

Memo



Date: July 29/11
To: City Manager
From: Land Use Management, Community Sustainability (LT)
Application: LL11-0007 **Property Owner:** SchultzCo Holdings Inc.
Address: 353 Bernard Avenue **Applicant/Licensee:** Doc Willoughby's Pub
Subject: Liquor Primary Structural Change (Capacity Expansion)

1.0 Recommendation

In accordance with Section 53 of the *Liquor Control and Licensing Regulation* and Council Policy #359, be it resolved THAT:

Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations for the application from Doc Willoughby's Public House at 353 Bernard Avenue, Kelowna BC, (legally described as Lot 9, Block 14, District Lot 139, ODYD, Plan 462 except the east 15 feet thereof) for an expansion to the existing Liquor Primary Establishment, are as follows:

a) **The potential for noise if the application is approved:**

The expansion is limited to indoor areas. It is anticipated that only incremental increases in noise from the existing operation are anticipated.

b) **The impact on the community if the application is approved:**

The potential for negative impacts is considered to be minimal.

c) **View of residents.**

The Council's comments on the views of residents (if applicable) are as contained within the minutes of the meeting at which the application was considered by Council. The methods used to gather views of residents were as per Council Policy #359 "Liquor Licensing Policy & Procedures."

d) **Recommendation:**

Council recommends that the application for a structural change to increase the capacity of the existing Liquor Primary establishment be approved.

2.0 Purpose

This application seeks Council's support for an expansion to the existing Liquor Primary from an existing licensed capacity of 180 persons to a proposed capacity of up to 388 persons.

3.0 Land Use Management

Doc Willoughby's has a strong reputation within the liquor industry, as well as with the RCMP, LCLB and the City for their high standard of operation. The establishment has cooperated with the local bar industry association, and has been one of the first (and currently the smallest)

establishment in Kelowna to implement "Treoscope" (a networked, electronic patron identification system).

Council Policy #359 specifies guidelines for the siting and density of Liquor Primary Establishments. These parameters are designed to help control the density of late-night establishments with a focus on alcohol (nightclubs, pubs, etc.). Given the location existing of establishments in the area, the expansion application complies with Policy #359. The proposal also satisfies other considerations provided for within the Policy, including: transportation/mobility issues, impacts on surrounding land-uses, proximity to social facilities, past compliance/performance standard, as well as input from the RCMP (who support the application).

Aside from revised siting/density regulations, the Liquor Policy Review also provided other direction regarding the development of Kelowna's entertainment districts, including support for a range of establishment types and sizes. While the application represents a substantial increase in capacity, it is not perceived to change the operation and clientele of the establishment. The proposed expansion would create more opportunities for event and group functions within the facility, and would enhance the variety of establishment types within the Downtown Urban Centre.

In support of Transportation Demand Management considerations as a result of the proposed expansion, the establishment is centrally located within the Downtown Urban Centre, in close proximity to both the Chapman Parkade and the Queensway Transit Exchange. The majority of the pub's business is conducted outside of regular peak traffic and parking periods, and any increased demand for vehicular parking can be appropriately accommodated in the area.

Given the above considerations, the Land Use Management Department is supportive of the proposed expansion to the Liquor Primary.

4.0 Summary

4.1 Background

An application has been forwarded by the licensee to the Provincial Liquor Control and Licensing Branch (LCLB) for their approval. Procedurally, changes to licensed floor plans that increase total occupancy require Local Government comment on the application, prior to the LCLB making a final decision.

The subject property has operated as a Liquor Primary since 2001. The property also included a liquor store component, which was removed in 2006. At that time, a mezzanine area was added over the front of the establishment which added 38 persons to the licensed capacity, totaling 150 persons indoors. An additional 30 persons are licensed for the outdoor patio area, for a current overall total of 180 persons.

4.2 Proposal

The applicant has requested an expansion to their existing Liquor Primary (LP) license by converting the unused second storey into licensed space. This would include the relocation of the existing kitchen to the second level, additional washrooms, and other floor plan amendments. The proposed changes represent a 208 person increase in licensed capacity, from the 180 persons existing.

