

# REPORT TO COUNCIL

## LIQUOR LICENSE



**Date:** August 15, 2023  
**To:** Council  
**From:** City Manager  
**Address:** 1170 - 1186 High Road  
**File No.:** LL23-0016

	Existing	Proposed
<b>OCP Future Land Use:</b>	C-NHD – Core Area Neighbourhood	C-NHD – Core Area Neighbourhood
<b>Zone:</b>	I2 – General Industrial	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 Railside Brewing Ltd. for a Manufacturer License with Lounge Endorsement amendment for Lot 3 Section 30 Township 26 ODYD Plan 19104, located at 1170-1186 High Road, Kelowna, BC for the following reasons:
  - A permanent change to the current hours of operation from 2:00 pm to 9:00 pm Tuesday to Wednesday, 12:00 pm to 10:00 pm on Thursday, 11:00 am to 11:00 pm on Friday and Saturday, and 11:00 am to 9:00 pm on Sunday to 9:00 am to 12:00 am on Sunday through Saturday would not have an adverse effect on the surrounding community, as the establishment has been operating and serving alcohol on the patio until 11:00 PM on Fridays and Saturdays since 2022 with no complaints or issues.
2. Council's comments on LCRB's prescribed considerations are as follows:
  - a. The potential for noise if the application is approved:
    - This is an existing business located in close proximity to other commercial and industrial uses with some residential uses in close proximity. The patio is currently permitted to remain open until 11:00 pm on Fridays and Saturdays and has been operating for one year with no complaints.
  - b. The impact on the community if the application is approved:
    - The potential impact for noise is minimal and would be compatible with surrounding land uses.
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 permanent change to an existing Liquor License to amend the hours of sale.

### 3.0 Development Planning

Staff are supportive of the proposed liquor license amendment to expand to the hours of sale to allow the applicants the option to open earlier for certain events and to allow more flexibility to adjust the hours of sale. Staff do not foresee any negative impacts to the surrounding neighbourhood if this proposal is approved. The proposal is in alignment with the 2040 Official Community Plan (OCP), as it encourages entertainment options beyond the standard workday hours. The RCMP had no concerns with the application as the establishment has been operating and serving alcohol on the patio until 11:00 PM on Fridays and Saturdays since 2022 with no complaints or issues.

### 4.0 Project Details

#### Existing Hours of Sale:

		Sun	Mon	Tues	Wed	Thurs	Fri	Sat
<b>Open</b>		11:00 AM	Closed	2:00 PM	2:00 PM	12:00 PM	11:00 AM	11:00 AM
<b>Close</b>	Indoor	9:00 PM	Closed	9:00 PM	10:00 PM	10:00 PM	11:00 PM	11:00 PM
	Patio	9:00 PM	Closed	9:00 PM	10:00 PM	10:00 PM	11:00 PM	11:00 PM

#### Proposed Hours of Sale :

		Sun	Mon	Tues	Wed	Thurs	Fri	Sat
<b>Open</b>		9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM
<b>Close</b>	Indoor	12:00 AM	12:00 AM	12:00 AM	12:00 AM	12:00 AM	12:00 AM	12:00 AM
	Patio	10:00 PM	10:00 PM	10:00 PM	10:00 PM	10:00 PM	11:00 PM	11:00 PM

Under the proposed patio hours, alcohol sales would cease at 10:00 pm from Sunday to Thursday and at 11:00 pm on Friday and Saturday. Following the conclusion of alcohol sales, a one-hour grace period would be provided for patrons to vacate the patio.

### 5.0 Site Context & Background

The initial manufacturer's license with a lounge endorsement was granted in 2022 for a brewery with an indoor capacity of 77 persons and an outdoor patio with a capacity of 38 persons. Due to the number of washrooms, the total capacity at any given time may not exceed 100 persons. The subject property is designated as C-NHD Core Area Neighbourhood in the 2040 OCP and is in close proximity to the Downtown Urban Centre. The site directly faces High Road and backs onto Clement Avenue. The area to the north is mainly industrial, while the south side of Clement Avenue is residential, with a mix of single-family and multi-family developments.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I2 – General Industrial	General Industrial
East	P3 – Parks and Open Space	Parks
South	Ru4 – Duplex Housing	Single Detached Housing
West	Ru4 – Duplex Housing	Single Detached Housing

**Subject Property Map: 1170 – 1186 High Road**



**6.0 Current Development Policies**

**6.1 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.

Application Accepted:

June 16, 2023

**Report prepared by:**

Graham Allison, Planner I

**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: Letter of Rationale

For additional information, please visit our Current Developments online at [www.kelowna.ca/currentdevelopments](http://www.kelowna.ca/currentdevelopments).