
CITY OF KELOWNA
MEMORANDUM

DATE: JULY 23, 2007
TO: CITY MANAGER
FROM: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
APPLICATION NO. LL07-0005 **OWNER:** Victor Projects Ltd.
AT: 948 MCCURDY ROAD **APPLICANT:** 616189 BC Ltd. (dba Freddy's
Brewpub & McCurdy Bowling
Centre
LEGAL DESCRIPTION: PART OF LOT 1 DISTRICT LOT 143 OSOYOOS DIVISION YALE
DISTRICT PLAN KAP65021
PURPOSE: TO OBTAIN SUPPORT FOR AN INCREASE IN LICENCE CAPACITY
UP TO OCCUPANT LOAD AND FOR A STRUCTURAL ALTERATION
TO ENCLOSE EXISTING PATIOS
REPORT PREPARED BY: Corine (Cory) Gain, MCIP, CPT

1.0 RECOMMENDATION

Be it resolved THAT:

1. Council supports an application from 616189 BC Ltd. dba Freddy's Brewpub & McCurdy Bowling Centre located at Part of Lot 1, District Lot 143 Osoyoos Division Yale District, Plan KAP65021, 948 McCurdy Road, Kelowna, BC to
 - a) increase the licensed person capacity up to the Building Occupant Load from the existing 199 persons to 440 persons; and
 - b) allow a structural alteration to enclose existing patios at the front of the establishment

because the changes proposed will be confined to the area currently under license and are not anticipated to have any impact on the tenants or patrons of McCurdy Corner or the surrounding neighbourhood.

2. The Council's comments on the prescribed considerations are as follows:
 - a) The potential for noise if the application is approved remains unchanged.
 - b) The impact on the community if the application is approved is considered minimal given that the establishment is located within an established commercial/industrial area with ample parking on site.

3. The Council's comments on the views of residents are as contained within the staff report submitted for consideration and the minutes of the meeting at which the application was considered by Council.

2.0 SUMMARY

The applicant is seeking Council support for a "Capacity Increase up to Occupant Load" to allow a licensed capacity increase of 241 persons and a "Structural Change" which will enclose existing licensed patio space at the front of the establishment (previously approved by Development Permit DP05-0178).

2.1 LICENSING SUMMARY

Licensing Summary	Existing (Licence No.)	Occupancy Load Calculation	Proposed Change
Bowling Alley & Food Area	150	340	+ 190
Patio Seating	49	100	+ 51
Total:	199	440	+ 241
Hours of Operation	10 AM to Midnight Mon to Thursday, 11 AM to 1AM Fri and Sat and 10 AM -Midnight Sunday	No change	No change
Parking Required	Total Stalls Required: 4.4 stalls per 100 sq.m. of Gross Leasable Area Parking Stalls Provided at 'McCurdy Corner' is 655	Excess of 100 parking stalls on site for existing Gross Leasable area	None required

3.0 SITE CONTEXT

The subject establishment is located at the southeast corner of the site known as McCurdy Corner at the corner of the intersection of Highway 97 and McCurdy Road. The current zoning of the property is C3L – Community Commercial (Liquor Primary/Retail Liquor Sales).

Adjacent zones and uses are:

- North - C9 – Tourist Commercial (Kelowna Grand Prix and Laser Tag)
- East - C10 – Service Commercial and
I2 – General Industrial
- South - Land Use Contract (Mixed commercial and industrial)
- West - C3 – Community Commercial (Multi-tenant)

4.0 SITE LOCATION MAP

See attachment A.

5.0 BACKGROUND

On September 14, 1998 the following resolution was adopted by the Municipal Council of the City of Kelowna:

“THAT the Liquor Control and Licensing Branch be advised that Council supports the licensing of a Class “A” Recreation Centre Liquor Licence with patio area, off sales privileges and on site brewery proposed by the Zone Bowling Centre located at 940 McCurdy Road.”