Proposed Structural Change Summary:

Person Capacity:

Licensed Area	Capacity
Existing Indoor Space	150
Existing Outdoor Patio (to remain unchanged)	30
Total Existing Licensed Capacity	180
Proposed Expansion and Structural Changes	+208
Proposed Total Licensed Capacity (including patio)	388*

*The proposed capacity is based on preliminary floor plans, which are subject to approval by the Building & Permitting Branch and the LCLB. The final occupancy is likely to be within the 340-380 person range. The 388 persons proposed is deemed to be the maximum possible.

No changes to the existing licensed hours of sale (until 2:00am daily) are being considered.

4.3 Site Context

Doc Willoughby's Public House is located in the Downtown Urban Centre central business district along Bernard Avenue. The prevailing zoning for all surrounding properties is C7 - Central Business Commercial. More specifically, the adjacent land uses are as follows:

- North: Royal Anne Hotel
- East: Café, Restaurant
- South: General Commercial/Office
- West: General Retail

Subject Property Map: 353 Bernard Avenue



Other liquor primary establishments in the surrounding area include:

Establishment	Proximity	Category	Capacity	Establishment Type
Carlos O'Bryans	~175m	Small	60	Neighbourhood Pub
O'Flanagan's	~200m	Medium	148	Neighbourhood Pub
The Blue Gator	~200m	Medium	102	Live Music/Cabaret
Grateful Fed Pub & Grill	~200m	Small	90	Neighbourhood Pub
Cheetah's Show Lounge	~280m	Medium	232	Adult Entertainment
Level Nite Club	~300m	Large	464	Cabaret
Tonic's Pub	~330m	Medium	163	Neighbourhood Pub
Sapphire Nite Club	~350m	Large	473	Cabaret
Former Liquid Zoo*	~200m	Large	301	Adult Entertainment

*It should be noted that the location of the former Liquor Primary establishment at 274 Lawrence Ave (the former "Liquid Zoo") would cause the current application to not conform to Council Policy #359. However, at the time of the writing of this report, there is no liquor license in place at 274 Lawrence Ave. Policy #359 would require a separation distance of 250m between the two establishments, where 200m exists.

5.0 Existing Policies

5.1 Council Policy #359 - Liquor Licensing Policy & Procedures

The following sections of Policy #359 are applicable to this application:

- Large establishments (with person capacity greater than 249 persons):
 - 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.
- Support the use of TreoScope for cabarets and large pubs, and investigate incentive options for its implementation.

5.2 Kelowna Official Community Plan 2030

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Entertainment Venues.² Within designated Urban Centres, encourage private-sector provision of facilities which diversify the selection of venues and entertainment opportunities throughout the city.

Downtown.³ The City of Kelowna recognizes that a unique, attractive, thriving and livable downtown is strategically important to Kelowna's overall prosperity and success. Towards this end, the City will plan and manage the Downtown as a single and special entity and will take a proactive, comprehensive, integrated and collaborative approach towards providing services and

¹ Policy 5.3.2 (Development Process Chapter)

² Policy 5.17.1 (Development Process Chapter)

³ Policy 8.9.2 (Economic Development Chapter)

infrastructure, delivering programs, and developing a supportive regulatory and financial environment.

6.0 Circulation Comments

6.1 Building & Permitting

A comprehensive code analysis of the building would be required at time of building permit applications. This may affect the proposed floor plans and fire separations between floors (minimum of 2 exit stairwells leading directly to the exterior). Handicap accessibility will also be affected with the kitchen on the 2nd floor.

We recommend that the owner consult with a code consultant prior to proceeding. Revised plans and/or supporting documentation for code compliance required.

6.2 Fire Department

A fire alarm system is required and is to be monitored as per the ULC S-561 standard. A maximum 30M travel distance to exiting. A fire department lock box is required. A fire safety plan as per section 2.8 of the BCFC is required to be reviewed by the Kelowna Fire Prevention Branch prior to occupancy. Additional comments will be required at the building permit application.

6.3 Public Health Inspector

Increase to seating capacity will generate increase in health permit fees. No other objections.

6.4 Kelowna RCMP

RCMP support the idea of expansion and have no concerns.

