# 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

#### 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:

The potential for negative impacts is minimal as the area is primarily commercial to the West and South, with a church to the North. The residential to the south is separated by commercial buildings and existing mature landscaping.

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 support a structural change to an existing lounge endorsement for an existing manufacturer licence with an occupant load of 172 persons.

## 2.0 Development Planning

Staff support the request for an amendment to the existing manufacturer's lounge endorsement licence for the commercial business known as Barn Owl Brewing Company. The intersection of Lakeshore Road and Collett Road is home to several food primary establishments, a church and a commercial plaza allowing this proposal to continue to compliment these surrounding land uses. The proposed business is looking to increase their inside occupancy from 87 occupants to 100 occupants and utilize an existing patio space with an occupancy of 41 patrons. The impact on the surrounding community will be minimal and noise is not an anticipated issue due to a combination of factors including:

- Indoor occupancy is increasing by 13 occupants and seasonal patio is increasing by 41 occupants,
- Surrounding area is commercial or institutional with residential screened by buildings and landscaping.
- Hours remaining unchanged
- Expanding the licensed area to include an existing patio.

### 3.0 Proposal

### 3.1 Background

The land is owned by the City of Kelowna with the land use and development regulations being regulated by a Heritage Revitalization Agreement (Bylaw 11408). The use of "Breweries and Distilleries, minor" is a permitted use within the Heritage Revitalization Agreement.

## 3.2 Project Description

Barn Owl Brewing Company is proposing to increase the inside capacity to 100 occupants and expand into an existing food primary establishment on site. The food primary establishment is proposed to remain in operation with the lounge endorsement area expanding to include their existing interior and patio space. The occupant load, calculated by the City's building department, allows for increased occupancy without any exterior changes to the heritage building.

## 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	12:00 AM	12:00 AM	12:00 AM	12:00 AM	12:00 AM	12:00 AM	12:00 AM
	Patio	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM

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





## 4.0 Current Development Policies

## 4.1 <u>2040 Official Community Plan</u>

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

## 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