

REPORT TO COUNCIL



Date: February 21, 2017

RIM No. 0930-50

To: City Manager

From: Community Planning Department (LK)

Application: LL16-0016

Owner: Victor Projects Ltd., Inc. No.
BC1050457

Address: #124 – 948 McCurdy Road

Applicant: Merlin Bunnage

Subject: Liquor License Application

Existing OCP Designation: Comm - Commercial

Existing Zone: C3LP – Community Commercial (Liquor Primary)

1.0 Recommendation

THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 53 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council does not recommend support for the application from Victor Projects LTD., Inc. No. BC1050457 at #124 948 McCurdy Road, Kelowna, BC, legally described as Lot 1 District Lot 143 ODYD Plan KAP65021, for a permanent change to a liquor primary licensed hours of sales for License Number 218268 (Freddy's Brew Pub) from '11:00 AM to 1 AM Monday to Saturday and 11:00 AM to Midnight Sunday' to '9:00 AM to 2:00 AM Monday to Sunday'.
2. Council recommends support for the application from Victor Projects LTD., Inc. No. BC1050457 at #124 948 McCurdy Road, Kelowna, BC, legally described as Lot 1 District Lot 143 ODYD Plan KAP65021, for a permanent change to a liquor primary licensed hours of sales for License Number 218268 (Freddy's Brew Pub) from '11:00 AM to 1:00 AM Monday to Saturday and 11:00 AM to Midnight Sunday' to '9:00 AM to 1:00 AM Monday to Saturday and 9:00 AM to Midnight Sunday'.
3. That Council's comments on the prescribed considerations are as follows:
 - (a) The potential for noise if the application is approved:

The potential for noise is compatible with the surrounding community as the immediate neighbourhood is mainly retail/commercial businesses within a primarily industrial district.

(b) The impact on the community if the application is approved:

The potential for negative impact on the community is increased due to the isolated location of the business. Policing resources late at night, are centralized to the Downtown City Centre to manage the existing late night venues. This isolated location would strain the RCMP's ability to provide a reasonable response time and potentially limit overall policing effectiveness.

THAT 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 to allow a permanent change in hours of operation to open earlier than currently allowed and to not allow a permanent change in hours of operation to stay open later than currently allowed for a Liquor Primary License.

3.0 Community Planning

Community Planning staff supports the early opening request from 11:00 am to 9:00 am, but are concerned regarding the request for later liquor sales from 1:00 am to 2:00 am. The concern is based on the capacity to effectively provide a police presence and response beyond the existing venues within the downtown core.

The request to open earlier in the day represents a minor change to the establishment and one that staff have seen with many establishments across the city. Opening earlier in the day does not create the same enforcement and policing issues that occur with later closings due to patrons more benign nature and behaviors in the mornings.

The proposed licensed hours of operation to remain open until 2:00 am is anticipated to have negative effects on the surrounding area, given the isolated location beyond the Rutland Urban Centre and the 8.1 km distance from the City Centre. Currently, the RCMP focuses on the late night venues in the downtown core of the City as a priority during late nights. An extension of hours at this location would strain the current RCMP resources and ability to provide an effective policing presence. Response times are likely to increase as well. The current approved 1 AM close time is the latest that can be tolerated without negatively impacting police presence in the downtown and is consistent with other liquor licenses outside of the Downtown.

4.0 Proposal

4.1 Background

An application has been forwarded by the licensee to the Provincial Liquor Control; and Licensing Branch (LCLB) for their approval. Procedurally, all these applications need Local Government comment prior to the LCLB making a final decision:

- Permanent changes to the hours of operation for liquor primary licensed establishments.

4.2 Project Description

Existing Hours of Sale for Freddy's Brew Pub (Liquor Primary License # 218268):

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM
Close	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	Midnight

Proposed Hours of Sale for Freddy's Brew Pub (Liquor Primary License # 218268):

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
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

The Liquor Primary establishment is designed with an occupancy load of 440 persons. The requested hours of sale are beyond the scope of what the City has supported in the past for areas that are not within the downtown core. In extending the close time to 2 am, it is felt that without adequate policing, it would create potential for negative impacts to the surrounding neighbourhood.

With a late night closing, the available modes of transportation are reduced, as transit operation has ceased. The reliance will be on taxi cabs and patrons to make responsible decisions regarding driving home. In addition to impacting policing, the proposed change in hours would impact the effectiveness of late night taxi cab service.

