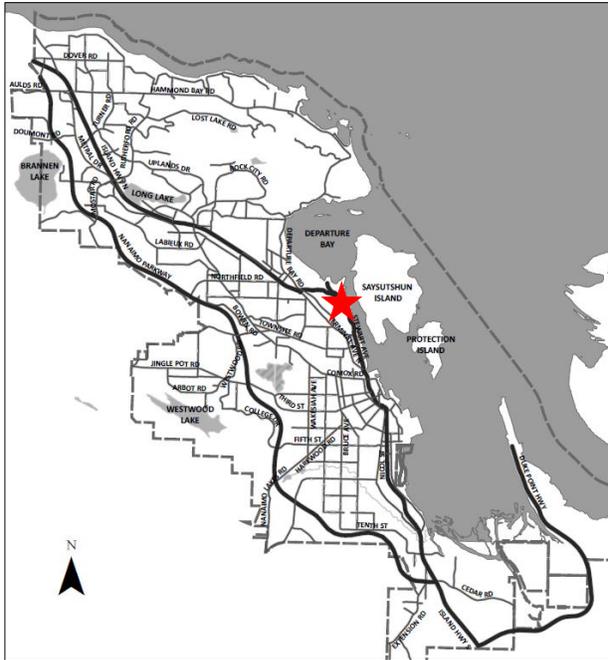


DATE OF MEETING | December 18, 2023

AUTHORED BY | PAYTON CARTER, PLANNER, CURRENT PLANNING

SUBJECT | LIQUOR LICENCE APPLICATION NO. LA155 – 1724 STEWART AVENUE



Proposal:

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

Zoning:

W2 – Harbour Waterfront

City Plan Land Use Designation:

Waterfront

Lot Area:

5.5ha



OVERVIEW

Purpose of Report

To inform Council of an application to amend the existing liquor licence at 1724 Stewart Avenue (Carlos O'Bryan's Neighbourhood Pub) to permit a permanent extension for the existing temporary outdoor patio area. |

BACKGROUND

A notice of application was received from Carlos O'Bryan's Neighbourhood Pub, requesting a local government resolution in support of their licence amendment application to the Provincial Liquor and Cannabis Regulation Branch (LCRB) to permit the Temporary Extended Service Area (TESA) to remain permanently at the Carlos O'Bryan's Neighbourhood Pub at 1724 Stewart Avenue.

During the COVID-19 Pandemic, temporary outdoor patios were permitted by the LCRB and the City of Nanaimo. Carlos O'Bryan's Neighbourhood Pub has had a temporary outdoor patio since October 2020. The LCRB has advised that temporary patios must either be removed, or a liquor licence amendment application is to be submitted to the LCRB requesting a permanent outdoor patio. As such, the applicant is seeking to make the temporary patio extension permanent. |

DISCUSSION

The subject property is located within an existing marina, adjacent to the Nanaimo Waterfront Walkway. Carlos O'Bryan's Neighbourhood Pub has been operating in Nanaimo for a number of years and the applicant has provided a rationale for the proposed patio extension (Attachment C). The covered and fenced patio considered in this application is 93m² and provides seating for 38 patrons. The permitted business hours are 9:00 a.m. to 1:30 a.m. daily. Family food service is permitted on the patio until 10:00 p.m. and no change of business hours is proposed as part of this application. The patio is located within the adjacent parking lot, across the Nanaimo Waterfront Walkway. If the permanent patio extension is supported, the maximum capacity for the business, including indoor and outdoor areas, would remain at 228 persons.

The LCRB has requested that liquor licence amendment applications be reviewed in terms of the following criteria:

- 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 of the community if the application is approved. |

CONCLUSION

Staff will comment on each of these factors in a future report after public comments have been received. The next step will be for Staff to mail and hand deliver a public notice to the residents

and businesses owners of all buildings within a 100m radius of the subject property to inform them of the proposed liquor licence amendment, and to obtain neighbourhood input. |

SUMMARY POINTS

- An application has been received to amend the existing liquor licence at 1724 Stewart Avenue (Carlos O'Bryan's Neighbourhood Pub) to permit a permanent extension to the existing outdoor patio area.
- Staff will proceed with the public notification to gather input from nearby residents and business owners.
- A summary of public comments and an evaluation of community impacts will be brought to Council for consideration in a future report. |

ATTACHMENTS

ATTACHMENT A: Subject Property Map
ATTACHMENT B: Site & Patio Plan
ATTACHMENT C: Letter of Rationale |

Submitted by:

Lainya Rowett
Manager, Current Planning |

Concurrence by:

Jeremy Holm
Director, Planning & Development |