



The Corporation of the City of Courtenay

Staff Report

To: Council

File No.: 4530-20-2501/LL000023

From: Director of Development Services

Date: July 16, 2025

Subject: Liquor Licence Application No. 2501 - 2910 Kilpatrick Avenue

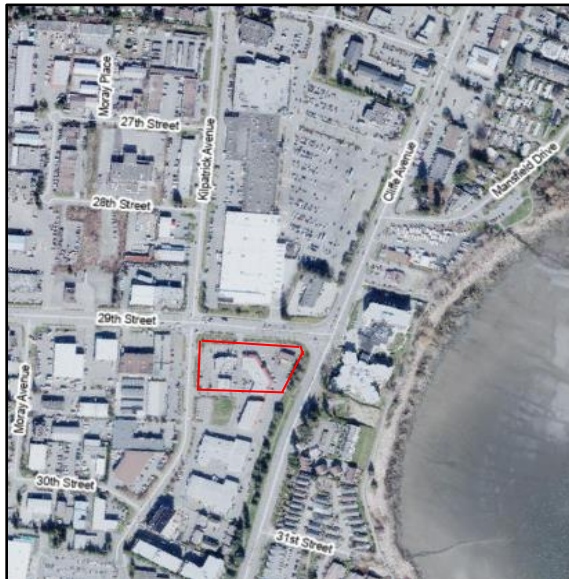
PURPOSE:

For Council to consider a resolution to the Liquor and Cannabis Regulation Branch (LCRB) in response to Liquor Licence Application No. 2501 to amend its Food Primary Liquor Licence by including a Patron Participation Entertainment Endorsement for Kelly O'Bryan's Neighbourhood Restaurant located at 2910 Kilpatrick Avenue.

BACKGROUND:

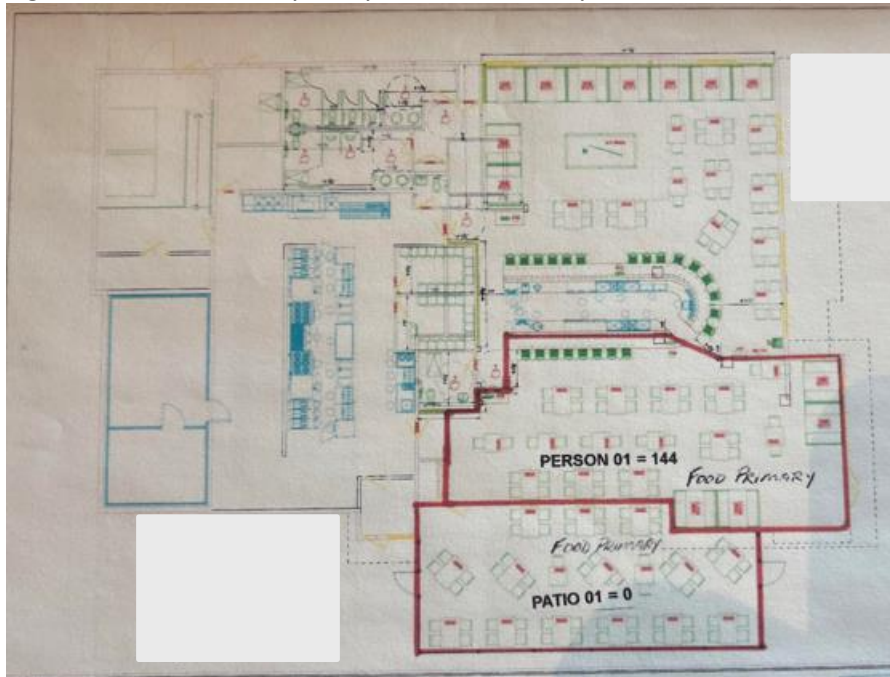
The proprietor of Kelly and Carlos O'Bryan's, located at 2910 Kilpatrick Avenue, (LOT B, SECTION 67, COMOX DISTRICT, PLAN 33851). At this location two businesses with valid business licenses are currently operating; LCRB has issued Carlos O'Bryan's Neighbourhood Pub with a Liquor License with 77-person capacity and Kelly O'Bryan's Neighbourhood Restaurant with a Food Primary Licence permitting 144-person capacity. According to the proprietor, the licence permit service 1:00AM weekdays and until midnight on Sundays. Current operating hours are 11:00 AM to 12:00 AM weekly; until 1:00 AM on Fridays and Saturdays.

