

City of Kelowna
Regular Council Meeting
AGENDA



Tuesday, September 10, 2024
4:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

I would like to acknowledge that we are gathered today on the traditional, ancestral, unceded territory of the syilx/Okanagan people.

This evening, Council will hold a Regular Meeting.

Council has been provided with the information, correspondence, petitions or reports that have been received concerning the subject bylaws. This information is available to the public online at Kelowna.ca/council or by request to the Office of the City Clerk.

For those participating this evening, or who have already submitted letters to Council, a reminder that the Meeting is open to the public and all representations to Council form part of the public record. A live audio-video feed is being broadcast and recorded on kelowna.ca.

2. Reaffirmation of Oath of Office

The Oath of Office will be read by Councillor Cannan.

3. Confirmation of Minutes

1 - 7

Tuesday Meeting - August 13, 2024

4. Call to order the Regular Meeting

5. Liquor License Application Reports

City Clerk to invite anyone participating online or in the public gallery who deems themselves affected by the liquor license application to come forward.

5.1 START TIME 4:00 PM - Vaughan Ave 889 110 - LL24-0009 - Clement Business Park Ltd., Inc.No. C1380933

8 - 21

To seek Council's support for a structural change application to increase the capacity from 54 persons to 114 persons.

To seek Council's support for a Lounge Endorsement.

6. Termination

7. Procedure on each Bylaw Submission

- a) Brief description of the application by City Staff (Development Planning);
- (b) The applicant has up to 15 minutes to make representations to Council regarding the project.
- (c) The Chair will call for representation from the public participating in person and online as follows:
 - (i) Any person wishing to make representations during the Hearing will have the opportunity to do so.
 - (ii) Speakers have up to 5 minutes to share their remarks.
- (d) Final calls for representation (ask three times). Unless Council directs that the Public Hearing on the bylaw in questions be held open, the Chair shall state to participants the the Public Hearing on the Bylaw is closed.
- (e) Once the public has had an opportunity to comment, the applicant is given up to 10 minutes to respond to any questions raised.
- (f) Questions of staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.

Note: Any applicant or member of the public may use electronic visual aids to assist in their presentation or questions. Online participants must be able to share their screen to display the item.



**City of Kelowna
Regular Council Meeting
Minutes**

Date: Tuesday, August 13, 2024
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Tom Dyas, Councillors Maxine DeHart, Charlie Hodge, Gord Lovegrove, Mohini Singh, Luke Stack, Rick Webber and Loyal Wooldridge

Members Participating Remotely Councillor Ron Cannan

Staff Present City Manager, Doug Gilchrist*; City Clerk, Laura Bentley; Housing Policy and Programs Manager, James Moore; Development Planning Department Manager, Nola Kilmartin; Planner Specialist, Adam Cseke; Legislative Coordinator Confidential (FOI), Rebecca Van Huizen

Staff Participating Remotely Legislative Coordinator (Confidential), Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Dyas called the meeting to order at 4:03 p.m.

2. Reaffirmation of Oath of Office

The Oath of Office was read by Councillor Wooldridge.

3. Confirmation of Minutes

Moved By Councillor Hodge/Seconded By Councillor Lovegrove

THAT the Minutes of the Public Hearing and Regular Meeting of July 23, 2024 be confirmed as circulated.

Carried

4. Call to Order the Public Hearing

Mayor Dyas called the Hearing to order at 4:05 p.m.

5. Individual Bylaw Submissions

5.1 START TIME 4:00 PM - Updates to Various Sections - TA24-0009 (BL12682) - City of Kelowna

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

City Clerk invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one from the Gallery or Online came forward.

Staff:

- Responded to questions from Council.

There were no further comments.

6. Termination

The Hearing was declared terminated at 4:19 p.m.

7. Call to Order the Regular Meeting

Mayor Dyas called the meeting to order at 4:19 p.m.

8. Bylaws Considered at Public Hearing

8.1 START TIME 4:00 PM - Updates to Various Sections - BL12682 (TA24-0009) - City of Kelowna

Moved By Councillor DeHart/Seconded By Councillor Webber

THAT Bylaw No. 12682 be read a second and third time.

Carried

9. Development Permit and Development Variance Permit Reports

9.1 START TIME 4:00 PM - Bertram St 1451 - DP23-0203 DVP23-0204 - Provincial Rental Housing Corporation, Inc. No. BC0052129

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Simon Ho, S2 Architecture, Applicant

- Displayed a PowerPoint Presentation.
- Commented on the sustainable design intent for families and developing community in the area.
- Spoke to the affordable non-market and market rental units, outdoor amenities, daycare plus outdoor play area, and electric vehicle charging stations.
- Spoke to the site context and the recent and proposed developments in the area.
- Commented that the walkout townhomes create a residential feel and implement crime prevention through environmental design techniques and provide pedestrian access through the site.
- The project layout intends to reduce the effects on nearby properties; the apartment is setback from neighbours toward the middle of the site and building heights are lower or one storey higher than adjacent apartments.
- This development could have been built to zero lot line along the north and south property lines; the building was purposely setback on the north and south property lines by 3 meters or equivalent of 12 feet.
- Commented that mature street trees will be preserved and new trees will be planted.

- Spoke to sidewalk and lighting improvements that will create a welcoming and safe space.
- Commented that the parkade is limited to 3 storeys and hidden from Bertram Street.
- Commented that landscaping, paving and fencing along shared property lines had been designed in consultation with neighbours.
- Spoke to the various amenities for residents including a child play area, common use BBQ area, urban agriculture area and a dog run area.
- Displayed renderings of the south and north-east views as well the south and north-west views and commented on the façade materials being used.

City Clerk invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Gallery:

Zeljka, Bertram Street

- Commented on statements that the development provided sunshine for children and gardens within the development.
- Raised concerns that the development would remove sunlight from their property.
- Raised concern with not enough water supply for the growth and development in Kelowna.

Applicant in Response

- Part of the concessions that were made on the north property line was to setback the parkade by 3 meters which is more than required by the Zoning Bylaw.
- Townhomes placed around the perimeter with the intention to soften the transition to the adjacent properties.

Staff:

- Responded to questions from Council.

Applicant:

- Responded to questions from Council.

Robin Gary, Kingsway Drive, Burnaby, B.C., Applicant Representative

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Lovegrove

THAT Council authorizes the issuance of Development Permit No. DP23-0203 and Development Variance Permit No. DVP23-0204 for Lot 1 District Lot 139 ODYD Plan EPP113832, located at 1451 Bertram St, Kelowna, BC, subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the amount of 125% of the estimated value of the Landscape Plan, as determined by a Registered Landscape Architect;

AND THAT variances to the following sections of Zoning Bylaw No. 12375 be granted:

Table 8.3 - Required Residential Off-Street Parking Requirements

To vary the minimum number of off-street parking spaces from 154 permitted to 141 proposed.

Table 9.11 – Tall Building Regulations

To vary the maximum floor plate above the sixth storey from 750 m² permitted to 932 m² proposed for the seventh storey.

Table 9.11 – Tall Building Regulations

To vary the maximum podium height from 16.0 m permitted to 16.11 m proposed.

Section 14.11 – Core Area and Other Zones, Commercial and Urban Centre Zone Development Regulations

To vary the minimum setback for any portion of a building above 16.0 m in height abutting another property from 4.0 m permitted to 3.65 m proposed.

Section 14.11 – Core Area and Other Zones, Commercial and Urban Centre Zone Development Regulations

To vary the minimum building setback from 3.0 m permitted to 2.75 m proposed.

Section 14.11 – Core Area and Other Zones, Commercial and Urban Centre Zone Development Regulations

To vary the maximum parkade exposure to the primary street from 0% permitted to 7% proposed.

