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**CITY OF KELOWNA**

**MEMORANDUM**

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**DATE:** MARCH 13, 2007  
**TO:** CITY MANAGER  
**FROM:** PLANNING AND DEVELOPMENT SERVICES DEPARTMENT  
**APPLICATION NO.** LL06-0013      **OWNER:** JQ Developments  
**AT:** 248 LEON AVENUE      **APPLICANT:** Quinn Best  
**PURPOSE:** TO OBTAIN COUNCIL SUPPORT FOR A PATRON  
PARTICIPANT ENTERTAINMENT ENDORSMENT FOR  
THE EXISTING FOOD PRIMARY LIQUOR LICENSE  
**REPORT PREPARED BY:** RYAN SMITH

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**1.0 RECOMMENDATION**

THAT Council not support a patron participation entertainment endorsement for the food primary liquor license of the Habitat Event Lounge located on Lot 6, Block 10, ODYD Plan 462 at 248 Leon Avenue;

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

**2.0 BACKGROUND**

The Habitat event/banquet venue has been in operation since 2005 and has held events with the use of Special Occasion Liquor Licenses. Habitat has recently been granted a Food Primary Liquor License by the Liquor Control and Licensing Branch. This license also comes with a lounge endorsement which allows up to 20% of the establishment's seats to be used as a lounge (liquor primary). The overall licensed capacity for Habitat is 131 persons and the capacity of the lounge area is 26 persons. The lounge area must be distinct from the primary dining area, and the primary dining area must be open the same hours as the lounge. Food service must also be available in the restaurant lounge. The Food Primary License is restricted in hours of operation from 4pm to 12am.

**3.0 SUMMARY**

The applicant is seeking Council support for a patron participation entertainment endorsement to the Food Primary Liquor License. This endorsement would allow any form of entertainment that encourages patrons to participate, such as sing-along, dancing and karaoke, or perform stand-up comedy routines.

#### 4.0 LIQUOR LICENSE INFORMATION

Criteria	Proposal
Food Primary Licence Capacity	131
Lounge Capacity	(20% of 131) 26
Hours of Operation	9am – 12am (Tuesday-Sunday)

#### 5.0 SITE CONTEXT

The subject property is located on the north side of Leon Avenue between Abbott Street and Water Street.

Adjacent zones and uses are:

North - C7 – Central Business Commercial  
East - C7 – Central Business Commercial  
South - C7 – Central Business Commercial  
West - C7 – Central Business Commercial

#### 6.0 SITE LOCATION MAP

See attachment.

#### 7.0 CURRENT DEVELOPMENT POLICY

##### 7.1 Mayor's Entertainment District Task Force (MEDTF)

The Mayor's Entertainment District Task Force Report recommended that no new Liquor Primary Establishments be added to the "yellow area" as identified in the Downtown Plan.

##### 7.2 Liquor Control and Licensing Branch Criteria

(a) The potential for noise if the application is approved:

The RCMP is concerned that this endorsement will compound problems already being experienced in the Lawrence/Leon corridor.

(b) The impact on the community if the application is approved:

The RCMP is concerned that this endorsement will compound problems already being experienced in the Lawrence/Leon corridor.

(c) Whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose:

The proposed amendment may allow the establishment to be used in a capacity that is contrary to its purpose. While the facility currently operates as a banquet hall/event lounge a patron participation endorsement could allow it to be used more like a nightclub.

(d) The views of residents:

Views of the residents will be gathered at a public meeting in accordance with Council Policy #315.

8.0 TECHNICAL COMMENTS

The application has been submitted to various technical agencies and City departments, and the following comments have been submitted:

8.1 Inspection Services Department

No concerns.

8.2 RCMP

The RCMP do not support this application. The patron participation endorsement may allow this establishment to operate in a manner which compounds problems which are occurring during bar hours in the Lawrence/Leon corridor.

8.3 Fire Department

Upper level room to have occupancy sign posted as per BC Fire Code; Max Occupancy is 60 persons.

Fire Department access, fire flows and hydrants as per BC Building Code and City of Kelowna Subdivision Bylaw.

8.4 Public Health Inspector

No comment.



9.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department has concerns with this application. Since initial concerns with regard to the operations of Habitat, staff has worked closely with the owners to resolve these concerns. The owners have actively attempted to address the concerns of staff and worked to build relationships with other businesses, business groups and social agencies in the downtown core. In order to allow for greater flexibility in its operations and allow for fully catered events, the applicant has installed a commercial kitchen and applied for a Food Primary Liquor License. These two elements will give the establishment the flexibility to cater to a wider variety of clients/events and provide the Liquor Control and Licensing Branch with greater control over liquor service at events. Staff's concerns lay primarily with the patron participation entertainment endorsement as it may facilitate use of the facility in a manner which staff is attempting to reduce in the Lawrence/Leon corridor. Staff recommends that Council not support this patron participation entertainment endorsement. Should Council choose to support this endorsement an alternate recommendation has been provided below.

10.0 ALTERNATE RECOMMENDATION

THAT Council support a patron participation entertainment endorsement for the food primary liquor license of the Habitat Event Lounge located on Lot 6, Block 10, ODYD Plan 462 at 248 Leon Avenue;

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

  
Shelley Gambacort  
Acting Manager of Development Services

Approved for inclusion



Mary Pynenburg, MRAIC MCIP  
Director of Planning & Development Services

MP/SG/rs  
Attach