

**COMMUNITY IMPACT STATEMENT**

**FOR: AN APPLICATION FOR AN INCREASE IN CAPACITY AND  
AN ADDITION OF A PATIO TO THE LIQUOR PRIMARY LICENSE NUMBER 017187**

**AT: LEVEL  
275 LEON AVENUE,  
KELOWNA, B.C. V1Y 6J1**

**APPLICANT: 0749038 B.C. LTD.**

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**COMMUNITY IMPACT STATEMENT**

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**Submitted to:**

**City of Kelowna  
1435 Water Street  
Kelowna, B.C.  
V1Y 1J4**

**Submitted by:**

**Rising Tide Consultants Ltd.  
1620-1130 West Pender Street  
Vancouver, BC V6E 4A4**

**Phone: (604) 669-2928  
Fax: (604) 669-2920**

## **COMMUNITY IMPACT STATEMENT**

**FOR: AN APPLICATION FOR AN INCREASE IN CAPACITY AND  
AN ADDITION OF A PATIO TO THE LIQUOR PRIMARY LICENSE NUMBER 017187**

**AT: LEVEL  
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## **COMMUNITY IMPACT STATEMENT**

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### **INTRODUCTION**

This Community Impact Statement is provided in support of the application submitted to the City of Kelowna and the Liquor Control & Licensing Branch by 0749038 B.C. Ltd for an increase in capacity and an addition of a patio on the liquor primary license located at Level, 275 Leon Avenue, Kelowna, B.C. V1Y 6J1.

The applicant is seeking an increase from the current total capacity of 464 persons to 522 persons which would include staff and a patio. The patio has a capacity of 55 persons and this capacity will be derived from the interior capacity.

Level is a sizeable establishment which could accommodate this increase of capacity under Building Code and also from a Fire Safety perspective.

In tandem with this application the applicant is also applying for an earlier hour for commencement of liquor service to accommodate the demand for the establishment for corporate events, product launches and fashion shows.

### **BENEFITS TO THE COMMUNITY**

The applicant's expanded capacity and new patio will benefit the community in the following ways:

- Employment opportunities for residents of the area;
- Provide a source of additional tax revenue for the city, the provincial and federal governments;
- Further diversify this venue available to the residents, business people and tourists in Kelowna;
- Offer the community a patio experience in this popular venue.
- Provides an expanded venue for community events, fundraisers and special events;
- Involvement in community sponsorships and activities;
- Compliments other nearby businesses in the area
- Provides an expanded venue for local musicians/DJ's to perform and therefore supports local artists.

### **HOSPITALITY/TOURISM DEVELOPMENT FACTORS**

Level will contribute to the hospitality/tourism development in the city by adding an expanded capacity and a new patio in a night club lounge experience. This expanded venue will provide a venue for patrons to attend whether for a corporate or special event, night club or lounge experience.

### **TRAFFIC IN THE VICINITY**

The establishment will not impact negatively on traffic. The primary purpose of Level is to cater to persons who can easily walk and drive to the establishment from nearby residences and businesses. Therefore, there will be no impact on the traffic in the vicinity. This location is also well serviced by main roads and public transportation.

### **NOISE IN THE COMMUNITY**

As Level is long established in the area, it is not a venue that will create any more noise in the community. This establishment is a quintessential liquor primary licensed night club which will be increasing its capacity and expanding as an event venue for different events as well as being a night club venue and noise is not anticipated to be a problem. The applicant will comply with the City of Kelowna noise by-law.

### **PARKING**

There are many parking spots located near the proposed establishment. There is street meter parking available nearby.

Most of the patrons of Level will walk and drive from nearby businesses and residential areas. Therefore, parking should not be a factor because of the ease of access via public transportation and the available timed and meter parking in the surrounding areas.



### **OTHER FACTORS**

The applicant also submits the following additional factors for consideration:

- This venue will not be operated as a pub or neighbourhood house. It will operate as a night club and a venue for various events.
- This is a long established night club in Kelowna.
- The applicant has a favourable record with the Liquor Branch, the City of Kelowna and the RCMP.

Mr. Sean Wilson of 0749038 B.C. Ltd does not envisage any adverse impacts on the community with the application for an increase in capacity and also the addition of a patio at Level.

All of which is respectfully submitted this 31st day of August, 2015.

Rising Tide Consultants Ltd.  
1620-1130 West Pender Street  
Vancouver BC V6E 4A4



# Liquor Primary and Liquor Primary Club

Structural Change Application  
Liquor Control and Licensing Form LCLB 012a

## What is a Structural Change?

It is defined as a change to the existing approved licensed area(s), including but not limited to:

- a change in the position of a wall or partial height divider (pony wall) or fixed planters used as separation between/within a licensed area
- new construction
- the removal or addition of permanent display cabinets, stages or dance floors
- a change to the food and liquor service bar location or size
- in the position of access and exit points leading to or from a licensed area
- the removal of a licensed area from the liquor licence
- addition of a new outdoor patio or the removal or expansion of an existing patio
- increase to capacity (occupant load) of a licensed establishment with or without changes to the licensed area(s)
- such other construction or changes the general manager considers may affect patron routing, capacity, or the line of sight between a staff control point and the licensed area of the establishment.

If you are making changes to the current approved floor plan, other than cosmetic changes, a structural alteration application is required.

**Note:** This does not include cosmetic changes such as changes to existing flooring, wallpaper, reconfiguring tables and chairs, countertops, painting, or changing the type of material used in the perimeter bounding of an outdoor patio.

If you have any questions about this application, call the Liquor Control and Licensing Branch (LCLB) toll-free at: 1 866 209-2111

## Licence Information

Licence # affected: 017187

☐ Please check if licence is currently dormant.

If yes, attach a letter signed by the licensee requesting the licence to be reactivated if this application is approved.

Do you currently hold other licences at this location? ☐ Food Primary \_\_\_\_\_ (Licence #)  
☐ Liquor Primary \_\_\_\_\_ (Licence #) ☐ Licensee Retail Store \_\_\_\_\_ (Licence #) ☐ UBrew/UVin \_\_\_\_\_ (Licence #)  
or Other

Licensee name [as shown on licence]: 0749038 B.C. Ltd

Establishment name [as shown on licence]: Level

Establishment Location address: 275 Leon Avenue Kelowna B.C. V1Y 6J1  
(as shown on licence) Street City Province Postal Code

Business Tel with area code: 250-864-9402

Business Fax with area code:

Business e-mail: sean@levelclub.ca

Business Mailing address: \_\_\_\_\_  
(if different from above) Street City Province Postal Code

Contact Name: WILSON, Sean

Title/Position: Owner

last / first / middle

## Type of Change Requested

Sub- Job Number  
Office Use ONLY

Please check ☒ appropriate box(es) below:

Part 1	<input checked="" type="checkbox"/> Addition of a New Outdoor Patio	Outdoor Patio (C3-LIC) _____
Part 2	<input checked="" type="checkbox"/> Alteration/Renovation	Structural - capacity change (C3-LIC) _____
	<input type="checkbox"/> Removal of an existing licensed area	Structural - no capacity change (C4-LIC) _____
	<input type="checkbox"/> Other	

## Application Contact Information

This applicant authorizes the person below to be the primary contact for the duration of the application process only.