Figure 1: Site Location and Context



The subject of the application request pertains to the Kelly O'Bryan's Neighbourhood Restaurant only, specifically a patron participation entertainment endorsement to the existing Food Primary licence. If approved by the LCRB this would allow live entertainment, such as dancing and music trivia within the existing Food Primary licensed areas at Kelly O'Bryan's as illustrated in Figure 2 (highlighted by red lines). As proposed, this endorsement would not change the 144-person capacity or hours of operation already permitted under the Food Primary licence.

Figure 2: Site Plan – Kelly O'Bryan's Food Primary licenced areas (outlined in red)



DISCUSSION:

According to the LCRB and City of Courtenay Liquor License Application and Process Policy (DS-03), Staff are to undertake an analysis describing impacts of noise on the community in the immediate vicinity of the establishment or service area; general impact if application is approved and in the case of a food primary, whether the application for hours after midnight or patron participation may result in the focus of the establishment shifting away from food service. What follows is a summary of this analysis based on current land use zoning and the LCRB application and supplement information provided by the proprietor.

Land Use Considerations

Under the City's Zoning Bylaw No. 2500, 2007, the subject location is zoned Commercial Two (C-2), which permits licensed premises, microbrewery and restaurant uses. The site and its surrounding area are designated Urban Corridor in Official Community Plan Bylaw No. 3070, 2022. This designation accommodates high-density multi-residential buildings and commercial uses such as offices, retail and large-format shopping centres outside of the Downtown.

To the north of the site, across 29th Street, is Driftwood Mall (2751 Cliffe Avenue), a prominent commercial shopping centre in Courtenay. This area offers a blend of commercial, office, and retail uses including Canadian Tire (2801 Cliffe Avenue), Landmark Cinemas (2655 Cliffe Avenue), and the Coast Courtenay Hotel (2605 Cliffe Avenue). Additional nearby amenities include a variety of dining options such as Plates Eatery (2601 Cliffe Avenue), Starbucks Coffee and Drive Thru (2627 Cliffe Avenue) and Boston Pizza (2633 Cliffe Avenue).

To the immediate south and east of the subject property is a mix of commercial, retail and office use: Harbour Kitchen and Millwork (2930 Kilpatrick Avenue), the Great Canadian Oil Exchange (450 Kilpatrick); Fairstone Financial (468 Kilpatrick Avenue), the Salvation Army Family Services Office (468 Kilpatrick) and Aqua Salon (468 Kilpatrick Avenue).

To the west are retail uses including: The Brick (630 Kilpatrick Avenue) La-Z-Boy Home Furnishings and Decor (2937 Kilpatrick Avenue), Colonial Countertops (2989 Kilpatrick Avenue) and Bartle and Gibson Co Ltd (2989 Kilpatrick Avenue).

The commercial location means any increase in noise as a result of the amendment to the licence is not anticipated to have much, if any, negative impact on the community within the immediate vicinity of the establishment.

Based on the location, hours of service, referral comments (to Building Division, Operations Services Department, Fire Department, RCMP, K'ómoks First Nation) and public engagement, it is not anticipated that granting the license will have a negative impact on the broader community. Further details on the engagement results are provided later in this report under 'Public Engagement'.

