



## COUNCIL REPORT

To: Paul Gipps, CAO

Date: January 12, 2021

From: Chris Oliver, Planner III

File No. LL 20-02

Subject: **LL 20-02; Lounge Endorsement and Special Event Area Liquor License;  
3930 Harding Road**

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### RECOMMENDATION

**THAT** Council support the proposed Liquor and Cannabis Regulations Branch Lounge Endorsement and Special Event Area application (LL 20-02) for Crown and Thieves Winery (3930 Harding Road) in accordance with the information contained in this report.

### STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity (Strategic Plan Priorities 2020-2022).

### BACKGROUND

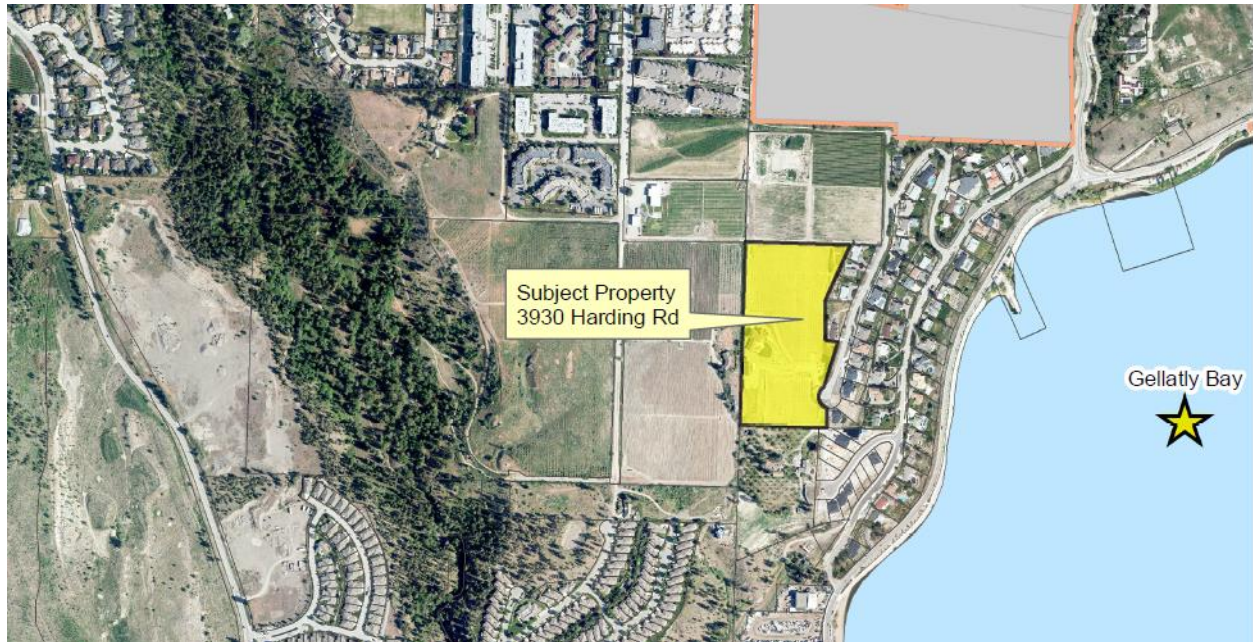
The applicant is applying for a Lounge and Special Event Area Liquor License Endorsement for a winery that is under construction. The license areas include indoor and outdoor (rooftop) spaces all located within the footprint of the winery. The total occupancy of the lounge area is 146 (including staff) for the lounge areas and 150 for the special event area. The proposed hours of operation are 10:00 am to 11:00 pm, Monday to Sunday for both license endorsements.

PROPERTY DETAILS			
<b>Address</b>		3930 Harding Road	
<b>PID</b>		011-812-613	
<b>Folio</b>		36415514.002	
<b>Lot Size</b>		11.22 acres (45405.8 sqm)	
<b>Owner</b>	Jason Parkes	<b>Agent</b>	Graham Dell
<b>Current Zoning</b>	Agricultural (A1)	<b>Proposed Zoning</b>	Agricultural (A1)
<b>Current OCP</b>	Agriculture	<b>Proposed OCP</b>	Agriculture
<b>Current Use</b>	Single Family Dwelling and Winery	<b>Proposed Use</b>	Single Family Dwelling, and Winery
<b>Agricultural Land Reserve</b>		Yes	