Name: Rising Tide Consultants

Phone number: 604-669-2928

Fax number: 604-669-2920

E-mail address: risingtide@shawcable.com

### PART 1: Addition of New Outdoor Patio

Fee: \$440 C3 - LIC

#### Provide the following information:

1. Attach one 11" x 17" copy of the proposed patio floor plan that shows furniture layout, entrance, exits, and abutting areas that may be licensed and/or unlicensed areas.

The branch requires an occupant load (patrons plus staff) for the proposed patio area(s) which must be marked/stamped and dated ON the plan you submit. Do not submit this application if you do not have the occupant load calculation stamped on your patio plans.

**Note:** The occupant load calculation is generally provided by local building or fire authorities in your area. If you are advised that local building or fire authorities do not have jurisdiction or opt out of providing this calculation, provide written confirmation from that authority. You may then take your plan to an alternate qualified architect or design professional who will authorize the calculation.

2. What is the occupant load calculation for the new patio(s)?

Patio #1: 55

Patio #2:

Patio #3:

3. If the patio(s) is already constructed, attach a photo

4. Provide the height and composition of the patio perimeter or bounding that is designed to control patron entry/exit (i.e., railings, fencing, planters, hedging, etc.):

Chain link fence at th end of the patio at the exist with the balance surrounded by brick walls of the Level Night Club building and the adjoining building.

5. Describe the location of the patio in relationship to the licensed interior. The patio should be immediately adjacent or contiguous to the interior licensed area so that it does not appear to be a standalone patio.

Please Note: The patio capacity of 55 will be derived from the inside capacity. The patio is directly adjacent to the existing licensed interior area and is connected via a double door and a staircase from it's second level licensed area.

6. Describe how patrons will access the patio.

Patrons will access the patio from inside the establishment or from coming down the staircase to the ground floor or from the double gate at the end of the patio.

7. Will servers have to carry liquor through any unlicensed areas to get to the patio? ☒ No ☐ Yes If yes, please explain:

8. Describe how staff will manage and control the patio from the interior licensed area.

The patio will be controlled by way of security door staff at the entrance to patio and by several staff patrolling the area.

9. Is the patio located on: (a) grass, (b) earth, (c) gravel, (d) finished flooring, (e) cement sidewalk or (f) other (please specify below). If located on grass, earth or gravel, please make sure that you have local health authority approval.

The patio is located on a cement floor

10. Will the patio have a fixed or portable liquor service bar? ☐ Yes ☒ No

11. If "No", will liquor be served from the interior service bar? ☐ Yes ☐ No

from time to time may have a portable bar

**Note:** A resolution from your local government or First Nation commenting on the application is required. Please see Parts 3 and 4 for an explanation of what the local government or First Nation is required to consider.



## PART 2: Structural Changes (Excluding construction of new patios)

Fee: \$440

C3 - Cap Ch.

C4 - No Cap Ch.

Provide the following information:

1. Describe in full detail the reason for this application and what the changes are that you want considered.

The applicant is also applying to increase the capacity of the establishment from the current total of 464 to 522 including staff and the patio.

Please note: The patio capacity will be derived from the interior capacity.

2. Attach one 11" x 17" updated floor plan of the establishment which shows the changes proposed and has the determined occupant load calculations stamped on the plan. The floor plan is a view of the establishment as seen if you were to remove the roof or ceiling.

Floor plans must:

- Show acceptable levels of detail
- Show the dimensions of rooms and provide labels for each room as well as identify unlicensed areas, partial height walls, full height walls, planters, doors and windows, stairs showing direction of travel and all entrances and exits, washrooms, kitchens, bar, patio(s), and furniture layout must be marked on the plan you submit

**Note:** The occupant load calculation is generally provided by local building or fire authorities in your area. If you are advised that local building or fire authorities do not have jurisdiction or opt out of providing this calculation, provide written confirmation from that authority. You may then take your plan to an alternate qualified architect or design professional who will authorize the calculation. Do not submit this application if you do not have updated floor plans with updated current occupant load.

3. Current total of all licensed areas (as shown on the liquor licence): 464

4. By making these alterations, the total occupant load will:

☐ Decrease to: (patrons plus staff)

☐ Stay the same: (patrons plus staff)

☒ Increase to: 522 persons (patrons plus staff)

If there is an increase, a resolution from your local government or First Nation commenting on the application is required. Please see Parts 3 and 4 for an explanation of what the local government or First Nation is required to consider.

## PART 3: Local Government/First Nation Resolutions: Information for the Applicant

A resolution from your local government or First Nation commenting on the application is required for the following change types:

- Part 1: Addition of a new patio
- Part 2: Any alteration/addition, when the proposed change increases the occupant load calculation.

### Licensee responsibilities:

1. Fill out applicable sections of this form.
2. Attach floor plan showing the proposed changes and stamped with an updated and current occupant load calculation.
3. Take your completed application, updated floor plan with updated occupancy load calculation to your local government/First Nation office. They will photocopy all of the documents and complete Part 4.
4. Request that a resolution be provided within 90 days and sent via email or post directly to the Liquor Control and Licensing Branch, Victoria.
5. Send the completed original form, floor plan and application fees to the branch.
6. The Liquor Control and Licensing Branch will follow up with the local government/First Nation if a resolution has not been received by the Branch within 90 days of the local government's receipt of your request.

Your local government/First Nation may decide that it does not wish to provide comment on your change request. However, they must still provide a resolution or letter stating this decision and submit it directly to the Liquor Control and Licensing Branch.



#### PART 4: Local Government/First Nation Confirmation of Receipt of Application

This is to be filled out by your local government/First Nation office in relation to Parts 1 and 2. Applies to Liquor Primary and Liquor Primary Club licences.

Local government/First Nation (name): CITY OF KELOWNA

Name of Official: McVEY, PAUL  
(last / first / middle)

Title/Position: URBAN PLANNER

Email: pmcvey@kelowna.ca

Phone: 250-469-8582

Signature of Official: 

Date of receipt of application: 21/SEPT/2015  
(day / month / year)

This application serves as notice from the Liquor Control and Licensing Branch (LCLB) that an application for a permanent change to a liquor licence is being made within your community. LCLB requests that a resolution commenting on the application be sent to the LCLB Victoria Head Office within 90 days of the above date of receipt. If more than 90 days is required to provide a resolution, please contact the branch to make a request to the general manager for an extension. If the local government/First Nation decides not to provide comment, a resolution or letter indicating this decision must be provided to the branch.

