

REPORT TO COUNCIL



Date: August 14, 2018

RIM No. 0930-50

To: City Manager

From: Community Planning Department (TA)

Application: LL18-0013 **Owner:** City of Kelowna
Worman Homes

Address: 4629-4649 Lakeshore Road **Applicant:** Mod Salon Inc & Style Bar

Subject: Liquor License Application

Existing OCP Designation: PARK – Major Park / Open Space (Public)

Existing Zone: P3 – Parks & Open Space

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 10 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Mod Salon Inc & Style Bar for a liquor primary license for Lot A, Section 25, Township 28, SDYD, Plan KAP71341, Except Plan EPP76702, located at 4629-4649 Lakeshore Road, Kelowna, BC for the following reasons:
 - New Liquor Licensing Laws allow for barbershops, salons, and other establishments to apply for a liquor primary license;
 - Council Policy No. 359 recommends supporting alternative entertainment options and/or establishments which are less focused on alcohol consumption;
 - The maximum occupancy is 29 persons which will have minimal impact on the community
2. Council's comments on LCLB's prescribed considerations are as follows:

Criteria for new liquor primary:

 - a. The location of the establishment:** The location of the establishment is suitable for a small establishment liquor primary license (not located next to any other licensed establishment);
 - b. The person capacity and hours of liquor service of the establishment:** The hours of liquor service is suitable given the low occupancy of 30 persons;

- c. **The impact of noise on the community in the immediate vicinity of the establishment:** There is minimal risk of an impact of noise on the community;
- d. **The impact on the community if the application is approved:** The overall impact on the community will be minimal;

3. 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 Liquor Primary License for a personal service establishment with an occupant load of 29 persons.

3.0 Community Planning

Community Planning supports the requested Liquor Primary License for the establishment known as Mod Salon Inc & Style Bar. This is the third establishment in Kelowna that has applied under the new Provincial Liquor Licensing Regulations that allow other types of businesses to apply for a liquor primary license including barbershops, salons, bookstores, galleries, and a variety of others. The impacts on the community will be minimal due to the context of the subject property and noise is not anticipated to be an issue due to the low maximum occupancy of 29 persons including staff. The establishment is located on the Surtees Property within a heritage building that was recently restored under a Heritage Revitalization Agreement. A new commercial building will also be developed on the site with ample parking for the businesses and park use. Council Policy No. 359 recommends supporting alternative entertainment options and establishments which are less focused on alcohol and provide a variety of other uses and services.

4.0 Proposal

4.1 Background

The subject property is known as the Surtees Property and was recently redeveloped into a commercial and heritage property under Heritage Alteration Permit HRA17-0001. Allowable uses include park, retail stores, community garden, participant recreation services, offices, and liquor primary establishment minor.

4.2 Project Description

The applicant has applied for a Liquor Primary License under the new modern Provincial Liquor Licensing Regulations that allow a wider variety of businesses to apply for a liquor primary license. The proposal does not require any rezoning as the application falls under Liquor Primary Minor (less than 100-person occupancy) which is a permitted use under HRA17-0001 (Bylaw No. 11408).

Mod Salon Inc & Style Bar is a full service salon and plans to offer a variety of dry hand snacks as well as food from the surrounding cafes.

Hours of Business for Mod Salon Inc & Style Bar:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	-	10:00 am	10:00 am	10:00 am	10:00 am	10:00 am	10:00 am
Close	-	6:00 pm	8:00 pm	8:00 pm	8:00 pm	6:00 pm	4:00 pm

Proposed Hours of Liquor Sales for Mod Salon Inc & Bar:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	-	10:00 am	10:00 am	10:00 am	10:00 am	10:00 am	10:00 am
Close	-	6:00 pm	8:00 pm	8:00 pm	8:00 pm	6:00 pm	4:00 pm

The BC Building Code regulates occupant loads based on number of bathrooms and area of each establishment, and the occupant load for this space is 29 persons. As this is a relatively low occupant load, it is anticipated that the liquor license will not have a negative impact on the community in terms of noise, activity, or safety. Further, the relatively low occupant load ensures that liquor service will remain a secondary service within the business.

The location is suitable for this type of license as there are no other licensed establishments located beside this business, and it is situated on a large public property that will feature commercial uses and park uses. It is located on Lakeshore Road, making access to taxi service and bus service possible and there is ample parking on site.

Council Policy No. 359 recommends supporting establishments which are less focused on alcohol consumption to add a mix of entertainment options. This establishment will remain primarily a hair salon and therefore is an establishment less focused on alcohol and will add to the mix of entertainment options in the Lower Mission.

