

September 28, 2020

Subject Property:

600 Comox St

File No: Civic – PL008837

Applications:

Penticton Golf & Country Club:

Liquor Primary Change of Hours.

The application requests change of hours of liquor to allow service to start one (1) hour earlier. *The proposed changes are Monday to Saturday 9:00 am to 1:00am and Sunday 9:00am-to Midnight.



Food-Primary Licence Entertainment Endorsement:

The endorsement application is to allow dancing at scheduled events. There will be no change to hours of service for the Food Primary Liquor Licence. The current licenced hours are Monday to Sunday 9:00am to Midnight.

Information:

Staff have completed a technical review and are in support of the request but wish to ensure that local residents and business owners have an opportunity to provide comments for the report to Council. Should you wish to provide comments, please respond in writing via email no later than **4:00 am, Thursday October 8, 2020**, to: deanna.greer@penticton.ca. If you have further questions regarding this application, please contact Licencing at 250-490-2488.

The October 20, 2020 report to Council will be available for viewing on **Thursday, October 15, 2020** on the City's Website at www.penticton.ca/latestannouncements. Select Public Notice under Category. Please contact Licencing at 250-490-2488 with any questions.

Council Consideration:

Council will consider this application at its regular Council Meeting scheduled for 1:00 p.m. Tuesday, October 20, 2020. **As per Provincial Public Safety Order M083, in response to the COVID-19 pandemic, council meetings will remain closed to the public. All meetings will be live streamed via the City's website:** www.penticton.ca.

Public Comments:

We welcome your feedback. If you have missed the deadline to be included in the report, please submit a petition or written comments by mail or email no later than **9:30 am on Tuesday, October 20, 2020** to:

Attention: Corporate Officer
171 Main Street, Penticton, B.C. V2A 5A9
corpadmin@penticton.ca

No letter, report or representation from the public will be received by Council after the conclusion of the **October 20, 2020** Council Meeting.

Please note that all correspondence submitted to the City of Penticton in response to this Notice will form part of the public record and will be published in a meeting agenda when this matter is before the Council. The City considers the author's address relevant to Council's consideration of this matter and will disclose this personal information. The author's phone number and email address is not relevant and should not be included in the correspondence if the author does not wish this personal information disclosed.

Sincerely,

Ken Kunka ASCT, RBO
Deputy Director of Development Services
Development Services
250-490-2505
ken.kunka@penticton.ca

Date: October 20, 2020 **File No:** Civic
To: Donny van Dyk, Chief Administrative Officer
From: Ken Kunka, Deputy Director of Development Services
Address: 600 Comox Street
Subject: **Food Primary-Entertainment Endorsement and Liquor Primary Change of Hours of Liquor Service**

Staff Recommendation

THAT Council recommend to the Liquor & Cannabis Regulation Branch (LCRB) that it supports the application from the Penticton Golf & Country Club located at 600 Comox Street Winnipeg Street for:

- Food Primary-Entertainment Endorsement; and
- Liquor Primary change in service hours from:
 - o Monday to Saturday 11:00 am - 01:00am to 09:00 am - 01:00am , and
 - o Sunday 11:00am - 12:00pm (midnight) to 9:00am - 12:00pm (midnight)

Strategic priority objective

Vision: A vibrant, innovative, healthy waterfront city focused on sustainability, community and economic opportunity.

Background & Proposal

On September 15th, 2020 the City received a Change of Hours and Food Primary-Entertainment Endorsement application from the Penticton Golf & Country Club located at 600 Comox Street (Attachment A). The intention is to:

- Provide patron participation activities (dancing) during hours of operation
- Change existing Liquor Primary opening service hours from 11:00am to 9:00am – Monday to Sunday to match existing Food Primary service hours

Current licensed operational occupant loads are (not taking COVID restrictions into account):

- Food Primary – Patio = 58 persons, Interior = 164 persons
- Liquor Primary – Patio = 36 persons, Interior = 60 persons, Beverage cart = 2 persons

Proposal Intent

The Penticton Golf & Country club is seeking approval to allow patrons to host dances during special events. The change of hours is to clarify the operational hour to match the existing Food Primary licence, which has a liquor service starting at 09:00am, and to avoid any confusion of service as both licenses share the upper

exterior patio. The applicant has provided an Impact Letter to outline their request (Attachment C). There is no proposed change to current occupant loads.

