
CITY OF KELOWNA
MEMORANDUM

Date: March 13, 2009

To: City Manager

From: Community Sustainability Division

APPLICATION NO. LL09-0001

APPLICANT: City of Kelowna

AT: 1375 Water Street

OWNERS: City of Kelowna

PURPOSE: TO RECEIVE COUNCIL SUPPORT FOR THE PROPOSED AMENDMENT TO THE EXISTING LIQUOR PRIMARY LICENSE TO EXPAND THE LICENSED AREA TO INCLUDE THE AUDITORIUM AND GREEN ROOM

EXISTING ZONE: P1 – Major Institutional

REPORT PREPARED BY: Luke Turri

1.0 RECOMMENDATION

In accordance with Section 53 of the *Liquor Control and Licensing Regulation* and Council Policy 315 be it resolved THAT:

1. Council recommends the amendment of the license for the application from the City of Kelowna to obtain a liquor primary license for the establishment located at 1375 Water Street, Kelowna, BC (Kelowna Community Theatre), and legally described as Lot C, District Lot 139, ODYD, Plan KAP56114 for the following reasons: the proposed license amendment would not be a major departure from existing uses, and little negative impacts are anticipated.
2. The Council's comments on the prescribed considerations are as follows:
 - (a) *The potential for noise if the application is approved remains unchanged.*
 - (b) *The impact on the community if the application is approved is considered minimal given that the facility is well established with programmed events.*
3. The Council's comments on the views of residents (if applicable) are as contained within the minutes of the meeting at which the application was considered by Council.

2.0 SUMMARY

The City of Kelowna is seeking to expand the licensed area for the existing liquor license at the Kelowna Community Theatre to include the auditorium and green room.

3.0 BACKGROUND

The Kelowna Community Theatre has held a Liquor Primary License since May 2005 which allows the service of alcohol within the main lobby area. Since this time, there have been a number of occasions where at the request of the event organizer, the license has been expanded on a temporary basis to include the auditorium. This would allow patrons to take their drink back to the auditorium seating. These events have been well-received, with minimal

(if any) concerns and operating challenges. The Theatre is now pursuing the ability to permanently offer this option to customers wishing to rent the space.

3.1 The Proposal

A liquor license application has been forwarded by the City of Kelowna to the Provincial Liquor Control and Licensing Branch for their approval. Procedurally, new liquor primary license applications require local government resolution, commenting on the application.

The proposed amendment would include expanding the licensed area to include the auditorium as well as the green room. Situated on the second floor of the Theatre building, the green room is a programmable space suitable for small events when the main auditorium is not in use. It is the desire of Theatre staff to rent this space out on a on-going basis, with the ability to offer a licensed space.

While the City holds the Liquor Primary License and would receive all of the revenue generated by liquor sales, alcoholic drinks are not made available without consent from the organization that has booked the Theatre.

As shown below, the proposed expansion would increase the total licensed capacity from 236 persons to 541 persons:

Existing License Summary (License #301514):	
Existing Person Capacity (Lobby Area)	236 persons
Hours of Operation	11:00am-1:00am, Monday-Sunday
Proposed Licensing of Auditorium	+265 persons
Proposed Licensing of Green Room	+40 persons
Total Proposed Person Capacity	=541 persons

3.2 Site Context

The Kelowna Community Theatre is located in the Cultural District, across from City Hall and the Kelowna Yacht Club.

More specifically, the adjacent land uses are as follows:

North	Law Courts, Parkade
East	RCMP Detachment, Library
South	City Hall, Memorial Arena
West	Yacht Club, Senior's Centre

3.3 Site Location Map

Subject property: 1375 Water Street



4.0 CURRENT DEVELOPMENT POLICY

4.1 Mayor's Entertainment District Task Force Report

- "No new, expanded or relocated Liquor Primary Establishment shall be permitted with a person capacity of greater than 500 persons."
- "Any new, expanded or relocated Liquor Primary License application with a person capacity of 350 persons or more shall not be located closer than 300 m (shortest travel distance) to an existing Liquor Primary Establishment with a person capacity of greater than 350 persons and no closer than 100 m (shortest travel distance) to another Liquor Primary Establishment with a person capacity between 150 and 350 person capacity and not abutting or adjacent to another Liquor Primary Establishment with a person capacity of less than 150 persons."

