



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 4320-20

From: Chief Administrative Officer

Date: April 20, 2015

Subject: Gladstone Brewing Co. Amendment to Lounge Endorsement

PURPOSE:

The purpose of the report is to respond to the application by the Gladstone Brewing Company for an amendment to its Brewery Lounge Endorsement to add an outdoor patio.

CAO RECOMMENDATIONS:

That, based on the April 20, 2015 staff report, "Gladstone Brewing Co. Amendment to Lounge Endorsement", Council approve Option 1 and direct staff to publish notice for two consecutive weeks in a local newspaper and posted on the City's website requesting input on the proposed amendment to a Brewery Lounge Endorsement to allow an outdoor patio, for Council consideration at the regular meeting scheduled for May 11, 2015; and

That the Downtown Courtenay Business Improvement District (DCBIA) be specifically requested to provide comments regarding the amendment application.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

Gladstone Brewery is now open at 244 4th Street, and received a Brewery Lounge Endorsement last year.

As per the attached request, Gladstone Brewing Company is requesting an amendment to its Brewery Lounge Endorsement by adding an outdoor patio.

DISCUSSION:

If Council wishes to comment on the application, the *Liquor Control and Licencing Regulations* require a local government detailed resolution as outlined in Appendix 1.

In addition, prior to recommending approval of an application, the local government must gather the views of residents if it considers the amendment may affect nearby residents and businesses.

With liquor licence amendment applications, typically Council has resolved to publish a notice in a newspaper for two consecutive weeks and on the City's website.

Staff are of the opinion that notices in a local newspaper and on the City’s website, along with a specific request for comment from the DCBIA, will satisfy the requirements of the Liquor Control and Licencing Branch. The DCBIA is typically able to provide coordinated comments reflecting the views of businesses in the downtown core.

Once Council receives public input on the applications, a resolution addressing the points outlined in Appendix 1 must be forwarded to the Liquor Control and Licencing Branch (LCLB). A proposed resolution in the correct format will be presented to Council for consideration at the regular meeting scheduled for May 11, 2015.

Council may choose to “opt out” of the process. This is a valid option only if Council feels the operation of the brewery lounge would not affect nearby residents (includes businesses).

FINANCIAL IMPLICATIONS:

Cost of advertising is anticipated to be in the range of \$250.00.

ADMINISTRATIVE IMPLICATIONS:

Administration of liquor licence amendments is included in the general statutory duties of the Legislative Services Department work plan. To date, 2 hours of staff time have been expended for research and report preparation.

STRATEGIC PLAN & PRIORITIES REFERENCE:

Statutory in nature; although *Downtown Revitalization: Forum* is Council’s #3 Corporate Priority for 2015.

OFFICIAL COMMUNITY PLAN REFERENCE:

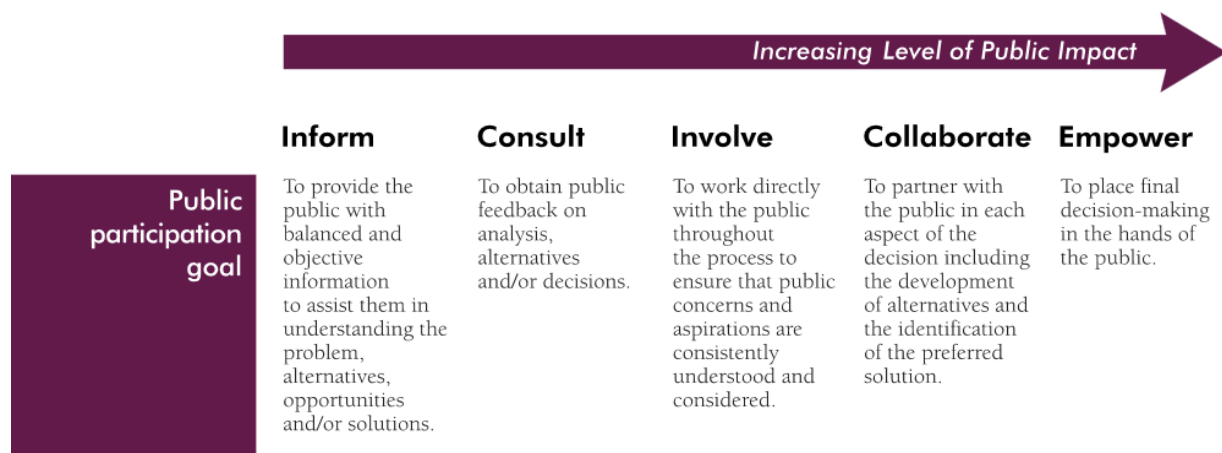
Not referenced.

