

REPORT TO COUNCIL



Date: February 4, 2020

To: Council

From: City Manager

Department: Development Planning

Application: LL19-0033 **Owner:** Bromaxx Property Group Ltd.,
Inc. No. BC1021305

Address: 1080-1090 Richter Street **Applicant:** Red Bird Brewing – Adam
Semeniuk

Subject: Liquor License Application

Existing Zone: I4 – Central Industrial

1.0 Recommendation

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

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 Red Bird Brewing for Lot 1, District Lot 139, ODYD, Plan 7858, located at 1080-1090 Richter St, Kelowna, BC, for a manufacturer lounge and special event area endorsement license with a capacity of 79 persons for License Number 307477.

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

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

The property is located adjacent to Recreation Avenue Park but is not in close proximity to any residential uses other than 740 Clement Ave (zoned for mixed-use residential/commercial) which is located approximately 160.0 m to the south. There are a number of other existing breweries and distilleries within the area. The location of the subject property is suitable for a lounge/special event area and the impacts from this use are considered to be minimal.

- b. The proximity of the lounge/special event area to other social or recreational facilities and public buildings:

The subject property is located adjacent to Recreation Avenue Park which includes recreational facilities and public buildings. The potential for negative impacts on the adjacent park is considered to be minimal.

c. The person capacity of the lounge/special event area:

The maximum person capacity of the existing licensed areas are as follows: lounge area (indoor) – 30 persons and lounge area (outdoor patio) – 10 persons for a total of 40 persons. The applicant is proposing to increase the lounge area (indoor) from 30 to 60 persons and the lounge area (outdoor patio) from 10 to 19 persons for a total of 79 persons.

d. Traffic, noise, parking and zoning

The existing Red Bird business has been in operation since 2017 and has not generated any traffic, noise or zoning complaints. One issue was reported to Bylaw with respect to parking but has since been resolved. The impacts to traffic, noise, parking and zoning are considered to be minimal, even with a larger lounge/special event capacity.

e. 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 view of the residents are 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 structural change to an existing manufacturer lounge and special event area liquor license at the subject property.

3.0 Development Planning

The application proposes to change an existing manufacturer lounge and special event area liquor license to allow for a capacity increase from 40 persons existing to 79 persons proposed. The existing establishment has been in operation since 2017. The applicant is proposing to add an accessible washroom to the inside of the building to allow for a greater occupancy capacity. Other than the additional washroom, no other physical changes to the inside or outside of the building, including the patio area, are being proposed.

The existing license allows for a maximum of 30 persons inside the lounge and 10 persons in the patio area for a total occupancy load of 40 persons. The proposed maximum would be 60 persons in the lounge and 19 persons in the patio area for a total occupant load of 79 persons.

The proposed licensed hours of operation will remain the same as the previous license hours of operation as the applicant agrees to maintain the existing security procedures in place.

Outdoor Patio

The existing outdoor patio area will maintain the existing 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 the patio by 12:00 am
- A patio may not permit, make or cause any noise within the Permit Area that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public. The City of Kelowna Good Neighbor Bylaw No. 11500, Part 7 will apply at all time.

Staff support the proposed structural change to the existing manufacturer lounge and special event area liquor license. Overall, Staff anticipate this liquor license application will have a minimal impact on the surrounding area.

4.0 Proposal

4.1 Background

An application for a structural change to a manufacturing facility establishment 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.

4.2 Project Description

Existing Hours of Sale (Manufacturer License # 307477):

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	Closed	2:00 PM	2:00 PM	2:00 PM	12:00 PM	12:00 PM	12:00 PM
Close	Closed	9:00 PM	10:00 PM	12:00 AM	12:00 AM	12:00 AM	9:00 PM

4.3 Site Context

The subject property is located in the north end industrial area on Richter Street between Baillie Avenue to the north and Gaston Avenue to the south. The surrounding neighbourhood is comprised of mainly industrial zoned properties with some recreational/park uses.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I ₄ – Central Industrial	Industrial
East	I ₄ – Central Industrial	Industrial
South	I ₄ – Central Industrial	Industrial
West	P ₁ LP – Major Institutional (Liquor Primary)	Park

Subject Property Map: 1080-1090 Richter Street



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 Small establishments (with person capacity less than 100 persons) should not be located beside another liquor primary establishment.

6.0 Application Chronology

Date of Application Received: September 23, 2019

Report prepared by: Andrew Ferguson, Planner II
Reviewed by: Laura Bentley, Urban Planning & Development Policy Manager
Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments: Attachment A: Stamped Occupant Load Floor Plan