Section 14.14 – Core Area and Other Zones, Density and Height

To vary the maximum base height from 12 storeys and 44.0 m permitted to 20 storeys and 63.0 m proposed.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permits to be issued;

AND FURTHER THAT this Development Permit and Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

9.2 START TIME 4:00 PM - Sadler Rd 210 - BL12627 (Z23-0084) - Dominion (Sadler) Inc., Inc. No. A0128728

Moved By Councillor DeHart/Seconded By Councillor Webber

THAT Bylaw No. 12627 be amended at 3rd reading as follows:

By deleting the Legal Description that reads:

1. That Part of Lot 3 Lying East of a Line Drawn Parallel to and 155.1 Feet Distant from the Westerly Boundary of said Lot; Section 26 Township 26 ODYD Plan 2773 located on Sadler Rd, Kelowna, BC;
2. The East ½ of Lot 4 Section 26 Township 26 ODYD Plan 2773 Except Plan 5971, located on Sadler Rd, Kelowna, BC;
3. Lot B Section 26 Township 26 ODYD Plan 12323, located on Sadler Rd, Kelowna, BC;"

And replacing it with:

"Lot A Section 26 Township 26 ODYD Plan EPP137037";

And by deleting "200, 210, 230 Sadler Rd,";

And replacing it with "210- Sadler Rd"

Carried

Moved By Councillor DeHart/Seconded By Councillor Webber

THAT Bylaw No. 12627, as amended, be adopted.

Carried

9.3 START TIME 4:00 PM - Sadler Rd 210 - DP23-0228 DVP24-0052 - Dominion (Sadler) Inc., Inc. No. A0128728

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Jeff Nishimura, Lakeshore Road, Greenstone Developments Ltd., Applicant

- Displayed a PowerPoint Presentation.
- Spoke to the property location with many amenities in the area.
- Provided an overview of the project noting the number of various units, parking spaces as well as bike stalls, compliance with landscape requirements and amenity space.
- Spoke to building setbacks and proposed variance, noting that more setbacks were provided than zoning requirements.
- Commented on the development timeframe and the variance as a result of an amendment to the Zoning Bylaw.

City Clerk invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

No one from the Gallery or Online came forward.

Staff:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor DeHart/Seconded By Councillor Wooldridge

THAT Rezoning Bylaw No. 12627 be amended at third reading to revise the legal description of the subject properties from:

- a. That Part of Lot 3 Lying East of a Line Drawn Parallel To And 155.1 Feet Distant from the Westerly Boundary of Said Lot; Section 26 Township 26 ODYD Plan 2773, located at 200 Sadler Rd, Kelowna BC;
- b. The East ½ of Lot 4 Section 26 Township 26 ODYD Plan 2773 Except Plan 5971, located at 210 Sadler Rd, Kelowna BC; and
- c. Lot B Section 26 Township 26 ODYD Plan 12323, located at 230 Sadler Rd, Kelowna BC;

to lot A Section 26 Township 26 ODYD Plan EPP137037, located at 210 Sadler Rd, Kelowna BC;

AND THAT final adoption of Rezoning Bylaw No. 12627 be considered by Council

AND THAT Council authorizes the issuance of Development Permit No. DP23-0228 and Development Variance Permit No. DVP24-0052 for Lot A Section 26 Township 26 ODYD Plan EPP137037, located at 210 Sadler Rd, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";
3. Landscaping to be provided on the land be in accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the amount of 125% of the estimated value of the Landscape Plan, as determined by a Registered Landscape Architect;

5. The applicant be required to make a payment into the Public Amenity & Streetscape Capital Reserve Fund as established by Bylaw No. 12386 in accordance with Table 6.8.a. in Zoning Bylaw No. 12375;

AND THAT variances to the following section of Zoning Bylaw No. 12375 be granted:

Section 14.11: Commercial and Urban Centre Zone Development Regulations

To vary the minimum front yard setback from 3.0 m required to 0.0 m proposed.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit and Development Variance Permit Applications in order for the permits to be issued.

AND FURTHER THAT this Development Permit and Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

Carried

The meeting recessed at 5:28 p.m.

The meeting reconvened at 5:38 p.m. with James Moore acting as the City Manager.

10. Development Variance Permit and Liquor License Application Reports

10.1 START TIME 4:45 PM - Richter St 1080-1090 - DVP24-0087 - LL23-0007 - Bromaxx Property Group Ltd., Inc. No. BC1021305

Staff:

- Displayed a PowerPoint Presentation summarizing the application.

Perry Maxfield, Fuller Avenue, Applicant Representative

- Available for questions.

City Clerk invited anyone participating online or in the gallery who deemed themselves affected to indicate they wish to speak followed by comments from Council.

Gallery:

Deanne Collinson, Richter Street

- In general supportive of Red Bird Brewing.
- Family owns the building adjacent to the Applicant's building.
- Raised concern with additional capacity for more events and the effects on their tenants and smaller businesses in the area.
- Believes parking is currently a huge issue in the north end already with impacts to small businesses.
- The success of their business should not come at the expense of other businesses.
- Commented that the Applicant's proposal of 900 people in their venue is more than the Community Theatre capacity and the Theatre has a parkade located adjacent to it.
- Existing and new tenants in their building would be negatively impacted by a 900 person capacity.

Applicant in Response:

- Have been in the neighbourhood for a long time.
- Owns the building across the street and are friends with other breweries in the neighbourhood.
- Believes Red Bird brings more people to the neighbourhood than it would detract from the area.
- Acknowledged parking issues for other area businesses especially with 2 hour parking maximum; suggested reducing on-street parking to 15 to 30 minutes maximum to allow customers to come and go as they please.
- Hired a permanent Events Coordinator and planning to have more family friendly events during the day.

Staff:

- Responded to questions from Council.

Applicant:

- Responded to questions from Council.

There were no further comments.

Moved By Councillor Wooldridge/Seconded By Councillor Webber

THAT Council defer consideration of Development Variance Permit No. DVP24-0087 and Liquor License-LL23-0007 located at 1080-1090 Richter St, Kelowna, B.C.

Carried

11. Termination

The meeting was declared terminated at 6:22 p.m.

Mayor Dyas

lb/acm

Jan 33

City Clerk

DRAFT

REPORT TO COUNCIL

LIQUOR LICENSE



Date: September 10, 2024
To: Council
From: City Manager
Address: 110 88g Vaughan Ave
File No.: LL24-0009

	Existing	Proposed
OCP Future Land Use:	IND – Industrial	IND – Industrial
Zone:	I2 – General Industrial	I2 – General Industrial

1.0 Recommendation

THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor and Cannabis Regulation Branch (LCRB):

In accordance with Division 9 (71) of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Born to Shake for a liquor primary license amendment for Strata Lot 10 Section 30 Township 26 ODYD Strata Plan EPS7283 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V, located at 110 88g Vaughan Ave, Kelowna, BC for the following reasons:
 - Proposed structural changes are perceived to be minor in nature, RCMP do not have concerns, and no bylaw complaints.
2. Council’s comments on LCRB’s prescribed considerations are as follows:
 - a. The potential for noise if the application is approved:

The potential impact for noise is minimal as the area supports industrial and commercial land uses with only a few businesses operating during similar hours. Additionally, the patio is limited to 28 persons reducing the outdoor noise impact.
 - b. The impact on the community if the application is approved:

The potential for negative impacts is minimal as the area supports several similar land uses and there are no large occupancy liquor establishments in close proximity.
3. Council’s comments on the views of residents are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 “Liquor Licensing Policy and Procedures.”

2.0 Purpose

To seek Council’s support for a structural change application to increase the capacity from 54 persons to 114 persons.

