

DATE OF MEETING June 5, 2023

AUTHORED BY SADIE ROBINSON, PLANNER, CURRENT PLANNING

SUBJECT LIQUOR LICENCE AMENDMENT APPLICATION NO. LA153 – UNIT 101, 223 COMMERCIAL STREET



Proposal:

To amend an existing liquor licence to extend the hours of liquor service.



Zoning:

DT1 – Downtown Core

City Plan Land Use Designation:

Primary Urban Centre

Lot Area:

469m²



City Aerial Photo 2022

OVERVIEW

Purpose of Report

To present Council with an application to amend the existing food primary liquor licence at Unit 101, 223 Commercial Street (Melange Restaurant) to extend the hours of liquor service.

Recommendation

That Council recommend that the Liquor and Cannabis Regulation Branch approve an application for Unit 101, 223 Commercial Street (Melange Restaurant) to extend their hours of liquor service to be from 9:00am until 1:00am, seven days a week.

BACKGROUND

An application was received from Gaetan Brousseau, owner of Melange Restaurant, requesting a local government resolution in support of a permanent change to a food primary liquor license to the Provincial Liquor and Cannabis Regulation Branch (LCRB) to extend their hours of liquor service.

Subject Property and Site Context

The subject property is located centrally within Nanaimo’s downtown core, at the intersection of Commercial Street and Church Street. The area is characterized predominantly by commercial and mixed-use buildings. Melange Restaurant launched their business at Unit 101, 223 Commercial Street in December 2019.

DISCUSSION

The applicant is proposing to amend their hours of liquor service to contribute to Nanaimo’s nightlife by creating more opportunities for an extended dining experience with liquor service in the evening, catering to those who may prefer a restaurant setting over a bar or club environment. The later closing time will allow Melange Restaurant to offer a quieter space for individuals to socialize as an alternative to bars and clubs. The existing and proposed hours of service are as follows:

	Monday to Sunday
Existing Hours	9:00 a.m. to 12:00 a.m. (midnight)
Proposed Hours	9:00 a.m. to 1:00 a.m.

Melange is an existing restaurant and no increase in occupant load is requested. In terms of food primary establishments, the Liquor Control Strategy, which was adopted by Council in 2002, had recommended that Council not endorse any extension to hours of liquor service for food primary licensed establishments. However, Council, at its meeting of 2007-MAY-28, amended Nanaimo’s Hours of Service Policy to allow liquor service until 1:30am in all areas of the City.

For food primary liquor licenses, the extension of hours past midnight is subject to local government consideration and comment. A municipal resolution is required before the province will consider the application further.

The LCRB has requested the food-primary liquor licence amendment application 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 liquor licence amendment:

- A public notice and comment sheet was mailed, and hand-delivered, to owners and occupants of all buildings within a 100m radius of the subject property on 2023-APR-24. A total of 18 responses to the public notification were received by the City from surrounding residents and businesses, of which 14 are in support of the application, one is neutral, and three are opposed, citing the potential for disturbance of the peace and proximity to residences, as concerns. Comment sheets returned are included as Attachment E.
- The liquor licence amendment application was referred to the RCMP and City departments for review and comment. Responses are summarized in the sections below.

Impact of noise on nearby residents

The subject property is located in the downtown core, at the north end of Commercial Street. The property is designated as 'Primary Urban Centre' and is within the DT1 – Core zone, which permits restaurant, neighbourhood pub, lounge, and nightclub. The surrounding area includes a mixture of medium to high density residential, commercial, tourist accommodation, service, and office uses. Residential uses exist approximately 20m northwest of the subject property.

When deciding on whether or not to support the application, Council is asked to consider any potential for increased noise and disturbance to neighbouring residents that may be caused by the increased hours of liquor service.

Melange Restaurant provides a full menu, does not provide entertainment, requests no increase in occupant load, and has provided a written confirmation of intent (Attachment D) that the primary function will remain that of a restaurant. Licencing would also prevent the business from operating as a nightclub without further approvals. The City's Bylaw Enforcement section notes that the area is active for security, and some disorder; however there is no record of noise complaints related to the existing restaurant.

