

THE CORPORATION OF THE
CITY OF WHITE ROCK
CORPORATE REPORT



DATE: June 14, 2021

TO: Mayor and Council

FROM: Carl Isaak, Director, Planning and Development Services

SUBJECT: Application for Liquor Primary Licence for 1515 Johnston Road (LL 21-016)

RECOMMENDATIONS

THAT Council:

1. Direct staff to schedule the required public hearing for the proposed Liquor Primary Licence at 1515 Johnston Road; and
 2. Authorize staff, pending the results of the public hearing, to forward a copy of the June 14, 2021 report and results of the public hearing to the Liquor and Cannabis Regulation Branch along with a resolution to advise that Council is in favour of the Liquor Primary Licence, subject to the hours of liquor service being maintained at the current hours of liquor service for the lounge endorsement at the premises.
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EXECUTIVE SUMMARY

The Applicant and principals of 3 Dogs Brewing have applied for a new type of liquor licence for their current premises at 1515 Johnston Road (civic address of 1513 Johnston Road). The proposed Liquor Primary Licence, operating as “Taps on Johnston,” would have be a craft beer tap room with an attached whiskey tasting room, but would not involve manufacturing liquor on-site. The proposed maximum occupancy for both the inside tasting room and the outdoor patio (on private property) is 149 persons (139 patrons and 10 employees); this is an increase from the current 110 person licensed occupancy, as the business has both expanded to an adjacent commercial unit and will also be able to re-purpose existing floor area that was used for manufacturing.

The liquor licence that 3 Dogs Brewing has been operating under is a brewery (manufacturer’s) licence, along with a lounge endorsement to allow the sale of additional types of liquor manufactured off-site. Since 2017, 3 Dogs Brewing has held a brewery licence and lounge endorsement at its original location (15222 North Bluff Road), its current location (1515 Johnston Road), and is intending to have the same licence format in the new Miramar Village location (#107-15181 Thrift Avenue) where it will be expanding and relocating its brewing equipment.

For the current premises at 1515 Johnston Road, given that 3 Dogs Brewing will no longer be manufacturing beer on-site, they require a liquor primary licence from the Liquor and Cannabis Regulation Branch (LCRB) to continue to operate, as a brewery licence will no longer be

applicable. The LCRB requires a local government referral on all liquor primary licence applications. A public hearing will provide an opportunity for community input on this application.

Staff support the requested application, subject to the hours of liquor service being maintained at the current hours for the lounge endorsement at the premises (as proposed), and consider that it is consistent with the Economic Development goals of the OCP and is being proposed by a business that has contributed to the social and economic life of the community for several years.

The Applicant's internal policy plans to minimize and address nuisance on site (the 'Letter of Intent') is attached in Appendix B. The floor layout plan is attached as Appendix C. Letters received to date from the public regarding this application are attached as Appendix D.

PREVIOUS COUNCIL DIRECTION

On November 19, 2018, Council authorized the Public Hearing to receive public input for a lounge endorsement for the manufacturer's licence 3 Dogs Brewing at 1515 Johnston Road.

At the Special Council Meeting following the Public Hearing on December 3, 2018, Council passed a resolution authorizing staff to communicate to the LCRB in support for the approval of the lounge endorsement.

INTRODUCTION/BACKGROUND

Policy Background

White Rock Official Community Plan 2017, No. 2220 (the OCP) designates the subject property as "Town Centre Mixed Use," which is noted as the centre for cultural, civic, economic, and public life in the City, and is characterized by a diverse mix of uses. The objective of this land use policy area is to enable a concentrated mix of multi-unit and commercial uses to strengthen the heart of the city.

