

REPORT TO COUNCIL



Date: April 10, 2017

RIM No. 0930-50

To: City Manager

From: Community Planning Department (TA)

Application: LL18-0004

Owner: Ricco Bambino Wines Inc., Inc.
No. BC1129356

Address: 101 – 1630 Pandosy Street

Applicant: Rising Tide Consultants

Subject: Liquor License Application

Existing OCP Designation: MXR – Mixed Use (Residential/Commercial)

Existing Zone: C7 – Central Business Commercial

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 10 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Rising Tide for Strata Lot 1, DL 139, ODYD, Strata Plan KAS3411, 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 101 – 1630 Pandosy Street, Kelowna, BC for a manufacturer lounge for the hours of 9 am to 12:00 am (midnight) Monday to Sunday;
2. Council's comments on LCLB's prescribed considerations are as follows:
 - a) The location of the winery: The winery is located in an urban setting in the Downtown Core;
 - b) The person capacity of the winery lounge: The person capacity is 57 persons inside and 20 persons on exterior patio;
 - c) Traffic, noise, parking and zoning: The winery is located downtown and will have minimal negative impact on traffic, noise, parking, and the property is properly zoned;
 - d) The impact on the community if the application is approved: The potential for negative impact is considered to be minimal;

AND THAT 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 manufacturer's lounge liquor license for a proposed urban winery.

3.0 Community Planning

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.

Staff are recommending new manufacturer lounge and special event area endorsements be treated similarly to new liquor primary establishments. 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. The nearest manufacturer's lounge endorsement license is greater than 3 blocks away.

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 RCMP's suggestion on hours of sales is more conservative than Staff's guidelines for a liquor primary establishment. 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 RCMP due to the location within the downtown core. Staff and the RCMP have consistently supported early opening hours 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 9:00am 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

The Ricco Bambino Urban Winery is proposed to be a commercial winery manufacturing facility which will include a lounge, tasting area and retail endorsement. The concept is open plan and all endorsements areas are to overlap. Applicant will not be applying for a Special Event Area endorsement.

The capacity of the indoor seating area is 57 persons, and the capacity for the outdoor seating area which requires a sidewalk patio license is 20 persons.

Existing Hours of Sale (Manufacturer’s 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’s Lounge Endorsement)

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	9:00am	9:00am	9:00am	9:00am	9:00am	9:00am	9:00am
Close	12:00am (midnight)	12:00am (midnight)	12:00am (midnight)	12:00am (midnight)	12:00am (midnight)	12:00am (midnight)	12:00am (midnight)

4.3 Site Context

The subject property is located on Pandosy Street in the Downtown Core between Leon Avenue and Lawrence Avenue. There is a variety of commercial businesses in the area with a mix of residential apartments.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C7 – Central Business Commercial	Chapman Parkade
East	C7 – Central Business Commercial	Vancouver Career College
South	C7 – Central Business Commercial	Office
West	C7 – Central Business Commercial	Office

Subject Property Map: 101 – 1630 Pandosy Street



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

6.0 Technical Comments

6.1 RCMP

As per discussions with Cpl. Carrie Seale, the RCMP supports the above noted application with amended hours of operation of 10 am to 10 pm, Monday to Sunday and capacity restricted to the applicant's request (60 indoor and 20 patio).

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: February 1, 2018
Date of Consultation with Downtown Kelowna Association: March 13, 2018

Report prepared by: Trisa Atwood, Planner II

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manage

Attachments:

Applicant's Letter of Intent
Floor Plan with Occupant Load