

REPORT TO COUNCIL



Date: June 22, 2021

To: Council

From: City Manager

Department: Development Planning

Application: LL20-0009

Owner: Bromaxx Property Group Ltd.,
Inc. No. BC1021305

Address: 1080-1090 Richter St

Applicant: Red Bird Brewing Inc.

Subject: Liquor License Application

Existing OCP Designation: IND – Industrial

Existing Zone: I4 – Central Industrial

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 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 a special event area endorsements/license amendment for Lot 1 District Lot 139 ODYD, Plan 7858, located at 1080-1090 Richter Street, Kelowna, BC for the following reasons:

2. Council's comments on LCLB's 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 / 1195 Richter St (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 in the area. The location of the subject property is suitable for an increase to the existing lounge/special event area liquor service capacity.

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 liquor service area proposed for the site predominantly faces Richter St and the building location and orientation on-site provides a natural buffer to Recreation Avenue Park. Furthermore, a public lane is located in between the rear of the buildings which naturally help to buffer the on-site uses from the park. 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 application is to increase the approved establishment capacity from 99 persons existing to 500 persons proposed. The expansion involves a large majority of the site, including both interior and exterior spaces. With the expansion, the capacity would increase by 401 persons in total. The existing liquor service will be removed from the existing building and relocated to the rear building on-site and include an expansion of the seasonal patio space.

d. Traffic, noise, parking and zoning:

Expanding the existing liquor service for the site to include an additional liquor licence capacity of 401 persons will increase the potential conflict for traffic, noise, and parking demand. Of the 500-person capacity proposed, 314-persons would be for the outdoor seasonal (march-sept) patio space with the additional 186-persons being for the interior of the building which will remain open during all 12-months of the year.

e. The impact on the community if the application is approved:

Due to the fairly large exterior seasonal patio space capacity proposed, Staff have some concerns regarding the potential impact noise could have on the surrounding area and the largely single-family residential properties situated to the north of the site and at the base of Knox Mountain Park. The applicants have been operating on the subject site since 2017, have hosted a number of outdoor events and have had minimal impact on the surrounding community to date. It is expected that the applicants will manage noise complaint issues as best they can. Additionally, there are a number of other existing brewery and distilleries in the area which also incorporate exterior seasonal patio spaces in a range of sizes and capacities.

Liquor Service Hours Change Proposed

The applicants are proposing to amend the existing liquor service hours from 12:00pm opening Sunday-Saturday, to 9am opening Sunday-Saturday and will close at the same time as existing (midnight) 7 days a week. The applicants intend to open the establishment 3 hours earlier than they do currently to be able to provide a breakfast service with liquor consumption.

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 an amendment to an existing brewery and distillery liquor license to facilitate an expansion of the existing establishment into an existing building on-site and to change the hours of operation for Red Bird Brewing.

3.0 Development Planning

Staff are recommending support for the proposed liquor licence capacity increase and change of hours for the existing establishment located on the subject site. The existing brewery and distillery establishment has been in operation since 2017 and has been operating from the smaller of the two existing buildings on-site. The applicant intends to expand the existing liquor service capacity from 99 persons to 500 persons for a total increase of 401 persons to the existing liquor licence and relocate the existing operation and expand into the larger existing building located at the rear of the site.

The applicant intends to convert the existing industrial warehouse building at the rear of the site from its current condition into a brewery and distillery. The proposed liquor service expansion is to include men's and women's washrooms, kitchen, bar and seating areas and, cold storage. The exterior seasonal patio space will include outdoor seating and standing areas in addition to a music stage for events and will operate from the months of March until the end of September.

While operating under a brewery and distillery manufacturers liquor licence, the applicants proposed relocation and expansion will see the nature of the operation increase significantly in size to allow for more patrons, a larger liquor service area and expanded commercial services to provide for additional patron capacity and service options (such as a breakfast service). Should Council support the liquor license application, Red Bird Brewing would represent one of the larger brewery/distilleries situated in the City based on a proposed capacity of 500 persons.

