

# City of Nanaimo

## REPORT TO COUNCIL

DATE OF MEETING: 2015-SEP-14

AUTHORED BY: DAVE STEWART, PLANNER, PLANNING & DESIGN SECTION

RE: REZONING APPLICATION NO. RA000357 – UNIT 120 – 2000 ISLAND HIGHWAY NORTH

**STAFF RECOMMENDATION:**

That Council deny the rezoning application.

**PURPOSE:**

The purpose of this report is to present a rezoning application for 2000 Island Highway North to rezone the subject property in order to permit a site specific liquor retail store (LRS).

**BACKGROUND:**

The City has received a rezoning application from Rising Tide Consultants (Mr. Bert Hick) on behalf of Terracap Management Inc. (Jason McCauley) and the Howard Johnson Hotel (Dan Brady) to amend the Comprehensive Development District Zone Eight (CD8) to add 'Liquor Store' as a site specific use. The applicant is proposing to relocate the existing liquor store from 1 Terminal Avenue (Howard Johnson Hotel) to Unit 120, 2000 Island Highway North (the former West Marine store in Brooks Landing Shopping Centre).



**Subject property**

Current Zone:	Comprehensive Development District Eight
OCP Designation:	City Commercial Centre
Proposed Zone:	Comprehensive Development District Eight with site specific liquor store
Location:	Brooks Landing Shopping Centre, between Departure Bay Road and the Island Highway North
Lot Size / Total Area:	41.556m <sup>2</sup> (10.3 acres)

Council - Special  
 Committee.....  
 Open Meeting  
 In-Camera Meeting  
 Meeting Date: 2015-SEP-14

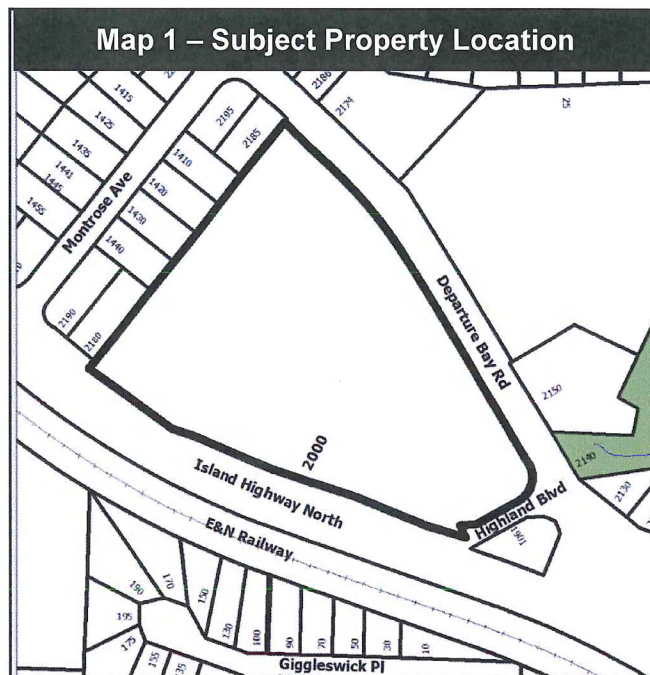
**DISCUSSION:**

**Site and Surrounding Area**

The subject property is a commercial shopping centre that includes a number of existing commercial uses including a grocery store. The property can be accessed from Highland Boulevard, Island Highway North and Departure Bay Road.

The property is currently zoned CD8. The CD8 includes a comprehensive plan for a mixed use development that does not reflect the actual use of the land, as such, the property is considered legal non-conforming regarding land use. The plan divides the property into residential and commercial use portions. Unit 120, the proposed location, is included within the commercial portion of the lot.

The surrounding area primarily consists of single residential dwellings. Claire Elementary School, the Church of the Nazarene, Kidz Company Daycare and Beach Estates Park are all located on the opposite side of Departure Bay Road and the subject property. Woodlands Secondary School is located on the opposite side of the highway and is connected to the subject property through a pedestrian tunnel under the highway. École Ocean, a French language elementary school, is approximately 360m south-east of the subject property.



**Official Community Plan**

The subject property is located within the City Commercial Centre designation of the Official Community Plan (OCP). Uses within City Commercial Centres include city-wide shopping that meets the needs of a larger trade area. Local service, institutional (including schools) and higher density residential uses shall also be supported in the Commercial Centres designation.

Staff is of the opinion that the proposed rezoning complies with the intent of the OCP.

**Nanaimo Transportation Master Plan**

The subject property is located within the 600m buffer area of the Nanaimo Regional General Hospital (NRGH) mobility hub. The NRGH mobility hub is the primary centre for health services in the Nanaimo region and beyond and is one of the city's largest employers. The mobility hub is anchored by the hospital campus and surrounded by mixed density residential neighbourhoods and commercial development along the Bowen Road and Boundary Avenue corridors.





The subject property is relatively well served by transit with bus stops located on Departure Bay Road and Highland Boulevard. Both the No. 1 and the No.2 Bus stops directly in front on the subject property. The E&N pedestrian and bicycle trail is on the opposite side of the highway from the subject property and can be accessed from the tunnel under the highway.

**Proposed Development**

The applicant is proposing to relocate the existing liquor store from the property located at 1 Terminal Avenue (Howard Johnson Hotel) to Unit 120 at 2000 Island Highway North (Brooks Landing Shopping Centre). The existing LRS is within a 204m<sup>2</sup> stand-alone building. The proposed LRS is to be located within the former West Marine store on the south-west side of the shopping centre. The proposed LRS will have a floor area of 697m<sup>2</sup> in area. The hours of the proposed store will be 9am to 11pm, seven days a week and remain unchanged from the operating hours at the existing location.

A copy of the applicant’s letter of rationale is included as Attachment A.

**Licensed Retail Store Criteria**

Following a decade-long provincial moratorium on the addition of new liquor stores, the province allowed new applications for a brief period of time between 2002-AUG-12 and 2002-NOV-29. Within that timeframe, 17 applications were made to the province for new liquor stores within Nanaimo. Of the 17 applications, six were for applications at locations with appropriate zoning to operate a liquor store (had zoning in place). The remaining 11 required rezoning.

Council, at its regular meeting on 2003-NOV-03, adopted rezoning criteria for LRS’s and subsequently directed Staff to receive and process rezoning applications. The following chart summarizes the criteria as they are applied to this application.

