

REPORT TO COUNCIL

LIQUOR LICENSE



Date: January 20, 2025
To: Council
From: City Manager
Address: 571 Bernard Ave
File No.: LL24-0020

	Existing	Proposed
OCP Future Land Use:	Urban Centre	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 Raj Chandi for a food primary license amendment for Lot 2 District Lot 139 ODYD Plan 4512, located at 571 Bernard Avenue, Kelowna, BC for the following reasons:
 - Council Policy 359 recommends supporting hours of operations no later than 2:00am within the Central Area when the capacity does not exceed 500 persons;
2. Council’s comments on LCRB’s prescribed considerations are as follows:

Criteria for license amendment:

 - a. The potential for noise if the application is approved:
The potential for noise is anticipated to be minimal as the liquor area is located indoors.
 - b. The impact on the community if the application is approved:
The potential for negative impacts is minimal.
 - c. In the case of a food primary license amendment, if the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose:
The food primary establishment will continue to operate under all LCRB requirements of a food primary licence which includes having their kitchen open during all business hours.
3. The views of residents are summarized in the Staff report for the subject application. 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 change of hours to an existing food primary licence.

3.0 Development Planning

Staff support the request for the amendment to the food primary licence for the business known as Midnight Kings Hookah Lounge Grill. The Downtown Urban Centre is home to significant apartment housing and commercial uses, which will complement the proposed amendment. The impact on the surrounding community will be minimal and noise is not an anticipated issue due to a combination of factors including:

- Indoor occupancy of 107 persons
- Compatible with surrounding land uses
- Hours consistent with Council Policy 359 Liquor Licensing Policy & Procedures

The proposed hours of the food primary establishment will not exceed 2:00 AM and the capacity is less than 500 persons which is consistent with Council Policy 359 Liquor Licensing Policy & Procedures. The applicant has worked to address noise concerns raised by a nearby resident. An outdoor speaker was recently removed to address the concern from the neighbour.

4.0 Project Details

Existing Hours:

	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	12:00 AM	12:00 AM	12:00 AM	12:00 AM	12:00 AM	12:00 AM	12:00 AM

Proposed Hours:

	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	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM

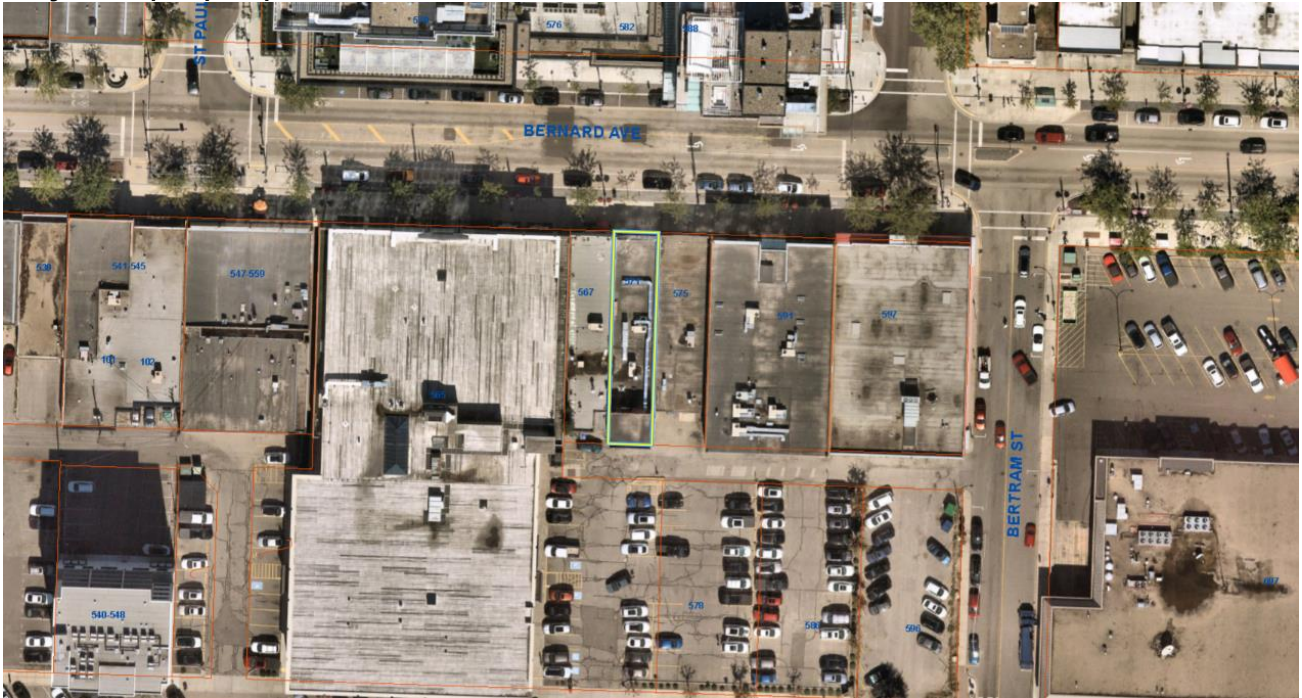
Occupant Load:

	Existing	Proposed
Indoor	107	107

5.0 Site Context & Background

Orientation	Zoning	Land Use
North	UC1 – Downtown Urban Centre	Apartment Housing / Office / Retail
East	UC1 – Downtown Urban Centre	Retail
South	UC1 – Downtown Urban Centre	Retail
West	UC1 – Downtown Urban Centre	Retail

Subject Property Map: 571 Bernard Ave



The subject property is located within the Downtown Urban Centre and is near a variety of commercial shopping areas, employment options, apartment housing, and transit stops. The area has seen significant redevelopment with high density apartments and office building recently completed.

Public Input Received

Neighbour notification was conducted in accordance with Council Policy 359 Liquor Licensing Policy & Procedures:

- Notices were delivered to properties within a 50 m radius of the subject property on November 4, 2024; and
- Signage was erected on the subject property on December 19, 2024.

Notification provided an opportunity for affected residents to comment on the proposal. A summary of neighbour notification efforts was submitted by the applicant on November 4, 2024. A property owner, who lives in close proximity to the subject property, expressed their concerns about the noise of the establishment.

6.0 Current Development Policies

6.1 Council Policy #359 – Liquor Licensing Policy and Procedures

The following sections of Policy #359 are applicable to this application:

- Liquor service for a licensed establishment within the Central Area may be permitted between the hours of 9:00 AM and 2:00 AM.

7.0 Technical Comments

7.1 R.C.M.P.

No comment

8.0 Application Chronology

Application Accepted: October 21, 2024

Report prepared by: Jason Issler, Planner II

Reviewed by: Adam Cseke, Development 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: Floor Plan/Site Plan/Occupant Load

Attachment B: Letter of Rationale

Attachment C: Summary of Neighbourhood Notification

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