

REPORT TO COUNCIL



Date: March 26, 2019

RIM No. 0930-50

To: City Manager

From: Community Planning Department (LK)

Application: LL19-0001

Owner: Cellar-Tek Developments Ltd.,
Inc. No. BCo880427

Address: 1033 Richter Street

Applicant: Vice & Virtue Brewing Co. Ltd.

Subject: Liquor License Application

Existing OCP Designation: IND – Industrial

Existing Zone: I2 – General Industrial

1.0 Recommendation

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

In accordance with Section 71 of the *Liquor Control and Licensing Branch* and Council Policy #359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Cellar-Tek Developments Ltd., Inc. No. BCo880427 located at 1033 Richter St, Kelowna, BC, legally described as Parcel B (Being a Consolidation of Lots 41 and 42, See LB356341) Section 30 Township 26 ODYD Plan 1014, for a structural change to an existing manufacturer lounge from:
 - (a) "10:00 AM to 11:00 PM Sunday to Saturday" for the patio service area
2. That Council's comments on the prescribed considerations are as follows:
 - (a) The location of the brewery: The brewery is located in a mixed-use area across from an urban centre along a major collector route;
 - (b) The person capacity of the brewery lounge patio: The person capacity is 22 persons on the exterior patio;
 - (c) Traffic, noise, parking and zoning: The brewery is located across the street from the City Centre urban centre boundary in a general industrial area and will have minimal negative impact on traffic, noise, parking, and the property is zoned appropriately. There are minimal residential dwellings nearby and the noise from the patio should not be a nuisance. The recommendation is to allow 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 for an outdoor patio for an existing manufacturer lounge liquor license application from Vice & Virtue Brewing Company Ltd to allow patrons to purchase and consume liquor products between the hours of 10:00 am to 11:00 pm for the outdoor patio with a seating area of 22 persons.

3.0 Community Planning

Staff generally support manufacturer lounge requests in order to permit customers to consume the manufacturer's product onsite. This is an existing manufacturer lounge proposing a new outdoor patio area. Staff do not foresee any negative land use impact of permitting an expansion to this type of license in this location. Staff are recommending that Council endorses the applicant's proposed hours for the outdoor patio from 10:00 am to 11:00 pm. This is consistent with all new outdoor patios both within and outside of the downtown City Centre. The applicant has agreed that limiting the patio hours to 11:00 pm is reasonable for the purposes of limiting noise nuisance and being a good neighbour.

The Official Community Plan (OCP) encourages complete communities and complete suburbs which includes evening entertainment. While the immediate neighbourhood has limited existing residential development, it is a short walk to the north end residential area. The establishment will provide the local residents with a walkable neighbourhood pub setting they can frequent without the necessity of driving a vehicle, taking a taxi or public transit.

RCMP were supportive of the application and the proposed hours of operation as having a venue outside of the downtown core offers local patrons the opportunity to socialize within their neighbourhood, thereby reducing the traffic to the downtown core. This aids in reducing the pressure for responses by RCMP to highly concentrated areas.

4.0 Proposal

4.1 Background

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

On February 6, 2018 Council approved the manufacturer lounge liquor license application for Omen Brewing Co. Ltd. Since then, the company has re-branded the business to Vice and Virtue Brewing Co. Ltd. The existing brewery opened for business on July 10, 2018 and has a seating area for 50 people with current hours of operation from 10 am to midnight seven days per week. The approved hours and capacity for the interior space will remain unchanged.

4.2 Project Description

Proposed Hours of Sale (Outdoor Patio):

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	10:00 am	10:00 am	10:00 am	10:00 am	10:00 am	10:00 am	10:00 am
Close	11:00 pm	11:00 pm	11:00 pm	11:00 pm	11:00 pm	11:00 pm	11:00 pm

Subject Property Map: 1033 Richter Street



5.0 Current Development Policies

Council Policy #359 – Liquor Licensing Policy and Procedures

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

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

6.0 Application Chronology

Date of Application Received: January 24, 2019

Prepared by: Lydia Korolchuk, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A: Site plan/ Floorplan - Occupant Load