



THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

**To:** Council

**File No.:** 4530-20

**From:** Chief Administrative Officer

**Date:** November 16, 2020

**Subject:** Structural Change to Liquor Licence Application (Gladstone Brewing Company) - 244 - 4<sup>th</sup> Street

### PURPOSE:

The purpose of the report is to obtain Council direction to request public input with respect to Gladstone Brewing Company's application made to the Liquor & Cannabis Regulation Branch (LCRB) for a structural change to their liquor licence at the above referenced location.

### CAO RECOMMENDATIONS:

That based on the November 16<sup>th</sup>, 2020 staff report "Structural Change to Liquor Licence Application (Gladstone Brewing Company) - 244 - 4<sup>th</sup> Street", Council approve OPTION 1 and direct staff to publish notice on the City's website requesting public input on Gladstone Brewing Company's proposed structural change to a liquor primary licence application.

Respectfully submitted,

Trevor Kushner, BA, DLGM, CLGA, PCAMP  
Interim Chief Administrative Officer

### BACKGROUND:

The applicant is making an application for a structural change to their existing liquor licence to the LCRB for the property at 244 - 4<sup>th</sup> Street. The subject brewery and patio are located at the corner of 4<sup>th</sup> Street and Cliffe Avenue, in downtown Courtenay and is surrounded by other commercial properties and cultural buildings, including the Sid Williams Theatre and the Native Sons Hall. The proposed change is to incorporate the approved Liquor Licence area with the existing patio, and to add an extension to the patio. The increase in permanent seating capacity requested is 162 for a total of 310 persons, with the majority of the seating outside.

The hours of operation for the liquor primary licensed area will remain the same, 9:00am to midnight, seven days a week.

The proposal is the most recent of a series of proposed and approved changes to the brewery as illustrated in **Figure No. 1** and detailed below.



Figure 1: Subject property and Phases of Development

As shown above the brewery occupies part of a commercial building. Patio Area 1 is part of the existing patio area which has been operational since the outdoor patio was endorsed by Council in April, 2015 with a total occupancy limit of 148 patrons (including 30 patrons within the brewery). Patio Area 2 was added in May 2020, as part of the LCRB's response to COVID 19 and the need for additional space due to physical distancing guidelines. As a result of this expansion, the total patio occupancy limit of 148 patrons did not increase; rather, the patio area was allowed to temporarily increase to allow for physical distancing. In March 2020 a development permit was issued by staff for an addition to the existing brewery building. To date, no building permit has been submitted for this addition. Patio Area 3 is a proposed patio addition. It extends over existing parking stalls in front of the proposed addition.

Staff note that in January 2019, Council endorsed an increase in the interior capacity from 30 to 49. However, Staff has verified with the LCRB that because of changes made to the floor plans following the Council resolution, the structural change application was cancelled by the LCRB. Therefore, the current endorsed interior capacity remains at 30 persons. The interior increase requested is again from 30 to 49 persons.