Report prepared by:



Luke Turri, Land Use Planner

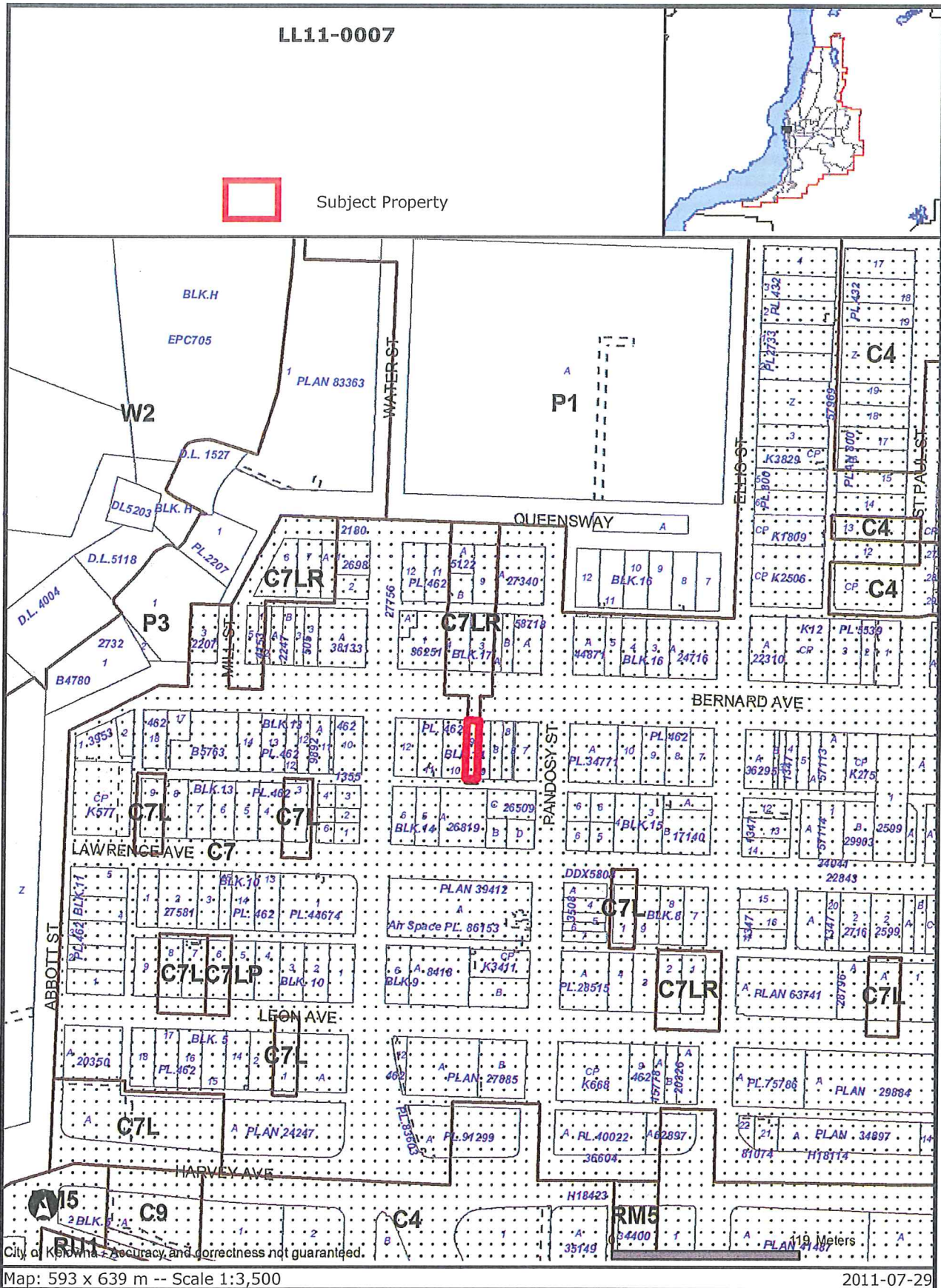
Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

Attachments:

Subject Property Map
Applicant Letter of Intent
Existing Floor Plans
Proposed Floor Plans

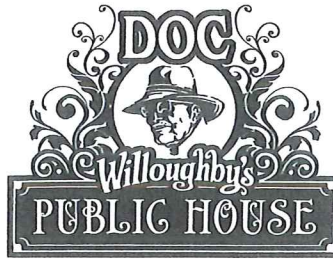


City of Kelowna - Accuracy and correctness not guaranteed.