All of the items outlined below in points (a) through (d) must be addressed in the resolution in order for the resolution to comply with section 53 of the Liquor Control and Licensing Regulation. Any report presented by an advisory body or sub-committee to the council or board may be referenced in and attached to the resolution.

- (a) The potential for noise if the application is approved (provide comments).
- (b) The impact on the community if the application is approved (provide comments).
- (c) If the amendment may affect nearby residents, the local government or first nation must gather the views of residents in accordance with 11.3(2)(c) of the Act.

○ If the local government or first nation gathered the views of residents, they must provide:

- (i) the views of the residents
- (ii) the method used to gather the views of the residents, and
- (iii) its comments and recommendations respecting the views of the residents.

(Residents includes residents and business owners)

○ If the views of residents were not gathered, provide reasons.

- (d) Its recommendation with respect to whether the amendment should be approved.

For more information on resolutions regarding B.C. liquor licences, please visit the LCLB website publication index to consult the guide *Role of Local Government and First Nation* at <http://www.pssg.gov.bc.ca/lclb> under "Publications, Legislation & Resources".

#### PART 5: Declaration of Signing Authority Including Valid Interest

My signature, as Applicant, indicates that, with respect to the establishment:

- I am the owner of the business to be carried on at the establishment or the portion of the establishment to be licensed.
- I am the owner or lessee of the establishment or portion of the establishment to be licensed. If I have an option/offer to lease the establishment, or portion of the establishment to be licensed, prior to a licence being issued, I will obtain a completed lease that will not expire for a minimum of 12 months after the date the licence is issued.
- I understand that the general manager has the right to request the following documentation supporting valid interest at any time and I agree to provide the requested documentation in a timely manner upon request:
  - If the applicant owns the property, a Certificate of Title in the applicant's name.
  - If the applicant is renting or leasing, a fully executed lease or assignment/offer of lease which does not expire for at least 12 months from the date the licence is issued. An offer for rent/lease must show rent paid, have a term and an expiry date and be signed by both the applicant and the property owner.
  - If the applicant is buying the land and the building(s), a copy of the offer or option to purchase the property and building(s). An offer must show price paid, have a term and expiry date, and be signed by both the applicant and the property owner.
- I understand that loss of valid interest at any time while holding a licence is reason for the general manager to consider cancelling the licence.
- I understand that I must advise the branch immediately if at any time the potential exists to lose valid interest either during the licensing process or once a licence has been issued.
- I understand that the name(s) on documentation demonstrating valid interest must be identical to the applicant name(s).
- As the licensee, I will be accountable for the overall operation, for all activities within the establishment and will not allow another person to use the licence without having first obtained a written approval from the general manager.
- I understand that a licence can only be renewed if I am the owner of the business carried on at the licensed establishment and I am the owner or lessee of the licensed portion of the establishment.

**I solemnly declare that the statements in this declaration are true.**

(Signature of any shareholder of a private corporation, signing officer of a public corporation or society, sole proprietor or all individuals in a partnership is required below):

**Note:** An agent, lawyer, resident manager or third party operator may not sign the declaration on behalf of the applicant.

LL15-0013

Name of Official: WILSON, Sean

Position: Licensee

Date: 01/09/2015  
(Day/Month/Year)

Signature: 

Name of Official:

(last / first / middle)

Position:

Date:

(Day/Month/Year)

Signature:

Name of Official:

(last / first / middle)

Position:

Date:

(Day/Month/Year)

Signature:

Name of Official:

(last / first / middle)

Position:

Date:

(Day/Month/Year)

Signature:

Section 15(2) of the Liquor Control and Licensing Act states: "A person applying for the issue, renewal, transfer, or amendment of a licence who fails to disclose a material fact required by the form of application or makes a false or misleading statement in the form of application commits an offence".

**False declaration of valid interest is reason for the general manager to consider terminating the licence application and/or cancelling the licence.**

## PART 6: Application Fees - Payment Options

TOTAL FEE Submitted: \$ 880

In accordance with Payment Card Industry Standards, the branch is no longer able to accept credit card information via email.

Payment is by (check (X) one):

☐ Cheque, payable to Minister of Finance (if cheque is returned as non-sufficient funds, a \$30 fee will be charged)

☐ Money order, payable to Minister of Finance

☒ Credit card: ☒ VISA ☐ MasterCard ☐ AMEX

☐ I am submitting my application by email and I will call with my credit card information. I will call Victoria Head Office at 250-952-5787 or 1-866-209-2111 and understand that no action can proceed with my application until the application fee is paid in full.

☒ I am submitting my application by mail and have given my credit information in the space provided at the bottom of the page.

**Note: To ensure legibility, do not submit by fax.**

## Contact Information

Liquor Control and Licensing Branch

Location: 4th Floor, 3350 Douglas St., Victoria BC V8Z 3L1

For Mail Only: PO Box 9292 Stn Prov Govt Victoria, BC V8W 9J8

Phone: 250 952-5787 Web: www.pssg.gov.bc.ca/lclb E-mail: liquor.licensing@gov.bc.ca

Freedom of Information and Privacy Act - The information requested on this form is collected for the purpose of obtaining or making changes to a liquor licence application. All personal information is collected under the authority of Section 15 of the Liquor Control and Licensing Act (RSBC 1996, c.267). Questions should be directed to: Liquor Control and Licensing Branch, Freedom of Information Officer, PO Box 9292 STN PROV GOVT, Victoria, BC V8W 9J8. Ph: In Victoria, 250 952-5787 Outside Victoria, 1 866 209-2111. Fax: 250 952-7066

LCLB012a

5 of 5

Application for Structural Change

Credit Card Information (To be submitted by fax or mail only)

Name of cardholder (as it appears on card): Sean Wilson

Credit card number: 4514 0116 0418 7920

Expiry date: 3 / 18  
(Month) (Year)

Signature: \_\_\_\_\_

**COMMUNITY IMPACT STATEMENT**

**FOR: APPLICATION FOR A CHANGE OF HOURS TO THE  
LIQUOR PRIMARY LICENSE**

**AT: LEVEL  
275 LEON AVENUE,  
KELOWNA, B.C. V1Y 6J1**

**APPLICANT: 0749038 B.C. LTD.**

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**COMMUNITY IMPACT STATEMENT**

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**Submitted to:**

**City of Kelowna  
1435 Water Street  
Kelowna, B.C.  
V1Y 1J4**

**Submitted by:**

**Rising Tide Consultants Ltd.  
1620-1130 West Pender Street  
Vancouver, BC V6E 4A4**

**Phone: (604) 669-2928  
Fax: (604) 669-2920**



**COMMUNITY IMPACT STATEMENT**

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**APPLICANT: 0749038 B.C. LTD.**

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**COMMUNITY IMPACT STATEMENT**

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This Community Impact Statement is provided in support of the application submitted to the City of Kelowna and the Liquor Control & Licensing Branch by 0749038 B.C. Ltd for an extension of the hours of liquor service to an earlier hour of liquor service from 7 pm to 2 am to 11 am to 2 am for the liquor primary license at Level, 275 Leon Avenue, Kelowna, B.C. V1Y 6J1.

