

REPORT TO COUNCIL



Date: August 29, 2017

RIM No. 0930-50

To: City Manager

From: Community Planning Department (TB)

Application: LL17-0009

Owner: Simple Pursuits Inc. Inc. No.
BCo449611

Address: 109 – 590 KLO Road

Applicant: Boutique Esthetics and Tanning
Lounge

Subject: Liquor License

Existing OCP Designation: MXR – Mixed Use (Residential / Commercial)

Existing Zone: C4 – Urban Centre Commercial

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 10 of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Boutique Esthetics & Tanning Lounge Ltd. for a liquor primary license for Lot A, District Lot 14, ODYD, Plan KAP68556, Except Plan EPP52684, located at 109 – 590 KLO Road, Kelowna, BC for the following reasons:

- New Liquor Licensing Laws allow for barbershops, salons, and other establishments to apply for a liquor primary license;
- Council Policy No. 359 recommends supporting alternative entertainment options and/or establishments which are less focused on alcohol consumption;
- The maximum occupancy is 30 persons which will have minimal on the community

2. Council's comments on LCLB's prescribed considerations are as follows:

Criteria for new liquor primary:

a. The location of the establishment: The location of the establishment is suitable for a small establishment liquor primary license (not located next to any other licensed establishment), and is located within an Urban Centre;

b. The person capacity and hours of liquor service of the establishment: The hours of liquor service is suitable given the low occupancy of 30 persons;

c. The impact of noise on the community in the immediate vicinity of the

establishment: There is minimal risk of an impact of noise on the community;

d. The impact on the community if the application is approved: The overall impact on the community will be minimal;

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 consider a Liquor Primary License for a spa services establishment with an occupant load of 30 persons.

3.0 Community Planning

Community Planning supports the requested Liquor Primary License for the establishment known as Boutique Esthetics & Tanning Lounge Ltd. This is the first establishment in Kelowna that has applied under the new Provincial Liquor Licensing Regulations that allow other types of businesses to apply for a liquor primary license including barbershops, salons, bookstores, galleries, and a variety of others. The impacts on the community will be minimal and noise is not anticipated to be an issue due to the low maximum occupancy of 30 persons including staff. The establishment is located within an Urban Centre with access to alternate transportation options such as transit and taxi. Council Policy No. 359 recommends supporting alternative entertainment options and establishments which are less focused on alcohol.

4.0 Proposal

4.1 Background

The subject property is a brand new building 3 storey building recently constructed by Worman Resources. Tenants in the building include Bliss Bridal, Canadian Jewellery Exchange, and Orange Theory Fitness. Boutique Esthetics & Tanning Lounge Ltd. Is located on the first floor with a second floor loft, and plans to open their doors for business in August. They anticipate having as many as 18 esthetic stations open at one time with several staff members working, all of whom will have the appropriate Serving It Right certificate through the Province of BC.

4.2 Project Description

The applicant is the first establishment to apply for a Liquor Primary License under the new modern Provincial Liquor Licensing Regulations that allow a wider variety of businesses to apply for a liquor primary license. The proposal does not require any rezoning as the application falls under Liquor Primary Minor (less than 100-person occupancy) which is a permitted use in the C4 – Urban Centre Commercial zone.

Boutique Esthetics & Tanning Lounge offers services such as facials, waxing, eyelash extensions, tanning beds, and botox. Their hours of operation are 10 am - 9 pm Mondays to Fridays, 9 am – 6 pm on Saturdays, and 10 am – 4 pm on Sundays. The applicant has applied for licensing hours of 10am – 9 pm on weekdays, 9 am – 9 pm on Saturdays, and 10 am – 8 pm on Sundays. This is to accommodate guests who may want to book VIP service times on Saturday and Sunday evenings after regularly scheduled business hours.

Hours of Business for Boutique Esthetics & Tanning Lounge:

| | Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|-------|----------|----------|----------|-----------|----------|----------|----------|
| Open | 10:00 am | 10:00 am | 10:00 am | 10:00 am | 10:00 am | 10:00 am | 9:00 am |
| Close | 4:00 pm | 9:00 pm | 9:00 pm | 9:00 pm | 9:00 pm | 9:00 pm | 6:00 pm |

Proposed Hours of Liquor Sales for Boutique Esthetics & Tanning Lounge:

| | Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|-------|----------|----------|----------|-----------|----------|----------|----------|
| Open | 10:00 am | 10:00 am | 10:00 am | 10:00 am | 10:00 am | 10:00 am | 9:00 am |
| Close | 8:00 pm | 9:00 pm | 9:00 pm | 9:00 pm | 9:00 pm | 9:00 pm | 9:00 pm |

Due to the regulations of the BC Building Code regarding number of occupants and number of bathrooms provided, the occupant load for the purpose of this license is 30. As this is a relatively low occupant load, it is anticipated that the liquor license will not have a negative impact on the community in terms of noise, activity, or safety. Further, the relatively low occupant load ensures that liquor service will remain a secondary service within the business. In the future, should additional washrooms be added, the applicant could re-apply for an increase in occupant load.