REGIONAL GROWTH STRATEGY REFERENCE:

Not referenced.

CITIZEN/PUBLIC ENGAGEMENT:

Public notice is required if Council wishes to comment on the application. *Consult* level of public participation is recommended.



OPTIONS:

- Option 1: Direct staff to publish notice for two consecutive weeks in a local newspaper and posted on the City's website requesting input on the proposed amendment to the Brewery Lounge Endorsement for Council consideration at the regular meeting scheduled for May 11, 2015 along with a specific request to the DCBIA for comment (recommended).
- Option 2: Direct staff to obtain public input through an alternative method.
- Option 3: Opt out of the process and advise the LCLB.

Prepared by:

A handwritten signature in black ink, appearing to read "John Ward".

John Ward, CMC
Director of Legislative Services

Attachments:

- Appendix 1 (LCLB guidelines)
- Application from Gladstone Brewery to the LCLB

APPENDIX 1

Excerpts from the Liquor Control and Licencing Branch:

All of the items outlined below on points (a) through (d) must be addressed in the resolution in order for the resolution to comply with section 53 of the Liquor Control and Licencing Regulation.

- (a) The potential for noise if the application is approved (provide comments);*
 - (b) The impact on the community if the application is approved (provide comments);*
 - (c) If the amendment may affect nearby residents, the local government or first nation must gather the views of residents in accordance with 11.3 (2)(c) of the Act;*
 - If the local government or first nation gathered the views of the residents, they must provide:*
 - (i) The views of the residents*
 - (ii) The method used to gather the views of the residents, and*
 - (iii) Its comments and recommendations respecting the views of the residents*
- (Residents includes residents and business owners)*
- If the views of residents were not gathered, provide reasons.*
- (d) Its recommendation with respect to whether the amendment should be approved.*



APPLICATION SUMMARY

For Local Government/First Nations

RECEIVED

MAR 25 2015

CITY OF COURTENAY

Date: March 20, 2015

Job #23688898-006

To: Mr. John Ward, City of Courtenay

From: Ann Shubrook, Assistant Manager, Licensing (250-952-5773)

Re: Application for amendment to a Brewery Lounge Endorsement
By adding an outdoor Patio
Gladstone Brewing Co.
Brewery Licence # 306216
Located at 244 4th Street in Courtenay

APPLICATION INFORMATION

Currently, the Brewery is licensed to manufacturer beer. The Brewery has been granted a brewery lounge endorsement for a small interior lounge area. The Brewery proposes to add an outdoor patio with a maximum capacity of 118 persons as determined by a registered architect.

As with any increase in the capacity and/or addition of an outdoor patio, the application must be forwarded to the City of Courtenay for Council consideration under section 53 of the Liquor Control and Licensing Regulation. Comments relative to the impact on the community, noise, as well as the gathering of the views of local residents are anticipated within the 90 day timeframe. An extension of time may be requested from the City as needed.

Attached to this application summary, please find the following documents:

- a copy of the submitted application form, and
- floor plans with an occupant load of 118 persons

Please sign off on Part 4 and return a copy to my attention at Ann.Shubrook@gov.bc.ca quoting Job #23688898-006.

If you have any questions, please call me directly at 250-952-5773.

Thank you

Ann Shubrook
Licensing Branch

PART 3: Local Government/First Nation Resolutions: Information for the Applicant

For the following changes to an existing lounge and/or special event endorsement area(s), a resolution from your local government or First Nation, commenting on the application is required:

- Addition of a new patio
- Any alteration/addition, when the change increases the total occupant load of the lounge or interior special event endorsement areas.

Licensee responsibilities:

- Fill out appropriate change application sections in this form.
- Request your local government/First Nation to sign and date Part 4 of this form.**
- Provide a photocopy of this form to the local government/First Nation and request that a resolution be provided within 90 days and sent directly to the Liquor Control and Licensing Branch, Victoria Head Office.
- Send the original form and application fees to the branch.
- The Liquor Control and Licensing Branch will follow up with the local government/First Nation if a resolution has not been received by the Branch within 90 days of the local government's receipt of your request.