3.0 Development Planning

Staff support the request to increase the capacity of the existing Liquor Primary Licence known as Born to Shake. The current establishment is located in an established commercial and industrial area. The area is experiencing a state of transition with several large apartment housing projects being developed on the south side of Clement Ave. The proposed structural change is not anticipated to have negative impacts on the surrounding land uses.

The business is looking to increase capacity in their mezzanine space, main floor, and patio area. The impact on the surrounding community is anticipated to be minimal due to a combination of factors including:

- No bylaw complaints have been received to date;
- The surrounding area contains similar land uses; and
- RCMP do not have concerns with the proposed expansion.

4.0 Project Details

Existing Hours of Licence:

		Sun	Mon	Tues	Wed	Thurs	Fri	Sat
Open		9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM
Close	Indoor	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM
	Patio	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM

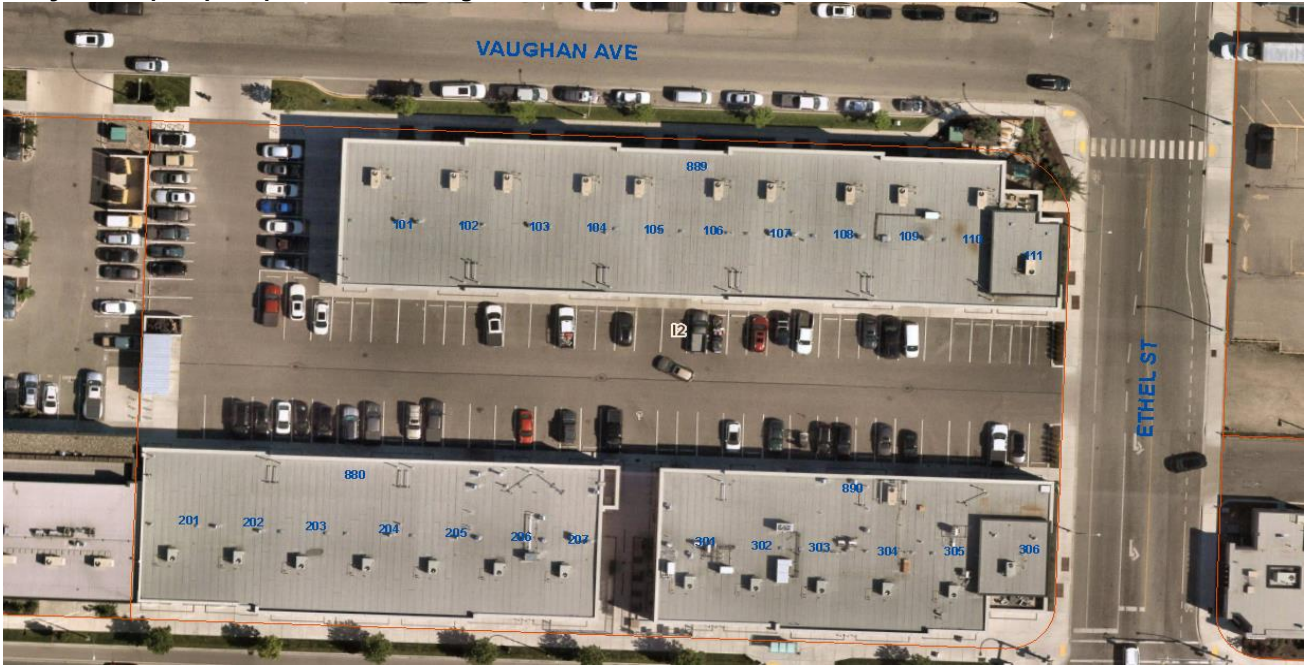
Occupant Load:

	Existing	Proposed
Indoor	30	86
Outdoor	24	28

5.0 Site Context & Background

Orientation	Zoning	Land Use
North	I2 – General Industrial	Manufacturing
East	I2 – General Industrial	Manufacturing
South	MF1 – Infill Housing	Single Detached Housing
West	I2 – General Industrial	Retail

Subject Property Map: 110 – 889 Vaughan Ave



The subject property is located on Vaughan Ave, between Richter St and Ethel St. The surrounding area is a mix of commercial, industrial, and residential uses. Born to Shake is located within unit 110 which is in the Northeast corner of the site.

5.1 R.C.M.P.

No concerns.

6.o Application Chronology

Application Accepted: June 12, 2024

Neighbourhood Notification Received: July 19, 2024

Report prepared by: Jason Issler, Planner II

Reviewed by: Jocelyn Black, Urban Planning Manager

Reviewed by: Nola Kilmartin, Development Planning Department Manager

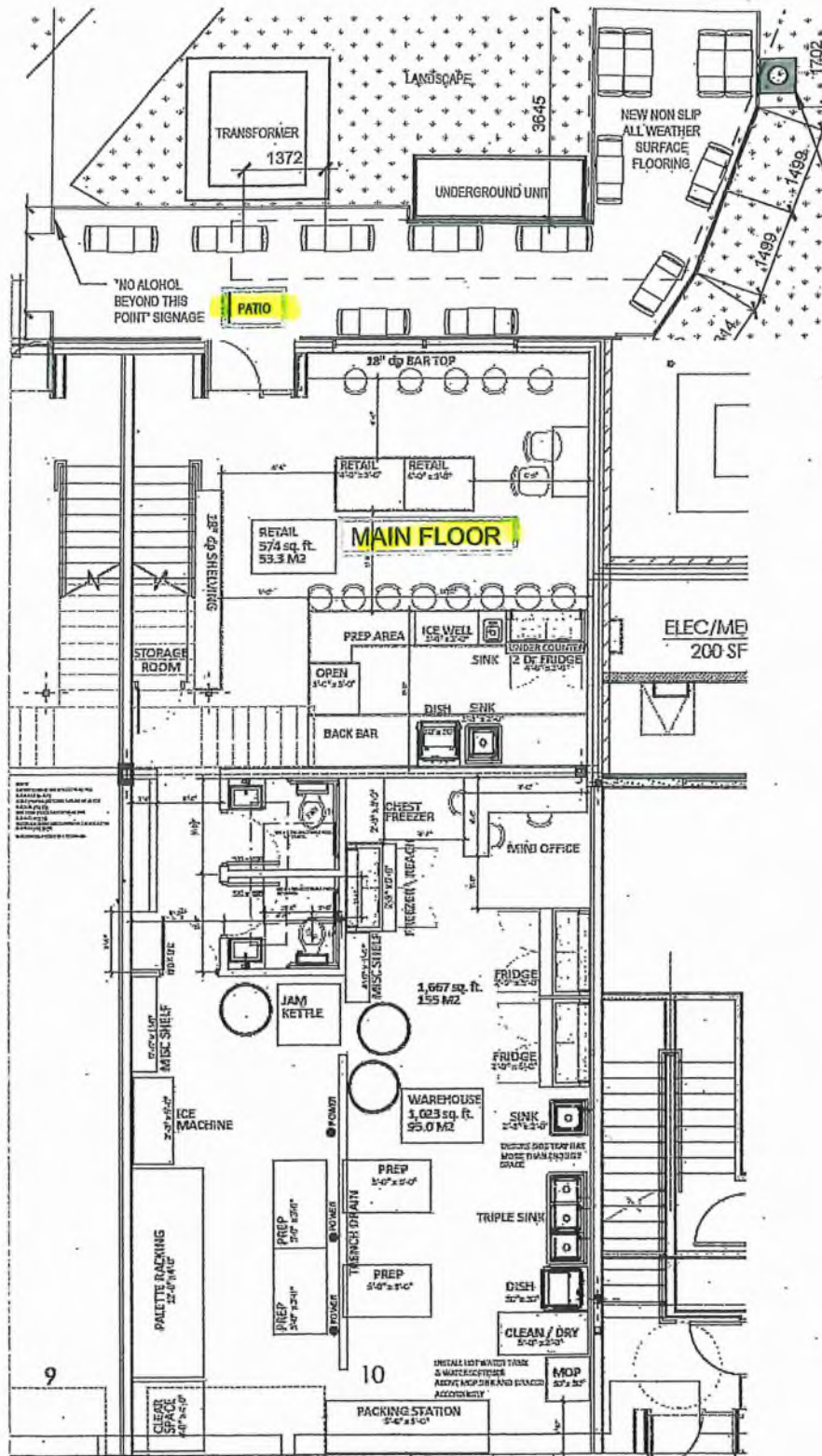
Approved for Inclusion: Ryan Smith, Divisional Director, Planning, Climate Action & Development Services