<i>CRITERIA</i>	<i>RESPONSE</i>	<i>APPLICATION MEETS CRITERIA</i>
The LRS should be on or in close proximity to a major road.	The proposed liquor store will be located within a shopping centre with access from the Island Highway and Departure Bay Road. Both roads are considered major roads within the City of Nanaimo.	Yes
The LRS shall not be within 150m of a school.	The subject property is located between two schools, Woodlands Secondary opposite the Island Highway and Cilaire Elementary opposite Departure Bay Road. If measured from property line to property line, the subject	No

<b>CRITERIA</b>	<b>RESPONSE</b>	<b>APPLICATION MEETS CRITERIA</b>
	<p>property is 69m from Woodlands School and 26m from Cilaire Elementary.</p> <p>If measured from the door of the proposed LRS to the front door of the schools, the LRS is 159m from Cilaire Elementary and 370m from Woodlands Secondary. In the past, both methods of measurement have been used to evaluate LRS rezoning applications. Given the close proximity of the two schools, it is the opinion of Staff that the proposed location does not meet the intent of this criteria.</p> <p>École Ocean is also located approximately 300m from the subject property, as measured property line to property line, and 550m measured from door to door.</p>	
<p>The LRS shall not be located adjacent to a nightclub.</p>	<p>There is currently no nightclub within the vicinity of the proposed LRS.</p>	<p>Yes</p>
<p>The size of the LRS shall be consistent with the nature of the immediate area, and the size of the existing retail stores.</p>	<p>The applicant is proposing to construct an approximately 697m<sup>2</sup> LRS within an existing shopping centre. The shopping centre includes two large anchor tenants, Staples and Save On Foods and the proposed retail unit location is consistent with the size of the other retail tenants within the centre.</p>	<p>Yes</p>
<p>The design of the LRS should enhance or improve the aesthetics of the surrounding area, not detract from them.</p>	<p>In accordance with Liquor Control and Licensing Branch (LCLB) policy, the architecture of the proposed LRS must be distinct from the surrounding retail units.</p> <p>The LRS will be located within an existing shopping centre and will not require any new construction.</p>	<p>Yes</p>
<p>Consideration shall be given to a requirement for on-site parking and loading for each LRS within the downtown core, and mandatory outside the downtown core.</p> <ul style="list-style-type: none"> <li>• 1 space / 20m<sup>2</sup> of Gross Floor Area must be provided.</li> </ul>	<p>As the proposed LRS will be replacing an existing retail unit within the shopping centre, no additional parking will be required.</p>	<p>Yes</p>
<p>The applicant must outline his awareness of potential negative impacts and include proposed limits on the hours of operation, the product range, target markets, property maintenance and beautification programs.</p>	<p>The applicant's response is provided (Attachment A).</p>	<p>For Consideration</p>



<b>CRITERIA</b>	<b>RESPONSE</b>	<b>APPLICATION MEETS CRITERIA</b>
Consideration of impact of LRS when within close proximity of libraries, public recreation centres, community centres, parks, places of worship and other family oriented facilities.	The subject property is immediately across the road from Beach Estates Park and the Church of the Nazarene. The Church property is also used by a daycare company.	For Consideration
The projected traffic volumes and on-street parking associated with the LRS should not negatively impact nearby residential and commercial areas.	The proposed LRS will front on the Island Highway and may be accessed from Departure Bay Road, Highland Boulevard or the Island Highway. Both Departure Bay Road and the Island Highway are considered major roads with an already higher than average expected traffic volume. Commercial uses are supported at this location within the OCP.	Yes
The support of local community, neighbourhood property owners and the local Neighbourhood Association for the proposed LRS is important to Council's decision.	<p>The subject property is not located within any neighbourhood association but does border the Departure Bay, Brechin and Hospital Area Neighbourhood Association boundaries.</p> <p>A referral has been sent to representatives from all three neighbourhood associations.</p>	For Consideration
The application shall be reviewed by the Social Planning Advisory Committee (SPAC).	SPAC reviewed the application at its regular meeting of 2015-AUG-04 and recommend Council <b>not support</b> the application for a site specific rezoning at Unit 120-2000 Island Hwy North to add "Liquor Store" as a site specific use. The members noted concern regarding the proximity of Woodlands Secondary School to the proposed LRS location.	<p>For Consideration</p> <p>SPAC did not support the application.</p>
The application shall be reviewed by the RCMP.	The RCMP reviewed the application and is not opposed to the proposed relocation of the LRS (Attachment B). The RCMP supports the closure of the downtown liquor store location and the relocation to an area with less of a transient population.	For Council Consideration
The application shall be reviewed by the Rezoning Advisory Committee (RAC). <i>RAC, a subcommittee of PNAC (Plan Nanaimo Advisory Committee) which has since been dissolved and replaced with the Planning and Transportation Advisory Committee (PTAC).</i>	<p>The Planning and Transportation Advisory Committee (PTAC) reviewed the application at its regular meeting of 2015-AUG-18. PTAC voted to support the application and recommend the application proceed to public hearing. The committee made the following additional recommendations:</p> <ol style="list-style-type: none"> <li>1. The City harmonize its measuring criteria with the province to measure distances from liquor stores from door to door; and</li> <li>2. Begin a review of the City's Liquor Control Strategy including the LRS rezoning criteria.</li> </ol> <p>The first of these recommendations was in reference to</p>	<p>For Consideration</p> <p>PTAC voted to support the application.</p>

<b>CRITERIA</b>	<b>RESPONSE</b>	<b>APPLICATION MEETS CRITERIA</b>
	how the province measures the required 1km buffer between liquor stores. The Province measures this distance front door to front door. PTAC is recommending the same criteria be applied to how the City measures the 150m recommend distance between a liquor store and a school.	
A copy of the LCLB letter of approval for the proposed LRS.	This applicant has submitted a preliminary approval letter for "approval in principal" as provide by the LCLB (Attachment C).	Yes

**Community Contribution**

As outlined in Section 7.3 of the OCP, in exchange for value conferred on land through a rezoning, the applicant should provide a community contribution. The applicant is proposing a \$10,000 community contribution to be applied to the beautification of the sidewalks, trailways and parks in the surrounding area. The proposed community contribution is consistent with the amount received for similar liquor store rezoning applications.