Site Context

The current property is zoned P2 – Parks and Recreation and the use meets zoning regulations (Map – Attachment A). There are no restrictions on the hours of operation under Zoning and Business Bylaws. The property is located in a mixed residential, entertainment and commercial area, but the location of the building where the license is active is approximately 200 m from any residences. There are no outstanding Building or Fire Code issues in relation to their current operations. An approved occupant load floor plan has been attached (Attachment B)

Current uses near the property include:

- East – golf course and mixed residential development,
- North – mixed commercial, residential and entertainment,
- South – golf course
- West – residential, entertainment and hotel accommodation

Liquor & Cannabis Regulation Branch (LCRB) Legislation, Policy and Bylaw Review

Food primary licenses are for establishments where the primary focus is the service of food such as restaurants, bistros, and cafes. Patron Participation Entertainment terms and conditions permit the active involvement of patrons or results in patrons leaving their seats including but not limited to dancing, sing-alongs or karaoke.

The Liquor and Cannabis Regulation Branch requests that local governments review and provide resolution related to the following criteria:

- The location of the establishment, person capacity and hours of liquor service of the establishment,
- The impact of noise on nearby residents,
- The impact on the community if the application is approved (example - public nuisance (RCMP), traffic issues, etc.); and
- Public input for the community in the immediate vicinity of the proposed endorsement service area(s) and how input was gathered

Financial implication

Mandatory public consultation notification costs will be offset through the City's Liquor Application review fees.

Analysis

Technical Review

As part of the Liquor and Cannabis Regulation Branch (LCRB) requirements, the City has conducted an assessment of the technical criteria as well as conducting a public consultation review. In consideration of the criteria, the following information has been provided from staff and the City's Liquor Licensing Technical Review Committee (LLTRC).

Location of establishment, person capacity and hours of service

- There is a mix of commercial, restaurant, entertainment, single and multi-family residential within the general area
- The existing club house is relatively remote from other surrounding uses,
- There is no proposed change in existing occupant loads,
- There is ample on-site parking and the change requests are not foreseen to create an impact on local traffic or area parking,

Conclusion - No concerns. Nuisance, occupant loads and traffic related issues can be regulated under current City regulations and with the LCRB.

The impact of noise on nearby residents:

Staff do not foresee any expected noise related nuisance issues with the requested earlier operating hours or entertainment endorsement proposals. Any potential impact to the surrounding neighborhood will be governed by the City's existing regulations.

The impact on the community if the application is approved:

There are 4 social and recreation facilities in the local area including:

- o Highway 97 Brewing, SOEC & Cascades Casino (to the North);
- o The Station Public House (to the West)

Staff and the LLTRC do not foresee the proposed changes having any negative impacts to the community.

Public Consultation

As this application is an amendment to an existing licence, public notification was undertaken as part of staff and the LLTRC review. Input from local residents allows staff to engage with the applicant to address any concerns and provide mitigation measures prior to final recommendation to Council for endorsement. A notice of application and request for comment was mailed out to the business owners and residents within 100m of the subject property on September 28 (Attachment D). A public notice sign placed along Comox Street and notices were placed in the local newspaper.

One letter of support was received at the time this report was prepared (included as Attachment E). Citizens are also provided the opportunity to comment on the application the day of the Council meeting held October 20, 2020.

LLTRC Recommendation:

Based upon the comments received by the Liquor Licensing Technical Review Committee and consultation with staff and the public, it is recommended that the proposed application be supported.

Council can choose to support the application as presented or modify the request with further restrictions such as use or patio hours. Should Council deny the application then the applicant will be informed of that decision and a Council resolution outlining the reason for denial will be forwarded to the LCRB.

Alternate recommendations

THAT Council refer the Food Primary-Entertainment Endorsement and Change of Hours of Service for the Penticton Golf and Country club to staff for further review.

