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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** March 19, 2002

**File No.:** LL01-014

**To:** City Manager

**From:** Planning and Development Services Department

**Subject:**

APPLICATION NO. LL01-014

OWNER: WARRIGAL RESOURCES

AT: 275 LEON AVENUE

APPLICANT: SPLASH'S NITE CLUB /  
ANDREW MERCER

PURPOSE: TO OBTAIN COUNCIL SUPPORT FOR AN INCREASE IN  
PERSON CAPACITY FROM 217 SEATS TO 232 SEATS ON  
THE MAIN FLOOR AND FROM 133 SEATS TO 232 SEATS  
THE SECOND FLOOR

REPORT PREPARED BY: KIRSTEN G. BEHLER

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**1.0 RECOMMENDATION**

THAT Council not support the following amendments to the current operating restrictions as requested by Splash's Nightclub (Andrew Mercer):

- To increase the current person capacity from 217 persons to 232 persons on the main floor and from 133 persons to 232 persons on the second storey, a total increase of 114 persons;

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 person capacity increase of the existing cabaret license. The current liquor license allows up to 217 people on the main floor and 133 on the upper floor. The applicant wishes to increase the license to 232 on each floor, for a total of 464 persons, which is equivalent to the building occupancy.

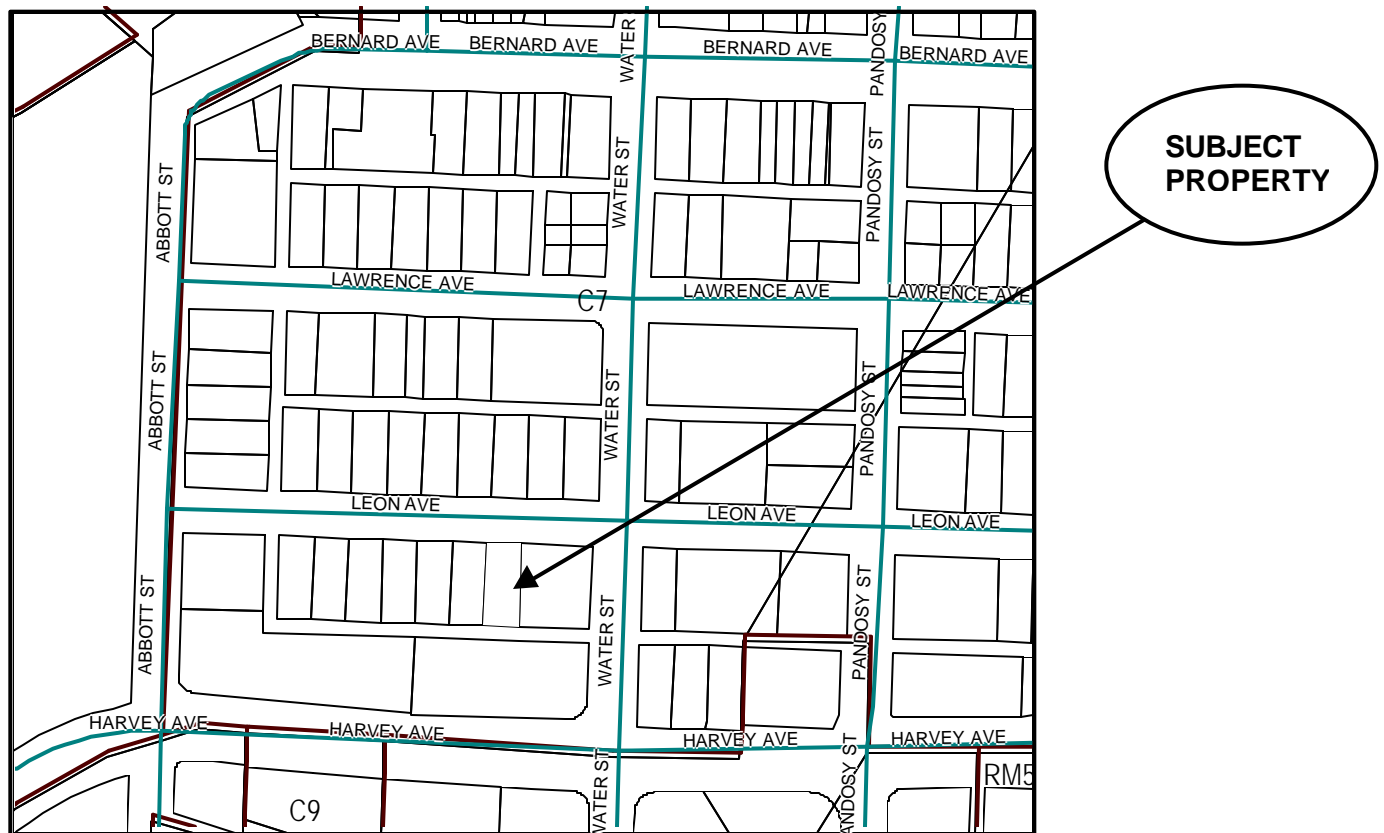
**3.0 BACKGROUND**

**3.1 The Proposal**

Splash's is located in downtown Kelowna, on the south side of Leon Avenue, between Abbot and Water Streets. The nightclub currently holds a liquor licence for

