

REPORT TO COUNCIL



Date: January 29, 2019

RIM No. 0930-50

To: City Manager

From: Community Planning Department (AC)

Application: LL18-0030

Owner: City of Kelowna / JEM HTB Properties Inc.

Address: 4629 Lakeshore Rd

Applicant: Barn Owl Brewing Company – Steve Van Dam

Subject: Liquor License

Existing OCP Designation: Park

Existing Zone: P3 – Parks and Open Space & HRA17-0001

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

1. Council recommends support of an application from Barn Owl Brewing Company located at 4629 Lakeshore Rd, Kelowna, BC, legally described as Lot A, Section 25, Township 28, SDYD, Plan KAP71341, for a manufacturer lounge and special event area endorsement from:
 - (a) "9:00 AM to Midnight Sunday to Saturday" for the main floor and loft floor Service Areas; and
 - (b) "9:00 AM to 11:00 PM Sunday to Saturday" for the Patio Service Areas
2. That Council's comments on the prescribed considerations are as follows:
 - (a) The location of the brewery: The brewery is located in a commercial village setting along an arterial route;
 - (b) The person capacity of the brewery lounge: The person capacity is 36 persons on the main floor, 24 persons on the loft area, and 27 persons on the exterior patio;
 - (c) Traffic, noise, parking and zoning: The brewery is located in a commercial village and will have minimal negative impact on traffic, noise, parking, and the property is properly zoned. The exception is in regards to the patio. There are residential homes nearby and the noise from the patio could be a nuisance, therefore, the recommendation is to limit the patio's hours to 11:00pm;

- (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 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 liquor license application for Barn Owl Brewery to allow patrons to purchase and consume liquor products between the hours of 9:00 AM to Midnight seven days a week but limit the hours to 11:00 PM on the patio with a seating capacity of 60 indoors and 27 on the exterior patio.

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 with the exception of the patio hours. Staff are recommending, Council endorse the applicant's proposed hours from 9:00am to midnight 7 days a week but limit the outdoor patio hours to a maximum of 11:00pm. The applicant has agreed that limiting the patio hours to 11:00pm is reasonable for the purposes of limiting noise nuisance and being a good neighbour.

The RCMP has also requested the City "establishment of 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." Within the new liquor policy review, there would 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). Until such time as the new liquor policy can be established, the RCMP's suggestion on hours of sale is more conservative than Staff's guidelines. In this case, the applicant's proposed hours of sales are not supported by the RCMP mainly due to police resourcing but are supported by Staff. The Official Community Plan (OCP) encourages complete communities and complete suburbs which includes evening entertainment. This establishment will provide the local residents with a walkable neighbourhood pub setting whereby local residents can frequent without the necessity of taking a taxi to and from the urban centres.

4.0 Proposal

4.1 Background

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

4.2 Project Description

Existing Hours of Sale (Lounge and Special Event Area):

	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 (Lounge and Special Event Area):

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	9:00 am	9:00 am	9:00 am	9:00 am	9:00 am	9:00 am	9:00 am
Close	Interior Space	12:00 am	12:00 am	12:00 am	12:00 am	12:00 am	12:00 am
	Patio	11:00 pm	11:00 pm	11:00 pm	11:00 pm	11:00 pm	11:00 pm

Subject Property Map: 4629 Lakeshore Road



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:

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

6.0 Technical Comments

RCMP

- The RCMP only supports the application with hours of operation between 10am – 10pm, Sunday to Saturday.

7.0 Application Chronology

Date of Application Received: November 6th, 2018

Report Prepared by: Adam Cseke, Planner Specialist
Reviewed by: Terry Barton, Urban Planning Manager
Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment 'A' - Floor Plans