



City of Kelowna
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Kelowna, BC V1Y 1J4
250 469-8500
kelowna.ca

TB



Council Policy

Liquor Licensing Policy & Procedures

APPROVED February 21, 2011

RESOLUTION: R710/15/09/14

REPLACING: R170/11/02/21; Council Policy No. 315

DATE OF LAST REVIEW: August 2015

A. BACKGROUND

The Provincial Liquor Control and Licensing Branch (LCLB) regulates the licensing of all liquor establishments and the retail sale of alcohol in British Columbia. City of Kelowna Municipal Council is referred on a number of these applications, including Liquor Primary applications, and other license endorsements. Local government comment is a key component of the LCLB's licensing decisions.

Council recognizes the importance of public entertainment venues, including liquor establishments, as a component of all vibrant cities. Managing the priorities of all community stakeholders is a delicate balance. As part of Council's on-going interest in establishing vibrant, livable Urban Centres, a 2003 report from the Mayor's Entertainment District Task Force was endorsed, relating to liquor licensing policy. The relevant policy from this 2003 report was adopted in former Council Policy #315 – "Liquor Licensing Procedures Liquor Primary (lp) and Retail Liquor Sales (rls)". At Council's request, a new review was completed by City staff in 2010. This new policy summarizes the pertinent policies endorsed in the Liquor Policy Review (2010), and is intended to guide future liquor license applications – including Provincial referral requests and rezoning applications on a City-wide basis.

B. LIQUOR PRIMARY (LP) ESTABLISHMENTS

In consideration of new, expanded or relocated Liquor Primary Establishments (cabarets/nightclubs, pubs, lounges), the following guidelines should be considered (see table below):

1. Siting/Density Guidelines:

- a) No establishment with a person capacity greater than 500 persons should be permitted.
- b) Large establishments (with person capacity greater than 249 persons):
 - i) Should only be located within an Urban Centre.
 - ii) Should be located a minimum of 250m from another Large establishment.
 - iii) Should be located a minimum of 100m from a Medium establishment.
 - iv) Should not be located beside a Small establishment.
- c) Medium establishments (with person capacity between 100-249 persons):
 - i) Should only be located within an Urban or Village Centre.
 - ii) Should be located a minimum of 100m from a Large or Medium establishment.
 - iii) Should not be located beside a Small establishment.
- d) Small establishments (with person capacity less than 100 persons):
 - i) Should not be located beside another liquor primary establishment.

The above siting guidelines are summarized in the following table:

Establishment Type	Siting requirements from:			Location
	Small (<100 persons)	Medium (100-249 persons)	Large (250+ persons)	
Small (<100 persons)	Not beside.	Not beside	Not beside	City-wide
Medium (100-249 persons)	Not beside	Minimum 100m separation	Minimum 100m separation	Urban or Village Centre
Large (250+ persons)	Not beside	Minimum 100m separation	Minimum 250m separation	Only Urban Centre

For the purposes of determining proximity, shortest walking distance (door-to-door) will be applied. These distances are meant to guide staff in their recommendations for particular applications, however, a number of other factors should be considered, including (but not limited to):

- a) Pertinent input from the RCMP;
- b) Vehicular and pedestrian traffic patterns for area and current zoning;
- c) Availability of on-site and off-site parking; proximity of playgrounds, schools, and other social facilities;
- d) Surrounding land-uses, and general impact on the local neighbourhood;
- e) Correspondence received from abutting property owners;
- f) Past licensee compliance and performance issues as may be provided by the LCLB.

2. Other Policies:

- a) New patios associated with liquor establishments should be located and designed to limit potential impacts on surrounding property owners.
- b) 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)

C. RETAIL LIQUOR SALES (RLS)

The following considerations should be made for the location of liquor stores/retail liquor sales (RLS):

- a) Continue to require new or relocated RLS establishments to apply for a rezoning application to allow for "Retail Liquor Sales" in applicable zones.
- b) No Retail Liquor Sales shall be approved for (in conjunction with) Liquor Primary Establishments with person capacity that exceed 150 persons.
- c) Any new or relocated Retail Liquor Sales establishment shall not be located within 300 m of an existing Liquor Primary establishment with a person capacity greater than 350 persons.