Attachments:

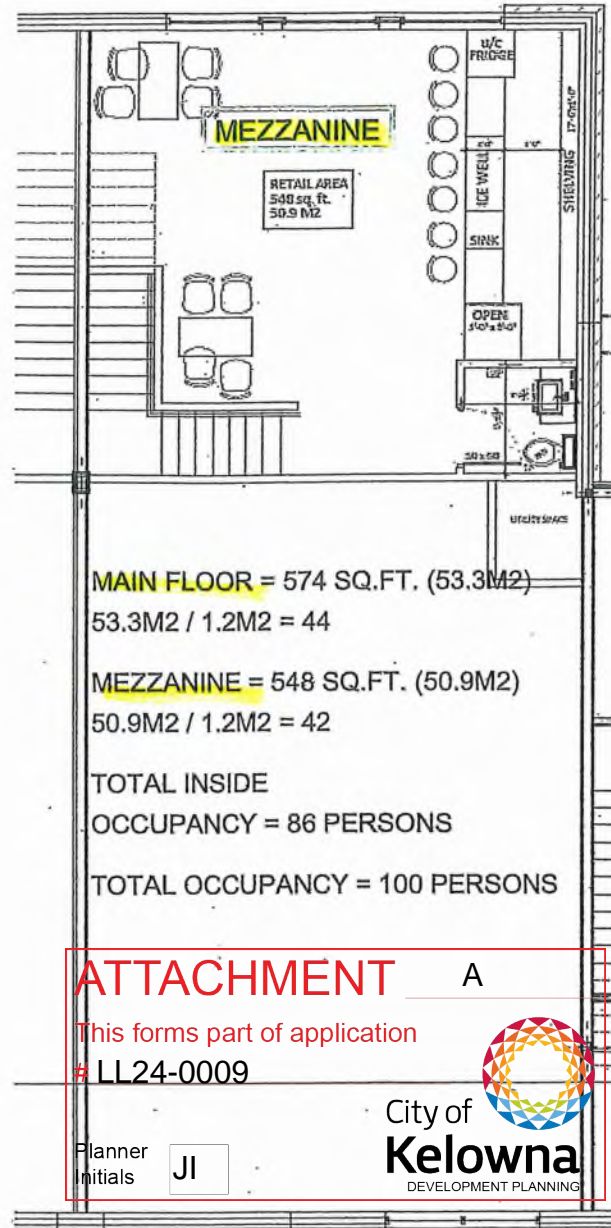
Attachment A: Floor Plan/Site Plan/Occupant Load

Attachment B: Letter of Rationale

For additional information, please visit our Current Developments online at www.kelowna.ca/currentdevelopments.



PATIO AREA = 367 SQ.FT. (34.13M2)
 34.13M2 / 1.2M2 = 28
 TOTAL PATIO OCCUPANCY = 28 PERSONS



MAIN FLOOR = 574 SQ.FT. (53.3M2)
 53.3M2 / 1.2M2 = 44
 MEZZANINE = 548 SQ.FT. (50.9M2)
 50.9M2 / 1.2M2 = 42
 TOTAL INSIDE
 OCCUPANCY = 86 PERSONS
 TOTAL OCCUPANCY = 100 PERSONS

ATTACHMENT A

This forms part of application
 # LL24-0009

Planner Initials **JL**



Born to Shake
#110 – 889 Vaughan Ave.

The PATIO has a net floor area of 34.2 m². The maximum occupant load shall be 28 persons, based on 1.2 m²/person

The MAIN FLOOR has a net floor area of 53.3 m². The maximum occupant load shall be 44 persons, based on 1.2 m²/person

The MEZZANINE has a net floor area of 51 m². The maximum occupant load shall be 42 persons, based on 1.2 m²/person

Reviewed
 by City of Kelowna
 Inspection Services
 MAY 31 2024

* Subject to completion of construction
 to approved Building permit
BP 73030

Project Rationale – Born to Shake

Who is Born to Shake?

Born to Shake is an experiential beverage company that is committed to making cocktailing more approachable in Kelowna. Born to Shake is incorporated and wholly owned by Shayne Labis and Nicole Barron who accumulatively have over 25+ years in the food & beverage industry with a primary focus on customer service and experience.

Crafted by our small and mighty team of professional bartenders, our cocktails are made with premium spirits, freshly-squeezed juices, and house-made syrups, bitters, and rimmers. Each plate on our menu is designed to complement our cocktails, and both our tapas and our cocktails are packed with the highest quality ingredients. We're committed to excellent and personalized service - we love when our guests become our friends. We're passionate about good drinks, good food, and good vibes, 'cause life's too short to drink shitty cocktails!

Our first year-and-a-half operating on Vaughan Ave.

We finally opened our doors to residents of Kelowna in November of 2022 and received our liquor license shortly afterwards at the end of December that same year.

We started small with our plans, opening for retail operations to the public first and then slowly offering additional cocktail service to our guests as we continue to grow and learn.

Today, we employ 11 people, we offer an incredible tapas menu to compliment our high-end cocktails and we are offering brunch on Sundays. We have 5 stars on Google and 4.9 stars on Open Table, making us the highest rated cocktail bar in the city and we are so, so proud of our team for getting us here!

What is important to Born to Shake and how will they positively impact our community?

It is vital to us that we create and maintain a space that is welcoming, inclusive and exciting for guests and peers to dine with us. We are so fortunate that other establishments in this incredible city continue to choose to work with us as their syrup and bitters suppliers and we are so excited to provide a space where local distilleries can showcase their incredible products through our coveted Sip & Learns. We pride ourselves on being a space where everyone and anyone is welcome and collaborate with local businesses offering unique events, experiences and a place for connections with friends and loved ones.

Over the last year and a half in our amazing space, we have learned and grown so much. We have struggled immensely with the limitations to our occupancy inside during the non-patio seasons and while hosting cocktail experiences for our guests such as classes, seminars and private functions. We are finding that our current cap at 30 persons is debilitating to our growth. We are hoping for the City's support in approving this change to our license so we can continue to flourish and continue to have a positive impact on our ever-growing industry by allowing us to welcome more guests from our amazing community.





City of
Kelowna



LL24-0009
110 – 889 Vaughan Ave
Liquor License Application

Purpose

- ▶ To seek Council's support for a structural change application to increase the capacity from 54 persons to 114.

