

REPORT TO COUNCIL



Date: December 9, 2011
To: City Manager
From: Land Use Management, Community Sustainability (LT)
Application: LL11-0014 **Property Owner:** 594919 BC Ltd.
Address: #104-1180 Sunset Dr **Applicant/Licensee:** Waterfront Restaurant & Wine Bar
Subject: Liquor Primary Capacity Expansion & Change of Hours

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 Waterfront Restaurant & Wine Bar at #104-1180 Sunset Drive, Kelowna BC, (legally described as Strata Lot 73, District Lot 139, ODYD, Strata Plan KAS1261) for an expansion to the existing Liquor Primary Establishment from 51 to 85 persons and a change in hours of service from 11:00am-Midnight daily to 9:00am-Midnight (Sun-Wed) and 9:00am-1:00am (Thurs-Sat), are as follows:

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

Only an incremental increase in noise from the existing operation is 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 and to increase the hours of sale 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 51 persons to a proposed capacity of up to 85 persons. The licensee is also requesting to increase hours of sale.

3.0 Land Use Management

Waterfront Restaurant and Bar has a strong reputation for providing a high quality food and beverage establishment, while being a good neighbour to the surrounding area. While the operation is located adjacent to a high density residential area, the establishment has maintained a positive history, with no concerns raised from Bylaw Enforcement, or the Kelowna RCMP.

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 of existing establishments in the area, the expansion application complies with Policy #359.

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. The application represents a modest increase in capacity, and is not perceived to change the operation/clientele of the establishment. The proposed expansion and increased hours of sale would create more opportunities for event and group functions within the facility, while still maintaining a small-scale, neighbour-friendly environment.

Given the above considerations, the Land Use Management Department is supportive of the proposed expansion of person capacity and hours of sale for the existing Liquor Primary establishment.

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, as well as changes to hours of sale, require Local Government comment on the application prior to the LCLB making a final decision.

The subject property has operated as a small-scale restaurant and wine bar under a Liquor Primary since 2004.

4.2 Proposal

The applicant has requested an expansion to their existing Liquor Primary (LP) license by expanding into the neighbouring tenant space (formerly "Metro Liquor" store). The expansion would include a larger dining area, an expanded kitchen, and new washrooms. The proposed changes represent a 34 person increase in licensed capacity, from the 51 persons existing. This includes both the indoor dining area, and the outdoor patio.

In conjunction with the expansion, the applicant is also requesting an increase in hours of sale to provide a higher level of service to a broad range of clientele. Existing hours run from 11:00am-Midnight daily, with the proposed hours from 9:00am-Midnight Sunday through Wednesday, and 9:00am-1:00am Thursday-Saturday.

Proposed Structural Change Summary:

Existing Person Capacity:

Licensed Area	Capacity
Indoor (Dining Area)	31
Outdoor Patio	20
Total Existing	51

Proposed Person Capacity:

Licensed Area	Capacity
Indoor (Dining Area)	55
Outdoor Patio	30
Total Existing	85*

*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 80-85 persons.

Proposed Hours of Sale Change Summary:

Existing Hours:

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	11:00am	11:00am	11:00am	11:00am	11:00am	11:00am	11:00am
Close	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight

