
CITY OF KELOWNA

MEMORANDUM

Date: January 2, 2001
File No.: LL00-001

To: City Manager

From: Planning and Development Services Department

Subject: Proposed Class "D" Neighbourhood Public House License for Doc Willoughby's at 353 Bernard Avenue

1.0 RECOMMENDATION

THAT the Council of the City of Kelowna considers the majority of the area residents to be in favour of the application for a Class "D" Neighbourhood Public House Liquor License at 353 Bernard Avenue, Kelowna B.C. (Doc Willoughby's Downtown Grill);

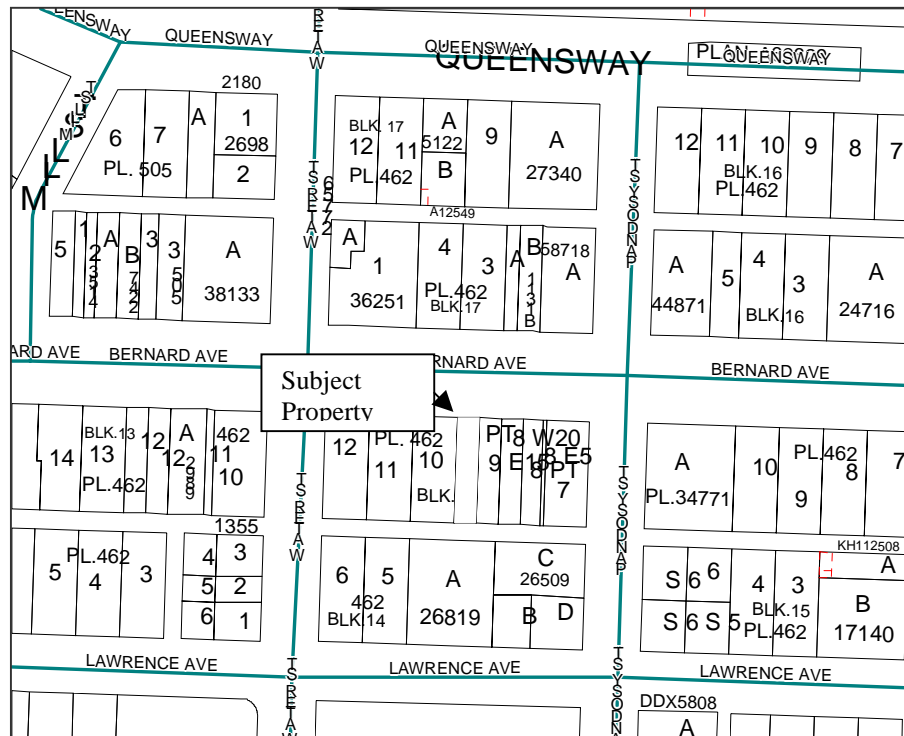
AND THAT Council supports the following amendments to the current operating restrictions specifically requested by Schultzco Holdings Ltd.:

- To obtain a Class "D" Neighbourhood Public House Liquor License for the premises at 353 Bernard Avenue;
- To retain a portion of the premises as a Class "B" Liquor License (approximately 24 seats) at the front of the premises;
- To obtain the ability to sell packaged beer off-premises;
- To increase seating capacity from 65 inside seats to 98 inside seats for the "D" Class area, in addition to a 20 seat outdoor patio area;
- To allow the hours of operation to be extended to 1:00 AM Friday and Saturday nights;

AND THAT Council supports the applicant proceeding with the application.

2.0 BACKGROUND

2.1 The Proposal



The applicant has applied to the Liquor Control and Licensing Branch for a Class “D” Neighbourhood Public House Liquor License for the premises at 353 Bernard Avenue, known as Doc Willoughby’s Downtown Grill (previously the Kitchen Cowboy). The applicant has received Preliminary Site and Applicant Approval (PSA) from the Liquor Control and Licensing Branch and is now requesting Council’s support of the application in order to continue the license application process with the Province.

The applicant intends to retain approximately 24 seats as a separate “B” licensed area in the front portion of the premises in order to be able to serve food to minors and families. Normally, a Class “D” premises does not permit minors on the premises. The applicant has provided a written statement as to the rationale for the ability to continue to serve minors and families but the main reason is to be able to cater to tourists who may be travelling with underage children and to families who want to have a meal downtown prior to attending a sporting or cultural event. The location of the washrooms on premises makes it necessary for patrons of the proposed “B” license area to cross through the “D” license area in order to access the washrooms. Due to the nature of the premises, staff do not have a concern with this issue as it is likely that the character of the operation will not change significantly compared to its current operation as a restaurant. This will be an issue for the Liquor Control and Licensing Branch to determine.

