

# REPORT TO COUNCIL



**Date:** April 17, 2017

**RIM No.** 0930-50

**To:** City Manager

**From:** Community Planning Department (LK)

**Application:** LL18-0005

**Owner:** Viewcrest Estates Ltd.

**Address:** 1524 Water Street

**Applicant:** Plan B Barbers Inc.

**Subject:** Liquor License

Existing OCP Designation: MXR – Mixed Use (Residential/Commercial)

Existing Zone: C7 – Central Business Commercial

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## 1.0 Recommendation

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

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

1. Council recommends support of an application from Plan B. Barbers Inc. for Lot 11 Block 13 District Lot 139 ODYD Plan 462 located at 1524 Water Street, Kelowna, BC, for a Liquor Primary License with a capacity of 30 persons and hours of sales from 9:00 AM to 7:00 PM Monday to Wednesday, 9:00 AM to 9:00 PM Thursday and Friday, and 9:00 AM to 6:00 PM Saturday for the following reasons:
  - o The new liquor licensing regulations allow for barbershops, salons and other establishments to apply for a new liquor primary license;
  - o The maximum occupancy of the space is 30 persons, which will have minimal impact on the community.
2. That Council's comments on the prescribed considerations are as follows:
  - (a) The impact of noise on the community in the immediate vicinity of the establishment if the application is approved;

The potential impact for noise is minimal and would be compatible with surrounding land uses.
  - (b) The impact on the community if the application is approved:

The potential for negative impacts is considered to be minimal.

THAT Council's comments on the views of residents are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy and Procedures".

## **2.0 Purpose**

To consider a new Liquor Primary License for an existing hair salon and barber shop business.

## **3.0 Community Planning**

Community Planning Staff supports the requested Liquor Primary License for the existing Plan B Barber shop and hair salon. This will be the second establishment in Kelowna to apply for a liquor primary license since the new Provincial Liquor Licensing Regulations were amended to include various other business types such as barbershops, salons and spas.

The impact on the surrounding community will be minimal and noise is not an anticipated issue due to a combination of factors including:

- Maximum occupancy of 30 people (including staff),
- Maintaining existing hours of operation (latest closing time is 9pm),
- Central downtown location (compatible with surrounding land uses).

Council Policy No. 359 recommends supporting entertainments options, and/or establishments which are less focused on alcohol consumption to add a mix of entertainment options in Urban Centres.

## **4.0 Proposal**

### **4.1 Background**

An application has been forwarded by the licensee to the Provincial Liquor Control and Licensing Branch (LCLB) for their approval. Procedurally, these applications need Local Government comment prior to the LCLB making a final decision:

- New liquor primary licensed establishments.

### **4.2 Project Description**

Plan B. Barbershop and Hair Salon has been in operation for over 10 years in this downtown location. They have a successful business which has expanded and renovated twice during this time. The business will be the second establishment in Kelowna to apply for the Liquor Primary License as allowed under the new LCLB regulations. The Liquor Primary License category has been broadened to include a wider variety of businesses from personal service to retail stores. The subject property falls within the C7 – Central Business Commercial Zone. The proposal does not require rezoning as the business is categorized as Liquor Primary Minor (for establishments with a capacity of less than 100 persons).

Alcoholic and non-alcoholic beverages will be available to clients along with various snacks with the objective of providing a better overall experience to their clientele. Liquor service is intended as an additional service and not a primary focus within their business model. Plan B Barbers have 20 stations and 22 people currently on staff. They average about 15 staff members on shift at any given time. All staff members will be required to have the 'Serving It Right' certification.

**Proposed Hours of Sale for Plan B. Barbers Inc.:**

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	closed
Close	7:00 PM	7:00 PM	7:00 PM	9:00 PM	9:00 PM	6:00 PM	closed

Plan B Barbers Inc.:

Licensed Area	Net Floor Area	Proposed Capacity
Barber Shop/Hair Salon area	36 m <sup>2</sup>	30 persons*

\*The proposed capacity is based on preliminary floor plans, which are subject to approval by the Building & Permitting Branch and the LCLB.

The maximum occupant load is based on the BC Building Code. This is determined by the number of bathrooms provided. For this application, the maximum occupant load of the space is 30 people. As this is a relatively low occupant load, negative impacts to the community are deemed to be low in regards to noise, and safety.