4.2 Liquor Control and Licensing Branch Criteria

The prescribed considerations from the Liquor Control and Licensing Branch are outlined in the Recommendations at the beginning of this report.

5.0 TECHNICAL COMMENTS

5.1 Fire Department

No Comment.

5.2 Public Health Inspector

No Comment.

5.3 RCMP

No concerns. Liquor sales are not likely to increase dramatically, and the patrons will have a more reasonable amount of time to consume their beverage.

6.0 LAND USE MANAGEMENT DEPARTMENT

The Land Use Management Department is guided by the Mayor's Entertainment District Task Force (MEDTF) Policy regarding all Liquor Primary (LP) and Retail Liquor Sales (RLS) establishments. The application does not contravene any of the policy relating to proximity to other Liquor Primary establishments. Surrounding establishments, including Lake City Casino, Prospera Place, and a variety of pub and nightclub establishments are all at least 300 meters away.

However, the proposed license conflicts with the MEDTF Policy as the total capacity would be greater than 500 persons. That being said, the application is an exceptional case, as the facility is not a typical Liquor Primary establishment with the priority of selling alcohol. The food & beverage component of the Theatre would be considered secondary in nature to the cultural entertainment component. In addition, the total proposed person capacity is misleading given the nature of the venue, where the total amount of patrons in the building is limited by the amount of tickets sold for a given event. Patrons would either be located in the lobby (before, after and during intermissions) or in the auditorium (during the performances), and not both.

The expansion of the license to include the Green Room would allow for the Theatre to utilize this space for a greater number of events. Given the size of this space, it is considered to have little if any negative impacts.


Given the above considerations, and no concerns for RCMP resources being further challenged, the proposed license amendment is anticipated to have only minor impact on the existing use, the Land Use Management Department is supportive of this application.