D. NEW LICENSES AND PERMANENT LICENSE CHANGES

Permanent License Changes requiring local government comment (new, expanded or amended Liquor Primary licenses, Food Primary licenses operating later than midnight, Patron Participation Entertainment endorsement, winery lounge/special event area endorsements, etc):

1. Application & Submission Requirements:

- a) Applicants are encouraged to conduct a pre-application meeting with the Community Planning and Real Estate Department to discuss application process and submission requirements.
- b) Applicant must submit a City of Kelowna Liquor License Application in order to receive Council resolution.
- c) Applicant must show proof of application to the LCLB prior to municipal consideration.
- d) If approval is required by the Agricultural Land Commission, this must be addressed prior to City application.
- e) Proof of consultation with pertinent Business Improvement Association, Industry Association, and/or Resident's Association is required.
- f) It is suggested that applicants consider hosting a neighbourhood information meeting to provide an informal opportunity to discuss and resolve any potential neighbourhood concerns with the proposal prior to Council consideration.
- g) Amendments to submission requirements are at the discretion of the Director of Community Planning and Real Estate.

2. Municipal Review Process:

- a) Upon submission, staff will circulate the application to pertinent departments and agencies, prior to a staff report being presented to Council.
- b) Applications will be subject to a public meeting (or a Public Hearing where the application is being considered concurrently with a rezoning application). The applicant is responsible to the costs of advertising for the public meeting (see notification requirements below).
- c) The Community Planning and Real Estate Department shall make a recommendation to Municipal Council regarding the proposal. Council shall make its decision based on this recommendation as well as the information received at the Public Hearing or Public Meeting.

- d) The resolution from Municipal Council is then forwarded to the LCLB by the Community Planning Department for their final review.

3. Notification Requirements:

- a) Notification requirements are as per Development Application Procedures Bylaw, including the requirement to place notification signage on the property at least ten days prior to the public meeting date. Signs are to be purchased at City Hall.

An informational notice will also be delivered to properties in the same general postal delivery route area by Canada Post airmail. Newspaper advertisements will be placed in at least two consecutive issues, with the last publication to appear not less than three and not more than ten days before the Public Hearing or Public Meeting.

Notification is coordinated by the Office of the City Clerk.

E. TEMPORARY LICENSE CHANGES

Temporary license changes may be considered by the Community Planning Manager or designate. Temporary Changes will only be considered by Council should the applicant wish to appeal the decision of the Divisional Director Community Planning and Real Estate.

Where appropriate, temporary changes are reviewed with the RCMP, Fire Department, Building and Permitting Department, and the local liquor inspector.

Staff may consider up to six temporary license changes per calendar year for Liquor Primary establishments that are members in good standing of the bar owners association known as "The Standard", including late closing requests. These requests will be considered on a case-by-case basis, and will be subject to additional policing costs being paid prior to the event (for example, 4:00am closings). Any establishment that generates concerns or complaints as a result of the use of temporary changes or through general operations of their establishment will have their temporary changes reduced to 3 for the first incident and 0 for any subsequent incidents at the discretion of the RCMP and Liquor Licensing Inspector.

F. SPECIAL OCCASION LICENSE

The following considerations should be applied to Special Occasion License requests:

- a) SOL requests that require RCMP/Local Government consideration will be evaluated on a case-by-case basis.
- b) Review of SOL requests will include review of a number of factors, including (but not limited to) location, capacity, hours of operation, previous compliance, and impact on surrounding neighbours.
- c) SOL requests are intended to be for infrequent events, and are not to be used as a substitute for a permanent liquor license at a venue. Attention will be given to the number of SOL requests made in a given time period at one property.
- d) The RCMP have the authority to place additional restrictions on SOL's should they have public safety concerns associated with the event.
- e) No SOL's are to be granted where the proposed event is intended to cater to youth or where youth (under the age of 19) will be present.
- f) SOL licensees are to retain qualified private security personnel to monitor access to and from licensed events, where requested.
- g) All SOL events must respect the City of Kelowna Noise Bylaw.

