
CITY OF KELOWNA

MEMORANDUM

Date: April 11, 2002
File No.: LL02-0003

To: City Manager

From: Planning and Development Services Department

Subject:

APPLICATION NO. LL02-0003 OWNER: G AND R HOLDINGS LTD.

AT: 274 LAWRENCE APPLICANT: SAMMY AND DAVID HABIB

PURPOSE: TO OBTAIN COUNCIL SUPPORT TO RELOCATE AN EXISTING CLASS C
CABARET LICENSE FROM 540 LEON AVENUE TO 274 LAWRENCE AVENUE

REPORT PREPARED BY: ANDREW BRUCE

1.0 RECOMMENDATION

THAT Municipal Council not support the transfer of a Class "C" cabaret license for the relocation of the Snooty Fox from 540 Leon Avenue to 274 Lawrence Avenue subject to all other conditions of the license remaining the same.

2.0 SUMMARY

The applicant is the current license holder of a Class "C" Cabaret liquor license at premises known as the Snooty Fox at 540 Leon Avenue. The existing establishment has not been in operation for some time as a result of fire damage that has not been repaired. The applicant is requesting Council support the transfer of the license from 540 Leon Avenue to 274 Lawrence Avenue. All existing conditions of the license would remain as currently issued. The licensed occupancy of the Snooty Fox is 304, which is the same capacity being requested at the new location.

3.0 BACKGROUND

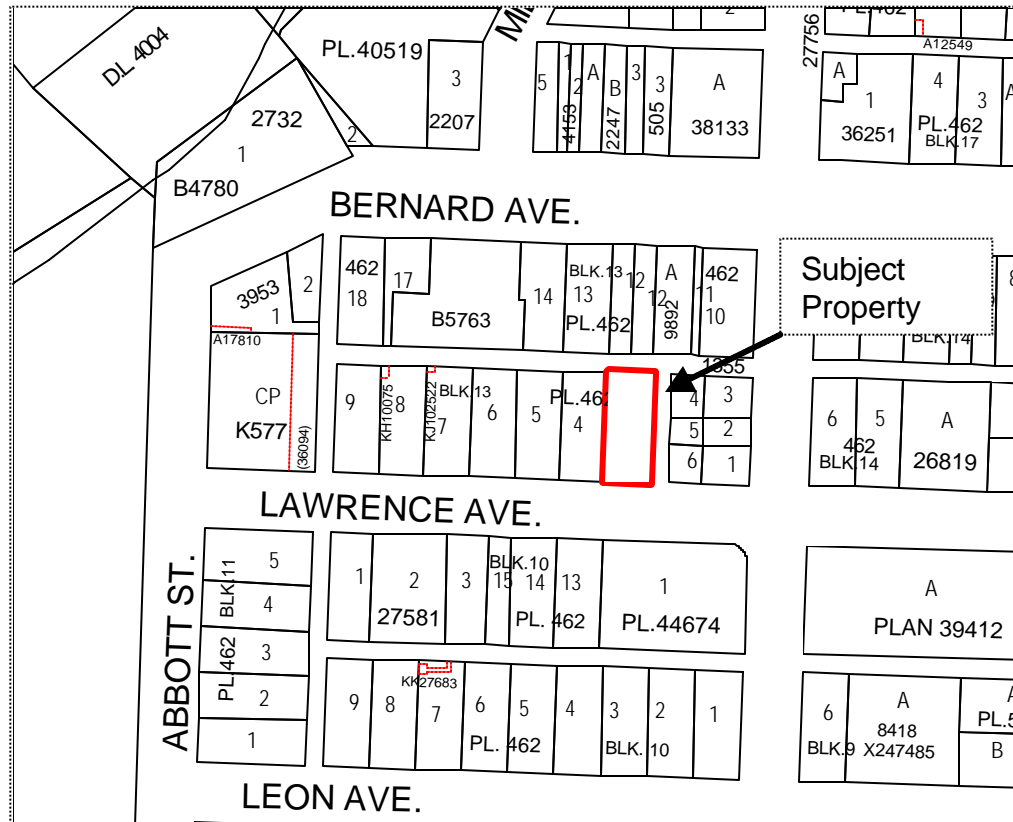
3.1 The Proposal

The current location at 540 Leon Avenue has had a Class "C" Cabaret liquor licensed establishment since October, 1999. The existing premises suffered a fire in the summer of 2001 and has not operated since, although the applicant has continued to hold a valid Class "C" license for the premises. The applicant now wishes to transfer the license from 540 Leon Avenue to 247 Lawrence Avenue, a premises where he has operated as a non-licensed after hours and special event dance club since the fire event. The applicant has also received a limited number of special occasion liquor licenses at the proposed location.

