



COUNCIL REPORT

To: Paul Gipps, CAO

Date: August 25, 2020

From: Chris Oliver, Planner III

File No: DP 14-12.06/ LL 20-01.01

Subject: **DP 14-12.06 and LL 20-01.01, Development Permit Amendment with Variances and Liquor License, 835 Anders Road**

RECOMMENDATION

THAT Council authorize the issuance of a Development Permit Amendment (DP 14-12.05) to remove the variance for a brewery use located at 845 Anders Road (proposed building); and,

THAT Council authorize the issuance of a Development Permit Amendment (DP 14-12.06) with the following variance at 835 Anders Road (existing building):

- That the number of parking spaces be reduced from 40 to 7 (variance of 33 spaces) to accommodate a brewery and accessory uses; and,

THAT Council support the proposed Liquor and Cannabis Regulations Branch Lounge Endorsement application (LL 20-01.01) for Lakesider Brewing Company (835 Anders Road) in accordance with the information contained in this report.

STRATEGIC AREA(S) OF FOCUS

- Economic Growth and Prosperity

BACKGROUND

Due to the challenges surrounding COVID-19, the property owner and their tenant Lakesider Brewing have decided to transfer their previously approved variance to accommodate a brewery from the proposed building (Building 5) to an existing building (Building 4) as shown on Figure 1. As part of this relocation to another building on the property, the LCRB is requiring that the previously approved Lounge Endorsement also be transferred to the new building through a motion of Council. The proposed occupancy and the total parking requirements are remaining as previously approved.

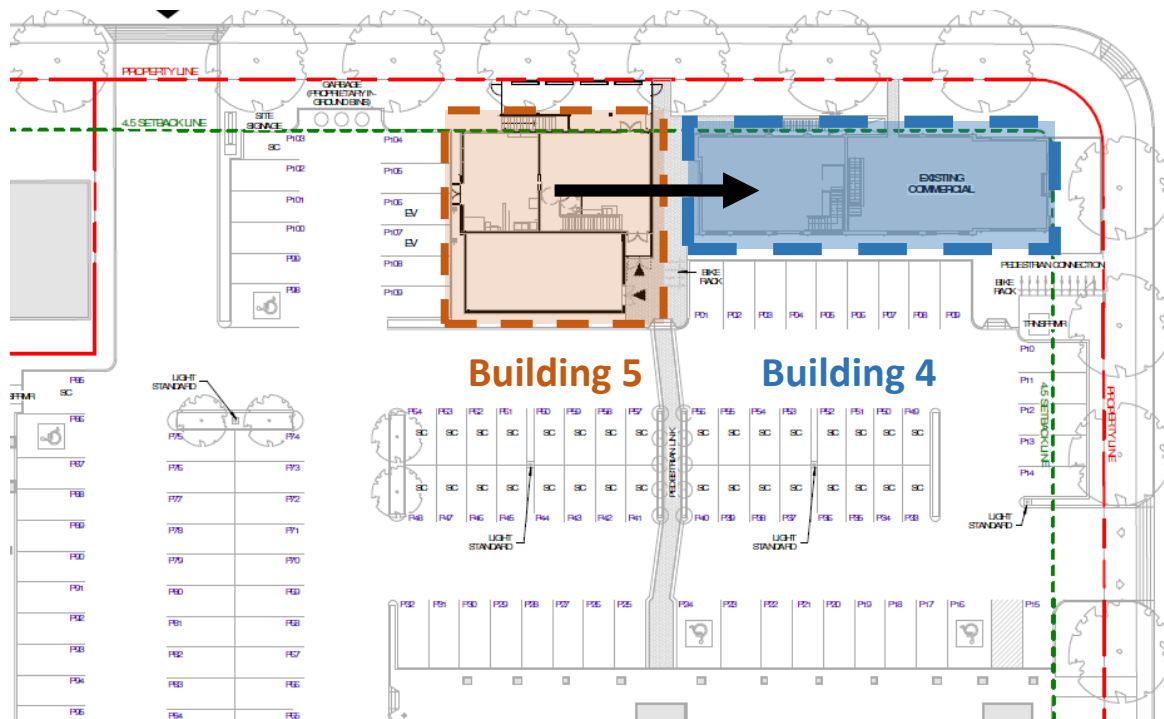


Figure 1. Proposed (Building 5) and Existing (Building 4) Buildings

PROPERTY DETAILS

Address	835 Anders Road		
PID	030-363-845		
Folio	36414180.003		
Lot Size	2.08 acres (8417.47 sqm)		
Owner	CERJ SHOPPING CENTERS LTD.	Agent	Pat McCusker (PMA)
Current Zoning	C1 – Urban Centre Commercial	Proposed Zoning	N/A
Current OCP	Mixed Use	Proposed OCP	N/A
Current Use	Commercial Shopping Centre	Proposed Use	Brewery
Development Permit Areas	N/A		
Hazards	N/A		
Agricultural Land Reserve	No		