Proposed Hours

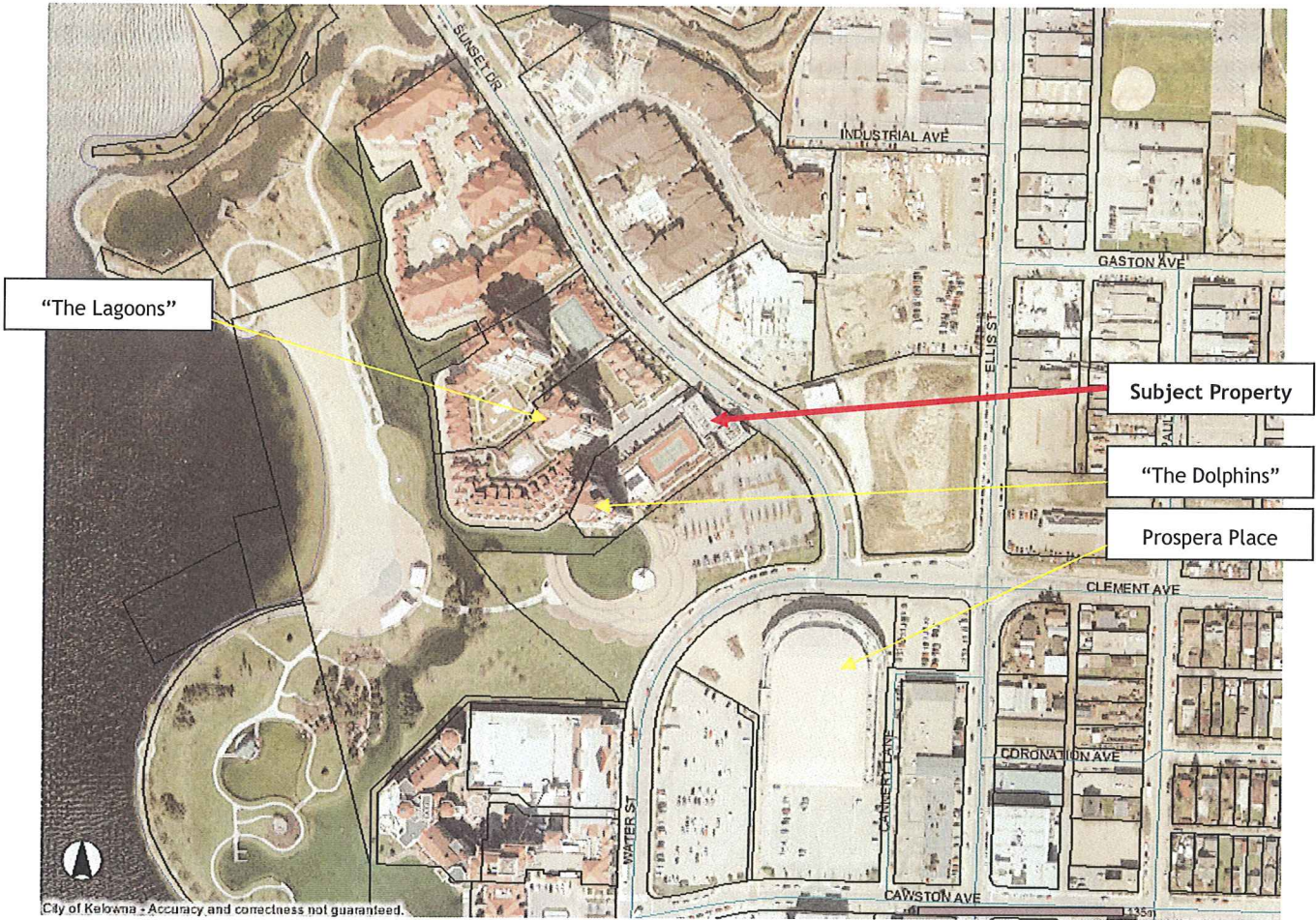
	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	9:00am	9:00am	9:00am	9:00am	9:00am	9:00am	9:00am
Close	Midnight	Midnight	Midnight	Midnight	1:00am	1:00am	1:00am

4.3 Site Context

Waterfront Restaurant & Wine Bar is located in the Downtown Urban Centre north of the Delta Grand hotel, and adjacent to the “Dolphins” development. More specifically, the adjacent land uses are as follows:

North	RM6 - High Rise Apartment Housing	(The Lagoons/Discovery Bay)
East	RM6 - High Rise Apartment Housing	(Waterscapes/Lucaya)
	C4 - Urban Centre Commercial	(Future Hotel)
South	P3 - Parks & Open Space	(Waterfront Park Parking Area)
West	RM6 - High Rise Apartment Housing	(The Dolphins)

Subject Property Map: 1180 Sunset Drive



Other liquor primary establishments (pubs, nightclubs, casino) in the surrounding area include:

Establishment	Proximity	Category	Capacity	Establishment Type
Old Train Station Public House	-280m	Large	260	Neighbourhood Pub
Flashbacks Nite Club	~300m	Large	490	Cabaret
Lake City Casino	-375m	Large	1683	Casino
Rose's Pub	-500m	Large	321	Downtown Bar

5.0 Existing Policies

5.1 Council Policy #359 - Liquor Licensing Policy & Procedures

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

- Small establishments (with person capacity less than 100 persons):
 - i) Should not be located beside an existing Small establishment.

5.2 Kelowna Official Community Plan 2030

Entertainment Venues.¹ Within designated Urban Centres, encourage private-sector provision of facilities which diversify the selection of venues and entertainment opportunities throughout the city.

Downtown.² 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 infrastructure, delivering programs, and developing a supportive regulatory and financial environment.

6.0 Circulation Comments

6.1 Building & Permitting
Building Permit required for tenant improvements.

6.2 Bylaw Services
No comment.

6.3 Fire Department
No concerns.

6.3 Public Health Inspector
Expanded kitchen requires health approval.

6.4 Kelowna RCMP
Given the fact the expanded venue will accommodate a seating capacity of less than 100 "liquor seats," the RCMP have no concerns related to the proposed expansion of capacity or extended hours of operation for this applicant.

