
CITY OF KELOWNA

MEMORANDUM

Date: December 18, 2001

File No.: LL01-012

To: City Manager

From: Planning and Development Services Department

Subject:

APPLICATION NO. LL01-012 OWNER: VICTOR PROJECTS

AT: 1551 WATER STREET APPLICANT: JILL JOHNSTONE (KELOWNA
LAZERIUM / STUDIO ONE)

PURPOSE: TO OBTAIN COUNCIL SUPPORT FOR A CLASS "C"
CABARET LIQUOR LICENCE

REPORT PREPARED BY: KIRSTEN G. BEHLER

1.0 RECOMMENDATION

THAT Council NOT support the licensing of a Class "C" liquor licence proposed by Jill Johnstone for 1551 Water Street;

AND THAT Council direct staff to forward the appropriate resolution to the Liquor Control and Licensing Board in Victoria.

2.0 SUMMARY

The applicant seeks Council support for a Class "C" (Cabaret) liquor licence for the Kelowna Lazerium/Studio One. The licensed occupancy load would be 135 persons. The hours of operation for licensed events would be 7p.m. to 2a.m., Monday through Sunday. The Kelowna Lazerium is a new entertainment complex in downtown Kelowna, offering events such as lazerium shows, concerts, and plays. The RCMP and the Planning and Development Services Department are not supportive of granting a Class "C" licence to the venue, due to the fact that there are currently five other venues holding Class "C" licences in the immediate vicinity of the subject property.

3.0 BACKGROUND

3.1 The Proposal

The applicant recently opened the Kelowna Lazerium on Water Street. The venue is a multi-event facility offering lazerium shows, plays, musical events, children's variety shows, and other events. The target audience is broad, ranging from children to adults.

The facility is located in the former Landmark Cinema building. The building consists of two theatres and a lobby with concession stand. At the present time, the applicant is only using one of the theatres, called “Studio One”. The room has an occupancy load of 219 persons and a licensed occupancy load of 135 persons. Both licensed and non-licensed events would be held in the studio, with changing seating configurations. The second theatre is currently used for storage and may be used for events in the future. The lobby, which includes a café, will not be licensed.

3.2 Site Context

The Kelowna Lazerium is located on the east side of Water Street, between Bernard Avenue and Lawrence Avenue. Five venues with Class “C” licences are located in the immediate vicinity of the subject property:

Cheetah’s at 220 Lawrence Avenue, licensed for 232 persons;
 Gotchas at 238 Leon Avenue, licensed for 333 persons;
 Snotty Fox Nite Club at 540 Leon Avenue, licensed for 304 persons;
 Splashes at 275 Leon Avenue, licensed for 350 persons; and
 Vibe Nite Club at 236 Leon Avenue, licensed for 140 persons.

The sixth Class “C” licence in the downtown area is owned by Flashbacks, located approximately 800m north of the subject property and licensed for 350 persons.

Adjacent zones and uses are, to the:

North - C7 – Central Business Commercial – financial institution and offices
 East - C7 – Central Business Commercial -
 South - C7 – Central Business Commercial – Chapman Parkade
 West - C7 – Central Business Commercial -

3.3 Site Location Map



3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

The property is designated as Commercial in the Official Community Plan, and the proposal is consistent with this designation. The plan supports new development and re-development to meet needs for arts and cultural facilities within Kelowna.

3.4.2 Kelowna Downtown Plan

The plan includes the objective to create and encourage the creation of opportunities for cultural expression. By providing a new stage venue, the Kelowna Lazerium meets this objective.

4.0 TECHNICAL COMMENTS

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

4.1. Inspection Services Department

Exits will accommodate 300 persons. Washrooms have two fixtures per sex for 100 persons. Maximum occupant load based on designated public area is 135.

4.2. RCMP

From a policing perspective, the RCMP is unable to support the Class “C” liquor licence application for the Kelowna Lazerium. The main area of concern is the number of Class “C” liquor licenses already operating within this relatively small area of the downtown core and the significant demands these businesses place on police resources. Combined the current Class “C” licensed businesses can legally accommodate more than 1000 patrons. It is an unfortunate reality that these numbers create the potential for mass public disorder at any time. It is the task of defusing this potential, which cannot be ignored without consequences, that places the heavy demand on RCMP resources.

Another concern with respect to this application is the fact that the applicant intends to operate a second non-licensed venue on the same premises as the cabaret. The second venue is intended for customers of all ages but will target an age group comprised mostly of minors. The hours of operation will apparently overlap those of the licensed venue until 10:00 or 11:00 p.m. This would not be a desirable situation. Under-age patrons are more frequently encountered in cabarets than any other licensed business; therefore operating both venues in such close proximity would only seem to invite further problems.

4.3. Fire Department

Occupant load calculations as per Inspection Services Department have been set at 135 persons for the liquor licence and 219 persons for non-licensed events.

4.4. Health Unit

No comments pertaining to the liquor licence application. A food permit was issued in October 2001.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department has concerns with the proposed Class “C” liquor licence for the Kelowna Lazerium. While the department has no concerns with the venue being licensed to serve alcohol at some of its events, a Class “C” licence cannot be supported. The Class “C” licence would permit the venue to operate as a cabaret at the same hours as other cabarets in the area. This has the potential of worsening problems at the time the venues close, which are already being experienced in the area. While it is unfortunate that no existing license category covers the proposed uses of the Kelowna Lazerium, this should not lead to the issuance of an additional Class “C” cabaret license in this relatively small area that already has five licensed cabarets.

6.0 ALTERNATE RECOMMENDATION

THAT Council support the licensing of a Class “C” liquor licence proposed by Jill Johnstone for 1551 Water Street;

AND THAT Council direct staff to forward the appropriate resolution to the Liquor Control and Licensing Board in Victoria.

Andrew Bruce
Current Planning Manager

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Development Services

KGB
Attach.

FACT SHEET

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| 1. APPLICATION NO.: | LL01-012 |
| 2. APPLICATION TYPE: | Liquor License Application |
| 3. OWNER:
ADDRESS
. CITY
. POSTAL CODE | Victor Projects
#102 – 266 Lawrence Avenue
Kelowna, BC
V1Y 6L3 |
| 4. APPLICANT/CONTACT PERSON:
. ADDRESS
. CITY
. POSTAL CODE
. TELEPHONE/FAX NO.: | Jill Johnstone
516 Sarsons Road
Kelowna, BC
V1W 1C2
764-3033 |
| 5. APPLICATION PROGRESS:
Date of Application:
Date Application Complete:
Staff Report to Council: | October 26, 2001

December 18, 2001 |
| 6. LEGAL DESCRIPTION: | Lot 6, Plan 462, ODYD |
| 7. SITE LOCATION: | Downtown Kelowna, on the east side
of Water Street, between Bernard
Avenue and Lawrence Avenue |
| 8. CIVIC ADDRESS: | 1551 Water Street |
| 9. AREA OF SUBJECT PROPERTY: | 1112m" |
| 10. EXISTING ZONE CATEGORY: | C7 – Central Business Commercial |
| 11. PURPOSE OF THE APPLICATION: | To receive Council support for a Class
"C" liquor licence |
| 14. MIN. OF TRANS./HIGHWAYS FILES NO.:
NOTE: IF LANDS ARE WITHIN 800 m OF A
CONTROLLED ACCESS HIGHWAY | N/A |
| 15. DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS | N/A |

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan
- Floor plan of lobby
- Floor plans for seating configurations for Studio One