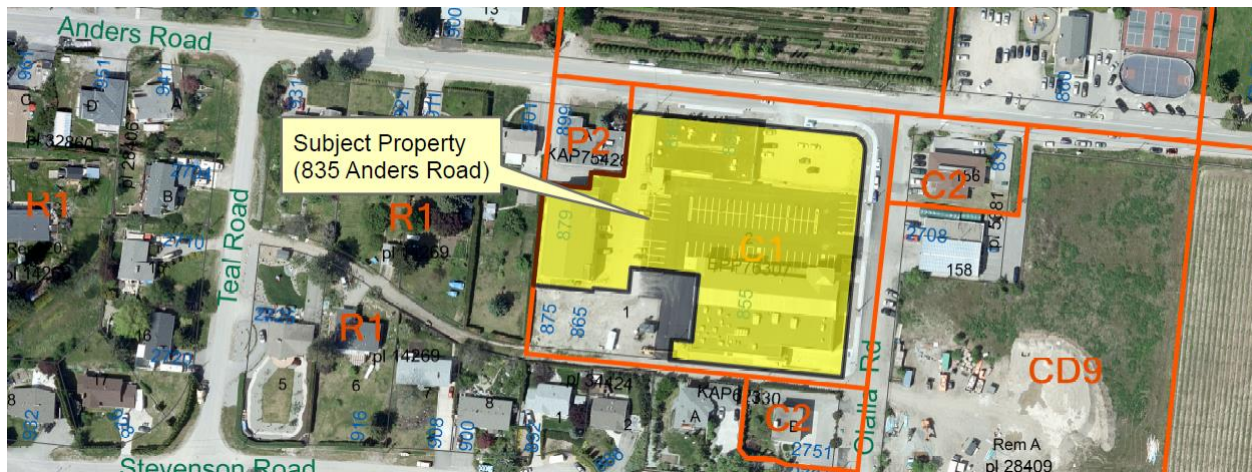
ADJACENT ZONING & LAND USES

North	^	Agricultural (A1 Zone)
East	>	East – Neighbourhood Commercial and Olalla CDZ (C2 and CD Zone)
West	<	Single Family Residential and Institutional (R1 and P2 Zones)
South	v	Single Family Residential and Institutional (R1 Zone)

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

Proposal

As part of relocating Lakesider Brewing from Building 5 (not constructed) to Building 4 (constructed), the proposed layout of the building is changing. Building 4 was originally intended to be a potential “coffee shop” and is comprised of a basement, main floor, and outdoor patio (Figures 1 & 2). Overall, the most significant difference between the two buildings is the absence of a rooftop lounge area. The buildings are of a similar size and appearance and can accommodate the previously approved 150 patrons in the lounge areas.