The applicant is seeking an earlier commencement of liquor service of 11 am to better serve the community as a venue for corporate events, fundraising events, fashion shows, product launches which are conducted at an earlier hour than the current 7 pm commencement of liquor service. These events would also like to take advantage of the superior sound system at Level.

The Applicant would also like to be able to compete with other liquor primary licensed establishments in the area that currently host these events.

**BENEFITS TO THE COMMUNITY**

The applicant's extension of hours will benefit the community in the following ways:

- Employment opportunities for residents of the area;



- Provide a source of additional tax revenue for the city, the provincial and federal governments;
- Further diversify this hospitality venue for the residents, business people and tourists in Kelowna;
- Provides additional licensed hours for community events, fundraisers and special events;
- Involvement in community sponsorships and activities;
- Compliments other nearby businesses in the area
- Provides extended hours of employment for local musicians to perform and therefore supports local artists.

### **HOSPITALITY/TOURISM DEVELOPMENT FACTORS**

Level will contribute to the hospitality/tourism development in the city by having extended hours for liquor service for this establishment. These extended hours of liquor service will provide greater flexibility for this venue for patrons to attend whether for a corporate or special event, night club or lounge experience.

### **TRAFFIC IN THE VICINITY**

The establishment will not impact negatively on traffic. The primary purpose of Level is to cater to persons who can easily walk and drive to the establishment from nearby residences and businesses. Therefore, there will be no impact on the traffic in the vicinity. This location is also well serviced by main roads and public transportation.

### **NOISE IN THE COMMUNITY**

As Level is long established in the area, it is not a venue that will create any more noise in the community. This establishment is a quintessential liquor primary licensed night club with the added advantage of longer liquor service hours to facilitate an event venue environment for various events as well as being a night club venue. Noise is not anticipated to be a problem. The applicant will comply with the City of Kelowna noise by-law.

### **PARKING**

There are many parking spots located near the proposed establishment to accommodate the patrons in this establishment in the extended hours of liquor service. There is street meter parking available nearby.

Most of the patrons of Level will walk and drive from nearby businesses and residential areas. Therefore, parking should not be a factor because of the ease of access via public transportation and the available timed and meter parking in the surrounding areas.

### **OTHER FACTORS**

The applicant also submits the following additional factors for consideration:

- This venue will not be operated as a pub or neighbourhood house. It will operate as a night club and a venue for various events.
- Extending liquor service hours at this establishment will give this establishment greater flexibility to hold different events for the community in Kelowna.
- This is a long established night club in Kelowna.
- The applicant has a favourable record with the Liquor Branch, the City of Kelowna and the RCMP.

Mr. Sean Wilson of 0749038 B.C. Ltd, the applicant and owner of the establishment does not envisage any adverse impacts on the community with this extension of liquor service hours to an earlier commencement of 11 am. Indeed, it will have very positive impacts and benefits as mentioned above.

All of which is respectfully submitted this 2<sup>nd</sup> day of September, 2015.

Rising Tide Consultants Ltd.  
1620-1130 West Pender Street  
Vancouver BC V6E 4A4



# Application for a Permanent Change to a Liquor Licence

## All Licence Types

Liquor Control and Licensing Form LCLB005b

### FILLING OUT THIS FORM:

Complete all applicable fields then submit with payment as outlined in Part 10 of this application form.

- If you have any questions about this application, call Liquor Control and Licensing Branch (LCLB) toll-free at: 1 866 209-2111.
- LCLB forms and supporting materials referred to in this document can be found at: [www.pssg.gov.bc.ca/lclb](http://www.pssg.gov.bc.ca/lclb)

### Application Contact Information

The applicant authorizes the person below to be the primary contact for the duration of the application process only.

Name: Rising Tide Consultants

Phone number: 604-669-2928

Fax number: 604-669-2920

E-mail address: [risingtide@shawcable.com](mailto:risingtide@shawcable.com)

### Licensee Information

Licensee name [as shown on licence]: 0749038 B.C. Ltd

Establishment name [as shown on licence]: Level

Establishment

Location address: 275 Leon Avenue

Kelowna

B.C.

V1Y 6J1

(as shown on licence):

Street

City

Province

Postal Code

Mailing address: As above

(All correspondence will go to this address)

Street

City

Province

Postal Code

Business Tel with area code: 250-864-9402

Business Fax with area code:

Business e-mail: [sean@levelclub.ca](mailto:sean@levelclub.ca)

Contact Name: WILSON, Sean

Title/Position: Owner

last / first / middle

### Type of Change Requested

Please check (✓) appropriate box(es) below and provide licence numbers affected for each requested change. You may complete more than one change section on this form. An incomplete application will be held for a maximum of thirty (30) days. If still incomplete after the thirty (30) day period, the application may be terminated. See Part 13 for the approval process for the change you have requested.

Type of change requested	Licence numbers affected MANDATORY	Job Number Office Use ONLY
<input type="checkbox"/> 1. Establishment/business or licence name change (p.2)		(C2-LIC) (sub)
<input type="checkbox"/> 2. Food-primary entertainment endorsement (p.2)		(C2-LIC) (sub)
<input type="checkbox"/> 3. Request for change in terms and conditions (p.2)		(C3-LIC) (sub)
<input type="checkbox"/> 4. Live theatres requesting liquor service (p. 2)		(C3-LIC) (sub)
<input type="checkbox"/> 5. Request for tied house restrictions exemption (p. 3)		(C3-LIC) (sub)
<input checked="" type="checkbox"/> 6. Change to hours of sale (p.3)	017187	(C3-LIC) (sub)
<input type="checkbox"/> 7. Catering endorsement (p.4)		(C3-LIC) (sub)
<input type="checkbox"/> 8. Temporary off-site sale endorsement (p.4)		(C2-LIC) (sub)

### Applying for other permanent changes to your licence?

- To apply for alterations or additions to a licensed establishment (structural changes), use an *Application for a Structural Change*. For Liquor Primary and Liquor Primary Club, use form LCLB012a; for Food Primary, use LCLB012b; for Manufacturer and Winery Endorsements, use LCLB013; for Wine Store and Licensee Retail Store, use LCLB012c.
- To apply to have a third party management firm or lessee operate your licensed establishment, use the *Application to Add or Change a Licensee's Third Party Operator* (LCLB026) or to apply for a resident manager to operate your establishment, use the *Application to Add or Change a Licensee's Resident Manager* (LCLB025).
- To apply for a change to the shareholders, directors, licensee name or to add a receiver or executor, use the *Application for a Permanent Change to a Licensee* (LCLB005a).