Report prepared by:



Luke Turri, Land Use Planner

Reviewed by:



Danielle Noble, Manager, Urban Land Use Branch

Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

Attachments:

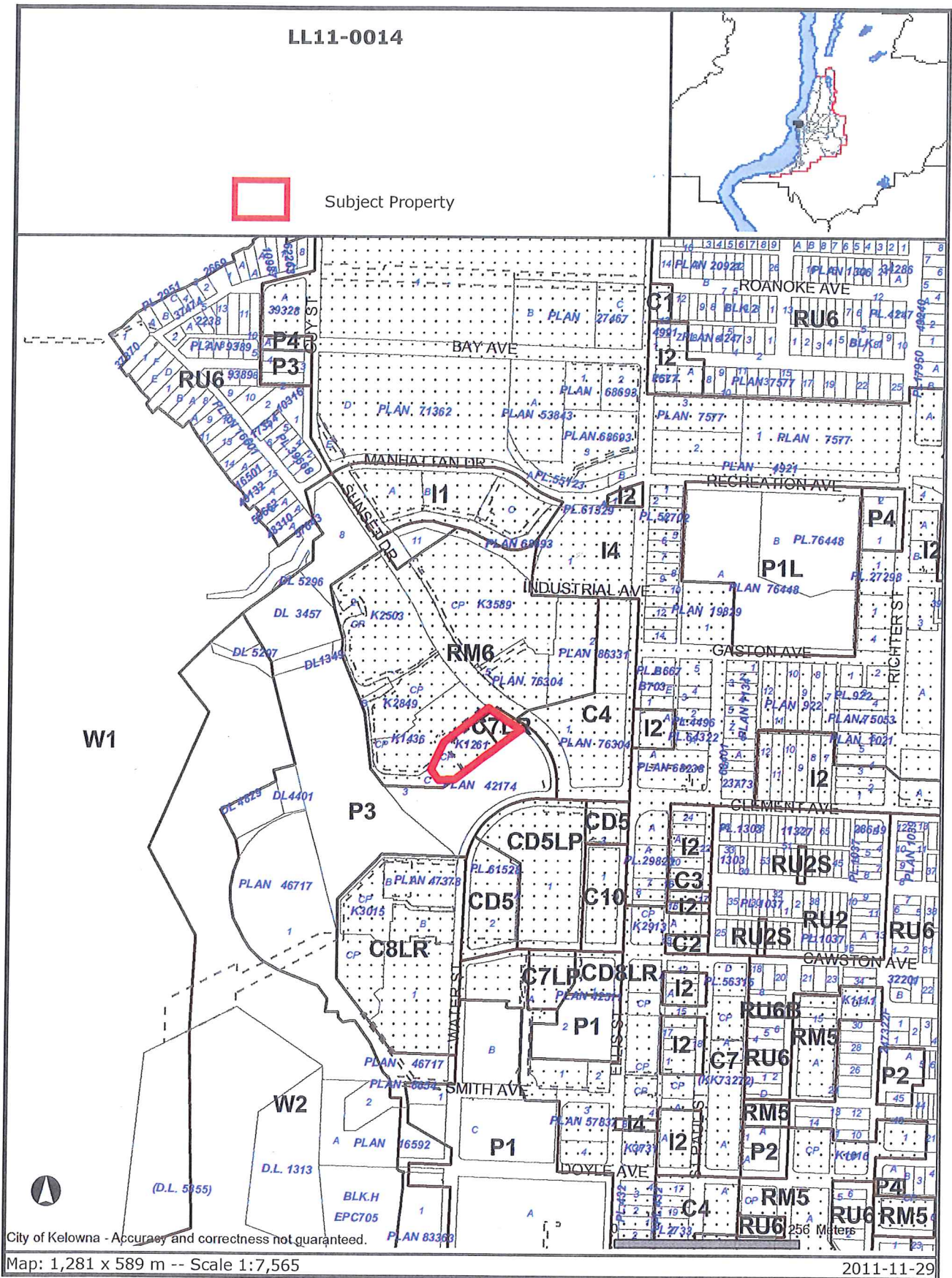
Subject Property Map

Existing License

Proposed Floor Plans

¹ Policy 5.17.1 (Development Process Chapter)

² Policy 8.9.2 (Economic Development Chapter)



City of Kelowna - Accuracy and correctness not guaranteed.

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.



LIQUOR PRIMARY LICENCE

Establishment Name: Waterfront Wine Bar
Licence Name: **Waterfront Wine Bar**
Mailing Address: 104 - 1180 Sunset Drive
Kelowna , BC V1Y 9P7

Licence Number
301175
Expiry Date
September 30, 2012

Location Address: 104 - 1180 Sunset Dr
KELOWNA, BC V1Y 9P7

Issued to: Waterfront Wines Ltd.

