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# CITY OF KELOWNA

## MEMORANDUM

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**Date:** June 5, 2002  
**File No.:** LL02-0004

**To:** City Manager

**From:** Planning and Development Services Department

**Subject:**

APPLICATION NO. LL02-0004 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 / KIRSTEN BEHLER

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### 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;

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

### 2.0 SUMMARY

The applicant is the current licence holder of a Class "C" Cabaret liquor licence at 540 Leon Avenue. The applicant is requesting Council support for the relocation of the license from 540 Leon Avenue to 274 Lawrence Avenue. He proposes to operate a restaurant and a cabaret at the new location. The capacity of the cabaret would be 200 persons.

### 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 have not operated since, although the applicant has continued to hold a valid Class "C" license for the premises. The applicant now wishes to relocate 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 proposed new location of the restaurant and cabaret does not have any on-site parking. However, the proposed location is within the C7 zoned area of the downtown and no parking is required for the existing building.

DL 404

PL.40519

2732

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B4780

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2207

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3

3

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2247

505

38133

27766

PL.462

12549

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36251

PL.462

BLK.17

BERNARD AVE.

3953

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A17810

CP

K577

(36094)

462

17

14

BLK.13

13

12

A

462

1

10

B5763

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BLK.13

6

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PL.462

4

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1355

Subject Property

BLK.14

6

5

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462

BLK.14

26819

LAWRENCE AVE.

ABBOTT ST.

5

BLK.11

4

3

PL.462

2

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1

2

3

BLK.10

15

14

13

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27581

PL.462

PL.44674

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KH27683

PL.462

BLK.10

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PLAN 39412

6

A

8418

BLK.9

X247485

PL.5

B

LEON AVE.

#### 4.0 TECHNICAL COMMENTS

##### 4.1 Inspection Services Department

Exiting - OK

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

The useable Cabaret area is 240m<sup>2</sup> allowing an occupant load of 200 persons based on 1.2 persons/ m<sup>2</sup>.

##### 4.2 RCMP

There is no change in the RCMP's position from the previous application. The downtown core cannot withstand an additional cabaret-licensed premise. The RCMP would have no objection to considering an application in an outlying location.

##### 4.3 Fire Department

A building permit will be required for the proposed structural changes. The occupant loads shown on the submitted drawings do not appear to meet any code calculations (They are excessive). If the kitchen is to be relocated to the position shown, the upper outside deck may not be useable as the vent system would be projecting through the center of it. Occupant loads will be required to be recalculated based on drawings submitted for construction.

## 5.0 PLANNING COMMENTS

The Planning and Development Services Department has concerns with the proposed relocation of the Class "C" cabaret licence to the proposed location on Lawrence Avenue. The department recognizes that the proposal has changed significantly from the original relocation proposal. The applicant is attempting to operate a venue that attracts clients during the day, as well as at night. This approach has the potential of addressing one concern for concentrating Class "C" licensed venues in one area, which is the creation of "dead space" during the day. However, no opportunity exists to make the Class "C" licence contingent upon the existence of the Class "B" restaurant licence. Therefore, should the restaurant be discontinued, the cabaret could continue to operate.

Another concern is the fact that the cabaret closes at the same time as the existing cabarets in the area. This provides challenges to the RCMP, who is dealing with partially intoxicated people on the street after they have been released from the respective venues. Although the restaurant could remain open, it is not very likely that many of the cabaret patrons stay there, since no alcohol can be served after 14 consecutive hours. New provincial regulations may allow the venues to be operated until 4 a.m., which might alleviate this concern by prolonging the period in which patrons typically leave downtown establishments. Nonetheless, the RCMP does not support another Class "C" licence in this area.

## 6.0 ALTERNATE RECOMMENDATION

THAT Council support the relocation of the Class "C" liquor licence from 540 Leon Avenue to 274 Lawrence Avenue;

AND THAT Council support the licensing of a Class "C" license for the premises at 274 Lawrence Avenue for 200 persons and in conjunction with a restaurant to be operated in a section of the premises.

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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**

**(not included in the electronic version of this report)**

- Subject Property Map
- Floor Plans

**FACT SHEET**

1. **APPLICATION NO.:** LL02-0004
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:** May 14, 2002
  - Date Application Complete:** May 27, 2002
  - Staff Report to Council:** June 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