There are currently three separate liquor licenses for the complex known as Freddy’s Brewpub and McCurdy Bowling Centre; Food Primary License No. 218273; Liquor Primary License No. 218268 and Brewery License No. 300197.

In accordance with correspondence from the Ministry of Public Safety and Solicitor General, Liquor Control and Licensing Branch (LCLB) dated November 23, 2005 outlining LCLB policy changes related to licensing provisions for bowling centres (Refer to Attachment D), the applicant has requested a “Change in Terms and Conditions” from the LCLB. The intention is to merge the Food Primary and Liquor Primary Licenses into one Liquor Primary License to cover the entire complex and be granted an exemption to allow minors into specific areas of the complex. There is no requirement for a local government resolution for that particular application. The result would be one Liquor Primary License and one Brewery License.

The applicant has made application to the City of Kelowna for a Council resolution to support an application intended to take advantage of the one time only ‘Capacity Increase up to Occupant Load’ provision under current Liquor Control and Licensing Branch (LCLB) policy. The eligibility criteria for this type of application states as follows:

“Liquor-primary and Liquor-primary club licensees who were issued a licence on or before December 2, 2002, or were granted preliminary site and applicant approval on or before December 2, 2002, may make a one time application to increase the capacity of their establishment to its existing occupant load. This change does not require a local government/First Nation council resolution commenting on the increase in establishment capacity. However, if a Licensee has made alterations that increase the physical size of their establishment and not provided current floor plans to the Liquor Control and Licensing Branch, the licensee may need to do so now, following instruction in Part 5 of this form.”

The applicant has presented the application for a capacity increase concurrently with an application for a structural alteration as required. The structural change, enclosure of the outdoor patios consistent with the plans approved under DP05-0178, is currently underway under Building Permit No. 32980. It is also required to fulfil requirements related to the change in the license classification as described in Attachment ‘D’ of this report.

The City of Kelowna Zoning Bylaw stipulates that “all commercial uses combined in Shopping Centres in any zone except C4 and C7” have a parking requirement of 4.4 spaces per 100 m² of Gross Leasable Area. If the parking requirement were to be calculated on the basis of one space per four seats of capacity the parking requirement would be 100 spaces. The existing parking spaces directly adjacent to the subject establishment number 113. These are spaces that are unlikely to be utilized by the clients of other businesses at ‘McCurdy Corner’.

6.0 TECHNICAL COMMENTS

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

5.1 Inspection Services Department

Must conform to BC Building Code.

Occupant Load Calculation:

Bowling Alley & Food Area: $408 \text{ m}^2/1.2 = 340$ persons
Patio $120 \text{ m}^2/1.2 = 100$ persons

Total: 440 persons

5.2 RCMP

No comment.

5.3 Fire Department

An updated Fire Safety Plan as per BCFC Section 2.8 is required before occupancy. Means of Egress as per subsection 2.7.1 of the BCFC; Exit Lighting, Exit Signs and Emergency Lighting as per subsection 2.7.3 of the BCFC.

7.0 **PLANNING AND DEVELOPMENT SERVICES DEPARTMENT**

The Planning and Development Services Department has no concerns with the proposed changes to the Liquor License at Freddy's Brewpub & McCurdy Bowling Centre. The changes proposed will be confined to the area currently under license. It is not anticipated to have any impact on the tenants or patrons of McCurdy Corner or the surrounding neighbourhood.



