
CITY OF KELOWNA

MEMORANDUM

DATE: APRIL 17, 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 A PROPOSED FOOD PRIMARY LIQUOR LICENSE AT HABITAT
REPORT PREPARED BY: RYAN SMITH

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 applied for a Food Primary Liquor License to the Liquor Control and Licensing Branch. The Food Primary License is proposed to be 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 proposed 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	N/A
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:

Provided the applicant agrees not to seek a lounge endorsement to the food primary license, staff is confident that the Patron Participation Entertainment Endorsement will not lead to the

operation of the establishment in a manner contrary to its purpose as long as it is not granted in tandem with a lounge endorsement.

(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 does 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 had a variety of concerns in the past with entertainment establishments operating in the Lawrence/Leon Corridor. Since initial concerns with regard to the operations of Habitat, staff has worked closely with the owners to resolve issues of concern. 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 any application by Habitat for a lounge endorsement as it may facilitate use of the facility in a manner which staff is attempting to reduce in the Lawrence/Leon corridor.

Based on the above, staff would have recommended that Council support this patron participation entertainment endorsement provided that the applicant agreed not to pursue a lounge endorsement with the Liquor Control and Licensing Branch. (The lounge endorsement, which Council cannot comment on, would allow a percentage of Habitats Food Primary seating to be used for a Liquor Primary focus). However, as the RCMP do not support this application staff are not recommending support for the application at this time.

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 proposed 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.

AND THAT the applicant agrees not to seek a Lounge endorsement to the Food Primary Liquor License in the future unless supported by Council;


Shelley Gambacort
Acting Manager of Development Services

Approved for inclusion



Mary Pynenburg, MRAIC MCIP
Director of Planning & Development Services

MP/SG/rs
Attach