Your local government/First Nation may decide that it does not wish to provide comment on your change request. However, they must still provide a resolution stating this decision and this resolution must be submitted to the Liquor Control and Licensing Branch.

For more information on resolutions regarding B.C. liquor licences, please visit the LCLB website publication index to consult the guide *Role of Local Government and First Nation* at <http://www.pssg.gov.bc.ca/lclb>.

PART 4: Local Government / First Nation Resolution Required

To be filled out by your local government/First Nation office if applicable.

Local government/First Nation (name): City of Courtenay

Name of Official: JOHN WARD, CMC
DIRECTOR OF LEGISLATIVE SERVICES
(last / first / middle)

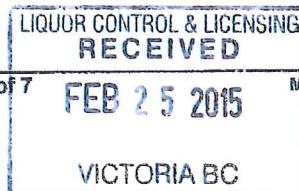
Date of receipt of application: 25/03/2015 Phone: 250-705-4853
(Day/Month/Year)

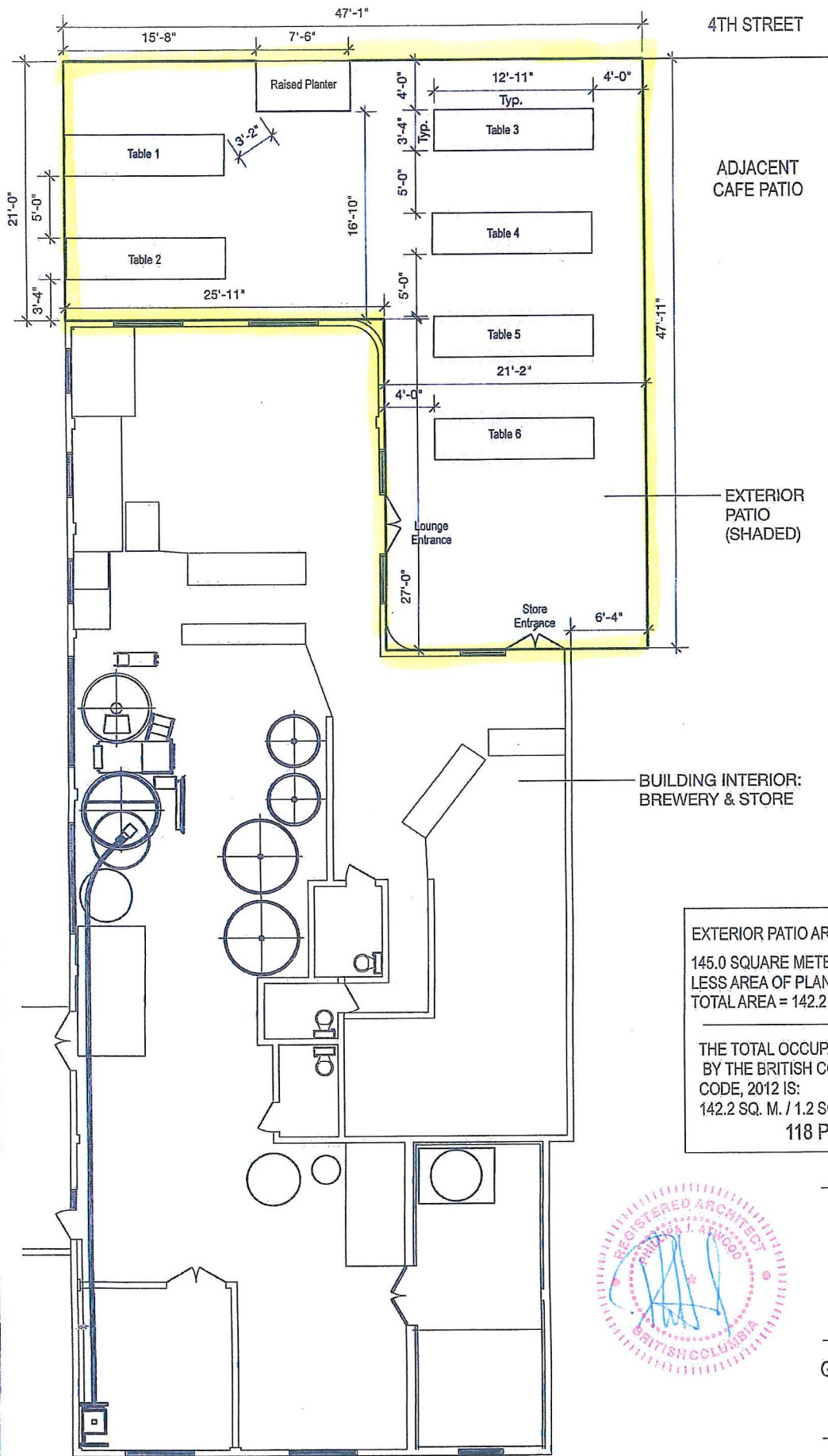
Signature of Official: [Handwritten Signature]

