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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** November 19, 2003  
**File No.:** LL03-0020

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

**APPLICATION NO.** LL03-0020

**OWNER:** M.S. Developments Inc.

**AT:** 1630-1654 Ellis Street  
466-484 Leon Avenue

**APPLICANT:** Nicholas Sintichakis

**PURPOSE:** TO OBTAIN COUNCIL SUPPORT FOR A CHANGE TO THE  
PERMITTED HOURS OF OPERATION FROM 11 A.M.-1  
A.M. TO 9 A.M. TO 2 A.M. 7 DAYS PER WEEK

**REPORT PREPARED BY:** RYAN SMITH

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**1.0 RECOMMENDATION**

THAT Council support a change to the permitted hours of operation from 11 a.m.-1 a.m. to 9 a.m.-2 a.m. (7 days per week) on Lot 1, Plan 462, BLK 8, DL 139 and Lot 2, Plan 462, BLK 8, DL 139 proposed by Nicholas Sintichakis for 1630 Ellis Street;

AND THAT Council direct staff to forward the appropriate resolution to the Liquor Control and Licensing Board in Victoria.

**2.0 SUMMARY**

The applicant seeks Council support for an extension to the permitted hours of operation. Tonics Pub currently operates from 11 a.m. to 1 a.m. seven days per week. The applicants are seeking to extend these hours to 9 a.m. to 2 a.m. seven days per week. The applicants feel that these extended hours of operation would allow Tonics more flexibility with respect to special events/special occasions and the earlier hours would facilitate the operation of the establishment for brunch functions.

**3.0 BACKGROUND**

**3.1 The Proposal**

The applicant received Council approval to operate an upscale pub (Tonics Pub) that is located on the corner of Ellis Street and Leon Avenue, adjacent to Yamas Restaurant on February 4<sup>th</sup>, 2003. In May of 2003, the Council granted a person capacity increase for the establishment. The present capacity is 132 persons with a patio capacity of 31 persons. The applicants are seeking to extend the permitted

hours of operation from 11 a.m.-1 a.m. (7 days per week) to 9 a.m. to 2 a.m. (7 days per week).

The applicants feel that these extended hours of operation would allow Tonics more flexibility with respect to special events/special occasions and the earlier hours would facilitate the operation of the establishment for brunch type functions.

There is no residential development in the immediate area of the pub (within 300m). There are also no schools located in the immediate vicinity. There are several social agencies in the immediate vicinity that have expressed concerns regarding the pub in the past.

### 3.2 Site Context

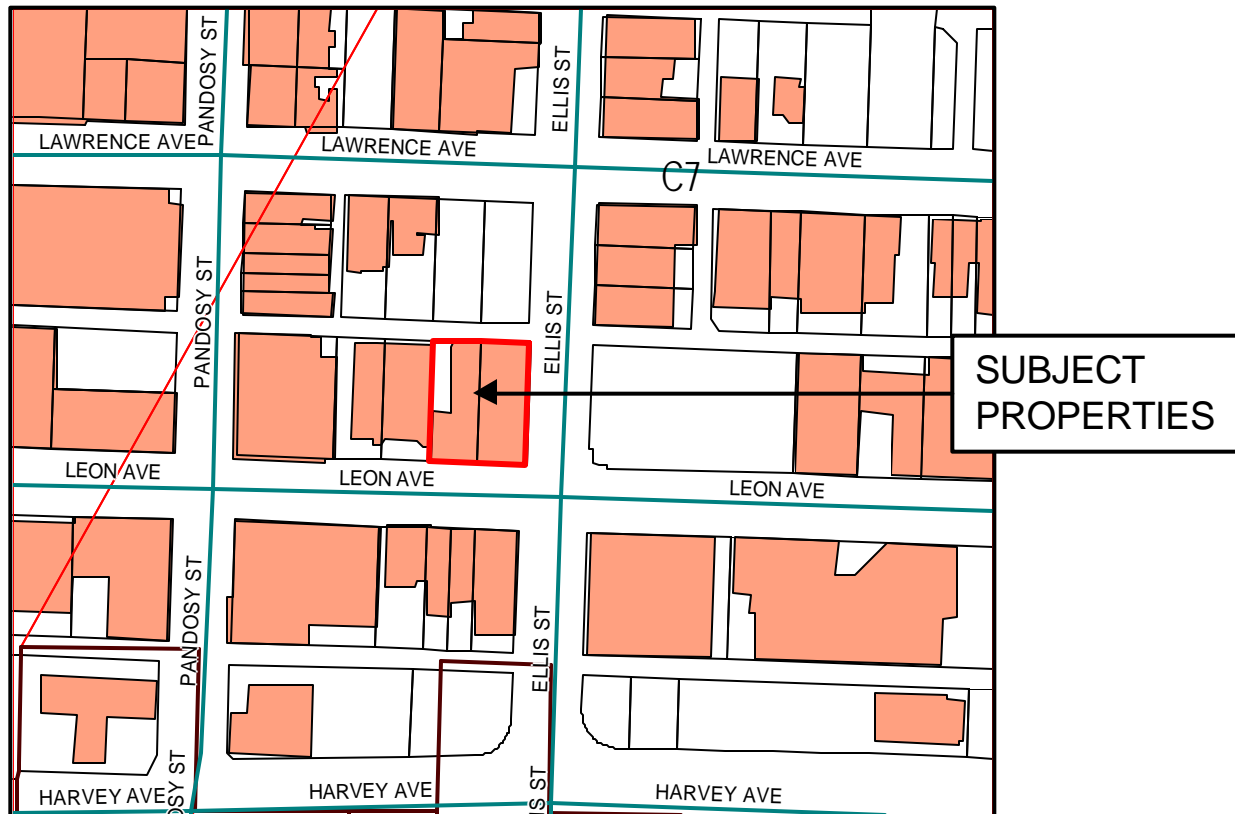
The subject property is located on the northwest corner of Ellis Street and Leon Avenue in the downtown area.

