

DATE OF MEETING February 24, 2020

AUTHORED BY LISA BRINKMAN, PLANNER, CURRENT PLANNING

SUBJECT LIQUOR LICENCE APPLICATION NO. LA141 – 11 CLIFF STREET

OVERVIEW

Purpose of Report

To present Council with an application to amend an existing liquor licence application at 11 Cliff Street.

Recommendation

That Council recommend the Liquor Cannabis and Regulation Branch approve the application for 11 Cliff Street (Hub City Ales) to amend the liquor licence to:

1. permit the hours of operation to be 9 a.m. to 1:00 a.m. seven days per week; and
2. permit an outdoor patio

BACKGROUND

A notice of application was received from Hub City Ales (Cliffside Brewing Company) requesting a local government resolution in support of their liquor licence amendment applications to the Provincial Liquor and Cannabis Regulation Branch (LCRB) to permit an outdoor patio and an extension to their hours of service. An information report was presented to Council on 2020-JAN-13 and public comment sheets were sent and delivered to the neighbourhood on 2020-JAN-14. Council previously supported the manufacturer's lounge liquor licence on 2019-MAY-27 with the outdoor patio included; however, the patio was not constructed at the time of LCRB inspection and could not form part of the original liquor licence. The applicant states the extended hours would allow the business to respond to demand, and the outdoor patio would allow for seasonal use.

DISCUSSION

When considering the liquor licence amendment applications, the LCRB requests the City take into account the:

- location of the establishment,
- public consultation methods,
- the person capacity and hours of liquor service,
- impact of noise on the immediate vicinity, and
- impact on the community if the application is approved

Location of the establishment

The Hub City Ales building is located between Terminal Avenue and Cliff Street. The Official Community Plan designates the property and surrounding area as 'Downtown Centre Urban Node', and this area is described as a city-wide and regional centre for arts and culture, celebrations and festivals, commercial services, civic facilities, offices, and higher-density residential. The property is zoned "Terminal Avenue" (DT4). A variety of uses are permitted in the DT4 zone, such as micro-brewery, neighbourhood pub, auto part sales and repair, multi-family residential, restaurant, and retail. The existing uses in the immediate vicinity include micro-brewery, auto repair shop, office, and retail. Residential buildings in the neighbourhood include a triplex at 57 Skinner Street, 19 units at 10 Chapel Street, and a 16-storey residential building at 1 Chapel Street.

Public Consultation

The following summarizes the opportunities for information sharing and public consultation for the proposed changes to the liquor licence at 11 Cliff Street:

- An information report was on the Council agenda for the 2020-JAN-13 meeting.
- A comment sheet with information about the proposed changes to the liquor licence was mailed and delivered to property owners and tenants within 100m of the subject property.
- A total of 16 completed comment sheets were received by the City. Of those, 6 comment sheets indicate support for the proposed changes to the liquor licence and 10 comment sheets indicate they do not support the proposed changes. The reasons for not supporting were related to the potential for additional noise and disturbance to residents, as well as reduced parking and traffic congestion as a result of the patio.
- The liquor licence amendment applications were referred to the RCMP and the City's internal departments for review and comment. Their comments are summarized in the sections below.

Person Capacity and Hours of Liquor Service

The Hub City Ales building has a maximum capacity of 48 persons, and the addition of the patio will not increase the permitted person capacity. The patio is proposed to be 3m x 6m in size and would seat approximately 16-19 persons (as previously endorsed by Council in 2019).

The applicant initially proposed to extend the hours of service such that the business has the potential to be open from 9 a.m. to 2 a.m. seven days per week. However, the City's practice has been to discourage the extension of service hours past 1:30 a.m. and some comments received have expressed concerns with the proposed hours; therefore, the applicant has agreed to change the proposed hours to 9 a.m. to 1:00 a.m. seven days per week.

	Sunday	Monday to Thursday	Friday and Saturday
Existing Hours	Noon to 6 p.m.	3 p.m. to 11 p.m.	Noon to midnight
Proposed Hours	9 a.m. to 1:00 a.m.		

Impact on the Community if the Application is Approved

The City has not received any nuisance complaints or fire calls in relation to the Hub City Ales business. The RCMP advise the business has been low-risk and has had a negligible impact on policing resources since its opening in fall 2019 and that the proposed changes to the existing liquor licence would not cause a change to public safety.

In response to neighbourhood parking concerns, the applicant has stated the proposed outdoor patio will not be located in existing parking spaces. The space where the patio is proposed to be located is in front of one of the two shipping and receiving doors. The second shipping and receiving door will remain clear for that use. The total person capacity is not changing, thus the proposed patio does not generate the need for additional parking. The applicant has stated that patrons will often visit the two breweries in the area in one visit.

Regarding traffic congestion, the location of the patio complies with the setback requirements of the “City of Nanaimo Zoning Bylaw 2011 No. 4500” and would not encroach into the 6 metre width of the onsite drive aisle.

Impact of Noise on the Community in the Immediate Vicinity of the Establishment

The City has received comments from residents in the area indicating the proposed outdoor patio combined with the extended business hours may cause undesired noise and disturbance in the neighbourhood. The RCMP have also advised that noise may be an issue for local residents should the patio be operated at night, and that this may result in a situation where enforcement is not appropriate if the outdoor patio and extended hours are approved by the LCRB. For this reason, the RCMP are recommending the business owner participate in the Bar Watch program and enter into a good neighbour agreement, and the applicant supports this approach. The purpose of the Bar Watch program is to promote the safety and security of patrons and to manage uncivil behaviour. The good neighbour agreement would be signed by the business owner, the RCMP, and the City and would establish a framework for managing the conduct of patrons and to address potential noise and neighbourhood concerns.

Staff have reviewed the proposal to allow an extension to the hours of service and to allow an outdoor patio and recommend supporting the proposed changes to the liquor licence at 11 Cliff Street.

SUMMARY POINTS

- A notice of application was received from Hub City Ales (11 Cliff Street) requesting a local government resolution in support of their applications to the LCRB to amend their existing liquor licence to allow an outdoor patio and to extend their hours of service.
- The City completed a referral process and public consultation to obtain feedback regarding the proposed amendments to the liquor licence.
- To address concerns raised in the comments received, the applicant has agreed to revise the proposed hours of service to 9 a.m. to 1:00 a.m. seven days per week, to participate in the Bar Watch program, and to enter into a good neighbor agreement.

ATTACHMENTS:

ATTACHMENT A: Location Plan
ATTACHMENT B: Site Plan
ATTACHMENT C: Floor Plan (patio)
ATTACHMENT D: Letter of Rationale
ATTACHMENT E: Public Comment Sheets
ATTACHMENT F: Aerial Photo

Submitted by:

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