

# REPORT TO COUNCIL



**Date:** January 17, 2023

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** LL22-0021

**Owner:** City of Kelowna

**Address:** 4629-4649 Lakeshore Rd

**Applicant:** 1139646 B.C Ltd dba Barn Owl Brewing Company

**Subject:** Liquor License

**Existing OCP Designation:** NAT – Natural Area

**Existing Zone:** P3 – Parks and Open Space

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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 '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 1139646 B.C Ltd dba Barn Owl Brewing Company for an amendment to a lounge endorsement for Lot A Section 25 Township 28 SDYD Plan KAP71341 Except Plan EPP76702, located at 4629-4649 Lakeshore Rd, Kelowna, BC for the following reasons:
  - Council Policy No. 359 recommends supporting alternative entertainment options, and/or establishments which are less focused on alcohol consumption;
2. Council's comments on LCLB's prescribed considerations are as follows:
  - a. The potential for noise if the application is approved:

The potential impact for noise is minimal as the occupancy is increasing by 13 patrons within the building and 41 patrons on an existing patio.
  - b. The impact on the community if the application is approved:



Barn Owl Brewing Company has a licence to operate from 9:00am until 12:00am (midnight) daily. The business currently closes at 10:00pm due to the smaller scale of the brewery. During the summer months there is an opportunity for the hours to be extended until 11:00pm during peak tourist seasons. Barn Owl Brewing would be subject to the City’s Good Neighbour bylaw. 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

RCMP did raise concerns about the increased patio occupancy and the potential for increased noise. Staff have relayed these concerns to the applicant. Barn Owl Brewing is aware of the neighbourhood context and intentionally limits patio music to be sensitive to neighbours. The patio expansion for the licenced area does already exist for the food primary establishment on site meaning the number of additional people onsite will be quite minimal. Bylaw Services has indicated that the existing business has generated very few complaints since opening.

### 3.3 Site Context

The subject property has a future land use of Natural Area and is zoned Parks and Open Space. The property is located at the intersection of Lakeshore Road and Collett Road. There are a mix of land uses and zonings in the area including commercial, institutional, single family and multi-family residential.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P2 – Education and Minor Institutional	Cultural and Recreation Services
East	Ru1 – Large Lot Housing	Single Family Dwelling
South	Ru1 – Large Lot Housing	Single Family Dwelling
West	C2 – Vehicle Oriented Commercial	Retail Store

**Subject Property Map: 4629-4649 Lakeshore Rd**



**4.0 Current Development Policies**

4.1 2040 Official Community Plan

Objective 7.1 Create more complete communities in Suburban Neighbourhoods		
Policy	7.1.6	Encourage the development of small scaled Neighbourhood Commercial areas to provide, basic day-to-day services to surrounding residential neighbourhoods.
Neighbourhood		
Commercial Areas		<i>Barn Owl Brewing is a small scale neighbourhood brewery the provides an entertainment option for the surrounding residential neighbourhood.</i>

**5.0 Application Chronology**

Date of Application Accepted: October 14, 2022

Date Public Consultation Completed: October 31, 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