

DATE OF MEETING July 18, 2022

AUTHORED BY KRISTINE MAYES, PLANNER, CURRENT PLANNING

SUBJECT LIQUOR LICENCE APPLICATION NO. LA149 - 11 CLIFF STREET

OVERVIEW

Purpose of Report

To provide Council with information regarding an application that has been received to amend the existing liquor licence at 11 Cliff Street (Cliffside Brewing Company) to make permanent a temporary extension to the existing outdoor patio area .

BACKGROUND

A notice of application was received from Hub City Ales Inc. (Cliffside Brewing Company) requesting a local government resolution in support of their licence amendment application to the Provincial Liquor and Cannabis Regulation Branch (LCRB) to permit the Temporary Extended Service Area (TESA) to remain permanently at the Cliffside Brewing Company at 11 Cliff Street. Council supported the issuance of the original liquor licence for Cliffside Brewing Company on 2019-MAY-27 (LA135) and an amendment to allow an outdoor patio (17.7m²) on 2020-FEB-24 (LA141).

During the pandemic, temporary outdoor patios were permitted by the LCRB and the City of Nanaimo. During the 2020 and 2021 summer seasons, Cliffside Brewing Company increased the area of their outdoor patio area temporarily from 17.7m² to 35.4m². The LCRB has advised that, moving forward, temporary patios must either be removed, or a liquor licence amendment application be submitted to the LCRB requesting a permanent outdoor patio. As such, the applicant is seeking to make the temporary patio extension permanent.

DISCUSSION

The Cliffside Brewing Company is located at 11 Cliff Street, which is zoned 'Downtown 4' (DT4) – Terminal Avenue. The brewery has been located on the property since 2019. The applicant has provided a rationale for the proposed patio extension (Attachment E). The patio area considered in this application is 17.7m² and contains 14 seats. Combined with the existing permanent 17.7m² outdoor patio area, the total area outdoor patio space is proposed to be approximately 35.4m², and is used seasonally. The hours of service were previously endorsed by Council to occur between the hours of 9:00am and 1:00am. No change of business hours is proposed as part of this application and no live or recorded entertainment may be offered on a patio (only permitted in a lounge area). The patio area is accessed (and monitored) internally from the brewery. If the patio area extension is supported, the maximum capacity for the business would remain at 48 persons.

In accordance with the review process utilized prior to the pandemic, the LCRB has requested that liquor licence amendment applications be reviewed in terms of the following criteria:

- The location of the establishment;
- The proximity of the establishment to other social or recreational facilities;
- The person capacity and hours of service of the establishment;
- The impact of noise on the community in the immediate vicinity; and,
- The impact on the community if the application is approved.

CONCLUSION

Staff will comment on each of the review criteria in a future report after public comments have been received. The next step will be for Staff to mail and hand deliver a Public Notice to the owners and occupants of all buildings within a 100m radius of the subject property to inform them of the proposed liquor licence amendment, and to obtain neighbourhood input.]

SUMMARY POINTS

- An application has been received to amend the existing liquor licence at 11 Cliff Street (Cliffside Brewing Company) to make permanent a temporary extension to the existing outdoor patio area.
- Staff will proceed with the public notification to gather input from nearby residents and business owners.
- A summary of public comments and an evaluation of community impacts will be brought to Council for consideration in a future report.

ATTACHMENTS:

ATTACHMENT A: Context Map
ATTACHMENT B: Location Plan
ATTACHMENT C: Site Plan
ATTACHMENT D: Floor Plan (Patio)
ATTACHMENT E: Letter of Rationale
ATTACHMENT F: Aerial Photo]

Submitted by:

Lainya Rowett
Manager, Current Planning]

Concurrence by:

Jeremy Holm
Director, Development Approvals

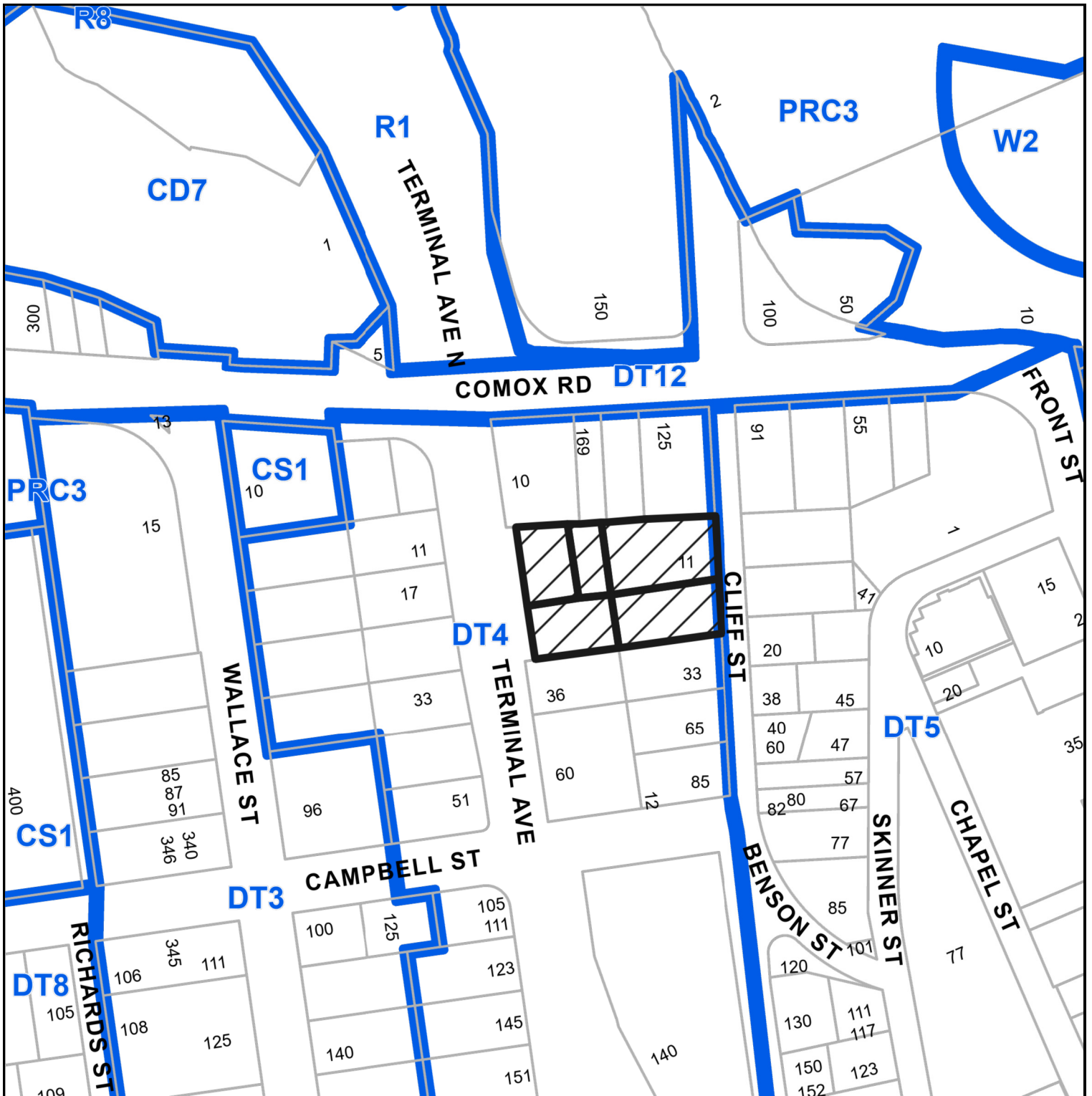
Dale Lindsay
General Manager, Development Services
/ Deputy CAO]