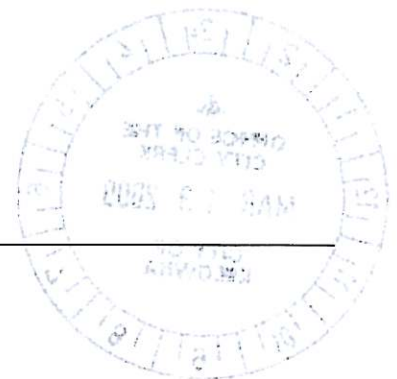


Danielle Noble
Urban Land Use Manager

Approved for inclusion



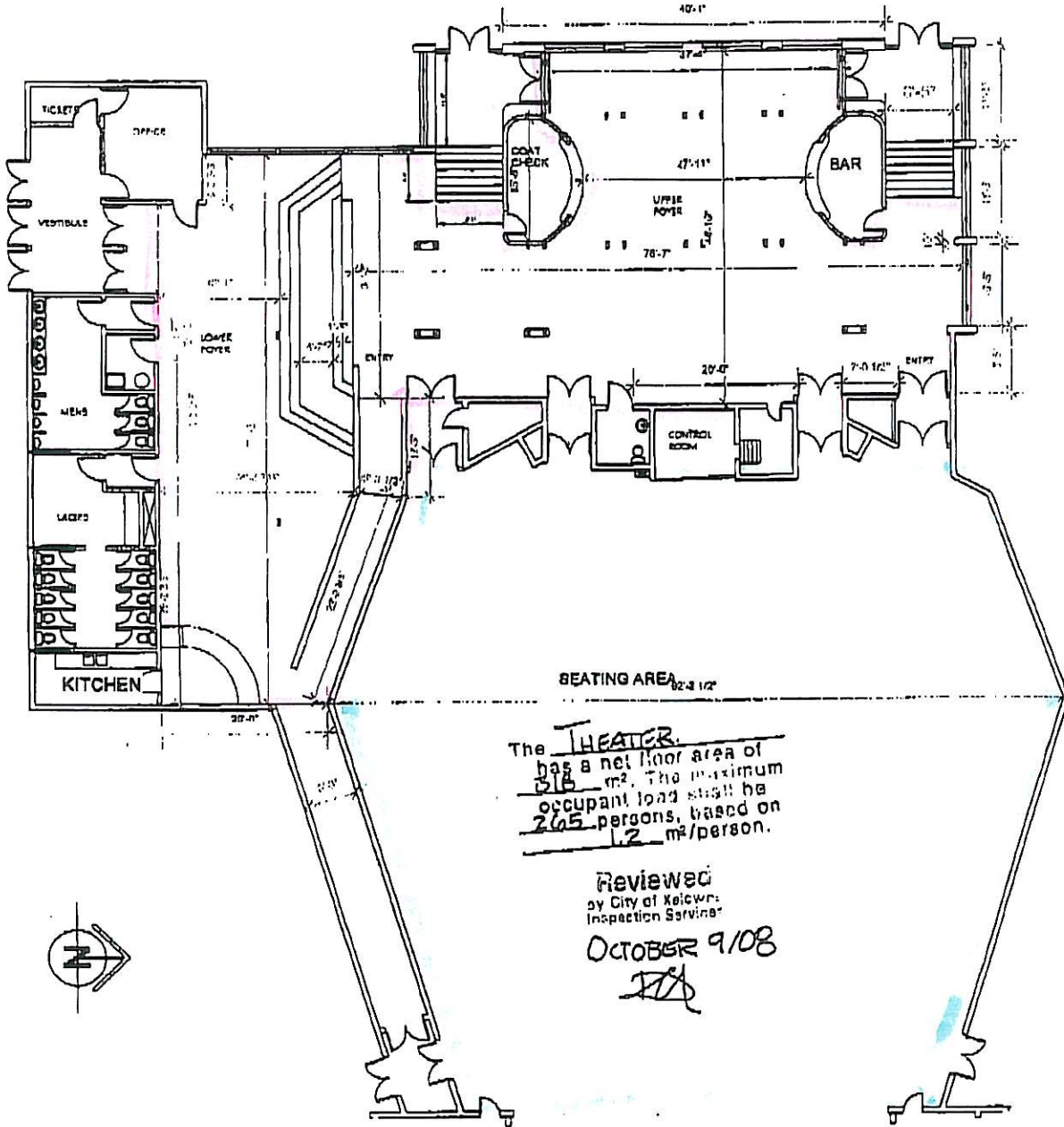
 Shelley Gambacort
Director of Land Use Management



ATTACHMENTS

- A – Subject Property Map
- B – Existing Liquor Primary License
- C – Floor Plans (2 pages)

LOBBY / SEATING AREA



The THEATER
 has a net floor area of
518 m². The maximum
 occupant load shall be
265 persons, based on
1.2 m²/person.

