

DATE OF MEETING April 23, 2018

AUTHORED BY DAVE STEWART, PLANNER, CURRENT PLANNING AND  
SUBDIVISION

SUBJECT LIQUOR LICENCE APPLICATION NO. LA000128 –  
UNIT 2, 940 OLD VICTORIA ROAD

## **OVERVIEW**

### **Purpose of Report**

To present Council with a liquor license application to permit a manufacturer's lounge endorsement within the existing Wolf Brewery building located at Unit 2, 940 Old Victoria Road.

### **Recommendation**

That Council recommend that the Liquor Control and Licensing Branch approve the application to permit a lounge endorsement for an existing brewery manufacturing business located at 940 Old Victoria Road.

## **BACKGROUND**

An application was received from Wolf Brewing Company requesting a local government resolution to support an application to the LCLB (LCLB) to permit a lounge endorsement for the existing brewery at Unit 2, 940 Old Victoria Road.

Currently, Wolf Brewery holds a licence to operate a small 29m<sup>2</sup> tasting and retail sales area where patrons may sample small single servings of beer brewed onsite or purchase beer to bring home.

If approved, the lounge endorsement will allow the licensed brewery to sell and serve their products by the glass (or other single serving) in a designated lounge area within the building and an outdoor patio onsite. Sales and service may also include other kinds of liquor for consumption, provided that the sales of products not distilled or brewed onsite do not exceed 20% of the total product sales in any given quarter. Food and non-alcoholic beverages must be available during all hours of liquor service.

On 2016-JUN-19, Council endorsed a similar application for an outdoor patio lounge for Arbutus Distillery located at 1890 Boxwood Road, another industrial-zoned property.

A municipal resolution is required before the Province will consider the application further.

## **DISCUSSION**

The applicant is proposing to add a 60-person manufacturer's lounge within the existing Wolf Brewery building. The proposed lounge includes an interior area (393.74m<sup>2</sup>) and an outdoor patio (7.11m<sup>2</sup>). The existing and proposed hours of service are as follows:

### *Existing Hours:*

Monday to Thursday	Friday	Saturday and Sunday
12:00 p.m. to 6:00 p.m.	12:00 p.m. to 9:00 p.m.	12:00 p.m. to 5:00 p.m.

### *Proposed Hours:*

Monday to Thursday	Friday and Saturday	Sunday
12:00 p.m. to 6:00 p.m.	12:00 p.m. to 8:00 p.m.	12:00 p.m. to 5:00 p.m.

### *Provincial and Municipal Application Review and Requirements*

As Council is aware, a local government resolution is required before the LCLB will consider the application further. The LCLB has requested that the local government comment on the following criteria:

#### **1. The location of the lounge**

The subject property is located within an existing industrial park located within Nanaimo's South End Neighbourhood. The property is zoned Light Industrial (I2). While a lounge is not listed as a permitted principle use within the I2 Zone, the LCLB restrictions tie the lounge to the brewery use, so the manufacturer's lounge is permitted as an ancillary use.

The subject property is a large 21,698m<sup>2</sup> lot; however, the brewery itself is located in a smaller 3,587m<sup>2</sup> portion of the property to the northwest. The brewery building and immediate surrounding parking lot is separated from the remainder of the property by a large retaining wall which drops to the remaining industrial lot below.

The applicant has submitted a parking plan that includes 25 spaces in the brewery portion of the lot. Twenty parking spaces are required for the lounge, while a remaining 7 spaces will be required for the industrial uses within the building. The additional 2 parking spaces can easily be accommodated on the remainder of the lot.

A 60-unit townhouse-style multiple-family housing development is located approximately 80m northeast of the subject property. The brewery is separated from the multiple-family development by a retaining wall and large industrial building (FedEx Warehouse). The vacant property immediately north of the existing townhouse development (901 Harbour View Street) was rezoned on 2016-JUL-11 in order to permit a small lot residential and row-house development. Given the minimal interface with nearby residential developments, Staff do not anticipate the lounge endorsement will negatively impact the residents.