The applicant also intends to convert approximately 290 square feet of the premises into a games area, retain a 20 seat outdoor patio, and to provide “off-sales” of packaged beer to the public. Recent changes to liquor licensing regulations also allows the applicant to apply for an increase in the seating capacity for the new “D” licensed premises for up to 150% of the existing capacity. The applicant has made such an application to increase the “D” license capacity from 65 seats to 98 seats. The premises has an estimated occupant load of 131 and therefore, staff support the increase in seating capacity to 98 for the “D” Class area. If the applicant is successful in having the “B” Class area approved, the total inside seating would be 124.

2.2 Criteria of Liquor Control and Licensing Branch

The Liquor Control and Licensing Branch requires Council to consider four specific criteria in their recommendation on the Class “D” Liquor License application:

1. Whether or not Council considers that the residents are in favour of granting the license.
2. The proximity of the establishment to other social facilities and public buildings;
3. Traffic, road access and availability of parking;
4. Noise and appearance of the establishment.

Council is also directed to consider any other local issues such as off-sales and extended hours. In response to these issues, staff provide the following:

1. Council must assess the response at the public meeting as to whether or not the residents are in favour of granting this license. There are limited residential dwellings in the downtown area. Other than the occasional single unit above a commercial space, the closest residential building is located at Abbott and Leon (the old Caravelle building).
2. There are several other licensed establishments within the downtown area. However, they are mostly either restaurants or cabarets. There is presently no other “D” licensed premises in the downtown area. Furthermore, the applicant has provided a letter from the Downtown Kelowna Association supporting the proposed use.
3. There should be no significant impact on traffic or parking as the premises is currently operated at a higher building capacity than what the license application requests. The area is also well served by transit and by the presence of taxis already catering to after hours destinations within the downtown area.
4. The applicant has spent considerable effort to restore or replicate the historic building that the establishment currently occupies. The changing of the liquor license is not expected to have any impact on the appearance of the building. The current establishment regularly provides live entertainment and no noise problems have been brought to the City’s attention to date.

The applicant has requested that Council support the option of having extended hours on Friday and Saturday nights. At this point, the applicant does not cater to a large late night crowd but would like to have the option of considering extended hours when there is a demand for this service. The applicant has also requested permission to sell packaged beer off premises (off-sales). The products that this establishment specializes in are craft styled beers which have the potential to be marketed similar to the local estate wines. The applicant may pursue on site brewing facilities in the future.

3.0 SUMMARY

The applicant has provided information regarding siting criteria, public interest for a neighbourhood pub at this site, marketing information, proximity to other establishments and appearance details of the premises. The Planning and Development Services Department has further solicited input from the Inspection Services Manager, the RCMP, and the City Fire Department. The applicant also submitted a letter from the Downtown Kelowna Association in support of the Class "D" application. Based on the information provided by the applicant, and the input from other City departments, the Planning and Development Services Department recommend that Council support the application as proposed, subject to input from the public.

Andrew Bruce
Current Planning Manager

Approved for inclusion



R.L. (Ron) Mattiussi, A.C.P., M.C.I.P.
Director of Planning & Development Services

FACT SHEET

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| 1. APPLICATION NO.: | LL00-001 |
| 2. APPLICATION TYPE: | Liquor License Application |
| 3. OWNER/APPLICANT: <ul style="list-style-type: none">• ADDRESS• CITY• POSTAL CODE | Schultzco Holdings Ltd./Peter Schultz 353 Bernard Avenue Kelowna, B.C. V1Y 6N6 |
| 4. APPLICATION PROGRESS: <ul style="list-style-type: none">Date of Application:Date Application Complete:Staff Report to Council: | December 8, 2000 December 8, 2000 December 29, 2000 |
| 6. LEGAL DESCRIPTION: | Lot 9, Block 14, D.L. 139 ODYD, Plan 462 Excepting the Easterly 15 feet thereof |
| 7. SITE LOCATION: | South side of Bernard Avenue, between Pandosy and Water Streets |
| 8. CIVIC ADDRESS: | 353 Bernard Avenue |
| 11. EXISTING ZONE CATEGORY: | C7 – Central Business District |
| 12. PURPOSE OF THE APPLICATION: | To request Council's support on several changes to the operation, most significantly, obtaining a Class "D" Neighbourhood Public House Liquor License |

Attachments
(missing from electronic version)

16 page application package