
CITY OF KELOWNA
MEMORANDUM

Date: May 22, 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. The methods used to gather views of residents are as contained within Council Policy #315 "Liquor Licensing Procedures - Liquor Primary and Retail Liquor Sales."

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 the applicant, the Recreation and Cultural Services Department has provided some additional information identifying the unique parameters of liquor service within the theatre:

- Liquor service is provided only in the lobby area. No liquor is served in the auditorium. The purpose of the license amendment is to allow patrons to carry an unfinished drink from the lobby into the auditorium for consumption in the auditorium. Patrons are limited to one drink per person as they enter the auditorium.
- Liquor service and consumption areas are optional. Theatre renters make the decision about whether or not they wish to have liquor service available for their event. Theatre renters can also stipulate whether or not liquor can be consumed in the lobby area only, or in both the lobby and the auditorium.
- The Kelowna Community Theatre Manager may, at their discretion, decline a request by a renter for liquor service, or may limit the consumption area to the lobby only, if they deem it appropriate to do so for the safety or comfort of performers, theatre patrons, staff and/or volunteers.

As shown below, the proposed expansion would increase the total licensed capacity from 236 persons to 1144 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	+868 persons
Proposed Licensing of Green Room	+40 persons
Total Proposed Person Capacity	=1144 persons*

*See Land Use Management Comments

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.

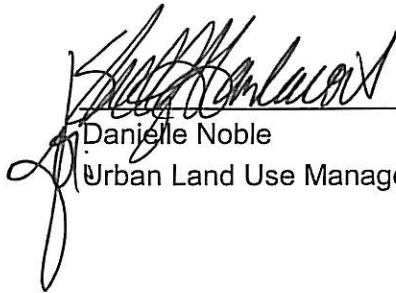
6.0 LAND USE MANAGEMENT DEPARTMENT

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 should 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. Following LCLB policies, each licensed space is required to have their own person capacity which is not to be shared between spaces, thus the total person capacity required in this case is greater than is actually needed for operating licensed events. It is also important to have individual person capacities for each licensed area for special events that only utilize one space (i.e. lobby area).

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, the lack of concerns for RCMP resources being further challenged, and given the fact that 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

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Shelley Gambacort
Director of Land Use Management

ATTACHMENTS

- A – Subject Property Map
- B – Existing Liquor Primary License
- C – Floor Plans/Occupant Load Calculations (3 pages)





