

REPORT TO COUNCIL



Date: May 7, 2019

RIM No. 0930-60

To: City Manager

From: Community Planning Department (WM)

Application: LL19-0003 **Owner:** 0724591 B.C. LTD., Inc. No. 0724591

Address: 1481 Water Street **Applicant:** Kyle James and Carolyn Suzanne Nixon

Subject: Liquor License Application

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

Existing Zone: C7 – Central Business Commercial

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 0724591 B.C. LTD., Inc. No. 0724591 for Lot A District Lot 139 ODYD Plan 27756 located at 1481 Water Street, Kelowna, BC, for a Liquor Primary License with a capacity of 124 persons and hours of sales from 9:00 AM to 1:00 AM Sunday to Saturday for License Number 307841.
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.
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 seek Council's support for a structural change to an existing Liquor Primary License at the subject property.

3.0 Community Planning

The application proposes to change an existing Liquor Primary License to accommodate an expansion and new restaurant/bar concept. The establishment was previously run as Imperial Barroom and Sturgeon Hall Restaurant which operated at this location for approximately the past 22 years.

The new establishment, Spoonie Gee's Glorious Emporium, will have a 70's based theme and serve a full dinner menu until 11pm with minors permitted until 10pm. It will also offer local craft beer, wine, specialty cocktails and beer choices from the previous Sturgeon Hall menu. Noise is not a concern as the building is free-standing and the existing windows do not open. There are no existing residential uses within the immediate vicinity.

The proposed licensed hours of operation will remain the same as the previous license hours of operation (9:00 am - 1:00 am) as the applicant agrees to implement the following safety measures:

- Security staff must be on duty after 8:00 pm daily at a minimum ratio of 1:50 patrols. Designated security staff must have completed a minimum of BST level training and possess a valid license while employed in the capacity of Security Staff.
- The applicant must install and operate a patron identification system, Servall Biometrics, after 9pm daily.
- The applicant must install and operate a high definition security camera which records and retains data for a period of no less than 7 days. The camera system must provide video coverage of the entire floor space and immediate area outside their establishment including all entrances and exits.

Discussion of the LCLB's regulatory criteria for Local Government comment on liquor license endorsement applications is as contained within Staff's recommendation at the beginning of this report.

Outdoor Patio

The existing outdoor patio area will maintain the existing operating hours which are consistent with the Bernard Avenue Sidewalk Program and other outdoor patio areas downtown:

- Patio hours of operation: 9:00 am – 11:00 pm
- Last Call for drinks: 10:30 pm
- Alcohol to be cleared from the patio area by 11:00 pm
- Patrons must exit patio by 12:00 am

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, all these applications need Local Government comment prior to the LCLB making a final decision:

- Structural change to liquor primary licensed establishments.

4.2 Project Description

Proposed Hours of Sale for Spoonie Gee's Glorious Emporium (Liquor Primary License # 307841):

	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	9:00 AM
Close	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM

Spoonie Gees Glorious Emporium:

Licensed Area	Net Floor Area	Proposed Capacity
Lounge Seating area	85.2 m ²	71 persons
Main floor outdoor patio area	28.8 m ²	24 persons
2 nd Floor Lounge Seating area	34.8 m ²	29 persons
Total Person Capacity	148.8 m²	124 persons*

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

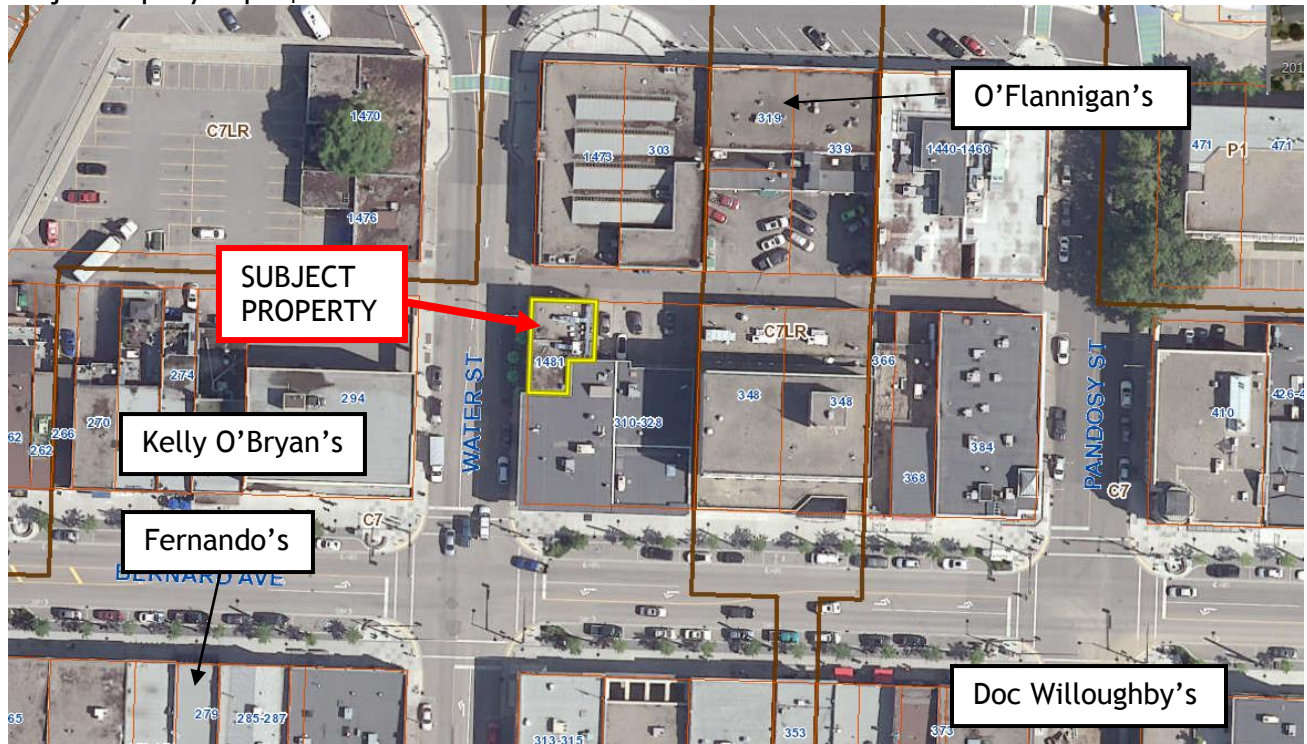
4.3 Site Context

The subject property is located downtown on Water Street between Bernard Avenue and Queensway. The adjacent businesses are BC Tree Fruits to the north and CIBC to the south.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C7 – Central Business Commercial	Offices
East	C7 - Central Business Commercial	Retail Stores
South	C7 - Central Business Commercial	Financial Institution
West	C7 - Central Business Commercial	Financial Institution

Subject Property Map: 1481 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).

5.2 Kelowna Official Community Plan (OCP)

Entertainment Venues.¹ Within designated Urban Centres, encourage private-sector provision of facilities which diversify the selection of venues and entertainment opportunities throughout the city.

6.o Application Chronology

Date of Application Received: March 1, 2019

Report Prepared by: Wesley Miles, Planner Specialist
Reviewed by: Terry Barton, Urban Planning Manager
Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

LCLB Application

¹ Policy 5.17.1 (Development Process Chapter 5, page 5.21)