Additionally, the applicant is proposing to expand the existing liquor service hours from 12:00pm-midnight Sunday-Saturday, to 9:00am-midnight Sunday-Saturday. The intent of the change in hours would be to open 3 hours earlier to be able to serve liquor with breakfast. The applicants intend to have a fully functioning kitchen operating on-site with the proposed expansion which would allow them to potentially server liquor earlier than they do currently as they do not have an existing kitchen service.

The proposal fits with Council Policy No. 359 Liquor Licensing Policy Procedures which states that Large establishment (person capacity over 250+ people) should be located within an Urban Centre, should not be located within a minimum of 250 m from another Large establishment, be a minimum of 100 m to a Medium sized establishment (person capacity between 100-249 people) and should not be located beside a Small establishment (person capacity of less than 100 people). The subject property is located within the Downtown Urban Centre, along a major collector road and meets the size of a large establishment.

Below is a summary chart of all small, medium and large establishments operating within the area:

Existing Brewery and Distilleries within the Area

Establishment Name	Property Address	Establishment Type	Establishment Size (small, medium, large)	Interior Capacity	Exterior Capacity	Total Person Capacity
Vice and Virtue	1033 Richter St	Brewery & Distillery	Small	50 persons	22 persons	72 persons
Jackknife Brewing	727 Baillie Ave	Brewery & Distillery	Medium	85 persons	20 persons	105 persons

Kettle River Brewing	731 Baillie Ave	Brewery & Distillery	Small	30 persons	12 persons	42 persons
Rustic Reel	760 Vaughan Ave	Brewery & Distillery	Medium	100 persons	95 persons	195 persons
Welton Brewery	890 Clement Ave	Brewery & Distillery	Small	92 persons	n/a	92 persons
Unleashed Brewing	880 Clement Ave	Brewery & Distillery	Medium	99 persons	30 persons	129 persons
Sandhill Winery	1125 Richter St	Winery and Distillery	Large	260 persons	60 persons	320 persons

Note: the following establishment types and sizes: Small (<100 persons), Medium (100-249 persons), Large (250+ persons)

4.0 Proposal

4.1 Background

Red Bird has been in operation on the subject site since 2017 and has a current liquor licence capacity of 99 persons.

4.2 Project Description

An application has been forwarded by the licensee to the Provincial Liquor and Cannabis Regulation Branch (LCRB) for their approval. Procedurally, all of these applications need Local Government comment prior to the LCRB making a final decision:

- An amendment to an existing manufacturing facility establishment to expand liquor service capacity and to amend the existing establishment hours:

Proposed License Summary

Existing Hours of Sale:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	12:00pm	12:00pm	12:00pm	12:00pm	12:00pm	12:00pm	12:00pm
Close	midnight	midnight	midnight	midnight	midnight	midnight	midnight

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	midnight	midnight	midnight	midnight	midnight	midnight	midnight

Existing and Proposed Liquor License Capacity Change

Licensed Area	Existing Capacity	Proposed Capacity
Existing Building	99 persons	0 persons / no liquor service
Proposed Building	n/a	500 persons
Total Person Capacity	99 persons	500 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 at the eastern edge of the Downtown City Centre on the west side of Richter Street in between Recreation Ave to the north and Gaston Ave to the south. The site is largely surrounded by other I₄ zoned industrial properties to the north, east and south with Recreation Avenue Park directly to the west. There are a number of other micro-brewery and distilleries operating in the neighbourhood including Vice & Virtue, Kettle River Brewing, Jackknife Brewing, Welton Brewery, Unleashed Brewing, Rustic Reel and Sandhill Winery.

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	P1p – 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 Large establishments (with person capacity greater than 250 persons) should not be located beside another liquor primary establishment.
- 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.

6.o Application Chronology

Date of Application Accepted: November 20, 2020

Report prepared by: Andrew Ferguson, Planner II

Reviewed by: Jocelyn Black, Urban Planning Manager

Reviewed by: Terry Barton, Development Planning Department Manager

Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A: Proposed Floor Plan Expansion

Attachment B: Applicants Letter of Rationale / Community Impact