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# CITY OF KELOWNA

## MEMORANDUM

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**Date:** November 25, 2005

**To:** City Manager

**From:** Planning and Corporate Services Department (RS)

**Subject:** Request for Clarification on Mayor's Entertainment District Task Force Policy contained in Council Policy #315 Liquor Licensing Procedures (LP) and Retail Liquor Sales (RLS)

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### 1.0 RECOMMENDATION

THAT the report dated November 22, 2005 from the Planning and Corporate Services Department outlining requested clarification for Council's position regarding the issuance of special occasion liquor licenses for businesses in the "yellow area" and related amendments to Council Policy #315 be received for Council's information;

AND THAT Council direct staff to amend Council Policy #315 to prohibit the issuance of any Special Occasion Liquor Licenses in the "yellow area" as identified by the Downtown Plan;

AND FURTHER THAT Council formally request that the local detachment of the RCMP not endorse any Special Occasion License requests within the "yellow area" identified by the Kelowna Downtown Plan, effective December 1, 2005.

### 2.0 BACKGROUND

During the spring and summer of 2003, the Mayor's Entertainment District Task Force reviewed the operation of cabarets and pubs in downtown Kelowna. Subsequently, the task force created a policy document (*The Mayor's Entertainment District Task Force Report – June 16, 2003*) providing guidelines to be referenced when considering applications for pubs and cabarets (liquor primary) within the city. The policy was adopted by Council in June of 2003 and later incorporated into Council Policy #315 - Liquor Licensing Procedures (LP) and Retail Liquor Sales (RLS). This policy makes the recommendation that:

No additional Liquor Primary Establishments be located within the "yellow area" and no expansion shall be approved to existing Liquor Primary establishments with the "yellow area".

### 3.0 SUMMARY

Staff has recently had a number of complaints from nightclubs in the "yellow area" who are concerned about a new business which is providing banquet and event facilities. The concerns relate to the fact that this business appears to be circumventing the liquor primary licensing process by having its clients apply for Special Occasion Liquor Licenses in order to serve liquor at some events. This creates a situation where this establishment may act as an additional liquor serving venue in the "yellow area" which is of great concern to the RCMP, City Staff and other liquor primary licensees in the area. Through processes such as the Mayor's Entertainment District Task Force, these parties have been attempting to limit the capacity of the existing liquor primary licensed establishments and control unruly behavior, crime and vandalism that had been occurring in the "yellow area".

In this case the business in question is arguing that the Mayor's Entertainment District Task Force Report does not address the issue of Special Occasion Licenses (SOL's) and therefore, staff and the RCMP have no existing policy foundation to discourage or deny the issuance of such SOL permits.

#### 4.0 RCMP

The RCMP does not support the operation of any additional venues where the consumption of liquor may be the primary focus of an event in the "yellow area".

#### 5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department interprets policy contained in the Mayor's Entertainment District Task Force to mean that no staff support should be provided to any new liquor primary license proposals, any proposal for expansions of existing liquor primary licensed establishments and no support for any licensed establishment which may function as a liquor primary establishment or produce similar impacts. Therefore Planning and Corporate Services Department does not support the issuance of any type of liquor license in the "yellow area" which may exasperate the existing problems in this area. Staff recommends that Council amend Council Policy #315 in order to restrict any future issuance of Special Occasion Liquor Licenses unless otherwise authorized by Council.

#### 6.0 ALTERNATE APPROACH

Should Council wish to allow the issuance of Special Occasion Liquor Licenses within the "yellow area" identified in the Kelowna Downtown Plan and referred to in the MEDTF report, staff recommend that Council consider and endorse certain parameters that can be provided to the local RCMP detachment as guidelines for consideration when reviewing Special Occasion Liquor Licenses in the downtown area and more specifically the "yellow area". Such parameters would be designed to minimize the contradictory impacts to the existing liquor primary licensed establishments in the area and could include:

- No Special Occasion Liquor Licenses to be granted on Fridays, weekends or statutory holidays.
- No Special Occasion Liquor Licenses to be granted where liquor it is to be served beyond 11:00pm.
- No Special Occasion Liquor Licenses to be granted where the proposed event is intended to cater to youth.

These proposed parameters are not finite and staff would be prepared to review this approach further if Council endorses this direction.

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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.