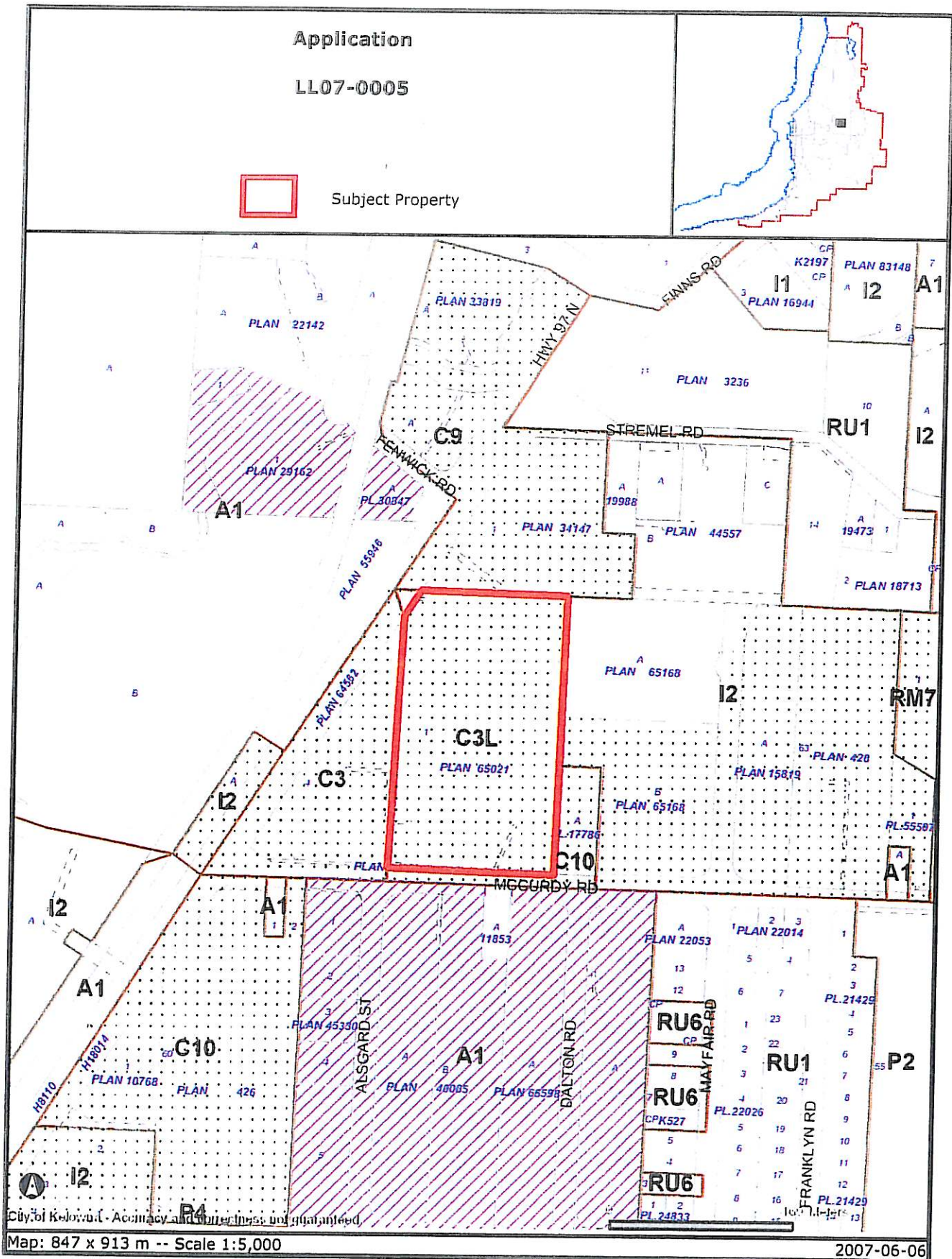
Shelley Gambacort
Current Planning Supervisor

Approved for inclusion 
David Shipclark
Acting Director of Planning & Development Services

DS/SG/cg

Attachments:

- A – Location Map
- B – McCurdy Corner Site Plan
- C – Main Floor Plan with Occupant Load Calculations
- D – Letter from the Ministry of Public Safety and Solicitor General, Liquor Control and Licensing Branch (LCLB) dated November 23, 2005