Figure 1. Proposed Main Floor Lounge

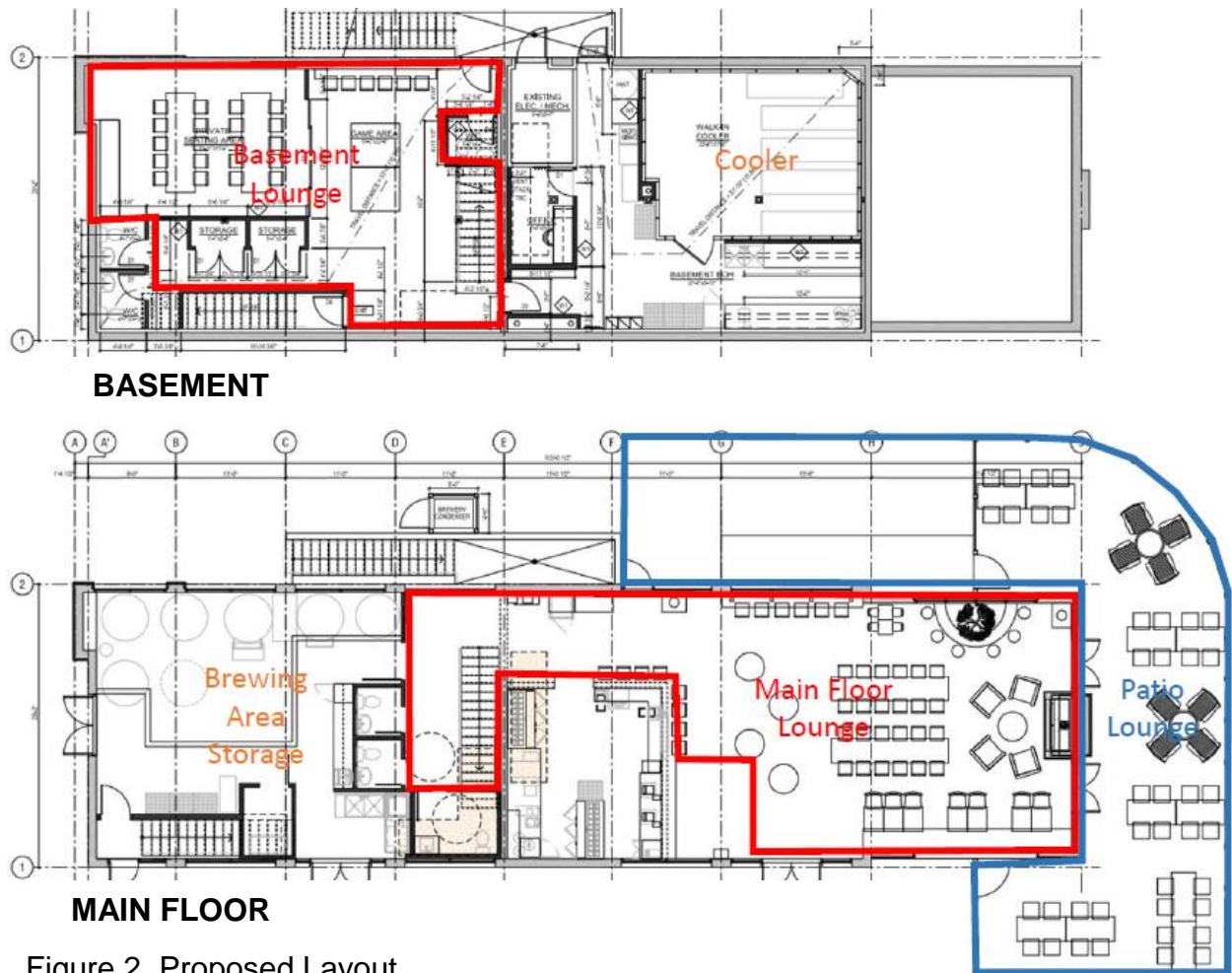


Figure 2. Proposed Layout

Development Permit Amendment and Variance Application

To facilitate the proposed relocation of Lakesider Brewing from Building 5 to Building 4, both development permits for the individual buildings need to be amended. In doing so, the parking variance for the brewery can be transferred to Building 4 ensuring only one brewery is permitted. Functionally the overall site will operate as currently approved. The applicant has not proposed any form and character changes to either building.

Policy Review

The Zoning Bylaw also includes two specific parking requirements for a brewery:

1. Units less than or equal to 100 m² (1,076.4 ft²) GFA tasting area: 2.0 per 100 m² (1,076.4 ft²) GFA

OR

Units greater than 100 m² (1,076.4 ft²) GFA tasting area: 4.0 per 100 m² (1,076.4 ft²) GFA

2. Food and Beverage Service Lounge: 1.0 per 4 seats (including patio seating)

Similar to the previous application, the applicant has proposed to have no tasting area and a combined lounge area that can accommodate 150 people. To accommodate the proposal, a variance of 33 parking spaces will be required.

Liquor License Endorsement Requirements

The Liquor Control and Licensing Act requires the Liquor and Cannabis Regulation Branch to consult local governments on requests for the issuance, amendment or renewal of certain liquor licenses. This gives local governments an opportunity to gather the views of residents within the application area, as well as consider potential implications of the proposal. Upon making a resolution, LCRB requests that the local government forward the applicable resolution, report, and meeting minutes.

The LCRB requests that all local governments consider and comment on specific criteria as outlined below:

Location

The subject property is located in the Lakeview Heights Neighbourhood. The subject property includes four existing buildings and includes a variety of existing tenants. The property is located 270 metres of the Westside Wine Trail.

