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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** July 19, 2004  
**File No.:** LL04-0010

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

**APPLICATION NO.** LL04-0010

**OWNER:** R5222 Enterprises Ltd.

**AT:** 1451 Ellis Street

**APPLICANT:** Franco Cocco

**PURPOSE:** TO OBTAIN COUNCIL SUPPORT FOR A CHANGE TO THE PERMITTED HOURS OF OPERATION PERMITTED FOR THE FOOD PRIMARY LICENSE FROM 11 A.M. TO 12 A.M. 7 DAYS PER WEEK TO 11 A.M. TO 1 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. to 12 a.m. 7 days per week to 11 a.m. to 1 a.m. 7 days per week, on Lot 5, District Lot 139, ODYD Plan 800 proposed by La Bussola Restaurant for 1451 Abbott Street;

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

**2.0 SUMMARY**

The applicants are seeking Council support for an extension to the permitted hours of operation for their food primary license. La Bussola has relocated their operations from Leon Avenue and is currently renovating a new location on Ellis Street across from the Queensway bus loop. The Liquor Control and Licensing Branch has granted hours of liquor service from 11 a.m. to 12 a.m. seven days per week at this new location. The applicants are seeking to extend these hours to 11 a.m. to 1 a.m. seven days per week. The applicants enjoyed the proposed hours of operation at their previous location; however, the LCLB would not allow the applicants to transfer hours beyond midnight without a Local Government resolution.

### 3.0 BACKGROUND

#### 3.1 Site Context

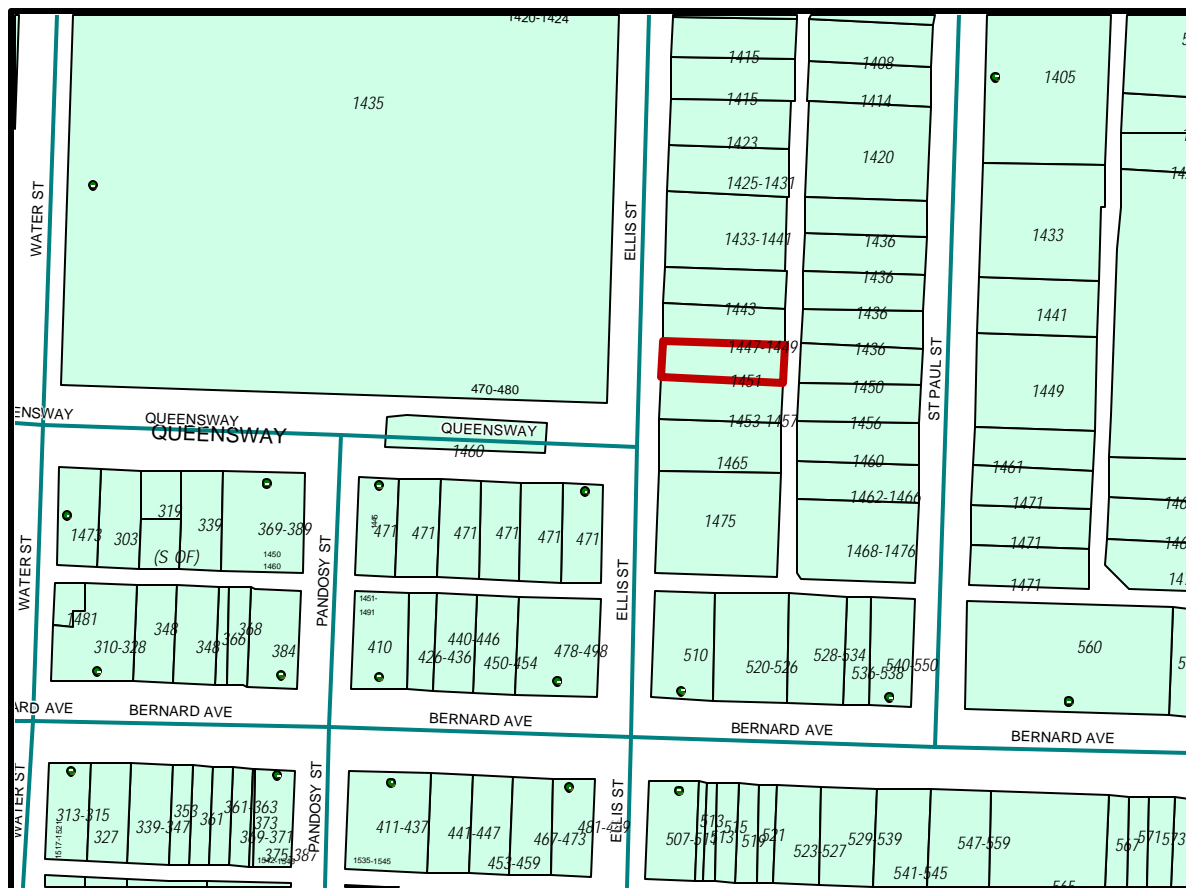
The subject property is located on the east side of Ellis Street across from the Queensway bus loop.