Given there are no changes in occupant load, and the business focus is food, Staff do not anticipate an increase in noise over existing levels if the application is approved.

Impact on the Community if the Application is Approved

Of 18 responses, two residents were opposed given the potential for disturbance of the peace and proximity to residences. Many of the responses in support of the application, made mention of supporting downtown business in general, the restaurant, nightlife, and that longer business hours will create more activity at night, and provide ‘eyes on the street’.

The RCMP has no objection with the application, a copy of the RCMP referral response is attached (Attachment B). Business Licencing has noted no record of complaints related to the business. From a social planning perspective, businesses staying open later can bring more activity downtown.

Melange has been operating as a restaurant at this location since December 2019. A number of existing food primary restaurants in the City currently serve past 12:00am. It is Staff’s opinion that the extension of liquor service to 1:00am is consistent with Council’s Hours of Liquor Service Policy. Given the business history, and central location downtown, Staff do not anticipate any negative community impact with respect to the liquor license amendment application.

Next Steps

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 be from 9:00am until 1:00am, seven days a week.
- 18 public responses have been received; 14 in support, one neutral, and three in objection to the application.
- Staff recommend support of the proposed amendment to the liquor licence.

ATTACHMENTS

ATTACHMENT A: Subject Property Map
ATTACHMENT B: RCMP Referral Response
ATTACHMENT C: Letter of Rationale
ATTACHMENT D: Written Confirmation of Intent
ATTACHMENT E: Public Comment Sheets

Submitted by:

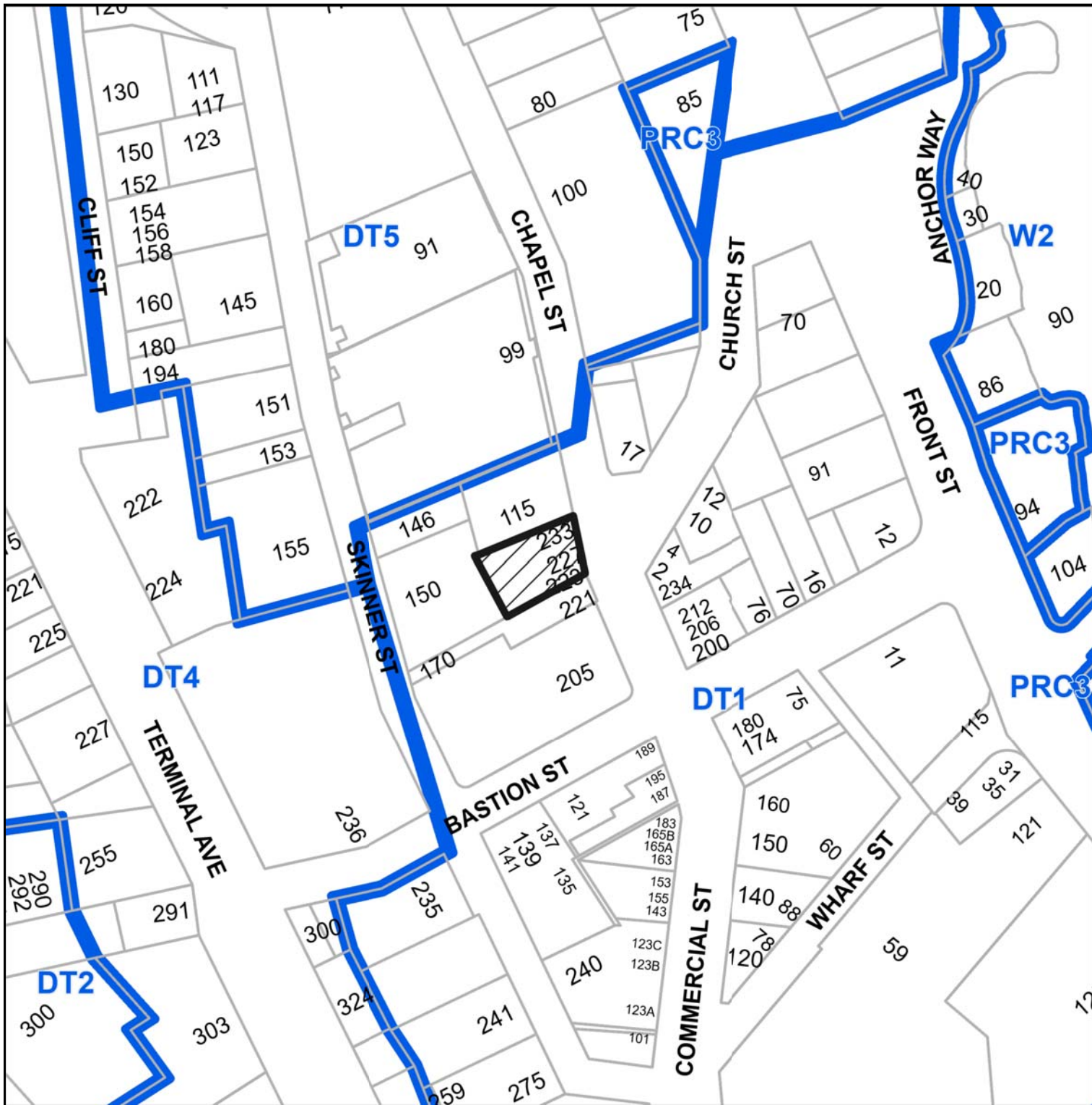
Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services
/ Deputy CAO