This application serves as notice from the Liquor Control and Licensing Branch that an application for a permanent change to a liquor licence is being made within your community. The Liquor Control and Licensing Branch (LCLB) requests that a resolution commenting on the application be sent to the LCLB Victoria Head Office within 90 days of the above date of receipt. If more than 90 days is required to provide a resolution, please contact the branch to make a request to the general manager for an extension. If the local government/First Nation decides not to provide comment, a resolution indicating this decision must be provided to the branch. Please be advised that if the LCLB does not receive a resolution or a request for an extension, within 90 days, the general manager is authorized to review the application without a resolution, considering factors (a) through (d) below, and make a decision about the application.

All of the items outlined below in points (a) through (d) must be addressed in the resolution in order for the resolution to comply with section 53 of the Liquor Control and Licensing Regulation. Any report presented by an advisory body or sub-committee to the council or board may be referenced in and attached to the resolution.

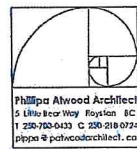
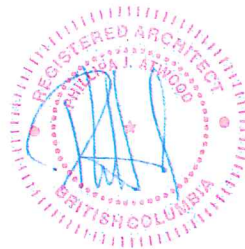
- (a) The potential for noise if the application is approved (provide comments).
- (b) The impact on the community if the application is approved (provide comments).
- (c) If the amendment may affect nearby residents, the local government or first nation must gather the views of residents in accordance with 11.3(2)(c) of the Act.
 - If the local government or first nation gathered the views of residents, they must provide:
 - (i) the views of the residents
 - (ii) the method used to gather the views of the residents, and
 - (iii) its comments and recommendations respecting the views of the residents.
 (Residents includes residents and business owners)
 - If the views of residents were not gathered, provide reasons.
- (d) Its recommendation with respect to whether the amendment should be approved.





EXTERIOR PATIO AREA:
 145.0 SQUARE METERS (1561 SQUARE FEET)
 LESS AREA OF PLANTER: 2.8 SQUARE METERS
 TOTAL AREA = 142.2 SQUARE METERS

THE TOTAL OCCUPANCY PERMITTED
 BY THE BRITISH COLUMBIA BUILDING
 CODE, 2012 IS:
 142.2 SQ. M. / 1.2 SQ. M. PER PERSON =
 118 PERSONS



PROJECT:
**GLADSTONE BREWERY
 EXTERIOR PATIO
 COURTENAY, BC**

DRAWING TITLE:
FLOOR PLAN

FILE:	SCALE:
-	1/8"=1'-0"
DRAWN BY:	PROJECT NO.:
PA	1165
DATE:	DRAWING No.:
12 March 2015	1 of 1

NOTE:
 THE SIGNATURE AND SEAL AFFIXED TO THIS PLAN ARE FOR THE SOLE PURPOSE OF VERIFYING THE OCCUPANCY LOAD FOR THE OUTDOOR PATIO ONLY AND IN NO WAY CERTIFIES THAT THE BUILDING CONFORMS TO CURRENT BUILDING CODE OR LOCAL BYLAW REQUIREMENTS FOR A LICENCED BEVERAGE ESTABLISHMENT. THE PLAN OF GLADSTONE BREWERY HAS BEEN PREPARED FROM MEASUREMENTS AND INFORMATION PROVIDED BY THE OWNER.



Manufacturing Facility

Structural Change Application

Liquor Control and Licensing Form LCLB013

INSTRUCTIONS:

Complete all applicable fields then submit with payment as outlined in Part 7 of this application form. You may complete this form online, then print.