The location is suitable for this type of license as there are no other licensed establishments located beside this business, and it is located in a predominantly commercial zone with retail, food primary, and grocery services in close proximity. The South Pandosy Urban Centre location allows for access to alternate transportation methods such as transit or taxi and there is ample parking on site.

Council Policy No. 359 recommends supporting establishments which are less focused on alcohol consumption to add a mix of entertainment options in Urban Centres. This establishment will remain primarily a spa salon and therefore is an establishment less focussed on alcohol and will add to the mix of entertainment options in South Pandosy.

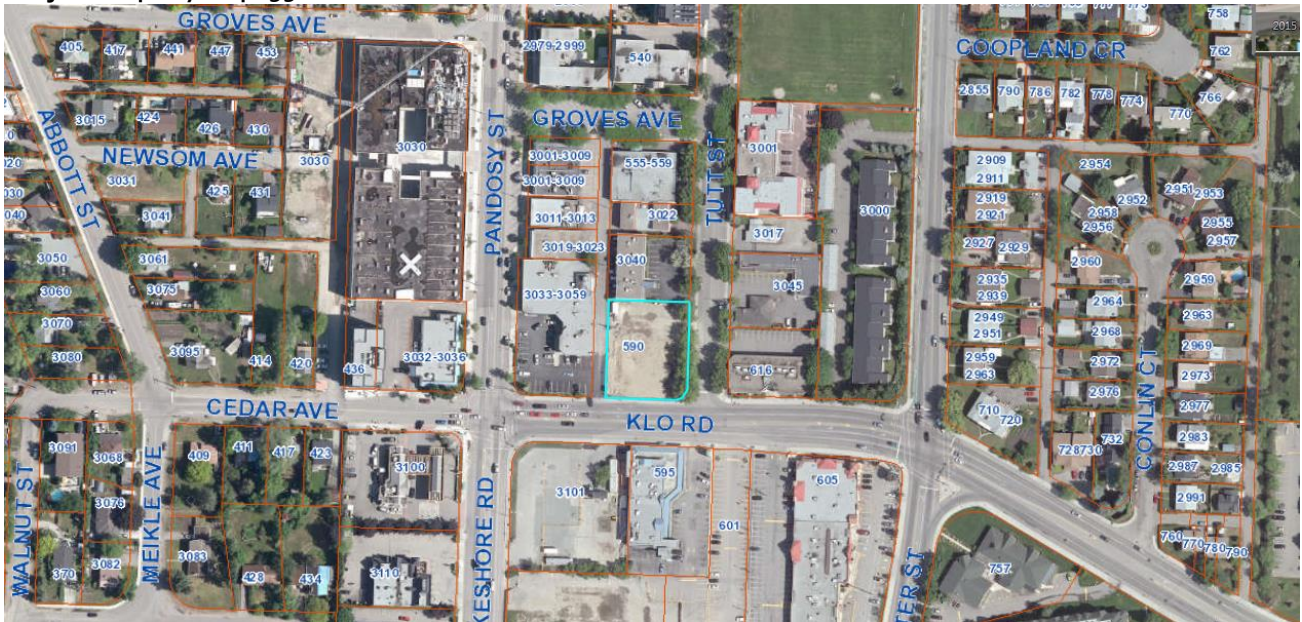
4.3 Site Context

The subject property is located in the South Pandosy Urban Centre in a new building on KLO Road east of Pandosy Street. It is near the new Sopa Development, Urban Fare, and Lakeview Market.

Specifically, adjacent land uses are as follows:

| Orientation | Zoning | Land Use |
|-------------|------------------------------|--------------------------|
| North | C4 – Urban Centre Commercial | Health Services |
| East | C4 – Urban Centre Commercial | Retail / Health Services |
| South | C4 – Urban Centre Commercial | Shopping Centre |
| West | C4 – Urban Centre Commercial | Grocery Store |

Subject Property Map: 590 KLO Road



5.0 Current Development Policies

5.1 Council Policy No. 359

- Small establishments (with person capacity less than 100 persons) should not be located beside another liquor primary establishment.¹
- 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.).²

¹ Council Policy No. 359 Section B.1.d.i

² Council Policy No. 359 Section B.2.a

6.0 Technical Comments

6.1 Bylaw Services

- Currently there are no outstanding/open Bylaw enforcement files pertaining to property location: 109-590 KLO Rd.

6.2 Fire Department

- Kelowna Fire Department is not opposed to the liquor license.

6.3 RCMP

- Kelowna RCMP have reviewed the above noted application for a liquor primary at a hair salon and approve of the applications with a restriction of hours of operation to no later than 9pm on Saturdays (applicant requested 10pm).
- The RCMP requests for consideration of the Planning Department/City the establishment of a comprehensive policy to address new liquor primary and manufacturer lounge endorsement license applications. Such a policy would facilitate a consistent, guided response to applications. Input from the RCMP in the creation of the policy can be provided if so desired

7.0 Application Chronology

Date of Application Received: May 1, 2017
Date Public Consultation Completed: Not Required

Report prepared by Trisa Brandt, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Applicant's Letter of Intent
Floor Plan