

# REPORT TO COUNCIL



**Date:** February 6, 2018

**RIM No.** 0930-50

**To:** City Manager

**From:** Community Planning Department (PMc)

**Application:** LL17-0018

**Owner:** Cellar-Tek Developments Ltd.  
(Inc. No. BCo880427)

**Address:** 1033 Richter St

**Applicant:** Jewell, Mathew James

**Subject:** Liquor License

Existing OCP Designation: Industrial (IND)

Existing Zone: I4 – Central Industrial

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## 1.0 Recommendation

THAT Council directs Staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 53 of the *Liquor Control and Licensing Regulation* and Council Policy #359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Matthew Jewell (Omen Brewing Co. Ltd.) located at 1033 Richter St., Kelowna, BC, legally described as Parcel B (being a consolidation of lots 41 and 42, see LB35641), Section 30, Township 26, ODYD, Plan 1014, for a manufacturer lounge and special event area endorsement from '10:00 AM to 12:00 AM Monday to Sunday.
2. That Council's comments on the prescribed considerations are as follows:
  - (a) The potential for noise if the application is approved;  
The potential impact for noise is minimal and would be compatible with surrounding land uses.
  - (b) The impact on the community if the application is approved;  
The potential for negative impacts is considered to be minimal.

THAT Council's comments on the view 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 to allow a manufacturer lounge and special event area endorsement to allow patrons to purchase and consume liquor products.

## **3.0 Community Planning**

Staff generally support all manufacturer lounge and special event area endorsements in order to permit customers to consume the manufacturer's product onsite. Staff do not foresee any negative land use impact of permitting this type of license. However, there are three components of each license application that need specific consideration by Council: the proposed capacity, the location, and proposed hours of liquor sales.

The proposed capacity should never exceed the building's occupant load. In this case, the proposal does not exceed the maximum capacity. Under Council Policy # 359 [Liquor Licensing Policy & Procedures], there is policy direction that restricts the location of liquor primary establishments depending on their size:

- a) No establishment with a person capacity greater than 500 persons should be permitted.
- b) Large establishments (with person capacity greater than 249 persons):
  - a. Should only be located within an Urban Centre.
  - b. Should be located a minimum of 250m from another Large establishment.
  - c. Should be located a minimum of 100m from a Medium establishment.
  - d. Should not be located beside a Small establishment.
- c) Medium establishments (with person capacity between 100-249 persons):
  - a. Should only be located within an Urban or Village Centre.
  - b. Should be located a minimum of 100m from a Large or Medium establishment.
  - c. Should not be located beside a Small establishment.
- d) Small establishments (with person capacity less than 100 persons):
  - a. Should not be located beside another liquor primary establishment.

This policy is silent in regards to manufacturer lounge endorsements. Staff plan to rectify that issue within an upcoming liquor policy review. In the meantime, Staff are recommending new manufacturer lounge and special event area endorsements be treated similarly to new liquor primary establishments.

Therefore, in this case, the new license application would be considered a small establishment and the location would be considered appropriate as it is not beside a large liquor establishment.

If lounge endorsements are to be treated similarly to liquor primary establishments, then the hours of operation should be consistent with this general guideline:

- 1) 1am closing time if the lounge endorsement is within the downtown core;
- 2) Midnight if the lounge endorsement is within close proximity to the downtown;
- 3) 11pm if the lounge endorsement is not within close proximity to the downtown.

Within the new liquor policy review, there will also need to be thresholds for a liquor primary establishment or an establishment that is similar to one to be required to have a certain level of security and patron safety measures in place (e.g. Servall). The RCMP generally support the new types of liquor licenses including manufacturer lounge and special event area endorsements from 10am to 10pm, Monday through Sunday. The RCMP has also requested the City "establish a comprehensive policy to address new liquor primary and manufacturer lounge endorsement license applications. Such a policy would facilitate a consistent, guided

responses to applications.” Until such time as the new liquor policy can be established, the R.C.M.P.’s suggestion on hours of sales is more conservative than Staff’s guidelines. In this case, the proposed hours of sales are not supported by the R.C.M.P., but are supported by staff. Staff feel that a lounge establishment to 12:00am (midnight) will not significantly add resourcing issues to the R.C.M.P. due to the location’s proximity to the downtown and the new Police Services building.

Staff and the RCMP have consistently supported early opening hours to 10am for various liquor license applications. Opening earlier in the day does not create the same potential enforcement and policing issues that occur with later closings. The request to open at 10am is consistent with many establishments across the city.

Overall, this liquor license application will have a negligible impact to the surrounding area.

#### 4.0 Proposal

##### 4.1 Background

An application has been forwarded by the licensee to the Provincial Liquor Control and Licensing Branch (LCLB) for their approval. Procedurally, this type of application needs Local Government comments prior to the LCLB making a final decision.

