

REPORT TO COUNCIL



Date: October 5, 2021

To: Council

From: City Manager

Department: Development Planning

Application: LL21-0005

Owner: MKK Property Corp., Inc.
No. BC 1307626

Address: 26 - 565 Bernard Ave

Applicant: Chico Dhuga

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 and Cannabis Regulation Branch (LCRB):

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 1200883 BC Ltd. DBA Cubanitos for Lot A District Lot 139 ODYD Plan 34786 located at unit 26 - 565 Bernard Avenue, Kelowna, BC, for a Liquor Primary License with a capacity of 6 persons and hours of sales from 10:00 AM to 5:30 PM Monday through Saturday for the following reasons:
 - Liquor licensing regulations allow for barbershops, salons and other establishments to apply for a new 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 of the space is 6 persons, which will have minimal impact on the community.
2. Council's comments on LCLB's 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.

(c) The location of establishment:

The proposal of the establishment is suitable for a small establishment liquor primary license.

(d) The person capacity and hours of the liquor service of the establishment:

The hours of liquor service is suitable given the low occupancy of 6 persons.

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 retail store, general with an occupant load of 6 persons.

3.0 Development Planning

Staff support the request for a Liquor Primary License for the existing retail store. There have been numerous establishments in Kelowna that have applied under the Provincial Liquor Licensing Regulations that allow a variety of businesses types to apply for liquor primary license. Such businesses include barbershops, salons, bookstores, galleries and a variety of similar business types. This establishment is located within The District on Bernard shopping mall in the Downtown Urban Centre. 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 6 persons,
- Maintaining existing hours of operation in line with mall hours,
- 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 Project Description

Cubanos has been in operation for over year and offers an experience and expertise in cigars, humidors, apparel, and accessories. The current operation includes a coffee bar, but the applicant is looking to expand and introduce liquor tastings to allow the consumption of high-end Scotch, Cognac and other Spirits. Beyond creating the in-house experience, the intent is also to assist in paring these high-end whiskeys with the cigars.

Operating Hours:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	Closed	10:00am	10:00am	10:00am	10:00am	10:00am	10:00am
Close	Closed	5:30pm	5:30pm	5:30pm	5:30pm	5:30pm	5:30pm

4.2 Site Context

The subject property is located within the Downtown Urban Centre in the Central City – OCP Sector. The surrounding area has predominantly the C7 Central Business Commercial zone and have Future Land Use Designation of MXR – Mixed-Use (Residential/Commercial).

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C7 - Central Business Commercial	Office and Residential Tower
East	C7 - Central Business Commercial	Commercial Retail
South	C7 - Central Business Commercial	Commercial Retail
West	C7c - Central Business Commercial (Retail Cannabis Sales)	Commercial Retail

Subject Property Map: 565 Bernard Ave

5.0 Current Development Policies

5.1 Council Policy No. 359

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

Where appropriate, support alternative entertainment options, and/or establishments which are less focused on alcohol consumption (including event-drive 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 RCMP

6.1.1 No issues identified from RCMP, supportive of application.

6.2 Fire Department

6.2.1 No objections

7.0 Application Chronology

Date of Application Accepted: March 3, 2021

Report prepared by: Jason Issler, Planner I

Reviewed by: Dean Strachan, Community Planning & Development Manager

Reviewed by: Terry Barton, Development Planning Department Manager

Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A: Letter of Rationale

Attachment B: Site Plan & Floor Plan / Occupant Load