Attachments

Attachment A – Site and Zoning Map

Attachment B – Floor Plan (occupant load) layouts

Attachment C – Applicant impact statement

Attachment D – Public Consultation Map and Sign

Attachment E – Public Input

Respectfully submitted,

Ken Kunka ASCT, RBO
Deputy Director of Development Services
LLTRC Chairperson

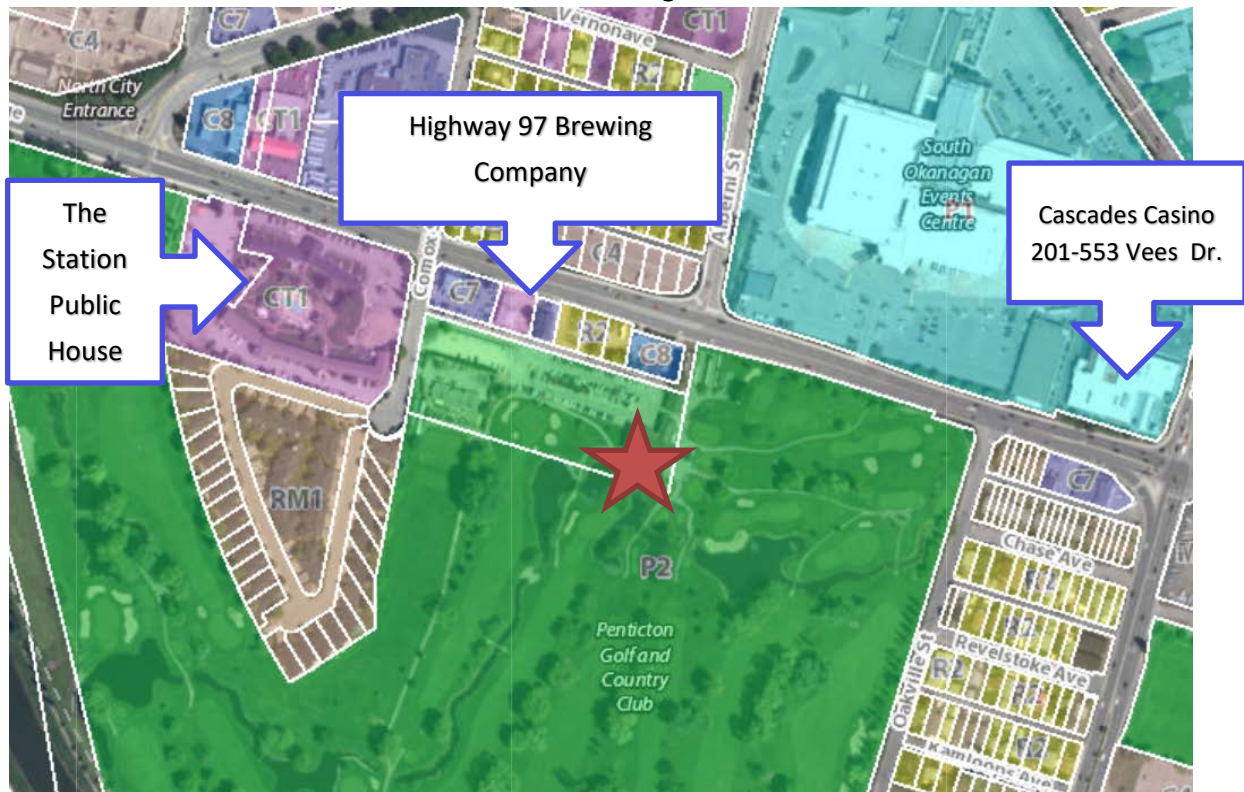
Approvals

Director of Development Services <i>BL</i>	CAO
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Attachment A
Site and Zoning Map

