

REPORT TO COUNCIL



Date: August 9, 2022

To: Council

From: City Manager

Department: Development Planning

Application: LL22-0006

Owner: Cap J Lodges Ltd., Inc.No.
BC1099980

Address: 1-740 Clement Avenue

Applicant: Brown Beverage Consulting Inc.

Subject: Liquor License Application

Existing OCP Designation: C-NHD - Core Area Neighbourhood

Existing Zone: C4- Urban Centre Commercial

1.0 Recommendation

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

In accordance with 'Division 9 (71)' of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Brown Beverage Consulting Inc. for a Lounge Endorsement for a Manufacturer's License for Strata Lot 1 Section 30 Township 26 ODYD Strata Plan EPS7013 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 1-740 Clement Avenue, Kelowna, BC for the following reasons:
 - The addition of Lounge Endorsement to the Manufacturer License is perceived to have a minimal impact on the community and surrounding properties as this is an existing business that is changing the type of liquor license with no perceivable changes to operation.
2. Council's comments on LCLB's prescribed considerations are as follows:
 - a. The location of the establishment:
The proposed location is suitable for manufacturer with lounge endorsement as the property is in close proximity to the Downtown Urban Centre and near a medium density (multi-family) residential area.

- b. The proximity of the establishment to other social or recreational facilities and public buildings:

The location is in close proximity to other small social gathering establishments and the RCMP building.

- c. The person capacity and hours of liquor service of the establishment:

The proposed capacity is 157 persons. The inside areas will be open until midnight while the outdoor patio area will comply with outdoor patio standards and shut down at 11:00pm.

- d. The number and market focus or clientele of liquor-primary license establishments within a reasonable distance of the proposed location:

The location is in close proximity to other small establishment Manufacturer with Lounge Endorsements.

- e. The impact of noise on the community in the immediate vicinity of the establishment:

The potential impact for noise is minimal and would be compatible with surrounding land uses.

- f. The impact on the community if the application is approved:

The potential for negative impact is minimal as this is an existing business.

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."

Purpose

To seek Council's support for a Lounge Endorsement to the LCRB manufacturing license.

2.0 Development Planning

Staff support the request for the lounge endorsement to the LCRB manufacturing license. The proposed maximum occupancy would be 157 persons, consistent with the food primary license currently operating on-site. There are three service areas: two indoor and one outdoor. Area 1 inside permits 65 persons, area 2 inside permits 42 persons and the patio area permits 50 persons. As per Council Policy 359, the establishment would be considered a "medium" (capacity from 100 to 249 persons) establishment. The current hours of the business are 9:00am to 12:00am seven days per week and the applicant is not seeking to change these hours. With the addition of the lounge endorsement the applicant has agreed to reduce patio hours from the current 12:00am to be consistent with the Bernard Avenue Sidewalk Program and other outdoor patio area standards:

- 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 times.

3.0 Proposal

3.1 Project Description

Bad Tattoo Brewing, an existing business operating under a Food Primary License, are seeking to transition to a Manufacturing License which will allow them to brew beer on-site. The applicant is currently in the approval process with the LCRB for a Manufacturing License with an On-Site Store Endorsement. In order to allow for the sale and service of liquor for on-site consumption, as they do under their existing Food Primary License, they are seeking a Lounge Endorsement to their Manufacturing License.

Operating Hours:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	9:00am	9:00am	9:00am	9:00am	9:00am	9:00am	9:00am
Close	12:00am	12:00am	12:00am	12:00am	12:00am	12:00am	12:00am

3.2 Site Context

The subject property is located within the Core Area Neighbourhood (C-NHD) and along a Transit Supportive Corridor on Clement Avenue. The surrounding area has a mix of industrial, institutional and residential zonings.

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
South	RM4 – Transitional Low Density Housing RU6 – Two Dwelling House RM6 – High Rise Apartment Housing	Residential
West	PI – Major Institutional	RCMP Building

Subject Property Map: 740 Clement Ave



4.0 Current Development Policies

4.1 Council Policy 359

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

5.0 Technical Comments

5.1 RCMP

No specific policing concerns.

5.2 Fire Department

No Objections.

6.0 Application Chronology

Date of Application Accepted: April 13, 2022

Date Public Consultation Completed: May 10, 2022

Report prepared by: Jason Issler, Planner I

Reviewed by: Lydia Korolchuk, Urban Planning Manager

Reviewed by: Terry Barton, Development Planning Department Manager

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

Attachments:

Attachment A: Site Plan & Floor Plan / Occupant Load

Attachment B: Letter of Rationale