Map: 593 x 639 m -- Scale 1:3,500

2011-07-29

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.



June 15, 2011

Luke Turri
1435 Water Street
Kelowna, BC
V1Y 1J4

Dear Luke Turri,

Re: Liquor Primary Application (capacity increase) for Doc Willoughby's Pub

Please find enclosed our application for a capacity increase to our Liquor Primary establishment, Doc Willoughby's Pub (Lic#214646). We are planning to develop the upstairs loft space at 353 Bernard Avenue, Kelowna, BC. This development will involve the following changes, which will increase our interior occupant load from 150 to 335 patrons:

- The movement of our kitchen upstairs;
- An increase in downstairs seating where the kitchen was;
- The addition of a small mid-level mezzanine at the rear of the pub;
- The addition of one extra female washroom stall downstairs and four stalls upstairs;
- The addition of one extra male washroom stall and two urinals upstairs; and
- The development of an additional service bar upstairs associated with more seats.

Doc Willoughby's is interested in the capacity increase to facilitate the growing business and, specifically, the opportunity to provide enhanced seating for group functions throughout the facility. We are continually investing in our facility and our recent upgrades include an additional door entrance and a new patron identification security system (Treoscope). Additionally, Doc Willoughby's is proud of our responsible reputation with the local RCMP and Liquor Inspector, Doug Hufsmith.

As part of our provincial Liquor Control & Licensing Branch Structural Change application I am seeking a resolution from staff and Council stating support for our capacity increase (Part 4, 5 of the attached BCLC application). Please contact me directly at 250-215-0754 if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Willoughby".

Dave Willoughby
President

Doc Willoughby's Public House

Doc Willoughby's Public House, 353 Bernard Avenue, Kelowna, BC, V1Y 6N6

Proposed
Patio On
Bernard Street

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KELOWNA. THE CONTRACTOR SHALL
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AND APPROVALS PRIOR TO COMMENCING
WORK. THE CONTRACTOR SHALL BE
RESPONSIBLE FOR OBTAINING ALL
NECESSARY PERMITS AND APPROVALS
PRIOR TO COMMENCING WORK.

~DOC WILLOUGHBY'S PUB~

SCALE: 1/4"=1'-0"