- If you have any questions about this application, call the Liquor Control and Licensing Branch (LCLB) toll-free at: **1-866 209-2111**
- LCLB forms and supporting materials referred to in this document can be found at: www.pssg.gov.bc.ca/lclb

Check (☑) appropriate box:

Manufacturing Facility

Existing Endorsement Area

Application Contact Information

The applicant authorizes the person below to be the primary contact for the duration of the application process only.

Name: Daniel Sharratt

Phone number: 250-661-4664

Fax number:

E-mail address: daniel@gladstonebrewing.ca

Licensee Information

Licence # affected: 306,216

Licensee name [as shown on licence]: Gladstone Brewing Co.

Manufacturer name [as shown on licence]: Gladstone Brewing Co.

Establishment

Location address: 244 4th Street

(as shown on licence):

Street

Courtenay

City

BC

Province

V9N1G6

Postal Code

Business Tel with area code: 250-661-4664

Business Fax with area code:

Business e-mail: daniel@gladstonebrewing.ca

Business

Mailing address:
(if different from above)

Street

City

Province

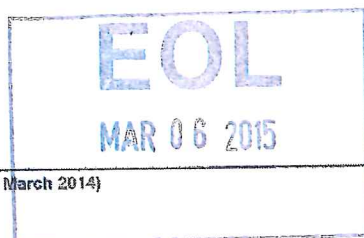
Postal Code

Type of Change Requested

Please check (☑) appropriate box(es) below:

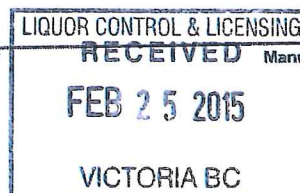
Sub- Job Number
Office Use ONLY

Part 1	<input checked="" type="checkbox"/> New Outdoor Patio: when the licensee proposes to add a patio. (This only applies to approved lounge or special event endorsements.)	1	Outdoor Patio (C4-LIC) <u>23688898-6</u>
Part 2	<input checked="" type="checkbox"/> Structural Alterations: when the licensee proposed changes to: A: Approved lounge or special event endorsement areas B: Manufacturing facilities (includes changes to on-site store area, tasting/sampling area, manufacturing area, storage areas, etc.) C: Approved picnic area D: Approved tour area	2	Structural - no capacity change (C4-LIC) <u>23688898-7</u> Structural - with capacity change (C4-LIC)



LCLB013 (last updated 7 March 2014)

1 of 7



Manufacturer Application for Structural Change

PART 1: Addition of a New Outdoor Patio

Only applies to Approved Lounge or Special Event Area Endorsements

Fee: \$440 per licence = \$440

The addition of a licensed outdoor patio must be approved by the Liquor Control and Licensing Branch. Floor plans must have sufficient detail to be acceptable to the branch. Please be advised that the applicant is responsible for complying with any local bylaws related to the licensed establishment patios. **The application requires a local government/First Nation resolution.** Please refer to Part 3 for more information.

Attach the following:

One 11" x 17" and one 8.5" x 11" scaled, detailed furniture layout plan of the current licensed area and the proposed patio area(s).

Occupant load of patio(s) from above plans: Patio #1: 118 Patio #2: Patio #3:

The occupant load of the current licensed area(s) and proposed patio area(s) **must** be marked/stamped ON the plans by provincial (or designate) fire or building authorities. An alternate qualified professional (architect) may be used in locations only where fire and building authorities do not have jurisdiction to provide an occupant load if accompanied by local government/First Nation written confirmation.

1. Describe the patio perimeter that is designed to control patron entry/exit. (i.e., railing, fencing, planters, hedging, etc.)

We will have Planters and fencing around the perimeter with entrance way.

2. Will your servers have to carry liquor through unlicensed areas to get to the patio? Yes No *If Yes, please explain:*

3. Is the patio located immediately adjacent or contiguous to the interior licensed area? Yes No *If No, please explain:*

4. Describe how your staff will manage and control the patio from the interior licensed area

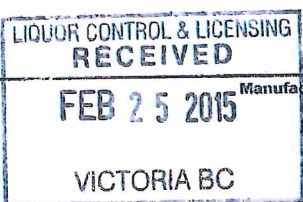
All alcohol purchases will be made in the interior lounge area. The patio will be fenced in to prevent people from entering or leaving unless they use the patio entrance area. During patio hours, staff will be required to monitor the patio and patrons using the patio.

