



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 4320-20

From: Chief Administrative Officer

Date: January 7th, 2019

Subject: Structural Change Application for Manufacturing Facility (Gladstone Brewing) – 244 4th Street

PURPOSE:

The purpose of the report is to obtain Council direction to request public input with respect to a structural change application to a manufacturing facility for Gladstone Brewing at 244 4th Street.

CAO RECOMMENDATIONS:

THAT, based on the January 7th, 2019 staff report, 'Structural Change Application for Manufacturing Facility (Gladstone Brewing) – 244 4th Street', Council approve OPTION 1 and direct staff to post notice on the City's website requesting public input on their structural change application for Council consideration at the regular meeting scheduled for January 21st, 2019.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

The applicant, the Gladstone Brewing Company, is in the process of making application for a structural change for their existing manufacturing facility licence to the Liquor & Cannabis Regulation Branch (LCRB). As part of the application process for the LCRB, the applicant is required to obtain a resolution from local government if proposed change results in increase of the previously approved occupant load.

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 has given the local government notice of the application. In order to gather the views



Figure 1. The Building in 2015 (google street view)

of residents, the City will post notice of the application on the City’s main website for two weeks.

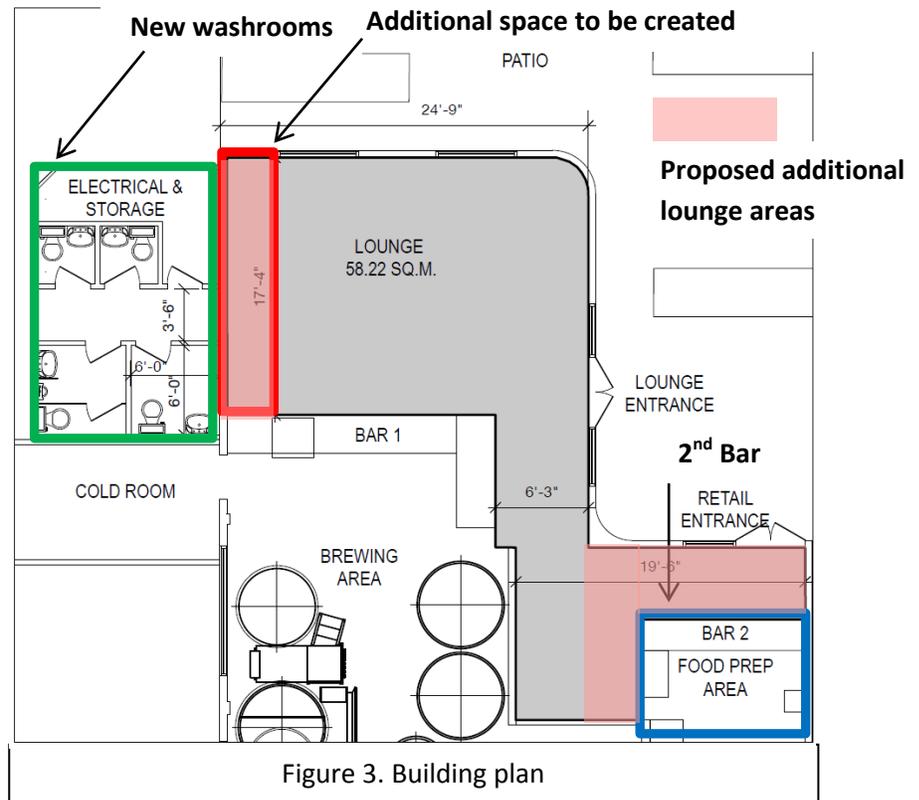
DISCUSSION:

The subject location is zoned Commercial One (C-1), which permits the intended use. The building operated as the Seale and Thomson Garage in the 1940s. The building is listed on the City’s Heritage Registry due to its unique history. This is one of the few unique examples of where an historic building has been repurposed and revitalized in Courtenay. The applicant has been operating the business since 2015.

The applicant is proposing to create additional space inside by eliminating an electrical room and small under-utilized space in the lounge area (approximately 120 ft²) and relocating washroom to the area currently occupied by a small business in the west side of the building. The applicant is also proposing a second bar where the onsite store is located. No exterior building renovations or alterations are proposed at this time. As a result of the interior renovation, permitted occupancy load would increase from 30 to 49 (maximum).

The area is boarded in red on Figure 3.

Hours of operation remains the same: 12:00 p.m. to 11:00 p.m. (12:00 p.m. on Thursdays, Fridays, and Saturdays).



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. Once Council receives public input on the application, a resolution addressing these points will be forwarded to the LCRB for final consideration. A proposed resolution in the correct format will be presented to Council for consideration at the regular Council meeting scheduled on January 21st, 2019.

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 five hours processing the application. It is anticipated an additional four hours will be required to complete the notification requirements, work with the applicant on any neighbourhood' concerns and bring a report back to Council.

ASSET MANAGEMENT IMPLICATIONS:

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

STRATEGIC PRIORITIES REFERENCE:



We focus on organizational and governance excellence

- We support meeting the fundamental corporate and statutory obligations

- **Area of Control**

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

OFFICIAL COMMUNITY PLAN REFERENCE:

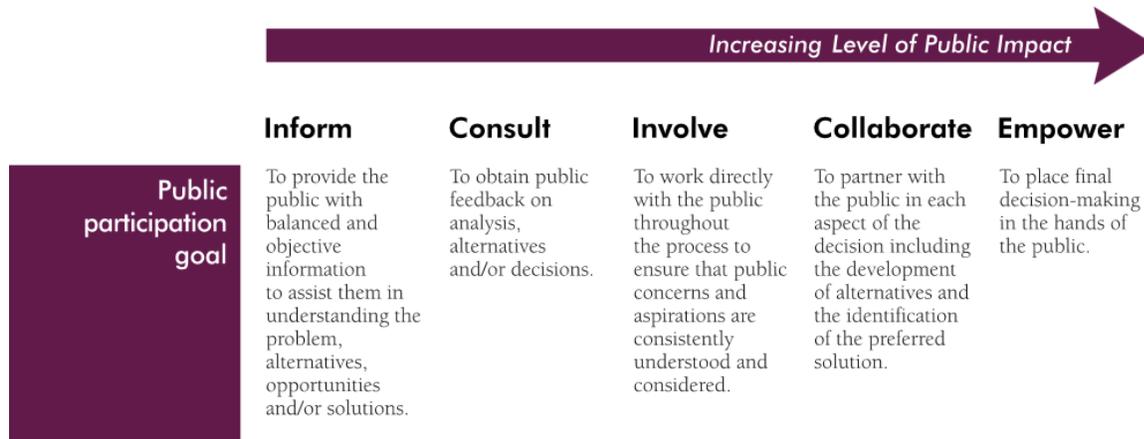
There is no direct reference related to this application.

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 January 8th and January 21st, 2019 on the City's website. Any comments received from the public and the standard referral procedure will be attached to staff report for the Council meeting on January 21st, 2019.

OPTIONS:

- Option 1: Direct staff to publish notice on the City's website requesting public input on the proposed structural change application for Council consideration at the regular meeting scheduled for January 21st, 2019. **(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:

Reviewed by:

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