REASON FOR POLICY

To establish revised policy and procedures for processing liquor license applications.

LEGISLATIVE AUTHORITY

Liquor Control & Licensing Act

PROCEDURE FOR IMPLEMENTATION

As outlined in the Liquor Policy Review Final Report.



APPLICATION SUMMARY

For Applicant and Local Government/First Nation

ATTACHMENT B
This forms part of application
LL17-0012

Liquor Primary

Planner
Initials TB



Date: April 27, 2017

Job # 31204724-001

Re: Application for a New Liquor Primary Licence

Applicant Name: R & S Enterprise Ltd.

Proposed Establishment Name: Fore

Proposed Site Address: 1959 K.L.O. Road in Kelowna

1. Application Information

Date Application deemed complete: April 11, 2017

Local Government or First Nation Jurisdiction: City of Kelowna

The primary business focus of the proposed endorsement area: Food and Beverage

Person Capacity/Occupant Load Requested: Person 01 = 125 persons (lower interior)
Person 02 = 141 persons (upper interior)
Patio 1 = 66 persons (lower)
Patio 2 = 53 persons (upper)

Maximum total occupant load based on washrooms = 300 persons

Liquor Service Hours Requested:

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM
Midnight	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight

10 pm 10 pm 10 pm 10 pm
Statutory Prohibitions to Consider: none identified

Terms and Conditions Requested:

Family Foodservice - If this application is approved, the terms and conditions on the LP licence will be amended to permit minors in all licensed areas including banquet halls and other ancillary rooms until 10 pm when accompanied by a parent or guardian.

This term and condition is to provide an option for liquor primary establishments to provide meal service for families. Commercial gaming facilities and establishments primarily in the business of offering adult entertainment to their patrons are not eligible for this term and conditions.

Minors Permitted until 10:00 PM in the Recreation Centre - minors are permitted in the lounge of a liquor primary establishment, where the focus is on sports and recreational activities, with special terms and conditions.

The intent of this policy is to allow minors to have greater access to recreational facilities where minors would generally participate in or be a spectator to the recreational activity. The licensed lounge area eligible for this term and condition does not include multi-purpose rooms or banquet facilities.

2. Location/Site Factors

The legal description of the site is: Plan KAP35770 Lot A. The proposed Liquor Primary (LP) establishment will consist of two interior areas and two exterior areas that will offer a social gathering place for patrons as an alternative to other pub and night club options.

Fore, if approved, will allow the licensee to sell and serve liquor by the glass. Moreover, food and non-alcoholic beverages will be available at reasonable prices to customers. Further, the LP licence will also allow the service of liquor on the playing area of the golf course. The applicant has indicated that entertainment will consist of light to moderate music. The upper banquet room will be used for events such as weddings, retirement parties, birthday parties, golf tournaments, etc.

Community Indicators

Contravention Statistics

- The Liquor Control and Licensing Branch can provide contravention statistics for liquor primary and liquor primary club establishments within your area upon request.

Population and Socio-Economic Information:

- Circle population statistics for 2006 are available from BC Stats by emailing your request to BC.Stats@gov.bc.ca

3. Public Interest – Local Government Consultation

In providing the resolution on the proposed licence application, Local Government must consider and comment on each of the regulatory criteria indicated below.

The written comments must be provided to the general manager by way of a resolution within 90 days after the Local Government receives notice of the application, or any further period authorized by the General Manager, Liquor Control and Licensing Branch, in writing. Alternatively, LG/FN can delegate staff with the authority to provide comment.