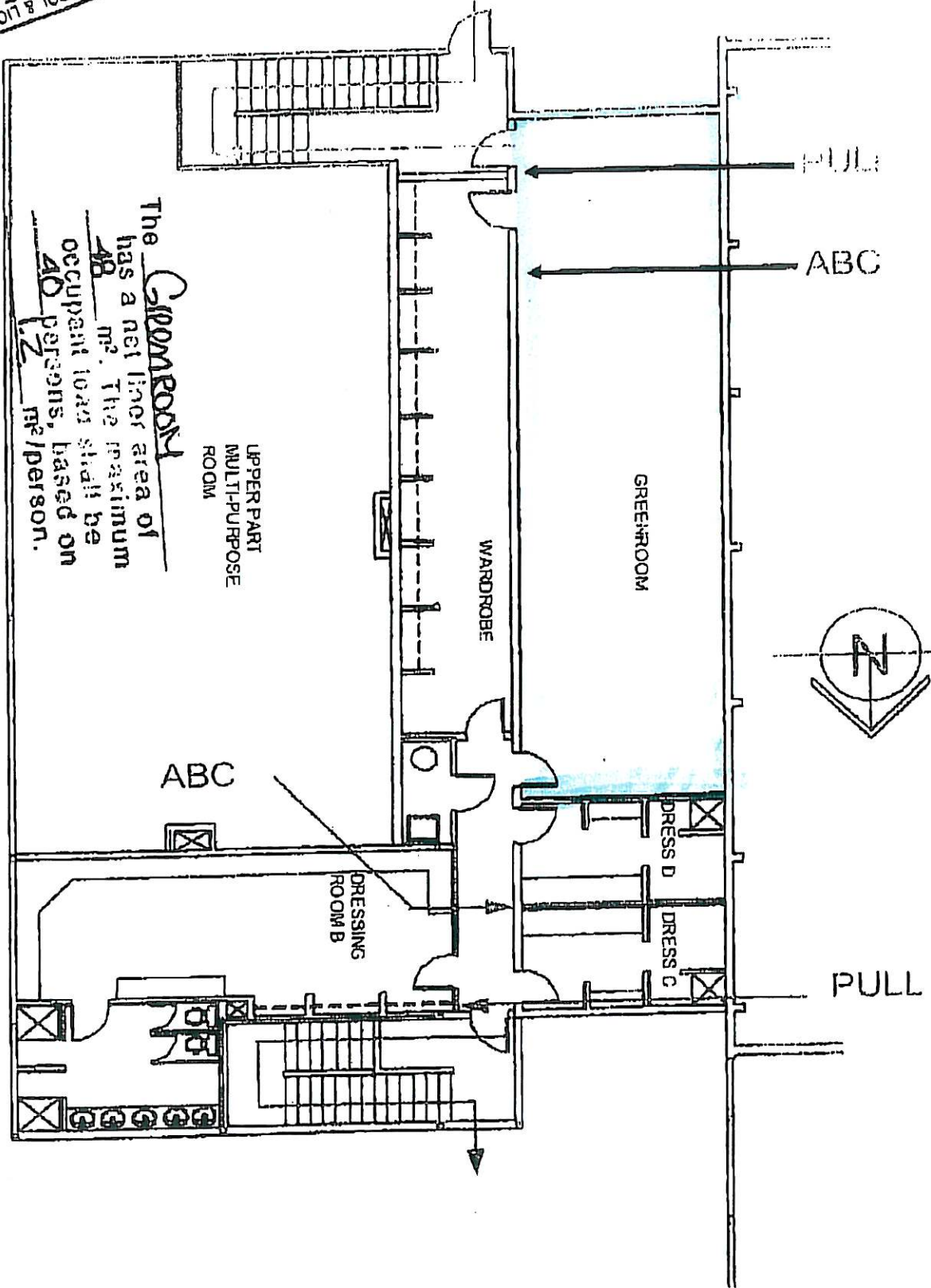
Reviewed
 by City of Kelowna
 Inspection Services
 OCTOBER 9/08
[Signature]



LIQUOR CONTROL & LICENSING
 RECEIVED
 NOV 18 2008
 PM VICTORIA BC

PM
 VICTORIA BC
 NOV 18 2008
 LABOR CONTROL & LICENSING
 RECEIVED

UPPER LEVEL PLAN



The Greenroom has a net floor area of 48 m². The maximum occupant load shall be 40 persons, based on 1.2 m²/person.

UPPER PART
 MULTIPURPOSE
 ROOM

APPROVED
 by City of Kelowna
 Inspection Services
 Oct 9/08