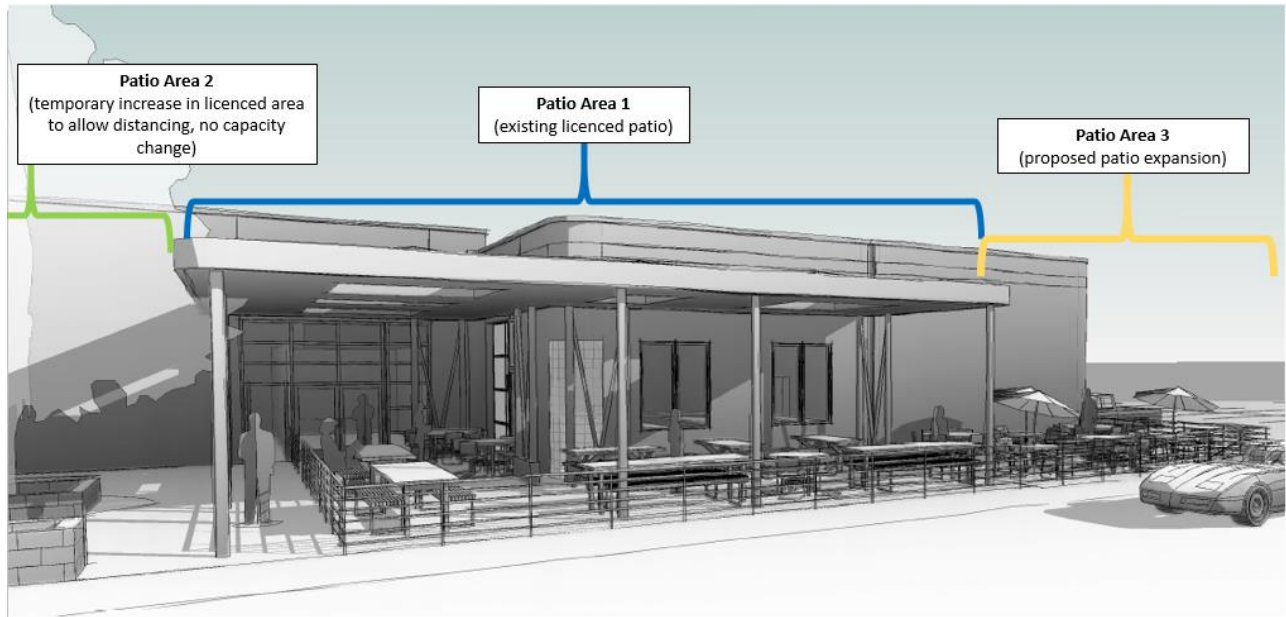


Figure 2. Rendering from the Form and Character Development Permit, approved March 2020. Rendering illustrates the proposed and existing licenced areas.

The proposal is summarized as follows:

1. The permanent incorporation of the existing Patio Area 2 into the endorsed Liquor Licence area.
2. The permanent addition of the proposed Patio Area 3.
3. The permanent increase in the occupancy limit for Patio Areas 1, 2, and 3 from 118 to 261.
4. The permanent increase of the interior occupancy limit from 30 to 49.
5. The permanent increase in the total occupancy (inside and outside) from 148 currently to 310 patrons

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 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. A downtown commercial development permit was approved by the City in March 2020 for an addition in order to accommodate more serving tanks and for an expansion to the patio. The majority of the patio has been contemplated with past development permits. The patios (proposed and existing) run the length of the frontage of the subject property along 4<sup>th</sup> - Street.

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.

**FINANCIAL IMPLICATIONS:**

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

**ADMINISTRATIVE IMPLICATIONS:**

Administration of liquor licencing is included in the City's general statutory duties. To date, staff has spent fifteen 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:**

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

**OFFICIAL COMMUNITY PLAN REFERENCE:**

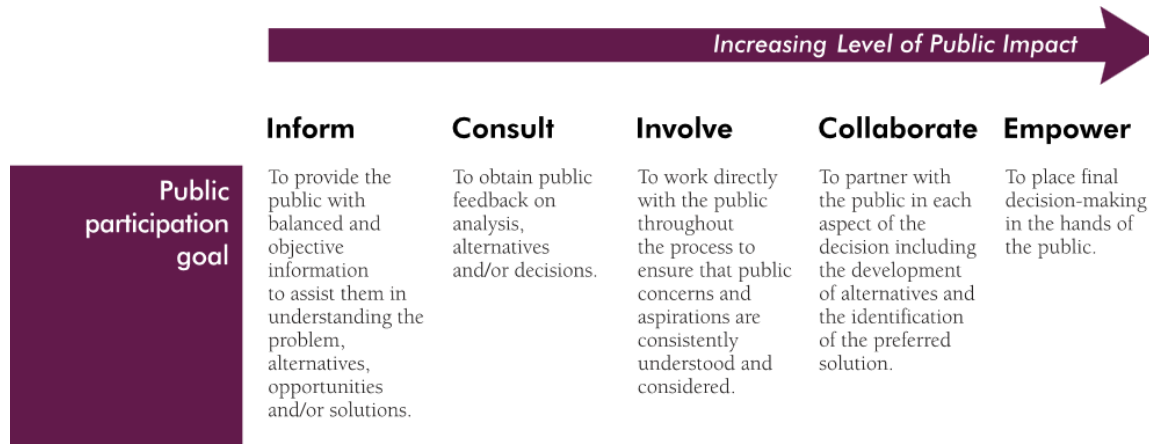
There is no direct reference related to this application.

**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 November 17<sup>th</sup> and December 7<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 structural change to a liquor primary licence for Council consideration at a future meeting. **(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 LCRB that the City does not support the request.

Prepared by:

Cassandra Marsh,  
Planner I

Reviewed by:

Matthew Fitzgerald, RPP, MCIP  
Manager of Development Planning

Concurrence by:



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Ian Buck, RPP, MCIP  
Director of Development Services

Concurrence by:



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Trevor Kushner, BA, DLGM, CLGA, PCAMP  
Interim Chief Administrative Officer

- Attachments: Attachment No. 1: Letter of Intent*  
*Attachment No. 2: Stamped occupant load*  
*Attachment No. 3: Plans demonstrating areas of proposed licence area*  
*Attachment No. 4: Public Comments*

**Attachment No. 1: Letter of Intent**

To whom it may concern,

Gladstone Brewing Company in Downtown Courtenay is apply to expand the liquor licence area of their currently licensed patio.

Gladstone currently has a permanent patio and a temporary extension that the City previously approved. We would like to make the temporary area permanent and also extend the patio into a section of the parking lot. The extension will be 30' x 21', as can be seen in the drawings.

