

**Committee of the Whole Report**  
**For the Meeting of March 28, 2019**

## **EXECUTIVE SUMMARY**

The purpose of this report is to provide an update on an application for a Lounge Endorsement to a Manufacturer's License by Herald Street Brew Works for a new brew pub at 506 Herald Street. At the meeting of March 14, 2019, Council directed staff to work with the applicant to review the proposed operating hours and occupant load in light of concerns expressed by downtown residents and the Downtown Residents Association (DRA).

Staff met with the applicant to discuss the concerns that were received, and identify areas of opportunity to address them. In particular, the DRA suggested a preference for midnight closing hours and an occupant load of 100, as represented by the applicant in preliminary discussions. These preliminary discussions occurred March 26, 2018 at a time when the applicant was contemplating a rezoning application, and the business plan related to the brew pub had not yet been fully developed. Following approval of Zoning Bylaw 2018, which permits brew pubs as a permitted use, a rezoning application was no longer necessary, and the applicant is now proceeding with a liquor license application.

The applicant has reviewed the correspondence received and understands the concerns stated, but continues to propose the operating hours and occupant load as per the original liquor license application (9:00 am to 2:00 am daily with an occupant load of 178 persons). Their rationale is provided in Attachment A, which provides additional information on the business concept, the operational requirements of the business and the operators experience as a local business operator with reference to their other establishment, The Drake. The applicant indicates the proposed hours and occupant load are fundamental to their business plan and the long term viability, but where concerns remain, they have indicated preference to adjust hours to not less than 1:00 am, in keeping with comparable establishments nearby including Swans and Canoe Club.

Council may consider the previous recommendation to support the application to add a lounge endorsement to their manufacturer's licence, having hours of operation from 9:00 am to 2:00 am daily, and an occupant load of 178 persons at 506 Herald Street should the applicant's additional information alleviate previous concerns raised. Alternate motions are also provided in this report should Council seek to reduce the hours of operation and/or occupant loads.

## **PURPOSE**

The purpose of this report is to provide an update on an application for a Lounge Endorsement to a Manufacturer's License by Herald Street Brew Works for a new brew pub at 506 Herald Street following discussions with the applicant regarding proposed hours of operation and occupant loads.

## **BACKGROUND**

On March 14, 2019, Council considered an application for a Lounge Endorsement to a Manufacturers licence put forward by Herald Street Brew Works. Please refer to the staff report considered on March 14, 2019 for a full background and analysis of the application. At this meeting, Council referred the application back to staff and directed staff to work with the applicant to review the proposed operating hours and occupant load in light of concerns expressed by downtown residents and the DRA.

## ISSUES & ANALYSIS

As per Council direction, staff met with the owner of Herald Street Brew Works on March 19, 2019 to discuss the letters of concern and for consideration of potential solutions related to the proposed occupant load and hours of operation. The applicant has elected to maintain the application in its current form without adjustment, with a rationale and more detailed information about their business model provided in a letter dated March 22, 2019, attached as Appendix A.

The attached letter outlines the business concept and operational requirements, including further detail about the occupant load not just including seating capacity, but also capacity for staff, brewers and retail customers. With respect to hours of operation, the applicant continues to request 2:00 am to maintain flexibility for their business. Should Council wish to reduce the hours of operation, the applicant indicated in the meeting with staff that their preference would be to adjust operating hours only, and not earlier than 1:00 am daily.

### Community Consultation

In addition to the correspondence received in conjunction with the March 14, 2019 report, additional correspondence was received following the Committee of the Whole meeting and is included as Appendix B.

## OPTIONS & IMPACTS

### Alternate Motions:

1. That Council support the application for Herald Street Brew Works, at 506 Herald Street with an amendment to the closing time to 1:00 am daily.
2. Council could also support the application for Herald Street Brew Works, at 506 Herald Street, but with alternate adjustments to operating hours or occupant load.

### Accessibility Impact Statement

None

### Strategic Plan 2019 – 2022

The recommendation to support the application is likely to increase the long-term viability of the brew pub as a local employer and economic contributor, which is consistent with Strategic Objective #4 – *Prosperity and Economic Inclusion*.

### Impacts to Financial Plan

None

### Official Community Plan

The license application is consistent with the *Official Community Plan* which designates this property in the Core Historic designation which allows commercial uses, including retail, as well as multi-unit residential and other mixed uses.

## CONCLUSIONS

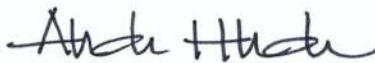
Staff have met with the owners of Herald Street Brew Works to review the proposed operating hours and occupant load in light of concerns expressed by downtown residents and the DRA. Herald Street Brew Works has provided additional information about their business and its operating needs, and ask that consideration be given to their original request without modification. Where

concerns remain, Herald Street Brew Works has indicated preference for an adjustment to hours only and that it is not earlier than 1:00 am daily, consistent with other similar businesses in the area.

Respectfully submitted,



Ryan Morhart  
Manager  
Permits & Inspections



Andrea Hudson  
Acting Director  
Sustainable Planning & Community Dev.



**Report accepted and recommended by the City Manager:** \_\_\_\_\_

**Date:** March 26, 2019

#### **List of Attachments**

- Appendix A: Letter from Herald Street Brew Works dated March 22, 2019
- Appendix B: Additional Public Correspondence
- Appendix C: March 14, 2019 COTW report for Lounge Endorsement at Herald Street Brew Works