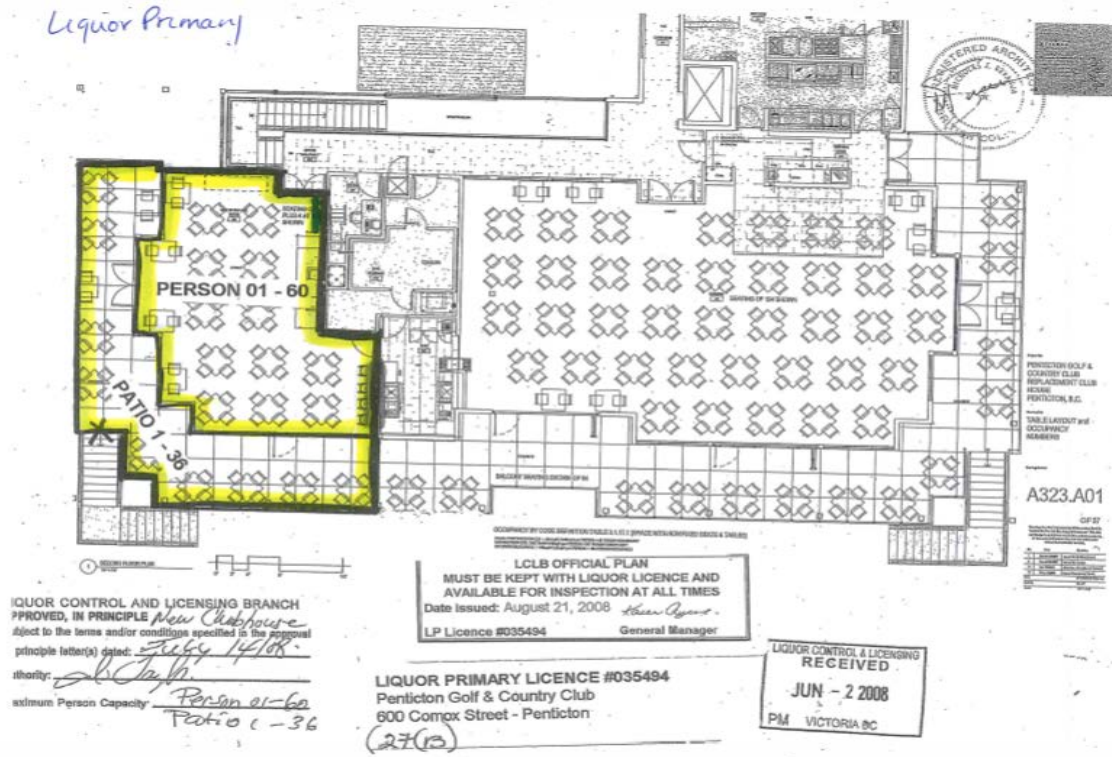


P2 – Zoning

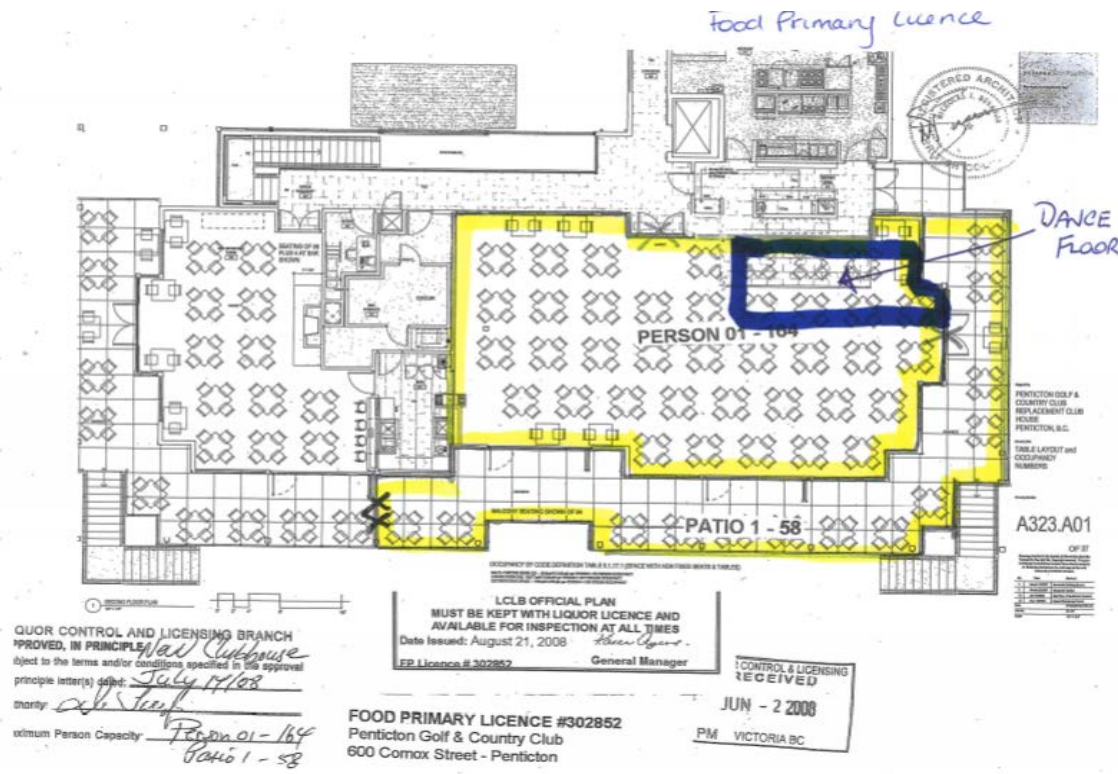


Attachment B

Floor Plan Layout – Liquor Primary Licence



Floor Plan – Food Primary Licence – Entertainment Endorsement



Attachment C
Impact Statement



The Penticton Golf & Country Club is submitting an application for a Patron Participation Entertainment Endorsement. This application will allow patron's to host a dance during their event (when allowed again) at the Penticton Golf & Country Club.

This space will be located in the East end of our dining room (as outlined in attached floor plan) under Food Primary licence #302852.