**PART 5. Request for Exemption from Tied House Restrictions (Manufacturers only)****C3 - LIC**Fee: \$220 per affected licence x  licences = \$  
(where you are adding or removing an exemption)

Small and medium manufacturers may apply to have a tied house association with up to 3 licensed establishments (LP, LRS, FP, Catering) that are not located on the same site as the manufacturer and where the manufacturer's products may be sold.

Attach a signed letter for each manufacturing licence that you are applying for above, stating the following:

- ☐ Identify the manufacturer (by licence name and licence number) applying for the exemption. If the manufacturer is not yet licensed, provide the proposed licence name, location address and the job number assigned to your file.
- ☐ Identify the liquor licences (by name and number) that you wish to have exempted from the tied house restrictions (maximum you can ever apply for is three) as well as any licence where you want the exemption removed
- ☐ Disclose the manufacturer's production amount (minus spillage) for the previous year.

For more information on requests for exemption, see Policy Directive 13-03.

Also complete Parts 9 and 10

**PART 6. Change to Hours of Sale****C3 - LIC**

(Liquor Primary, Liquor Primary Club, Food Primary & Manufacturer endorsements)

Pursuant to Section 12(3) of the Liquor Control and Licensing Act, the general manager may limit the days and hours that an establishment is permitted to be open for the sale of liquor.

Hours of liquor sales for Food Primary establishments must meet with the dining habits of the clientele expected. Liquor must not be served unless the establishment is open for the service of a varied selection of menu items.

Licensees may apply to revise hours of sale, subject to any restrictions within the *Liquor Control and Licensing Act*, Regulations, branch policies and/or original terms and conditions of licensing. In some instances, the general manager of the Liquor Control and Licensing Branch may require the licensee to post public notices before a decision to alter licence hours is considered.

Check (☒) the appropriate change, and provide the requested information and documents:

**A) Food Primary**

- ☐ (i) Request to change hours of liquor sales before midnight Fee: \$220 per licence x  licences = \$
  - complete proposed hours of sale table below
- ☐ (ii) Request to extend hours of liquor sales later than midnight Fee: \$330 per licence x  licences = \$
  - complete proposed hours of liquor sale table below, and
  - request a local government/First Nation resolution commenting on the application (local government must complete Part 12 of this form; for further information on local government/First Nations resolutions, read Part 11).

Note: if you have patron participation entertainment, it must end by midnight

**B) Liquor-Primary, Liquor-Primary Club, Manufacturer Special Event Area or Manufacturer Lounge**

- ☐ (i) Request to change the hours of liquor sales within the hours currently approved:
  - complete proposed hours of sale table below Fee: \$220 per licence x  licences = \$
- ☒ (ii) Request to change the hours of liquor sales outside the hours currently approved:
  - complete proposed hours of liquor sale table below, and Fee: \$330 per licence x  licences = \$330.00
  - request a local government/First Nation resolution commenting on the application (local government must complete Part 12 of this form; for further information on local government/First Nation resolutions, read Part 11).

Complete the table below, indicating proposed hours of liquor sales:

**Current Hours of Liquor Sale:**

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
OPEN	<input type="text"/> 7 pm	<input type="text"/> 7 pm	<input type="text"/> 7 pm	<input type="text"/> 7 pm	<input type="text"/> 7 pm	<input type="text"/> 7 pm	<input type="text"/> 7 pm
CLOSED	<input type="text"/> 2 am	<input type="text"/> 2 am	<input type="text"/> 2 am	<input type="text"/> 2 am	<input type="text"/> 2 am	<input type="text"/> 2 am	<input type="text"/> 2 am

**Proposed Hours of Liquor Sale:**

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
OPEN	<input type="text"/> 11 am	<input type="text"/> 11 am	<input type="text"/> 11 am	<input type="text"/> 11 am	<input type="text"/> 11 am	<input type="text"/> 11 am	<input type="text"/> 11 am
CLOSED	<input type="text"/> 2 am	<input type="text"/> 2 am	<input type="text"/> 2 am	<input type="text"/> 2 am	<input type="text"/> 2 am	<input type="text"/> 2 am	<input type="text"/> 2 am

**NOTE – When relocating a Food-Primary establishment:** An endorsement for hours of liquor service after midnight cannot transfer location without local government/First Nations comment and LCLB approval. Use this form to reapply for the endorsement but do not pay the application fee(s).

Are you submitting an application to transfer the location of a Food Primary licence with this application? ☐ Yes ☒ No

Also complete Parts 9 and 10



**PART 1: Establishment or Business Name Change and/or Licence Name Change** C2 - LIC

To be completed when the licensee wishes to change the name of an establishment or business and/or licence.

Note: If a name change results in a change in exterior signs, the signs are subject to branch approval.

Fee: \$220 per licence x  licences = \$

Establishment or business name change:

Current establishment or business name as shown on licence:

Proposed name:

Licence name changes:

Licence #:  Current licence name:

Proposed licence name:

Licence #:  Current licence name:

Proposed licence name:

Attach the following:

☐ Sketch or picture of the proposed establishment or business signage.

Also complete Parts 9 and 10

**PART 2. Entertainment Endorsement** (Food Primary licenses only)C2 - LIC

According to the type of entertainment being applied for, complete either (A) or (B) below and attach required documents:

A) Patron non-participation entertainment endorsement (e.g., musicians)

Note: Patron non-participation entertainment must end by 1:00 a.m. Fee: \$220 per licence x  licences = \$

☐ Submit a letter of intent describing, in detail, the form of patron non-participation entertainment proposed and where it will take place in your restaurant.

B) Patron participation entertainment endorsement (e.g., dance floor):

Note: Patron participation entertainment must end by midnight. Fee: \$330 per licence x  licences = \$

☐ Submit a letter of intent describing, in detail, the form of patron participation entertainment proposed and where it will take place in your restaurant.

☐ Request a local government/First Nation resolution commenting on the application (local government must complete Part 12 of this form. For further information on local government resolutions, read Part 11).

