

April 22, 2021

Subject Property:

1220 Davenport Avenue

Application PL008946:

**Abandoned Rail Brewing Company
Manufacturing Brewery Facility and Lounge
Endorsement**

The purpose for the lounge endorsement is to be able to provide patrons and the community a unique atmosphere whereby they can enjoy a beverage (alcoholic or non-alcoholic) from the manufacturing facility.



The Lounge Endorsement will have the following total occupant loads:

- Interior – Tasting = 20 persons
- Exterior – Patios = 85 persons (Revised from 113 persons)

The proposed hours of operation are:

- Monday through Sunday 11:00 am-8:00 pm (Revised from 9:00 pm)

Information:

On April 20, 2021, Council endorsed staff's recommendation to commence public notification for the proposed brewery manufacturing facility and lounge endorsement application of Abandoned Rail Brewing Company and, that staff report back on the results of the public consultation at the May 18, 2021 Council meeting.

You can find the staff report to Council on the City's website at www.penticton.ca/publicnotice.

Please contact the Planning Department at planning@penticton.ca or (250) 490-2501 with any questions.

Council Consideration:

Council will consider the Manufacturing Brewery Facility and Lounge Endorsement application at its Regular Council Meeting scheduled for **1:00 pm, May 18, 2021** at Penticton City Hall, 171 Main St.

In response to COVID-19, Regular Council meetings will remain closed to the public. All meetings will be live streamed via the City's website at: www.penticton.ca/city-hall/city-council/council-meetings. Select the 'Watch Live' button.

Public Comments:

Any person whose interest may be affected by the proposed application, may submit a petition or written comments by mail or email no later than **9:30 am, Friday, May 7, 2021**, to:

Attention: Corporate Officer, City of Penticton

171 Main Street, Penticton, B.C. V2A 5A9

Email: corpadmin@penticton.ca

No letter, report or representation from the public will be received by Council after the conclusion of the May 18, 2021 Council Meeting.

Please note that all correspondence submitted to the City of Penticton in response to this Notice must include your name and address and will form part of the public record and will be published in a meeting agenda when this matter is before the Council or a Committee of Council. The City considers the author's name and address relevant to Council's consideration of this matter and will disclose this personal information. The author's phone number and email address is not relevant and should not be included in the correspondence if the author does not wish this personal information disclosed.

Audrey Tanguay
Planning Manager

Date: April 20, 2021
To: Donny van Dyk, Chief Administrative Officer
From: Audrey Tanguay, Planning Manager
Address: 1220 Davenport Avenue
Subject: Manufacturing Brewery Facility and Lounge Endorsement

File No: RMS/ Address

Staff Recommendation

THAT Council direct staff to commence public notification of the proposed brewery manufacturing facility and lounge endorsement application for Abandoned Rail Brewing Company located at 1220 Davenport Avenue with restrictions of exterior patio service hours from 11:00 am to 9:00 pm;

AND THAT staff report back on the results of the public consultation at the May 18, 2021 Council meeting.

Strategic Priority Objective

Community Vitality: The City of Penticton, guided by the Official Community Plan, will promote the economic wellbeing and vitality of the community.

Proposal

The purpose for the lounge endorsement is to be able to provide patrons and the community a unique atmosphere whereby they can enjoy a beverage (alcoholic or non-alcoholic) from the manufacturing facility. A complete outline has been provided in the applicant's Letter of Intent (Attachment F).

The Lounge Endorsement will have the following total occupant loads: (Attachment E - Floor plan)

- Interior – Tasting = 20 persons
- Exterior – Patios = 113 persons

The proposed hours of operation Monday to Sunday are:

- Monday through Sunday 11:00 am-9:00 pm



Figure 1 - Property Location Map

Background

The City has received an application from the owners of Abandoned Rail Brewing Company, which is currently under construction at 1220 Davenport Ave., for a manufacturing facility and lounge endorsement. The lounge will permit the sales and service of liquor on site. The lounge will be located both inside and on 2 patios.

Site Context

The subject property is located on Davenport Avenue, and has frontage on Naramata Road and the KVR Trail (Figure 1). The subject property is zoned Agriculture in the Zoning Bylaw and is designated Agriculture by the Official Community Plan. Further, the property is located within the Agricultural Land Reserve (ALR). Construction of the brewery commenced in February of 2021.