Adjacent zones and uses are:

North	-C7 – Central Business Commercial – Yamas Restaurant
East	-C7 – Central Business Commercial – TD Bank
South	-C7 – Central Business Commercial – Miller Wyatt Ltd.
West	-C7 – Central Business Commercial – Ki-Low-Na Friendship Society

### 3.3 Site Location Map

Subject Properties: 1630-1654 Ellis Street/466-484 Leon Avenue



### 3.4 Current Development Policy

#### 3.4.1 Kelowna Downtown Plan

One of the goals stated in the Kelowna Downtown Plan is to have a Downtown that expresses its identity through arts and cultural assets, as a unique place to live, work, socialise, shop and conduct business.

#### 3.4.2 Mayor's Entertainment District Task Force (MEDTP)

This application conforms to MEDTF policy. The earlier opening time may help to reduce the dead time commonly associated with bar and nightclub type establishments.

### 3.4.3 Liquor Control and Licensing Branch Criteria

a) **The location of the establishment**

The liquor primary establishment is located in the Lawrence/Leon area in an area.

b) **The person capacity and hours of liquor service of the establishment**

Council has recommended (MEDTF) that the hours of operation for other liquor primary establishments not exceed 2 a.m..

c) **Traffic, noise, parking and zoning**

When Council considered the Liquor Primary license application for this establishment, none of the issues above were considered problematic.

d) **Population, population density and population trends**

Tonics Pub is located in a downtown area that is in transition and is attracting some commercial redevelopment.

e) **The impact on the community if the application is approved**

Tonics Pub has operated in this location since the beginning of October 2003, and no complaints have been received.

### 4.0 TECHNICAL COMMENTS

The application has been submitted to various technical agencies and City departments, and the following comments have been submitted:

4.1. Inspection Services Department

No Comment.

4.2. RCMP

Not opposed.

4.3. Fire Department

No comment.

4.4. Public Health Inspector

No comment.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department has no objections to this application. The application is in conformity with recommendations by the Mayor's Entertainment District Task Force. Staff are not aware of any complaints in relation to the operation of Tonics Pub since its opening in October of 2003.

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Andrew Bruce  
Manager of Development Services

Approved for inclusion ☐

R.L. (Ron) Mattiussi, ACP, MCIP  
Director of Planning & Corporate Services

RM/AB/rs  
Attach.

**FACT SHEET**

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|-----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. APPLICATION NO.:</b>                                            | LL03-0020                                                                                                                          |
| <b>2. APPLICATION TYPE:</b>                                           | Liquor License Application                                                                                                         |
| <b>3. OWNER:</b>                                                      | M.S. Developments Inc.                                                                                                             |
| <b>ADDRESS</b>                                                        | 5-246 Lawrence Avenue                                                                                                              |
| · <b>CITY</b>                                                         | Kelowna                                                                                                                            |
| · <b>POSTAL CODE</b>                                                  | V1Y 6L3                                                                                                                            |
| <b>4. APPLICANT/CONTACT PERSON:</b>                                   | Antonio Pantazopoulos                                                                                                              |
| · <b>ADDRESS</b>                                                      | 1630 Ellis St.                                                                                                                     |
| · <b>CITY</b>                                                         | Kelowna                                                                                                                            |
| · <b>POSTAL CODE</b>                                                  |                                                                                                                                    |
| · <b>TELEPHONE/FAX NO.:</b>                                           | (250) 317-5443                                                                                                                     |
| <b>5. APPLICATION PROGRESS:</b>                                       |                                                                                                                                    |
| <b>Date of Application:</b>                                           | November 14 <sup>th</sup> , 2002                                                                                                   |
| <b>Date Application Complete:</b>                                     | November 14 <sup>th</sup> , 2002                                                                                                   |
| <b>Staff Report to Council:</b>                                       |                                                                                                                                    |
| <b>6. LEGAL DESCRIPTION:</b>                                          | Lot 1, Plan 462, BLK 8, DL 139<br>Lot 2, Plan 462, BLK 8, DL 139                                                                   |
| <b>7. SITE LOCATION:</b>                                              | The subject property is located on the north-west corner of Ellis Street and Leon Avenue in the downtown area.                     |
| <b>8. CIVIC ADDRESS:</b>                                              | 1630-54 Ellis Street, Kelowna, BC<br>466-484 Leon Avenue, Kelowna, BC                                                              |
| <b>9. AREA OF SUBJECT PROPERTY:</b>                                   | 557m2                                                                                                                              |
| <b>10. EXISTING ZONE CATEGORY:</b>                                    | C7                                                                                                                                 |
| <b>11. PURPOSE OF THE APPLICATION:</b>                                | TO OBTAIN COUNCIL SUPPORT FOR A CHANGE TO THE PERMITTED HOURS OF OPERATION FROM 11 A.M.-1 A.M. TO 9 A.M. TO 2 A.M. 7 DAYS PER WEEK |
| <b>14. MIN. OF TRANS./HIGHWAYS FILES NO.:</b>                         | N/A                                                                                                                                |
| <b>NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY</b> |                                                                                                                                    |
| <b>15. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS</b>                   | N/A                                                                                                                                |

**ATTACHMENTS**

**(not attached to the electronic version of the report)**

- Location of subject property