ATTACHMENT A SUBJECT PROPERTY MAP



101-223 COMMERCIAL STREET

ATTACHMENT B RCMP REFERRAL 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: Planning Dept.,
411 Dunsmuir Street,
Nanaimo, B.C. V9R 5J6

Our File

2023-04-17

RE: LA000153 - Melange Restaurant

The Nanaimo RCMP Detachment has received a request to provide comment on a permanent change to the liquor primary license for the Melange Restaurant.

The establishment wishes to change hours of operation to extend closing time by one hour. The purposed hours would be 9:00 a.m. until 1:00 a.m.

The Nanaimo RCMP has no objection to the license modification.

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

Yours truly,

Superintendent Lisa Fletcher
Officer in Charge
Nanaimo RCMP

**ATTACHMENT C
LETTER OF RATIONALE**

223 Commercial Street Unit #101

Nanaimo, BC V9R5G5

December 30, 2022

-Name of receiver

-City of Nanaimo

-address of receiver

Nanaimo, BC [postal code]

To whom it may concern,

Holiday greetings - hope you are well! My name is Gaetan Brousseau, owner of the Melange Restaurant, and I wish to propose an idea that will broaden the diverse local dining experiences of Nanaimo.

Downtown Nanaimo's night life is exponentially growing but only with regards to bars and clubs. We suggest expanding this growth in more amicable ways by allowing our restaurant to remain open later on weekends providing a safe, rich dining experience without further taxing the city infrastructure and resources. As we are located in the heart of Nanaimo's night life, the later additional hours would offer a quieter space for individuals to meet and socialize as an alternative to the current options.

In order to achieve this, we would like to recommend the extension of our restaurant hours by one hour from midnight until 1 a.m. With this change, we hope to offer an alternative source of leisure for the city of Nanaimo's residents.

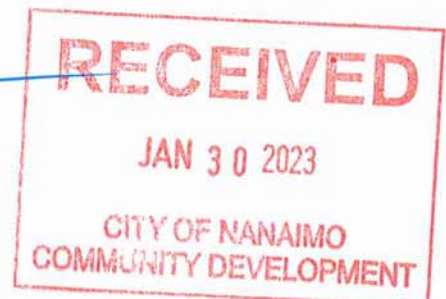
I can be reached at [REDACTED], or at [REDACTED]. I look forward to hearing from you.

