

DATE OF MEETING | February 6, 2023 |

AUTHORED BY | SADIE ROBINSON, PLANNER, CURRENT PLANNING |

SUBJECT | LIQUOR LICENCE APPLICATION NO. LA151 – 940 OLD VICTORIA ROAD



Proposal:

To allow an existing temporary expanded service area (TESA) to remain permanently.

Zoning:

I2 - Light Industrial

City Plan Land Use Designation:

Light Industrial

Lot Area:

2.2ha



OVERVIEW

Purpose of Report

To provide Council with an application to amend the existing liquor licence at 940 Old Victoria Road (Wolf Brewing Company) to allow the existing temporary outdoor patio area to remain permanently.

Recommendation

That Council recommend the Liquor and Cannabis Regulation Branch approve the liquor licence amendment application for 940 Old Victoria Road (Wolf Brewing Company) to permit a permanent 56.1m² extension to the existing outdoor patio area.

BACKGROUND

During the COVID-19 pandemic, temporary outdoor patios were permitted by the Liquor and Cannabis Regulation Branch (LCRB) and the City of Nanaimo. The Wolf Brewing Company has operated the temporary outdoor patio area considered in this application during the 2020, 2021, and 2022 summer seasons. The LCRB has advised that, moving forward, temporary patios must either be removed, or a liquor licence amendment application be submitted to the LCRB requesting a permanent outdoor patio.

A notice of application was received from the Wolf Brewing Company requesting a local government resolution in support of their licence amendment application to the LCRB to permit the Temporary Extended Service Area (TESA) to remain permanently at the Wolf Brewing Company at 940 Old Victoria Road. An information report was presented to Council on 2022-DEC-05 and public notice was mailed and hand-delivered to the owners and occupants of all buildings within a 100m radius of the subject property on 2022-DEC-06.

This liquor licence amendment application (LA151) seeks to make permanent the 56.1m² temporary patio (TESA) area, for a total proposed permanent outdoor patio space area of 62.4m².

DISCUSSION

The LCRB has requested liquor licence amendment applications be reviewed in terms of the following criteria, and requests the local government gather the views of nearby residents and business owners:

- The location of the establishment;
- The person capacity and hours of liquor service of the establishment;
- 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 amendment to the liquor licence:

- An information report was presented at the 2022-DEC-05 Council meeting.
- A public notice and comment sheet was mailed and hand-delivered to the owners and occupants of all buildings within a 100m radius of the subject property on 2022-DEC-06.
- A total of 21 responses to the public notification were received by the City from surrounding residents and businesses. Of the 21 responses received, 17 are in support of the application and three are opposed citing noise and parking 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.
- The liquor licence amendment application was referred to the South End Community Association (SECA) who commented they had no concerns, and noted that members were supportive of the previous application for an expansion of hours.

Location of the Establishment

The subject property is located within an existing industrial park located within Nanaimo's South End Neighbourhood. City Plan designates the property and surrounding area as 'Light Industrial', and the property is zoned Light Industrial (I2) which permits micro-breweries with ancillary sales, and allowing the patio expansion further supports this use. The existing uses in the immediate vicinity are primarily industrial, with some residential surrounding the industrial park, including single family dwellings across Old Victoria Road and a ground-oriented multiple-family housing development, located approximately 105m northeast of the proposed patio location. The brewery is separated from the multiple-family development by a large industrial warehouse building and parking area. Given the minimal interface with nearby residential developments, Staff do not anticipate the liquor amendment application will negatively impact the residents.

Capacity and Hours of Service

The patio area considered in this application is 56.1m² and contains 18 seats. Combined with the existing permanent 6.3m² outdoor patio area, the total outdoor patio area is proposed to be approximately 62.4m². The Wolf Brewing Company is an existing facility and no increase in occupant load is requested. If the proposed patio area is supported, the maximum capacity for the business would remain at 50 persons. Business hours are 9:00 a.m. to 11:00 p.m. daily. No change of business hours is proposed as part of this application. The proposed hours are consistent with the City's practice of not supporting the extension of liquor service hours past 1:30 a.m.

Impact of Noise and on the Community

The outdoor patio area considered in this application has been in use since 2020. As the TESA is currently in use; is internal to the industrial site; and well-separated from nearby residences, impacts to the community would be limited if the application is approved. The RCMP and City departments have advised that they have not received any complaints or undue calls for service with respect to the outdoor patio.

Staff have reviewed the proposal to allow the patio to remain permanently and recommend support for the proposed amendment to the liquor licence at 940 Old Victoria Road.

Should Council pass a resolution to support the application, 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

- An application has been received to amend the existing liquor licence at 940 Old Victoria Road (Wolf Brewing Company) to permit a permanent extension to the temporary outdoor patio area.
- Staff have completed the required public notification on 2022-DEC-06, and received 21 responses from surrounding residents and businesses, 17 in support and 3 opposed to the application.
- Staff recommend support of the proposed amendment to the liquor licence.

ATTACHMENTS

ATTACHMENT A: Subject Property Map
ATTACHMENT B: Site Plan
ATTACHMENT C: Floor Plan (Patio)
ATTACHMENT D: Letter of Rationale
ATTACHMENT E: Public Comment Sheets

Submitted by:

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