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REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, OCTOBER 19, 2021

SUBJECT Liquor Lounge Endorsement Application (10236 West Coast Road)

ISSUE SUMMARY

An application has been made for a liquor manufacturing licence with lounge endorsement, which is subject to local government and public consultation. A resolution is required from the Regional Board either commenting on the application or opting out of the review process.

BACKGROUND

The applicant has requested a liquor manufacturing licence with lounge endorsement from the provincial Liquor and Cannabis Regulation Branch (LCRB). In order to participate in the decision-making process, local governments must conduct public consultation and provide comments to LCRB.

The approximately 145 ha subject property is located at 12036 West Coast Road in Jordan River (Appendix A). A 3.3 ha portion of the property to which this application applies, is zoned Wildwood Terrace Neighbourhood Commercial (C-1A) under the Juan de Fuca (JdF) Land Use Bylaw No. 2040 (Appendix B). The C-1A zoned area of the property is also being considered for rezoning to permit a brewery with accessory sales, lounge and special event area (RZ000270). Proposed Bylaw No. 4381 received third reading from the Capital Regional District (CRD) Board on September 8, 2021, and adoption is pending completion of conditions.

An application has now been received for consideration of a lounge endorsement as part of the brewery manufacturing liquor licence (Appendices C and D). The proposed 362 m² brewery with lounge includes capacity for 96 seats indoors and 60 seats on an outdoor patio. Hours of operation are proposed to be between 12 p.m. and 10 p.m. daily (Appendices E). A lounge endorsement permits the serving of liquor, food, and entertainment. The CRD Board may conduct public consultation and provide comment on the application to the LCRB, or opt out of the review process.

ALTERNATIVES

Alternative 1

The Land Use Committee recommends to the CRD Board:

1. That comments be provided to the LCRB confirming that the CRD Board has considered the proposed location, person capacity, hours of liquor service, impact of noise, the general impact on the community, and public comments received for the proposed lounge endorsement application for Jordan River Brewery (LP000023);
2. That public comments received on application LP000023 be provided to the LCRB;
3. That a recommendation of approval-in-principle for lounge endorsement application for Jordan River Brewery (LP000023) be provided to the LCRB subject to the following conditions:
 - a. final adoption of rezoning Bylaw No. 4381.

Alternative 2

The Land Use Committee recommends to the CRD Board:

That the lounge endorsement application for Jordan River Brewery (LP000023) not be supported.

Alternative 3

The Land Use Committee recommends to the CRD Board:

That the CRD opt out of the review process and the lounge endorsement application for Jordan River Brewery (LP000023) be forwarded to the LCRB with no comment.

Alternative 4

That the application be referred back to staff for additional information.

IMPLICATIONS

Legislative

The liquor licensing system is established by the *Liquor Control and Licensing Act* and administered by the Liquor and Cannabis Regulation Branch (LCRB). Local governments are notified of applications for a lounge endorsement on a manufacturer's licence and provided opportunity to comment and make recommendations, or to opt out of the review process. Local governments may delegate the authority to provide comment on some or all types of applications that would otherwise require a Board resolution.

The CRD Board approved Bylaw No. 3885, the Juan de Fuca Development Fees and Procedures Bylaw No. 3, 2018, which applies to applications under the *Liquor Control and Licensing Act*.

Public Consultation

Local governments are to provide comments and recommendations to LCRB within 90 days of receipt of an application. Consideration must be given to the location of the proposed service area, the *person capacity* and the hours of liquor service. Comments must be provided to the LCRB on the following:

- the impact of noise on the community in the immediate vicinity of the service area;
- the general impact on the community if the application is approved;
- the views of local residents;
- a description of the method used to gather public comments; and
- recommendations on whether the application should be approved or rejected with supporting rationale.

Local government is to conduct public consultation in a manner that is considered fair and equitable to both the residents and the applicant, provides all nearby residents reasonable notice and opportunity to comment, avoids bias, is appropriate to local circumstances, and provides sufficient information regarding the application, type of licence, and the proposed person capacity and hours of service. In advance of the October 19, 2021, Land Use Committee (LUC) meeting, notices were sent to property owners and occupants within 500 m of the subject property advising of the opportunity to provide comment on the application. Any responses received from the public will be presented at the October 19, 2021, LUC meeting.

Land Use

The LCRB requires that liquor manufacturing and lounge endorsement applications only be approved if proper land use zoning is in place. In cases where rezoning is required or in process, local government may withhold the application and delay the 90 day review period or recommend an approval in principle subject to conditions. As rezoning application RZ000270 is currently in process to permit the brewery and lounge use on the C-1A portion of the property, staff recommend that the CRD Board consider supporting an approval-in-principle subject to final approval of the rezoning and adoption of Bylaw No. 4318.

