

REPORT TO COUNCIL



Date: October 4, 2022

To: Council

From: City Manager

Department: Development Planning

Application: LL22-0019 **Owner:** 1568447 Alberta Ltd. Inc.No.
A0093042

Address: 110 – 88g Vaughan Ave **Applicant:** Shayne Labis

Subject: Liquor License

Existing OCP Designation: Industrial

Existing Zone: I2 – General 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 '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 Born to Shake for a liquor primary license for Strata Lot 10 Section 30 Township 26 ODYD Strata Plan EPS7283 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 110 – 88g Vaughan Ave, Kelowna, BC for the following reasons:
 - a. The liquor primary license is perceived to have a minimal impact on the community and surrounding properties.
2. Council's comments on LCRB's prescribed considerations are as follows:

Criteria for new liquor primary:

 - a. The location of the establishment:
The proposed location is suitable for a small establishment liquor primary license as the property is within walking proximity to an Urban Centre and is located on a Transit Supportive Corridor.

- b. The proximity of the establishment to other social or recreational facilities and public buildings:
The location is not in close proximity to other Liquor Primary Establishments. The location is close to other social facilities.
 - c. The person capacity and hours of liquor service of the establishment:
The hours are consistent with the similar businesses in the area and has a max capacity of 54 persons.
 - d. The number and market focus or clientele of liquor-primary license establishments within a reasonable distance of the proposed location:
This location is not in close proximity to other liquor primary establishments.
 - 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 impacts is minimal.
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 new liquor primary license with an occupant load of 54 persons.

2.0 Development Planning

Staff support the request for a new Liquor Primary License for the commercial unit known as Born to Shake. This area is home to several small breweries, cideries and commercial wineries, making this a complimentary addition to the area. The proposed business is looking to bring a different experience into this tourist and local hub. The establishment is located within an industrial zoned complex east of the Downtown Urban Centre. The impact on the surrounding community will be minimal and noise is not an anticipated issue due to a combination of factors including:

- Maximum occupancy of 54 persons,
- Compatible with surrounding land uses,
- Hours consistent with neighbouring businesses.

Council Policy No. 359 recommends supporting liquor primary license applications for small establishments outside of Urban Centre's when surrounding land-uses and general impact on the local neighbourhood is minimal.

Born to Shake has worked with staff in creating an outdoor patio space. Hours of the patio will be consistent with other approved patios and the Bernard Avenue Sidewalk program:

- 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

Born to Shake specializes in the manufacturing of non-alcoholic cocktails with a variety of products from syrups to bitters. They also offer products and tools such as glass wear and shakers. With an approved liquor license, the applicant is seeking to expand the customer experience by offering cocktail classes and hosting special events. Retail store hours will be daily from 9am to 7pm. On select days the business will be open past 7pm in order to host private events or to showcase new cocktail menus. Staff believe that adding this unique business specializing in cocktails to an area with existing breweries, cideries and commercial wineries will increase the diversity in the area for the public and tourists alike.

Proposed Hours of Sale:

		Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open		9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM
Close	Indoor	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM
	Patio	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM

3.2 Site Context

The subject property has a future land use of Industrial and is in close proximity to the Downtown Urban Centre. The property is a corner site fronting onto both Clement Avenue and Vaughan Avenue. The area to the north is predominantly industrial with the south side of Clement Avenue being residential with predominantly single-family housing. Clement Avenue is designated as a Transit Supportive Corridor within the 2040 Official Community Plan.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I4 – Central Business Industrial	General Industrial Uses
East	I4 – Central Business Industrial	General Industrial Uses
South	RU6 – Two Dwelling Housing	Single Family Dwelling
West	I4 – Central Business Industrial	Retail Store, General

Subject Property Map: 110 – 889 Vaughan Ave



4.0 Current Development Policies

4.1 Kelowna Official Community Plan (OCP)

Objective 5.8 - Encourage Employment-intensive industrial uses in the Core Area	
Policy 5.8.3 North End Industrial Lands	Support the growth of industrial development in Kelowna’s North End with additional opportunities for specialty retail where it is supportive of the production and manufacturing in the area.
	<i>Proposed business will be unique retail business to the area and does small scale manufacturing on-site.</i>

4.2 Council Policy #359 – Liquor Licensing Policy and Procedures

The following sections of Policy #359 are applicable to this application:

- New patios associated with liquor primary licenses should be located and designed to limit potential impacts on surrounding property owners
- Small establishments (with person capacity less than 100 persons) should not be located beside another liquor primary establishment.

5.0 Technical Comments

5.1 R.C.M.P.

No concerns

6.0 Application Chronology

Date of Application Accepted: August 3, 2022

Date Public Consultation Completed: September 12, 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: Floor Plan/Site Plan/Occupant Load

Attachment B: Letter of Rationale