There are restrictions related to forms of entertainment, sound systems, etc. If you are uncertain about any of the details of your proposal, consult with licensing staff at LCLB in Victoria (see contact information on page 5 of this form).

NOTE – When relocating a Food-Primary establishment: An endorsement for patron participation entertainment cannot transfer location without local government/First Nations comment and LCLB approval. This is required because the local government/First Nation must be provided an opportunity to reconsider the impact of the endorsement on the community given the establishment's new location. Use this form to reapply for the endorsement but do not pay the application fee(s).

Are you submitting an application to transfer the location of a Food Primary licence with this application? ☐ Yes ☐ No

Also complete Parts 9 and 10

**PART 3. Request of Change in Terms and Conditions**C3 - LIC

This section may be used for requests to change the terms and conditions on a liquor licence including requests to the general manager for an exercise of discretion. Depending on the nature of the licence change requested, local government and public input may be required.

Fee: \$220 per licence x  licences = \$

Attach:

☐ A letter of intent describing, in detail, the proposed change to your licence and compelling reasons for your request. To request discretion, provide a written submission detailing why a request for discretion should be approved. All documentation to support your request for discretion must be submitted together in one package; the branch will not consider additional materials submitted after a completed application is received. If a staff report is prepared in regards to your request, you will be provided with a copy and will have two weeks to provide any comment before the request for discretion is considered by the General Manager. For more information on requests for discretion, see section 4.1.2 of the Licensing Policy Manual (<http://www.pssg.gov.bc.ca/lclb/docs-forms/lclb207-policy-licensing.pdf>)

Also complete Parts 9 and 10

**PART 4. Live theatres requesting liquor service in conjunction with films/broadcasts**C3 - LIC Fee: \$330

Licensed live event theatres may apply for permission to serve liquor in conjunction with films and broadcasts. Please provide a written proposal detailing your request.

See Policy Directive 12-02 for the conditions that apply to liquor service at live theatres during films and broadcasts.

LCLB will forward your application to your local government/first nation for comment. Consideration will also be given to the compliance history of the establishment.

Also complete Parts 9 and 10

## PART 7. Request for Catering Endorsement (Food Primary and Liquor Primary licences only)

Food primary and liquor primary licensees (excluding liquor primary club licensees) may apply for a catering endorsement if they wish to be licensed to transport and sell liquor at catered events where they have been hired to provide food service. The catered events must be hosted by other people and must take place outside the 'red-lined area' (the area where liquor is sold, served and consumed) and generally away from the establishment. The caterer must be present for the duration of a catered event. Licences with a catering endorsement are subject to an annual licensing fee of \$100 in addition to the annual renewal fees.

Fee: \$330 per licence x  licences = \$

To qualify for an endorsement the applicant must demonstrate at the time of inspection:

- Catering service is focused on the preparation and serving of food.
- The applicant has the personnel and infrastructure necessary to prepare and serve food at events hosted by others. This includes a requirement to have a full commercial kitchen at the applicant's existing licensed establishment.

**NOTE:** If a licence is approved with a catering endorsement, the licensee must notify LCLB of all catered events (except in private residences) using OneStop ([www.bcbusinessregistry.ca](http://www.bcbusinessregistry.ca)). Some events may require approval from LCLB before the catered event can take place. Further information about how to notify LCLB will be provided by your local liquor inspector when they complete their final inspection.

LCLB will review your application and if approved you will be required to arrange a final inspection. If the liquor inspector is not satisfied with your kitchen equipment, food selection, advertising and staffing, you may be required to make changes and schedule a second (2<sup>nd</sup>) inspection to confirm you meet the requirements of a catering endorsement. A fee of \$200 will be charged if a second (2<sup>nd</sup>) inspection is required.

*Also complete Parts 9 and 10*

## PART 8. Temporary Off-Site Sale Endorsement (Licensee Retail Store & Wine Store licences only)

Licensee retail store (LRS) licensees and wine store (WS) licensees may apply for a temporary off-site sale endorsement to permit the sale of packaged liquor in conjunction with a Special Occasion Licensed (SOL) event that has a focus on food and/or beverage tasting (e.g., a wine festival).

A temporary off-site store can only operate during the festival days and hours but liquor sales cannot take place before 9am or after 11pm. The LRS or WS licensee must have an agreement with the SOL licensee and confirm with the SOL licensee that Local Government /First Nations permits the sale of packaged liquor products for off site consumption at the SOL event. Wine store licensees can only sell the range of products permitted by their store licence.

**No Fee**

**NOTE:** If a licence is approved with a temporary off-site sale endorsement, the licensee must notify LCLB for each temporary off-site store they will be operating by submitting a complete Temporary Off-site Sale Authorization form (LCLB 091) by fax or email 14 calendar days prior to the SOL event. A copy of LCLB 091 form can be found on our website at <http://www.pssg.gov.bc.ca/lclb/docs-forms/LCLB091.pdf>. An event specific authorization will be issued.

*Also complete Parts 9 and 10*



## PART 9: Declaration

My signature (the licensee's) below indicates that I understand and acknowledge:

All of the information given is true and complete to the best of my knowledge. Section 15(2) of the *Liquor Control and Licensing Act* states, "A person applying for the issue, renewal, transfer or amendment of a licence who fails to disclose a material fact required by the form of application or makes a false or misleading statement in the form of application, commits an offence".

Signature of any shareholder of a private corporation, signing officer of a public corporation or society, sole proprietor or all individuals in a partnership is required below:

Note: An agent, lawyer, resident manager or third party operator may not sign the declaration on behalf of the applicant.

Name of Official: WILSON, Sean

(last / first / middle)

Position: Licensee

Date: 01/09/2015  
(Day/Month/Year)

Signature: 

Name of Official:

(last / first / middle)

Position:

Date:

(Day/Month/Year)

Signature:

Name of Official:

(last / first / middle)

Position:

Date:

(Day/Month/Year)

Signature:

Name of Official:

(last / first / middle)

Position:

Date:

(Day/Month/Year)

Signature:

## PART 10: Application Fees

TOTAL FEE Submitted: \$ 330

In accordance with Payment Card Industry Standards, the branch is no longer able to accept credit card information via email.

Payment is by (check (X) one):

☐ Cheque, payable to Minister of Finance (if cheque is returned as non-sufficient funds, a \$30 fee will be charged)

☐ Money order, payable to Minister of Finance

☒ Credit card: ☒ VISA ☐ MasterCard ☐ AMEX

☐ I am submitting my application by email and I will call with my credit card information. I will call Victoria Head Office at 250-952-5787 or 1-866-209-2111 and understand that no action can proceed with my application until the application fee is paid in full.

