

2.0 Purpose

To seek Council's support for a new Liquor Primary License at the subject property.

3.0 Community Planning

The application proposes to change an existing Food Primary Establishment to a Liquor Primary Establishment. Sturgeon Hall Restaurant and Bordello's Italian Pizzeria has operated at this location under a food primary license for the past 22 years. The owner's recently closed Bordello's Italian Pizzeria with the intention of expanding the second floor kitchen and office space.

The establishment will continue to serve the current menu, with reduced menu selections after dinnertime. The application to the LCLB includes the request for Family Food Service which would allow minors accompanied by an adult in the establishment until 10pm. Noise is not a concern as the building is free-standing and the existing windows do not open. There are no existing residential uses within the immediate vicinity.

The proposed licensed hours of operation will remain the same as the existing food primary establishment hours of operation (9:00 am - 1:00 am) as the applicant agrees to implement the following safety measures:

- Restriction of hours of operation from 9am to 1am Monday to Sunday and capacity restricted to applicant's request (95) persons. Proposed hours of operation of 9am to 2am is not supported by Kelowna RCMP.
- Security staff must be on duty after 8:00 pm daily at a minimum ratio of 1:50 patrols. Designated security staff must have completed a minimum of BST level training and possess a valid license while employed in the capacity of Security Staff.
- The applicant must install and operate a patron identification system, Servall Biometrics, after 9pm daily.
- The applicant must install and operate a high definition security camera 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 their establishment including all entrances and exits.

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.

Outdoor Patio

The existing outdoor patio area will maintain the existing operating hours which are consistent with the Bernard Avenue Sidewalk Program and other outdoor patio areas downtown:

- Patio hours of operation: 9:00 am – 11:00 pm
- Last Call for drinks: 10:30 pm
- Alcohol to be cleared from the patio area by 11:00 pm
- Patrons must exit patio by 12:00 am

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:

- New liquor primary licensed establishments.

4.2 Project Description

Proposed Hours of Sale for Sturgeon Hall Pub (Liquor Primary License # 159496):

	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	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM

Sturgeon Hall Pub:

Licensed Area	Net Floor Area	Proposed Capacity
Bar Seating area	31.2 m ²	26 persons
Lounge Seating area	54 m ²	45 persons
Main floor outdoor patio area	28.8 m ²	24 persons
Total Person Capacity	114 m²	95 persons*

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

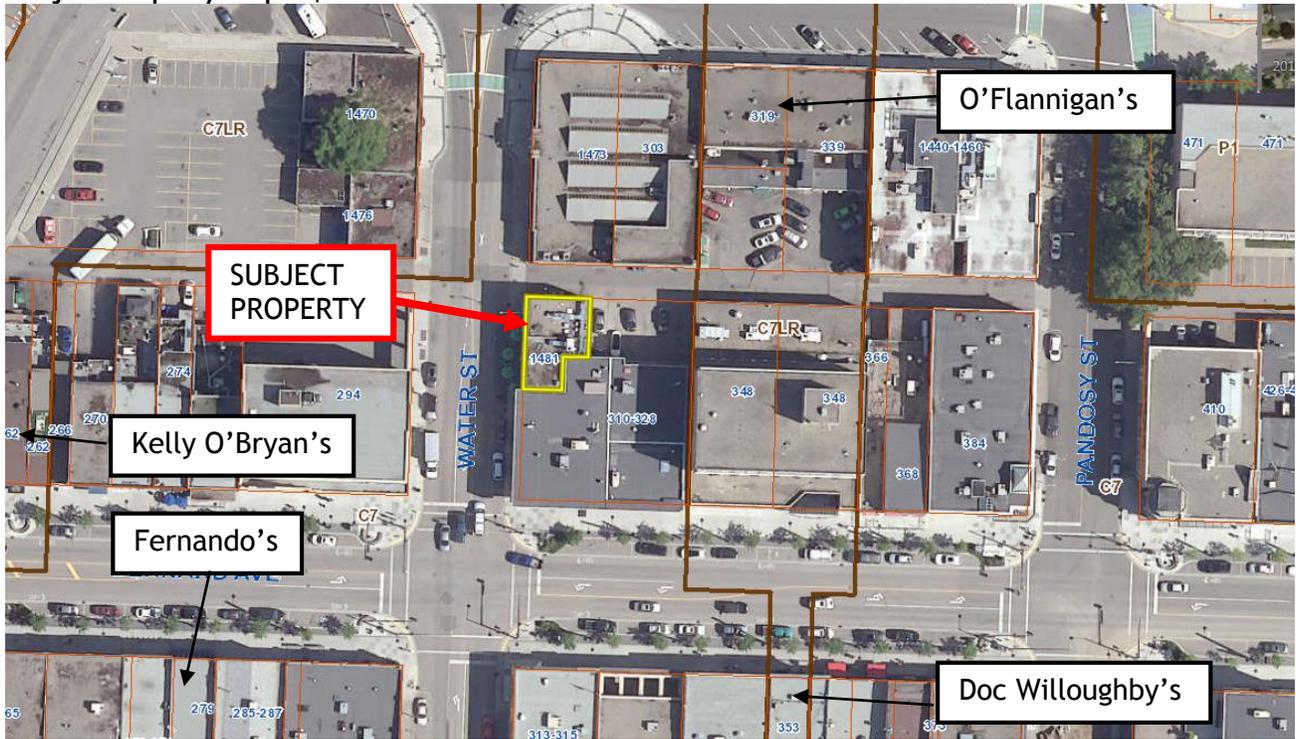
4.3 Site Context

The subject property is located downtown on Water Street between Bernard Avenue and Queensway. The adjacent businesses are BC Tree Fruits to the north and CIBC to the south.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C7 – Central Business Commercial	Offices
East	C7 - Central Business Commercial	Retail Stores
South	C7 - Central Business Commercial	Financial Institution
West	C7 - Central Business Commercial	Financial Institution

Subject Property Map: 1481 Water 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:
 - 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):
 - 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.o Application Chronology

Date of Application Received: August 29, 2017

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

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