

# REPORT TO COUNCIL



**Date:** February 25, 2020

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** LL19-0034

**Owner:** 1124770 B.C. Ltd., Inc. No.  
BC1124770

**Address:** 1-3314 Appaloosa Rd

**Applicant:** Theresa Cashen

**Subject:** Liquor License Application

**Existing OCP Designation:** IND - Industrial

**Existing Zone:** I2 – General Industrial

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## 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 Wild Ambitions Brewing Inc. (Brewery), Strata Lot 66, Section 2, Township 23, ODYD, Strata Plan KAS2842 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V, located at 1-3314 Appaloosa Road, Kelowna, BC for a manufacturer lounge for the hours of 9:00AM to 11:00PM Monday to Sunday;
2. Council's comments on LCRB's prescribed considerations are as follows:
  - a. The proximity of the establishment to other social or recreational facilities and public buildings:  
The brewery (with person capacity less than 100 persons) is located within an industrial development near the corner of Appaloosa Road and Hollywood Road North and is not located beside another liquor primary establishment.
  - b. The person capacity and hours of liquor service of the establishment:  
The proposed person capacity is 30 persons inside and 48 persons on the exterior patio. Proposed hours of operation will be from 9:00AM to 11:00Pm Monday to Sunday.

- c. The impact of noise on the community in the immediate vicinity of the establishment if the application is approved:  
The impact of noise on the surrounding community should be minimal as City Staff are recommending restrictions on amplified music as detailed in this report. The Brewery is located in an industrial area and will have minimal negative impact on traffic and parking, and the property is properly zoned.
- 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 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 consider a manufacturer's lounge endorsement liquor license to allow patrons to purchase and consume liquor products within an existing brewery.

## **3.0 Development Planning**

Development Planning Staff generally support manufacturer lounge and special event area endorsements 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. Three components of each license application require specific consideration by Council:

1. Capacity
2. Location
3. Hours of liquor sales

### **1. Capacity:**

The proposed capacity must not exceed the building's occupant load. In this case, the maximum capacity is 30 persons inside and 48 persons outside. The proposed capacity is consistent with the maximum occupancy load.

### **2. Location:**

Under Council Policy # 359 (*Liquor Licensing Policy & Procedures*), this license would be considered a small sized establishment (with person capacity less than 100 persons):

- Can be located City-wide.
- Should be located a minimum of 100m from a Large or Medium establishment.
- Should not be located beside a Small establishment.

The proposal is consistent with Council Policy #359. The Brewery is located within the Mill Creek Industrial Park. Other liquor establishments within the surrounding area include "Base Camp Brewery" located at 975 Academy Way (University of BC Campus) and 948 McCurdy Rd ("McCurdy Lanes"); both are Medium establishments and are well over 1.5 km away. The subject Brewery is not located beside a small establishment.

Additionally, impact to the surrounding businesses is expected to be minimal and noise is not anticipated be an issue as the applicant will enforce the following:

- Restriction to amplified voice and music as per Good Neighbour Bylaw No. 11500;
- Music to the outdoor patio area will be off by no later than 10:00 PM; and,
- Restrict liquor service to the outdoor patio area by no later than 11:00 PM.

### 3. Hours of Liquor Sales:

The proposed hours of operation are supported both by Staff and the RCMP.

### 4. Other Requirement:

The applicant is required to meet the current Sign Bylaw regulations for the permanent signs on the building at the time of sign permit application.

## 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

Wild Ambitions Brewing Inc. is an existing brewery proposing to include an indoor lounge and retail area, and an outdoor patio area. The capacity of the indoor seating area is 30 persons, and the capacity for the outdoor seating area is 48 persons.

The establishment intends to provide light meal options to accompany their liquor beverages. A variety of hot and cold sandwiches with a selection of locally made pastries will be available to occupants. Although entertainment is not proposed to be the focus of the establishment, occasional live music or poetry performances along with trivia or craft nights and board games are being proposed.

Proposed Hours of Sale (Manufacturer's License) for Wild Ambitions Brewing Inc.:

	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	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM

### 4.3 Site Context

The subject property is located in Mill Creek Industrial Park at the east end of Appaloosa Road, near the corner of Hollywood Road North and Appaloosa Road in an area of predominantly general industrial uses. The Rail Trail Transportation Corridor is located along the adjacent eastern property boundary.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I2 – General Industrial	Industrial
East	I2 – General Industrial	Industrial Rail Trail Transportation Corridor
South	I2 – General Industrial A1 – Agriculture 1	Industrial Agriculture
West	I1 – Business Industrial RR2 – Rural Residential 2	Industrial Residential

**Subject Property Map: 1-3314 Appaloosa Road**



## 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:

- Small establishments (with person capacity less than 100 persons should not be located beside another liquor primary establishment.
- The proposed capacity should never exceed the building's occupant load. In this case, the maximum capacity is 30 persons inside and 48 persons outside.
- Impact to the surrounding businesses is expected to be minimal and noise is not anticipated be an issue.

## 6.0 Technical Comments

### 6.1 RCMP

RCMP supports the above noted application, with restriction of hours of operation from 9:00 AM to 11:00 PM Monday to Sunday and capacity restricted to applicant's request (78 capacity), with the following additional requirements:

- Restriction to amplified voice and music as per Good Neighbour Bylaw No. 11500.

- Music to the outdoor patio area will be off by no later than 10:00 PM.
- Restrict liquor service to the outdoor patio area by no later than 11:00 PM.

#### **7.0 Application Chronology**

Date of Application Received:	November 19, 2019
Date of Revised Floor Plans Received:	January 9, 2020
Date Revised RCMP Comments Received:	January 10, 2020

<b>Report prepared by:</b>	Barbara B. Crawford, Planner II
<b>Reviewed by and Approved for Inclusion:</b>	Terry Barton, Development Planning Department Manager

#### **Attachments:**

Attachment A – Occupant Load Drawing  
Attachment B – Applicant’s Letter of Intent