##### 4.2 Project Description

###### Existing Hours of Sale (Manufacturer License):

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Close	N/A	N/A	N/A	N/A	N/A	N/A	N/A

###### Proposed Hours of Sale (Manufacturer License):

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	10:00am	10:00am	10:00am	10:00am	10:00am	10:00am	10:00am
Close	12:00am	12:00am	12:00am	12:00am	12:00am	12:00am	12:00am

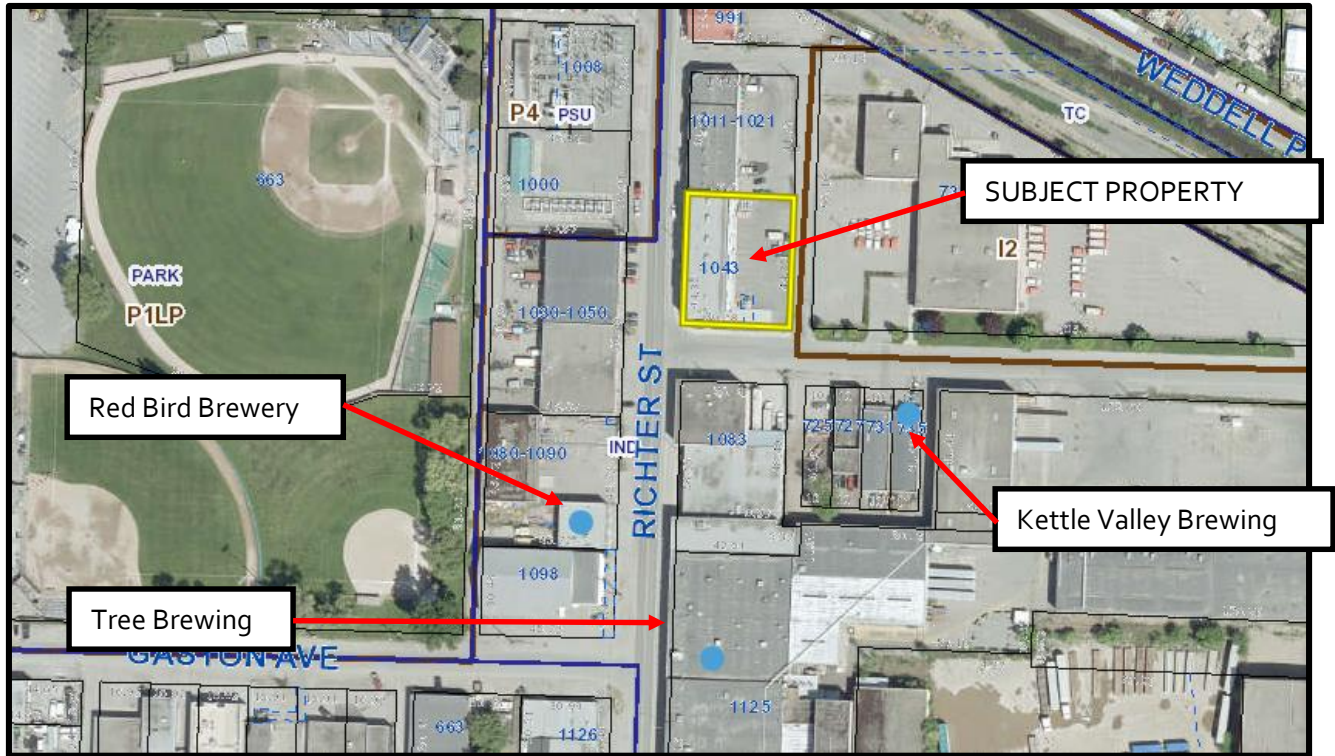
##### 4.3 Site Context

The subject property is located on the north east corner of Richter St. and Baillie Ave. in an area of predominantly general industrial uses.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I <sub>4</sub> – Central Industrial	General Industrial uses
East	P <sub>2</sub> – Education and Minor Institutional	Mail processing facility
South	I <sub>4</sub> – Central Industrial	Valorosa Foods/Tree Brewing
West	I <sub>4</sub> – Central Industrial	General Industrial uses

1033 Richter St.



## 5.0 Current Development Policies

5.1 Council Policy #359 - Liquor Licensing Policy and Procedures

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

Where appropriate, support alternative entertainment options, and/or establishments which are less focused on alcohol consumption (including event-driven establishments, and Food Primary establishments with the Patron Participation Entertainment Endorsement) to add a mix of entertainment options in Urban Centres. Consider limiting potential community impacts via license terms and conditions (hours, capacity, etc.).

- 5.2 Small establishments (with person capacity less than 100 persons) should not be located beside another liquor primary establishment.

## 6.0 Technical Comments

## 6.1 Building & Permitting Department

No Comment

## 6.2 Bylaw Services

No Comment

6.3 R.C.M.P.

RCMP supports the above noted application, with restriction of hours of operation from 10am to 10pm Monday to Sunday and capacity restricted to applicant's request (50 capacity).  
Proposed hours of operation of 10am to 1am is not support by Kelowna RCMP.

The RCMP requests for consideration of the Planning Department/City the establishment of a comprehensive policy to address new liquor primary and manufacturer lounge endorsement license applications. Such a policy would facilitate a consistent, guided response to applications.

7.0 **Application Chronology**

Date of Application Received: September 5, 2017

Date RCMP Comments Received: October 31, 2017

**Report prepared by:**

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Paul McVey, Urban Planning

**Reviewed by:**



Ryan Smith, Community Planning Department Manager

**Approved for Inclusion:**



Doug Gilchrist, Divisional Director, Community Planning & Real Estate

**Attachments:**

LCLB Application

Applicant letter of intent