surrounding residents and businesses.
- Of the eight responses received, six are in support of the application and two are opposed with concerns about the extended hours of service and potential impacts on the community. Comment sheets returned are included as Attachment C.
- The liquor licence amendment application was referred to the RCMP and City departments for review and comment. Responses are summarized in the sections below.
- The liquor licence amendment application was referred to the Western Neighbourhood Association who commented that they do not have any concerns with the proposed changes to the Legion's hours of service.

Impact of Noise and on the Community

This is an existing club and the proposed change in hours would reinstate the hours previously approved in 2013. Given the location of the Club; the Legion's history in the area; no changes in occupant load; and the change of liquor service hours to open / close earlier, Staff do not anticipate an increase in noise if the application is approved.

Staff do not anticipate any negative community impact with respect to the liquor license amendment application. The RCMP and Bylaw Services have no concerns regarding the application.

Should Council pass a resolution to support the application to change the hours of service, Staff will forward the resolution to the LCRB. The final decision regarding the approval of this liquor primary licence amendment application will be made by the LCRB.

SUMMARY POINTS

- The applicant proposes to change the hours of liquor service to 10:30 a.m. to 12:30 a.m., seven days a week.
- Staff have completed the required public notification on 2022-DEC-06, and received eight public responses; six in support and two opposed to the application.
- Staff recommend support of the proposed amendment to the liquor licence.

ATTACHMENTS

ATTACHMENT A: Subject Property Map
ATTACHMENT B: Letter of Rationale
ATTACHMENT C: Public Comment Sheets

Submitted by:

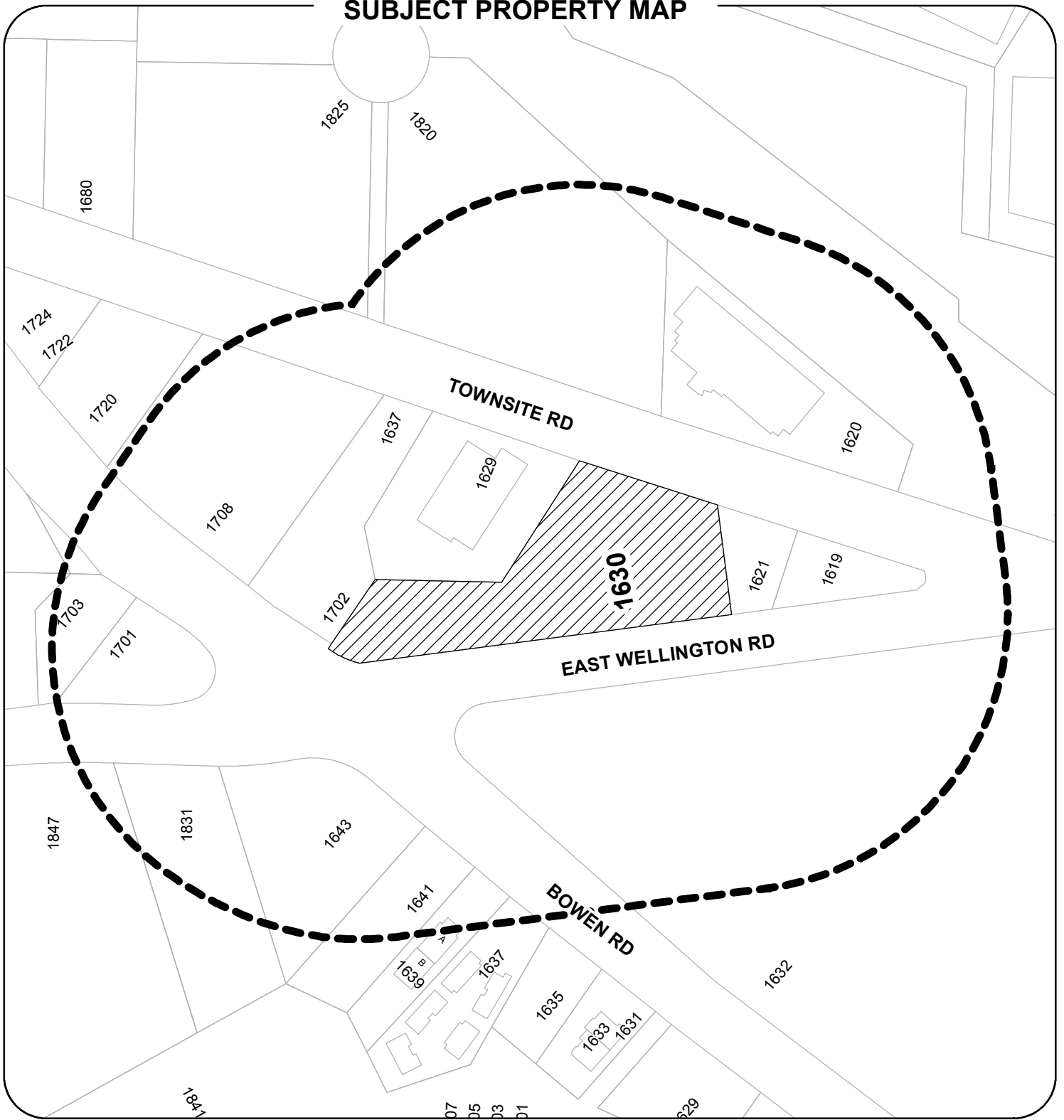
Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services
/ Deputy CAO

