



STAFF REPORT TO COMMITTEE

DATE OF REPORT September 23, 2024

MEETING TYPE & DATE Electoral Area Services Committee Meeting of October 16, 2024

FROM: Development Services Division
Land Use Services Department

SUBJECT: Application No. LCR24B01 (2890 Shawnigan Lake Road/PID: 006-974-767)

FILE: LCR24B01

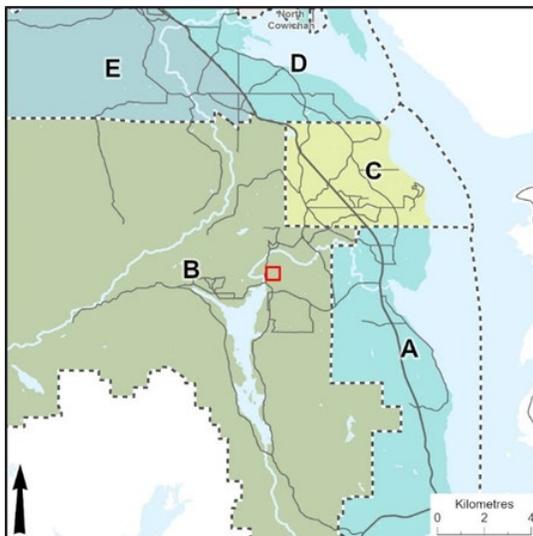
PURPOSE/INTRODUCTION

The purpose of this report is to satisfy a liquor licence application requirement for local government input. The CVRD has the option to “opt in” or “opt out” to provide comments or recommendations to the Liquor and Cannabis Regulation Branch (LCRB) with regard to the application for a Liquor Primary (LP) New Outdoor Patio by the Black Swan Inn located at 2890 Shawnigan Lake Road (PID: 006-974-767) in Electoral Area B – Shawnigan Lake.

RECOMMENDED RESOLUTION

That it be recommended to the Board that the Liquor and Cannabis Regulation Branch be advised that the Cowichan Valley Regional District does not wish to provide comments or recommendations with regard to the application for a Liquor Primary New Outdoor Patio for Black Swan Inn, located at 2890 Shawnigan Lake Road, PID: 006-974-767.

LOCATION MAP



BACKGROUND

The subject property is a hooked lot located at the southwest and southeast corners of Shawnigan Lake Road and Malta Road. Current uses on the lot include a retail liquor store and a pub/restaurant, subject of the LCRB application, on the west side of Shawnigan Lake Road, and residential use on the east side. Neighbouring lots include an institutional lot across Malta Road to the north; residential lots to the east and west; and an undeveloped commercial lot to the south.

A previous LCRB application was considered for a LP Structural Change (Capacity Increase) to expand the patio area to accommodate an additional 20 persons, for a total of 40 outside. The previous application proceeded to the Board on April 27, 2022, which passed a resolution to not provide comments or recommendations to the LCRB. That application was not approved by the LCRB, and the applicant has resubmitted the New Outdoor Patio application to increase outdoor capacity to 40, with revised hours.

Shawnigan Creek runs through the southwest corner of the lot. The patio expansion is existing, constructed when only outdoor service was allowed and was licensed through the Temporary Expanded Service Area (TESA). The patio area is located on the opposite end of the building, measured to be more than 30 metres from the creek.

OFFICIAL COMMUNITY PLAN / POLICY CONSIDERATIONS

Official Community Plan for the Electoral Areas Bylaw No. 4270 (OCP):

The subject property is designated Commercial within the OCP, and Village Commercial in the Electoral Area B Local Area Plan. The Village Commercial designation is intended to enhance the vibrance and aesthetic of the commercial core to meet the needs of Shawnigan Lake residents and support the local economy. While the Black Swan Inn is outside of the commercial core, it is recognized within the Village Commercial designation.

Electoral Area B – Shawnigan Lake Zoning Bylaw No. 985:

The subject property is zoned C-5 Neighbourhood Pub Commercial. Permitted uses in the C-5 Zone include:

- Neighbourhood public house licensed under Provincial regulations; and
- One single detached dwelling or duplex per parcel accessory to a neighbourhood public house.

The definition of “structure” in the Zoning Bylaw does not include concrete or asphalt paving or similar surfacing; therefore, the setback requirements for the C-5 zone do not apply.

COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

CVRD Building Inspection have approved the increase in occupant load (40) for the exterior patio.

PLANNING ANALYSIS

Black Swan Inn has applied for a LP New Outdoor Patio that would increase capacity through the LCRB. An increased patio area would allow for an increase in outdoor capacity to 40. The change to the occupant load (capacity) has been reviewed and signed off by CVRD Building Inspection.

Staff note that there have been historic noise complaints from neighbouring properties; however, CVRD Bylaw Enforcement have not received any recent noise complaints. The applicant has

revised the LCRB application to open the patio until 8:00 p.m. from May to October, weather permitting.

The CVRD may choose either to “opt out” of this process and entrust the LCRB to process the application entirely, or “opt in” and provide comments or recommendations to the LCRB. If the CVRD chooses to “opt in” and provide comments, the following criteria will need to be considered:

- Impact of noise on nearby residents;
- Impact on the community if the application is approved;
- Gather public input within the immediate vicinity of the establishment, and provide a description of the method used to gather that input; and
- Provide CVRD recommendations (including whether the application should be approved or not) and the reasons for which the recommendations are based.

Choosing to “opt in” will require staff time to further examine this application and organize one or more public meetings. [Section 29](#) of the CVRD Development Applications Procedures Bylaw No. 4483 includes requirements for holding a public information meeting for LCRB applications.

If the CVRD chooses to “opt out” of this process, there will be complete reliance on the LCRB to manage and take full responsibility for this application.

Given the subject property location, it is the opinion of staff that the proposed licensed capacity increase will have negligible impacts on surrounding properties, and is consistent with the objectives and policies in the Electoral Area B Local Area Plan, specific to the Village Commercial designation, including:

- *Ensure existing and future development enhances a vibrant and aesthetic commercial core to meet the shopping and service needs of Shawnigan Lake residents in keeping with the small-scale, village atmosphere;*
- *Supports the local economy and increases commercial opportunities and employment;*
and
- *Provides for a vibrant commercial core to meet the shopping and service needs of Shawnigan Lake residents.*

OPTIONS

Option 1: (recommended)

That it be recommended to the Board that the Liquor and Cannabis Regulation Branch be advised that the Cowichan Valley Regional District does not wish to provide comments or recommendations with regard to the application for a Liquor Primary New Outdoor Patio for Black Swan Inn, located at 2890 Shawnigan Lake Road, PID: 006-974-767.

Option 2:

That it be recommended to the Board:

1. That the Cowichan Valley Regional District wishes to provide comments or recommendations to the Liquor and Cannabis Regulation Branch (LCRB) with regard to the application for a Liquor Primary New Outdoor Patio for Black Swan Inn, located at 2890 Shawnigan Lake Road, PID: 006-974-767; and

2. That a public information meeting be held, with public notice in accordance with Development Applications Procedures Bylaw No. 4483, prior to Board consideration of comments to provide to the LCRB.

Prepared by:



Jaime Dubyna
Planner III

Reviewed by:



Michelle Pressman, RPP, MCIP, MCIP
Manager, Development Services Division



Ann Kjerulf, MCP, RPP, MCIP
General Manager

Reviewed for form and content and approved for submission to the Committee:

Resolution:

Corporate Officer

Financial Considerations:

Chief Financial Officer

ATTACHMENTS:

Attachment A – Plan