☐ I am submitting my application by fax or mail and have given my credit information in the space provided at the bottom of the page.

### Liquor Control and Licensing Branch

Location: 4th Floor, 3350 Douglas St., Victoria BC V8Z 3L1

For Mail Only: PO Box 9292 Stn Prov Govt Victoria, BC V8W 9J8

Phone: 250 952-5787 Fax: 250 952-7066 Web: www.pssg.gov.bc.ca/lclb E-mail: liquor.licensing@gov.bc.ca

LCLB005b

5 of 7

Application for Permanent Change to Liquor Licence

Credit Card Information (To be submitted by fax or mail only)

Name of cardholder (as it appears on card):

Credit card number:

Expiry date:

(Month)

(Year)

Signature:

## PART 11: Local Government/First Nation Resolutions: (Information for the Applicant)

For the following changes a resolution from your local government or First Nation, commenting on the application is required:

- Part 2(B): Food-primary patron participation entertainment endorsement, and
- Parts 5(A)(ii) and 6(B)(ii): Change to hours of sale

### Licensee responsibilities:

- Fill out appropriate change application sections in this form.
- Request your local government/First Nation to sign and date Part 12 of this form.
- Provide a photocopy of this form to the local government/First Nation and request that a resolution be provided within 90 days and sent directly to the Liquor Control and Licensing Branch, Victoria Head Office.
- Send the original form and application fees to the branch.
- The Liquor Control and Licensing Branch will follow up with the local government/First Nation if a resolution has not been received by the Branch within 90 days of the local government's receipt of your request.

Your local government/First Nation may decide that it does not wish to provide comment on your change request. However, they must still provide a resolution stating this decision and this resolution must be submitted to the Liquor Control and Licensing Branch.

For more information on resolutions regarding B.C. liquor licences, please visit the LCLB website publication index to consult the guide *Role of Local Government and First Nation* at <http://www.pssg.gov.bc.ca/lclb>.

## PART 12: Local Government/First Nation Confirmation of Receipt of Application

This application serves as notice from the Liquor Control and Licensing Branch (LCLB) that an application for one or more of the following changes to a liquor licence has been made within your community:

- Hours of liquor service past midnight for a food primary licence.
- Change to hours of liquor service for a liquor primary, liquor primary club, winery lounge or winery special event endorsement
- Addition of patron participation entertainment endorsement for a food primary licence.

Local government/First Nation (name): CITY OF KELOWNA

Name of Official: McVEY, PAUL Title/Position: URBAN PLANNER  
(last / first / middle)

Date of receipt of application: 21 / SEPTEMBER / 2015 Phone Number: 250-463-8582  
(Day/Month/Year)

Signature of Official: [Signature]

The Liquor Control and Licensing Branch (LCLB) requests that a resolution commenting on the application be sent to the LCLB Victoria Head Office within 90 days of the above date of receipt.

To comply with section 53 of the Liquor Control and Licensing Regulation, this resolution must:

- Comment on the following regulatory criteria:
  - the potential for noise if the application is approved;
  - the impact on the community if the application is approved; and
  - whether the amendment may result in the establishment being operated in a manner that is contrary to the primary purpose (provide comments only if the application is from a food-primary licence for an extension of hours of liquor service past midnight or the addition of patron participation entertainment).
- Indicate whether or not the views of residents were gathered, and if not, provide reasons why they were not gathered (residents include residents and business owners).
- If the views of residents were gathered explain:
  - the views of the residents;
  - the method used to gather the views of the residents; and
  - comments and recommendations with respect to the views of residents.
- Provide recommendation as to whether the amendment should be approved.

You must refer to and attach any report presented by an advisory body or sub-committee to the council or board.

If more than 90 days is required to provide a resolution, please contact the branch to make a request to the general manager for an extension. If the local government/First Nation decides not to provide comment, a resolution indicating this decision must be provided to the branch. Please be advised that if the LCLB does not receive a resolution or a request for an extension within 90 days, the general manager is authorized to review the application without a resolution and make a decision about the application.

For more information on resolutions regarding B.C. liquor licences, please visit the LCLB website publication index to consult the guide *Role of Local Government and First Nation* at <http://www.pssg.gov.bc.ca/lclb>.

LL15-0023



## PART 13: Application and Approval Process – What happens next?

For the following change requests (all C2):

- Part 1 Establishment or Licence Name Change
- Part 2 Food-Primary Entertainment Endorsement (may require local government/First Nations resolution).
- Part 8 Temporary Off-site Sale Endorsement

**The process is:**

1. Applicant will complete the appropriate section of this form and Parts 9 and 10, and attach all required documents.
2. Applicant must submit a complete application package and fee to the Liquor Control and Licensing Branch.
3. Liquor Control and Licensing Branch (LCLB) staff will review the application package for completeness and will advise the applicant of any information/documentation required before the application can be processed. If a complete application is not received within 30 days of notification, your application will be terminated and you will have to re-apply and pay the application fees.
4. LCLB staff will advise the applicant and the liquor inspector when the application is approved.

For the following change requests:

- Part 3 Change to Terms and Conditions (all C2)
- Part 4 Live theatres requesting liquor service (all C2)
- Part 5 Request for exemption from tied house restrictions (all C3)
- Part 6 Change to Hours of Sale (may require local government/First Nations resolution) (all C3)

**The process is:**

1. Applicant will complete the appropriate section of this form and Parts 9 and 10, and attach all required documents.
2. Applicant must submit a complete application package and fee to the Liquor Control and Licensing Branch.
3. Liquor Control and Licensing Branch (LCLB) staff will review the application package for completeness and will advise the applicant of any information/documentation required before the application can be processed. If a complete application is not received within 30 days of notification, your application will be terminated and you will have to re-apply and pay the application fees.
4. LCLB staff may request your local liquor inspector to provide comments regarding your application.
5. LCLB staff will advise the applicant and the liquor inspector when the application is approved.