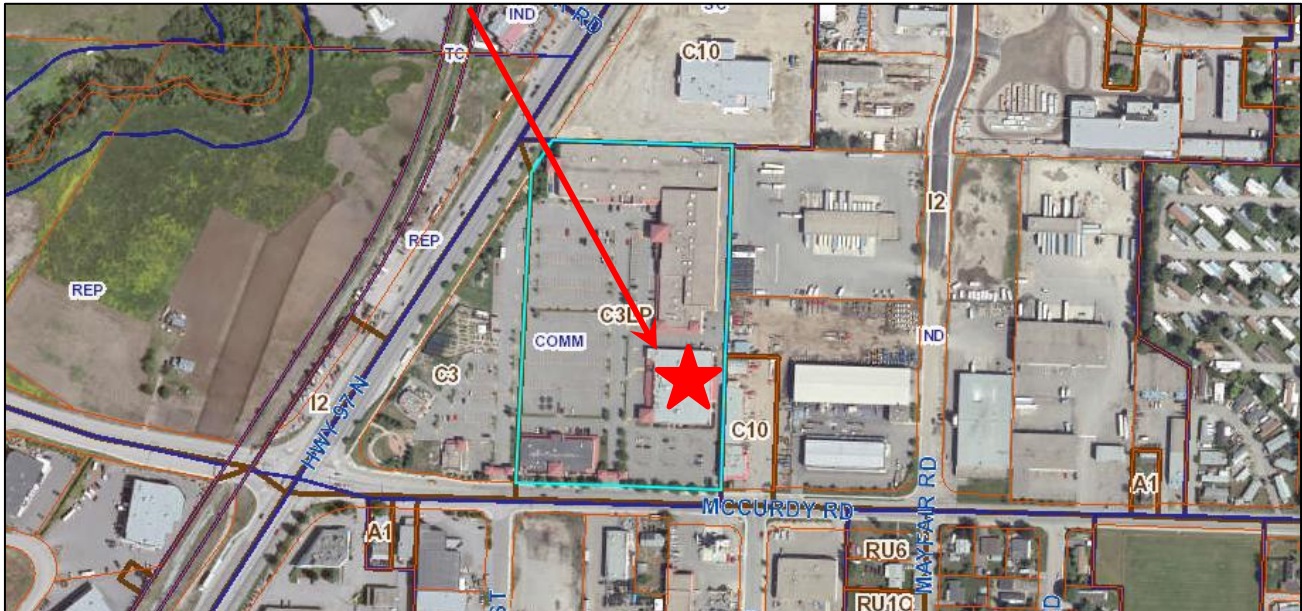
4.3 Site Context

The subject property is located along Highway 97, north of McCurdy Road within the McCurdy Corner shopping area.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C10 – Service Commercial	Car Dealership
East	I2 – General Industrial C10 – Service Commercial	Warehouse/Storage & Warehouse Sales Vehicle and equipment sales/rentals, Industrial
South	A1 – Agriculture 1	Building Supplies Single Dwelling Housing Automotive Repairs
West	C3 – Community Commercial	Retail /Commercial

Subject Property Map: 948 McCurdy Road



5.0 Current Development Policies

5.1 Council Policy #359 – Liquor Licensing Policy and Procedures

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

Where appropriate, support alternative entertainment options, and/or establishments which are less focused on alcohol consumption (including event-driven establishments, and Food Primary establishments with the Patron Participation Entertainment Endorsement) to add a mix of entertainment options in Urban Centres. Consider limiting potential community impacts via license terms and conditions (hours, capacity, etc).

5.2 Kelowna Official Community Plan (OCP)

Entertainment Venues.¹ Within designated Urban Centres, encourage private-sector provision of facilities which diversify the selection of venues and entertainment opportunities throughout the city.

Downtown.² The City of Kelowna recognizes that a unique, attractive, thriving and liveable downtown is strategically important to Kelowna's overall prosperity and success. Towards this end, the City will plan and manage the Downtown as a single and special entity and will take a proactive, comprehensive, integrated and collaborative approach towards providing services and infrastructure, delivering programs, and developing a supportive regulatory and financial environment.

¹ Policy 5.17.1 (Development Process Chapter 5, page 5.21)

² Policy 8.9.2 (Economic Development Chapter 8, page 8.4)

6.0 Application Chronology

Date of Application Received: August 3, 2016

7.0 Alternate Recommendation

THAT Council directs staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

In accordance with Section 53 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support for the application from Victor Projects LTD., Inc. No. BC1050457 at #124 948 McCurdy Road, Kelowna, BC, legally described as Lot 1 District Lot 143 ODYD Plan KAP65021, for a permanent change to a liquor primary licensed hours of sales for License Number 218268 (Freddy's Brew Pub) from '11:00 AM to 1 AM Monday to Saturday and 11:00 AM to Midnight Sunday' to '9:00 AM to 2 AM Monday to Sunday'.
2. That Council's comments on the prescribed considerations are as follows:
 - (a) The potential for noise if the application is approved;

The potential for noise is not compatible with the surrounding community as the immediate neighbourhood is mainly retail/commercial businesses within a primarily industrial district.
 - (b) The impact on the community if the application is approved:
 - (c) The potential for negative impact on the community is increased due to the isolated location of the business. Policing resources late at night, are centralized to the Downtown City Centre to manage the existing late night venues. This isolated location would strain the RCMP's ability to provide a reasonable response time and potentially limit overall policing effectiveness.

THAT 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.

Report Prepared by: Lydia Korolchuk, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

LCLB Application