

REPORT TO COUNCIL



Date: January 19, 2021

To: Council

From: City Manager

Department: Development Planning

Application: LL20-0008 **Owner:** 1568447 Alberta Ltd.

Address: Units 206 and 207, 880 Clement Avenue **Applicant:** Urban Options Planning & Permits

Subject: Liquor Licence Application (Lounge Endorsement)

Existing OCP Designation: IND - Industrial

Existing Zone: I4c – Central Industrial (Retail Cannabis Sales)

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 Unleashed Brewing Company for Lot 1 Section 30 Township 26 Osoyoos Division Yale District Plan EPP34493, located at 880 Clement Avenue, Units 206 and 207, Kelowna, BC for a Lounge Endorsement from:
 - a) "9:00am to 11:00pm Sunday to Thursday" and "9:00am to Midnight Friday and Saturday" for the Indoor Service Areas; and
 - b) "9:00am to 10:00pm Sunday to Saturday" for the Patio Service Areas.
2. Council's comments on LCLB's prescribed considerations are as follows:
 - a) The location of the lounge endorsement area: The brewery is located on an industrial property to the east of the City Centre Urban Centre on a 4-lane arterial road;
 - b) The proximity of the lounge endorsement area to other social or recreational facilities and public buildings: The north end industrial area has a number of small-scale breweries and wineries within the immediate area and it is within walking distance of the downtown City Centre Urban Centre.

The site is walking distance to multiple recreation facilities, which includes the Kelowna Badminton Club, The Curling Club and Elks Stadium ballpark;

- c) The person capacity of the lounge endorsement: The person capacity is 99 persons for the indoor service area and 30 persons for the patio service area;
- d) Traffic, noise, parking and zoning: The brewery is located in an industrial area and any impacts of traffic, noise or parking can be absorbed by the surrounding neighbourhood. Due to the location of residential home nearby to the south, the recommendation is to limit the patio's hours to 10:00 p.m. as noise could be a nuisance;
- e) The impact on the community if the application is approved: The potential for negative impact is considered to be minimal. The addition of this business will aid in the redevelopment and activation of the industrial neighbourhood beyond the standard workday hours.

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 lounge endorsement for a brewery to allow patrons to purchase and consume liquor products on-site between the hours of 9:00am to 11:00 pm Sunday to Thursday and 9:00am to 12:00 am Friday and Saturday but limit the hours to 10:00 pm on the patio, with a seating capacity of 99 persons indoors and 30 on the exterior patio.

3.0 Development Planning

Development Planning Staff generally support manufacturer lounge endorsements in order to permit customers to consume the manufacturer's product onsite. Staff do not foresee any negative land use impact of permitting this type of license, except for the patio hours. Staff are recommending Council endorse the proposed hours which include an Indoor Service Area closure at 11:00pm Sunday to Thursday and 12:00am Friday and Saturday and limit the outdoor patio hours to 10:00pm seven days a week. The applicant has agreed that limiting the patio hours to a 10:00pm closure is reasonable for the purposes of limiting noise nuisance and being a good neighbor.

The RCMP reviewed the applicant's proposal and suggested a more conservative approach than Staff's recommendation mainly to further limit late night noise of patrons leaving the establishment (see Section 6.0 for further details).

The Official Community Plan (OCP) encourages complete communities and complete suburbs which includes evening entertainment. This proposal will provide residents with a walkable neighbourhood establishment in proximity to other breweries in the City's north industrial end.

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 'Unleashed Brewing Company' is a proposed brewery which includes a lounge and outdoor patio. The capacity of the indoor seating area is 99 persons, and the capacity for the outdoor seating area is 30 persons.

Proposed Hours of Sale (Lounge Endorsement):

		Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open		9:00am	9:00am	9:00am	9:00am	9:00am	9:00am	9:00am
Close	Indoors	11:00pm	11:00pm	11:00pm	11:00pm	11:00pm	12:00am	12:00am
	Patio	10:00pm	10:00pm	10:00pm	10:00pm	10:00pm	10:00pm	10:00pm

4.3 Site Context

The subject property is located in the Central City Sector. The area is characterized by industrial to the north of Clement Avenue and residential to the south. The residential properties to the south have a future land use of MXR – Mixed Use (Residential / Commercial) and it's currently a residential area that has been starting to see transition in accordance with the Future Land Use. The Walk Score for the property is 70 and most errands can be accomplished on foot.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I4 - Central Industrial	General Industrial Uses
East	I4 - Central Industrial	General Industrial Uses Rapid Drive-Through Vehicle Services
South	RU6 – Two Dwelling Housing	Residential
West	I4 - Central Industrial	General Industrial Uses

Subject Property Map: 889 Vaughan Avenue (Units 206 and 207, 880 Clement Avenue)



5.0 Current Development Policies

5.1 Council Policy No. 359 – Liquor Licensing Policy & 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 Technical Comments

R.C.M.P.

- The RCMP recommend limiting the establish to a 10:00pm closure Sunday to Thursday and 11:00pm Friday and Saturday. The rationale is the subject property is across the road from an established residential area on Clement Avenue (established single family dwellings and new condo/apartment complexes). Late night noise of patrons leaving is a concern and typical source of complaints, thus the justification for the earlier closing hours.

7.0 Application Chronology

Date of Application Accepted: September 24, 2020

Report prepared by: Kimberly Brunet, Planner II

Reviewed by: Jocelyn Black, Urban Planning Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Letter from Applicant

Attachment B: Floor Plan and Occupancy Load