To provide a resolution or comment:

- Gather public input for the community within the immediate vicinity of the establishment.
- Consider these factors which must be taken into account when providing resolution/comment:
 - The location of the establishment.
 - The person capacity and hours of service of the establishment.
- Provide a resolution/comment with comments on:
 - The impact of noise on nearby residents.
 - The impact on the community if the application is approved.
 - The view of residents and a description of the method used to gather views.
 - The LG/FN recommendations (including whether or not the application be approved) and the reasons on which they are based.
- Provide any reports that are referenced in, or used to determine, the resolution/comment

If LG/FN opts out, written notification must be provided to the Branch, and the Branch will gather public input and contact LG/FN staff for information to assist the Branch in considering the regulatory criteria.

If more than 90 days is required, provide a written request for extension to the Branch.

Letter of intent for the liquor primary license

To whom this may concern,

Providing answers to Part 9 of the liquor primary license application.

- a. We are applying for a liquor primary license to support the existing golf course surrounding our establishment, which is a clubhouse style restaurant. The golf course has been without a license for over a year now, and has lost revenue to the course and to the restaurant within the golf course facility.
- b. Our main target market is the community surrounding the golf course facility. Most of the members to the golf course are also member of the community surrounding the area. We are also working to attract all other members of the okanagan valley community, and also the tourists to the valley.
- c. The composition of the neighborhood is residential , and agriculture.
- d. We are one of three golf courses in the nearby area, but we are the only course without a liquor primary license to accommodate the golf course. Be being able to obtain a primary license for the golf course, we will be able to provide more options to the surrounding community, getting better visibility for the farms, and other tourist attractions in the nearby area.
- e. The impact of the noise to the neighborhood will be minor if any. The primary license is for the existing golf course. The golf course is open in the daytime hours. There is very minimal housing the go along side of the golf course.
- f. The music is played inside the restaurant establishment. We are a clubhouse style restaurant, with light to moderate music being played. The music does not exceed the parking lot area.
- g. We are reapplying to what was an existing liquor primary license for the golf course. There has not been any changes to the facility for at least 10 years.
- h. We are hoping to get this application put through before the introduction of the new liquor laws, for the hope of getting a license for the course before the reopening of the golf course in spring of 2017.

