

REPORT TO COUNCIL



Date: November 21, 2017

RIM No. 0930-60

To: City Manager

From: Community Planning Department (LK)

Application: LL17-0016

Owner: Whitworth Holdings LTD., INC.
No. 1059455

Address: 1250 Ellis Street

Applicant: BNA Brewing

Subject: Liquor License Application

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

Existing Zone: C1oLP – Service 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 recommends support of an application from BNA Brewing for a liquor primary license amendment for Lot 1 District Lot 139 ODYD Plan 660, located at 1250 Ellis Street, Kelowna, BC to increase the interior capacity of 278 persons to 415 persons.

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

- a. The location of the establishment:

The application is for an expansion of an established brewpub (BNA Brewing) which opened for business in June of 2015. The proposal is to expand into a portion of the former Flashbacks nightclub space.

- b. The proximity of the establishment to other social or recreational facilities and public buildings:

The surrounding social and recreational facilities would not conflict with the proposed expansion to the existing establishment. The expansion will add an entertainment venue which will support the cultural district in which it is located. The purpose of the cultural district is to develop and to enhance the cultural district as a centre for arts and entertainment, and a catalyst for community and cultural development. The establishment complements and enhances the entertainment and service value of the neighbourhood.

- c. The person capacity and hours of liquor service of the establishment:

The application is to increase the approved establishment capacity from 278 persons to 415 persons. The expansion affects the second storey area only. The current licensed capacity of the second floor is 106 persons. With the expansion, the capacity would increase by 137 persons to a total second floor capacity of 243 persons. The main floor and outdoor patio area will remain unchanged. The hours of operation will remain unchanged.

- d. The number and market focus or clientele of liquor-primary license establishments within a reasonable distance of the proposed location:

The proposed expansion of the brewpub is intended to provide a meeting place for people to have dinner, socialize and celebrate in groups. The expansion would see the addition of six bowling lanes with each lane providing a living room style area. The existing single Bocce lane will be maintained and an additional seating area and a full-service bar area is proposed. While separated from the main pub, it is open and accessible from the existing brew pub area.

- e. The impact of noise on the community in the immediate vicinity of the establishment:

The potential impact for noise is minimal and would be compatible with surrounding land uses. The noise levels would not increase for the surrounding area, as the proposal is for an expansion of the existing brew pub into a portion of the former Flashbacks nightclub. The Train Station Pub is located across the intersection of Clement Avenue and Ellis Street. Both of these businesses increase the vibrancy of the streetscape and area.

- f. The impact on the community if the application is approved:

The potential for negative impacts is considered minimal as the previous use of the expansion space was a Nightclub. The use of this space is transitioning from Nightclub to a less intensive land use for the area.

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 seek Council's support for an amendment to a liquor primary license to facilitate an expansion to an existing liquor primary establishment.

3.0 Community Planning

The proposed amendment to the existing liquor primary license for the existing BNA Brewing Pub would see an expansion at the second floor level of the existing building. BNA Brewing would like to expand into a portion of the second floor area that was formerly part of Flashbacks nightclub. The property owner intends to convert the remainder of the former Flashbacks area to a retail space at some point in the future (not part of this application). The subject expansion area would include a six lane bowling alley with each lane having a furnished living room style adjoining area. This will provide a relaxing atmosphere and a separate eating area to give group's some privacy from the main pub area.

While under a Liquor Primary License, the applicant's proposed expansion for the bowling alley is more focused on a restaurant feel with full food service along with the recreational aspect of the proposed 6-lane bowling alley and existing bocce lane. Currently, BNA Brewing has a total capacity of 278 people (38 –

outdoor patio, 134 – main floor area and 106 on the mezzanine/second floor). The expansion would increase the capacity on the second floor by 137 people for a total capacity of 415 people within the premises. By contrast, Flashbacks had an approved capacity of 490 people for the 2nd floor area they occupied.

The proposal fits within Council Policy #359 Liquor Licensing Policy and Procedures, which encourages the support of alternative entertainment options which are less focused on alcohol consumption in order to add a mix of entertainment options to the Downtown area. The Policy states that large establishments (person capacity over 249 people) should be located within an Urban Centre and be a minimum of 100 m to a medium establishment. The Train Station Pub is a medium sized establishment and the separation of the two uses is approximately 150 m and the subject property is within the City Centre area. Prospera Place is also a large establishment licensed as Liquor Primary, but the venue is event focused rather than a pub and does not have the same draw within the community.

In consideration of the above, the Community Planning Department backed by the RCMP recommends support for the expansion of the use within the heritage building and the amendment to the liquor primary license application as the applicant agrees to implement the following safety and security measures:

- Security staff must be on duty after 8:00 p.m. daily at a minimum ratio of 1:50 patrons. Designated security staff must have completed a minimum of BST level training and possess a valid licence while employed in the capacity of Security Staff.
- The applicant must install and operate a patron identification system, Servall Biometrics, after 10 p.m. Friday and Saturday.
- The applicant must install and operate a high definition security camera system which records and retains data for a period of no less than 7 days. The camera system must provide video coverage of the entire floor space and immediate area outside of their establishment including all entrances and exits.