### ADJACENT ZONING & LAND USES

<b>North</b>	<b>^</b>	Agricultural (A1) zoned property
<b>East</b>	<b>&gt;</b>	Single Family Residential (R1) zoned property
<b>West</b>	<b>&lt;</b>	Agricultural (A1) zoned property
<b>South</b>	<b>v</b>	Agricultural (A1) zoned property

### NEIGHBOURHOOD MAP



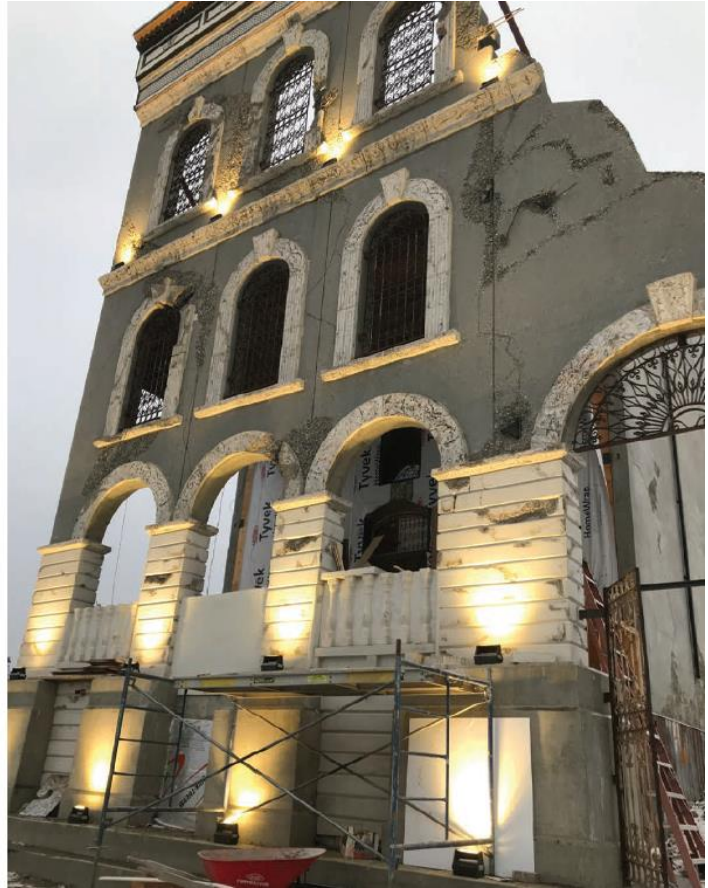
### PROPERTY MAP





## DISCUSSION

The applicant is applying for two liquor license endorsements for a winery that is under construction in accordance with the ALC's and City's applicable regulations. Currently, the operation of the winery would be limited to tasting purposes with the ability to also apply for a picnic area endorsement (staff issuable). The requested endorsements would allow for the building to be used in a manner similar to other wineries in West Kelowna (offer food service, serve glasses of wine, etc.). The building is not subject to any Official Community Plan Development Permit guidelines, but renderings have been provided to provide context to the request (Figures 1 - 4).



Figures 1- 4. Construction Photos and Interior Renderings

## Liquor License Review 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 specific criteria as outlined below:







### *Location*

The subject property is located in the Gellatly Neighbourhood and is surrounded by agricultural and single-family residential properties. The subject property is located in close proximity to Gellatley Road and the proposal is intended to benefit from and contribute to the success of the operators in the area (e.g., Truck 59 Cidery).

### *Person Capacity*

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 allows for up to 130 patrons (not including staff). The applicant is proposing to have seasonal outdoor lounge areas and when closed, the patron capacity of those outdoor areas are transferred into the indoor lounge areas (Table 1 and Attachment 1).