Liquor & Cannabis Regulation Branch (LCRB) Legislation, Policy and Bylaw Review

As per the provincial Liquor Licensing Regulations the Liquor and Cannabis Regulation Branch (LCRB) requests that the City review and provide a resolution related to the following criteria:

- Gather public input from the community within the immediate vicinity of the establishment,
- The location of the establishment, person capacity and hours of liquor service of the establishment,
- The impact of noise on nearby residents,
- The impact on the community if the application is approved, and
- The view of residents and a description of the method used to gather views.

City Policy – Lounge Endorsements (Res 628/2003)

City policy outlines that the City will participate in local government input for Manufacturing Lounge endorsement applications to the Liquor and Cannabis Regulation Branch (LCRB). An initial technical review is completed by the Liquor Licensing Technical Review Committee (LLTRC) who are represented by staff, Interior Health, Protective Services and representation from the liquor and food services industry. Council can decide to support or deny the application based on the LCRB technical criteria and if supported, notification is sent to the neighbouring properties for their comments. Any public comments as a result of the public notification process are compiled for Council's final consideration to support or deny the application, which is then forwarded to the LCRB for their final approvals.

Analysis

A technical review has been completed by staff and the Liquor Licensing Technical Review Committee (LLTRC) and is supportive of the application with the following comments for Councils' consideration:

Location of establishment, person capacity and hours of service

- There are 13 onsite parking spaces and the possibility for additional on-street parking along Davenport Avenue.
- The City may consider a no parking sign directly adjacent to the KVR crossing.
- Bike parking will be provided for cyclists coming from the KVR.
- Proposed occupant loads have been approved in relation to BC Building Code requirements.
- There are no restrictions on the hours of operation under the Zoning or Business License Bylaws.
- The proposed hours of service (interior and exterior) match hours of similar local drinking establishments.

The impact of noise on nearby residents:

- Amplified music (speakers) on the exterior patio areas will not be permitted.
- The applicant has outlined an action plan to have staff assess and control patron noise and any potential nuisances to the surrounding neighborhood governed by the City's existing Bylaw regulations.

The impact on the community if the application is approved:

- The Brewery operations will continue to add to the vitality of the Naramata Bench area. The owners are highly aware of the restrictions and responsibilities that come with this type of endorsement.

Staff and the Liquor Licensing Technical Review Committee (LLTRC) do not foresee the proposed changes having any negative impacts to the surrounding community.

Public Consultation

As per the Liquor Licensing Regulations, staff will also be seeking comments from adjacent property owners and occupants. A public notice sign will be posted on site and local residents and business owners within 150m of the property boundaries of the proposed brewery lounge will be notified by mail. Two public notices will run in the local newspaper.

Public comments, as a result of the public notice process, will be compiled and brought forward to Council at the May 4, 2021 Regular Council meeting, as per the City of Penticton Liquor Licensing Policy.