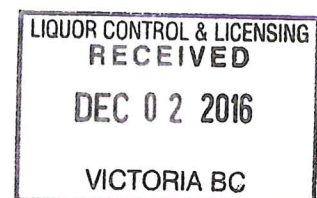
Sincerely,



Atsawin Sumpantararat



Sebastian Daniel Razzini

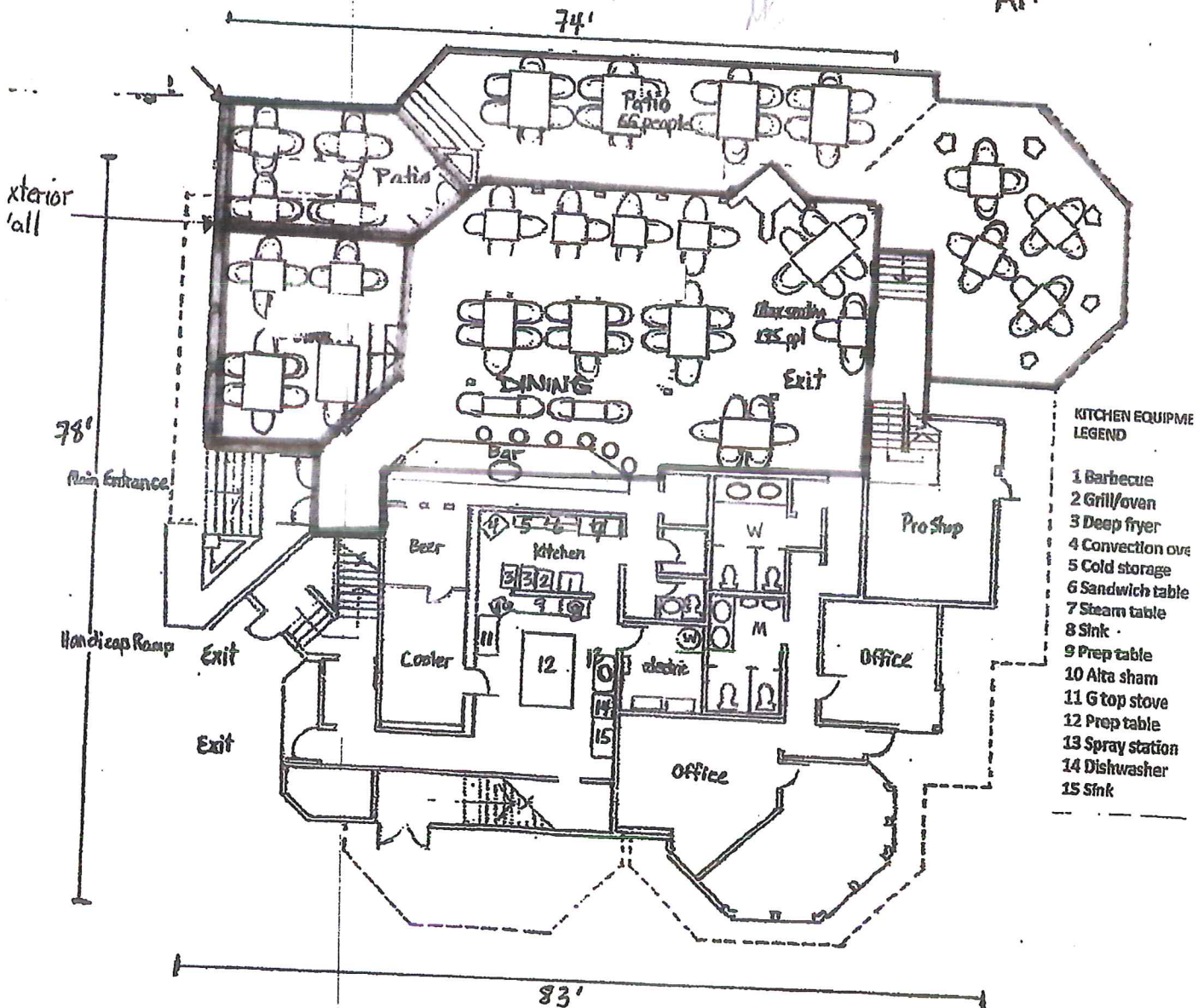




the DINING
has a net floor area of
210 m². The maximum
occupant load shall be
115 persons, based on
1.2 m²/person.