**Table 1 Lounge and SEA Occupancy Breakdown**

LCRB OCCUPANCY + LOUNGE	AREA	OCCUPANCY (patrons + staff)
1. MAXIMUM TOTAL BUILDING OCCUPANCY:		150 persons max.
2. TOTAL OUTDOOR LOUNGE AREA:	1292 sq ft / 120 sq m	83 persons max.
 ROOF TOP (BCBC 3.4.2.1.2))	978 sq ft / 91 sq m	63 persons max.
 TERRACE (FIXED SEATING)	313 sq ft / 29 sq m	20 persons
3. TOTAL INDOOR LOUNGE AREA:	1335 sq ft / 124 sq m	63 persons (146 if all Outdoor Lounges are closed)
 MAIN FLOOR (STANDING SPACE 0.4/m <sup>2</sup> )	360 sq ft / 33 sq m	26 persons (47 if Terrace is closed)
 BASEMENT INTERIOR LOUNGE (FIXED SEATING 0.75/m <sup>2</sup> )	978 sq ft / 91 sq m	37 persons (99 if Rooftop Patio is closed)
4. TASTING ROOM ONLY:		
 MEZZANINE TASTING FLOOR (NON-FIXED SEATING)	150 sq ft / 14 sq m	up to 14 persons (limited by Lounge Occupancy)
5. SPECIAL EVENT AREA (W/ MAIN FLOOR W/C ACCESS):		
 BASEMENT INTERIOR LOUNGE	980 sq ft / 91 sq m	150 person max. (Lounge + Tasting Areas closed)

The following is a comparison of other Lounge Endorsement Areas operating in the area:

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

The applicant is also requesting a Special Event Area (SEA) endorsement that requires a separate authorization from the LCRB. The SEA designation allows for events both indoors and/or outdoors and may overlap with other designated areas (e.g. Lounge Area). When an event is taking place, the conditions of the special event area endorsement are

in effect. When an event is not taking place, the conditions of the special event area endorsement are not in effect. In this instance, the applicant is generally proposing a shift of occupancy for special events from the indoor and outdoor lounge areas into the basement of the building increasing the occupancy of that area to 150 persons. The proposed hours of operation are the same as the lounge areas.

#### *Proposed Hours of Liquor Service*

The applicant is proposing the following hours of operation for both the Lounges and SEA:

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
10: 00 AM	10: 00 AM	10: 00 AM	10: 00 AM	10: 00 AM	10: 00 AM	10: 00 AM
11: 00 PM	11: 00 PM	11: 00 PM	11: 00 PM	11: 00 PM	11: 00 PM	11: 00 PM

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 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 8:00 PM, Monday to Sunday. Despite the applicant indicating these are their typical hours of operation, if approved, the applicant could operate from 10:00 am to 11:00 pm daily.

#### *Impact of Traffic, Noise & Parking*

The proposed winery is located in an agricultural area and the building location is adequately set back from the adjacent single-family dwellings east of the winery (Figure 5).

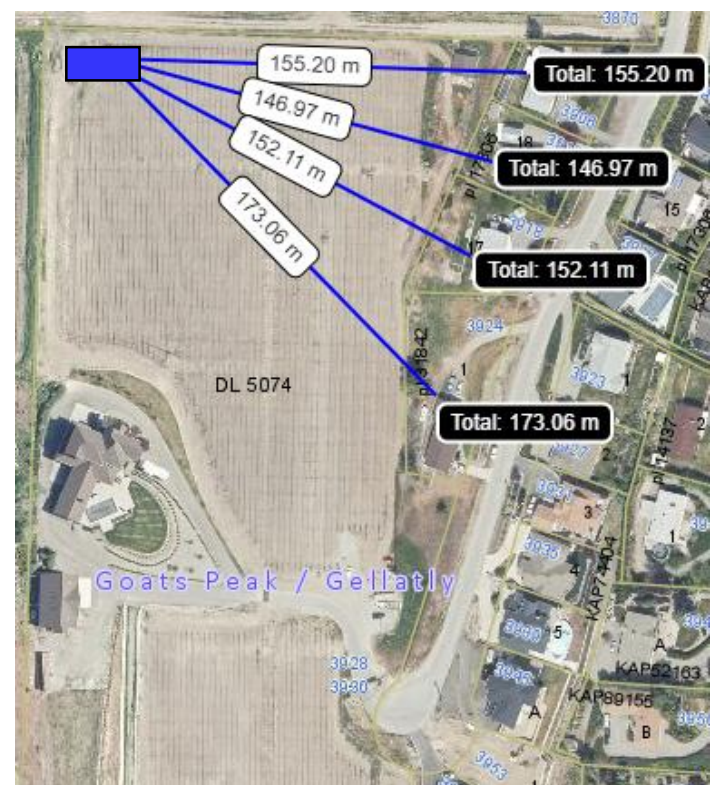


Figure 5. Setback Distances

The building has also been designed to minimize impacts to adjacent residents with a narrow profile east-west orientation limiting the exposure to the east. The easterly façade also includes a faux wall that will contribute to the noise attenuation of the rooftop area. In addition to these lounge related considerations, the SEA is entirely located indoors in the basement which will reduce any potential impact of events held in that area.