**Staff Comment**

Following the adoption of the Neilson-Welch Liquor Control Strategy Report (the City's Liquor Control Strategy) in 2002, Council appointed a Liquor Control Advisory Committee to establish an implementation plan for the recommendations contained within the report. The committee then created the LRS rezoning criteria to evaluate liquor store rezoning applications; the criteria was adopted by Council on 2003-NOV-03 and later amended on 2003-AUG-18. The criteria included a recommendation that an LRS not be within 150m of a school, but did not specify how this distance should be measured.

If measured from the property line of the subject property to the property line of the school, the proposed LRS location is within 150m of both Woodlands Secondary School and Cilaire Elementary School and does not meet the criteria; however, if measured from the front door of the liquor store to the front door of the school, the LRS is beyond 150m from both schools and, as such, would then meet the criteria.

While PTAC recommended that the LRS criteria be measured door to door in order to harmonize with the method the province uses to measure the distance between liquor stores; Staff believe there is a significant difference between the provincial 1km buffer between liquor stores and the City's 150m recommended distance between an LRS and a school. Through the licensing process the province is able to control exactly where a liquor store is located on a site. The City, on the other hand, can only permit or not permit the use on the property itself but cannot control the location of the use on the property. If the rezoning is approved, it will permit the liquor store to be located anywhere on the subject property. The site specific rezoning will tie the liquor store use to the subject property address but not a specific unit within the development.

The purpose of the 150m buffer was to separate a liquor store use from a school use. Given the subject property is directly across the street from an Elementary school on one side and a secondary school (connected via a pedestrian tunnel) on the other, it is Staff's position the proposed rezoning does not meet the intent of the rezoning criteria. Staff does not support the proposed rezoning application.

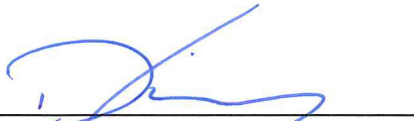


Respectfully submitted,

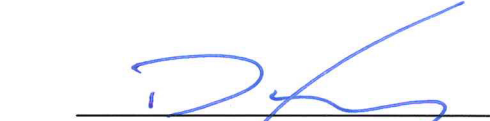


B. Anderson  
MANAGER  
PLANNING & DESIGN SECTION

Concurrence by:



D. Lindsay  
DIRECTOR  
COMMUNITY DEVELOPMENT



T. Seward  
ACTING GENERAL MANAGER  
COMMUNITY DEVELOPMENT &  
PROTECTIVE SERVICES

CITY MANAGER COMMENT:

I concur with the staff recommendation.

*Drafted 2015-SEP-01  
DS/hd*

# ATTACHMENT A



**REZONING RATIONALE  
FOR APPLICATION FOR REZONING OF UNIT 120 ONLY  
AT UNIT 120 – 2000 ISLAND HIGHWAY NORTH, NANAIMO, B.C. V9S 5W3  
FOR THE RELOCATION OF THE LICENSEE RETAIL LIQUOR STORE  
FROM HOWARD JOHNSON – NANAIMO, 1 TERMINAL AVENUE NORTH, NANAIMO, B.C. V9R 5R4**

Brooks Landing Centre Inc. is seeking to rezone Unit 120 only at Brooks Landing Shopping Centre to enable the relocation of the private licensee retail liquor store from Howard Johnson- Nanaimo, 1 Terminal Avenue Nth, Nanaimo, B.C. V95 5R4 to this site.

We believe this this liquor store will add to the economic development of this area as well as create employment opportunities for local people and also will be a convenience to the people in this area

### **BENEFITS TO THE LOCAL COMMUNITY**

This establishment will benefit the community in the following ways:

- Continue to offer employment opportunities for residents of Nanaimo;
- Provide a source of additional tax revenue for local, provincial and federal governments;
- The licensee will continue to participate in community affairs and local charities.
- This licensee retail liquor store will complement the other stores in this shopping development.
- Will offer the public a “one stop” shopping experience being part of a shopping centre with a liquor store and a grocery store (Save On Foods) in the development.

### **HOSPITALITY/TOURISM DEVELOPMENT FACTORS**

The creation of this liquor store in Brooks Landing Shopping Centre will offer the public one stop shopping. They can park their vehicle and shop at many stores in Brooks Landing including the liquor store.

The site is conveniently located on the highway used by tourists.

The applicant submits that the proposed liquor store will not impact negatively on any of the surrounding recreational facilities, parks and public venues. Indeed, it is an added amenity to this area of Nanaimo.

### **TRAFFIC IN THE VICINITY**

As mentioned above, the relocation of this liquor store will have the advantage of offering the public one stop shopping and will ease any traffic problems which a patron would incur having to move from shop to shop and then to a liquor store at another site to carry out their shopping. Brooks Landing Shopping Centre will offer a one-stop shopping experience for the public.

The proposed liquor store will not impact negatively on traffic. The primary purpose of this liquor store is to cater to residents of the area. There will be no negative impact on the traffic in the vicinity as this is within a shopping centre where ample parking is provided.



## OTHER FACTORS

The applicant submits the following additional factors for consideration:

- This liquor store will not detract from the beauty of the surrounding area.
- This liquor store will not detract from the other stores in this shopping development.
- From experience, liquor stores tend not to create problems in the community.
- The applicant's focus is on offering the public the convenience of a private liquor store in a one-stop shopping environment.
- Consumers no longer want to drive to an isolated store. They like to park once and visit several stores in the one development.
- Brooks Landing Mall is the only mall in Nanaimo that doesn't have either a private liquor store or a Government liquor store.
- Malls are where people now shop.
- The existing site on Terminal Avenue is across the street from an elementary school and also a scout hall and there is a church on the current property. Whereas, the new site of the liquor store is in a shopping development with other commercial stores.

All of which is respectfully submitted this 30<sup>th</sup> day of June, 2015.