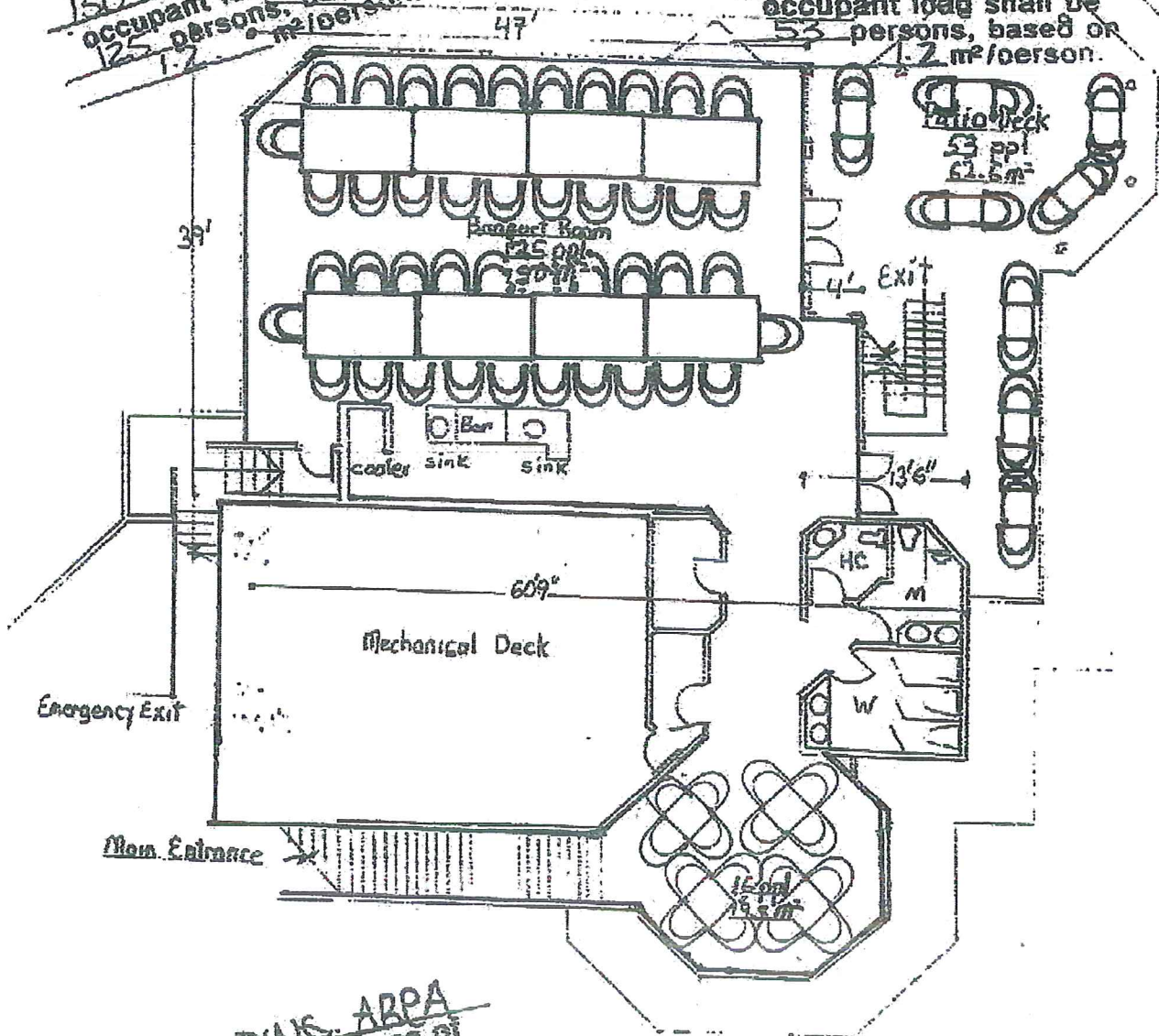
the PATIO
has a net floor area of
62.6 m². The maximum
occupant load shall be
66 persons, based on
1.2 m²/person.

Reviewed
by City of Kelowna
Inspection Services
7. Road
APR. 29/15.



