

REPORT TO COUNCIL

LIQUOR LICENSE



Date: July 23, 2024
To: Council
From: City Manager
Address: 1250, 1250-1298 Ellis St
File No.: LL24-0006

	Existing	Proposed
OCP Future Land Use:	UC – Urban Centre	UC – Urban Centre
Zone:	UC1 – Downtown Urban Centre	UC1 – Downtown Urban Centre

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 BNA Hospitality Inc. for a licence amendment for Lot 1 District Lot 139 ODYD Plan 660, located at 1250 – 1298 Ellis St, Kelowna, BC for the following reasons:
 - The proposed structural change and increased hours for a portion of the liquor area are compliant with Council Policy 359.
2. Council’s comments on LCLB’s prescribed considerations are as follows:
 - a. The potential for noise if the application is approved:
 The potential for noise is minimal as the proposed addition will have different proposed hours of closing and a separate exit than the rest of the business.
 - b. The impact on the community if the application is approved:
 The potential for negative impacts is minimal as the hours are consistent with other establishments in the Downtown Urban Centre and the capacity is not exceeding 500 patrons.
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 and permanent change of hours to an existing Liquor Primary Licence.

3.0 Development Planning

Staff support the request for the change of hours and structural change to the existing Liquor Primary Licence for BNA. The applicant is seeking to expand the liquor service area by adding a new room on the second floor, named Hello Darlin', with a maximum capacity of 125 persons. The proposed operating hours of this space 2:00 am closure, while the existing licensed area will remain at the current 1:00 am closing. The proposed addition would only operate on Thursday, Friday, and Saturday evenings and will have its own separate exit allowing for an easy egress when the rest of the establishment is closed.

In order to facilitate the expanded area while still complying with Council Policy 359, the applicant is proposing to adjust its capacity by reducing the occupancy in the primary area and relocating a portion of the occupancy to the expanded space. This is being done to ensure the overall capacity of the licence does not exceed 500 persons. The impact on the surrounding community is anticipated to be minimal and noise is not an anticipated issue due to a combination of factors including:

- Having separate areas of the licence that will close at different times;
- Expanded area only operating 3 days a week;
- Separate exit for the expanded area; and
- Occupancy is compliant with Council’s policy of maximum 500 persons.

4.0 Project Details

Existing Hours of Sale:

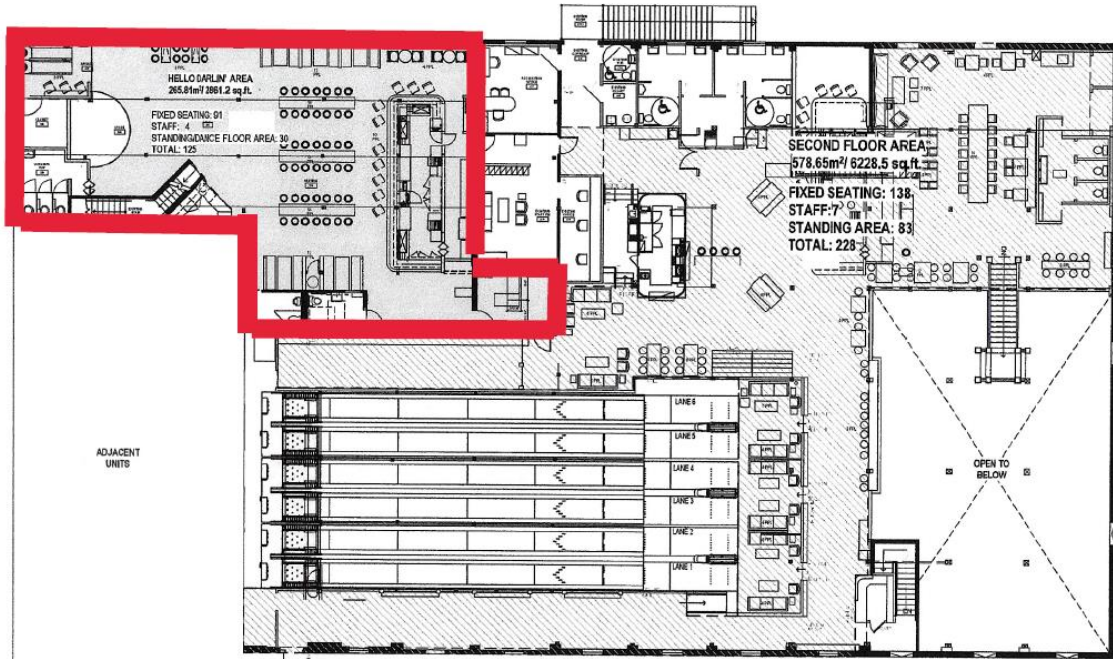
	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
Open	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM
Close	Indoor	12:00 AM	12:00 AM	12:00 AM	12:00 AM	1:00 AM	1:00 AM
	Patio	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM

Proposed Hours of Sale for New Area:

	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
Open	NA	NA	NA	NA	9:00 AM	9:00 AM	9:00 AM
Close	NA	NA	NA	NA	2:00 AM	2:00 AM	2:00 AM

Occupant Load:

	Existing	Proposed
Indoor	415	500



Red highlighted area indicating new expanded area on second floor

5.0 Site Context & Background

Orientation	Zoning	Land Use
North	UC1 – Downtown Urban Centre	Apartment Housing
East	UC1 – Downtown Urban Centre	General Industrial
South	UC1 – Downtown Urban Centre	Exhibition and Convention Facilities
West	UC1a – Downtown Urban Centre (Arena)	Arena

Subject Property Map: 1250 Ellis St



6.0 Current Development Policies

6.1 Council Policy #359 – Liquor Licensing Policy and Procedures

- No establishment with a person capacity greater than 500 persons should be permitted.
- Large Establishments should only be located within Urban Centres.

7.0 Technical Comments

7.1 R.C.M.P.

No comment

8.0 Application Chronology

Application Accepted: May 3, 2024
Public Notification Received: May 17, 2024

Report prepared by: Jason Issler, Planner II
Reviewed by: Jocelyn Black, Urban Planning Manager
Reviewed by: Nola Kilmartin, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning, Climate Action & Development Services

Attachments:

Attachment A: Letter of Rationale
Attachment B: Floor Plan/Site Plan/Occupant

For additional information, please visit our Current Developments online at www.kelowna.ca/currentdevelopments.