

REPORT TO COUNCIL



Date: September 10, 2019

RIM No. 0930-50

To: Council

From: City Manager

Application: LL19-0016 **Owner:** Whitworth Holding Ltd.

Address: 1250 Ellis Street **Applicant:** Kyle Nixon

Subject: Liquor License Application

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

1. Council recommends support of an application from Whitworth Holding Ltd., Inc. No. 1059455 for Lot 1, District Lot 139, ODYD, Plan 660 located at 1250 Ellis Street, Kelowna, BC, for a Manufacturers Lounge with a capacity of 163 persons and hours of sales from 9:00 AM to Midnight Sunday to Saturday for License Number 306426.
2. That Council's comments on the prescribed considerations are as follows:
 - (a) The impact of noise on the community in the immediate vicinity of the establishment if the application is approved;
The potential impact for noise is minimal and would be compatible with surrounding land uses.
 - (b) The impact on the community if the application is approved:
The potential for negative impacts is considered to be minimal.
3. 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 change to an existing Manufacturer License to a Manufacturers Lounge for an expansion of the existing brewery.

3.0 Community Planning

The application proposes to add a Lounge Endorsement to the existing Manufacturer License to accommodate an expansion of the BNA Hospitality brewery. The establishment has been in operation since 2015 which provides the brewery and tasting room.

The expanded lounge area will continue with a similar operation as currently provided maintaining a family friendly component. In addition to the craft beer, food service will also be provided focused on high quality local ingredients. Noise is not anticipated to be a concern as BNA brewing has been operating in the same location for approximately four years and is adjacent to the BNA Hospitality pub. The proposed licensed hours of operation are 9:00 am – Midnight Sunday to Saturday which is consistent with similar establishments in the downtown area.

Discussion of the LCLB's regulatory criteria for Local Government comment on liquor license endorsement applications is as contained within Staff's recommendation at the beginning of this report.

Outdoor Patio

The proposed outdoor patio area will maintain operating hours which are consistent with the Bernard Avenue Sidewalk Program and other outdoor patio areas downtown:

- Patio hours of operation: 9:00 am – 11:00 pm
- Last Call for drinks: 10:30 pm
- Alcohol to be cleared from the patio area by 11:00 pm
- Patrons must exit patio by 12:00 am

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, all these applications need Local Government comment prior to the LCLB making a final decision:

- Manufacturer Lounge Application.

4.2 Project Description

Proposed Hours for BNA Brewing (Manufacturer Lounge License # 306426):

	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	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight

BNA Brewing:

Licensed Area	Net Floor Area	Proposed Capacity
Manufacturer Lounge Seating area	120.0 m ²	100 persons
Main floor outdoor patio area	75.6 m ²	63 persons
Total Person Capacity	195.6 m ²	163 persons*

*The proposed capacity is based on preliminary floor plans, which are subject to approval by the Building & Permitting Branch and the LCLB.

4.3 Site Context

The subject property is located downtown on Ellis Street between Clement Avenue and Cawston Avenue. The adjacent businesses are BNA Brewing pub to the north and Lakehouse Cannery Lane to the south. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	CD5 – Multi-Purpose Facility	Mixed Use (Residential / Commercial) Ellis Parc
East	I4 – Central Industrial	Industrial
South	CD8lp – Multi Purpose Facility (Liquor Primary)	Laurel Packinghouse
West	CD5lp – Heritage Industrial (Liquor Primary/Retail Liquor Stores)	Prospera Place

Subject Property Map: 1250 Ellis Street



5.0 Current Development Policies

5.1 Council Policy #359 – Liquor Licensing Policy & Procedures

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

Liquor Primary Establishments

1. Siting/Density Guidelines:
 - a. No establishment with a person capacity greater than 500 persons should be permitted.
 - b. Large establishments (with person capacity greater than 249 persons):
 - i. Should only be located within an Urban Centre.
 - ii. Should be located a minimum of 250m from another Large establishment.
 - iii. Should be located a minimum of 100m from a Medium establishment.
 - iv. Should not be located beside a Small establishment.

- c. Medium establishments (with person capacity between 100-249 persons):
 - i. Should only be located within an Urban or Village Centre.
 - ii. Should be located a minimum of 100m from a Large or Medium establishment.
 - iii. Should not be located beside a Small establishment.
- d. Small establishments (with person capacity less than 100 persons):
 - i. Should not be located beside another liquor primary establishment

For the purposes of determining proximity, the 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.

2. Other Policies:

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).

5.2 Kelowna Official Community Plan (OCP)

Entertainment Venues. Within designated Urban Centres, encourage private-sector provision of facilities which diversify the selection of venues and entertainment opportunities throughout the city.

6.o **Application Chronology**

Date of Application Received: June 5, 2019

Report prepared by: Wesley Miles, Planner Specialist
Reviewed by: Laura Bentley, Urban Planning & Development Policy Manager
Approved for Inclusion: Terry Barton, Development Planning Department Manager

Commented [CM1]: Minor application (no Director signoff required)

Attachments:

Attachment A: Floorplan – Occupant Load