**COMMUNITY IMPACT STATEMENT**

**FOR: THE REZONING OF UNIT 120 – 2000 ISLAND HIGHWAY NORTH,  
NANAIMO, B.C. V9S 5W3  
FOR THE RELOCATION OF HOWARD JOHNSON – NANAIMO  
LICENSEE RETAIL LIQUOR STORE**

**APPLICANT: BROOKS LANDING CENTRE INC.**

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**COMMUNITY IMPACT STATEMENT**

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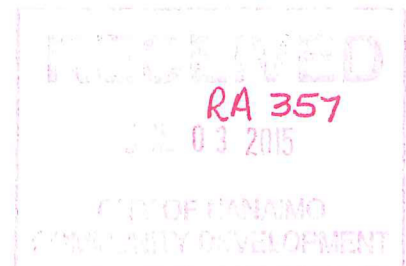
**Submitted to:**

**City of Nanaimo  
411 Dunsmuir Street  
Nanaimo, B.C.  
V9R 0E4**

**Submitted by:**

**Rising Tide Consultants  
1620-1130 West Pender Street  
Vancouver, BC V6E 4A4**

**Phone: (604) 669-2928  
Fax: (604) 669-2920**





**COMMUNITY IMPACT STATEMENT**

**FOR: THE REZONING OF UNIT 120 – 2000 ISLAND HIGHWAY NORTH,  
NANAIMO, B.C. V9S 5W3  
FOR THE RELOCATION OF HOWARD JOHNSON – NANAIMO  
LICENSEE RETAIL LIQUOR STORE**

**APPLICANT: BROOKS LANDING CENTRE INC.**

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**COMMUNITY IMPACT STATEMENT**

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The applicant is applying for the rezoning of Unit 120 – 2000 Island Highway North, Nanaimo, B.C. V9S 5W3 for the relocation of the Howard Johnson – Nanaimo Licensee Retail Liquor Store.

Under Licensee Retail Stores (LRS) Rezoning Criteria of the City of Nanaimo most specifically Section 3.1 we submit this Community Impact Statement of behalf of the applicant.

The applicant is addressing items pursuant to this Section 3.1 as follows:

**SPECIFIC EFFORTS TO PREVENT SALES TO INTOXICATED PERSONS AND MINORS**

The licensee of the licensee retail liquor store license number 192238 is controlled by the Liquor Control & Licensing Branch with respect to the selling of liquor to minors. The Liquor Control & Licensing Branch currently has a minor's as agents program which is in force in British Columbia. All liquor store owners are aware of the harsh penalties that the service of liquor to minors attracts. The licensee will at all times adhere to the Liquor Control & Licensing Branch regulations. All staff working in the store will be trained to identify any possible under-age persons. The staff will ask all persons they think are under the age of 25 for two pieces of identification including photo identification as all staff and management will have completed the required Serving it Right Programs.

The staff will address anyone seen to be intoxicated who is attempting to purchase liquor. The staff will not sell liquor products to these individuals.

Staff will also have their own in house training program provided by the licensee.

#### **LIMITS ON HOURS OF OPERATION**

The Liquor Control & Licensing Branch controls the operation hours of private liquor stores in the Province of British Columbia. All private liquor stores have a maximum serving time of 9 am to 11 pm seven days a week. The licensee of this liquor license will never sell liquor to the public outside of these times.

#### **PROPERTY MAINTENANCE AND BEAUTIFICATION PROGRAMS DESIGNED TO PREVENT UNSIGHTLINESS**

The required maintenance and upkeep of the building, as determined by the landlord, will be reviewed constantly to maintain its visual appearance. Any graffiti that may occur will be dealt with expeditiously and removed from the said building at once.

#### **PRODUCT RANGES TARGET AT NICHE MARKETS**

This store is going to focus substantially on wine products given the residential community in the surrounding area and also will focus on craft beer as there is a rapidly growing interest in craft beer products.

#### **TRAFFIC IN THE VICINITY**

The establishment will not impact negatively on traffic. This shopping development offers ample parking for customers and patrons can easily walk and drive to the establishment from nearby residences and businesses. Therefore, there will be no impact on the traffic in the vicinity. This location is also well serviced by main roads and public transportation. It is envisaged that traffic will not be an issue.

#### **NOISE IN THE COMMUNITY**

As the proposed liquor store is located in the Brooks Landing Shopping Centre and not in a stand-alone building it is not an establishment that will create any more noise in the community. This establishment will complement the other stores in the shopping centre and noise is not anticipated to be a problem. The licensee will at all times comply with the City of Nanaimo noise by-law.

The applicant will endeavor to the best of their ability to ensure that no adverse impact will occur to parks and social facilities in the surrounding area. Indeed, this private liquor store will have positive impacts and benefits as mentioned above.



All of which is respectfully submitted this 29<sup>th</sup> day of June, 2015.

Rising Tide Consultants  
1620-1130 West Pender Street  
Vancouver BC V6E 4A4

**STATISTICS**

SITE AREA	11.32 ACRES
EXISTING RETAIL A	140,386 S.F.
EXISTING RETAIL B	2,834 S.F.
EXISTING RETAIL C	5,000 S.F.
BUILDING D GROUND FLOOR	6,870 S.F.
BUILDING D SECOND FLOOR	6,790 S.F.
TOTAL BUILDING AREA	13,660 S.F.
GROUND FLOOR AREA	161,880 S.F.
PARKING PROVIDED	583 CARS
COVERAGE	3,607,000 S.F. 31.45%