Development Process

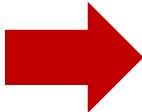


Jun 12, 2024

Liquor Licence Application Submitted



Staff Review & Circulation



Sep 10, 2024

Tuesday Council Meeting



Council Consideration

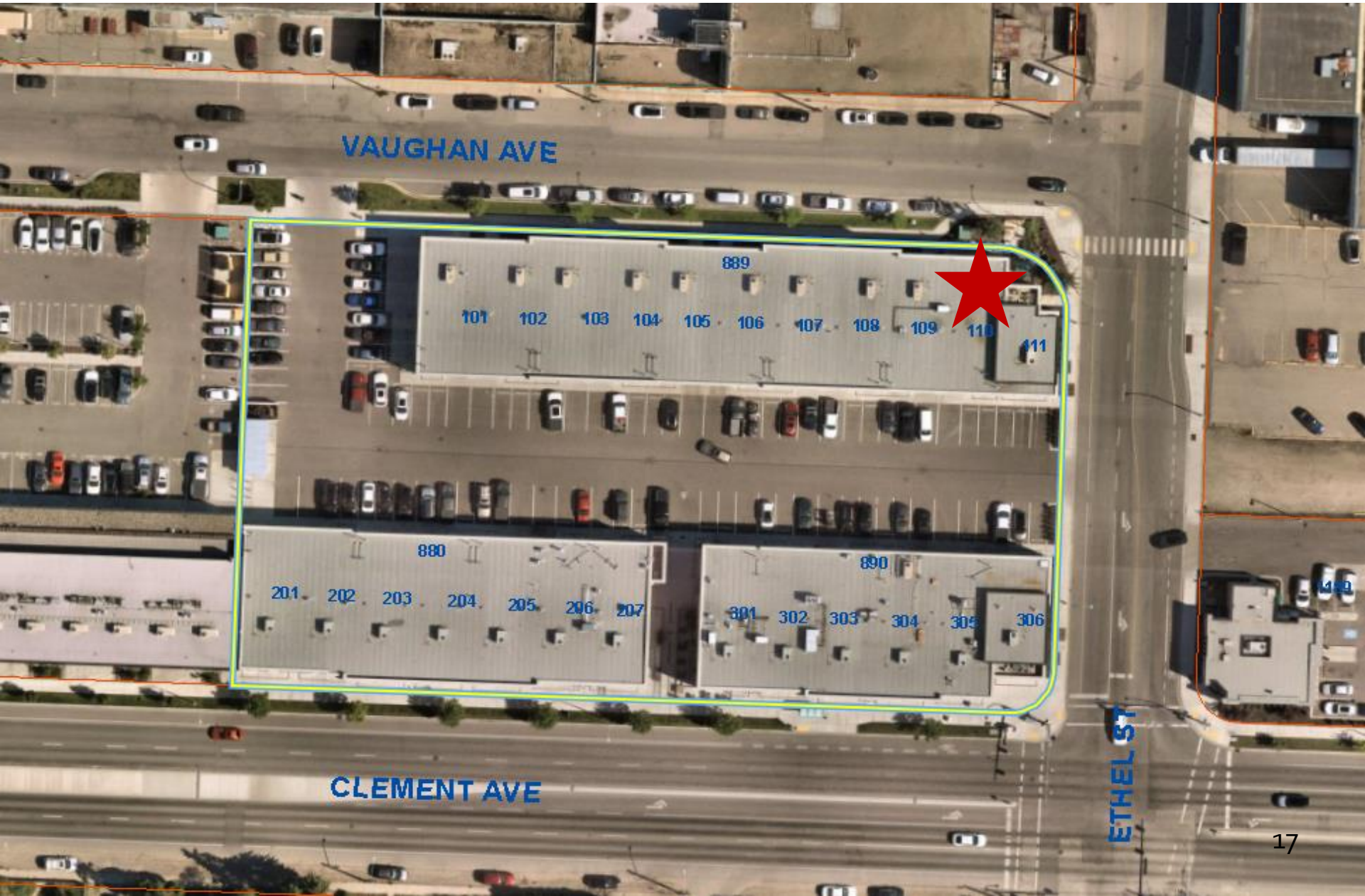


Recommendation Forwarded to LCRB

Context Map



Subject Property Map



VAUGHAN AVE

CLEMENT AVE

ETHEL ST

889

101 102 103 104 105 106 107 108 109 110

111

880

201 202 203 204 205 206 207

890

301 302 303 304 305 306

Hours of Sale

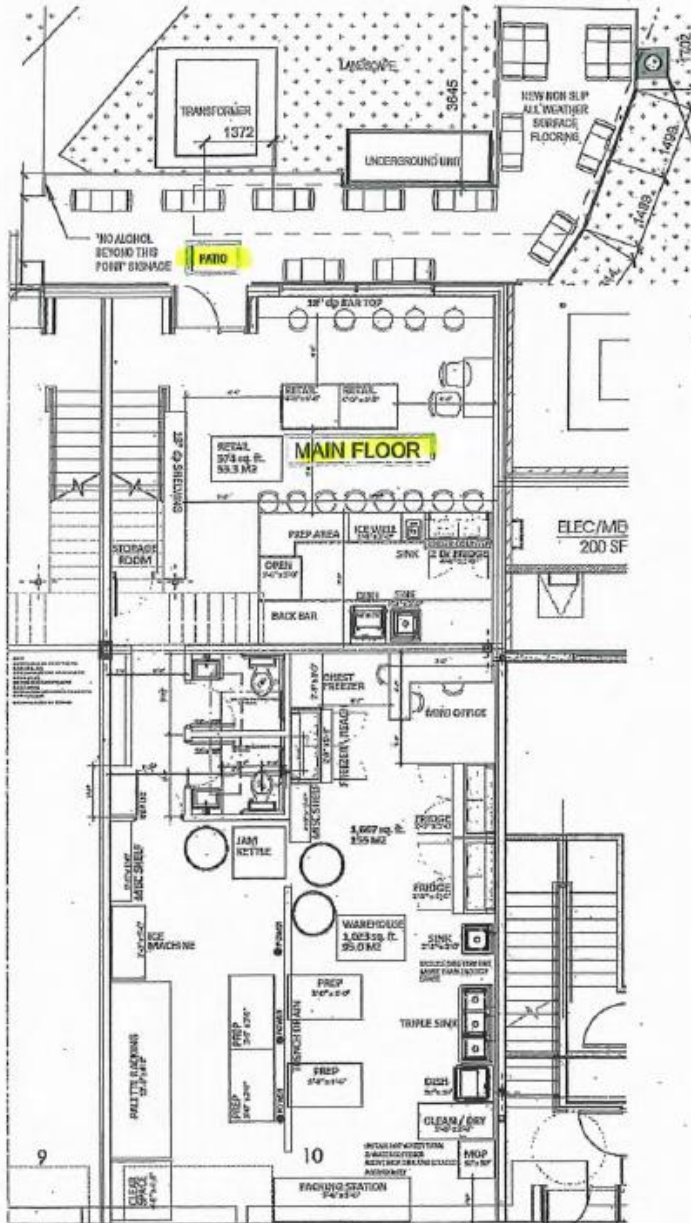
Existing Licence Hours:

		Sun	Mon	Tues	Wed	Thurs	Fri	Sat
Open		9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM
Close	Indoor	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM
	Outdoor	11: 00 PM	11: 00 PM	11: 00 PM	11: 00 PM	11: 00 PM	11:00 PM	11:00 PM