### *Impact on the Community if the Application is Approved*

The applicant is an experienced operator in the community and in conjunction with their other establishments will continue to advance the tourism industry in West Kelowna. The use is permitted as part of the A1 – Agricultural Zone and the winery is currently under construction. The Lounge and SEA endorsements are anticipated to increase the amount of traffic on Harding Road over the base approvals that allow for tasting and a picnic area. An important consideration regarding the access to the Winery is that the property owner is also an owner of Truck 59 Cidery which is adjacent to the subject property and would benefit from access to Brown Road (Figure 6). The applicant has indicated that they intend to utilize this access but in discussion with the LCRB, requiring the registration of an easement or SRW through an adjacent property is not typical under the scope of a Lounge Endorsement Liquor License. If the traffic associated with the Lounge Endorsement is concerning, the method for reducing traffic impacts would be to reduce the hours of operation or occupancy of the lounge area.

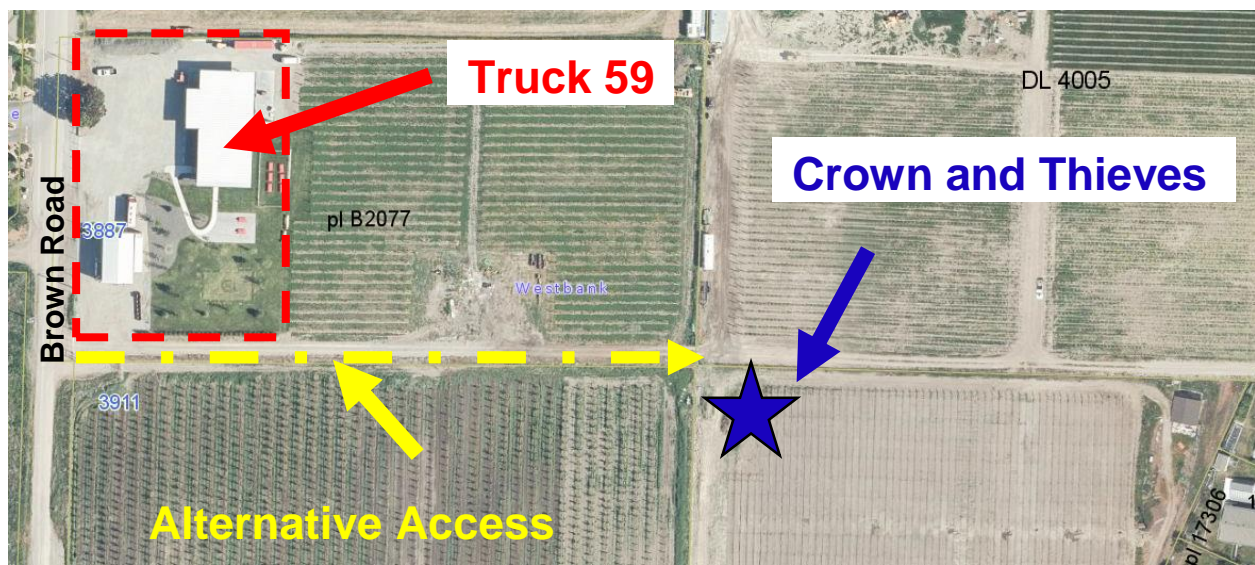


Figure 6. Alternative Access from Brown Road

### *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 to all property owners or tenants within 100m of the subject property (64 mailed). Following discussions with the LCRB, the occupancy of the lounge area was updated to include staff members. The updated occupancy requirement was included on the notice of application sign and has been reflected in this report.

At the time of writing this report, two submissions have been received citing concern for the following (Attachment 2):

- Access and traffic impacts on the surrounding road network

- Noise impacts from the lounge areas to the residents of Harding Road and Angus Drive; and
- The hours of operation being too late.