Person Capacity

The person capacity of the proposed lounge areas totals a maximum of 150 occupants. The proposed occupancy is similar to wineries located within the area of the subject property as the Agricultural Land Commission regulates seating sizes and typically allow for up to 130 persons. The following is a comparison of other Lounge Endorsement Area operating in the area:

- Mt. Boucherie Winery (150 persons)
- Grizzli Winery (130 persons)
- Volcanic Hills (200 persons, non-farm use application for an oversized lounge)
- Frind Winery (130 persons)

Proposed Hours of Liquor Service

The applicant is proposing the following hours of operation:

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
9: 00 AM	9: 00 AM	9: 00 AM	9: 00 AM	9: 00 AM	9: 00 AM	9: 00 AM
12: 00 AM	12: 00 AM	12: 00 AM	12: 00 AM	12: 00 AM	12: 00 AM	12: 00 AM

For context, the following are permitted hours of operation for liquor establishments along the Wine Trail:

- Mt. Boucherie from 10:00 AM to 11:00 PM (10:00 AM to 10:00 PM weekdays);
- Mission Hill from 11:00 AM to 11:00 PM; and
- Volcanic Hills from 11:00 AM to 11:00 PM.

Despite these being the permitted hours per each operator's license, not all of these operators choose to service during these hours and are instead are used as maximum limits for hours of operation. The applicant has indicated that similar to these other Lounge Endorsements, they do not intend to operate to the full extent of the proposed hours of operation and instead would like the ability to do so for some events throughout the year. The applicant has indicated they intend to typically operate from 11:00 AM to 10:00 PM, Monday to Sunday. Despite the applicant indicating these are their typical hours of operation, if approved, the applicant could operate from 9:00am to 12:00am daily.

Impact of Traffic, Noise & Parking

The proposed brewery is located within a commercial centre in the Lakeview Heights Neighbourhood. The proposed location is well suited to ensure there are little to no impacts on any residents in the area. The proposed outdoor lounge area is adjacent to the indoor lounge area and would allow for active monitoring by staff. The subject property includes a large shared parking area (100+ spaces) that is utilized by a variety of tenants, operating at different hours. The previous parking variance was well supported by the public as a whole and nearby residents.

Impact on the Community if the Application is Approved

The Wine Trail has become a major tourist attraction with positive economic benefits to the community. Lakesider Brewing is proposed between existing operators and will create a positive linkage for the Wine Trail, offering a variety of craft beers to patrons. Unlike Lounge Endorsements for wineries that are often adjacent to residential areas, the extended hours of operation and impacts from the Lounge Endorsement (noise, traffic, etc.) will likely be minimal as Lakesider is situated in the centre of an existing commercial development (Figure 3).



Figure 3. Subject Property and Building

Public Notification and Consultation

As per the *Liquor Control and Licensing Act*, and the *Local Government Act* the City has met applicable requirements to gather the comments and/or concerns of residents within the area of the proposal. As such, a sign was posted on the subject property notifying the surrounding neighbours of the proposal and a notice was mailed and hand delivered to all property owners or tenants within 100m of the subject property (31 mailed and 9 hand delivered notices). No correspondence from the public has been received.

COUNCIL REPORT / RESOLUTION HISTORY

Date	Report Topic / Resolution	Resolution No.
January 14, 2020	THAT Council authorize the issuance of a Development Permit Amendment (DP 14-12.05) to construct a commercial building at 835 Anders Road, subject to the conditions outlined in the attached Development Permit; and THAT Council authorize a variance to City of West Kelowna Zoning Bylaw No. 0154 in accordance with the attached Site Plans, as follows: <ul style="list-style-type: none">• That the number of loading spaces be reduced from 2 to 0;• That the number of parking spaces be reduced from 15 to 7 (variance of 8 spaces) to accommodate general commercial uses; and• That the number of parking spaces be reduced from 40 to 7 (variance of 33 spaces) to accommodate a brewery and accessory uses.	C010/20
February 25, 2020	THAT Council support the proposed Liquor and Cannabis Regulation Branch Lounge Endorsement application (LL 20-01) for Lakesider Brewing Company (845 Anders Road) in accordance with the information contained in this report.	C059/20

CONCLUSION

The proposal is very similar to the previous request that was supported by Council and the public. No additional correspondence from the public has been received as part of this DP amendment with variance or Lounge Endorsement. Lakesider Brewing Company would be adjacent to the Westside Wine Trail, and be well situated to support the ongoing success of other operators in the area.

ALTERNATE MOTION:

1. **THAT** Council postpone consideration of the proposed Development Permit Amendment with variance (DP 14-12.06) and Lounge Endorsement Liquor License (LL 20-01.01).

Should Council wish to postpone consideration of the application, it is requested direction be provided.

REVIEWED BY

Mark Koch, Director of Development Services

Tracey Batten, Deputy CAO/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Draft Development Permit with Variances, 845 Anders Road (Building 5)
2. Draft Development Permit with Variances, 835 Anders Road (Building 4)