Sincerely,

[signature of gaetan]

Gaetan Brousseau

[REDACTED SIGNATURE]



**ATTACHMENT D
WRITTEN CONFIRMATION OF INTENT**

From: gaetan brousseau [REDACTED]
Sent: Wednesday, April 12, 2023 1:46 PM
To: Sadie Robinson [REDACTED]
Subject: RE: Request for Liquor Application - City of Nanaimo

We received a desire to stay open from guests that would appreciate having quality food later in the night instead of what is available now, which is mainly fast food outlets.

Our venue is a very controlled environment and provides excellent opportunities for patrons attending an event downtown and for the many hotel guests that might be coming from larger communities where such restaurants are open to be able to have quality food and beverage in a nice environment.

Our food primary licence allows us to serve guests until midnight and that includes the patio and now on weekends we usually close anywhere between 10 and midnight. It should be noted that we do not provide entertainment and that we are and will remain a food primary license and with a ratio of 66% food and 33% alcoholic beverage.
Regards,

Gaetan
Melange restaurant

| | | | |

ATTACHMENT E
PUBLIC COMMENT SHEETS

RECEIVED
LA153
2023-APR-27
Current Planning



Unit 101, 223 Commercial Street (Melange Restaurant)
APPLICATION FOR A PERMANENT CHANGE TO A LIQUOR LICENCE

PUBLIC NOTICE AND COMMENT SHEET

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Melange has an existing food-primary licence with the current hours of liquor service are from 9:00 a.m. - 12:00 a.m., seven days a week. **The proposed hours of service are 9:00 a.m. to 1:00 a.m., seven days a week.** If approved, Melange restaurant will be permitted to serve liquor until one hour later, daily. The applicant is requesting a local government resolution in support of their application to the LCRB for a permanent change in hours of liquor service.

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, address, whether or not you support the application and any additional comments. When finished, please email or drop off this comment sheet by 4:30 p.m. on Thursday, 2023-MAY-05, to:

Current Planning
Service and Resource Centre
411 Dunsmuir Street, Nanaimo BC V9R 0E4
Phone : 250-755-4460 Ext. 4302
Email: planning@nanaimo.ca

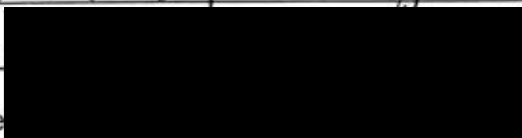
Comment sheets can also be mailed to 455 Wallace St, Nanaimo, BC V9R 5J6.

More information regarding the proposed change of hours at Melange Restaurant can be found on the City website at: <https://www.nanaimo.ca/whatsbuilding/Folder/LA000153>. If you have any questions regarding this application, contact **Sadie Robinson, Planner** at (250) 755-4429, Ext. 4302.

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

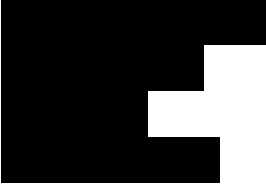
Comments: _____

<i>For Residents</i>	<i>For Businesses</i>
Name: <u>Nikki & Bryce Tremblay</u>	Business Name: _____
Address: 	Address: _____
Signature: _____	Signature: _____

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

We support this application by Melange.

Trevor Jackson





Unit 101, 223 Commercial Street (Melange Restaurant)
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- I SUPPORT THE APPLICATION.
- I DO NOT SUPPORT THE APPLICATION.

Comments: Let us support downtown business

Name: Barry Amson Business Name: _____
Address: _____ Address: _____
Signature: _____ Signature: _____



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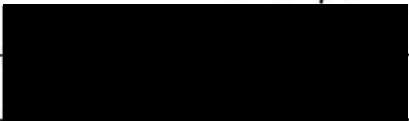
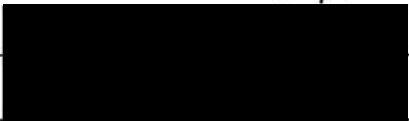
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- I SUPPORT THE APPLICATION.
- I DO NOT SUPPORT THE APPLICATION.

Comments: GOOD TO HAVE SOME NIGHTLIFE DOWNTOWN.