## **CONCLUSION**

Council may wish to consider the following as part of the consideration for the recommended motion:

- Crown and Thieves Winery is well situated to supplement the ongoing success of other operators in the area;
- The winery and lounge area are set back from residential properties and the building design will reduce impacts to surrounding properties;
- The proposed SEA is entirely located in the basement of the building and will significantly reduce and potential impacts to surrounding properties; and
- The proposal meets all applicable ALC and Zoning Bylaw requirements.

## **ALTERNATE MOTIONS**

### **Support Application**

1. **THAT** Council postpone consideration of the proposed Lounge Endorsement and Special Event Area Liquor License (LL 20-02).

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

### **Deny Application**

2. **THAT** Council deny the proposed Liquor and Cannabis Regulations Branch Lounge Endorsement application (LL 20-02) for Crown and Theives Winery (3930 Harding Road) and direct staff to close the file.

Should Council deny the requested liquor license, the file will be closed. As per the City's Development Applications Procedures Bylaw No. 0260, the applicant could re-apply for a similar proposal 6 months after initial Council consideration.

## **REVIEWED BY**

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

Shelley Schnitzler, Legislative Services Manager/Corporate Officer

**APPROVED FOR THE AGENDA BY**

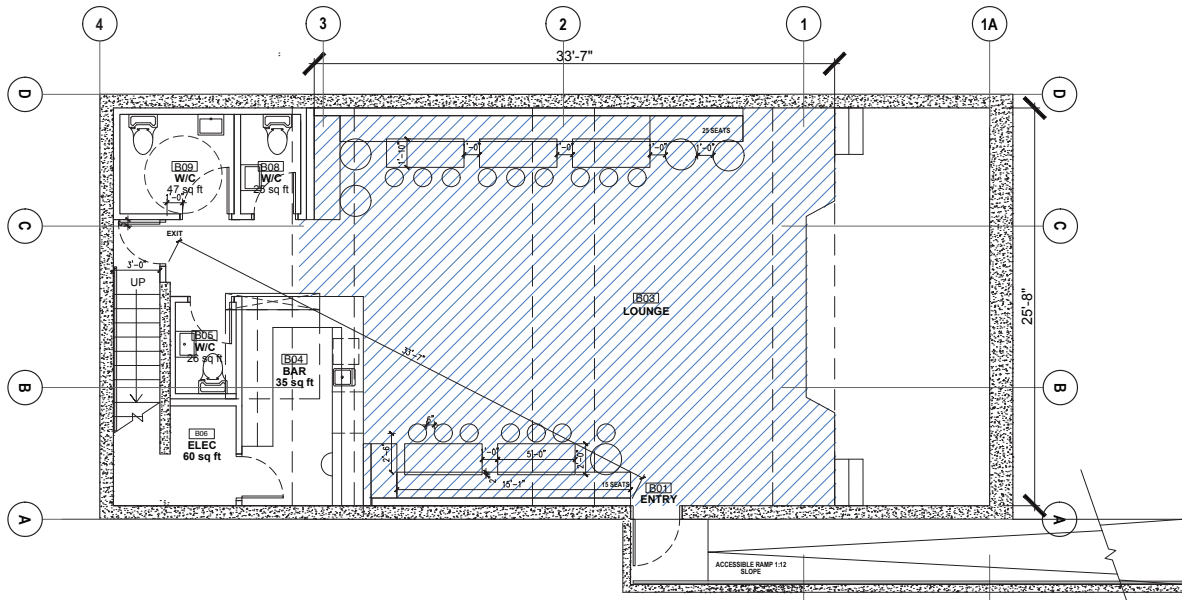
Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐





