REPORT TO COUNCIL



Date: July 13, 2021

To: Council

From: City Manager

Department: Development Planning

Application: LL21-0004 Owner: Acoma Holdings Ltd., Inc.No.

132091

Address: 727 Baillie Ave Applicant: Jackknife Brewing Inc.

Subject: Liquor Licence Amendment Application

Existing OCP Designation: IND - Industrial

Existing Zone: 14 – 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 71 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

- 1. Council recommends support of an application from Jackknife Brewing Inc. for a license amendment for Lot 38 Section 30 Township 26 Osoyoos Division Yale District Plan 1014, located at 727 Baillie Avenue, Kelowna, BC for:
 - An increase in the total occupant load of an existing manufacturer lounge licence from 91 persons to 105 persons, to accommodate an expansion to the exterior patio service area.
- 2. Council's comments on LCLB's prescribed considerations are as follows:
 - a. The potential for noise if the application is approved: The brewery is located in an industrial area just outside of the City Centre Urban Centre and the increased occupant load for the expanded patio service area will have minimal negative impact on noise. The property is zoned appropriately for this type of use (brewery and distilleries, minor). There are no residential dwellings in the immediate vicinity and the noise from the patio is not anticipated to be a nuisance.

- b. The impact on the community if the application is approved: The potential for negative community impact is considered minimal. The increased occupant load for this business will aid in the redevelopment and activation of the industrial neighbourhood beyond the standard work day 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 liquor licence amendment to increase the occupant load for an existing manufacturer lounge licence to accommodate an expansion of the exterior patio service area.

3.0 Development Planning

Staff recommends support for the proposed liquor licence amendment to the existing manufacturer lounge licence, and the requested change is viewed as a small increase that would cause minimal impact. The exterior patio service area, where the proposed increase is for, is located in the rear of the property and minimal negative impact is anticipated in relation to noise or the community. The hours of sales on the patio are restricted to 11:00 pm for the purpose of limiting noise and being a good neighbor, and the hours are not proposed to change through this 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 requires Local Government comments prior to the LCRB making a final decision.

Council previously recommended support for a new manufacturer lounge liquor license with an exterior patio for Jackknife Brewing Inc. on August 27, 2019. This existing licence allows patrons to purchase and consume liquor products between the hours of 10:00 am to midnight for the indoor service area with a capacity of 70 people and 10:00 am to 11:00 pm for the patio service area with a capacity of 21 people. This application proposes an increase to the exterior patio service area to increase the occupant load for this exterior area by 14 persons. Should Council support this request, this would result in the new overall occupant load for the liquor licence being 105 persons.

4.2 Project Description

This application is requesting an increase to the occupant load to accommodate an expansion of the exterior patio service area only. The existing hours are as follows, and are not proposed to change:

Existing Hours of Sale (Indoor Service Area)

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	10:00 am	10:00 am	10:00 am	10:00 am	10:00 am	10:00 am	10:00 am
Close	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight

Existing Hours of Sale (Exterior Service Area)

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	10:00 am	10:00 am	10:00 am	10:00 am	10:00 am	10:00 am	10:00 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 on the south side of Baillie Avenue, a short distance from Richter Street. It is primarily an industrial area, and there are other existing other breweries both adjacent to, and within close proximity to this property. The property is located just outside of the City Centre Urban Centre, and has a Walk Score of 46 indicating it is largely car-dependent.





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:

• New patios associated with liquor establishments should be located and designed to limit potential impacts on surrounding property owners.

6.o Application Chronology

Date of Application Accepted: March 17, 2021
Date Neighbourhood Notification Completed: April 21, 2021

Report prepared by: Kimberly Brunet, 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: Floorplan – Occupant Load