

ITEM	22
MANAGER'S REPORT NO.	6
COUNCIL MEETING	94/02/07

TO: CITY MANAGER 1994 JANUARY 25

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: PERSONAL WINE, BEER AND CIDER PRODUCTION

PURPOSE: To recommend an amendment to the Burnaby Zoning Bylaw to permit personal wine, beer and cider production in the C3 General Commercial District and the C4 Service Commercial District.

RECOMMENDATION:

1. THAT Council authorize the City Solicitor to prepare a bylaw amending the Burnaby Zoning Bylaw to permit the establishment of personal wine, beer and cider production facilities with a maximum size of 278.7 m² (3,000 sq.ft.) in the C3 and C4 Commercial Districts.

REPORT

1.0 BACKGROUND:

- 1.1 The Planning and Building Department has recently received a written request to amend the text of the Burnaby Zoning Bylaw to permit a "Hobby Wine Making and Brew on Premises" business in a commercial zone and particularly within the personal service establishment category in the C1 Neighbourhood Commercial District.

At this time, the manufacturing of alcoholic beverages is permitted only in industrial zoning districts in Burnaby. The manufacturing, processing and packaging of alcoholic beverages is permitted in the M2 General Industrial District and the M3 Heavy Industrial District.

- 1.2 Section 55(1) of the Liquor Control and Licensing Act states a person shall not manufacture liquor in the Province, except in accordance with the Act and regulations. However, Section 55(2) states that this does not apply to a person manufacturing wine, beer or cider for his own consumption.

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2.0 GENERAL DISCUSSION:

- 2.1 The manufacturing of a variety of food products, including alcoholic beverages, was included in certain industrial zoning districts in the 1965 Burnaby Zoning Bylaw to accommodate the manufacturing of these products, generally for sale to a wholesaler or a retailer.
- 2.2 In recent years, a trend has emerged where there are facilities available which allow a member of the public (the end user) to buy materials and utilize equipment and the space in a building to produce beer and wine for their own consumption at a later date. This service/product is provided for a fee and the operator maintains all the equipment and stocks the supplies. This type of business involves manufacturing and service functions, and can readily be accommodated in a variety of industrial zones; however, in many cases commercial exposure is desired because the public is directly involved in the business.

There appear to be 2 main differences between the new personal beer, wine and cider production businesses and the basic industrial manufacturing operations. The first is that members of the public are producing the beverages, not employees of a manufacturing firm. The second is that the scale of the operation is considerably smaller than the mass manufacturing operations (ie: Molson's, Labatts).

- 2.3 In considering this proposal, staff contacted 6 other municipalities in Greater Vancouver to ascertain whether personal beer and wine making establishments are allowed in commercial zoning districts in those municipalities and if there have been any problems in connection with those facilities. Of the 5 municipalities which responded, all 5 permitted personal beer and wine making in their commercial zoning districts, with the categorization of the use split between retail and service, with one in a retail service group use category. There were no reported complaints regarding any such facilities in commercial zoning districts and staff in the other municipalities generally did not consider them problematic.
- 2.4 The proposed text amendment was also discussed with other pertinent Burnaby staff. The general consensus was that as long as factors such as parking, odours and safety can be addressed, that the use could be supported in certain commercial zoning districts. The Chief Licence Inspector did not object to the use being permitted in the C3 or C4 District, but was concerned it could be a

problem in more sensitive areas (ie: C1 District local commercial oriented development). The Chief Environmental Health Officer has no objection to the proposed Zoning Bylaw Amendment.

- 2.5 This Department has received a letter from an existing personal brewing company operator, located in an industrial district in Burnaby. The writer considers the proposed text amendment to be unfair to those who have previously invested in Burnaby in accordance with the present regulations, and indicates that he was told as recently as the fall of 1992 that this use is permitted only in the M2 and M3 industrial districts. This was and, as noted above, still is the case. However, as society, technology and lifestyles evolve, staff and Council seek to be open to considering amending current regulations where appropriate, through due process.
- 2.6 In light of the fact that this type of business provides a direct service to the general public and that the scale of the operation is generally quite small, the Planning and Building Department supports the inclusion of this use in certain commercial zoning districts. In considering the commercial orientation of the different commercial zoning districts and the possible negative effects of the use on adjacent land uses, it is recommended that the personal beer, wine and cider production use be included in the C3 General Commercial District and C4 Service Commercial District. The C3 District is designed to serve the needs of a large consumer population and has a wide range of uses, while the C4 District provides for commercial uses requiring large areas for storage and handling of materials, goods and equipment. The personal beer, wine and cider production use is considered to be more compatible with the range of uses in the C3 and C4 Districts than the C1 and C2 Commercial Districts.
- 2.7 In order to be able to support including this use in the commercial zoning districts, it is imperative that the production be carried out by the public and that the scale remain small. In this regard, it is recommended that these establishments be limited to a maximum gross floor area of 278.7 m² (3,000 sq.ft.). Based on our contacts with other jurisdictions and their experiences, as well as the submission of the individual requesting the text amendment, it appears that this floor area is adequate for this type of use, and should not create land use problems.

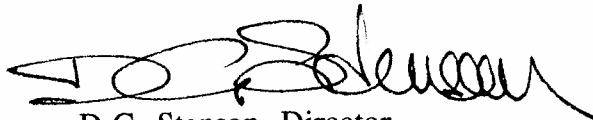
3.0 CONCLUSION:

- 3.1 In light of the above described retail/service component of the personal beer, wine and cider production use, and the lack of any objections or concerns regarding this use by staff in Burnaby and other Greater Vancouver

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municipalities, it is recommended that a bylaw be prepared amending the Burnaby Zoning Bylaw to permit personal beer, wine and cider production facilities with a maximum size of 287.7 m² (3,000 sq.ft.) in the C3 and C4 Districts.



D.G. Stenson, Director
Planning and Building

BW:yg

cc: City Solicitor
Chief Licence Inspector
Chief Environmental Health Officer