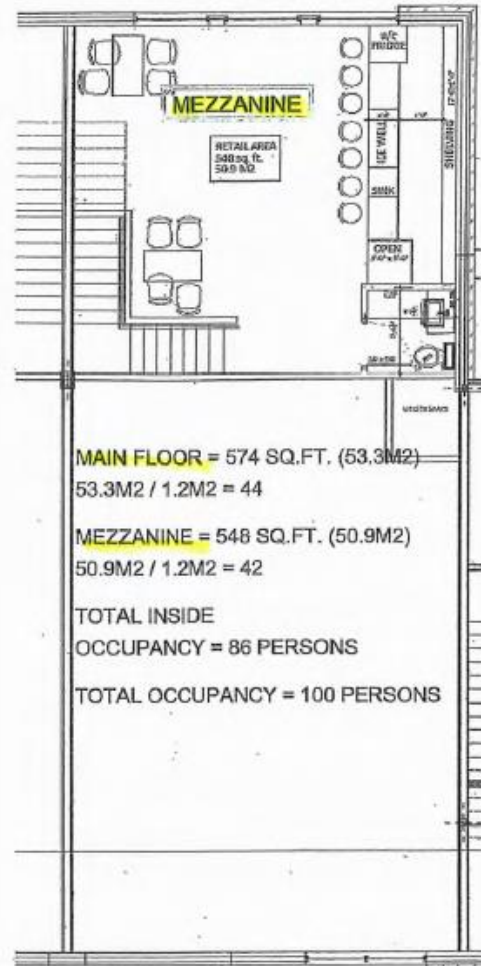
Occupant Load

	Existing	Proposed
Indoor	30	86
Outdoor	24	28

Occupant Load



PATIO AREA = 367 SQ.FT. (34.13M²)
 $34.13M^2 / 1.2M^2 = 28$
TOTAL PATIO OCCUPANCY = 28 PERSONS



MAIN FLOOR = 574 SQ.FT. (53.3M²)
 $53.3M^2 / 1.2M^2 = 44$
MEZZANINE = 548 SQ.FT. (50.9M²)
 $50.9M^2 / 1.2M^2 = 42$
TOTAL INSIDE OCCUPANCY = 86 PERSONS
TOTAL OCCUPANCY = 100 PERSONS

Born to Shake
#110 – 889 Vaughan Ave.

The PATIO has a net floor area of 34.2 m². The maximum occupant load shall be 28 persons, based on 1.2 m²/person

The MAIN FLOOR has a net floor area of 53.3 m². The maximum occupant load shall be 44 persons, based on 1.2 m²/person

The MEZZANINE has a net floor area of 51 m². The maximum occupant load shall be 42 persons, based on 1.2 m²/person

Reviewed
 by City of Kelowna
 Inspection Services
 MAY 3 1 2024

* Subject to completion of construction
 to approved Building permit
BP 73030

Staff Recommendation

- ▶ Staff recommend **support** for the proposed change of hours to the liquor licence as it is consistent with:
 - ▶ No concerns from RCMP
 - ▶ No bylaw complaints
- ▶ That Council directs Staff to forward a resolution of support to the LCRB.

REPORT TO COUNCIL

LIQUOR LICENSE



Date: September 10, 2024
To: Council
From: City Manager
Address: 327 Bernard Ave
File No.: LL24-0016

	Existing	Proposed
OCP Future Land Use:	UC – Urban Centre	UC – Urban Centre
Zone:	UC1 – Downtown Urban Centre	UC1 – Downtown Urban Centre

1.0 Recommendation

THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor and Cannabis Regulation Branch (LCRB):

In accordance with Division 9 (71) of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Urban Distilleries Inc. for a Lounge Endorsement for Lot 11 Block 14 District Lot 139 ODYD Plan 462, located at 327 Bernard Ave, Kelowna, BC for the following reasons:
 - Council Policy No. 359 recommends supporting small establishments (capacity less than 100 persons) when not located adjacent to another Liquor Primary Establishment.

2. Council’s comments on LCRB’s prescribed considerations are as follows:

Criteria for a Lounge Endorsement on a Manufacturing License:

- a. The location of the Lounge Endorsement:
 The location is on Bernard Ave in a section that is closed for “Meet Me on Bernard” during the summer months with high pedestrian traffic.
- b. The proximity of the Lounge Endorsement to other social or recreational facilities and public buildings:
 The proposed establishment is in close proximity to several Food Primary Establishments, Liquor Primary’s, and Manufacturing establishments.
- c. The person capacity of the Lounge Endorsement:
 The proposal is for a 91-person capacity.
- d. Traffic, noise, parking and zoning:
 Bernard Ave is an activated area with high pedestrian traffic. Several months of the year this section of Bernard Ave is closed to vehicular traffic. Noise from this establishment is not anticipated to be a concern and the proposed use is compliant with zoning.
- e. The impact on the community if the application is approved:
 The potential for negative impact on the community is considered minimal.

3. Council’s comments on the views of residents are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 “Liquor Licensing Policy and Procedures.”

2.0 Purpose

To seek Council’s support for a Lounge Endorsement.

3.0 Development Planning

Staff are supportive of the Manufacturer Licence with a Lounge Endorsement to allow customers to consume greater quantity samples than permitted under a manufacturing licence. This area of Bernard Ave is already home to several small Food Primary Establishments, Liquor Primary Licences, and Manufacturing Licences. The proposed establishment is located within the Downtown Urban Centre in an area that has a large focus on pedestrian experiences and cultural activities. As a result, the impact on the surrounding community will be minimal and noise is not an anticipated issue due to a combination of factors including:

- Maximum occupancy of 91 persons;
- Hours of operation are in line with similar businesses in the area; and
- Compatible with surrounding land uses.

Council Policy No. 359 recommends supporting Lounge Endorsement applications for small establishments when not abutting another small Liquor Primary Establishment.

4.0 Project Details

Proposed Hours of Operation:

		Sun	Mon	Tues	Wed	Thurs	Fri	Sat
Open		9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM
Close	Indoor	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM
	Patio	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM

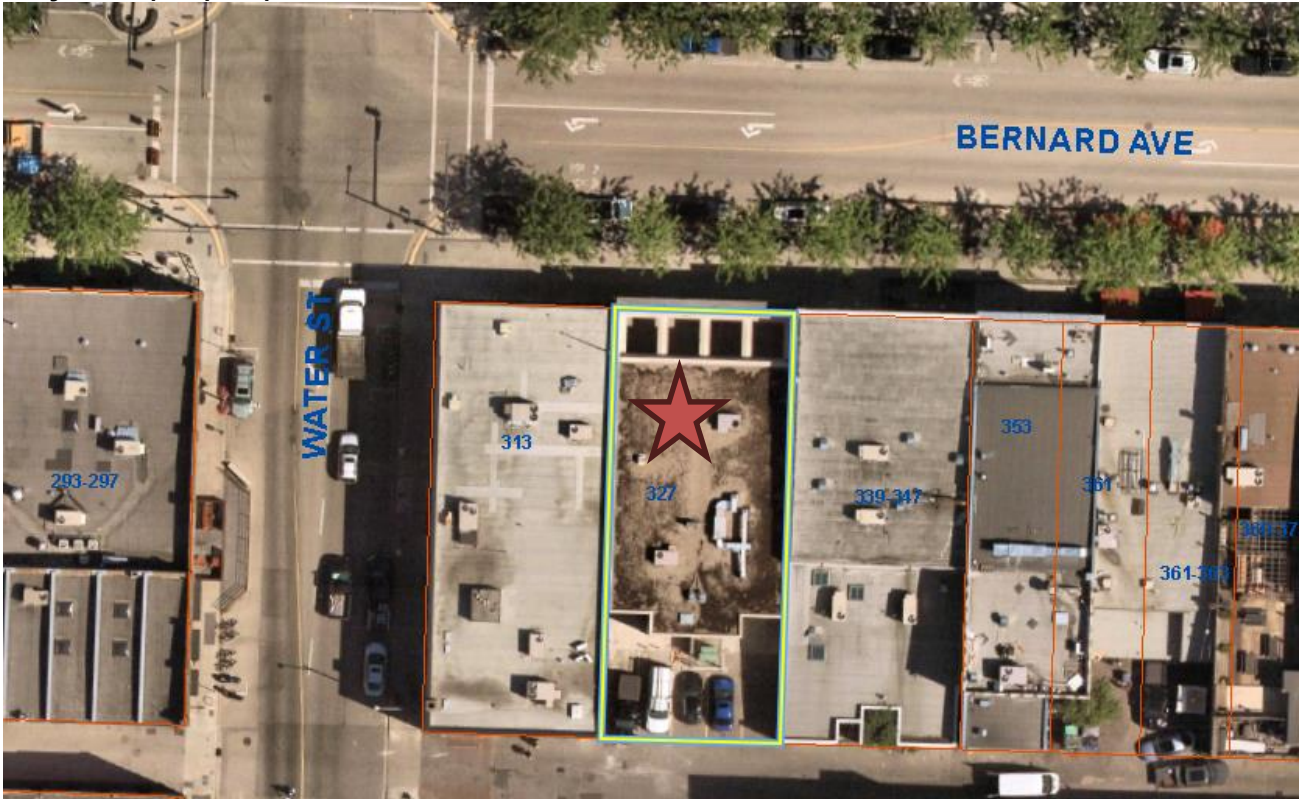
Occupant Load:

	Existing	Proposed
Indoor	NA	69
Outdoor	NA	22

5.0 Site Context & Background

Orientation	Zoning	Land Use
North	UC1 – Downtown Urban Centre	Office
East	UC1 – Downtown Urban Centre	Office, Retail, Food Primary
South	UC1 – Downtown Urban Centre	Non-Accessory Parking
West	UC1 – Downtown Urban Centre	Retail

Subject Property Map: 327 Bernard Ave



6.0 Current Development Policies

6.1 Council Policy #359 – Liquor Licensing Policy and Procedures

The following sections of Policy #359 are applicable to this application:

- New patios associated with liquor establishments should be located and designed to limit potential impacts on surrounding property owners
- Small establishments (with person capacity less than 100 persons):
 - Should not be located beside another liquor primary establishment.

7.0 Technical Comments

7.1 R.C.M.P.

- No Concerns

8.0 Application Chronology

Application Accepted: July 31, 2024
Public Notification Completed: August 9, 2024

Report prepared by: Jason Issler, Planner II
Reviewed by: Jocelyn Black, Urban Planning Manager
Reviewed by: Nola Kilmartin, Development Planning Department Manager

Approved for Inclusion: Ryan Smith, Divisional Director, Planning, Climate Action & Development Services.

Attachments:

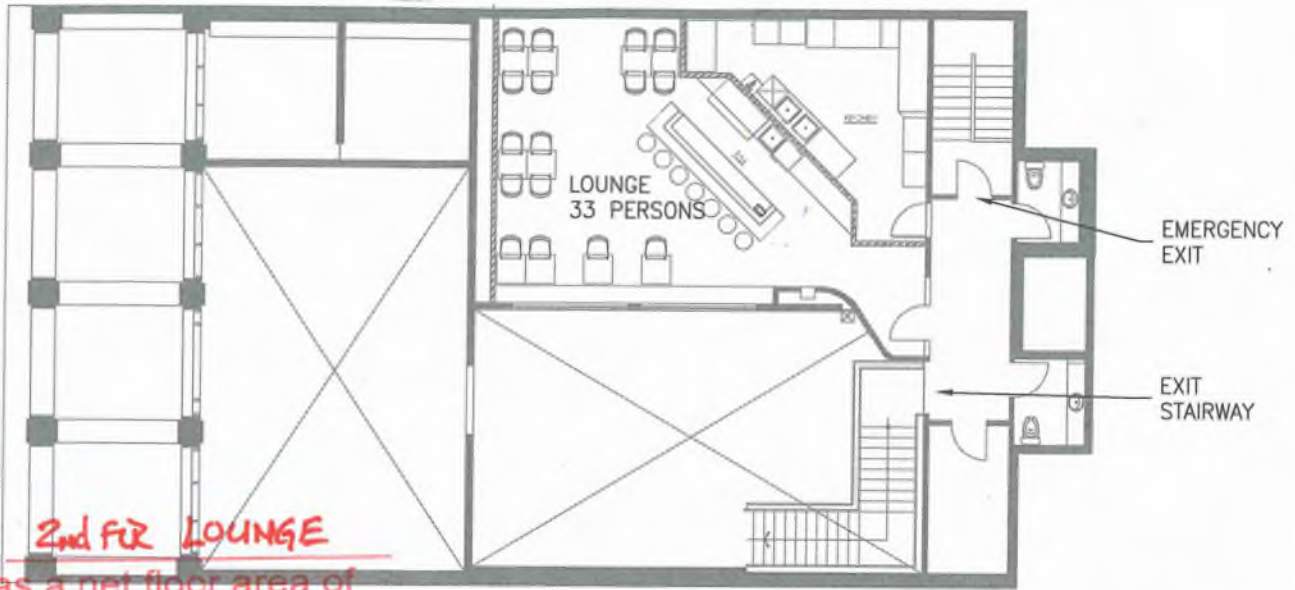
Attachment A: Floor Plan/Site Plan/Occupant Load

Attachment B: Letter of Rationale

For additional information, please visit our Current Developments online at www.kelowna.ca/currentdevelopments.



URBAN Distilleries 327 Bernard Ave.

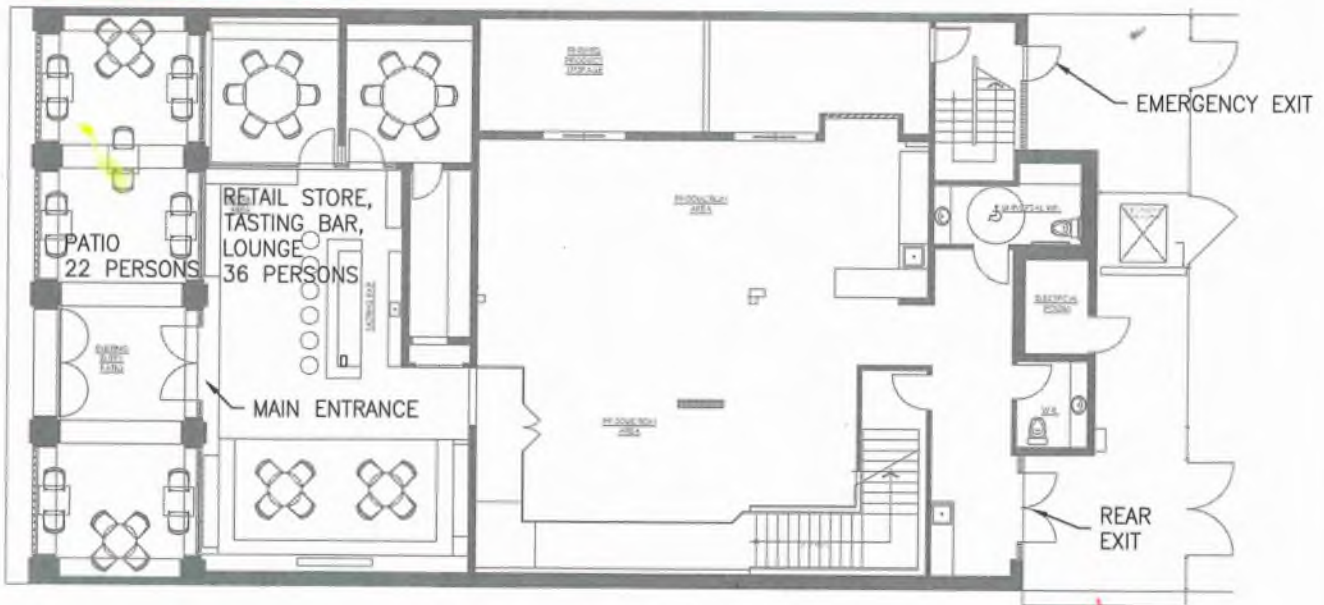
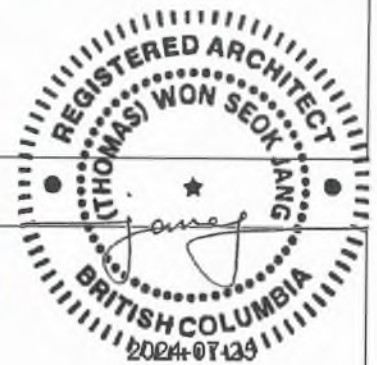