This extension will eliminate one parking space in our private parking lot bringing our parking spaces from 38 to 37 stalls.

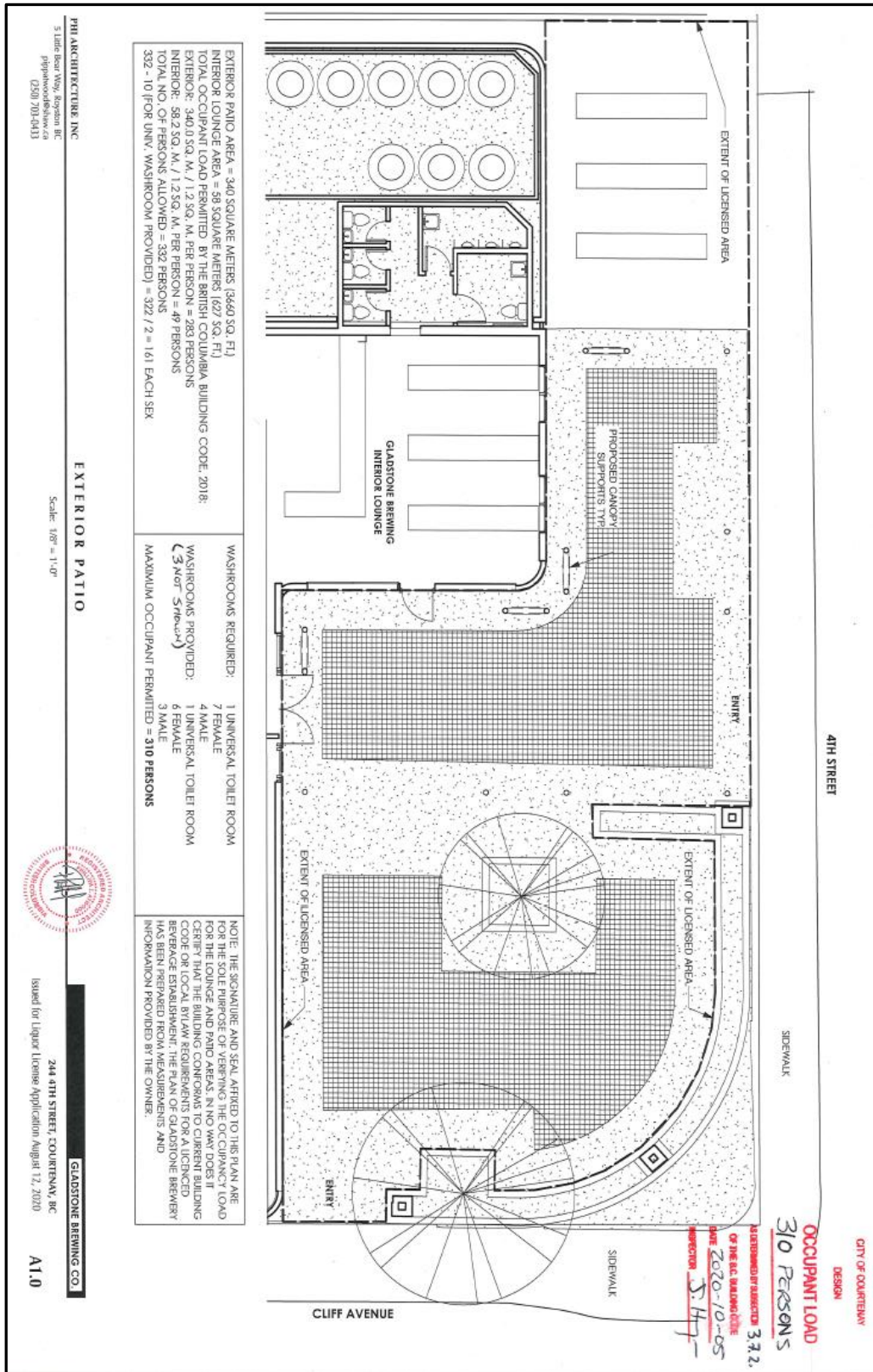
We are also applying to increase our capacity to 310 patrons. This is reflected in the Architecturally Stamped drawing that was submitted with this application.