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

124-94B McCURDY ROAD

LEGAL DESCRIPTION

PID 024 570-591

LOT 1, PLAN KAP65021, DISTRICT 143

ZONING

C-31

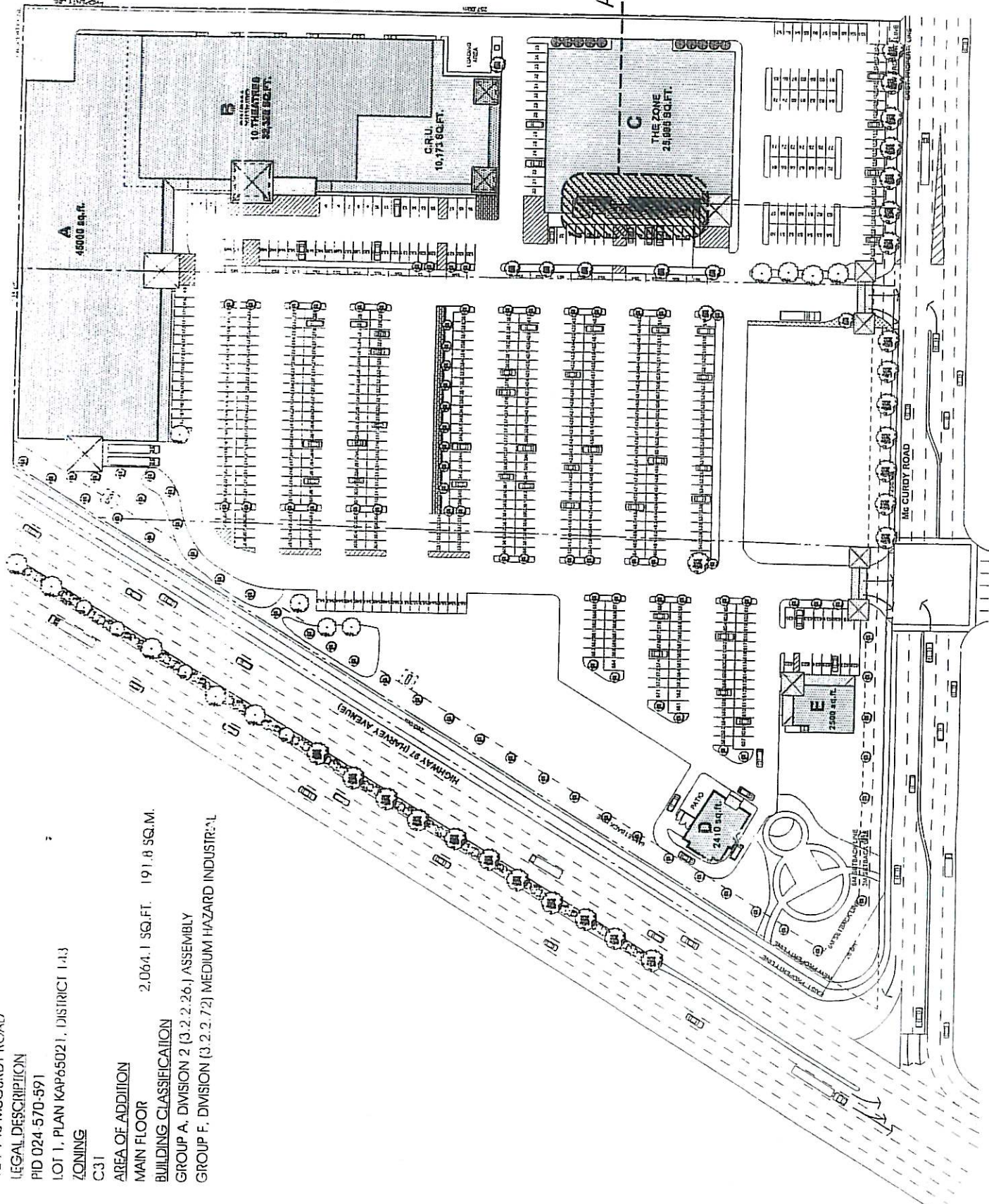
AREA OF ADDITION

MAIN FLOOR 2,064.1 SQ.FT. 191.8 SQ.M.