This application will allow club functions, weddings and outside groups to host a dance as part of their entertainment during event.

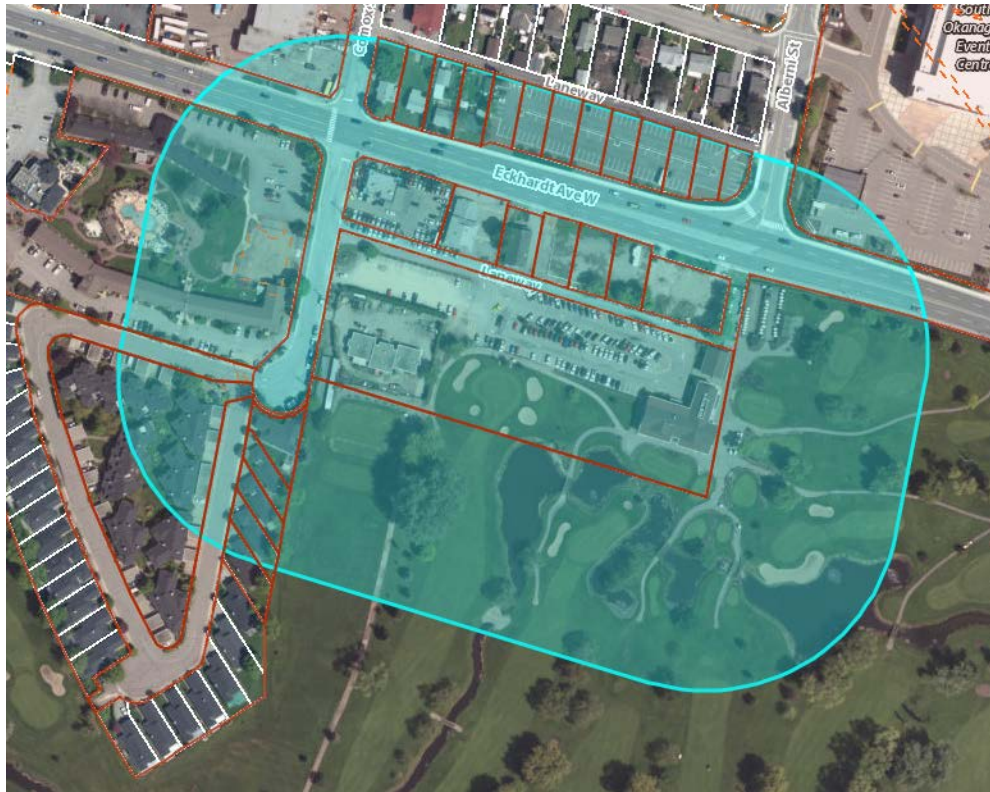
A handwritten signature in black ink, appearing to read 'Guy Dow'.

Guy Dow
General Manager
Penticton Golf & Country Club

BOX 158, PENTICTON, BRITISH COLUMBIA V2A 6J9 PHONE (250) 492-5626 FAX (250) 492-8823
Website: www.pentictongolf.ca E-mail: admin@pentictongolf.ca

Attachment D

Public Consultation Map



Public Notice Sign



Attachment E

Public Input

File No. Civic - PL008837

I fully support the application to change the hours of liquor to start 1 hour earlier and to allow dancing at scheduled events.

Marion Thirlwell

Comox Street
Penticton, BC

Marion Thirlwell
Sent from my iPad