For the following change request:

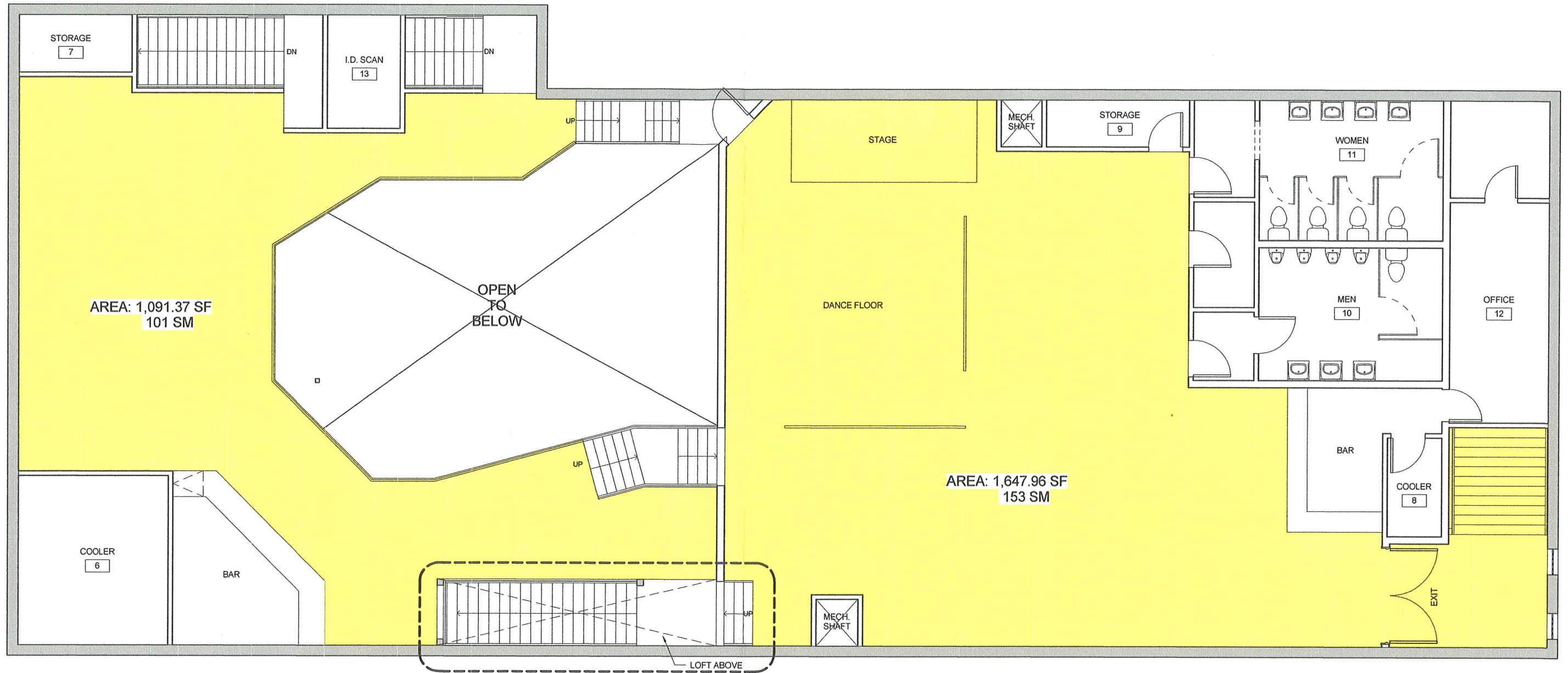
- Part 7 Catering Endorsement (all C1)

**The process is:**

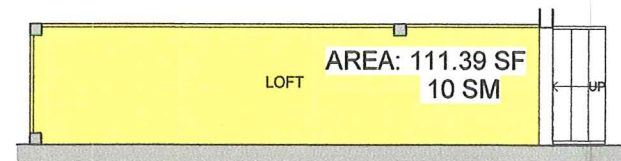
1. Applicant will complete the appropriate section of this form and Parts 9 and 10, and attach all required documents.
2. Applicant must submit a complete application package and fee to the Liquor Control and Licensing Branch.
3. Liquor Control and Licensing Branch (LCLB) staff will review the application package for completeness and will advise the applicant of any information/documentation required before the application can be processed. If a complete application is not received within 30 days of notification, your application will be terminated and you will have to re-apply and pay the application fees.
4. If the application requirements have been met, the applicant will be asked to contact the inspector for an interview/final inspection. Before contacting the inspector for the interview/final inspection, the applicant must have the inspector interview letter.  
**Note:** The applicant must contact the local area inspector to arrange for a final inspection by the date noted on the letter (30 days from the date on the letter). If the inspector is not contacted to arrange for a final inspection or for an extended time, the application will be terminated.
5. At your final inspection, the inspector will verify that your business location meets the requirements for a catering licence by reviewing the food selection, the kitchen equipment, advertising and staffing resources. If the inspector is not satisfied your business location meets the requirements of a catering licence you may be asked to make changes and schedule a second (2<sup>nd</sup>) inspection to confirm you meet the requirements of a catering licence. A fee \$200 will be charged if a second (2<sup>nd</sup>) inspection is required.
6. LCLB staff will advise the applicant and the liquor inspector when the application is approved.

**Freedom of Information and Privacy Act** - The information requested on this form is collected for the purpose of obtaining or making changes to a liquor licence. All personal information is collected under the authority of Section 15 of the Liquor Control and Licensing Act (RSBC 1996, c.267). Questions should be directed to: Liquor Control and Licensing Branch, Freedom of Information Officer, PO Box 9292 STN PROV GOVT, Victoria, BC V8W 9J8. Phone - Victoria: 250 952-5787. Outside Victoria: 1-866 209-2111. Fax: 250 952-7066





① SECOND FLOOR  
1/4" = 1'-0"



② LOFT  
1/4" = 1'-0"

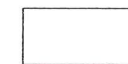
The LOFT has a net floor area of 10 m<sup>2</sup>. The maximum occupant load shall be 8 persons, based on 1.2 m<sup>2</sup>/person.

#### LEVEL NIGHTCLUB OCCUPANT LOAD

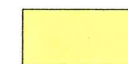
LIQUOR PRIMARY AREA- 500  
STAFF AREAS - 22  
TOTAL - 522

NOTE: EXTERIOR STAIRS NOT INCLUDED IN OCCUPANT LOAD CALCULATION

#### LIQUOR LICENSE LEGEND



STAFF AREAS  
196 sq.m. / 9.3 sq.m. per person = 22



LIQUOR PRIMARY AREA (excluding washrooms)  
600 sq.m. / 1.20 sq.m. per person = 500

The 2ND FLOOR (incl. LOFT) has a net floor area of 111.39 m<sup>2</sup>. The maximum occupant load shall be 250 persons, based on WASHROOMS (58% MALE) (145) (42% FEMALE) (105) m<sup>2</sup>/person.

**Reviewed**  
by City of Kelowna  
Inspection Services  
7. Reid  
SEPT. 31/15

## LEVEL NIGHTCLUB



201 - 75 FRONT STREET, PENTICTON, B.C. V2A 1H2  
230 BERNARD AVENUE, KELLOWNA, B.C. V1Y 0N2

TEL: 250.492.3143 FAX: 250.762.3004  
EMAIL: info@shaw.ca



SECOND FLOOR  
DRAWING TITLE

JULY 28, 2015  
DATE

As indicated  
SCALE

A302  
DRAWING NUMBER