ATTACHMENT A CONTEXT MAP



 11 CLIFF STREET

**ATTACHMENT B
LOCATION PLAN**



LIQUOR AMENDMENT APPLICATION NO. LA000135

CIVIC: 11 CLIFF STREET

LEGAL: LOT 5, BLOCK 42, SECTION 1, NANAIMO DISTRICT, PLAN 584, EXCEPT THE EASTERLY 40 FEET AND PLAN VIP53951



ATTACHMENT C
SITE PLAN

20

Cliff St

11

33

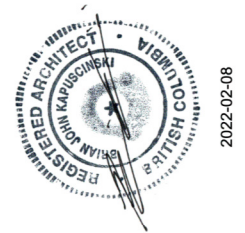
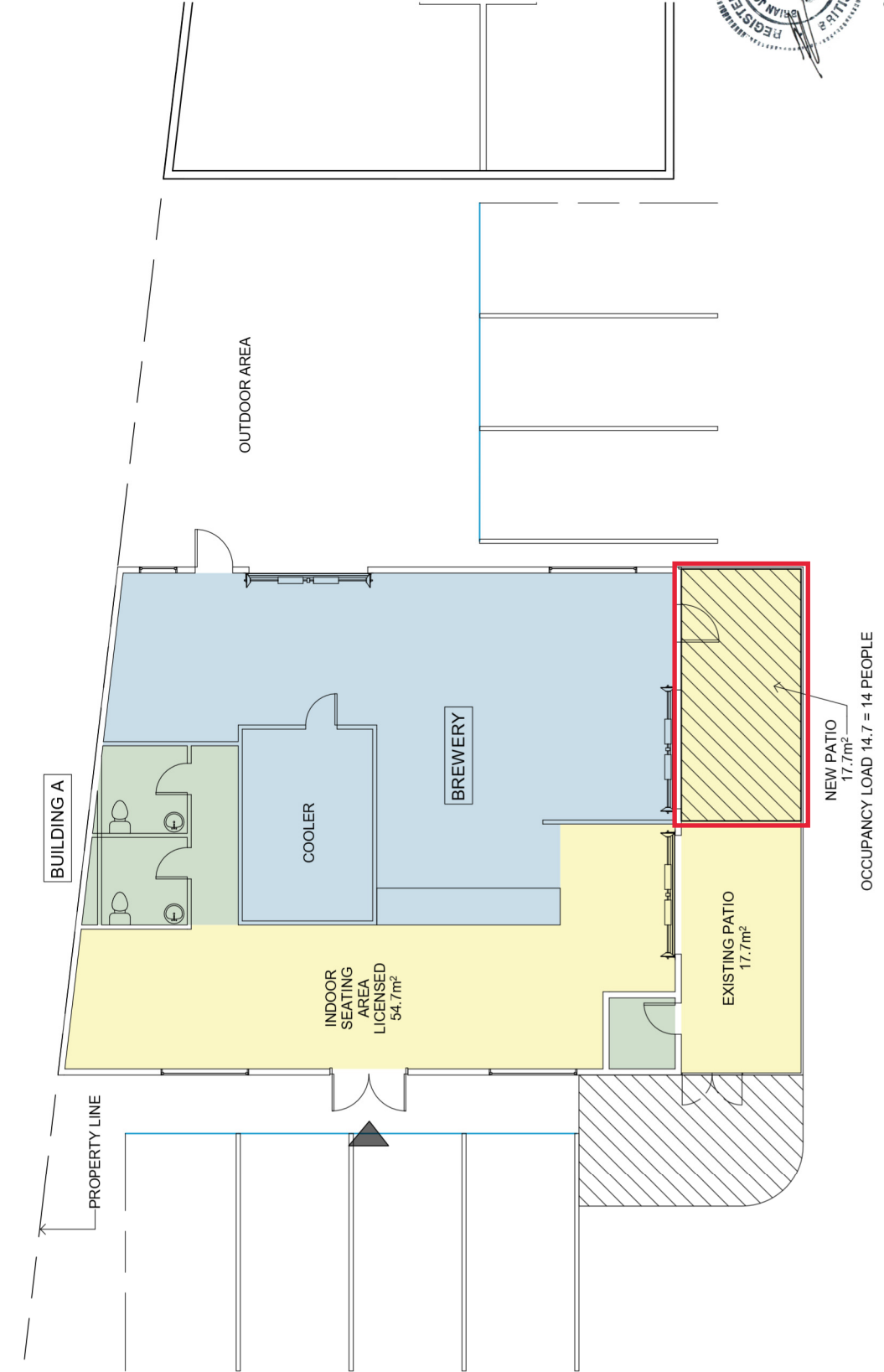
Cliffside Brewing Company

Proposed

Existing Patio

Terminal Ave

ATTACHMENT D FLOOR PLAN



SCALE: 1 : 100
 DRAWN BY: ART
 DRAWN BY: BJK
 DATE: 02/08/2022
A2

Cliffside Brewery

11 Cliff Street,
Nanaimo BC

Brewery Main Floor Plan

bjk
 architecture inc.
 2122 Brandon Road, Shawnigan Lake, BC
 250-277-2296

RECEIVED
LA149
 2022-MAR-15
 Current Planning



ATTACHMENT E LETTER OF RATIONALE

Hub City Ales Inc, (dba Cliffside Brewing Company) is applying to have our Temporary Extended Service Area (TESA) become a permanent extension to our existing outdoor patio. Cliffside Brewing had previously been permitted to have a 3 m x 6 m patio space attached to our Lounge area.