PRELIMINARY

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TURNER FLEISCHER



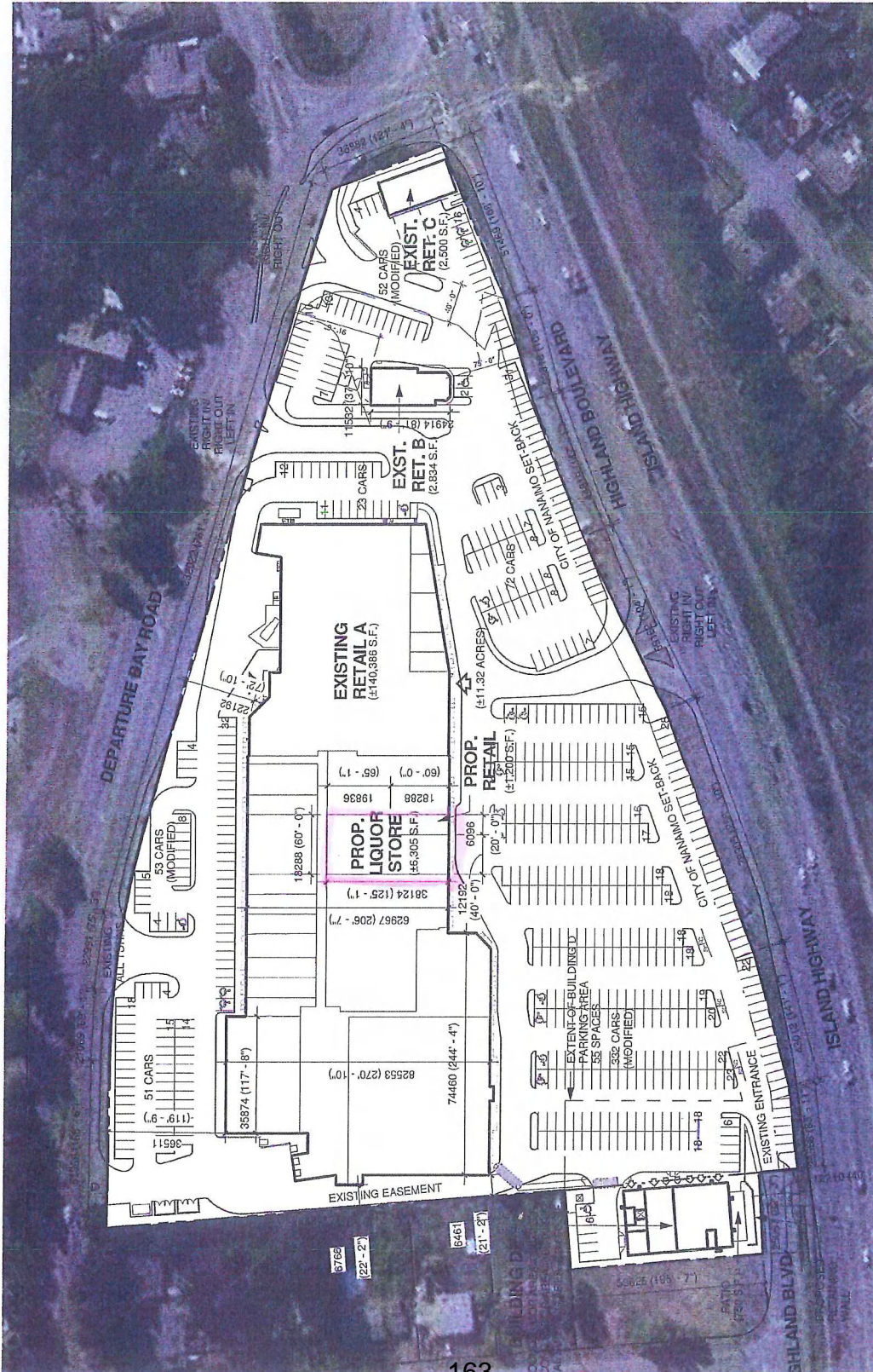
**BROOKS LANDING**  
VANANCO, BRITISH COLUMBIA

CONCEPT SITE PLAN



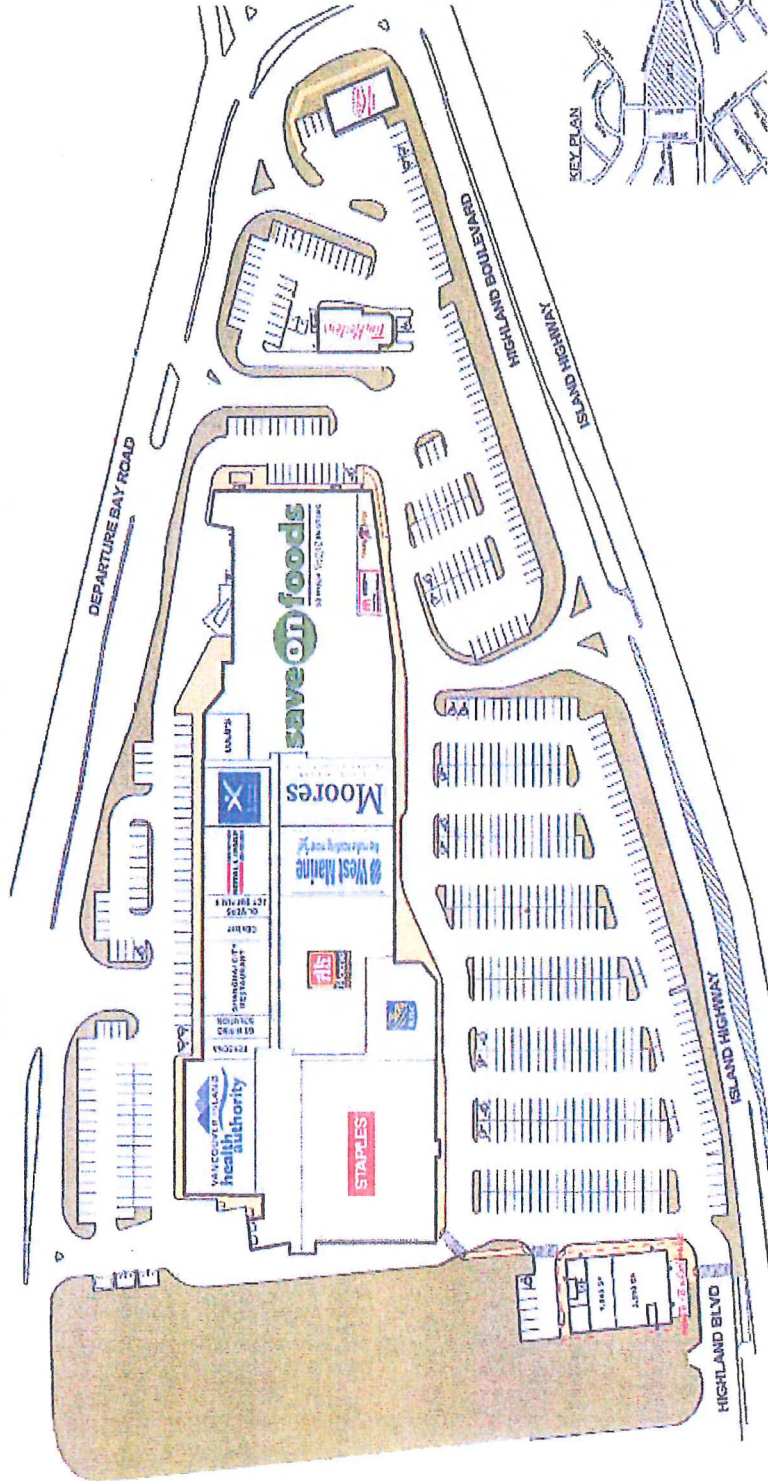
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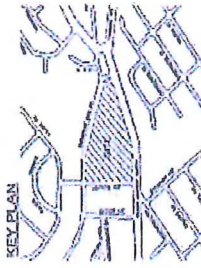