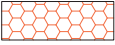

**Attachments:**

1. Floor Plan Breakdown, prepared by Lake Monster Studio
2. Public Submissions



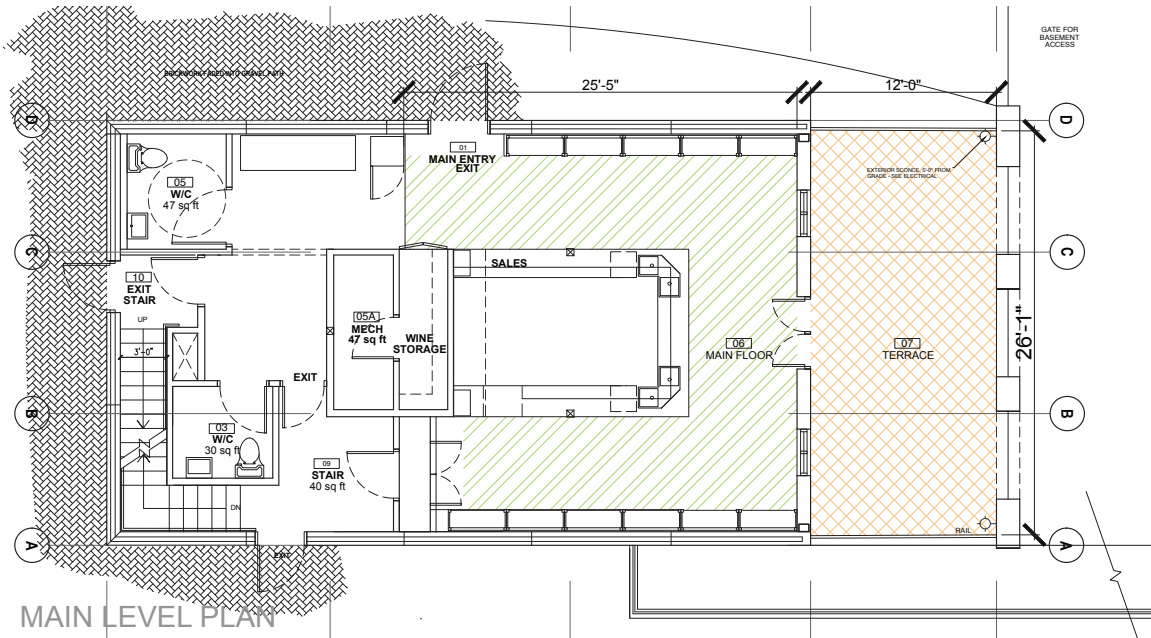






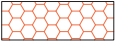

BASEMENT LEVEL PLAN

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## OCCUPANCY PLANS

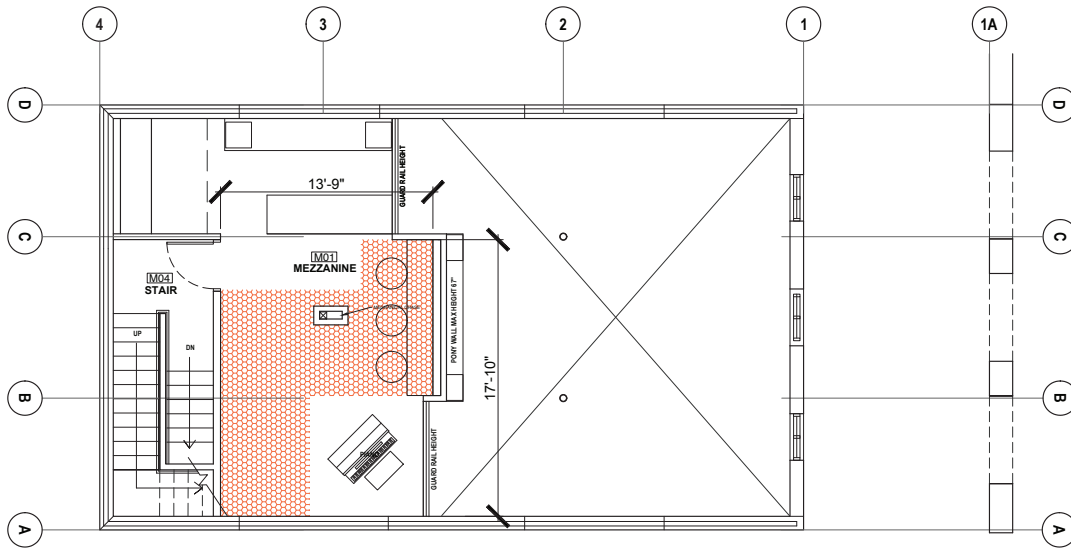








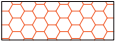

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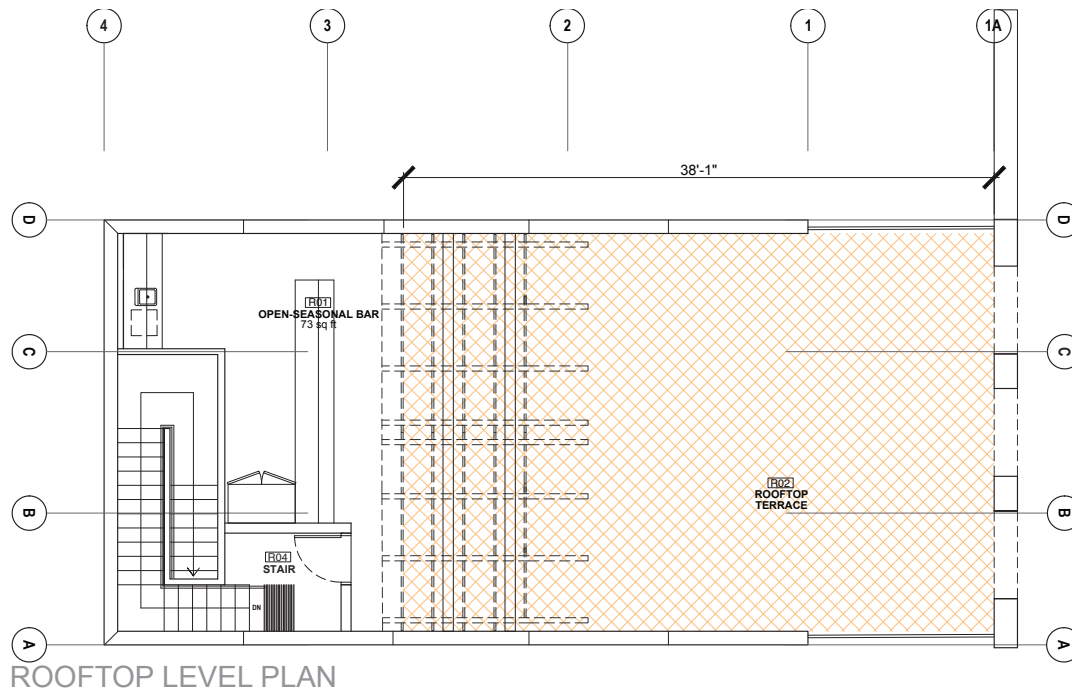
MEZZANINE LEVEL PLAN







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## OCCUPANCY PLANS







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## OCCUPANCY PLANS



**Chris Oliver**

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**Subject:** FW: File No. LL 20-02 (Xiaohong He,Lot 3 Plan KAP1568 District Lot 807 Land District 41)

**From:** 晓红 何 <[REDACTED]>

**Sent:** December 31, 2020 12:13 PM

**To:** City of West Kelowna Submissions <[Submissions@westkelownacity.ca](mailto:Submissions@westkelownacity.ca)>

**Subject:** File No. LL 20-02 (Xiaohong He,Lot 3 Plan KAP1568 District Lot 807 Land District 41)

Hi,

I disagree the operation hour for winery 10am-11pm. This operation hour close too late and it will affect neibourghs' daily life. I prefer the operation hour ending as early as 8pm. Thank you.

Xiaohong He

Sent from [Mail](#) for Windows 10

January 4, 2021 @ 6:27 PM