Location

The proposed location of the Jordan River Brewery is on a vacant portion of the subject property adjacent to West Coast Road. The proposed brewery with lounge will be in a newly constructed, 362 m² building at 12036 West Coast Road (Appendices C and D). Upon adoption of Bylaw No. 4381, the C-1A zone will permit a maximum floor area of principal buildings of 2,000 m². Buildings are required to set back 7.5 m from the front, 6 m from side and 10 m from rear property lines. At such time the applicant pursues construction of the proposed building, a building permit and a Commercial Development Permit as outlined in the Shirley – Jordan River Official Community Plan Bylaw No. 4001, will be required. Approval of development permits is delegated to the General Manager, Planning & Protective Services, as per Bylaw No. 3462.

Access to the brewery will be from West Coast Road. A commercial access permit is required from Ministry of Transportation & Infrastructure as part of the rezoning requirements.

Parking requirements, as outlined in Part 3 of the Juan de Fuca Land Use Bylaw No. 2040, will be assessed at time of development permit. Licensed premises require one parking space per 3 seats in the establishment. Additional spaces are required for brewery and restaurant staff.

The location of the proposed brewery with lounge endorsement must be considered as part of application LP000023. The location was considered as part of RZ000270 and supported subject to final adoption of Bylaw No. 4318.

Person Capacity

The proposed *person capacity* for the lounge is 156 seats, comprised of 96 seats in an indoor lounge area and an additional 60 seats on a 153 m² outdoor patio. As part of the LCRB application review, *occupancy load* is required to be calculated by building and/or fire officials, and *person capacity* cannot exceed *occupancy load*. CRD Building Inspection will require submission of a building permit application to confirm *occupancy load* if the licence application is supported.

Hours of Service

The hours during which a licensed establishment is open for the sale and service of liquor can have a significant impact on the surrounding residents in a community. LCRB will consider hours for a lounge between 9 a.m. and 4 a.m. The proposed hours of liquor service is between 12 p.m. and 10 p.m. daily.

Noise

Disturbing noise in the JdF Electoral Area is enforced by CRD Bylaw Enforcement through the regulations of the Noise Suppression Bylaw (Juan de Fuca), Bylaw No. 3341. Indoor and outdoor amplified music is restricted between the hours of 11 p.m. and 7 a.m., and the loading and unloading of vehicles is restricted between 7 p.m. and 7 a.m. The proposed brewery and lounge hours of service are not expected to conflict with the terms permitted in Bylaw No. 3341.

Community Impacts

Additional factors that may be considered in the public interest include: hours of operation requested by nearby licensed establishments, the ability of police to supervise the establishment, and the availability of public transit and taxi service. Local governments may consider restricting types of entertainment at the licenced establishment by bylaw.

Based on consideration of the above information and subject to public input received regarding the application, staff recommend that the CRD opt in to review the application and provide comments and a recommendation to the LCRB. Should the application be supported, staff recommend that issuance of a licence be conditional on final approval of rezoning and adoption of Bylaw No. 4381.

CONCLUSION

An application for a manufacturing licence with lounge endorsement has been submitted for the Jordan River Brewery. A resolution is required from the CRD Board either commenting on the application or opting out of the review process. Owners and occupants within 500 m of the subject property were notified of the application and provided opportunity to comment in advance of the LUC meeting. Should the CRD opt in to a review of the application, comments and recommendations including rationale must be provided to the LCRB within 90 days.

RECOMMENDATION

The Land Use Committee recommends to the Capital Regional District Board:

1. That comments be provided to the LCRB confirming the CRD Board has considered the proposed location, person capacity, hours of liquor service, impact of noise, the general impact on the community, and public comments received for the proposed lounge endorsement application for Jordan River Brewery (LP000023);
2. That public comments received on application LP000023 be provided to the LCRB;
3. That a recommendation of approval-in-principle for lounge endorsement application for Jordan River Brewery (LP000023) be provided to the LCRB subject to the following conditions:
 - a. final adoption of rezoning Bylaw No. 4381.

Submitted by:	Iain Lawrence, MCIP, RPP, Manager, Juan de Fuca Community Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENTS

Appendix A: Subject Property Map
Appendix B: Zoning Map
Appendix C: Site Plan
Appendix D: Floor Plan
Appendix E: Letter of Intent for Lounge Endorsement