The above requested conditions are now standard practices for all major late night establishments operating in downtown core and are intended to maintain the highest level of safety for the public and employees.

Discussion of the LCLB's regulatory criteria for Local Government comment on liquor license endorsement applications is as contained within Staff's recommendation at the beginning of this report.

4.0 Proposal

4.1 Project Description

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

- An amendment to an existing liquor primary license.

Proposed License Summary:

Existing Hours of Sale:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	9:00am	9:00am	9:00am	9:00am	9:00am	9:00am	9:00am
Close	midnight	midnight	midnight	midnight	1:00am	1:00am	1:00am

Licensed Area	Existing Capacity	Proposed Capacity
First Floor Sitting area	134 persons	134 persons
First Floor outdoor patio area	38 persons	38 persons
The Second Floor Mezzanine area	106 persons	243 persons
Total Person Capacity	278 persons	415 persons*

*The proposed capacity is based on preliminary floor plans, which are subject to approval by the Building & Permitting Branch and the LCLB.

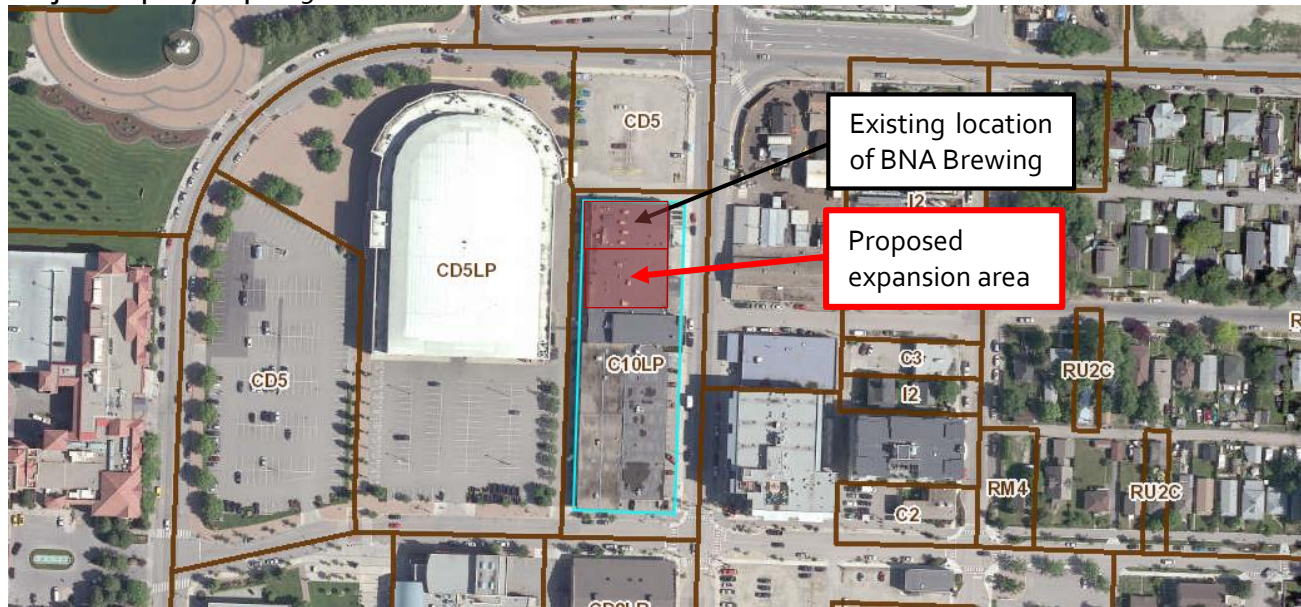
4.2 Site Context

The subject property is located on the west side of Ellis Street south of Clement Avenue.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	CD5 – Multi Purpose Facility	Parking Lot
East	I4 – Central Industrial	Metal Manufacturing
South	C10 – Service Commercial	Various commercial uses
West	CD5 - Multi Purpose Facility	Prospera Place Arena

Subject Property Map: 1250 Ellis Street



5.0 Current Development Policies

5.1 Council Policy #359 – Liquor Licensing Policy & Procedures

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

Liquor Primary Establishments

1. Siting/Density Guidelines:

- No establishment with a person capacity greater than 500 persons should be permitted.
- 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):
- e. Should not be located beside another liquor primary establishment

For the purposes of determining proximity, the 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;
- Past licensee compliance and performance issues as may be provided by the LCLB

2. Other Policies:

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.

6.0 Technical Comments

6.1 Building & Permitting Department

- No concerns with Liquor License area. A building permit for the proposed interior renovations is required.

6.2 Fire Department

- No concerns.

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

7.0 Application Chronology

Date of Application Received: June 15, 2017

Report Prepared by: Lydia Korolchuk, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A: LCLB Application

Attachment B: Proposed Floor Plan Expansion