

REPORT TO COUNCIL

LIQUOR LICENSE



Date: April 7, 2025
To: Council
From: City Manager
Address: 279 Bernard Ave
File No.: LL25-0004

	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 Leopold’s Tavern Kelowna Bernard Inc. for a licence amendment for The Easterly 26 Feet of Lot 12 Block 13 District Lot 139 ODYD Plan 462, located at 279 Bernard Ave, Kelowna, BC for the following reasons:
 - The proposed capacity complies with Council Policy 359 – Liquor Licensing Policy & Procedures as the capacity does not exceed 500 persons.
2. Council’s comments on LCRB’s prescribed considerations are as follows:
 - a) The potential for noise if the application is approved:
 The potential impact for additional noise is minimal as the patio has been existing for several years in the present location on a temporary basis.
 - b) The impact on the community if the application is approved:
 The potential for negative impacts is minimal as the area supports several similar patios in a tourist and pedestrian oriented area as part of a city program.
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 support a structural change application to an existing liquor primary licence.

3.0 Development Planning

Staff support the request to increase the service area and capacity of the existing Liquor Primary establishment known as Leopold’s Tavern. The applicant is seeking to increase the overall capacity from 88 to 135. The proposed increase is consistent with Council Policy 359 for capacity of establishments located within the Central Area.

The subject property is located on Bernard Avenue in an established commercial area surrounded by several similar patios and food primary establishments. The proposed patio is located on Bernard Avenue and has been operating under the provincial Temporary Expanded Service Area (TESA) program since the COVID-19 pandemic. Leopold’s Tavern has been working in partnership with the City of Kelowna under a lease agreement to utilize this space under the annual Meet Me on Bernard program. With the province’s announcement to end the TESA program the applicant is seeking to operate the patio on a permanent basis between the months of July to September.

4.0 Project Details

Existing Hours:

		Sun	Mon	Tues	Wed	Thurs	Fri	Sat
Open		10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM
Close	Indoor	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM
	Patio	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM

Occupant Load:

	Existing	Proposed
Indoor	80	
Outdoor (Patio 1)	8	
Outdoor (Patio 2)		47

5.0 Site Context & Background

Orientation	Zoning	Land Use
North	UC1 – Downtown Urban Centre	Food Primary Establishment
East	UC1 – Downtown Urban Centre	Retail
South	UC1 – Downtown Urban Centre	Liquor Primary Establishment
West	UC1 – Downtown Urban Centre	Food Primary Establishment

Subject Property Map: 279 Bernard Avenue



The subject property is located within the Downtown Urban Centre on Bernard Avenue between Water Street and Mill Street. The property is near a variety of commercial shopping areas, employment options, apartment housing, and transit stops.

6.0 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 March 10, 2025; and
- Signage was erected on the subject property on March 14, 2025.

Notification provided an opportunity for affected residents to comment on the proposal. No members of the public provided comment.

7.0 Current Development Policies

7.1 Council Policy #359 – Liquor Licensing Policy and Procedures

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

- Within the Central Area, an outdoor patio at a licenced establishment may not operate later than 11:00 PM.
- A licenced establishment within the Central Area that closes later than midnight, must limit capacity to 500 persons.

8.0 Application Chronology

Application Accepted: February 4, 2025

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: Letter of Rationale
Attachment B: Floor Plan/Site Plan/Occupant Load
Attachment C: Summary of Neighbourhood Notification

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