

# REPORT TO COUNCIL



**Date:** September 20<sup>th</sup>, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** LL21-0009

**Owner:** Revelry Holdings Ltd., Inc.No.  
BC1239987

**Address:** 1383 Ellis Street

**Applicant:** Lee Simon

**Subject:** Liquor License

**Existing OCP Designation:** UC – Urban Centre

**Existing Zone:** C7 – Central Business Commercial

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## 1.0 Recommendation

THAT Council direct 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 no. 359, BE RESOLVED THAT:

1. Council recommends support of an application from Lee Simon for a liquor primary license for Lot 8 District Lot 139 ODYD Plan 432, located at 1383 Ellis Street, Kelowna, BC for the following reasons:
  - a. Council Policy No. 359, recommends the large establishments should be located within Urban Centres.
2. Council's comments on LCLB's prescribed considerations are as follows:

Criteria for new liquor primary:

  - a. The location of the establishment:

The subject property is located within the Downtown Urban Centre and is surrounded by a variety of other commercial, residential, and mixed-use developments.

b. The proximity of the establishment to other social or recreational facilities and public buildings:

The site is located near the Kelowna Downtown Library, Kelowna Community Theatre, Kasugai Gardens and City Hall. In addition, the Kelowna's Actor's Studio is directly to the North.

c. The person capacity and hours of liquor service of the establishment:

The business proposes a total capacity of 685 persons as follows: Main Floor – 418 persons, Second Floor – 267 persons; with hours of service as follows:

a. 7:00am to 12:00am Sunday to Thursday.

b. 7:00am to 1:00am Friday to Saturday.

d. The number and market focus or clientele of liquor-primary license establishments within a reasonable distance of the proposed location:

The location is next door to another liquor primary, however, there are no others in the vicinity.

e. The impact of noise on the community in the immediate vicinity of the establishment:

The proposal does not include any outdoor activities, and all activities will be contained within the structure. The applicant has introduced noise mitigating factors like ending any live music one hour before the end of the proposed hours of liquor sales.

f. The impact on the community if the application is approved:

Staff do not anticipate any negative impacts to the community.

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 Liquor Primary License for a Spectator Entertainment Establishment with an occupant load of 685 persons.

## 3.0 Development Planning

Staff support the request for a new Liquor Primary License for a spectator entertainment establishment. The proposal aligns with several policies and objectives outlined in the City of Kelowna's 2020-2025 Cultural Plan and Civic Precinct Area of the Official Community Plan. There has been a closure of a few music venues over the past few years and the creation of a new music venue would help create available production space for local artists. The proposal also meets the intent of the Central Okanagan Music Strategy project, which has the goal to advance music within the region. Staff believe this venue would support many aspects of the strategy. The property is also in the City's Cultural District and would likely compliment the proposed Creative Hub, Civic Plaza and Art Walk Extension and could help grow the arts and culture community in Kelowna.

The business model being proposed is new and was not contemplated in Council Policy No. 359. The venue is intended to operate similar to a hotel ballroom/concert hall and not like a nightclub. Staff believe the applicant has mitigated many neighbourhood concerns relating to noise and an exit strategy. To further

enforce this, the applicant and Staff have agreed to place a restriction on the Business License for large capacity events. Events will end one hour prior to the termination of liquor service. This will allow the business to have post-main event engagements such as artist meet and greets. This will further help to stagger the exiting of patrons.

## 4.0 Proposal

### 4.1 Background

A Development Permit and Development Variance Permit Application (DP20-0155 / DVP20-0156) came before Council for the form and character of this building on April 20<sup>th</sup>, 2021. The proposal was to include a third floor and thus triggered three variances to the building setbacks. The proposal was approved by Council. However, following this, the applicant redesigned the building to no longer include a third storey. The new proposal was to renovate the inside of the existing structure and to create a new façade along Ellis Street and the laneway. This required a new Development Permit (DP22-0081), which was approved by the Development Planning Department Manager on June 20<sup>th</sup>, 2022. Staff believe the redesign is more sensitive to the surrounding area and the form and character is equally as strong as the previous Council approved Development Permit.

### 4.2 Project Description

The proposed Liquor License Application is for Revelry Events Kelowna Ltd., which is a new food, beverage, and entertainment business. The proposal includes a café in the daytime, which will have food and beverage service to the general public and also have a function room. During weekdays mornings, an *Urban Events Hall* will be available for use by local businesses and other groups. This will operate similar to a hotel banquet facility, but in a unique location/setting. The final use is for a *Music Hall*, which will allow standing room performances and seated performances (dining or theatre style). The rationale indicates that most of these shows will typically run between 8:00pm – 10:30pm or 11:00pm.

The applicant has an approved Development Permit (DP22-0081) and an issued Building Permit (BP68412), which will include several changes to the first floor including an entry lobby, food and beverage service counter(s), dining/event hall, stage, green room, and washrooms, while the second floor will include a function room, food and beverage service counter, dining/event hall, washrooms, kitchen, and offices. In order to construct the second floor, a mass timber structure will be constructed inside the existing building.

The proposed business will operate (under LCRB licensing) as a dual licensed facility. This means it will carry both Food and Liquor Primary Licenses to operate different business functions. The business will be a food primary establishment from 7:00am to 5:00pm with liquor service starting at 9:00am or later and from 5:00pm to close the business will operate as a liquor primary. As part of the proposal, the applicant is including the Family Foodservice Endorsement which allows minors on the premises until 10:00pm.

Proposed Hours of Sale:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	9:00am	9:00am	9:00am	9:00am	9:00am	9:00am	9:00am
Close	12:00am	12:00am	12:00am	12:00am	12:00am	1:00am	1:00am

### 4.3 Site Context

The subject property is in the Downtown Urban Centre and is within the Permanent Growth Boundary (PGB). The surrounding area is primarily zoned C7 – Central Business Commercial and P1 – Major Institutional. The Future Land Use is a mix of UC – Urban Centre and EDINST – Educational / Institutional.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C7 – Central Business Commercial	Theatre
East	C7 – Central Business Commercial	Surface Parking
South	C7 – Central Business Commercial	Mixed-Use Building (Residential/Commercial)
West	C7 – Central Business Commercial	Library

**Subject Property Map: 1383 Ellis Street**



**5.0 Current Development Policies**

5.1 Kelowna Official Community Plan (OCP)

<b>Objective 4.4. Reinforce Downtown as the Urban Centre with the greatest diversity and intensity of uses in the City.</b>	
Policy 4.4.1. Civic Precinct Plan.	Use the Civic Precinct Plan for detailed policy guidance Downtown, including guidance of the location of major civic and cultural facilities. Where policies conflict with policies in the Official Community Plan, the Official Community Plan policies shall take precedence.
	<i>The proposed liquor license and application add a civic/cultural facility in the Civic Precinct Area.</i>

**6.0 Technical Comments**

6.1 R.C.M.P.

6.1.1 The applicant has acknowledged RCMP comments and has put in place reasonable measures to mitigate potential noise complaints, however, there is still a real possibility for potential negative impact on the nearby residential community,

specifically around bar flush. The RCMP supports imposing certain restrictions on the Business License that may mitigate these potential concerns, however, it may be difficult to alter the hours of operation and business model if it is approved by the LCRB.

### **7.0 Application Chronology**

Date of Application Accepted: August 12<sup>th</sup>, 2021

Date Public Consultation Completed: N/A

**Report prepared by:** Tyler Caswell, Planner

**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: Floor Plan / Occupant Load

Attachment B: Letter of Rationale