Alternate Recommendations

1. THAT Council not support the Abandoned Rail Brewing Company Endorsement application.

Attachments

Attachment A – Zoning Map

Attachment B – Official Community Plan Map

Attachment C – Photos of Property

Attachment D – Site Plan

Attachment E – Occupant Floor Plans

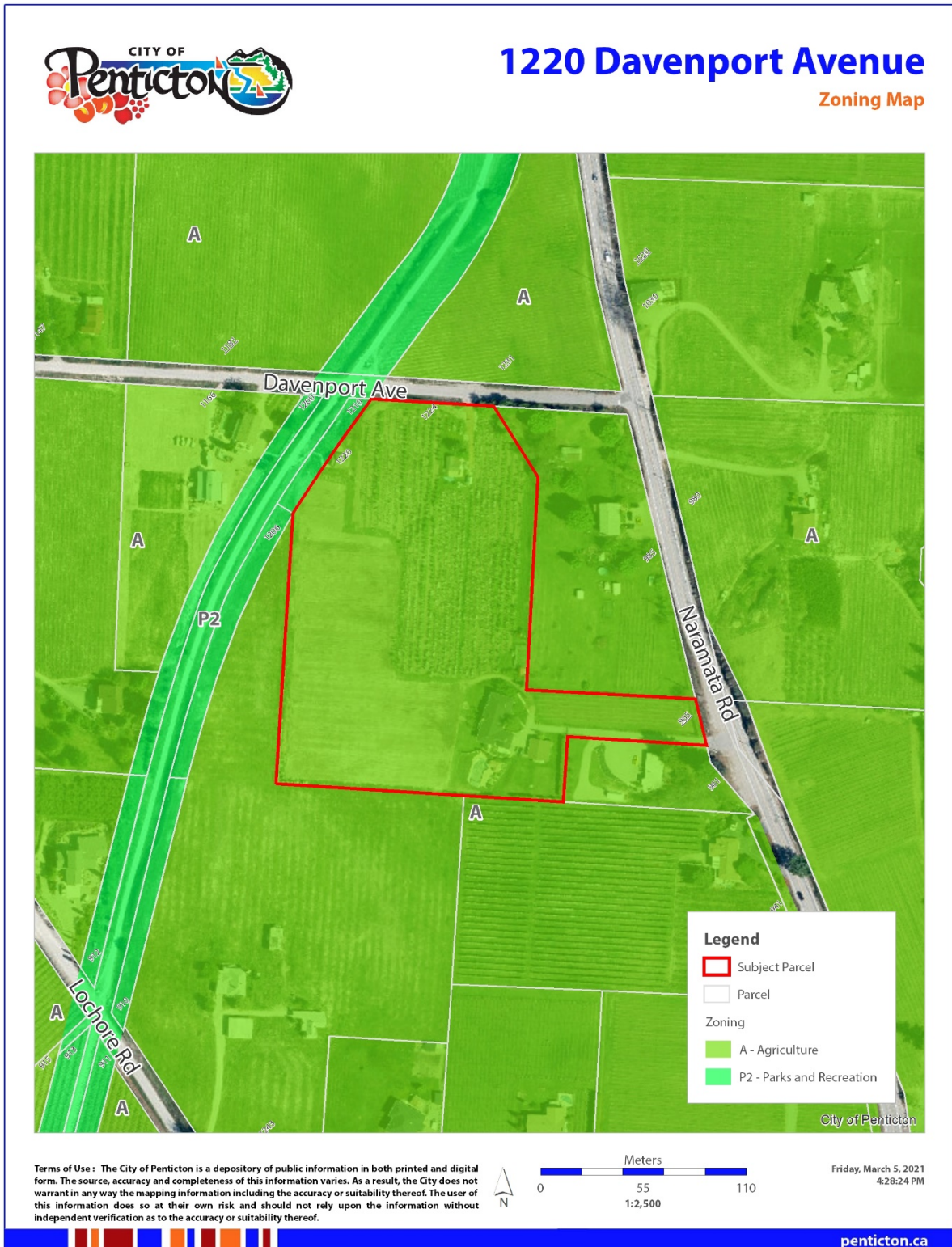
Attachment F – Letter of Intent

Respectfully submitted,

Audrey Tanguay
Planning Manager

Director Development Services BL	Chief Administrative Officer DyD
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Attachment A – Zoning Map



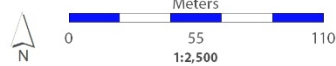


1220 Davenport Avenue

Official Community Plan Map



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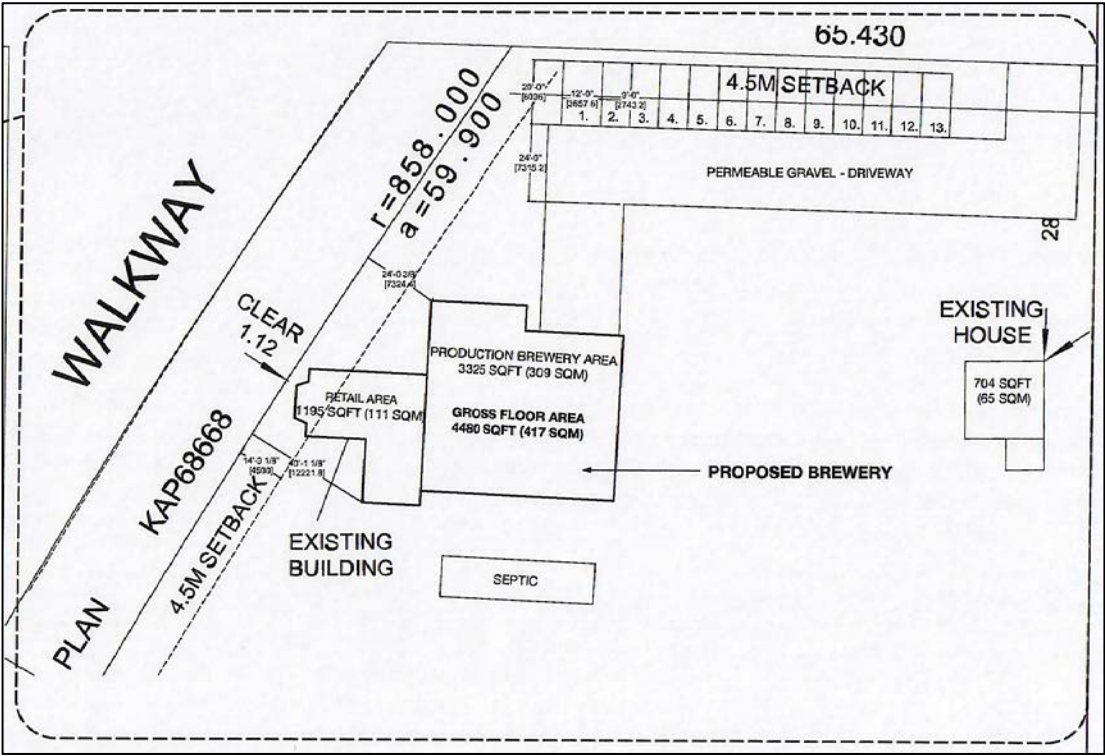
penticton.ca

