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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** February 24<sup>th</sup>, 2003  
**File No.:** LL03-0001

**To:** City Manager

**From:** Planning and Development Services Department

**Subject:**

APPLICATION NO. LL03-0001

OWNER: 475872 BC Ltd

AT: 238 Leon Avenue

APPLICANT: Gotcha Nightclub

PURPOSE: TO OBTAIN COUNCIL SUPPORT FOR AN INCREASE IN SEATING CAPACITY (92 PERSONS)

REPORT PREPARED BY: RYAN SMITH

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1.0 RECOMMENDATION

THAT Council not support a licensed person capacity increase proposed by Gotchas Nightclub for 238 Leon Avenue.

2.0 SUMMARY

The applicant is seeking Council support for a Licensed Capacity Increase. The applicant is proposing to expand the floor area of the establishment for a proposed sports room.

3.0 BACKGROUND

3.1 The Proposal

In December of 2002 the Provincial government's Liquor Control and Licensing Branch made significant changes to Liquor Licensing regulations in British Columbia. One of the results being that local governments now have input on capacity increases only in cases where the physical size of a liquor primary licensed establishment is proposed to change.

The applicant is proposing to increase the physical size of the cabaret by creating a new "sports room" on the second floor of the establishment. The space is currently being used as a storage area. The existing person capacity of the establishment is 313. The proposed increase in floor area would allow a person capacity of 405, an increase of 92 persons. The expansion is not increasing the floor area of the existing building and therefore there are no additional parking requirements.

### 3.2 Site Context

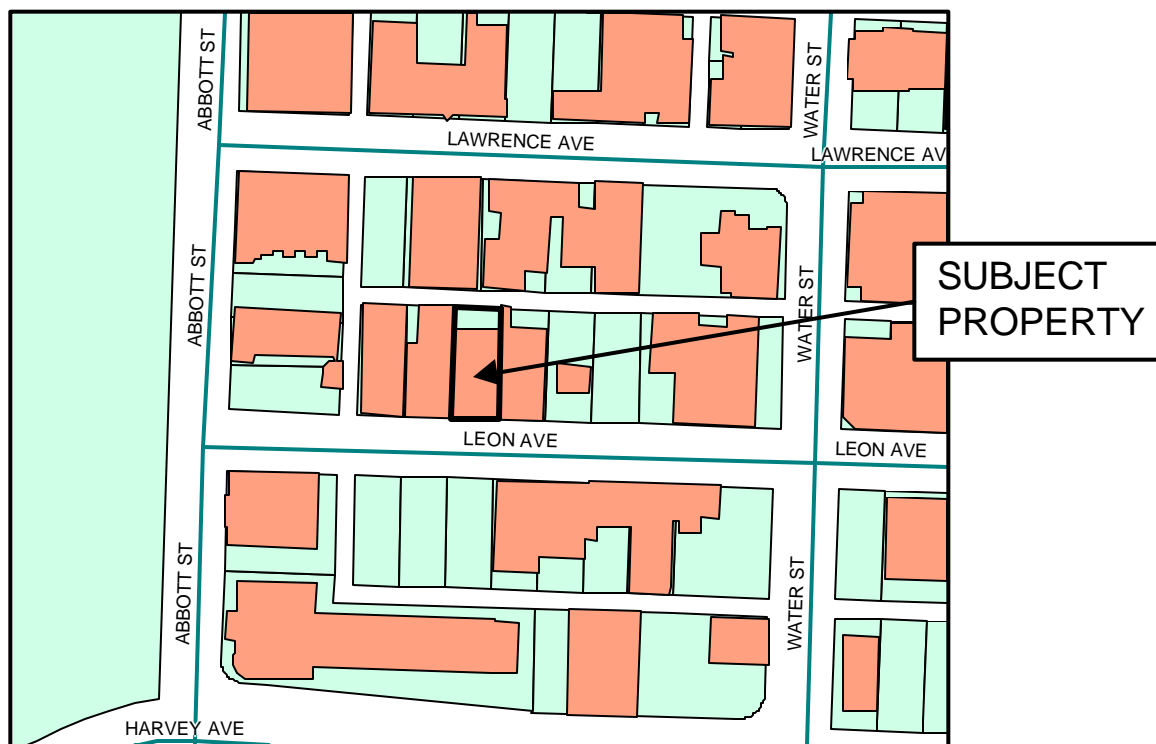
The subject property is located on the north side of Leon Avenue between Water and Abbott Streets, in the Central City Sector.

Adjacent zones and uses are:

North -C7 –Central Business Commercial – The Finer Choice Restaurant  
East -C7 –Central Business Commercial – Yawbus 3 Sub and Pizza  
South -C7 –Central Business Commercial – Parking Lot  
West -C7 –Central Business Commercial – La Bussola/Junior's/Club Oasis

### 3.3 Site Location Map

Subject Property: 238 Leon Avenue



#### 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

- a) Occupant load is limited to 92 in this new area
- b) Washrooms ok.
- c) Exits ok.
- d) There are some Building Code issues to be dealt with at the building permit stage.

##### 4.2. RCMP

The RCMP is represented on the Mayors task force and will not support any new applications or extensions until the task force is completed.

##### 4.3. Fire Department

Fire alarm to be extended into new addition and zoned accordingly.

##### 4.4. Public Health Inspector

Ensure smoking compliance with Environmental Tobacco Smoke Reg. 03/200.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department is concerned with the proposal. There is apprehension that this person capacity increase will only exasperate existing problems in this area that occur when the nightclubs close in the early morning.

6.0 ALTERNATE RECOMMENDATION

THAT Council support the person capacity increase (from 313 to 405 persons) proposed by Gotcha Nightclub for 238 Leon Avenue;

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

RWS  
Attach.

**FACT SHEET**

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| <b>1. APPLICATION NO.:</b>   | LL03-0001  |
| <b>2. APPLICATION TYPE:</b>  | Liquor License Application   |
| <b>3. OWNER:<br/>ADDRESS<br/>. CITY<br/>. POSTAL CODE</b>  | Gotcha Nightclub<br>238 Leon Avenue<br>Kelowna, BC   |
| <b>4. APPLICANT/CONTACT PERSON:<br/>. ADDRESS<br/>. CITY<br/>. POSTAL CODE<br/>. TELEPHONE/FAX NO.:</b>              | 475872 BC Ltd<br>PO Box 28041 East Kelowna<br>Kelowna, BC<br>V1W 4A6<br>860-0800/8603088   |
| <b>5. APPLICATION PROGRESS:<br/>Date of Application:<br/>Date Application Complete:<br/>Staff Report to Council:</b> | January 23, 2003<br>January 23, 2003<br>April 15, 2002   |
| <b>6. LEGAL DESCRIPTION:</b>   | Lot 7, Blk.10, DL.139, ODYD Plan<br>462  |
| <b>7. SITE LOCATION:</b>   | The subject property is located on the north<br>side of Leon Avenue between Water and<br>Abbott Streets, in the Central City Sector. |
| <b>8. CIVIC ADDRESS:</b>   | 238 Leon Avenue, Kelowna, BC   |
| <b>9. AREA OF SUBJECT PROPERTY:</b>  | 565m.sq.   |
| <b>10. EXISTING ZONE CATEGORY:</b>   | C7 – Central Business Commercial   |
| <b>11. PURPOSE OF THE APPLICATION:</b>   | TO OBTAIN COUNCIL SUPPORT FOR AN<br>INCREASE IN PERSON CAPACITY (92<br>PERSONS)  |
| <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
- Proposed Area of Expansion