

DATE OF MEETING June 5, 2023

AUTHORED BY SADIE ROBINSON, PLANNER, CURRENT PLANNING

SUBJECT LIQUOR LICENCE AMENDMENT APPLICATION NO. LA153 – UNIT 101, 223 COMMERCIAL STREET



Proposal:

To amend an existing liquor licence to extend the hours of liquor service.



Zoning:

DT1 – Downtown Core

City Plan Land Use Designation:

Primary Urban Centre

Lot Area:

469m²



OVERVIEW

Purpose of Report

To present Council with an application to amend the existing food primary liquor licence at Unit 101, 223 Commercial Street (Melange Restaurant) to extend the hours of liquor service.

Recommendation

That Council recommend that the Liquor and Cannabis Regulation Branch approve an application for Unit 101, 223 Commercial Street (Melange Restaurant) to extend their hours of liquor service to be from 9:00am until 1:00am, seven days a week.

BACKGROUND

An application was received from Gaetan Brousseau, owner of Melange Restaurant, requesting a local government resolution in support of a permanent change to a food primary liquor license to the Provincial Liquor and Cannabis Regulation Branch (LCRB) to extend their hours of liquor service.

Subject Property and Site Context

The subject property is located centrally within Nanaimo’s downtown core, at the intersection of Commercial Street and Church Street. The area is characterized predominantly by commercial and mixed-use buildings. Melange Restaurant launched their business at Unit 101, 223 Commercial Street in December 2019.

DISCUSSION

The applicant is proposing to amend their hours of liquor service to contribute to Nanaimo’s nightlife by creating more opportunities for an extended dining experience with liquor service in the evening, catering to those who may prefer a restaurant setting over a bar or club environment. The later closing time will allow Melange Restaurant to offer a quieter space for individuals to socialize as an alternative to bars and clubs. The existing and proposed hours of service are as follows:

	Monday to Sunday
Existing Hours	9:00 a.m. to 12:00 a.m. (midnight)
Proposed Hours	9:00 a.m. to 1:00 a.m.

Melange is an existing restaurant and no increase in occupant load is requested. In terms of food primary establishments, the Liquor Control Strategy, which was adopted by Council in 2002, had recommended that Council not endorse any extension to hours of liquor service for food primary licensed establishments. However, Council, at its meeting of 2007-MAY-28, amended Nanaimo’s Hours of Service Policy to allow liquor service until 1:30am in all areas of the City.

For food primary liquor licenses, the extension of hours past midnight is subject to local government consideration and comment. A municipal resolution is required before the province will consider the application further.

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

- 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 liquor licence amendment:

- A public notice and comment sheet was mailed, and hand-delivered, to owners and occupants of all buildings within a 100m radius of the subject property on 2023-APR-24. A total of 18 responses to the public notification were received by the City from surrounding residents and businesses, of which 14 are in support of the application, one is neutral, and three are opposed, citing the potential for disturbance of the peace and proximity to residences, as 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.

Impact of noise on nearby residents

The subject property is located in the downtown core, at the north end of Commercial Street. The property is designated as 'Primary Urban Centre' and is within the DT1 – Core zone, which permits restaurant, neighbourhood pub, lounge, and nightclub. The surrounding area includes a mixture of medium to high density residential, commercial, tourist accommodation, service, and office uses. Residential uses exist approximately 20m northwest of the subject property.

When deciding on whether or not to support the application, Council is asked to consider any potential for increased noise and disturbance to neighbouring residents that may be caused by the increased hours of liquor service.

Melange Restaurant provides a full menu, does not provide entertainment, requests no increase in occupant load, and has provided a written confirmation of intent (Attachment D) that the primary function will remain that of a restaurant. Licencing would also prevent the business from operating as a nightclub without further approvals. The City's Bylaw Enforcement section notes that the area is active for security, and some disorder; however there is no record of noise complaints related to the existing restaurant.

Given there are no changes in occupant load, and the business focus is food, Staff do not anticipate an increase in noise over existing levels if the application is approved.

Impact on the Community if the Application is Approved

Of 18 responses, two residents were opposed given the potential for disturbance of the peace and proximity to residences. Many of the responses in support of the application, made mention of supporting downtown business in general, the restaurant, nightlife, and that longer business hours will create more activity at night, and provide ‘eyes on the street’.

The RCMP has no objection with the application, a copy of the RCMP referral response is attached (Attachment B). Business Licencing has noted no record of complaints related to the business. From a social planning perspective, businesses staying open later can bring more activity downtown.

Melange has been operating as a restaurant at this location since December 2019. A number of existing food primary restaurants in the City currently serve past 12:00am. It is Staff’s opinion that the extension of liquor service to 1:00am is consistent with Council’s Hours of Liquor Service Policy. Given the business history, and central location downtown, Staff do not anticipate any negative community impact with respect to the liquor license amendment application.

Next Steps

Should Council pass a resolution to support the application to change 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 change the hours of liquor service to be from 9:00am until 1:00am, seven days a week.
- 18 public responses have been received; 14 in support, one neutral, and three in objection to the application.
- Staff recommend support of the proposed amendment to the liquor licence.

ATTACHMENTS

ATTACHMENT A: Subject Property Map
ATTACHMENT B: RCMP Referral Response
ATTACHMENT C: Letter of Rationale
ATTACHMENT D: Written Confirmation of Intent
ATTACHMENT E: Public Comment Sheets

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