Adjacent zones and uses are:

North -C7 – Central Business Commercial - Salvation Army  
 East -C7 – Central Business Commercial – Private Healthcare Homecare  
 South -C7 – Central Business Commercial – Porter Ramsay/ The Lodging Company  
 West -P1 – Major Institutional – Queensway Bus Loop

#### 3.2 Site Location Map

Subject Properties: 1451 Ellis Street



### 3.3 Current Development Policy

#### 3.3.1 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.

#### 3.3.2 Mayor's Entertainment District Task Force (MEDTF)

The subject property is located in the Yellow area identified by the Mayor's Entertainment District Task Force. The MEDTF report discourages extensions to hours of liquor service beyond 2 a.m. for liquor primary licenses establishments however does not make any recommendations for food primary licensed establishments located in this area.

#### 3.3.3 Liquor Control and Licensing Branch Criteria

##### a) **The location of the establishment**

La Bussola Restaurant has relocated to a new area in downtown Kelowna. Staff support this move as it brings this successful business back into a prosperous area of downtown with more pedestrian traffic.

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

Council has recommended (MEDTF) that the hours of operation for liquor primary establishments not exceed 2 a.m.. Council has not identified any restrictions for food primary licensed establishments in terms of hours of operation.

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

Staff does not anticipate that extending the hours of operation to 1 a.m. (7 days per week) will have any impact on traffic. The extension may generate an extra hour of noise from patrons leaving the restaurant; however, the demographic served by this establishment does not tend to be boisterous in nature.

##### d) **Population, population density and population trends/relevant socio-economic**

There is variety of redevelopment occurring north of the downtown core. The new location of La Bussola places this restaurant closer to new commercial, residential and cultural development. The

residential population density within 1km of the subject property will likely increase substantially in the next 10 years.

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

La Bussola is a family oriented restaurant and staff do not anticipate any negative impacts from extended hours of liquor service.

**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**

Do not oppose extension.

**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 not affected by the recommendations of the Mayor's Entertainment District Task Force.

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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>   | LL04-0010  |
| <b>2. APPLICATION TYPE:</b>  | Liquor License Application   |
| <b>3. OWNER:<br/>ADDRESS<br/>. CITY<br/>. POSTAL CODE</b>  | R522 Enterprises Ltd.<br>668 Royal Pine Drive<br>Kelowna, BC<br>V1Y 6K9  |
| <b>4. APPLICANT/CONTACT PERSON:<br/>. ADDRESS<br/>. CITY<br/>. POSTAL CODE<br/>. TELEPHONE/FAX NO.:</b>              | Franco Cocco<br>234 Leon Avenue<br>Kelowna, BC<br>V1Y 6H9<br>250-763-3110  |
| <b>5. APPLICATION PROGRESS:<br/>Date of Application:<br/>Date Application Complete:<br/>Staff Report to Council:</b> | June 30, 2004<br>June 30, 2004<br>July 15, 2004  |
| <b>6. LEGAL DESCRIPTION:</b>   | Lot 5, District Lot 139, ODYD Plan<br>800  |
| <b>7. SITE LOCATION:</b>   | The subject property is located on the<br>east side of Ellis Street across from<br>the Queensway bus loop.   |
| <b>8. CIVIC ADDRESS:</b>   | 1451 Ellis Street  |
| <b>9. AREA OF SUBJECT PROPERTY:</b>  | 612m <sup>2</sup>  |
| <b>10. EXISTING ZONE CATEGORY:</b>   | C7-Central Business Commercial   |
| <b>11. PURPOSE OF THE APPLICATION:</b>   | TO OBTAIN COUNCIL SUPPORT FOR A CHANGE<br>TO THE PERMITTED HOURS OF OPERATION<br>PERMITTED FOR THE FOOD PRIMARY LICENSE<br>FROM 12 A.M.-1 A.M. 7 DAYS PER WEEK |
| <b>14. MIN. OF TRANS./HIGHWAYS FILES NO.:<br/>NOTE: IF LANDS ARE WITHIN 800 m OF A<br/>CONTROLLED ACCESS HIGHWAY</b> | N/A  |
| <b>15. DEVELOPMENT PERMIT MAP 13.2<br/>IMPLICATIONS</b>  | N/A  |

**ATTACHMENTS**

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

- Location of subject property