# BROOKS LANDING



SITE PLAN

BROOKS LANDING  
NANAIMO, BRITISH COLUMBIA

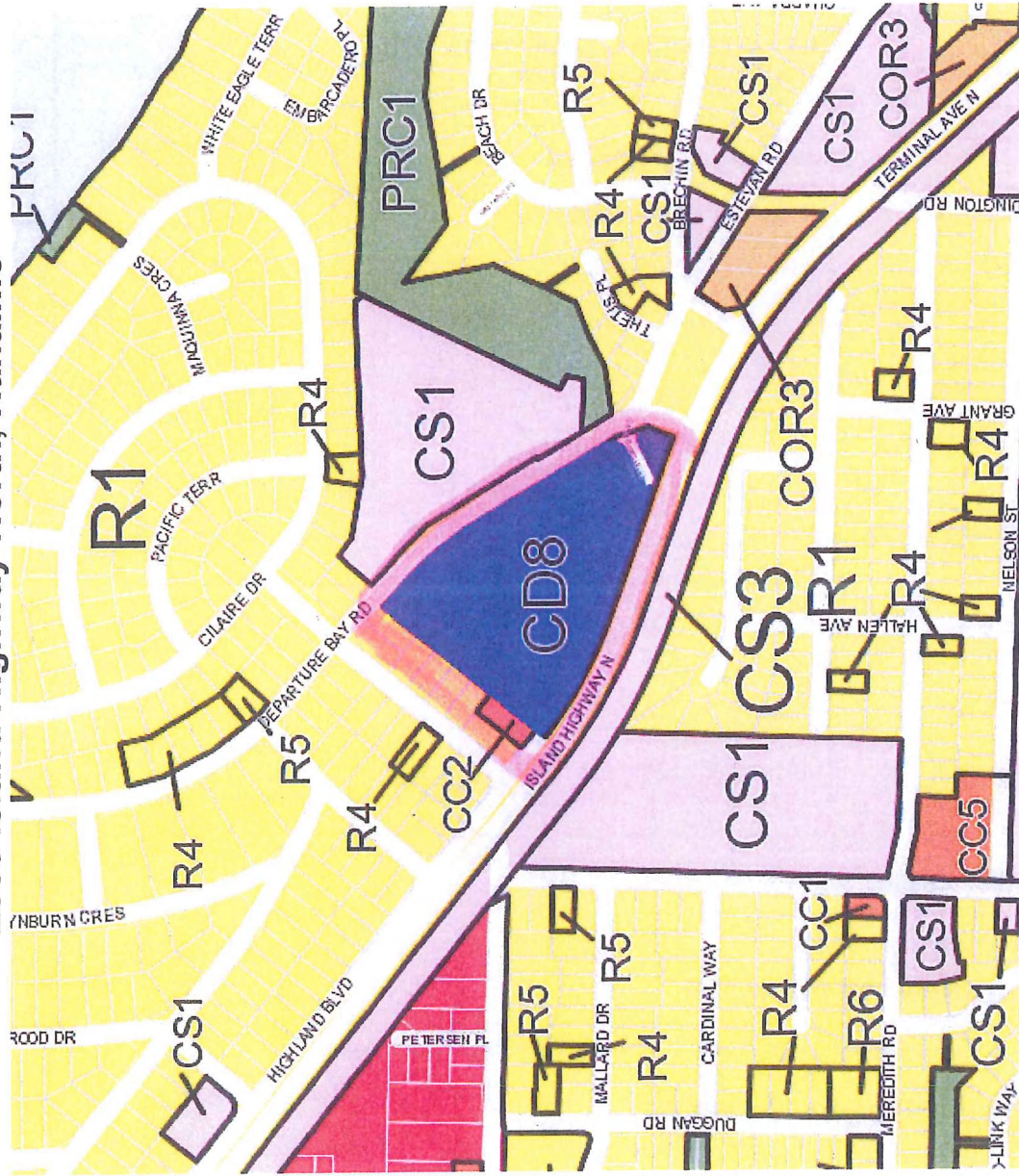


# SITE PLAN

TERRACAP




### 2000 Island Highway North, Nanaimo





# 2000 ISLAND HIGHWAY N - PROPERTY REPORT

[Home](#) > [Data](#) > [Property](#) > 2000 ISLAND HIGHWAY N

GENERAL INFORMATION		PARCEL GRAPHIC
Address:	2000 ISLAND HIGHWAY N, NANAIMO, BC	 <p> <a href="#">Open as KML (Google Earth)</a>  <a href="#">Open in Google Maps</a>  <a href="#">Open in Bing Maps</a> </p>
Folio:	16142.005	
Plan:	VIP84049	
Size:	10.279 ACRES	
Legal Description:	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP84049	
Zone	<p><b>CD8</b>  <b>COMPREHENSIVE EIGHT</b></p> <p>Please select <b>ZONING</b> from the <b>THEMES</b> menu in NanaimoMap for more information.</p>	
Garbage Calendar <i>(click on route number to view calendar)</i>		
Garbage Cans Allowed		
Sewer Benefiting Area	YES	
GIS Link	201630	
Location	49.19178, -123.9683	

## ASSESSMENT DATA

## BUSINESS LICENCE DATA

The following businesses are located at addresses on this assessment parcel.

[BELTONE HEARING CARE CENTRE](#)

**BUSINESS LICENCE DATA** 

[BOOSTER JUICE](#)

[BROOKS LANDING CENTRE INC](#)

[BROOKS LANDING DENTAL CLINIC](#)

[GT HIRING SOLUTIONS \(2005\) INC](#)

[LULU CHINESE HEALTH CENTRE](#)

[MOORES THE SUIT PEOPLE](#)

[NANAIMO HOME HARDWARE](#)

[NANAIMO REALTY CO LTD](#)

[OLIVERS PET SUPPLIES](#)

[PERSONA HAIR GROUP](#)

[ROYAL BANK OF CANADA](#)

[SAVE ON FOODS](#)

[SHANGHAI CITY RESTAURANT](#)

[STAPLES THE OFFICE SUPERSTORE](#)

[WEST MARINE](#)

For more information, please use the City's [Business Licence Search](#)

View other properties on [ISLAND HIGHWAY N](#), or [search for other Nanaimo properties](#).