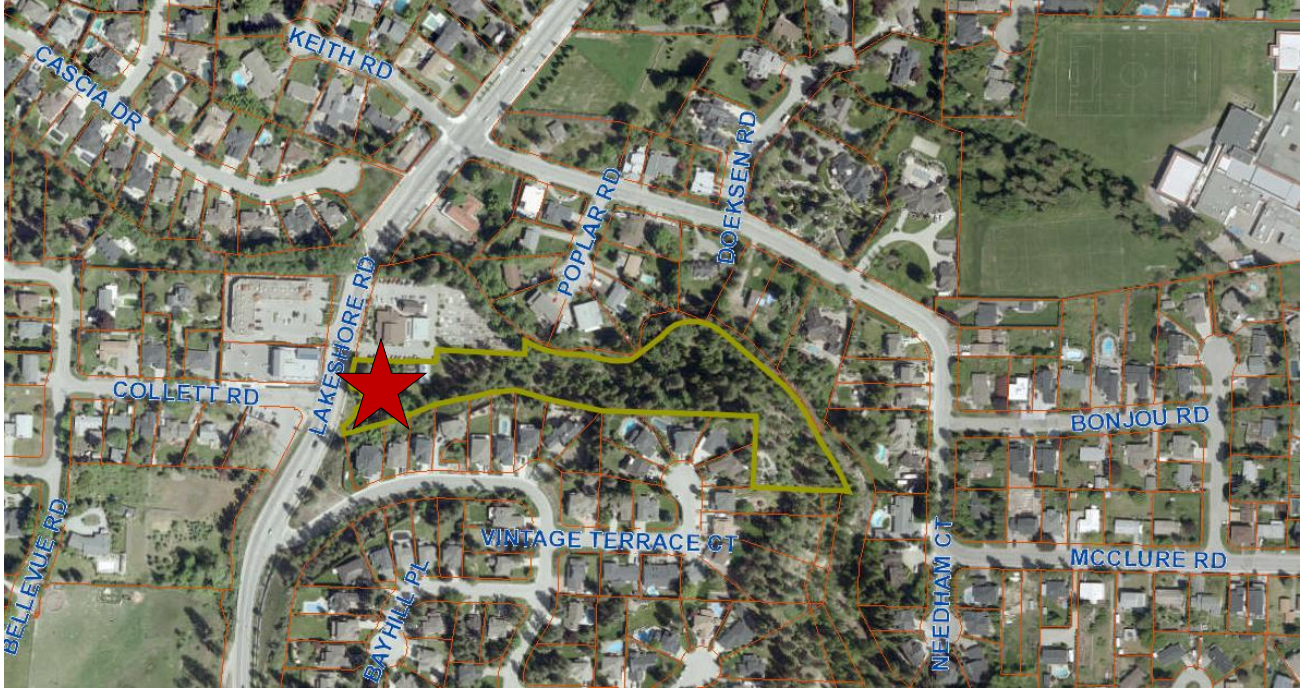
4.3 Site Context

The subject property is located in the Lower Mission near the roundabout at Collett Road and Lakeshore Road. It is known as the Surtees Property and is bordered by Bellevue Creek to the north and Single Family Residential to the south.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P2 – Educational & Minor Institutional	Religious Assembly
East	P3 – Parks & Open Space	Park
South	RU1 – Large Lot Housing	Residential
West	C2 – Neighbourhood Commercial	Commercial

Subject Property Map: 4629-4649 Lakeshore Road



5.0 Current Development Policies

Council Policy No. 359

Small establishments (with person capacity less than 100 persons) should not be located beside another liquor primary establishment.¹

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.).²

6.0 Technical Comments

6.1 Building & Permitting Department

No concerns.

6.2 Development Engineering Department

No concerns.

6.3 Bylaw Services

No open bylaw files.

¹ Council Policy No. 359 Section B.1.d.i

² Council Policy No. 359 Section B.2.a

6.4 Fire Department

No concerns.

6.5 RCMP

The RCMP requests for consideration of the Planning Department/City the establishment of a comprehensive policy to address new liquor primary and manufacturer lounge endorsement license applications. Such a policy would facilitate a consistent, guided response to applications. Input from the RCMP in the creation of the policy can be provided if so desired

7.0 Application Chronology

Date of Application Received: May 26, 2018

Date Public Consultation Completed: Not required

Report prepared by: Trisa Atwood, Planner II

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Floor Plan and Occupant Load