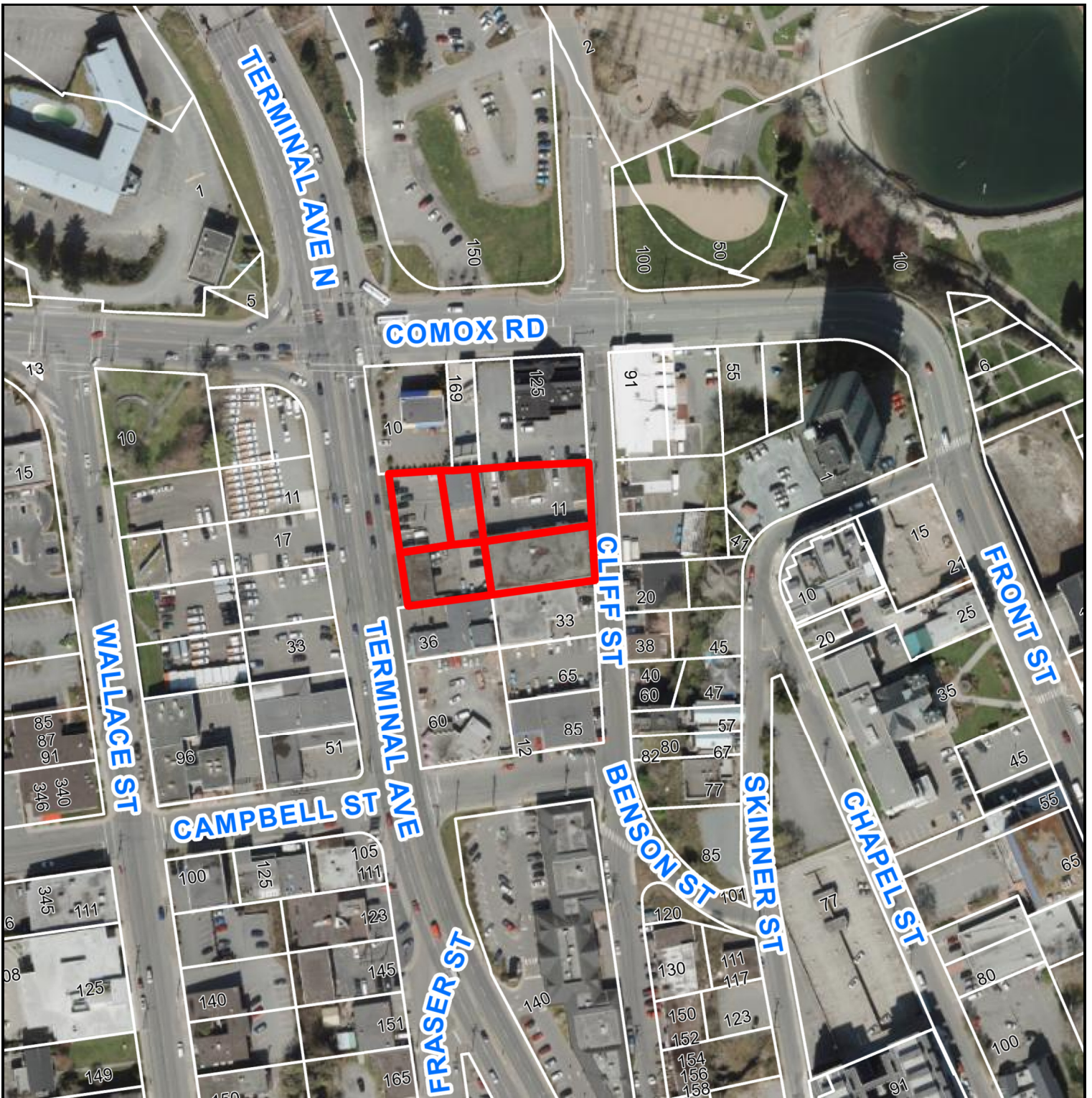
Our existing patio is considered to be part of our Lounge and is governed by the regulations in effect for the Lounge, including occupant load, with some exceptions related to entertainment and hours of operation. Lounge hours, pursuant to provincial regulations, may be 9:00 a.m. to 4:00 a.m., however we do not operate until 4:00 a.m. Live or recorded entertainment may be offered in a lounge area but is not permitted on an attached patio. We do not, therefore, provide entertainment of any kind or permit other potentially noisy or disturbing activities to take place on the patio. The patio is, essentially, seasonal in nature, has clearly defined boundaries and is regulated from within the interior of the building. The patio is routinely monitored by staff by line of sight from the service bar and is also monitored by closed circuit video surveillance.

The patio has been, and would continue to be, a very important part of our business operation. Our extended patio, now a TESA, has been in use for almost 2 years. In that period there have been no recorded disturbances or complaints and no calls for service to police or other emergency services arising from the use of the outdoor patio, or to our business generally. The TESA was constructed to flow from the existing patio onto the extension without obstruction. It is non-obtrusive into the neighbouring properties and does not obstruct vehicle or pedestrian traffic.

Cliffside Brewing is near many downtown attractions and services. Our business has been proven to be popular with tourists and guests in our city and the patio has been a big part of that. Thus far, throughout the pandemic and associated restrictions, the patio has contributed significantly to the continued success of Cliffside Brewing Company through these very difficult times.

J.F. Eubank
Hub City Ales Inc.
Nanaimo

ATTACHMENT F
AERIAL PHOTO



LIQUOR AMENDMENT APPLICATION NO. LA000149

 11 CLIFF STREET