

DATE OF MEETING | August 26, 2019

AUTHORED BY | DAVE STEWART, PLANNER, CURRENT PLANNING

SUBJECT | **LIQUOR LICENCE APPLICATION NO. LA139 – 245 FRASER STREET**

OVERVIEW

Purpose of Report

To present Council with an application for the existing liquor primary licence for the Fraternal Order of Eagles, Aerie No. 15, to extend its hours of liquor service at 245 Fraser Street. |

Recommendation

That Council recommend the Liquor Control and Licensing Branch approve an application to extend the hours of liquor service for the existing liquor primary licence for the property located at 245 Fraser Street from the current 11 a.m. to 9 p.m. (Sunday), 11 a.m. to 11 p.m. (Monday through Thursday), and 11 a.m. to 12 a.m. (Friday and Saturday) to the new hours of 11 a.m. to 1 a.m., seven days a week. |

BACKGROUND

The City has received correspondence from The Fraternal Order of Eagles (the “Club”). The Club currently has a liquor primary licence with a person capacity of 60. The applicant is requesting a local government resolution in support of the application to the Provincial Liquor and Cannabis Regulation Branch (LCRB) for permanent change of liquor service hours for a liquor primary licence. The Club’s current hours of liquor service are:

Monday to Thursday	Friday and Saturday	Sunday
11 a.m. – 11 p.m.	11 a.m. – Midnight	11 a.m. – 9 p.m.

The proposed hours of service are 11 a.m. to 1 a.m., seven days a week. The extension of hours is requested to accommodate events such as weddings, birthdays, and fundraisers.

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

DISCUSSION

As part of the liquor primary licence amendment review process, the LCRB asks the local government to comment on potential for noise, impact on the community, and views of residents/neighbouring businesses.

- **The potential for noise if the application is approved**

The subject property is located downtown and is included within the DT3 - Wallace zone; neighbourhood pub, lounge, and Club/lodge are all permitted uses within this zone. The subject property is located mid-slope on Fraser Street. Surrounding uses are predominately commercial. No residential use exists within 100m of the subject property.

The Eagle's Club is an existing facility and no increase in occupant load is expected. Staff are not aware of any noise concerns related to the existing facility. Given the location of the Club, the Eagle's history in the area, limited occupant load, and the occasional nature of the events requiring extended liquor service hours, Staff do not anticipate an increase in noise if the application is approved.

- **The impact on the community if the application is approved**

The Fraternal Order of the Eagles is a service society that contributes positively to the community through a number of charitable initiatives. Staff do not anticipate any negative community impact with respect to the liquor license amendment application. The RCMP does not object to the application and does not anticipate any adverse impact on police resources.

- **The views of residents / neighbouring businesses**

A public notice and comment sheet has been mailed and hand delivered to the owners, residents, and business owners of buildings, and properties within 100m of the subject property. Of the three responses received, three are in support of the application and none are opposed. Comment sheets returned are included as Attachment C.

Hours of Service Policy

On 2007-MAY-28, Council amended Nanaimo's Hours of Service Policy to permit liquor primary establishments to serve to 1:30 a.m. and no later. The proposed extension of liquor service will not contravene this policy.

Opt Out of Application Process

With respect to all food and liquor primary licence applications, it is worth noting Council has the option to provide no comment. If Council chooses to opt out of the application process, Staff will inform the LCRB of Council's decision and no further action will be taken by Staff regarding the application. If a local government chooses to opt out, the LCRB will start their own review process, which could considerably delay the application process. As such, Staff recommend that Council does not opt out of the application review process.

Next Steps

Should Council pass a resolution to support the application to extend 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 extend the hours of liquor service to 11 a.m. to 1 a.m., seven days a week.
- Three public responses have been received; three in support and none in objection to the application.

ATTACHMENTS

ATTACHMENT A: Location Plan

ATTACHMENT B: Applicant's Letter of Rationale

ATTACHMENT C: Public Comment Sheets

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