

REPORT TO COUNCIL



Date: May 10, 2022

To: Council

From: City Manager

Department: Development Planning

Application: LL22-0001

Owner: 1299853 B.C. LTD.,
INC.NO.BC1303098

Address: 353 Bernard Ave

Applicant: 353 Bernard Enterprise Ltd

Subject: Liquor Licence Application

Existing OCP Designation: Urban Centre

Existing Zone: C7pl – Central Business Commercial (liquor primary)

1.0 Recommendation

THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor and Cannabis Regulation Branch (LCRB):

In accordance with 'Division 9 (71)' of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from 353 Bernard Enterprise Ltd for a liquor primary license for 1299853 B.C. LTD., INC. NO. BC 1303098, 353 Bernard Ave, Kelowna, BC for the following reasons:
 - o Council Policy No. 359 recommends the large establishments should be located within Urban Centres;
2. Council's comments on LCRB's prescribed considerations are as follows:

Criteria for licence amendment:

 - a. The potential for noise 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 as this is an expansion to an existing Liquor Primary establishment.
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 amend a Liquor Primary License for a liquor primary establishment with an occupant load of 333 persons.

3.0 Development Planning

Staff support the request to amend a Liquor Primary License for the existing liquor primary establishment. The proposed maximum occupancy would be 333 persons. The second floor area would allow for a maximum of 165 persons, the main floor area 140 persons and the patio area 28 persons. Under council policy 359, the increased occupancy will transition the establishment from a “medium” (capacity from 100 to 249 persons) to a “large” establishment (capacity greater than 249 to 500 persons). The current hours of the liquor service are 9:00am to 2:00am seven days per week and the applicant is not seeking to change these hours. The 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 the patio by 12:00 am
- A patio may not permit, make or cause any noise within the Permit Area that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public. The City of Kelowna Good Neighbor Bylaw No. 11500, Part 7 will apply at all times.

Staff support the proposed structural change to the existing liquor primary license; Staff anticipate this liquor license application will have a minimal impact on the surrounding area.

Proposal

3.1 Project Description

The establishment has been located on Bernard Avenue for almost 20 years and was formally known as Doc Willoughby’s. The establishment was recently purchased and will be undergoing renovations to expand the service area along with an addition to the rear of the building and renovating the interior to create a second level. The new upstairs area will be operated as an extension of the pub and will be used as a multi-purpose area featuring live entertainment, including comedy nights, movie nights and private corporate functions.

Operating Hours:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	9:00am	9:00am	9:00am	9:00am	9:00am	9:00am	9:00am
Close	2:00am	2:00am	2:00am	2:00am	2:00am	2:00am	2:00am

3.2 Site Context

The subject property is located within the Downtown Urban Centre. The surrounding area predominantly has the C7 – Central Business Commercial zone. The neighbourhood has a Future Land Use Designation of UC – Urban Centre.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C7pl – Central Business Commercial (liquor primary)	Hotel
East	C7 – Central Business Commercial	Food Primary Establishment
South	C7 – Central Business Commercial	Retail Store, General
West	C7 – Central Business Commercial	Office

Subject Property Map: 353 Bernard Ave



4.0 Current Development Policies

4.1 Council Policy No. 359

Large establishments (with person capacity greater than 249 persons) should be located with Urban Centres and not be located within close proximity to other large or medium establishments.

New patios associated with liquor establishments should be located and designed to limit potential impacts on surrounding property owners.

5.0 Technical Comments

5.1 RCMP

No specific policing concerns.

5.2 Fire Department

No Objections.

6.o Application Chronology

Date of Application Accepted: March 18, 2022

Date Public Consultation Completed: April 19, 2022

Report prepared by: Jason Issler, Planner I

Reviewed by: Lydia Korolchuk, Urban Planning Manager

Reviewed by: Terry Barton, Development Planning Department Manager

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

Attachments:

Attachment A: Site Plan & Floor Plan / Occupant Load

Attachment B: Letter of Rationale