5. Attach a photo if the patio is already built.

NOTE: Agricultural Land Commission (ALC) may restrict the size and capacity of a lounge and/or patio. Prior to submitting your application, verify if restrictions exist. Provide details as applicable.

IMPORTANT: You must request a local government/First Nation resolution commenting on the application. Local government must complete and sign Part 4 of this form. For further information on local government resolutions, read Part 3.

Also complete Parts 6 and 7



PART 5: Structural Application Floor Plan Guidelines

A floor plan is a view of each floor as seen if you were to remove the roof or ceiling and all construction above. Floor plans must be acceptable to the Liquor Control and Licensing Branch for your application to be processed.

Floor plans should meet the following requirements:

- Must be clear, legible and of sufficient size and detail
- Drawing scale of not less than 1/4" = 1'0" (1:48)
- OCCUPANT LOAD(S) MUST BE CLEARLY MARKED/STAMPED ON THE PLANS for a lounge and/or patio as well as interior special event areas by provincial (or designate) fire or building authorities. An alternate qualified professional may be used in locations where fire and building authorities do not have jurisdiction to provide an occupant load, if accompanied by local government/First Nation written confirmation.
- Complete dimensions of all construction and room sizes
- Label partial height walls, planters, retail area, storage rooms, offices, washrooms, kitchen, storage, bars, sampling/tasting area, patios and the furniture layout of tables and chairs
- Location and size of doors and windows
- Stairs showing direction of travel and dimensions

PART 6: Declaration of Signing Authority Including Valid Interest

My signature, as Applicant, indicates that, with respect to the establishment:

- I am the owner of the business to be carried on at the establishment or the portion of the establishment to be licensed.
- I am the owner or lessee of the establishment or portion of the establishment to be licensed. If I have an option/offer to lease the establishment, or portion of the establishment to be licensed, prior to a licence being issued, I will obtain a completed lease that will not expire for a minimum of 12 months after the date the licence is issued.
- I understand that the general manager has the right to request the following documentation supporting valid interest at any time and I agree to provide the requested documentation in a timely manner upon request:
 - If the applicant owns the property, a Certificate of Title in the applicant's name.
 - If the applicant is renting or leasing, a fully executed lease or assignment/offer of lease which does not expire for at least 12 months from the date the licence is issued. An offer for rent/lease must show rent paid, have a term and an expiry date and be signed by both the applicant and the property owner.
 - If the applicant is buying the land and the building(s), a copy of the offer or option to purchase the property and building(s). An offer must show price paid, have a term and expiry date, and be signed by both the applicant and the property owner.
- I understand that loss of valid interest at any time while holding a licence is reason for the general manager to consider cancelling the licence.
- I understand that I must advise the branch immediately if at any time the potential exists to lose valid interest either during the licensing process or once a licence has been issued.
- I understand that the name(s) on documentation demonstrating valid interest must be identical to the applicant name(s).
- As the licensee, I will be accountable for the overall operation, for all activities within the establishment and will not allow another person to use the licence without having first obtained a written approval from the general manager.
- I understand that a licence can only be renewed if I am the owner of the business carried on at the licensed establishment and I am the owner or lessee of the licensed portion of the establishment.

I solemnly declare that the statements in this declaration are true.

(Signature of any shareholder of a private corporation, signing officer of a public corporation or society, sole proprietor or all individuals in a partnership is required below. If more space is required, please attach a separate sheet):

Note: An agent, lawyer, resident manager or third party operator may not sign the declaration on behalf of the applicant.


Name of Official: Sharratt/Daniel/R. Position: Owner Date: 24/02/2015
(last / first / middle) (Day/Month/Year)

Signature: 

Name of Official: Stephanson/Alexandra/L. Position: Owner Date: 24/02/2015
(last / first / middle) (Day/Month/Year)

Signature: _____

Name of Official: _____ Position: _____ Date: _____
(last / first / middle) (Day/Month/Year)

Signature: 

Section 15(2) of the Liquor Control and Licensing Act states: "A person applying for the issue, renewal, transfer, or amendment of a licence who fails to disclose a material fact required by the form of application or makes a false or misleading statement in the form of application commits an offence".

False declaration of valid interest is reason for the general manager to consider terminating the licence application and/or cancelling the licence.