DATE: APRIL 05 / 02



INTERIOR DESIGN
GENERAL BUILDING
CABINETRY - MILLWORK

260 AVONLEA WAY
KELOWNA B.C. V1V 4N2
Telephone: (250) 762-5399

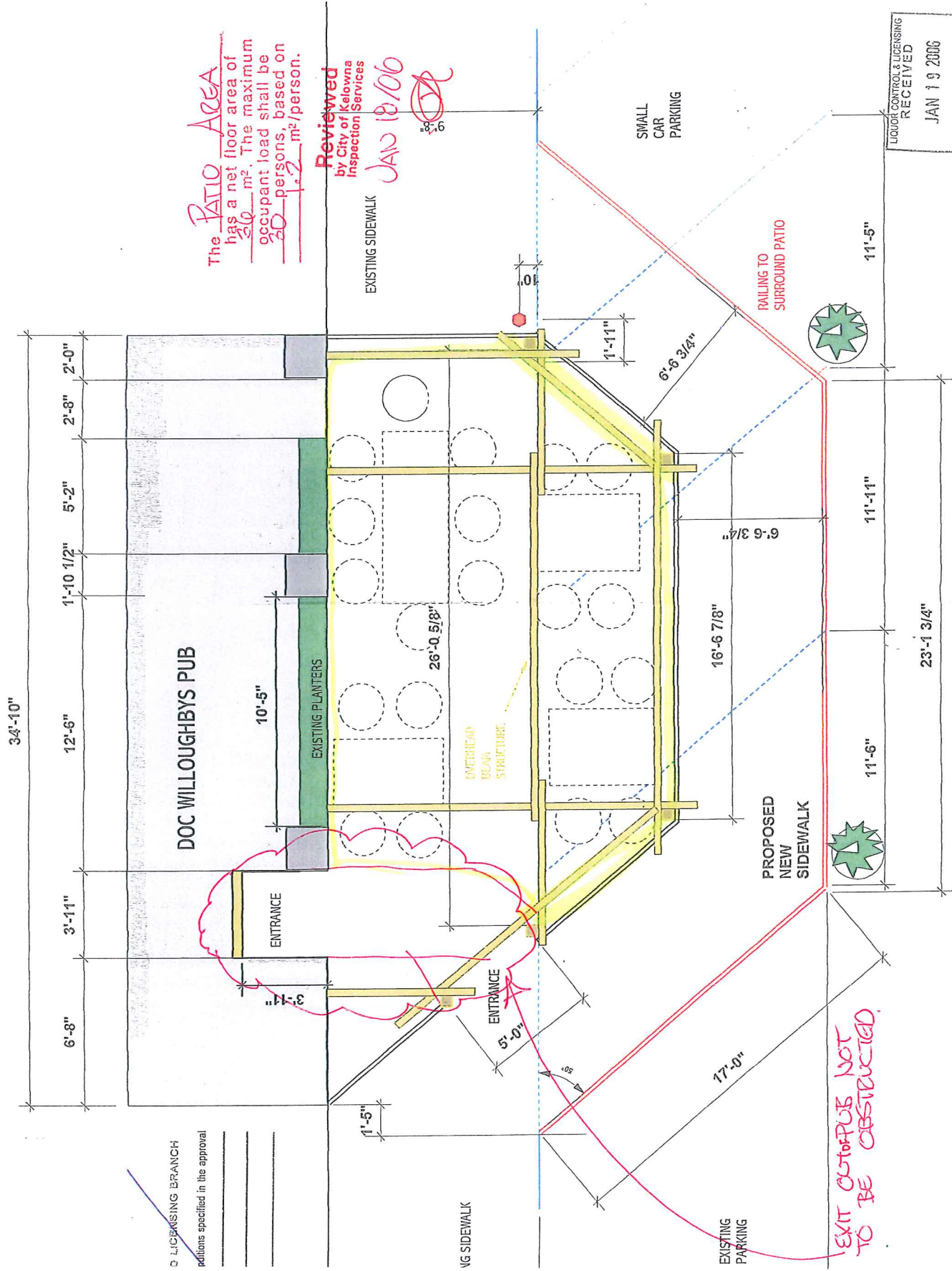
Form: 17501-REV.1-2005

The PATIO AREA has a net floor area of 210 m². The maximum occupant load shall be 20 persons, based on 10.5 m²/person.

Reviewed by City of Kelowna Inspection Services
JAN 18/06

LIQUOR CONTROL & LICENSING RECEIVED
JAN 19 2006
AM VICTORIA BC

EXISTING PATIO



LICENSING BRANCH
conditions specified in the approval

EXIT OUT OF PUB NOT TO BE OBSTRUCTED

EXISTING PARKING

PROPOSED NEW SIDEWALK

RAILING TO SURROUND PATIO

SMALL CAR PARKING

EXISTING SIDEWALK

DOC WILLOUGHBY'S PUB

ENTRANCE

ENTRANCE

EXISTING PLANTERS

OVERHEAD BEAM STRUCTURE

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~ DOC WILLOUGHBY'S ~

SCALE: 1/16" = 1'-0"

