

OVERVIEW

Purpose of Report

To present for Council's consideration a new liquor primary licence application for a neighbourhood pub to be located at Unit 106, 601 Bruce Avenue.

Recommendation

That Council receive the report and recommend that the Liquor and Cannabis Regulation Branch approve the application for a liquor-primary licence at Unit 106, 601 Bruce Avenue (Sip Pub) provided that:

1. live entertainment will be restricted to the indoor pub space only;
2. fencing is to be installed to enclose the patio; and,
3. the liquor licence hours do not extend beyond the proposed hours of 1:00 a.m. Monday through Sunday for the indoor pub area, and 11:00 p.m. Monday through Sunday for the outdoor patio.

BACKGROUND

A notice of application was received from Sip Pub Inc. requesting a local government resolution in support of their application to the Provincial Liquor and Cannabis Regulation Branch (LCRB) to permit liquor to be served at a new neighbourhood pub to be located at Unit 106, 601 Bruce Avenue. The primary focus of the business is food, local entertainment, and liquor service.

On 2023-FEB-27, Council received an Information Report regarding this application. The application was also considered during the Special Council Meeting held on 2023-MAR-16. A municipal resolution is required before the Province will consider the application further.

Subject Property and Site Context

The subject property is in the University District of the Harewood Neighbourhood within an existing commercial centre containing retail, restaurant, and drive-thru uses. The property is bound by Bruce Avenue to the east, Fifth Street to the north, Shepherd Avenue to the west, and single family residential lots to the south. The nearest residences are approximately 40m east of the proposed seasonal patio, across Bruce Avenue.

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 on:

- the location of the establishment;
- the person capacity and hours of liquor service of the establishment;
- the impact of noise in the immediate vicinity; and,
- the impact on the community if the application is approved.

Public Consultation

The following summarizes the opportunities for public consultation and information sharing:

- An information report was published on the Council agenda for the 2023-FEB-27 Regular Council meeting.
- A public notice and comment sheet was mailed and delivered to property owners and tenants within 100 meters of the subject property. The notice included details of the 2023-MAR-16 Special Council Meeting.
- Notice of the Special Council Meeting was published in the 2023-MAR-08 issue of the Nanaimo News Bulletin.
- A total of 18 completed comment sheets were received by the City, of which 11 are in support, and 7 are opposed, citing the potential for impaired driving, the busy intersection (Bruce Avenue and Fifth Street), and late night noise and traffic as concerns. The public comments received are included as Attachment D.
- A Special Council Meeting was held 2023-MAR-16 to provide an opportunity for Council to hear the public speak regarding the proposed liquor licence application. Seven members of the public spoke in support of the application, and no one spoke in opposition.
- 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 application was referred to the Harewood Neighbourhood Association (HNA), who commented that the applicant attended a HNA meeting to discuss the proposal, and that the HNA supports the application with no concerns.

Location of the Establishment

The subject property is within the newest phase of the University Village Shopping Centre, on the south side of Fifth Street, located within the Harewood Neighbourhood. City Plan designates the property as 'Neighbourhood Centre', and the property is zoned City Commercial Centre (CC3) which permits a wide range of commercial and service-oriented uses (e.g. Fast Food Restaurant, Micro-Brewery, Neighbourhood Pub, Restaurant, Retail, Shopping Centre). Sip Pub is proposed to be located in an existing commercial unit in the shopping centre, approved through DP979, which contains adequate parking for the commercial uses onsite. Other uses within the shopping centre include multiple restaurants including a fast food restaurant with a drive-thru, financial services, and retail.

The nearest residences are located approximately 40m east of the pub, separated from the proposed pub by Bruce Avenue, a sidewalk, landscaping, trellis, and proposed fencing. Residences to the west are separated from the pub by the surface parking lot, a drive-thru, and Shepherd Avenue. Residences to the south of the site are separated from the pub by a drive aisle, a large retail building, and a 7.50m wide landscape buffer.

The proposed pub is centrally located in the neighbourhood centre, and provides a gathering place within walking distance of many residences. The pub siting is appropriate, and is separated from surrounding residences by existing roads and buildings.