For Residents	For Businesses
Name: <u>IAN NIAMATH</u>	Business Name: <u>IAN NIAMATH ARCHITECT</u>
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: <u>MOSS FINANCIAL CORPORATION</u>
Address: _____	Address: <u>(PROPERTY OWNER)</u> <u>FRONT STREET / CHAPEL STREET</u>
Signature: _____	Signature: _____



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

Comments: _____

For Residents

For Businesses

Name: _____	Business Name: <u>MOSS FINANCIAL CORPORATION</u>
Address: _____	(PROPERTY OWNER) Address: <u>██████████ COMMERCIAL STREET</u>
Signature: _____	Signature: <u>██████████</u>



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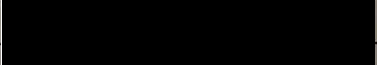
I DO NOT SUPPORT THE APPLICATION.

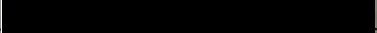
Comments: We don't need more restaurants or bars that
serve liquor late at night as there are already
many inebriated folks downtown disturbing the peace.
late at night

For Residents

For Businesses

Name: John Holman Business Name: _____

Address:  Address: _____

Signature:  Signature: _____

LA153- Unit 101, 223 Commercial Street

From: Inger Marshall <[REDACTED]>
Sent: Monday, May 1, 2023 8:46 AM
To: Planning <Planning@nanaimo.ca>
Subject: alcohol hours

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

Dear Sir or Madam

My wife and I own a unit at [REDACTED] but reside in [REDACTED] and have no opinion regarding the extension

Of hours to sell alcohol.

Sent from [Mail](#) for Windows



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I SUPPORT THE APPLICATION.

I DO NOT SUPPORT THE APPLICATION.

Comments: This restaurant deserves all the support we can give!

For Residents

For Businesses

Name: _____ Business Name: Nanaimo Business Services Ltd

Address: _____ Address: 

Signature: _____ Signature: 

From: sarah langen [REDACTED] >

Sent: Thursday, May 4, 2023 9:04 PM

To: Planning <Planning@nanaimo.ca>

Subject: 223 commercial street

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

I support the application for 223 Commercial street Melange restaurant.

Resident

Sarah langen

[REDACTED]

[REDACTED]



**Unit 101, 223 Commercial Street (Melange Restaurant)
APPLICATION FOR A PERMANENT CHANGE TO A LIQUOR LICENCE**

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I SUPPORT THE APPLICATION.

I DO NOT SUPPORT THE APPLICATION.

Comments: _____

The restaurant is too close to residences it looks to be trying to compete with night clubs. The extra hour would be minimal monetary gain, and at the detriment of residents

For Residents

For Businesses

Name: Ami - Sharma Business Name: _____

Address: _____ Address: _____

Signature: _____ Signature: _____





**Unit 101, 223 Commercial Street (Melange Restaurant)
APPLICATION FOR A PERMANENT CHANGE TO A LIQUOR LICENCE**

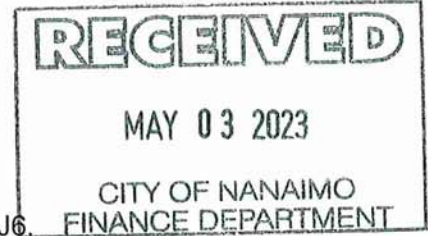
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I SUPPORT THE APPLICATION.

I DO NOT SUPPORT THE APPLICATION.

Comments: I absolutely support longer business hours to create more activity & eyes on the street

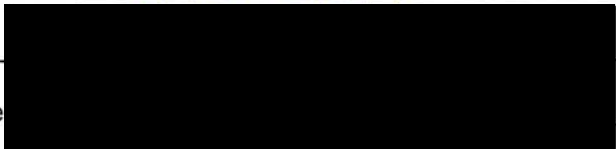
For Residents

For Businesses

Name: _____ Business Name: Artzi Stuff

Address: _____ Address: _____

Signature: _____ Signature: _____





RECEIVED
MAY 03 2023
CITY OF NANAIMO
FINANCE DEPARTMENT

Unit 101, 223 Commercial Street (Melange Restaurant)
APPLICATION FOR A PERMANENT CHANGE TO A LIQUOR LICENCE

PUBLIC NOTICE AND COMMENT SHEET

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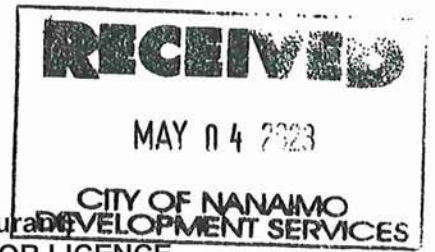
- I SUPPORT THE APPLICATION.
- I DO NOT SUPPORT THE APPLICATION.

