

# REPORT TO COUNCIL



**Date:** May 31, 2016  
**RIM No.** 0930-50  
**To:** City Manager  
**From:** Community Planning Department (PMc)  
**Application:** LL14-0006 **Owner:** 1568447 Alberta Ltd.  
**Address:** 889 Vaughan Ave. **Applicant:** Rising Tide Consultants  
**Subject:** Liquor License Application  
**Existing OCP Designation:** Industrial  
**Existing Zone:** I2 - General Industrial / I4 - Central Industrial

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## 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 applications from rising Tide Consultants for a brewery lounge endorsement and special event area endorsements for Lot 1, Section 30 Township 26, ODYD, Plan EPP34493, located at 889 Vaughan Ave., Kelowna, BC for the following reasons:

The addition of Brewery Lounge and Special Event Area endorsements to the new brewery are anticipated to add additional hospitality options for tourists in the downtown area.

2. Council's comments on LCLB's prescribed considerations are as follows:

Criteria for a brewery lounge and special event area endorsement:

**a. The location of the brewery lounge/special event area:**

The proposed lounge area is designed to be located on two levels of the brewery, with the majority of seats located on the ground floor. There is a patio area on the lower level that is to be included as part of the lounge.

**b. The proximity of the brewery lounge /special event area to other social or recreational facilities and public buildings:** are as noted on the attached map. The potential for negative impact is considered minimal.

**c. The person capacity of the Brewery lounge and Special Events Area:**

The person capacity of the lounge and Special Events Area is limited to a total of 160 persons for all areas owing to the amount of off-street parking available on the property.

**d. Hours of liquor service of the lounge and special events area:**

9:00 AM to 1:00 AM, Sunday to Saturday

**e. Traffic, noise, parking and zoning:**

There is a nominal increase in traffic and parking associated with this application. The person capacity of the facility is limited by the amount of parking available. The parking available on the property meets zoning bylaw regulation. The use of the property as a brewery is permitted under the current I2 - General Industrial and I4 - Central Industrial zones.

**f. The impact on the community if the application is approved:**

The use of the site for a brewery lounge and Special Event area is not anticipated to be major, as the proposed development is expected to add more options for brewery tour/tasting to the downtown area, and is expected to benefit other downtown tourist related businesses. Surrounding social or recreational facilities will not conflict with the proposed establishment.

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 support for a Brewery Lounge Endorsement and a Special Event Area Endorsement to be added to the associated Brewery Manufacturing License for the new brewery under development on the subject property

## **3.0 Community Planning**

There have been a number of significant developments recently in the north end of the downtown area. It is envisioned that the addition of a new brewery on the subject property will add to the tourist opportunities of the downtown and choices in sampling of Okanagan product in the area. The addition of the new brewery will complement the recently completed updates to the nearby Calona Wines facility, as well as the ongoing changes at the BC Fruit Packinghouse located adjacent to the subject property.

The applicant had originally proposed to add a liquor primary licensed area to the brewery. However, the industrial zones limit the size of liquor primary establishments to Liquor Primary - minor, which has a maximum capacity of 100 persons. The applicant has amended their application to now proceed with application for a Brewery Lounge endorsement and a Special Entertainment Area endorsement to be added to the Brewery Manufacture license.

These endorsements are not perceived to have negative effects on the surrounding area given the industrial location along Clement Avenue, and would direct tourist activity to this area of the Downtown. Potential impact on the surrounding community is considered minimal.

The existing industrial zones that regulate use on the property to allow for “Breweries and Distilleries - Major” as a principal permitted use. The outdoor patio seating would be considered as seasonal seating.

In consideration of the above, Community Planning recommends support for the liquor primary license application. Discussion on 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.

## 4.0 Proposal

### 4.1 Background

Originally, the subject property formed a portion of four lots that comprised the block between Richter and Ethel Streets that was home to the BC Tree Fruits packing house. After the sale of the site in 2013, the subject property was part of a subdivision application that resulted in the current lot configuration.

At present, the lot is split zoned between part I2 - General Industrial, and part I4 - Central Industrial. These zoning lines reflect the previous lot configuration. Both zones permit the brewery development. As part of the broader area development, the split zoning will be corrected for administrative clarity.

The subject property is currently under construction for a new brewery, as authorized under issued development permit DP14-0064. As part of this revised liquor license proposal, the application is seeking to add a Brewery Lounge endorsement and Special Event Area endorsement to the brewery license.

### 4.2 Project Description

The developer is proposing to construct a brewery and accessory tasting room and events facilities on the subject property. All the proposed uses will be contained in a single building, being 5,387.5m<sup>2</sup> (57,992ft<sup>2</sup>) in gross floor area, which is planned to occupy the centre of the development site.

The applicant has proposed to add a Brewery Lounge Endorsement and Special Area Endorsement to their licensed brewery. The facility is limited to a maximum occupant load of 160 patrons by the amount of off-street parking available on the property. The facility is proposed to be licensed to operate from 9:00am till 1:00am, seven days a week.