Development in the Town Centre OCP Land Use Designation is further directed by policies in Section 9.0 – Town Centre. The goal of this Town Centre policy section is to promote and develop the Town Centre as a distinctive, lively, and pedestrian-focused growth area. The proposed Liquor Primary Licence would support the expansion of an existing White Rock-based business as an employment generating use in the Town Centre area, as supported by OCP Policy 9.1.1 listed below:

Policy 9.1.1	Enhance the Town Centre as the primary employment hub and business centre by encouraging the development of office, event, and hotel space, along with other employment generating uses.
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While the OCP does not contain direct policies on licensed establishments (such as breweries/tap rooms), there are several policies in Section 14.0 – Economic Development that relate to the proposal. The most applicable policies from OCP Section 14.0 are summarized below:

Policy 14.1.1	Attractive Community – Promote White Rock as a community that provides: [...] b. Distinct mixed-use precincts and local boutique retail opportunities; c. Leisure-supportive spaces and tourism areas; [...]
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Policy 14.2.2	Destinations – Work with the Business Improvement Association to improve and promote detail and amenity areas, including along Marine Drive and Johnston Road, by focusing on the city as a “full day destination” [...]
Policy 14.3.1	Business-Friendliness – Encourage the involvement of the business community in the improvement and promotion of White Rock as a place to do business.
Policy 14.4.2	Retail Niche – Protect and further develop a specialized small-scale market niche that capitalizes on White Rock’s seaside location and village character.

The subject property is zoned ‘CR-1 Town Centre Commercial / Residential’. The intent of this zone is to accommodate a mix of uses and activities, including residential and commercial development along with cultural and civic facilities, to support the ability of residents to walk to meet their daily needs. Containing the greatest concentration and variety of employment-generating uses, this zone establishes this area as the City’s pedestrian and transit-focused growth area, consistent with the objectives and policies of the OCP.

Staff consider the proposed Liquor Primary Licence to be consistent with the Economic Development, Land Use, and Town Centre goals of the OCP and intent of the CR-1 zone.

Planning Review

Staff have reviewed the referral in relation to LCRB requirements, and note the following for Council’s consideration:

- (i) The location of the establishment:
 Located on the northwest corner of Johnston Road and Russell Avenue, the establishment is in the Town Centre. The Town Centre area is a mixed-use commercial area with access to taxi cabs, passenger directed vehicles (i.e. Uber and Lyft) and public transit as an alternative to driving. The business is also within walking distance of multiple residential apartments and dwellings.
- (ii) The person capacity and hours of liquor service of the establishment:
 The Building Department noted that the proposed indoor and outdoor patio occupancy of the licenced establishment of 149 persons is appropriate to existing conditions on-site. The proposed hours of liquor service for the establishment, which are the same as the current licence (below), would not be in contravention of the *White Rock Business Bylaw, 1997, No. 1510*; the hours of operation for licensed establishments in White Rock are not regulated by any City bylaw.

Table: Hours of Proposed Liquor Service (Same as Existing)							
Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	11:00 a.m.	11:00 a.m.	11:00 a.m.				
Closed	10:00 p.m.	10:00 p.m.	11:00 p.m.	11:00 p.m.	2:00 a.m. (Saturday)	2:00 a.m. (Sunday)	10:00 p.m.

Typically the hours of operation will be less than the Hours of Proposed Liquor Service noted above and the Applicant’s stated purpose for extending the hours of liquor service past the usual hours of operation (11:00 p.m. or earlier) is primarily intended to accommodate private groups and special events that may take place on

the premises (for example, a private New Year's Eve event by ticket admission only).

The proposed hours of liquor service is considered appropriate.

(iii) The impact of noise on nearby residents:

Since its establishment, Bylaw Enforcement has not received any noise complaints regarding the operation of the 3 Dogs Brewing. Further comment regarding potential impacts on the surrounding community is provided in the section below. The RCMP have further noted that they did not have concerns regarding this application based on a five-year review of reports made to police.

If staff is authorized to schedule a public hearing, Council will have the opportunity to receive further feedback from the public on this topic.

(iv) The impact on the community if the application is approved:

Based on the above, staff do not believe that the new Liquor Primary Licence replacing the existing lounge endorsement would have a significant impact on the community.

The proposal is supported by the goals, objectives, and policies outlined in the Economic Development and the Town Centre sections of the White Rock Official Community Plan. The proposed amendments would further support the Town Centre as a distinctive and lively commercial/entertainment area, provide additional leisure-supportive spaces for the community within walking distance of residential apartments and other commercial uses.

