

REPORT TO COUNCIL SUPPLEMENTAL



Date: September 9, 2024
To: Council
From: City Manager
Address: 1080-1090 Richter St
File No.: DVP24-0087 & LL23-0007

	Existing	Proposed
OCP Future Land Use:	IND - Industrial	IND - Industrial
Zone:	I2 - General Industrial	I2 - General Industrial

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP24-0087 for Lot 1 District Lot 139 ODYD Plan 7858, located at 1080-1090 Richter St, Kelowna, BC;

AND THAT variances to the following section of Zoning Bylaw No. 12375 be granted as shown on Schedule "A":

Table 8.3.4: Industrial, Parking Requirement

To vary the required parking from 7 stalls to 0 (zero) stalls proposed for a maximum of 30 individual single day events per calendar year.

AND THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

AND FURTHER 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 Red Bird Brewing for a special event area endorsements / license amendment for Lot 1 District Lot 139 ODYD Plan 7858, located at 1080-1090 Richter St, Kelowna, BC for the following reasons:
2. Council's comments on LCLB's prescribed considerations are as follows:
 - a. The location of the special event area:
 The subject property is located in the north end of the City adjacent to Recreation Avenue Park to the west. The applicant is proposing a special event area endorsement that will include the existing rear building, seasonal patio area located between the building and street & surface parking lot area adjacent to Richter St.
 - b. The proximity of the special event area to other social or recreational facilities and public buildings:

The subject site is located adjacent to Recreation Avenue Park to the west which includes recreational facilities and public buildings. The liquor service area proposed for the site predominantly faces Richter St and the building location and orientation on-site provides a natural buffer to Recreation Avenue Park.

c. The person capacity of the special event area endorsement:

The existing establishment has a maximum capacity of 500-persons including a maximum of 186-persons inside the rear building with the remaining 314-person capacity located in the seasonal outdoor area located between the building and street. The application proposes increasing the maximum site capacity for events to 750 people, inclusive of staff, entertainment, and security. Of the 750-person capacity for events a maximum of 186-persons would be located inside the building with the remaining 564-person capacity located outside the building.

d. Traffic, noise, parking and zoning:

Expanding the existing liquor service for the site to increase the maximum capacity from 500-persons existing to 750-persons will increase the potential conflict for traffic, noise, and parking demand. Should Council support the parking variance, the existing surface parking lot containing seven parking stalls could be converted for event use for a maximum of 30 individual single day events per calendar year. The combination of a capacity increase of 250-persons during events and zero available on-site parking will subsequently create increased competition for street parking in the immediate area, especially when events are being held. This could have a negative impact on street parking availability for other businesses in the area. Additionally, a vast majority of the site's capacity would be located outside the building which creates a larger potential for noise conflicts within the neighbourhood, especially with a patio closure time of 12 AM which exceeds the standard 11 PM closure time for outdoor spaces.

e. The impact on the community if the application is approved:

Red Bird Brewing hosts a variety of annual events. The number of hosted events has ranged over the last few years but has typically been between 10-18 individual event days. The increase to host up to 30 individual single day events will increase local traffic demands, parking and potential for noise conflict with other businesses and 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 issue a Development Variance Permit to vary required parking to 0 (zero) stalls for a maximum of 30 individual single day events per calendar year to facilitate additional events on site with a maximum event capacity of 750-persons. To seek Council's support for a permanent change to the liquor licence to add a special event area endorsement, increase the event capacity and to change the opening time from 12:00 PM to 9:00 AM seven days a week.

3.0 Background

The Development Variance Permit and Liquor License Applications were considered by Council on August 13, 2024. After Council's discussion the application was deferred as there were concerns with the proposed liquor occupant capacity of 900 persons.

The existing establishment is approved for a maximum liquor occupant capacity of 500 people including 186- persons inside the rear building with the remaining 314- person capacity located in the outdoor seasonal area. The applicant was previously seeking a capacity increase of 400 people (from 500 to 900 persons).

Resolution	Date
<p>The following resolution was Deferred:</p> <p>THAT Council authorizes the issuance of Development Variance Permit No. DVP24-0087 for Lot 1 District Lot 139 ODYD Plan 7858, located at 1080-1090 Richter St, Kelowna, BC;</p> <p>AND THAT variances to the following section of Zoning Bylaw No. 12375 be granted as shown on Schedule "A":</p> <p>-</p> <p><u>Table 8.3.4: Industrial, Parking Requirement</u></p> <p>To vary the required parking from 7 stalls to 0 (zero) stalls proposed for a maximum of 30 individual single day events per calendar year.</p> <p>AND THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend;</p> <p>AND FURTHER THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor and Cannabis Regulation Branch (LCRB):</p> <p>In accordance with 'Division 9 (71)' of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:</p> <ol style="list-style-type: none"> 1. Council recommends support of an application from Red Bird Brewing for a special event area endorsements / license amendment for Lot 1 District Lot 139 ODYD Plan 7858, located at 1080-1090 Richter St, Kelowna, BC for the following reasons: 2. Council's comments on LCLB's prescribed considerations are as follows: <ol style="list-style-type: none"> a. <u>The location of the special event area:</u> b. <u>The proximity of the special event area to other social or recreational facilities and public buildings:</u> c. <u>The person capacity of the special event area endorsement:</u> d. <u>Traffic, noise, parking and zoning:</u> e. <u>The impact on the community if the application is approved:</u> 	<p>August 13, 2024</p>

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."	
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4.0 Discussion

Subsequent to Council's decision on August 13, 2024, the applicant has reduced the proposed maximum site liquor occupancy to 750-persons which represents a 150-person reduction from the previous 900-person capacity that was proposed.

Of the revised 750-person liquor capacity proposed, the rear building allows for a maximum of 186-persons inside with the remaining 564-person capacity located in the outdoor seasonal area adjacent to the building.

5.0 Application Chronology

Application Accepted: March 8, 2023
Previous Council Consideration: [August 13, 2024](#)
Report prepared by: Andrew Ferguson, Planner II
Reviewed by: Jocelyn Black, Urban Planning Manager
Reviewed by: Nola Kilmartin, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning, Climate Sustainability & Development Services

For additional information, please visit our Current Developments online at www.kelowna.ca/currentdevelopments.