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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** April 23, 2004  
**File No.:** LL04-0006

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

APPLICATION NO. LL04-0006

OWNER: Do Gi Ent Ltd.

AT: 238 Leon Avenue

APPLICANT: Gotcha Nightclub

PURPOSE: TO OBTAIN COUNCIL SUPPORT FOR A TEMPORARY  
EXTENSION TO THE HOURS OF LIQUOR SERVICE FOR  
GOTCHAS NIGHTCLUB FROM 2:00AM PERMITTED TO  
4:00AM PROPOSED FOR THE EVENING OF MAY 22-23,  
2004

REPORT PREPARED BY: RYAN SMITH

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1.0 RECOMMENDATION

THAT Council not support a temporary extension to the hours of liquor service from the current 2:00am closing to a 4:00am closing for the evening of May 22-23, 2004 proposed by Gotchas Nightclub located on Lot 6, Blk.10, DL.139, ODYD Plan 462, being 238 Leon Avenue, Kelowna, BC;

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 seeking Council support for a temporary extension to the hours of operation from 2:00am existing to 4:00am proposed for the Saturday evening which falls during the Victoria Day long weekend in May of this year.

3.0 BACKGROUND

In November of 2003, the authority to approve temporary changes to liquor primary licenses was granted to the Director of Planning and Corporate Services. At this time it was also indicated that no more than three such applications per 365 day period would be accepted from any one license holder. This system was implemented on a trial basis for an indefinite period. To date staff have received three such applications and no problems have been encountered.

### 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

No comment.

4.2. RCMP

The RCMP opposes this application. The proposed temporary extension would occur on a busy long weekend and there is concern that police resources will already be stretched to their maximum capacity.

4.3. Fire Department

No comment.

4.4. Public Health Inspector

No Comment.

## 5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department has significant concerns with this proposal and therefore the Director of the Planning and Corporate Services Department elected to forward this application to Council for consideration.

Staff are concerned with regard to the impact of establishments remaining open until 4 a.m. during this particular weekend. Normally staff would be inclined to support an extension for an individual special event on a normal long weekend. However, this particular long weekend Kelowna is serving as host to the Memorial Cup Tournament as well as a significant softball tournament, several golf tournaments and the Knox Mountain Hill Climb. All of these events are likely to involve social events where alcohol will be available for consumption. Given the number and magnitude of events occurring during this period any extension to the hours of operation for any of the City's liquor primary establishments may serve to trigger unruly behaviour which the RCMP and City of Kelowna are attempting to discourage. Staff are recommending that Council oppose this application.

Should Council choose to support the proposal an alternate recommendation has been provided below.

## 6.0 ALTERNATE RECOMMENDATION

THAT Council support the temporary change to the hours of liquor service from 2:00 a.m. existing to 4:00 a.m. proposed by Gotchas 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  
Manager of Development Services

Approved for inclusion ☐

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

RM/AB/rs  
Attach.

**FACT SHEET**

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| 1.  | <b>APPLICATION NO.:</b>   | LL04-0006   |
| 2.  | <b>APPLICATION TYPE:</b>  | Liquor License Application  |
| 3.  | <b>OWNER:</b><br><b>ADDRESS</b><br>· <b>CITY</b><br>· <b>POSTAL CODE</b>  | Gotcha Nightclub<br>238 Leon Avenue<br>Kelowna, BC  |
| 4.  | <b>APPLICANT/CONTACT PERSON:</b><br>· <b>ADDRESS</b><br>· <b>CITY</b><br>· <b>POSTAL CODE</b><br>· <b>TELEPHONE/FAX NO.:</b>        | Pupus Enterprises<br>PO Box 28041 East Kelowna<br>Kelowna, BC<br>V1W 4A6<br>860-0800/8603088  |
| 5.  | <b>APPLICATION PROGRESS:</b><br><b>Date of Application:</b><br><b>Date Application Complete:</b><br><b>Staff Report to Council:</b> | April 14, 2004<br>April 14, 2004<br>April 23, 2004  |
| 6.  | <b>LEGAL DESCRIPTION:</b>   | Lot 6, Blk.10, DL.139, ODYD Plan<br>462   |
| 7.  | <b>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.  |
| 8.  | <b>CIVIC ADDRESS:</b>   | 238 Leon Avenue, Kelowna, BC  |
| 9.  | <b>AREA OF SUBJECT PROPERTY:</b>  | 565m.sq.  |
| 10. | <b>EXISTING ZONE CATEGORY:</b>  | C7 – Central Business Commercial  |
| 11. | <b>PURPOSE OF THE APPLICATION:</b>  | TO OBTAIN COUNCIL SUPPORT FOR A<br>TEMPORARY EXTENSION TO THE HOURS OF<br>LIQUOR SERVICE FOR GOTCHAS NIGHTCLUB<br>FROM 2:00AM PERMITTED TO 4:00AM<br>PROPOSED FOR THE EVENING OF MAY 22-23,<br>2004 |
| 14. | <b>MIN. OF TRANS./HIGHWAYS FILES NO.:</b><br><b>NOTE: IF LANDS ARE WITHIN 800 m OF A<br/>CONTROLLED ACCESS HIGHWAY</b>              | N/A   |
| 15. | <b>DEVELOPMENT PERMIT MAP 13.2<br/>IMPLICATIONS</b>   | N/A   |

**ATTACHMENTS**

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

- Location of subject property