(v) The views of residents and a description of the method used to gather views:

Based on the requirements of the Planning Procedures Bylaw, staff provided notification to all property owners within 100 metres of the subject property with a description of the proposal. The notification letter also clarifies that further input from the community on the proposal will be collected through a required public hearing prior to a Council decision on the application.

Should Council direct staff to schedule a public hearing, this meeting will be advertised in two consecutive issues of the Peace Arch News and a notice explaining the Application will be mailed to all property owners within 100 metres of the subject property as least ten days before this meeting. All written correspondence received by staff will be compiled and submitted as part of the Council resolution letter.

FINANCIAL IMPLICATIONS

Not applicable.

LEGAL IMPLICATIONS

Section 38(3) of the *Liquor Control and Licensing Act* gives local governments the opportunity to provide comments on proposed liquor licence applications, and section 71 of the *Liquor Control and Licensing Regulation* requires that if comments are provided, the comments must include views on:

- the location of the establishment;
- the person capacity and hours of liquor service of the establishment;

- the impact of noise on the community in the immediate vicinity of the establishment;
and
- the general impact on the community if the application is approved.

The local government also is required to identify the views of residents and a description of the method used to gather views. Planning Procedures Bylaw No. 2234 requires that applications for new liquor primary licences have public input obtained by a Public Hearing.

COMMUNICATION AND COMMUNITY ENGAGEMENT IMPLICATIONS

In accordance with Planning Procedures Bylaw No. 2234, a notification of the Liquor Primary Licence application was mailed to approximately 1,480 property owners and occupants within 100 metres of the property. The mailout generated one written comment in support of the application.

If the application proceeds to public hearing, notification of this will be provided through advertisement in the City newspaper and mailout to property owners and occupants within 100 metres of the property.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

The Liquor Primary Licence application was circulated to internal City departments and no concerns were received.

The White Rock RCMP noted that they had no concerns regarding this Application based on a five-year review of reports made to police. The minimal number of calls to 1515 Johnston Road were primarily generated by the staff regarding customers that were not cooperative when asked to leave.

The Building division confirmed a finalized seating plan with occupancy load will be required at the time of the business licence application and will be reviewed against the existing building design for approval.

CLIMATE CHANGE IMPLICATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES

This topic is not directly aligned with a project in Council's Strategic Priorities, though allowing for the expansion of an existing White Rock-based business does offer an opportunity to improve the prosperity of local businesses, in alignment with the "Our Economy" goal to "support the prosperity and diversification of the City's economic base."

OPTIONS / RISKS / ALTERNATIVES

Alternate options for Council consideration are:

1. Defer consideration of the Application and refer it to staff to address any issues identified by Council. This delay may require extending the 90-day comment deadline from the LCRB (July 19, 2021); or
2. Authorize staff to opt-out of providing input into the liquor licensing process for this Application, leaving the required public consultation process to the LCRB.

CONCLUSION

3 Dogs Brewing (doing business as “Taps on Johnston”) has applied to the Province for a Liquor Primary Licence to replace their existing brewery (manufacturer’s) licence and lounge endorsement at 1515 Johnston Road. Staff recommend responding in favour of the requested Licence, as the proposed hours of liquor service are consistent with the existing Licence and there have not been nuisance issues associated with the operation of the existing lounge. Further, the proposed operation is considered consistent with the Economic Development, Land Use, and Town Centre goals of the OCP and is being proposed by a local business that has contributed to the social life of the community for several years. No significant additional impact on the surrounding community is anticipated, which may be confirmed through a public hearing.

Respectfully submitted,

A handwritten signature in black ink that reads "Carl Isaak". The signature is written in a cursive, flowing style.

Carl Isaak, RPP, MCIP Director, Planning & Development Services and
Acting Chief Administrative Officer

- Appendix A: Location and Ortho Photo Maps
- Appendix B: Applicant’s Letter of Intent
- Appendix C: Floorplan Layout
- Appendix D: Written Correspondence from the Public

Appendix A Location and Ortho-Photo Maps