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Use subject to [Terms and Conditions](#)

[old property report](#)

# ATTACHMENT B



Royal Canadian  
Mounted Police

Gendarmerie royale  
du Canada

Security Classification  
/Designation  
Classification/désignation

RCMP Nanaimo  
303 Prideaux Street  
Nanaimo, BC V9R 2N3

Your File - Votre référence

Our File - Notre référence

City of Nanaimo  
Community Safety and Development Division  
Attention: Dave Stewart

Date

September 1, 2015

Dear Sir,

## Rezoning Application No RA357 – 120-2000 Island Highway, Nanaimo

It is our understanding that the Howard Johnson Hotel has applied for a rezoning application to relocate the existing liquor store from 1 Terminal Avenue to the former West Marine store in Brooks Landing Shopping Centre. The proposed LRS will have a 697 square metre floor space and operate 9 am to 11 pm seven days a week.

We support the application to moving the liquor retail store from the Howard Johnson Hotel site on Terminal Avenue to the Brooks Landing shopping centre.

The recently published BC Liquor Policy Review Final Report by the provincial Liquor Control and Licensing Branch cites sweeping changes to liquor distribution practices in British Columbia. Convenience is a key decision point for consumers, with a general acceptance for broader distribution at regular retail outlets including grocery stores and markets. The Liquor Branch acknowledges that British Columbia has not kept pace with consumer expectations and has been more restrictive than other jurisdictions. The branch also believes that broader distribution does not necessarily correlate with increased irresponsible behaviour.

Liquor Retail Stores are broadly distributed in neighbourhoods throughout Nanaimo, and it is our experience that mall-based retail stores have not been a factor in increased crime, disorder, disturbances or police calls for service.

The existing liquor retail store at the Howard Johnson Hotel is situated in a socially fragile location in the city in proximity to the downtown core, numerous contiguous parks (Maffeo Sutton, Queen Elizabeth Promenade, Comox, Barsby, Caldedonia and Bowen Parks), the Island Corridor Railway, and Ecole Pauline Haarer. These areas are susceptible to itinerant homeless individuals and street-entrenched groups. The frequency of public intoxication, consumption of liquor, disturbances and homeless encampments are correlated to the proximity of this retail liquor store. It should be noted that Dan Brady, General Manager of the Howard Johnson Hotel works cooperatively with police to mitigate these issues whenever possible. However, alcohol-related disturbances continuously have a deleterious impact on venues hosted in Maffeo Sutton Park.

Canada

We respectfully acknowledge that the proposed Brooks Landing location is situated in proximity to Cilaire School, Woodland School, the Island Corridor railway, an Island Health Mental Health Office, and Beach Estates Park. The potential does exist for alcohol-related incidents to arise from the existence of a liquor retail store, but the street-context is much different than the area around the current retail store site.

Thank you for the opportunity to comment on this rezoning application. Please refer any enquiries to Corporal David LaBerge of the Nanaimo Detachment Bike Patrol Unit.

Yours truly,

Mark Fisher, Superintendent  
Officer in Charge, Nanaimo Detachment



# ATTACHMENT C



July 26, 2015

Job # 2298794-34

490892 BC Ltd.  
Via email: [danbrady@shaw.ca](mailto:danbrady@shaw.ca)

Attention: Brian Martin

**Re: Application for Transfer of Location – Approval in Principle  
Licensee Retail Store # 192238  
Establishment Name: Brooks Landing Liquor Store  
Current location: 1 Terminal Ave N Hwy, Nanaimo  
Proposed location: 120 – 2000 Island Hwy, Nanaimo  
Approval in Principle Expiry: July 26, 2016**

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Your application to relocate the above-noted Licensee Retail Store (LRS) has been granted Approval in Principle (AIP).

This AIP allows you to proceed with construction and/or renovations of the proposed establishment. However, you are reminded that our review of the floor plans is specific to liquor licensing requirements and does not replace any requirement to obtain approvals from other agencies. You are responsible for complying with relevant local government's bylaws and appropriate fire and health regulations.

Your AIP floor plans are enclosed and the area proposed for licensing is outlined in yellow. If there are any changes to the information shown on the floor plan, you must submit revised floor plans for review prior to the final inspection.

Your proposed establishment name and signage are approved.

**Final Inspection:** a final inspection will be required before your application can be approved. You should contact **Holly Belanger, Liquor Inspector at 250-952-5744 or via email to [Holly.Belanger@gov.bc.ca](mailto:Holly.Belanger@gov.bc.ca)** approximately two weeks prior to completion of construction to arrange the inspection.

- At the final inspection you must have your AIP floor plans available for the inspector, and at least one shareholder of the licensee and/or an approved resident manager must be present.
- Please contact me as soon as you have confirmed the date for the inspection so that we can discuss your plans for opening the LRS. This will help to avoid delays in the final stages of your application.

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**Liquor Control and  
Licensing Branch**

Mailing Address:  
PO Box 9292 Stn Prov Govt  
Victoria BC V8W 9J8  
Telephone: 250 952-5787  
Facsimile: 250 952-7066

Location:  
4<sup>th</sup> Floor, 3350 Douglas Street  
Victoria BC

[http:// www.pssg.gov.bc.ca/clib](http://www.pssg.gov.bc.ca/clib)

- o Prior to the final inspection you should contact your local government liquor store to confirm that you will be able to purchase liquor for your LRS at that location. If you expect sales in excess of thirty cases per week you may wish to take advantage of the Liquor Distribution Branch's direct delivery process. More information is available by contacting Store 100/Vancouver Wholesale Customer Centre at 604-775-0681.

The final application requirements must be completed before the expiry of this AIP. If you require additional time you must request an extension at least 30 days prior to the expiry of AIP or your application may be terminated with no further notice.

Extension requests must include an explanation for the delay, and estimated timeline for completion, and should be accompanied by evidence demonstrating that the delay is beyond the control of the applicant. Where a third party is responsible for the delay, a letter from the third party outlining the current status should accompany the request for extension. The Branch must be satisfied that the need for an extension is reasonable and that the delay is not directly attributable to the applicant.

After the final inspection is complete and all outstanding application information has been provided your application will proceed to final review, after which you will be notified of the outcome of your application. If approved, a new licence and validated floor plans for the new location will be issued.

As a reminder, your licence will expire on February 26, 2016. To avoid unnecessary delays in processing your application, additional fees, and operational interruptions please make sure the licence is renewed before it expires.

