

REPORT TO COUNCIL



Date: December 4th 2018

RIM No. 0930-60

To: City Manager

From: Community Planning Department (AK)

Application: LL18-0017 **Owner:** 760 Vaughan Inc. (Inc. no. BC1148021)

Address: 760 Vaughan Avenue **Applicant:** Rustic Reel Brewing Company Ltd.

Subject: Liquor License Application

Existing OCP Designation: IND - Industrial

Existing Zone: I4 – Central Industrial

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 Rustic Reel Brewing Company for Lot 2, Section 30, Township 26, ODYD, Plan 23753, located at 760 Vaughan Avenue, Kelowna, BC for a manufacturer and lounge license for the hours of 11:00am to 9:00pm Tuesday to Thursdays, 11:00am to 11:00pm Friday and Saturdays, and 10:00am to 8:00pm on Sundays.
2. Council's comments on LCLB's prescribed considerations are as follows:
 - a) The location of the brewery: The brewery is located in an industrial setting near the City Centre;
 - b) The person capacity of the brewery lounge: The person capacity is 100 persons inside and 60 persons on exterior patio;
 - c) Traffic, noise, parking and zoning: The brewery is located in an industrial area 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 brewery.

3.0 Community Planning

Community Planning Staff generally support all manufacturer lounge 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. There are three components of each license application that require specific consideration by Council:

1. Capacity
2. Location
3. Hours of liquor sales.

1. Capacity: The proposed capacity should never exceed the building's occupant load. In this case, the maximum capacity is 100 persons inside and 60 persons outside. The proposal is to comply with the maximum occupancy load.
2. Location: Under Council Policy # 359 (Liquor Licensing Policy & Procedures), this license would be considered a medium sized establishment the policy states 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.

The proposal is compatible with Council Policy #395 specifically, the policy states establishments should be located within an Urban Centre, the site is on the periphery of the 'City Centre' as defined in the Official Community Plan the boundary of which is Richter Street. Council policy #395 states establishments should be located a minimum of 100m from a large or medium sized establishment and should not be located beside a small establishment. The proposed establishment is located adjacent to SandHill Winery. For the purposes of determining proximity the policy states the shortest walking distance (door-to-door) will be applied which in this case the distance is approximately 175m. The proposed brewery is not located beside a small establishment.

3. Hours of Liquor Sales

Generally, based on previous applications, the RCMP support hours of operation between 10am to 10pm, Monday through Sunday. The R.C.M.P. 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 for a liquor primary establishment. In this case, the proposed hours of sales are not supported by the R.C.M.P. as the proposal is to stay open to 11:00pm on Friday's and Saturday's but this is supported by staff. Staff feel

that a lounge establishment open to 11:00pm two nights a week will not significantly create resourcing issues to the community due to the location near the downtown core. Staff and the R.C.M.P. 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 therefore the request to open regularly at 11:00am, and 10:00am on Sundays, is supported.

3.1 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.

3.2 Project Description

The 'Rustic Reel Brewing Company Ltd.' is a proposed brewery which includes a lounge, tasting area, product sales, and outdoor patio. The capacity of the indoor seating area is 100 persons, and the capacity for the outdoor seating area is 60 persons.

Proposed Hours of Sale (Manufacturer's Lounge Endorsement)

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	n/a	11:00am	11:00am	11:00am	11:00am	11:00am	10:00am
Close	n/a	9:00pm	9:00pm	9:00pm	11:00pm	11:00pm	8:00pm

3.3 Site Context

The subject property is located in the Central City Sector. The area is characterized by light industrial uses. The subject site is directly adjacent to BC Tree Fruits and SandHill Winery. To the south of the proposed brewery location is a vacant lot on which a mix of commercial/residential uses have been proposed (OCP17-0021/Z17-0093).

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I ₄ – Central Industrial	General Industrial Uses
East	I ₄ – Central Industrial	Warehousing/Packing/Retail
South	I ₄ – Central Industrial (Rezoning Application to rezone to C₄ – Urban Centre Commercial has received 3rd reading)	Vacant
West	I ₄ – Central Industrial	Winery

Subject Property Map:



4.0 Current Development Policies

4.1 Council Policy #359 - Liquor Licensing Policy and Procedures

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

- Medium sized establishments (with person capacity between 100-249 persons):
 - Should only be located within an Urban or Village Centre.
 - Should be located a minimum of 100m from a Large or Medium establishment.
 - Should not be located beside a Small establishment.

- For the purposes of determining proximity, shortest walking distance (door-to-door) will be applied. These distances are meant to guide staff in their recommendations for particular applications, however, a number of other factors should be considered, including (but not limited to):
 - a) Pertinent input from the RCMP;
 - b) Vehicular and pedestrian traffic patterns for area and current zoning;
 - c) Availability of on-site and off-site parking; proximity of playgrounds, schools, and other social facilities;
 - d) Surrounding land-uses, and general impact on the local neighbourhood;
 - e) Correspondence received from abutting property owners;
 - f) Past licensee compliance and performance issues as may be provided by the LCLB.

- New patios associated with liquor establishments should be located and designed to limit potential impacts on surrounding property owners.

5.0 Technical Comments

5.1 Building & Permitting Department

The tasting/bar area has a net floor area of 120 sqm. The maximum occupant load shall be 100 persons, based on 1.2 sqm per person. The patio has a net floor area of 72 sqm. The maximum occupant load shall be 60 persons, based on 1.2 sqm per person.

5.2 R.C.M.P.

The R.C.M.P. does not support the current request for Fri & Sat closure of 11pm. The R.C.M.P. would like to see 10pm closure which is consistent with R.C.M.P. comments on hours of operation for other lounge endorsement licenses in the area.

The R.C.M.P. 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.

5.3 Bylaw Services

There are no open/outstanding Bylaw Enforcement files pertaining to property location.

6.0 Application Chronology

Date of Application Received: July 18th 2017

Report prepared by: Alex Kondor, Planning Specialist

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A – Site Plan

Attachment B – Letter from Applicant

Attachment C – Floor Plan and Occupancy Load