

REPORT TO COUNCIL



Date: March 12, 2019

RIM No. 0930-50

To: City Manager

From: Community Planning Department (BBC)

Application: LL18-0020

Owner: Academy Apartments Ltd., Inc.
No. BCo868449

Address: 122 – 975 Academy Way

Applicant: Base Camp Brewing

Subject: Liquor License Application

Existing OCP Designation: COMM – Commercial
PARK – Major Park / OpenSpace (Public)

Existing Zone: C3LR – Community Commercial Liquor Retail
P3 – Parks and Open Space

1.0 Recommendation

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

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 Base Camp Brewing (Brewery), Strata Lot 1, Section 10, Township 23, Osoyoos Division Yale District, Strata Plan EPS1461 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 122-975 Academy Way, Kelowna, BC for a Liquor Primary license with a capacity of 180 persons and hours of sales from 10:00 AM to 12:00 AM Monday to Wednesday, 10:00 AM to 1:00 AM Thursday to Saturday, and 10:00 AM to 10:00 PM on Sunday for the following reasons:
2. Council's comments on LCLB's prescribed considerations are as follows:
 - a. The location of the establishment:
The Brewery is located in a community commercial setting near the University of British Columbia Okanagan (UBCO) campus, within the University South Village Centre.

- b. The proximity of the establishment to other social or recreational facilities and public buildings:
The property is located at the corner of John Hindle Dr. and Academy Way, is adjacent to a vacant Agricultural land to the east, UBCO Campus to the north, and predominantly student residential area to the south. Kelowna International Airport is located approximately 1.5 km to the northeast.
- c. The person capacity and hours of liquor service of the establishment:
The person capacity is 120 persons inside, and 60 persons on exterior patio. Hours of operation will be from 10:00 AM to 12:00 AM Monday to Wednesday, 10:00 AM to 1:00 AM Thursday to Saturday, and 10:00 AM to 10:00 PM on Sunday.
- d. The number and market focus or clientele of liquor-primary license establishments within a reasonable distance of the proposed location:
The clientele focus is intended to attract the students enrolled at the UBCO, to act as a place to hold events for local businesses and students, and to provide a social setting that is remotely convenient.
- e. The impact of noise on the community in the immediate vicinity of the establishment if the application is approved:
The impact of noise on the surrounding community should be minimal as City Staff are recommending restrictions on amplified music as detailed in this report. The Brewery is located in a commercial area and will have minimal negative impact on traffic and parking, and the property is properly zoned.
- f. 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 consider a Liquor Primary License for a new brew pub.

3.0 Community Planning

Community Planning Staff supports the requested Liquor Primary License for the proposed Brewery facility. The proposal will add a new, convenient and safe form of entertainment venue to those students enrolled at and residing within the UBCO Campus and surrounding residential neighbourhood.

The proposal does not require rezoning as the property is categorized as Liquor Retail. 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 120 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):

- 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.

The proposal is compatible with Council Policy #359. The Brewery is located within the University Village Center, is south of "The Well", a UBC Student Union-Okanagan operated pub with an established Liquor Primary License located within the main UBCO Campus. 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 710 meters. The proposed Brewery is not located beside a small establishment.

Additionally, impact to the surrounding student residential accommodation is expected to be minimal and noise is not anticipated be an issue as the applicant will enforce the following:

- Restriction to amplified voice and music as per Good Neighbour Bylaw No. 11500;
- Music to the outdoor patio area will be off by no later than 10:00 PM;
- Restrict liquor service to the outdoor patio area by no later than 11:00 PM.

3. Hours of Liquor Sales:

Generally, based on previous applications, the R.C.M.P. support hours of operation between 10:00 AM to 10:00 PM, Monday through Sunday. Although the R.C.M.P. does support the proposed liquor service hours for this application, they have 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."* Staff supports the requested liquor service hours for the proposed Brewery facility, as aligns with other similar establishments such as Bandt's Creek, McCurdy Lanes, and Rusty's Pub, which are outside of the City core. Additionally, an existing student pub that is in operation within the UBCO Campus, is licensed to serve liquor until 2:00 AM Monday to Sunday. 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 10:00 AM Monday to Sunday, is supported.

4. Other Requirement:

The applicant is required to meet the current Sign Bylaw regulations for the permanent signs on the building at the time of Sign permit application.

4.0 Proposal

4.1 Background

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

4.2 Project Description

The “Base Camp Brewing” is proposed to operate within an approximately 274 m² interior pub area, with an additional 221 m² in patio space. The proposed Brewery is situated amongst student living at UBCO, offering a convenient and safe location to those students enrolled at the educational institution to engage in social setting.

The business proposes to offer a variety of entertainment including a Bocce pit, pool tables and shuffle board. In addition to standard pub style menu, the business proposes to offer non-alcoholic beverages during all hours of operation with the objective to provide a positive overall experience to their clientele. The owners expect to attract the students enrolled at the UBCO, to act as a place to hold events for local businesses and students, to provide a social setting that is remotely convenient, as a result leading to increased revenue and tourist populations.

Proposed Hours of Liquor Primary Service for Base Camp Brewery:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM
Close	12:00 AM	12:00 AM	12:00 AM	1:00 AM	1:00 AM	1:00 AM	10:00 PM

4.3 Site Context

The subject property is located in the University South Village Centre. The property is located at the corner of John Hindle Dr. and Academy Way, is adjacent to a vacant Agricultural land to the east, UBCO Campus to the north, predominantly student residential area to the south, and educational institution to the west. Kelowna International Airport is located approximately 1.5 km to the northeast.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	CD20 – UBC Okanagan	UNBCO Campus
East	A1 - Agricultural	Vacant
South	RM4 – Transitional Low Density Housing RM5 – Medium Density Multiple Housing	Student residence
West	P3 – Parks and Open Space P2 – Educational and Minor Institution	Park UBCO campus

Subject Property Map: 122 – 975 Academy Way



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:

- 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 R.C.M.P.;
 - 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.

6.0 Technical Comments

6.1 Building & Permitting Department

- No concerns.

6.2 Fire Department

- No concerns as long as the specified occupant loads are adhered to.

6.3 R.C.M.P.

The R.C.M.P. does support the proposed liquor service hours, however the R.C.M.P. strongly supports 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.

Additionally, the R.C.M.P has put forth the following requirements:

- Installation of a patron ID system, Serval Biometrics which must operate from 9:00 pm to closing.
- Designated staff must complete a minimum BST level of training and possess a valid license while employed in the capacity of Security Staff.
- The applicant must install and operate a high definition security camera which records and retains data for a period of no less than 7 days. The camera system must provide video coverage of the entire floor space and immediate area outside their establishment including all entrances and exits.

7.0 Application Chronology

Date of Application Received: June 27, 2018
Date of Revised Occupant Load Plan: January 23, 2019

Report prepared by: Barbara B. Crawford, Planner
Reviewed by: Terry Barton, Urban Planning Manager
Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A – Occupant Load Drawing
Attachment B – Applicant’s Letter of Intent