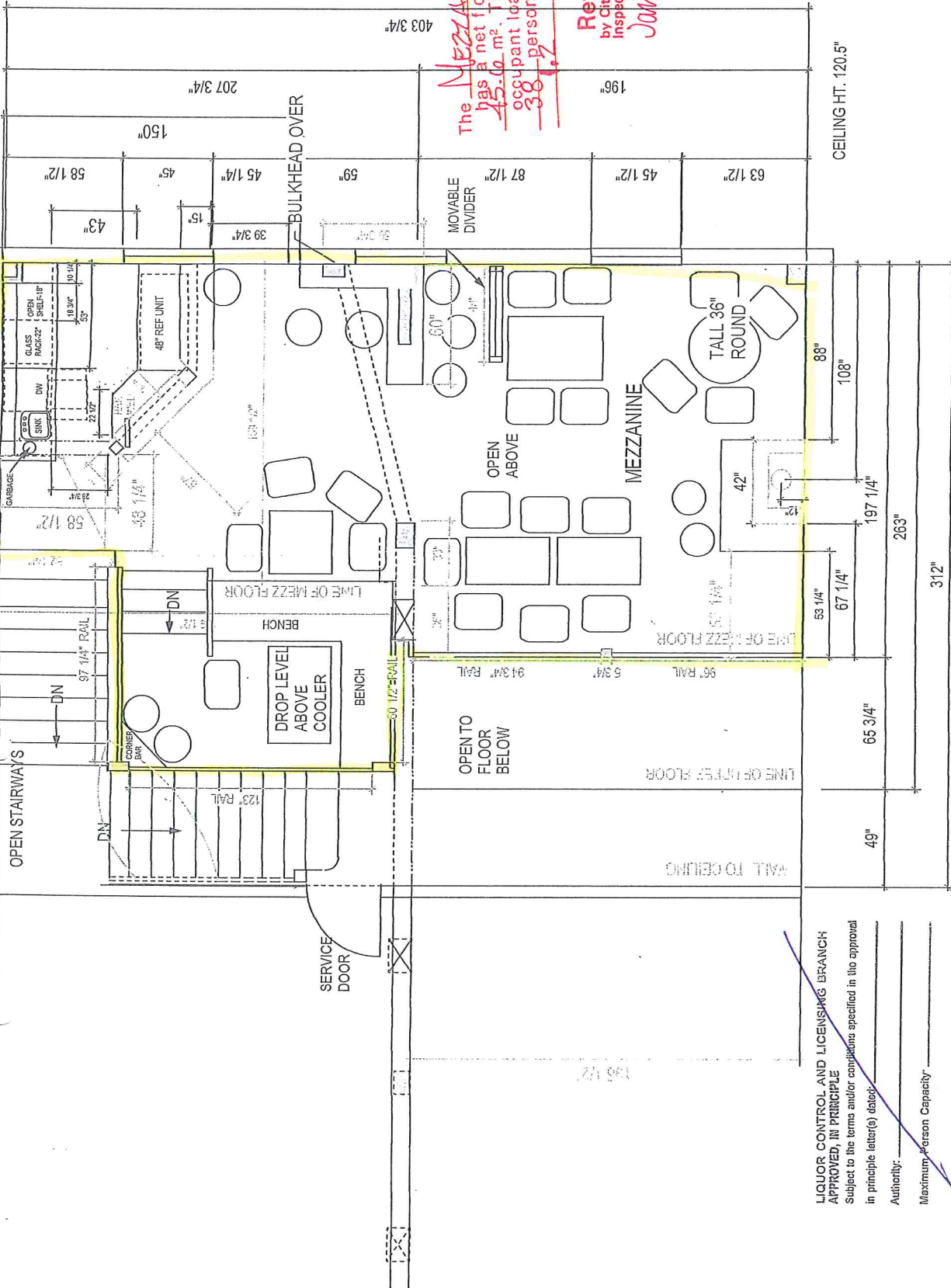
DATE: OCT 19 / 05



BERARD
ARCHITECTURE

SPECIAL PLANNING
CABINETRY - MILLWORK
INTERIOR DESIGN

289 AVONLEA WAY
KELOWNA B.C. V1V-1N2
Telephone: (250) 762-6399
Fax: (250) 861-3813



The Mezzanine has a net floor area of 45.0 m². The maximum occupant load shall be 38 persons, based on 1.2 m² person.

Reviewed by City of Kelowna Inspection Services
Jan 18/06

LIQUOR CONTROL AND LICENSING BRANCH
APPROVED, IN PRINCIPLE
Subject to the terms and/or conditions specified in the approval in principle letter(s) dated: _____
Authority: _____
Maximum Person Capacity: _____

EXISTING MEZZANINE