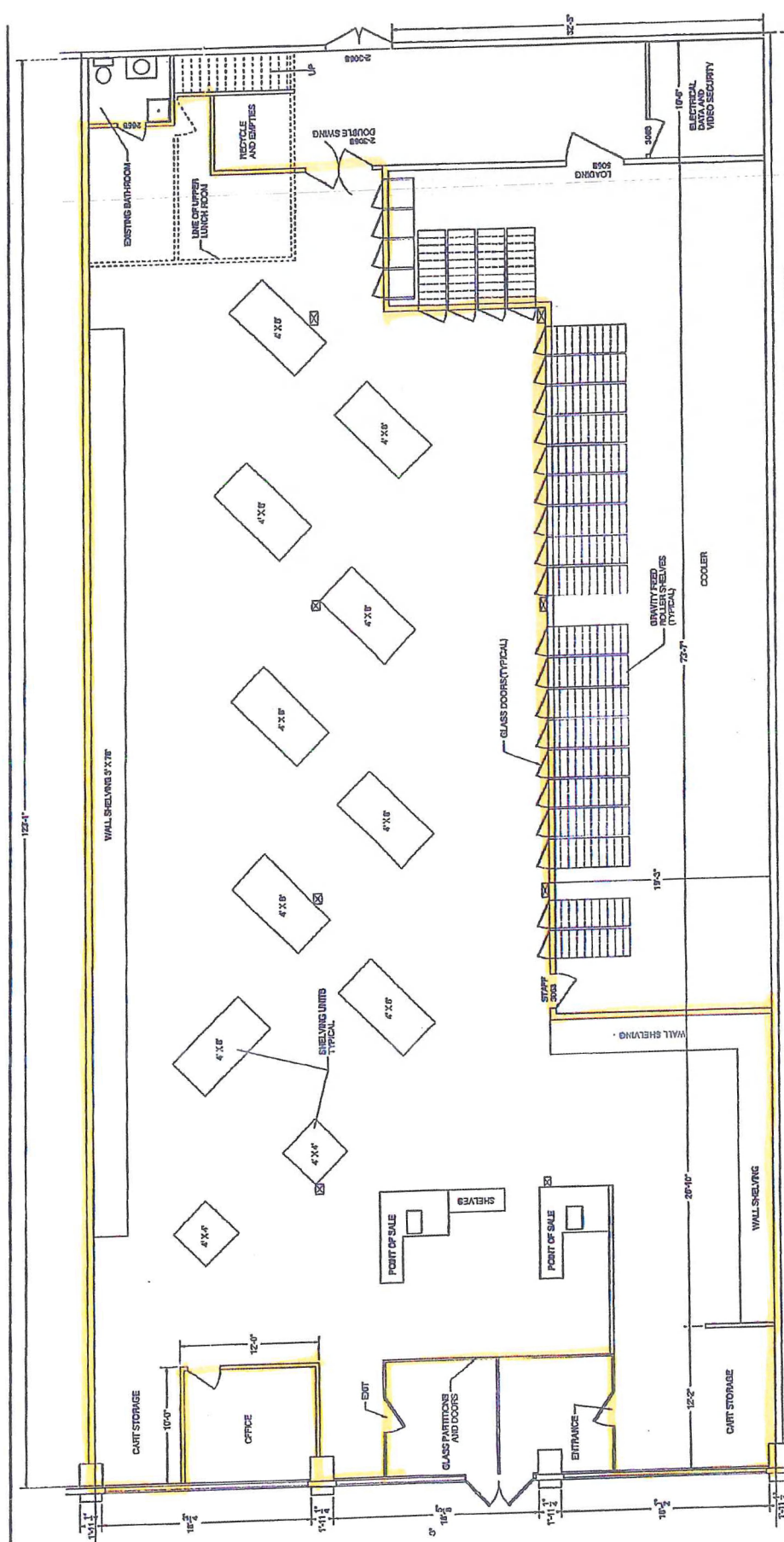
If you have any questions, please contact me at [Katie.RayWilks@gov.bc.ca](mailto:Katie.RayWilks@gov.bc.ca) or 250-952-7057

Sincerely,



Katie Ray-Wilks  
Case Manager

cc: Rising Tide, Agent/Consultant  
Holly Belanger, Liquor Inspector



Licensed Retail Store # 192238  
 Brook's Landing Liquor Store  
 120 - 2000 Island Highway, Nanaimo  
 490892 B.C. Ltd dba Howard Johnson Harbourside Hotel

SCALE 1/8"=1' ON 11 X 17

**LIQUOR CONTROL & LICENSING BRANCH**  
**FLOOR PLANS - APPROVAL IN PRINCIPLE**

LIQUOR CONTROL & LICENSING  
 RECEIVED  
 JUL 10 2015  
 VICTORIA, BC

DATE: July 26/2015  
 Unless otherwise approved by the General Manager,  
 Liquor Control & Licensing, approval is subject to the  
 terms and conditions specified in the Approval in  
 Principle (AIP) Letter. ~ 4615 sqft

CITY OF NANAIMO

BYLAW NO. 4500.088

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 2011 NO. 4500"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 890, 891, 903 and 904 of the *Local Government Act*,

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as "ZONING AMENDMENT BYLAW 2015 NO. 4500.088".
2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:
  - (1) By amending Section 10.2.4 by adding 'Liquor Store' as a site specific use as follows:

Use	Permitted Location Address	Legal Description of Permitted Location
Liquor Store	2000 Island Highway	LOT A, SECTION 1, NANAIMO DISTRICT, PLAN VIP84049

- (2) By amending Section 11.2.4 by removing the following 'Liquor Store' as a site specific as follows:

Use	Permitted Location Address	Legal Description of Permitted Location
Liquor Store	1 Terminal Avenue	<p>LOT 1, SECTION 1, DISTRICT LOT 234, NANAIMO DISTRICT, PLAN 15318 EXCEPT THAT PART IN PLAN 49701</p> <p>LOT 330, NANAIMO DISTRICT, EXCEPT THAT PART THEREOF INCLUDED IN PLAN 2100 RW.</p> <p>LOTS A &amp; B, SEC 1, PLAN 3360</p>

PASSED FIRST READING \_\_\_\_\_  
 PASSED SECOND READING \_\_\_\_\_  
 PUBLIC HEARING HELD \_\_\_\_\_  
 PASSED THIRD READING \_\_\_\_\_  
 MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE \_\_\_\_\_  
 ADOPTED \_\_\_\_\_

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MAYOR

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CORPORATE OFFICER

File: RA000357  
Address: 2000 Island Highway