350 seats in total, 217 of which are located on the main, and 133 seats located on the second floor. The applicant wishes to increase the seating capacity by 15 seats on the main floor and by 99 seats on the upper floor, for 232 on each floor, which is equivalent to the occupancy load of each floor. The total licenced occupancy would therefore be 464 persons.

### 3.2 Site Location Map



### 3.3 Current Development Policy

#### 3.3.1 Kelowna Official Community Plan

The property is designated as Commercial in the Official Community Plan, and the proposal is consistent with this designation.

### 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 okay. Washrooms - 8 fixtures each sex = 400 persons. It is recommended to upgrade the washroom facilities for 464 persons; however, it is not a requirement of this application.

4.2. RCMP

The RCMP has concerns with the proposed increase in seating capacity. A number of Class “C” liquor licences are operating in this section of downtown. The existing number of patrons permitted in these venues already puts a significant demand on police resources, and the RCMP cannot support an increase of patrons at this time.

4.3. Fire Department

Main floor occupant increase from 217 to 232 ( increase of 15 ).  
Upper floor occupant increase from 133 to 232 ( increase of 99 )  
These increases reflect actual building code design use. These numbers are for each respectively and are not to be combined for a single usage area.

4.4 Public Health Officer

The Public Health Officer has no comment on the proposed increase in seating capacity.

## 5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department has concerns with the proposed increase in seating capacity. The immediate area surrounding the subject property has a number of Class “C” venues, and the current number of patrons permitted in these venues already places significant demands on policing resources. Currently, an increase in seating capacity, which ultimately leads to more patrons visiting the area and many of them leaving the venues at the same time of night, cannot be supported.

## 6.0 ALTERNATE RECOMMENDATION

THAT Council support the following amendments to the current operating restrictions as requested by Splash’s Nightclub (Andrew Mercer):

- To increase the current person capacity from 217 persons to 232 persons on the main floor and from 133 persons to 232 persons on the second storey;

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

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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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| <b>1. APPLICATION NO.:</b>   | LL01-014   |
| <b>2. APPLICATION TYPE:</b>  | Liquor License Application   |
| <b>3. OWNER:<br/>ADDRESS<br/>. CITY<br/>. POSTAL CODE</b>  | Warrigal Resources<br>1380 Richmond Street<br>Kelowna<br>V1Y 3S8   |
| <b>4. APPLICANT/CONTACT PERSON:<br/>. ADDRESS<br/>. CITY<br/>. POSTAL CODE<br/>. TELEPHONE/FAX NO.:</b>              | Splash's Nite Club (Andrew Mercer)<br>271,101 – 1865 Dilworth Drive<br>Kelowna<br><br>762-2956 / 762-2966                                    |
| <b>5. APPLICATION PROGRESS:<br/>Date of Application:<br/>Date Application Complete:<br/>Staff Report to Council:</b> | <br>November 12, 2001<br><br>March 19, 2002  |
| <b>6. LEGAL DESCRIPTION:</b>   |  |
| <b>7. SITE LOCATION:</b>   | Downtown, on the south side of Leon Avenue between Water Street and Abbott Street  |
| <b>8. CIVIC ADDRESS:</b>   | 275 Leon Avenue<br>Kelowna, BC V1Y 6N4   |
| <b>9. AREA OF SUBJECT PROPERTY:</b>  |  |
| <b>10. EXISTING ZONE CATEGORY:</b>   | C7 – Central Business Commercial   |
| <b>11. PURPOSE OF THE APPLICATION:</b>   | To receive Council support for an increase in person capacity from 217 seats to 232 on the main floor and from 133 to 232 on the upper floor |
| <b>14. MIN. OF TRANS./HIGHWAYS FILES NO.:<br/>NOTE: IF LANDS ARE WITHIN 800 m OF A<br/>CONTROLLED ACCESS HIGHWAY</b> | N/A  |
| <b>15. DEVELOPMENT PERMIT MAP 13.2<br/>IMPLICATIONS</b>  | N/A  |

**ATTACHMENTS**

**(not attached to the electronic version of the report)**

- Location of subject property
- Floor plans