

REPORT TO COUNCIL



Date: May 9, 2023
To: Council
From: City Manager
Department: Development Planning

Application: LL23-0001
Owner: ACOMA HOLDINGS LTD.,
INC.NO. 132091

Address: 727 Baillie Ave
Applicant: Jackknife Brewing Inc.

Subject: Liquor License

Existing OCP Designation: IND - 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 Jackknife Brewing Inc. for a manufacturer with lounge endorsement liquor license amendment for Lot 38 Section 30 Township 26 Osoyoos Division Yale District Plan 1014, located at 727 Baillie Ave, Kelowna, BC for the following reasons:
 - The applicant is proposing an increase to the approved occupant load from 70 persons to 84 persons for the indoor service area and 21 persons to 66 persons for the exterior patio service area. The requested amendment will have negligible impact to the neighbourhood.
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 within the City's Core Area and the increased occupant load for the indoor service area and expanded patio service area are not expected to increase current noise levels. The property is zoned appropriately for this type of use

(alcohol production facilities). 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 manufacturer with lounge endorsement liquor license amendment to increase the occupant load for an existing manufacturer lounge license from 70 persons to 84 persons for the indoor service area and 21 persons to 66 persons for the exterior patio service area.

3.0 Development Planning

Staff recommend support for the proposed liquor license amendment to the existing manufacturer with lounge endorsement liquor license, and the requested change is viewed as a small increase that would cause minimal impact. Interior renovations to create additional washrooms, as well as an expanded patio service area, have allowed for an increase in the occupant load. The renovations did not result in the addition of any new gross floor area to the existing building.

The exterior patio service area, 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 with lounge endorsement 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 both the indoor service area and exterior patio service area to increase the occupant load by a total of 59 persons. Should Council support this request, this would result in the new overall occupant load for the liquor licence being 150 persons (84 indoor, 66 outdoor). The existing hours of sale are not proposed to change.

4.2 Project Description

Existing Hours of Sale (not proposed to change):

		Sun	Mon	Tues	Wed	Thurs	Fri	Sat
Open		10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM
Close	Indoor	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight
	Patio	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM

Occupant Load:

	Existing	Proposed
Indoor	70	84
Outdoor	21	66

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 breweries both adjacent to, and within close proximity to this property. The property is located outside of the Downtown Urban Centre, and has a Walk Score of 46 indicating it is car-dependent and most errands require a car.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I2 – General Industrial	General Industrial Use
East	I2 – General Industrial	Alcohol Production Facilities, General Industrial use
South	I2 – General Industrial	General Industrial Use
West	I2 – General Industrial	Vacant Land, Temporary Shelter Services, General Industrial Use

Subject Property Map: 727 Baillie Ave



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

6.0 Technical Comments

6.1 Royal Canadian Mounted Police

The R.C.M.P. expressed no concerns with the proposed manufacturer with lounge endorsement liquor license amendment.

7.0 Application Chronology

Date of Application Accepted: Jan 11, 2023

Date of Neighbourhood Notification: Jan 23, 2023

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: Floor Plan - Occupant Load

Attachment B: Letter of Rationale