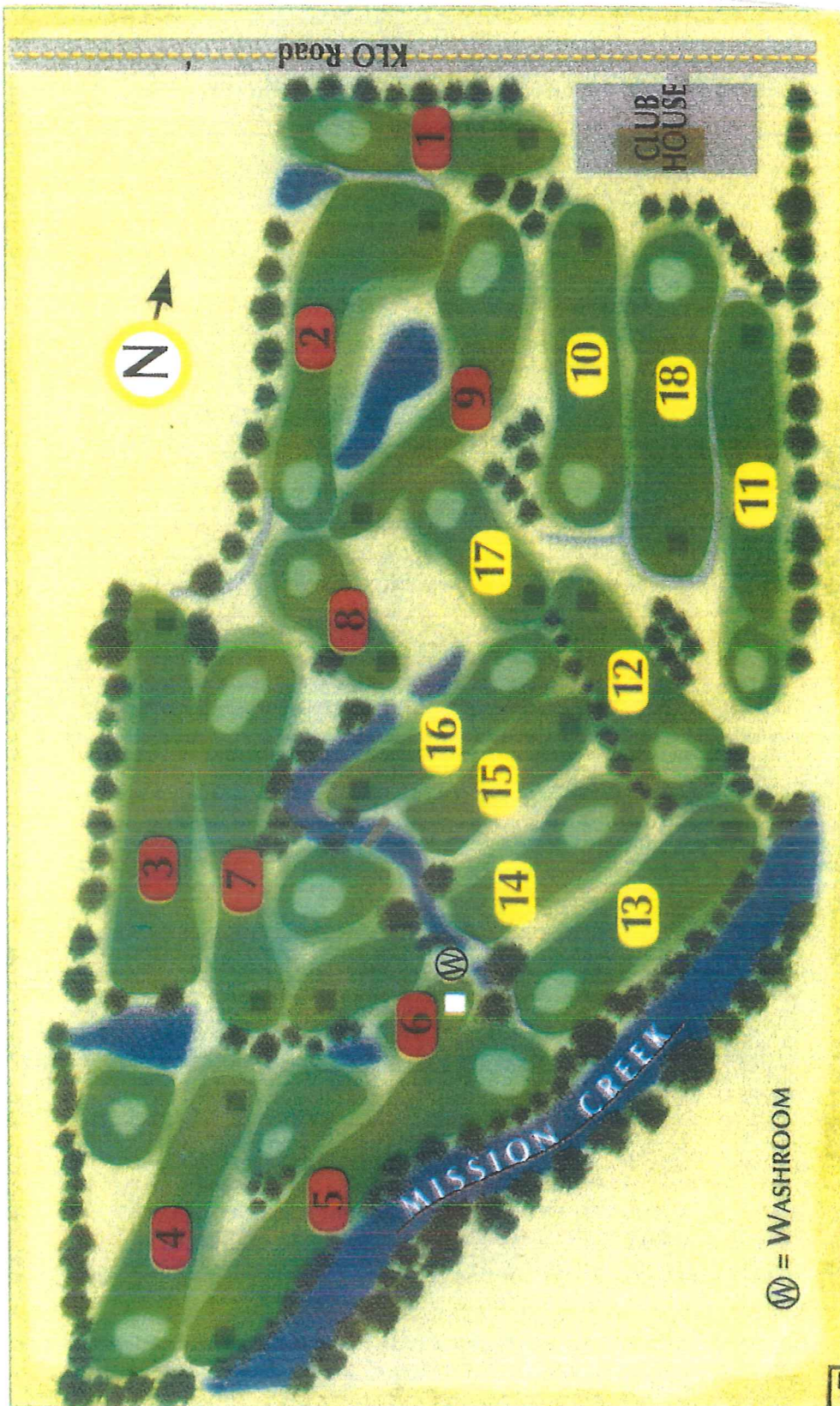
The BANQUET ROOM
has a net floor area of
150 m². The maximum
occupant load shall be
125 persons, based on
1.2 m²/person.

The PATIO DECK
has a net floor area of
62.6 m². The maximum
occupant load shall be
53 persons, based on
1.2 m²/person.



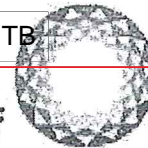
The HOLDING AREA
has a net floor area of
19.2 m². The maximum
occupant load shall be
16 persons, based on
1.2 m²/person.

Reviewed
by City of Kelowna
Inspection Services
T. Reid
APR. 29/15.



LIQUOR CONTROL & LICENSING
RECEIVED

DEC 02 2016

City of
Kelowna

Dec 16, 2016

Liquor License Occupant Load for Fore Restaurant, 1959 KLO, Kelowna

Hello;

Based on the attached plans, the liquor license occupant load is as follows:

Maximum total occupant load (customers & staff) based on washrooms: 300

Main Floor Dining Area:	175 (based on area)
Upper Floor Banquet Room:	125 (based on area)
Upper Floor Lounge:	16 (based on area)

These calculations are based on the attached plans and have been site verified. Please call me at 469-8602 or email me at mstevens@kelowna.ca if you have any questions or concerns and I will be pleased to help.

Regards

Mark Stevens RBO
Plan Checker / Building Inspector



ACCREDITED

Building & Permitting Branch
1435 Water Street
Kelowna, BC V1Y 1J4
Tel. 250 469-8960
Fax 250 862-3314
kelowna.ca