BUILDING CLASSIFICATION

GROUP A, DIVISION 2 (3.2.2.26.J) ASSEMBLY

GROUP F, DIVISION (3.2.2.72) MEDIUM HAZARD INDUSTRIAL

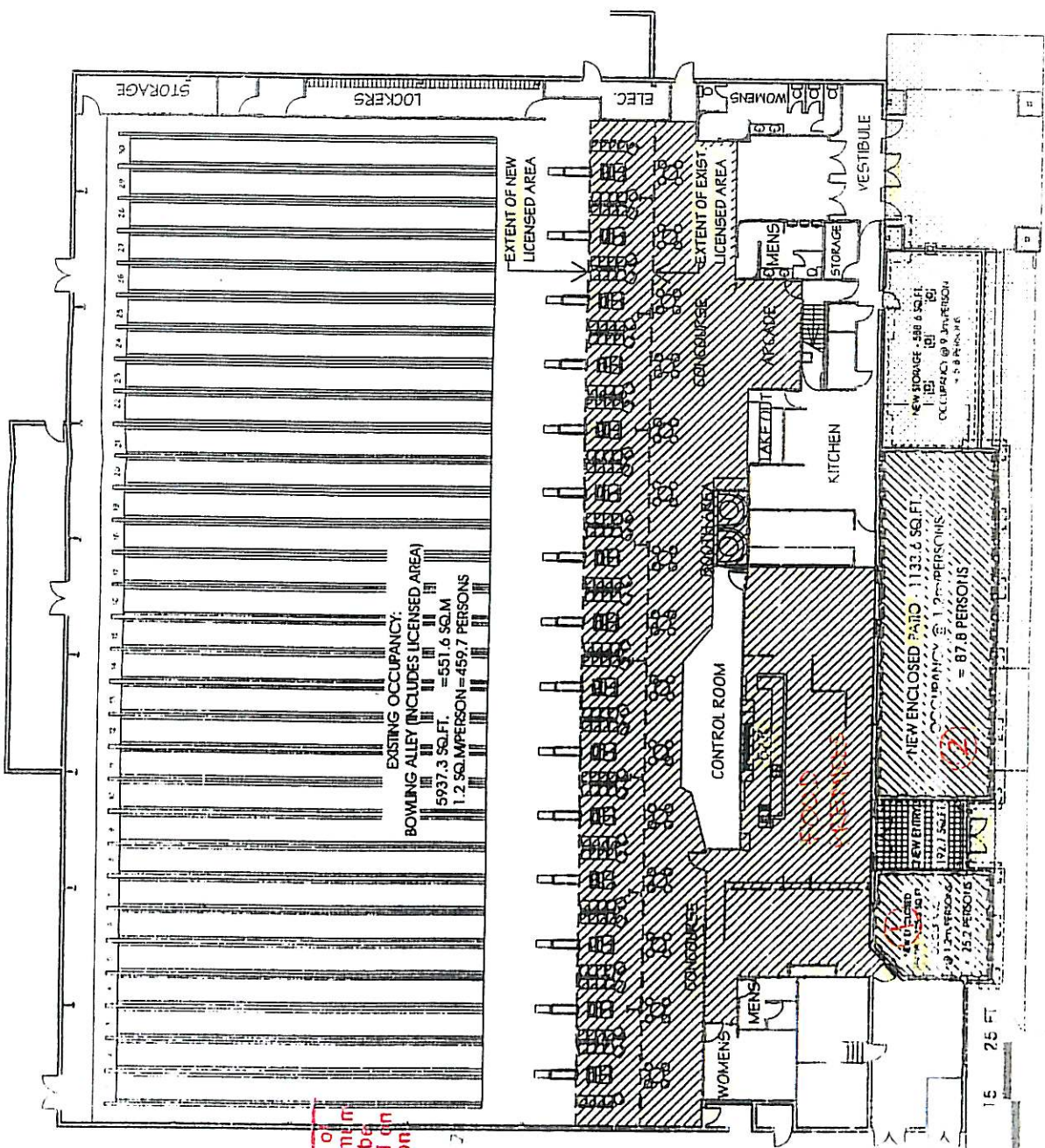


AREA OF RENOVATION

The BOWLING ALLEY & FOOD AREA has a net floor area of 4,089.0 m². The maximum occupant load shall be 340 persons, based on 1.2 m²/person.