# 2

January 4<sup>th</sup>, 2021

**Attn: City Clerk**

**From: William Talalayeovsky, owner**


3906 HARDING ROAD WESTBANK, BC V4T 2J9

Lot 19 Plan KAP17306 District Lot 5074 Land District 41

PID: 004-616-189

Subject: How **LL 20-02** effects 3906 HARDING ROAD WESTBANK, BC V4T 2J9 and the surrounding area

Any traffic to and from 3930 HARDING ROAD WESTBANK will take place via Harding road, Angus drive, Gellatly road, and possibly Boucherie road. Harding road and Angus drive currently have very little traffic and certainly no drunk driving at 11pm. Harding road, Angus drive, and Gellatly road are very winding and steep, residents along these roads will be affected by up to 150 people on any given night who have recently had their fill of wine. This seems like a very dangerous idea that will negatively affect the entire area (especially when snow is on the ground). Also, there will be a high possibility of loud music uphill from all of the residence of Harding road and Angus drive until 11pm. All residents down hill from this noise will be affected. As a result of this all home values in the area downhill from Harding road and Angus drive will drop, thereby reducing property taxes for the area impacting West Kelowna budgets. Please do NOT approve Liquor License Permit LL 20-02.



William Talalayeovsky  
2323 Palisview PL SW  
Calgary, AB  
T2V 3R7

REF: Liquor License Permit LL 20-02