POLICY ANALYSIS:

The City of Courtenay Liquor License Application and Process Policy (DS-03)

On May 7, 2025 the City of Courtenay Council approved Liquor License Application and Process Policy (DS-03). This policy is harmonized with the LCRB liquor license application requirements and aims to promote clarity and consistency for applicants, Development Services staff and to support Council in their deliberation.

In accordance with this Policy, Staff have proceeded by opted-in, initiating the provincial 90-day time frame during which staff must implement the public input process, (see below Public Engagement) and prepare a report to Council. Per the LCRB's requirements, a patron participation endorsement application requires local government comment. By way of this report to Council, the policy and legislative requirements have been met, including Staff analysis regarding noise, potential impact on the community for Council's consideration and respond to the LCRB by resolution.

Official Community Plan (OCP)

- Social Infrastructure Policy¹² (SI 12) directs the City and its staff to: "Work regionally to further recommendations of the Comox Valley Substance Use Strategy Phase 1 Report (2021) including identifying an appropriate role for the City."
- Local Economy Policy¹² (LE 12) directs the City and its staff to: "Work with the local business community and major employers to focus investment, facility and business development in Town and Neighbourhood Centres and Corridors."

FINANCIAL IMPLICATIONS:

Processing and proceeding with this liquor licence application has no financial implications to the City's Financial Plan 2025 – 2029.

ADMINISTRATIVE IMPLICATIONS:

Processing LCRB Liquor Licence applications is the current responsibility of the Development Services Department. Work to date has primarily been carried out by Development Services staff, others were invited to provide comments via the formal referral process, including Building Division, Operations Services Department, Fire Department, RCMP, and K'ómoks First Nation.

STRATEGIC PRIORITIES REFERENCE:

This initiative addresses the following strategic priorities:

- Local Economy - Review City processes that may be barriers to economic development
- Local Economy - Identify appropriate roles and responsibilities for the City in the delivery of economic development services in the region

PUBLIC ENGAGEMENT:

As per section 38 (c) of the *Liquor Control and Licensing Act*, the City was required to gather the views of residents before providing a resolution and comments to the LCRB. A two-week comment period was provided from June 12 to June 27, 2025. The City sent mailout notifications to all property owners and occupants within a 30-metre radius of the subject property (24 mailouts) and posted notice of the application on the City's website for two consecutive weeks, inviting public comments.

At the time of the writing of this report, the City received zero (0) comments in response to the engagement. Any comments received after the writing of this report will be provided to Council.

OPTIONS:

1. THAT Council recommend the Liquor and Cannabis Regulation Branch (LCRB) approve the application from Kelly O'Bryan's Neighborhood Restaurant, located at 2910 Kilpatrick Avenue (LOT B, SECTION 67, COMOX DISTRICT, PLAN 33851) to amend its Food Primary Liquor Licence by including a Patron Participation Entertainment Endorsement and Council's comments on LCRB prescribed considerations are as follows:
 - a. If the application is approved, any increase in noise as a result of the licence is not anticipated to have much, if any, impact on the community within the immediate vicinity and;
 - b. Based on the majority of views submitted by members of the public and the agencies for comment, including the RCMP, if the application is approved the general impact on the community is not anticipated to be negative.
2. THAT Council requests additional information or alternative conditions before responding to the Liquor and Cannabis Regulation Branch.
3. THAT Council not recommend support to the Liquor and Cannabis Regulation Branch for the application from Kelly O'Bryan's Neighborhood Restaurant, located at 2910 Kilpatrick Avenue (LOT LOT B, SECTION 67, COMOX DISTRICT, PLAN 33851) for a patron participation entertainment endorsement.

ATTACHMENT:

Attachment – Proprietor's Letter of Intent

Prepared by: Dana Beatson, RPP, MCIP, Planner
Reviewed by: Jamai Schile, RPP, MCIP, Manager of Development Planning
Marianne Wade, RPP, MCIP, Director of Development Services
Concurrence: Geoff Garbutt, M.Pl., MCIP, RPP, City Manager (CAO)