Person Capacity and Hours of Liquor Service

The proposed hours of liquor service are 10:00 a.m. to 1:00 a.m. for the indoor pub area and 10:00 a.m. to 11:00 p.m. for the outdoor patio, seven days a week. The license would allow patio

hours until 11:00 p.m. and indoor hours of liquor service until 1:00 a.m., daily. The applicant has indicated their anticipated operating hours, except for special events, to be as follows:

	Sunday - Tuesday	Wednesday - Thursday	Friday - Saturday
Indoor Dining Hours	11:00 a.m. – 10:00 p.m.	11:00 a.m. – 11:00 p.m.	11:00 a.m. – 12:00 a.m.
Outdoor Patio Hours (high season only)	11:00 a.m. – 10:00 p.m.	11:00 a.m. – 11:00 p.m.	11:00 a.m. – 11:00 p.m.

The business is proposing an occupant load capacity of 84 persons, with up to 59 people permitted within the outdoor patio area. The proposed hours are consistent with the City's practice of not supporting the extension of liquor service hours past 1:30 a.m.

The proposed hours of liquor service for the outdoor patio aligns with the closing hours of other businesses in the shopping centre, and the indoor pub hours are consistent with other Neighbourhood Pubs in the City. Adequate parking is provided to meet bylaw requirements. The indoor space would be permitted to remain open for an additional two hours beyond most other businesses in the immediate area, except for the convenience store across Fifth Street, which is open 24 hours. The hours of service and person capacity within the pub are appropriate, and it is anticipated to contribute to a vibrant neighbourhood centre with minimal impact on surrounding residents or businesses.

Impact of Noise and on the Community

As part of the public consultation process, residents expressed concerns about the potential for impaired driving, disorderly conduct, and increased traffic and noise. Some residents are concerned with noise disturbances and traffic related to existing uses, and the potential for the proposed pub to contribute to late night noise and traffic in the neighbourhood.

Given that the proposed use is a Neighbourhood Pub, unlike a Lounge or Nightclub, it is not expected that a significant number of patrons will exit the pub simultaneously at closing time. Patrons will also have the opportunity to walk to and from the pub given its location within the neighbourhood. Transit serves the area with taxi services available beyond transit hours.

The applicant proposes to address potential noise concerns with the following measures:

- live entertainment will be provided within the indoor pub space only;
- patrons will be required to enter and exit the patio via the indoor pub;
- the outdoor patio is seasonal and will close no later than 11:00 p.m.; and,
- A max. 1.8m high fence is to be installed, enclosing the patio to buffer patrons on the patio from the road, and to give additional buffering from residences across Bruce Avenue, and is to be made of a mostly solid material, with glazing along the top portion of the fence to allow permeability, visibility, and eyes on the street.

Staff recommend the following measures to be included in the application to be approved:

1. live entertainment will be restricted to the indoor pub space only;
2. fencing is to be installed to enclose the patio; and,
3. the liquor licence hours do not extend beyond the proposed hours of 1:00 a.m. Monday through Sunday for the indoor pub area, and 11:00 p.m. Monday through Sunday for the outdoor patio.

The liquor application was referred to the RCMP and City departments. The RCMP has advised it has no concerns given the hours of liquor service proposed. City departments have advised that they have no concerns in relation to the proposed liquor licence.

Given the applicant has taken measures to address concerns relating to potential noise, and the pub is suitably located within a neighbourhood centre, it is expected to contribute to a vibrant neighbourhood with negligible impacts if the application were approved.

SUMMARY POINTS

- The application, if approved, will allow for an 84-person licensed Neighbourhood Pub.
- The application was considered at the Special Council Meeting held on 2023-MAR-16.
- Given the applicant has taken measures to address concerns relating to potential noise, and the pub is suitably located within a neighbourhood centre, it is expected to contribute to a vibrant neighbourhood with negligible impacts if the application were approved.

ATTACHMENTS

ATTACHMENT A: Subject Property Map
ATTACHMENT B: Site Plan & Details
ATTACHMENT C: Floor Plan
ATTACHMENT D: Public Comment Sheets

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