



THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

**To:** Council

**File No.:** 4320-20

**From:** Chief Administrative Officer

**Date:** April 6<sup>th</sup>, 2020

**Subject: Structural Change to Liquor Licence Application (Ace Brewing Company Limited) – 150 Mansfield Drive**

### PURPOSE:

The purpose of the report is to obtain Council direction to request public input with respect to Ace Brewing Company Limited's application for a manufacturing facility structural change to add a new outdoor patio to an approved lounge at 150 Mansfield Drive.

### CAO RECOMMENDATIONS:

THAT, based on the April 6<sup>th</sup>, 2020 staff report, 'Structural Change to Liquor Licence Application (Ace Brewing Company Limited) – 150 Mansfield Drive', Council approve OPTION 1 and direct staff to post notice on the City's website requesting public input on Ace Brewing Company Limited's Club's proposed structural change application.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM

Chief Administrative Officer

### BACKGROUND:

The applicant is making application for a structural change to their existing liquor licence to the Liquor & Cannabis Regulation Branch (LCRB) for the property at 150 Mansfield Drive. The existing licence is a manufacturing licence with a 72-person capacity lounge endorsement approved by City Council January 2019. The applicant wishes to expand to include a liquor primary outdoor patio with a capacity of 68 persons (**Figure 1**).

Pursuant to section 38 (3)(c) of the *Liquor Control and Licensing Act*, the local government must gather the views of residents when the applicant

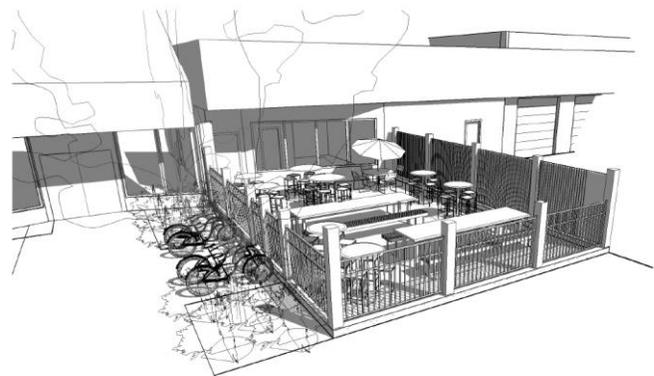


Figure 1. Proposed patio

has given the local government notice of the application. In order to gather the views of residents, the City's practice has been to post notice of the application on the City's main website for two weeks.

**DISCUSSION:**

The subject location is zoned Commercial Two (C-2), which permits the intended use. The existing building was previously occupied by a car dealership. It was built in 1966, extensively renovated in the 1970s and 1980s, and divided with a demising wall in 2016. Care Automotive Service Ltd. operates in the southern unit and Ace Brewing Company Limited has recently begun operating a microbrewery with a lounge in the northern unit, licenced to operate 11:00 a.m. to 11:00 p.m. daily though sometimes closing earlier. If approved, the patio would be licenced for the same hours.

Ace Brewing Company's previous application that was approved by Council for the lounge endorsement had seven public comments, one in favour and six opposed – siting potential competition for a nearby pub, noise and traffic as concerns. Staff found none of these issues to be problematic but noted that any future patios would require a separate application and re-examination.

The proposed patio is on the western side of the building, facing other commercial properties (**Figure 2**). There are residences to the north across Mansfield Drive approximately 50 metres away and separated by landscaping (**Figure 3**). The applicant is not proposing to make changes or alterations to the exterior of the building except a few minor changes such as a new door, which are not subject to development permit requirement. Parking provision on the lot exceeds zoning requirements for these uses, and would support the increased needs and reduced space from the patio. The Ministry of Transportation was contacted and did not indicate any traffic concerns.



Figure 2. Context

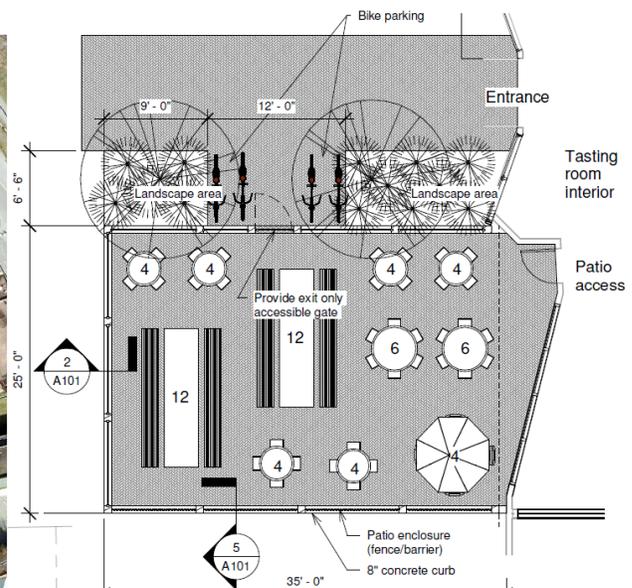


Figure 3. Patio Plan

Section 71 (9) of the *Liquor Control and Licensing Regulation* states that a local government or first nation that wishes to provide comments and recommendations for the LCRB under section 38 (3) of the Act must do so in accordance with the following requirements:

- (a) the comments and recommendations must be in writing;

- (b) the comments must include the views of the local government or first nation on
  - (i) the impact of noise on the community in the immediate vicinity of the establishment unless subparagraph (ii) or (iii) apply,
  - (ii) in the case of an application that involves a temporary use area endorsement, the impact of noise on the community in the immediate vicinity of the proposed locations of event sites under corresponding temporary use area authorizations,
  - (iii) in the case of an application that involves a lounge or special event area endorsement, the impact of noise on the community in the immediate vicinity of the location of the service area under the endorsement,
  - (iv) the general impact on the community,
- (c) if the local government or first nation has gathered the views of residents under section 38 (3) (c) of the Act, the comments must include
  - (i) the views of the residents, and
  - (ii) a description of the method used to gather those views;
- (d) the recommendations must include whether the application should be approved or rejected; and
- (e) the recommendations must include the reasons on which they are based.