**ATTACHMENT A
SUBJECT PROPERTY MAP**



LIQUOR LICENCE APPLICATION NO. LA000147



1630 EAST WELLINGTON ROAD



Buffer (100m)

**ATTACHMENT B
LETTER OF RATIONALE**



Royal Canadian Legion – Branch # 256 Mount Benson
1630 Wellington Road East, Nanaimo BC
V9S 5P8 250 754 8128
rclbr256@shaw.ca

March 8, 2022

Re: Royal Canadian Legion Branch 256
Application for amendment to existing Liquor Primary Licence

To Whom it May Concern,

The Royal Canadian Legion Branch 256 has made application to the Liquor and Cannabis Regulation Branch for an amendment to the current licence to change the hours of liquor service.

The rationale of the application by the Royal Canadian Legion Branch 256 is to revert to the previous hours approved by the Regulation Branch and the City of Nanaimo. In December of 2018, the City of Nanaimo Council approved the application to convert the Liquor Club Licence to a Liquor Primary Licence. It appears that there was an error in the application which had the effect of changing the hours of service to a previously approved schedule. It was not the desire of the Legion to revert to the previous hours (12 pm – 1 am) but rather, stay at the hours of operation at the time of application for a Liquor Primary Licence (10:30 am to 12:30 am).

The Legion had originally requested the hours of service be rolled back to an earlier opening and closing to predominantly be able to provide lunch service for business, community, and veterans. There appears not to be a need to extend

service beyond 12:30 am and the earlier closing time works well for the Legion and respects our neighbours and the community at large.

Please find attached correspondence from both the City of Nanaimo and the Royal Canadian Legion Branch 256 sent to the Branch in February 2021.

Very best regards,

A handwritten signature in black ink, appearing to read "Wendy Forth". The signature is fluid and cursive, with a prominent flourish at the end.

Wendy Forth,
Secretary,
Royal Canadian Legion, Mount Benson Branch 256

2021-FEB-24

Our File: LA000134

Via email: liquor.licensing@gov.bc.ca

General Manager
LIQUOR AND CANNABIS REGULATION BRANCH
Ministry of Public Safety and Solicitor General
PO Box #9292, Station Provincial Government
Victoria, BC V8W 9J8

To whom it may concern:

**Re: LIQUOR LICENCE APPLICATION NO. LA134 – 1630 EAST WELLINGTON ROAD
– NEW LIQUOR PRIMARY LICENCE**

I am writing to offer the City of Nanaimo's support for the application from the Royal Canadian Legion Branch 256 to amend its hours of liquor service from 10:30 a.m. to 12:30 a.m., as per their previous hours prior to 2018.

In December 2018, City of Nanaimo Council recommended that the LCRB approve the application to convert an existing liquor primary club licence to a liquor primary licence for the Royal Canadian Legion Branch 256 located at 1630 East Wellington Road. The application did not include a request to amend the hours of liquor service. Staff mistakenly included the wrong hours of service on the staff report presented to Council. Subsequently, the LCRB chose to amend the hours of liquor service to match the hours on the staff report which were incorrect.

In 2013, the City of Nanaimo supported an application from the Legion to increase the hours of liquor service in order to start service 1.5 hours earlier at 10:30 a.m., and to decrease the hours of late night liquor service by ending at 12:30 a.m. instead of 1:00 a.m. The application was approved by the LCRB. The City supports amending the hours back to the previous hours of service approved in 2013.

Sincerely,


Dale Lindsay
General Manager of Development Services

Ec *Bill McKay, Royal Canadian Legion Branch 256 – email: wbmckay@telus.net
Lisa Bhopalsingh, Manager, Community Planning – email: lisa.bhopalsingh@nanaimo.ca
Lainya Rowett, Manager, Current Planning – email: lainya.rowett@nanaimo.ca*

ATTACHMENT C PUBLIC COMMENT SHEETS



APPLICATION FOR A PERMANENT CHANGE TO A LIQUOR LICENCE 1630 EAST WELLINGTON ROAD (THE ROYAL CANADIAN LEGION, BRANCH NO. 256)

PUBLIC NOTICE AND COMMENT SHEET

An application has been submitted to the Provincial Liquor & Cannabis Regulation Branch (LCRB) by The Royal Canadian Legion, Branch No. 256 requesting a permanent change to liquor service hours for an existing liquor primary licence. The Legion currently has a liquor primary licence with the current hours of service from 12:00 p.m. to 1:00 a.m. seven days a week.