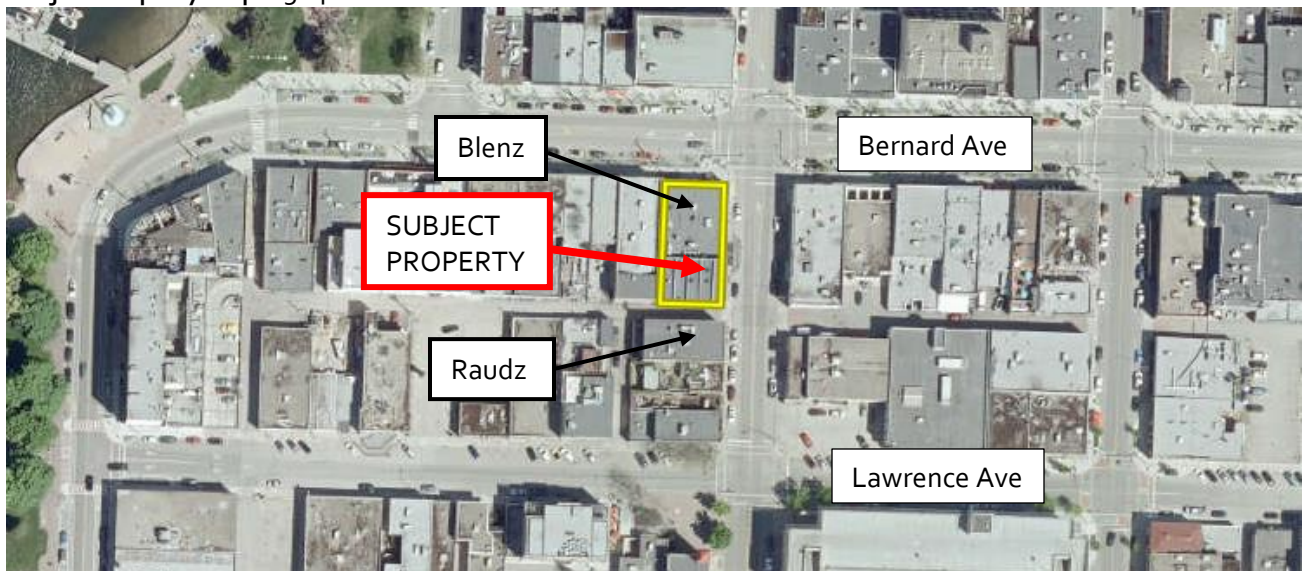
4.3 Site Context

The subject property is located in the downtown core, on Water Street between Bernard Avenue and Lawrence Avenue.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C7 – Central Business Commercial	Food Primary Establishment
East	C7 – Central Business Commercial	Offices
South	C7 – Central Business Commercial	Food Primary Establishment
West	C7 – Central Business Commercial	Retail Stores

**Subject Property Map: 1524 Water Street**



## 5.0 Current Development Policies

### 5.1 Council Policy #359 – Liquor Licensing Policy & Procedures

The following sections of Policy #359 are applicable to this application:

#### Liquor Primary Establishments

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

For the purposes of determining proximity, the shortest walking distance (door-to-door) will be applied. These distances are meant to guide staff in their recommendations for particular applications, however, a number of other factors should be considered, including (but not limited to):

- a. Pertinent input from the RCMP;
  - b. Vehicular and pedestrian traffic patterns for area and current zoning;
  - c. Availability of on-site and off-site parking; proximity of playgrounds, schools, and other social facilities;
  - d. Surrounding land-uses, and general impact on the local neighbourhood;
  - e. Correspondence received from abutting property owners;
  - f. Past licensee compliance and performance issues as may be provided by the LCLB
2. Other Policies:

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

**6.0 Technical Comments**

6.1 Building & Permitting Department

- No concerns.

6.2 Bylaw Services

- No concerns related to the hours of operation.

6.3 Fire Department

- No concerns

**7.0 Application Chronology**

Date of Application Received: January 30, 2018

**Report Prepared by:** Lydia Korolchuk, Planner

**Reviewed by:** Terry Barton, Urban Planning Manager

**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

**Attachments:**

Attachment A: Floor Plan – Occupant Load