With respect to the requirement in section 38 (3) (c) of the *Liquor Control and Licensing Act*, the current practice is to advertise a notice on the City's website. Staff consider that it will satisfy the requirements of the LCRB. However, Council may wish to consider direct mail out to the residents of the Trumpeters Landing Strata. Once Council receives public input on the application, a resolution addressing these points will be forwarded to the LCRB for final consideration.

**FINANCIAL IMPLICATIONS:**

There is no direct financial implication related to this application. Application fee for all types of liquor licence is \$500 plus GST.

**ADMINISTRATIVE IMPLICATIONS:**

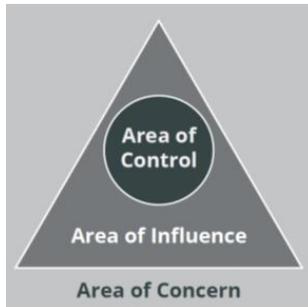
Administration of liquor licencing is included in the City's general statutory duties. To date, staff has spent four hours processing the application. It is anticipated an additional four hours will be required to complete the notification requirements, work with the applicant on the neighbours' concerns and bring a report back to Council.

**ASSET MANAGEMENT IMPLICATIONS:**

There is no direct asset management implication related to this application.

**2019 – 2022 STRATEGIC PRIORITIES REFERENCE:**

The November 2019 Strategic Priorities Check-in does not include any additional relevant references.



We focus on organizational & governance excellence

- Communicate appropriately with our community in all decisions we make
- Responsibly provide services at levels which the people we serve are willing to pay

● **Area of Control**

The policy, works and programming matters that fall within Council’s jurisdictional authority to act.

**OFFICIAL COMMUNITY PLAN REFERENCE:**

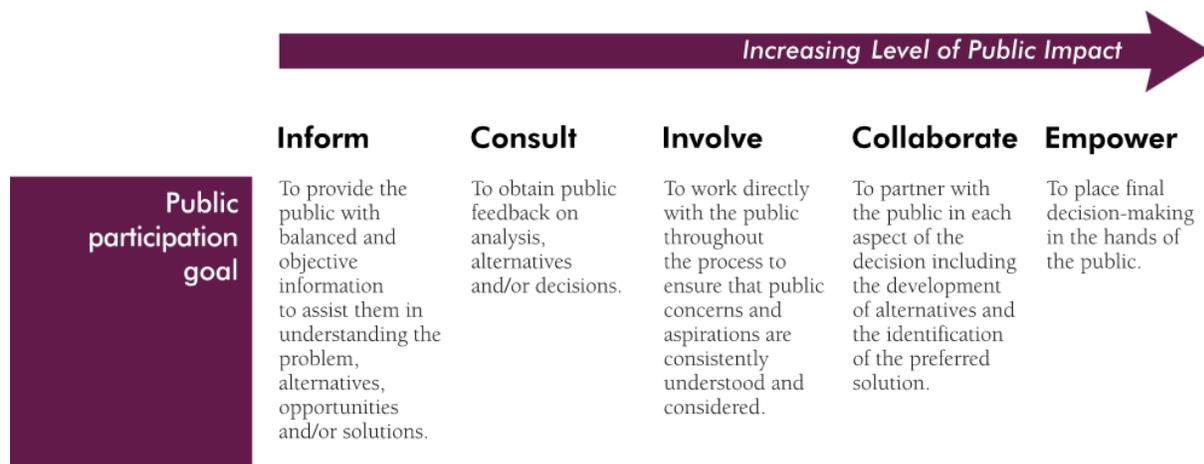
There is no direct reference related to this application.

**REGIONAL GROWTH STRATEGY REFERENCE:**

There is no direct reference related to this application.

**CITIZEN/PUBLIC ENGAGEMENT:**

Staff will **consult** members of the public based on the IAP2 Spectrum of Public Participation:



The public comment gathering period will be open between April 7<sup>th</sup> and April 20<sup>th</sup>, 2020 on the City’s website. Any comments received from the public and the standard referral procedure will be attached to the staff report for Council’s final consideration at a future Council meeting.

**OPTIONS:**

- Option 1: Direct staff to publish notice on the City’s website requesting public input on the proposed new liquor licence for Council consideration at the regular meeting scheduled for April 20<sup>th</sup>, 2020. **(Recommended)**
- Option 2: Direct staff to obtain public input through an alternative method.
- Option 3: Direct staff not to proceed with the application and advise the LCLB that the City does not support the request.

Prepared by:



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Planner 2

Reviewed by:



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Ian Buck, MCIP, RPP  
Director of Development Services