Attachment C – Photos of Property



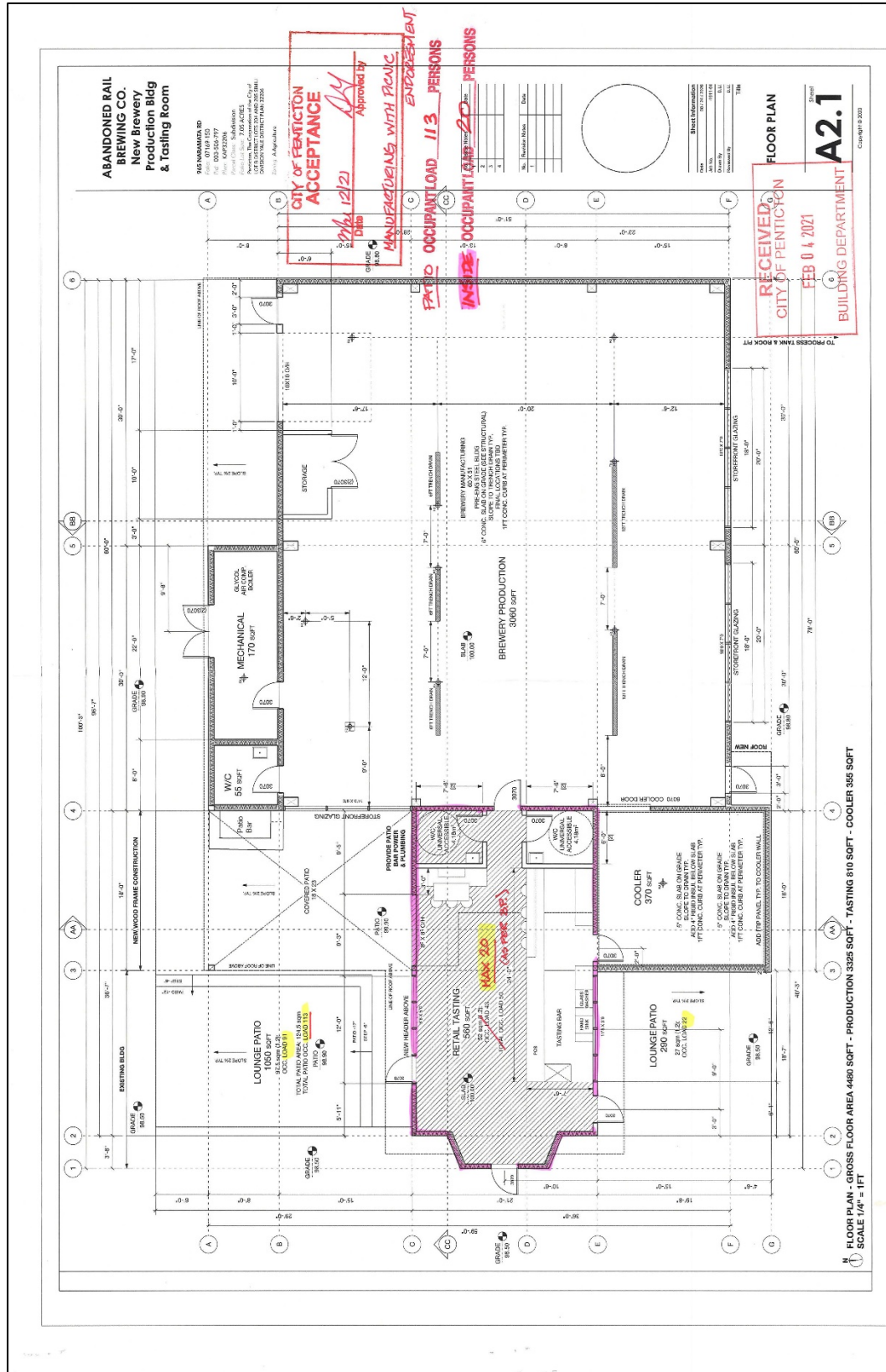
Looking towards property from the KVR Trail