#### Proposed License Summary:

#### Proposed Hours of Sale:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	9:00am	9:00am	9:00am	9:00am	9:00am	9:00am	9:00am
Close	1:00am	1:00am	1:00am	1:00am	1:00am	1:00am	1:00am
Licensed Area					Capacity		
Interior Licensed area and Patio Area					160 patrons		
Total Proposed Person Capacity					160 patrons*		

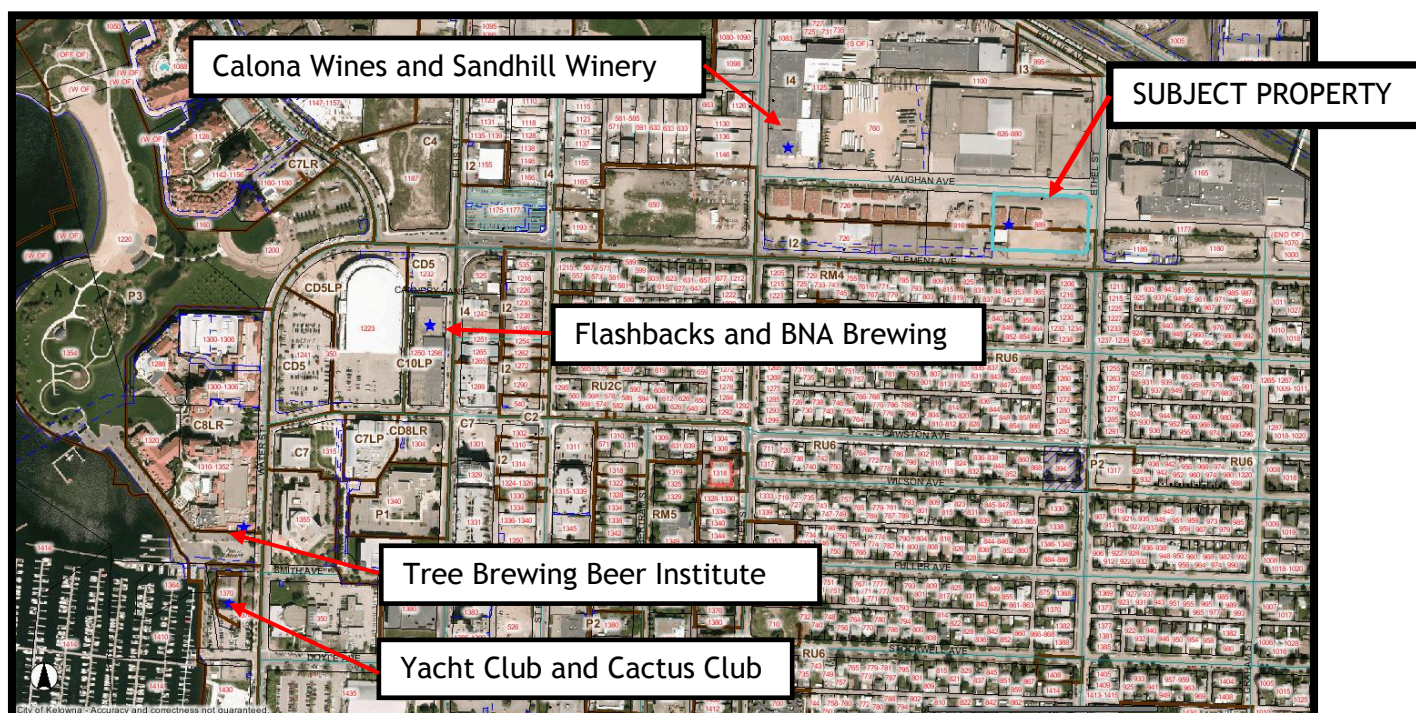
\*The proposed capacity is limited by the amount of off-street parking available.

The lot sits on the southern boundary between the north end industrial area and the single detached residential area across Clement Avenue to the south. Surrounding uses reflect this division of residential and industrial uses separated by Clement.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I4 - Central Industrial	BC Tree Fruits cold storage facility
East	I4 - Central Industrial	Lois Lane Antiques SunRype
South	RU6 - Two Dwelling Housing	Established low and medium density single detached housing
West	I2 - General Industrial I4 - Central Industrial	Former packinghouse, Urban Square development

**Subject Property Map:** 889 Vaughn Avenue



## **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:

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)**

**Compact Urban Form.**<sup>1</sup> Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

**Entertainment Venues.**<sup>2</sup> Within designated Urban Centres, encourage private-sector provision of facilities which diversify the selection of venues and entertainment opportunities throughout the city.

## **6.0 Technical Comments**

### **6.1 Building & Permitting Department**

Provisional Occupant load calculations provided August 20, 2015.

### **6.2 Fire Department**

No concerns

### **6.3 Interior Health Authority**

The applicant/developer must provide the proposed building layout to this office and obtain the health approval from this office prior to the construction. No application has been submitted to this office and no health approval has been issued for the proposed construction.

### **6.4 R.C.M.P.**

No Concerns

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<sup>1</sup> Policy 5.3.2 (Development Process Chapter)

<sup>2</sup> Policy 5.17.1 (Development Process Chapter 5, page 5.21)

## 7.0 Application Chronology

Date of Application Received: May 7, 2014

Revised application received: December 30, 2015

Report prepared by:

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Paul McVey, Urban Planner

Reviewed by:



Terry Barton, Urban Planning Manager

Approved for Inclusion:



Ryan Smith, Community Planning Department Manager

### Attachments:

Location Map

Site Plan/elevations

Rationale Letters

LCLB License Application package