Comments: midnight is late enough to be serving
alcoholic beverages

For Residents

For Businesses

Name: _____ Business Name: St. Paul's Anglican church
Address: _____ Address: _____
Signature: _____ Signature: _____



Unit 101, 223 Commercial Street (Melange Restaurant)
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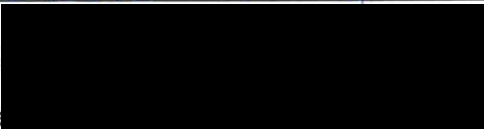
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- I SUPPORT THE APPLICATION.**
- I DO NOT SUPPORT THE APPLICATION.**

Comments: _____

For Residents	For Businesses
Name: <u>Diane McKay</u>	Business Name: _____
Address: 	Address: _____
Signature: _____	Signature: _____



Unit 101, 223 Commercial Street (Melange Restaurant)
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- I SUPPORT THE APPLICATION.
- I DO NOT SUPPORT THE APPLICATION.

Comments: _____

For Residents

For Businesses

Name: _____ Business Name: 115 Chapel St #101

Address: _____ Address: _____

Signature: _____ Signature: _____



-04- 28 2023

DROP MAIL

**Unit 101, 223 Commercial Street (Melange Restaurant)
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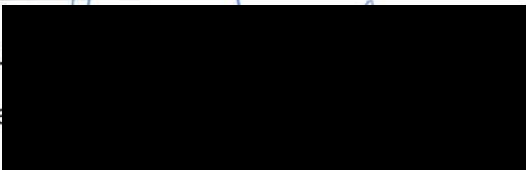
- I SUPPORT THE APPLICATION.**
- I DO NOT SUPPORT THE APPLICATION.**

Comments: _____

For Residents

For Businesses

Name: Georgina Roy Business Name: _____

Address:  Address: _____

Signature: _____ Signature: _____



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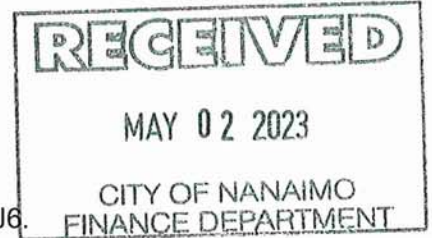
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- I SUPPORT THE APPLICATION.**
- I DO NOT SUPPORT THE APPLICATION.**

Comments: _____
For sure!

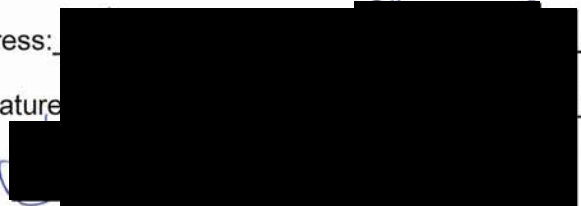
For Residents

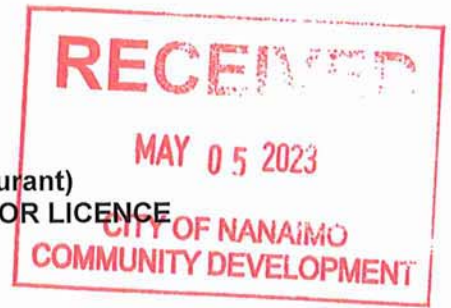
For Businesses

Name: *Ilona Beedie* Business Name: _____

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: VANCOUVER ISLAND SYMPHONY

Address: _____ Address: _____

Signature: _____ Signature: _____