Third Party Operator: N/A

Hours of Sale:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM
Close	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight

Capacity: Patio1 20 Person01 31

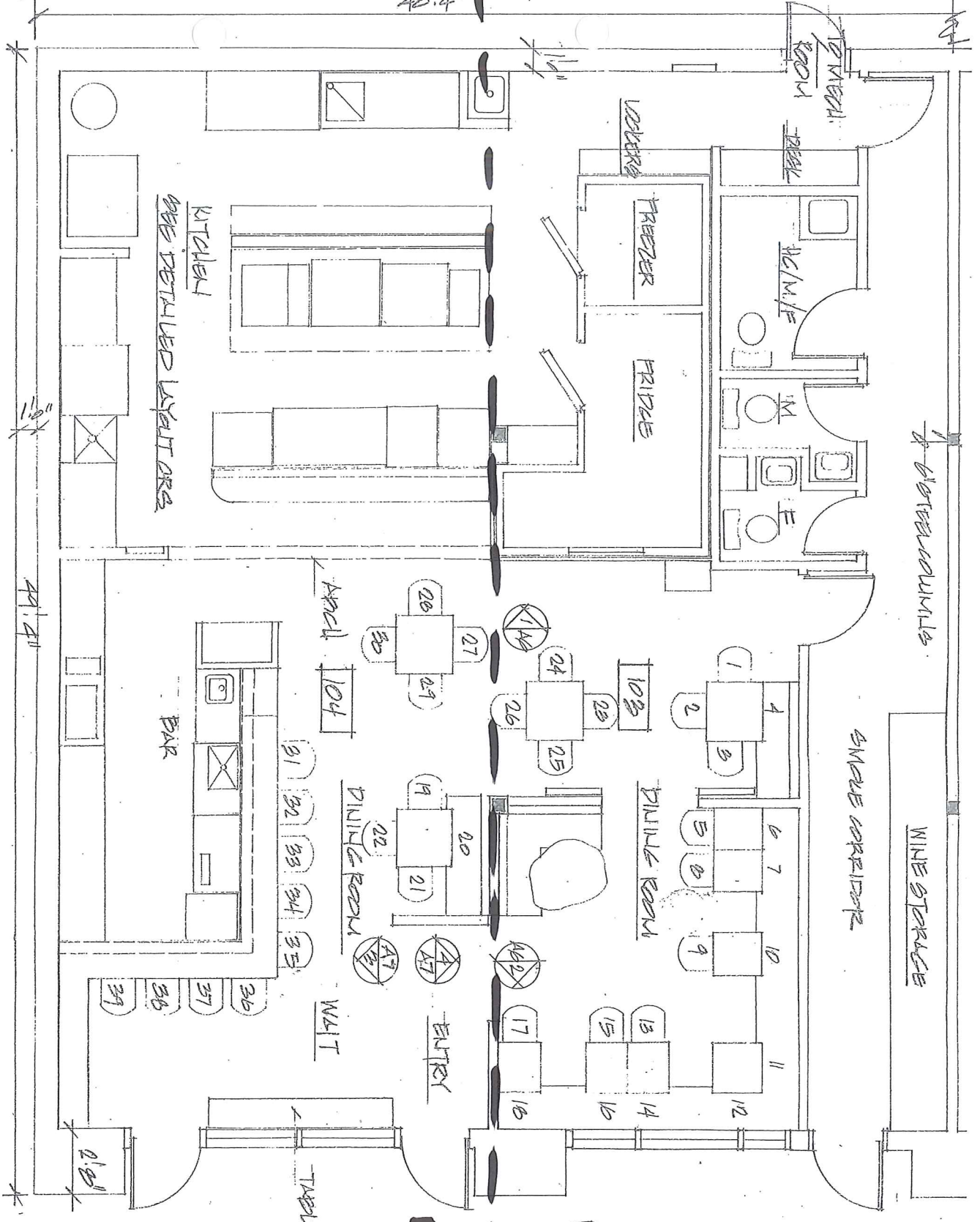
TERMS AND CONDITIONS

- The terms and conditions to which this licence is subject include the terms and conditions contained in the publication 'A Guide for Liquor Licensees in British Columbia' as that publication is amended from time to time.
- Liquor may only be sold, served and consumed within the areas outlined in red on the official plan, unless otherwise endorsed or approved by the LCLB.
- Subject to terms and conditions specified in the restriction or approval letter(s). A copy of restriction or approval letter(s) to be kept with current liquor licence.
- -Only servers permitted to carry liquor to and from main liquor service area to Patio #1
-Use of Speakers in the patio area is Prohibited.

Local Government: KELOWNA (CITY OF)
LDB Addresses: KELOWNA ORCHARD PK. GLS #167

September 21, 2011
Printed Date

General Manager



PROPOSED
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EXISTING

8000 PEARL RD WILSONVILLE OR 97143	PROJECT NO. 01010101 WATERFRONT WILSONVILLE	LOCATION 1180 SAULSBURY DR. FLA.	A-3
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