

REPORT TO COUNCIL



Date: June 12, 2017

RIM No. 0930-50

To: City Manager

From: Community Planning Department (AC)

Application: LL17-0004

Owner: Edward Fuhrmann

Address: 731 Baillie Ave

Applicant: Russell Burnell-Higgs

Subject: Liquor License

Existing OCP Designation: IND – Industrial

Existing Zone: I4 – Central Industrial

1.0 Recommendation

THAT Council directs Staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 53 of the *Liquor Control and Licensing Regulation* and Council Policy #359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Kettle River Brewing Company Ltd. located at 731 Baillie Ave, Kelowna, BC, legally described as Lot 37, Section 30, Township 26, ODYD, Plan 1014, for a manufacturer lounge and special event area endorsement from '10:00 AM to 10:00PM Monday to Sunday.
2. That Council's comments on the prescribed considerations are as follows:
 - (a) The potential for noise if the application is approved;
The potential impact for noise is minimal and would be compatible with surrounding land uses.
 - (b) The impact on the community if the application is approved;
The potential for negative impacts is considered to be minimal.

THAT Council's comments on the view 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 to allow a manufacturer lounge and special event area endorsement to allow patrons to purchase and consume liquor products.

3.0 Community Planning

Staff generally support all manufacturer lounge and special event area endorsements in order to permit customers to consume the manufacturer's product onsite. Staff do not foresee any negative land use impact of permitting this type of license. However, there are three components of each license application that need specific consideration: the proposed capacity, the location, and proposed hours of liquor sales.

The proposed capacity should never exceed the buildings occupant load. In this case, the proposal does not exceed the maximum capacity. Under Council Policy # 359 [Liquor Licensing Policy & Procedures], there is policy direction that restricts the location of liquor primary establishments depending on their size:

- a) No establishment with a person capacity greater than 500 persons should be permitted.
- b) Large establishments (with person capacity greater than 249 persons):
 - a. Should only be located within an Urban Centre.
 - b. Should be located a minimum of 250m from another Large establishment.
 - c. Should be located a minimum of 100m from a Medium establishment.
 - d. Should not be located beside a Small establishment.
- c) Medium establishments (with person capacity between 100-249 persons):
 - a. Should only be located within an Urban or Village Centre.
 - b. Should be located a minimum of 100m from a Large or Medium establishment.
 - c. Should not be located beside a Small establishment.
- d) Small establishments (with person capacity less than 100 persons):
 - a. Should not be located beside another liquor primary establishment.

This policy is silent in regards to manufacturer lounge endorsements. Staff plan to rectify that issue within a liquor policy review later this year (2017). In the meantime, Staff are recommending new manufacturer lounge and special event area endorsements be treated similarly to new liquor primary establishments. Therefore, in this case, the new license application would be considered a small establishment and the location would be considered appropriate as it is not beside a large liquor establishment.

If lounge endorsements are to be treated similarly to liquor primary establishments, then the hours of operation should be consistent with this general guideline:

- 1) 1am closing time if the lounge endorsement is within the downtown core;
- 2) Midnight if the lounge endorsement is within close proximity to the downtown;
- 3) 11pm if the lounge endorsement is not within close proximity to the downtown.

Within the new liquor policy review, there will also need to be thresholds for a liquor primary establishment or an establishment that is similar to one to be required to have a certain level of security and patron safety measures in place (e.g Servall). The RCMP generally support the new types of liquor licenses including manufacturer lounge and special event area endorsements from 10am to 10pm, Monday through Sunday. The RCMP has also requested the City "establishment of a comprehensive policy to address new liquor primary and manufacturer lounge endorsement license applications. Such a policy would facilitate a consistent, guided responses to applications." Until such time as the new liquor policy can be established, applicant requests will be reviewed on a case-by-case basis. In regards to the proposed hours of sale for Kettle River Brewing Company Ltd, both the RCMP and Staff are supportive.

Staff and the RCMP have consistently supported early opening hours to 10am for various liquor license applications. Opening earlier in the day does not create the same enforcement and policing issues that occur with later closings. The request to open at 10am is consistent with many establishments across the city. Overall, this liquor license application will have a negligible impact to the surrounding area.

4.0 Proposal

4.1 Background

An application has been forwarded by the licensee to the Provincial Liquor Control and Licensing Branch (LCLB) for their approval. Procedurally, this type of application needs Local Government comments prior to the LCLB making a final decision.

4.2 Project Description

Existing Hours of Sale (Manufacturer License # 3006879):

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Close	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Proposed Hours of Sale (Manufacturer License # 3006879):

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM
Close	10:00 PM	10:00 PM	10:00 PM	10:00 PM	10:00 PM	10:00 PM	10:00 PM

4.3 Site Context

The subject property is located in the north end industrial area.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I4 – Central Industrial & I2 – General Industrial	Industrial
East	I4 – Central Industrial	Industrial
South	I4 – Central Industrial	Industrial
West	I4 – Central Industrial & P1LP – Major Institutional (Liquor Primary)	Industrial Recreation

Subject Property Map: 731 Baillie Avenue



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:

Where appropriate, support alternative entertainment options, and/or establishments which are less focused on alcohol consumption (including event-driven establishments, and Food Primary establishments with the Patron Participation Entertainment Endorsement) to add a mix of entertainment options in Urban Centres. Consider limiting potential community impacts via license terms and conditions (hours, capacity, etc).

Small establishments (with person capacity less than 100 persons should not be located beside another liquor primary establishment.

6.0 Technical Comments

6.1 Building Department

- A building permit may be required for renovations to allow this use within the building

6.2 Bylaw Services

- Currently there are no outstanding/open files pertaining to the subject property (731 Baillie Ave.).

6.3 Fire Department

- KFD is not opposed to the liquor license.

- The area indoors that will be serving liquor shall be separated from the remainder of the building by a fire separation having a fire-resistance rating of not less than 1 hour unless it is sprinklered. As well, a permanent sign shall be installed indicating the max occupant load of 30 as per BCBC Division B Part 3 section 3.1.2.6

6.4 RCMP

- The RCMP supports the application, with hours of operation from 10am to 10pm Monday to Sunday and capacity restricted to applicant's request (30 patrons in the interior and 12 patrons on the patio).
- The RCMP requests for consideration of the Planning Department/City the establishment of a comprehensive policy to address new liquor primary and manufacturer lounge endorsement license applications. Such a policy would facilitate a consistent, guided response to applications.

7.0 **Application Chronology**

Date of Application Received: Match 24, 2017

Report Prepared by: Adam Cseke, Planner Specialist
Reviewed by: Terry Barton, Urban Planning Manager
Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Applicant's Rationale
LCLB Application
Drawings