The floor plans submitted with the application to transfer the liquor license indicate that the occupant load for the new location is 347 persons. However, the applicant has stated that he is

only interested in transferring the existing licensed occupancy of 304 to the new location. The hours of operation would also stay the same – opening from 7:00 PM to 2:00 AM. The proposed new location has also been licensed for various activities in the past including a restaurant, a pool hall and again as a restaurant. Parking is not an issue as the proposed location is within the C7 zoned area of the downtown and no parking is required for the existing building. If any additional floor space is proposed to be added in the future, additional parking as required by the Zoning Bylaw would have to be addressed.

3.2 Site Location Map



4.0 TECHNICAL COMMENTS

4.1 Inspection Services Department

Inspection Services have reviewed the application as presented and provide the following comments:

- Exiting - OK
- Washrooms - the number of fixtures for female would only permit 100 ladies.
- the number of fixtures for males is sufficient for 200 males.

We have no objections to this application based on fire and safety. All proposed improvements are subject to applicable building and occupancy permits.

4.2 RCMP

The RCMP does not support the transfer of the existing Class C license to the proposed location. While it is recognized that this is an existing license, the proposed transfer would move the license to an area closer to existing Class C licensed establishments. This would in effect add drinking establishment capacity within an area already served by four similar licenses. The RCMP would not object to moving this license to an area of the City that is not already served by similar types of establishments.

4.3 Fire Department

Fire Department comments were not available at the time of report. All building permits and final occupancy will be subject to approval by the Fire Department.

5.0 PLANNING COMMENTS

The Planning and Development Services Department has some general concerns with the concentration of Class "C" licensed establishments within the downtown area. These establishments are currently regulated by the province with a limitation on hours of operation that restrict opening hours to those between 7:00 PM and 2:00 AM. This makes it impossible for these establishments to conduct any activity outside of these hours that is open to the public. It is therefore very difficult for such establishment to contribute to the daily activity of downtown life. The other area of concern is that there is one other Class "C" licensed establishment on this street in this block and three more one street over but within the same block. The Planning and Development Services Department is concerned with concentrating these establishments in the downtown area as the cumulative effect will create "dead zones" during daytime hours. There is also additional concern that they all close at the same time, releasing patrons onto the street who have the capacity to be unruly, providing additional challenges to the RCMP.

The Planning and Development Services Department acknowledges that the liquor regulations are changing to the effect that some of these concerns may be mitigated. Staff also recognize that the one other Class "C" establishment on the same street will not likely cater to the same clientele as the proposed operation. However, until the liquor laws change to allow daytime operation or dual use of these kinds of establishment, a Class "C" establishment does not significantly benefit the existing community of businesses that make up the downtown area. The Planning and Development Services Department therefore does not support the proposed relocation nor any other relocation or new Class C licenses that would increase the concentration within the core of the downtown area.

Andrew Bruce
Current Planning Manager

Approved for inclusion

R.L. (Ron) Mattiussi, A.C.P., M.C.I.P.
Director of Planning & Development Services

List of Attachments

- Subject Property Map
- Floor Plans
- State of Title

FACT SHEET

1. **APPLICATION NO.:** LL02-0003
2. **APPLICATION TYPE:** Liquor License Application
3. **OWNER:** G and R Holdings Ltd., Inc. No. 327665
· **ADDRESS** 205 – 1690 Water Street
· **CITY** Kelowna, B.C.
· **POSTAL CODE** V1Y 8T8
4. **APPLICANT/CONTACT PERSON:** Sammy and David Habib
· **ADDRESS** 4493 Stewart Road East
· **CITY** Kelowna, B.C.
· **POSTAL CODE**
· **TELEPHONE/FAX NO.:** 317-5055
5. **APPLICATION PROGRESS:**
 Date of Application: March 26, 2002
 Date Application Complete: March 26, 2002
 Staff Report to Council: April 4, 2002
6. **LEGAL DESCRIPTION:** Lot 3, D.L. 139, ODYD, Plan 462
7. **SITE LOCATION:** North side of Lawrence Avenue between Water and Abbott Streets
8. **CIVIC ADDRESS:** 274 Lawrence Avenue
9. **EXISTING ZONE CATEGORY:** C7 – Central Business Commercial
10. **PURPOSE OF THE APPLICATION:** To receive Council approval to transfer an existing Class C Cabaret liquor license from 540 Leon Avenue to 274 Lawrence Avenue