Thanks

-Daniel Sharratt

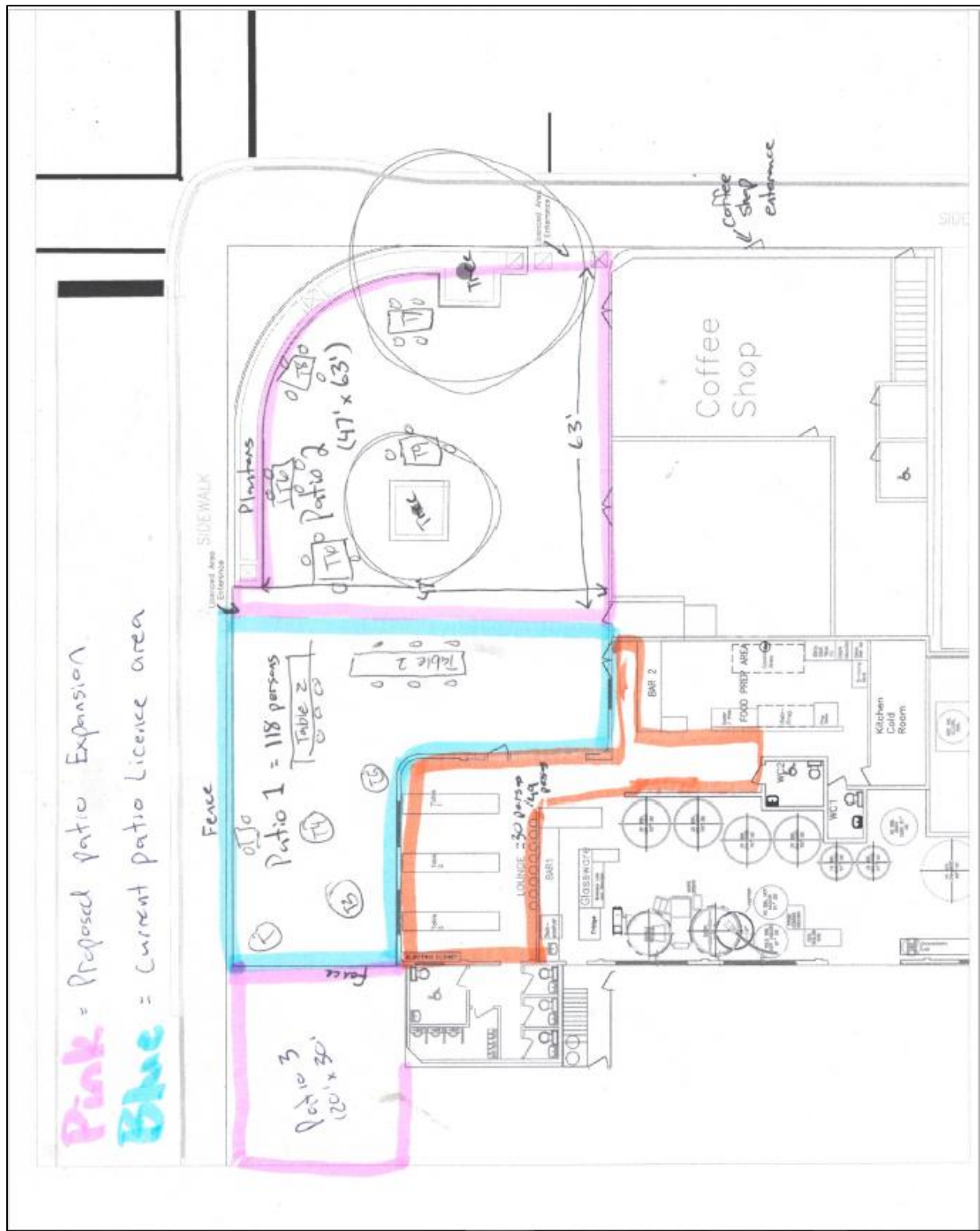


Attachment No. 2: Stamped occupant load





**Attachment No. 3: Plans demonstrating areas of proposed licence area**



**Attachment No. 4: Public Comments**

**From:** Courtenay Website [<mailto:thirdpartyhosting@courtenay.city>]  
**Sent:** Thursday, September 3, 2020 5:07 PM  
**To:** InfoAlias <[info@courtenay.ca](mailto:info@courtenay.ca)>  
**Subject:** General

**Topic** General

**Name** [REDACTED]

**E-mail Address** [REDACTED]

**Phone Number** [REDACTED]

**Address** [REDACTED]

**Message**

Please convey this to whomever is responsible for expanded patio permissions.

I was never so pleasantly surprised as a few months ago when I discovered Gladstone Brewery customers enjoying cool ones in the beautiful, piazza-like courtyard beyond their traditional, limited, fenced-off corral. The last time I witnessed and enjoyed such common sense was during my NATO tour in Germany in the early '80's (40 yrs ago!).

I was unpleasantly surprised to discover that this was intended as a temporary Covid-related relaxation of – what I would consider – antiquated, puerile, and condescending regulations.

I saw no rioting, no depravity, no debauchery. Not surprisingly, everyone appeared to be enjoying not only that excellent Gladstone beer, but their new-found liberation.

So first of all I must thank whomever was/ is responsible for that foresight, insight and wisdom. Secondly, I must plead that this latest permission be considered, like Covid, the new normal, and made permanent.

Cheers,

[REDACTED]