UPPER FLOOR

The 2nd FLOOR LOUNGE has a net floor area of N/A m². The maximum occupant load shall be 33 persons, based on Architects Calculations

The TASTING BAR/LOUNGE has a net floor area of N/A m². The maximum occupant load shall be 36 persons, based on Architects Calculations

The PATIO has a net floor area of N/A m². The maximum occupant load shall be 22 persons, based on Architects Calculations



URBAN DISTILLERIES, 327 BERNARD
MAIN FLOOR

Subject to issuance and occupancy of a Building Permit **72848**

Reviewed by City of Kelowna Inspection Services JUL 26 2024 **WCK**

July 25, 2024

City of Kelowna
1435 Water Street
Kelowna, BC
V1Y 1J4



Re: Project Rationale

Dear Community Planning,

Urban Distilleries is a small batch distillery manufacturing a selection of high-quality spirits and some wines. In our new location at 327 Bernard Avenue, we will be offering a unique experience for customers downtown, including a tasting bar, private tasting rooms, a retail store as well as food and beverage service. This service combines tasty bites with hand-crafted cocktails, in the front and on the patio as well as a in smaller speakeasy style lounge opening later in the day. We will continue to offer distillery tours and workshops including cocktail making as well as some new offerings.

We are very anxious to become an active member of the downtown business scene with a special offering where we make it, serve it and sell it and ultimately allow customers to experience it!

Sincerely,

Mark Spurgeon,
President, Urban Distilleries

ATTACHMENT **B**

This forms part of application
LL24-0016

Planner Initials **Jl**

City of **Kelowna**
DEVELOPMENT PLANNING

The logo for the City of Kelowna, featuring a colorful circular emblem composed of many small triangles in various colors (red, orange, yellow, green, blue, purple) arranged in a circular pattern. Below the emblem, the text "City of Kelowna" is written in a bold, black sans-serif font, with "DEVELOPMENT PLANNING" in a smaller font below it.



City of
Kelowna

LL24-0016
327 Bernard Ave
Liquor License Application

Purpose

- ▶ To seek Council's support for a Lounge Endorsement.

Development Process



Jul 31, 2024

Liquor Licence Application Submitted



Staff Review & Circulation



Sep 10, 2024

Tuesday Council Meeting



Council Consideration

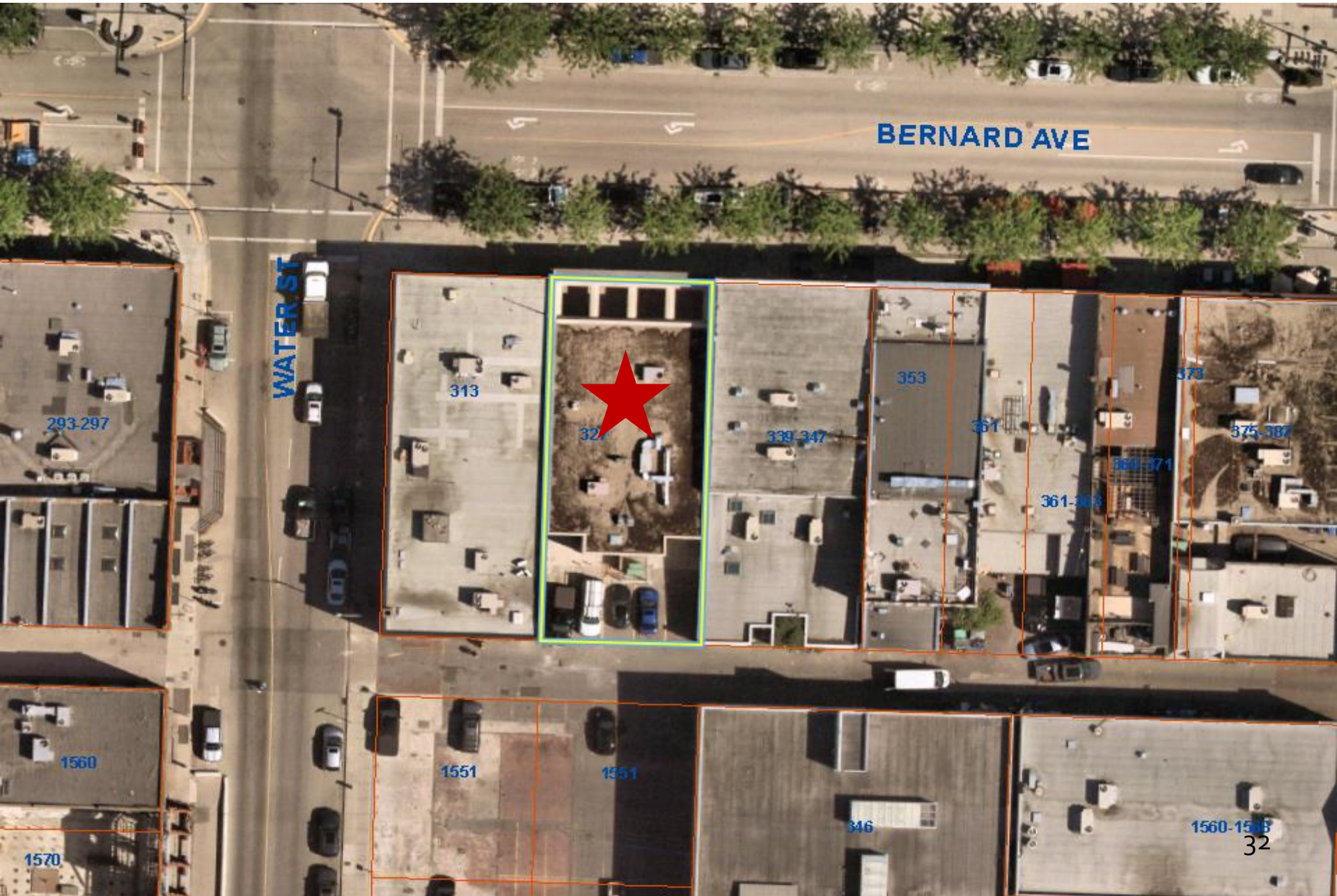


Recommendation Forwarded to LCRB

Context Map



Subject Property Map



Hours of Sale

Existing Licence Hours:

		Sun	Mon	Tues	Wed	Thurs	Fri	Sat
Open		9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM
Close	Indoor	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM
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Occupant Load

	Existing	Proposed
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Occupant Load

URBAN Distilleries

327 Bernard Ave.



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URBAN DISTILLERIES, 327 BERNARD
MAIN FLOOR

Subject to issuance and occupancy
of a Building Permit
72848

Reviewed
by City of Kelowna
Inspection Services
JUL 26 2024
WCK

Staff Recommendation

- ▶ Staff recommend **support** for the proposed change of hours to the liquor licence as it is consistent with:
 - ▶ Input from RCMP
 - ▶ Policy 359
- ▶ That Council directs Staff to forward a resolution of support to the LCRB.