The proposed hours of service are 10:30 a.m. to 12:30 a.m., seven days a week. The applicant is requesting a local government resolution in support of their application to the LCRB for a permanent change in hours.

As part of the review process, the City of Nanaimo is responsible to gather the views of business operators and residents within the subject area and forward this information along with recommendations to the LCRB. Using this comment sheet, please indicate your name and address and whether or not you support the proposed liquor service hours. Feel free to add any comments. Once completed, please submit this comment sheet, no later than 4:00 p.m. Friday, 2022-DEC-23, to:

CITY OF NANAIMO
Current Planning Section
Service and Resource Centre
411 Dunsmuir Street, Nanaimo BC V9R 0E4
Email: planning@nanaimo.ca

More information regarding the proposed change of hours at the The Royal Canadian Legion, Branch No. 256 can be found on the City website at: <https://www.nanaimo.ca/whatsbuilding/Folder/LA000147>

If you have any questions regarding this application, contact **Sadie Robinson, Planner** at (250) 755-4429, Ext. 4302.

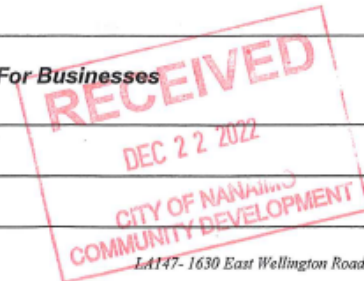
Please Note: Public submissions, including information obtained through this comment sheet, email, and letter submissions, will become part of the public record. Freedom of Information and Protection of Privacy Act (FOIPPA) information collected on this form is done so under the general authority of the Community Charter and FOIPPA, and is protected in accordance with FOIPPA. Personal information (address, phone number, or email) will be redacted, and will only be used by authorized staff to fulfill the purpose for which it was originally collected, or for a use consistent with that purpose.

I SUPPORT THE APPLICATION.

I DO NOT SUPPORT THE APPLICATION.

Comments: There is a school right across the road - it is highly inappropriate to be serving alcohol all day - putting patrons at risk of driving impaired + children at risk of harm.

For Residents	For Businesses
Name: <u>[REDACTED]</u>	Business Name: _____
Address: <u>[REDACTED]</u>	Address: _____
Signature: <u>[REDACTED]</u>	Signature: _____



I SUPPORT THE APPLICATION.

I DO NOT SUPPORT THE APPLICATION.

Comments: ALL OTHER LICENCES ARE NOT ALLOWED TO OPEN BEFORE 11:00 AND
 WITH THE HOMELESS ISSUES AT A UNPRECEDENTED PROPORTION,
 OFFERING ALCOHOL EARLY IN THE DAY IS JUST GOING
 TO CONTRIBUTE TO FURTHER ISSUES WITH IT.

For Residents

For Businesses

Name: _____ Business Name: WELL PUB.

Address: _____ Address: 

Signature: _____ Signature: _____

LAI47- 1630 East Wellington Road



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1630 EAST WELLINGTON ROAD (THE ROYAL CANADIAN LEGION, BRANCH NO. 256)**

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

Comments: _____

For Residents

For Businesses

Name: _____ Business Name: Tridon Hydroponics

Address: _____ Address: _____

Signature: _____ Signature: _____



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

Comments: _____

For Residents

For Businesses

Name: _____ Business Name: ALPHA GOLD & SILVER

Address: _____ Address: 

Signature: _____ Signature: 

From: [REDACTED]
To: [REDACTED]
Subject: The Royal Canadian Legion Branch No. 256
Date: Monday, December 12, 2022 2:58:47 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Regarding the application for a permanent change to a liquor licence for 1630 East Wellington Road (The Royal Canadian Legion, Branch No 256):

I am in support of the application.

[REDACTED]
[REDACTED]
[REDACTED]



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

Comments: _____

For Residents

Name: _____
Address: _____
Signature: _____

For Businesses

Business Name: JOAN'S BEDROOMS
Address: _____
Signature: _____

I SUPPORT THE APPLICATION.

I DO NOT SUPPORT THE APPLICATION.

Comments: _____

For Residents

For Businesses

Name: _____ Business Name: _____

Address: _____ Address: _____

Signature: _____ Signature: _____

J.

LA147- 1630 East Wellington Road



**APPLICATION FOR A PERMANENT CHANGE TO A LIQUOR LICENCE
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- I SUPPORT THE APPLICATION.**
- I DO NOT SUPPORT THE APPLICATION.**

Comments: _____

For Residents

For Businesses

BOUMAN AUTO GALLERY

Name: _____ Business Name: _____

Address: _____ Address: _____

Signature: _____ Signature: _____