JUNE 08, 2007

Reviewed by City of Kelowna Inspection Services



no PATIO (1 & 2) has a net floor area of 1,133.6 m². The maximum occupant load shall be 87.8 persons, based on 1.2 m²/person.

JUNE 08, 2007

Reviewed by City of Kelowna Inspection Services

Freddy's Brew Pub & McCurdy Bowling Centre - Main Floor Plan -

CDC architecture corp
 Date: May 18, 2006
 Project No: 05-23



November 23, 2005
(resent February 8, 2006)

Sheilagh Meyers
Executive Director
Bowl BC
Bowling Proprietors' Association of BC
#209 - 332 Columbia Street
New Westminster BC V3L 1A6

Dear Ms. Meyers:

I am writing regarding BOWL BC's position paper and your association's request that the Liquor Control and Licensing Act Regulations be amended to permit liquor service in the bowlers' area without a food purchase even if minors are present in the facility.

Having carefully reviewed your request against the regulations, and considered the associated policy issues, I have concluded that regulatory amendments are not required to permit liquor service in the bowlers' area or to permit minors in this area while liquor is being served.

The regulations permit minors to be in specific types of liquor-primary establishments such as stadiums or concert halls. The regulations also permit additional exemptions to be granted to establishments that can demonstrate that their primary purpose is not the service of liquor. Bowling centres meet the four part policy test that is required when making this determination, with patrons having paid a cost to bowl in the facility (please see attached LCLB Policy Directive 03-03).

With the introduction of new regulations in December 2002, the policy that prohibited the licensing of the playing area of recreational facilities was rescinded. Consequently the bowlers' area (concourse and the bowlers seating area immediately behind the bowling lanes) are both eligible for licensing. This is consistent with the majority of other Canadian jurisdictions.

Unfortunately a food-primary (restaurant) license at a bowling centre does not satisfy your association's request. While minors are permitted in a food-primary establishment, selling liquor without the requirement to purchase food runs contrary to the primary purpose of this licence class and would be inconsistent with the regulations.

.../2

Ministry of Public Safety
and Solicitor General

Liquor Control and
Licensing Branch

Mailing Address:
PO Box 9292 Stn Prov Govt
Victoria BC V8W 9J8

Telephone: 250 387-1254
Facsimile: 250 387-9184

Location:
Second Floor, 1019 Wharf Street
Victoria BC

[http:// www.pssg.gov.bc.ca/lclb](http://www.pssg.gov.bc.ca/lclb)

Unlicensed bowling centres, such as those facilities that do not have sufficient space for a dedicated lounge, may apply for a new liquor-primary licence for the concourse or players seating area.

Bowling centres with an existing liquor-primary licence for a dedicated lounge may apply for a structural change to include the concourse and/or the bowlers' seating area under their current licence. The compliance history of the licensed establishment will be one of the factors considered in evaluating whether to permit minors in these areas.

If an exception to permit minors is granted, the terms and conditions under which minors may be permitted will be endorsed on the licence. Following are the terms and conditions that would likely be endorsed on the licence of a bowling centre:

- Minors prohibited in stand-alone lounge.
- A reasonable section of the bowling centre must be set aside where consumption of liquor is not permitted out of consideration for non-drinking patrons.
- Liquor service is not permitted in the concourse or players area during youth tournaments.

Bowling centres seeking an exemption to permit minors in the licensed areas of their centres may want to consider including a copy of this letter along with their application.

Yours truly,



Mary Freeman
Assistant Deputy Minister
and General Manager

cc: Cheryl Caldwell

Attachment