#### **2. The proximity of the lounge to other social or recreational services**

No other liquor licensed establishments exist within 500m of the subject property. The Islamic Centre of Nanaimo (897 Harbour View Street) is approximately 425m north of the

subject property. The closest public school (Park Avenue) to the subject property is over 700m from the subject establishment.

**3. The person capacity and hours of the lounge**

The proposed capacity of the lounge is 60 persons (inclusive of staff and patrons) as per the approved occupant load. The proposed hours of service are 12pm to 6pm Monday through Thursday; 12pm to 8pm Friday and Saturday; and 12pm to 5pm on Sunday. The proposed hours are consistent with the City's Hours of Service Policy, which does not support the extension of liquor service hours past 1:30 am.

**4. The impact of noise on the community in the immediate vicinity of the lounge**

During the public consultation process, a number of residents of the townhouse development to the northeast expressed concerns related to potential noise if the application is approved. Specifically, some residents expressed noise concerns related to the proposed outdoor patio and music from the venue. The applicants have advised that music will be limited to acoustic performances only and the capacity of the outdoor patio is limited to six people. The building and patio area are separated from the closest townhouse unit by approximately 80m and a large industrial building. The patio will also be enclosed with an 8 foot wooden fence. Given the distance of the brewery from the existing townhouses, the limited occupancy, and the limited hours of operation, Staff does not anticipate the proposed lounge will result in excessive noise or disturbance to the surrounding community.

**5. The impact on the community if the application is approved**

As part of any liquor licence application, Council is asked to weigh the social and economic benefit of extended entertainment opportunities against concerns related to potential liquor-related noise and disorder. If the application is approved, the impact is expected to be positive as it will provide a licensed venue type unique to Nanaimo and support the growth of tourism and local industry.

Staff note craft breweries enhance the local food and drink scene, support tourism, and serve as a community hub and gathering place that promotes community vibrancy. Craft breweries, such as Wolf Brewery, make an investment in our community and create employment.

The RCMP do not believe the proposed lounge will result in public disorder, noise, or criminal activity and have no objections to the proposed application. The RCMP have not responded to any incidents of public disorder or noise in or around the immediate vicinity of the property which would have any relevance to this application. The proposed application is not anticipated to impact policing resources or criminal activity in the community. A copy of the RCMP referral response is included as Attachment B.

## **Public Consultation**

As required for any new liquor licence application, a public meeting was held on 2018-APR-05. The public meeting was advertised in the 2018-MAR-27 and 2018-MAR-29 editions of the Nanaimo News Bulletin. A notice and comment sheet was delivered to all residents, businesses, and property owners within 100m of the subject property, which included details of the public meeting. A total of four residents spoke in opposition at the public meeting. Two of those residents later advised Staff that they had spoken with the applicant and learned their noise

concerns were related to a separate business and not the brewery; and as such, advised they no longer objected to the application.

Those who received notices were encouraged to provide comments by email or by returning the comment sheets delivered by mail. A total of 32 comments were received, with 16 in support of the application and 16 against. Those not in support of the application raised concerns related to noise, traffic and parking. A summary of the public responses received is included as Attachment C.

### **SUMMARY POINTS**

- The application, if approved, will allow for a 60-person lounge ancillary to the operation of the Wolf Brewery within the existing building and an outdoor patio on the premises.
- A public meeting was held on 2018-APR-5 regarding the application.
- Given the subject property's location, the limited occupancy, and hours of the proposed lounge, Staff do not anticipate the lounge will negatively impact the surrounding community.

### **ATTACHMENTS**

ATTACHMENT A: Location Plan  
ATTACHMENT B: RCMP Response  
ATTACHMENT C: Public Comment Sheets  
ATTACHMENT D: Floor Plan  
ATTACHMENT E: Aerial Photo

#### **Submitted by:**

L. Rowett  
Manager, Current Planning and Subdivision

#### **Concurrence by:**

D. Lindsay  
Director, Community Development