Attachment D – Site Plan



Proposed Site Plan

Attachment E – Occupant Floor Plans



Proposed Establishment Description

Abandoned Rail Brewing Company's goal is to provide high quality beer, made from estate grown barley, to customers in a setting that will showcase what Penticton and the Okanagan has to offer. We've kept the inside tasting room small, but maximized the outdoor patio space on both the north and south sides of the brewery. The north side will offer some shade from those hot sunny days while being in amongst the cherry, plum and peach trees (which we plan to use the fruit for 'specialty' beers). As well as a heated covered portion of the patio for those odd rainy days or cooler days to be out of the elements. The south side patio will be within feet of the barley growing that's used to make the beer, providing views of neighbouring vineyards, Munson Mountain, Mount Nkwala and beyond. With our location on the KVR Trail, we will provide a refreshing stop for cyclists, walkers, joggers, and general outdoor enthusiasts alike. We also want to provide a comfortable and relaxing space for families, with an activity area for kids as well as the option to bring your dog on the spacious patio areas.

The main purpose though, of our Lounge Endorsement application, is having the ability to serve an actual glass of beer. The Manufacturers License only allows us to serve a sample size, being a maximum of 125ml. An added benefit of the Lounge Endorsement is the ability to serve other types of alcohol. Although these would only be a small percentage of what we would offer, we could serve some of the fine wines and ciders from other establishments that surround the brewery. On top of these products, we've kept a small number of our Ambrosia apple trees that we plan to juice and serve as our renowned apple slushies that has put the former Trail Store on the map.

During peak season we plan to open from 11am until 8pm, in hopes to grab a glimpse of those famous Okanagan sunsets, but at the same time, not staying open too late. In the off season we will reduce those hours to 11am - 7pm on weekends and holidays, with weekday hours from 3pm – 7pm.

We also plan to have a local food truck on site for delicious pairings with our beer. With few options on the Naramata Bench, and especially the KVR Trail, we believe this will be a huge benefit to the area. Many of the cyclists and trail-goers we've spoken with are looking for a quick and tasty option that's easily accessible. Also, after talking with several wine tour companies, they've told us that they don't usually have enough time to stop for the dine-in options that are currently available on the Naramata Bench and that something on the quicker side would fit in well with the tours they offer.

Community Impact Statement

With our location on the KVR Trail and the Naramata Bench, we will provide a refreshing stop for cyclists, joggers, walkers and outdoor enthusiasts. We want to be a destination for families, providing an activity area for kids, and with all the outdoor patio space, a place that will be comfortable to bring your dog. In addition to our beer, we plan to have a food truck to provide quick and delicious nourishment that is needed, and currently not provided, for the trail users and wine touring folk.

The setting of the brewery and patio spaces sits approximately 10 feet below the KVR Trail. This creates a natural sound barrier to our nearest neighbor that is 150 feet from the brewery, with whom we have spoken with about any concerns they may have. The next two nearest neighbors are about 500 feet from the brewery. In addition, the latest we plan to open at any point in the year will be 8pm with opening at 11am. We don't plan on having large events, bands or loud music. We've also provided far more parking than required by the city, on site. While we plan on having adequate vehicle parking, we also believe a fair amount of traffic will be on foot or bike – we will have multiple bike racks to encourage this mode of transport.

As with any agricultural alcohol production facilities, there will be byproduct that needs proper disposal. In our case, we will have spent grain (a nutritious barley mash that is left over after we have brewed) that we have arranged with a neighbouring farmer to feed to their animals.