

DATE OF MEETING October 4, 2021

AUTHORED BY LAINY STEVENSON, PLANNER, CURRENT PLANNING

SUBJECT LIQUOR LICENCE APPLICATION NO. LA144 – UNIT 2, 75 FRONT STREET

## **OVERVIEW**

### **Purpose of Report**

To present Council with an application to amend an existing liquor licence at Unit 2, 75 Front Street.

### **Recommendation**

That Council recommend the Liquor and Cannabis Regulations Branch approve the application for Unit 2, 75 Front Street (The Nanaimo Bar) to amend their liquor licence to permit the hours of operation to be 10 a.m. to 1:30 a.m. seven days per week.

## **BACKGROUND**

A notice of application was received from Sonia Komen, owner of The Nanaimo Bar, at Unit 2, 75 Front Street, requesting a local government resolution in support of their liquor licence amendment application to the Provincial Liquor and Cannabis Regulation Branch (LCRB) to extend their hours of service. The applicant is proposing to extend the hours of liquor service from 10 a.m. to 1:30 a.m. seven days a week. The existing and proposed hours of liquor service are as follows:

	<b>Monday to Sunday</b>
<b>Existing Hours of Liquor Service</b>	5 p.m. to 1:30 a.m.
<b>Proposed Hours of Liquor Service</b>	10 a.m. to 1:30 a.m.

An information report was presented to Council on 2022-AUG-30, and public comment sheets were sent and delivered to the neighborhood on 2021-SEP-02. Council previously supported the lounge endorsement liquor licence for The Nanaimo Bar in August 2015. The applicant states the extended hours would allow the business to provide services during the day for residents and tourists, and for private functions. All liquor service would be within the building at Unit 2, 75 Front Street, and no patio service is proposed.

## **DISCUSSION**

When considering 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 service,
- impact of noise on the immediate vicinity, and
- impact on the community if the application is approved.

### **Location of the Establishment**

The Nanaimo Bar is located on Front Street, adjacent to many commercial and residential uses. The Official Community Plan designates the property and surrounding area ‘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 DT5 – Chapel Front. A variety of uses are permitted in the DT5 zone, such as a lounge, nightclub, retail, multiple-family dwelling, restaurant, and retail. The existing uses in the immediate vicinity include restaurants, offices, retail, and a religious institution. Residential buildings in the neighbourhood include 157 units at 38 Front Street, 56 units at 91 Chapel Street, and 80 units at 99 Chapel Street.

### **Public Consultation**

The following summarizes the opportunities for information sharing and public consultation for the proposed changes to the liquor licence at Unit 2, 75 Front Street:

- An information report was on the Council agenda for the 2021-AUG-30 meeting.
- A comment sheet with information about the proposed changes to the liquor licence was mailed and hand-delivered to property owners and tenants within 100m of the subject property.
- 76 completed comment sheets were received by the City. Of those, 52 comment sheets indicate support for the proposed changes to the liquor licence, and 24 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, added pressure to the on-street parking supply, and concern regarding social well being.
- The liquor license amendment application was 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 Nanaimo Bar has a maximum capacity of 60 persons, including staff, within the building at Unit 2, 75 Front Street. The proposed liquor licence amendment will not increase the permitted person capacity, and outdoor patio service is not proposed. A public parking facility is provided on South Street, 200m to the south. In addition, to encourage vibrancy in the downtown area, the “Off-Street Parking Regulations Bylaw 2018 No. 7266” does not require off-street parking for this size of commercial establishment.

Generally, an LCRB application to extend hours of liquor service in Nanaimo is requesting that the hours be later in the evening. A review of the past liquor licence applications supported by the City reveals the following hours of liquor service:

Establishment	Address	Approved Hours of Service	City of Nanaimo Endorsement
Hub City Ales	11Cliff St.	9am to 1am	2020
Eagles Hall	245 Fraser St.	11am to midnight	2019
Helijet International	100 Port Dr.	9am to 9pm	2018
Modern Cafe	221 Commercial St.	9am to 1am	2014
Restaurant	223 Commercial St.	10am to 1am	2014
Carlos O'Bryans	1724 Stewart Ave.	11am to 1am	2013
The Cambie	63 Victoria Cres.	11am to 1:30am	2012

The existing and proposed hours of liquor service for The Nanaimo Bar are as follows:

	Monday to Sunday
<b>Existing Hours of Liquor Service</b>	5 p.m. to 1:30 a.m.
<b>Proposed Hours of Liquor Service</b>	10 a.m. to 1:30 a.m.

### Impact on the Community if the Application is Approved

The RCMP advise they have no public safety concerns with the proposed changes to the hours of liquor service at The Nanaimo Bar.

The Nanaimo Bar owners signed a 'Good Neighbour Agreement' in 2015 that includes the following commitments:

- ensure noise emissions from the establishment will not disturb surrounding residents and businesses;
- monitor and promote orderly conduct of patrons;
- remove litter, garbage and other undesirable waste in the general area of the establishment;
- demonstrate compliance with the RCMP;
- participate in the Bar Watch Program; and
- offer phone service to arrange for taxi or other transportation from the establishment.

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

The City's Bylaw Services Staff have received complaints regarding noise from this establishment; however, since the proposed change of hours is to extend during the day, the change is not expected to impact evening noise, and reasonable levels of noise during the day is expected in a vibrant downtown setting. Also, all liquor service will be provided within the building at Unit 2, 75 Front Street.

Staff have reviewed the proposal to allow an extension to the hours of service and recommend supporting the proposed change to The Nanaimo Bar liquor licence at Unit 2, 75 Front Street. |

### **SUMMARY POINTS**

- A notice of application was received from The Nanaimo Bar requesting a local government resolution in support of their application to the LCRB to amend the hours of liquor service seven days a week from 5 p.m.-1:30 a.m. to 10 a.m.-1:30 a.m.
- The City completed a referral process and public consultation to obtain feedback regarding the proposed amendments to the liquor licence.
- Staff recommend supporting the proposed liquor licence changes.

### **ATTACHMENTS:**

ATTACHMENT A: Context Map  
ATTACHMENT B: Location Plan  
ATTACHMENT C: Letter of Rationale  
ATTACHMENT D: Public Comment Sheets  
ATTACHMENT E: Aerial Photo |

#### **Submitted by:**

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#### **Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay  
General Manager, Development Services |