

DATE OF MEETING | February 5, 2024 |

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

Recommendation

That Council recommend the Liquor and Cannabis Regulation Branch approve the liquor licence amendment application for 1724 Stewart Avenue (Carlos O'Bryan's Neighbourhood Pub) to permit a permanent extension of the existing 93m² 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. 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.

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 (LCRB) to permit the Temporary Extended Service Area (TESA) to remain permanently at the Carlos O'Bryan's Neighbourhood Pub at 1724 Stewart Avenue. The following report summarizes public comments received and considerations for this liquor licence application.

DISCUSSION

Proposed Development

The LCRB has requested liquor licence amendment applications be reviewed in terms of the following criteria, and requests that 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 2023-DEC-18 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 2023-DEC-19.

- A total of 13 responses to the public notification were received by the City from surrounding residents and businesses. Of the 13 responses received, 11 are in support of the application and two are opposed, citing noise concerns. Comment sheets returned are included as Attachment D.
- The liquor licence amendment application was referred to the RCMP and City departments for review and comments. Responses are discussed in the sections below.

Location of the Establishment

The subject property is located within the existing Stones Marine Centre. City Plan designates the property and surrounding area as 'Light Industrial' and the property is zoned Harbour Waterfront (W2), which permits neighbourhood pubs. The patio is located within the adjacent, under-utilized parking area, across the Nanaimo Waterfront Walkway. Sufficient parking remains to service the existing uses located on site, which include the Carlos O'Bryan's Neighbourhood Pub, as well as boat and marine sales and service operations. A gas station and single family residences are located across Stewart Avenue. The patio is located adjacent to supporting commercial uses and is well-separated from residential areas.

Capacity of Hours of Service

The patio area considered in this application is 93m² and provides seating for 38 patrons. Carlos O'Bryan's Neighbourhood Pub is an existing facility and no increase in occupant load is requested. If the proposed patio is supported, the maximum capacity for the business, including indoor and outdoor areas, would remain at 228 persons. Business hours are 9:00 a.m. to 1:30 a.m. daily. No change of business hours is proposed as part of this application. The business 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 on the Community

The outdoor patio area considered in this application has been operational since 2020. As the TESA is currently in use and is internal to the marina site, noise impacts to the community would be minimal if the application is approved. The RCMP and City departments have advised that no complaints have been received with respect to the outdoor patio. The RCMP has no objection to the proposed amendment to the liquor licence.

Staff have reviewed the proposal to allow the patio to remain permanently and recommend support for the proposed amendment to the liquor licence at 1724 Stewart Avenue (Carlos O'Bryan's Neighbourhood Pub). Staff support the amendment as the patio is located near complementary uses, there are no changes to the hours of service, and minimal noise impacts to residential areas are anticipated.

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 1724 Stewart Avenue (Carlos O'Bryan's Neighbourhood Pub) to permit a permanent extension of the existing temporary outdoor patio area.
- Staff have completed the required public notification on 2023-DEC-19, and received 13 responses from surrounding residents and businesses, 11 in support and two 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: Letter of Rationale
ATTACHMENT D: Public Comment Sheets |

Submitted by:

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Concurrence by:

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