Water Street

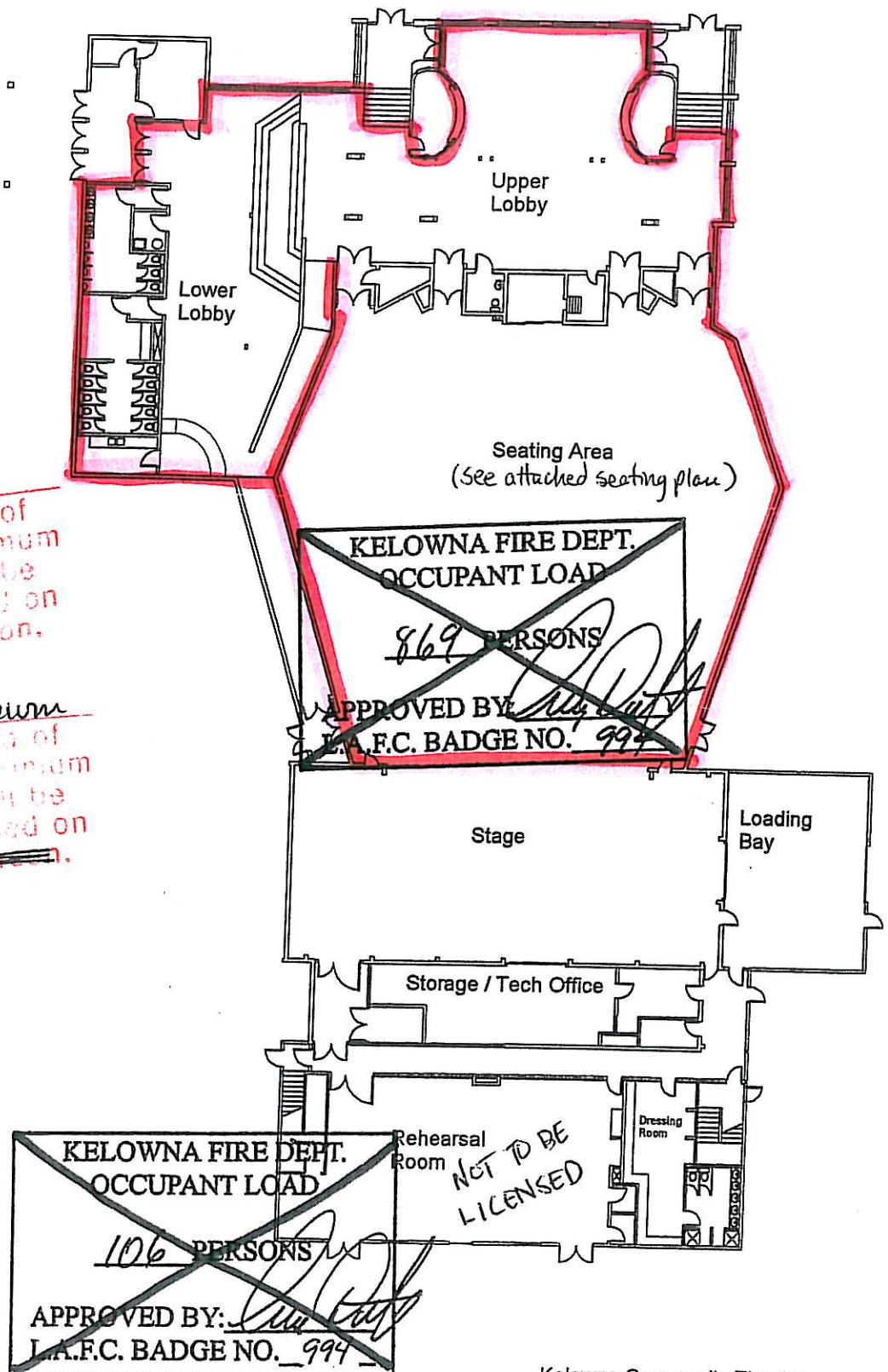
Doyle Street

The LOBBY AREA
has a net floor area of
283.2 m². The maximum
occupant load shall be
236 persons, based on
1.2 m²/person.

The THEATRE / AUDITORIUM
has a net floor area of
n/a m². The maximum
occupant load shall be
868 persons, based on
TOTAL SEATING CAPACITY.

Reviewed
by City of Kelowna
Inspection Services

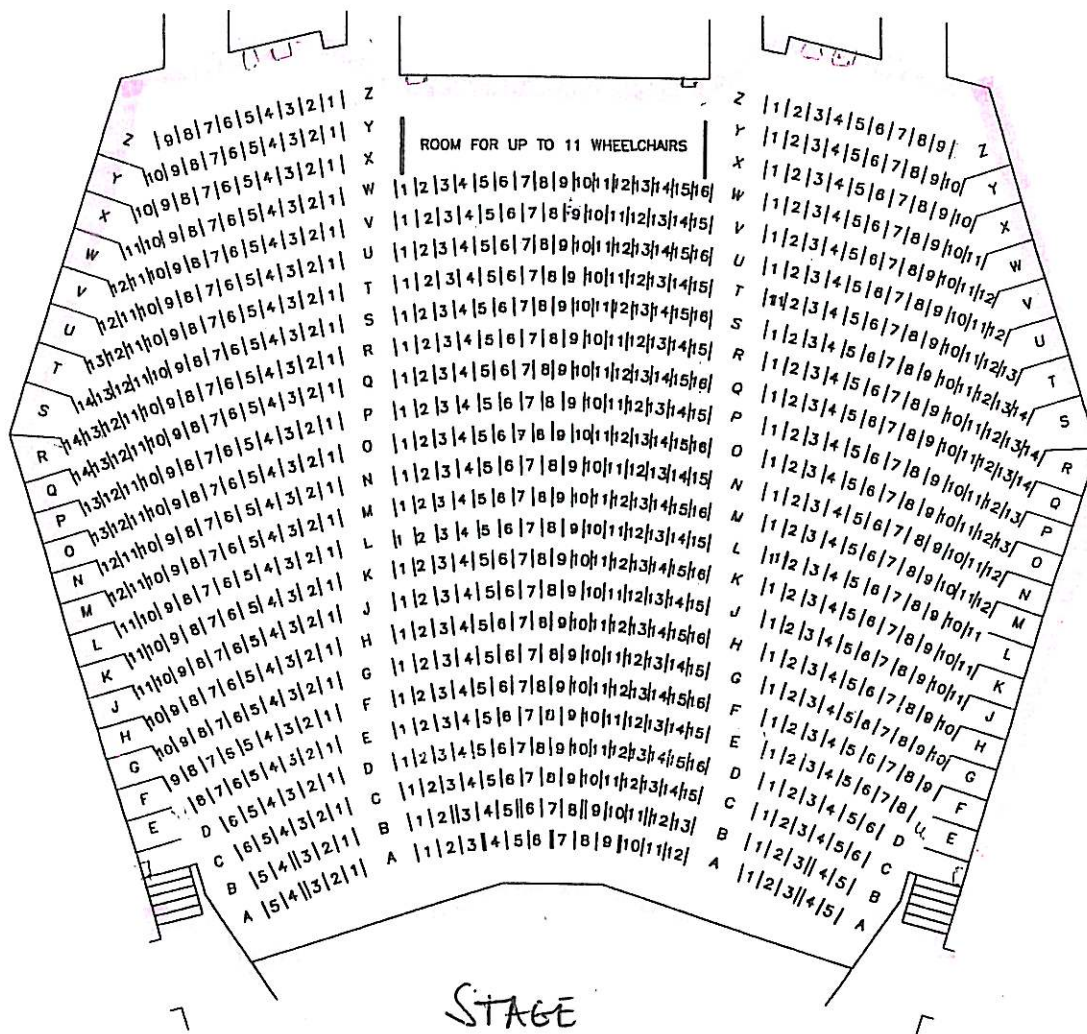
May 14/09



Kelowna Community Theatre
Scale 1" = 30'
October 5 / 2004

KELOWNA COMMUNITY THEATRE SEATING

857 SEATS + 11 WHEELCHAIRS

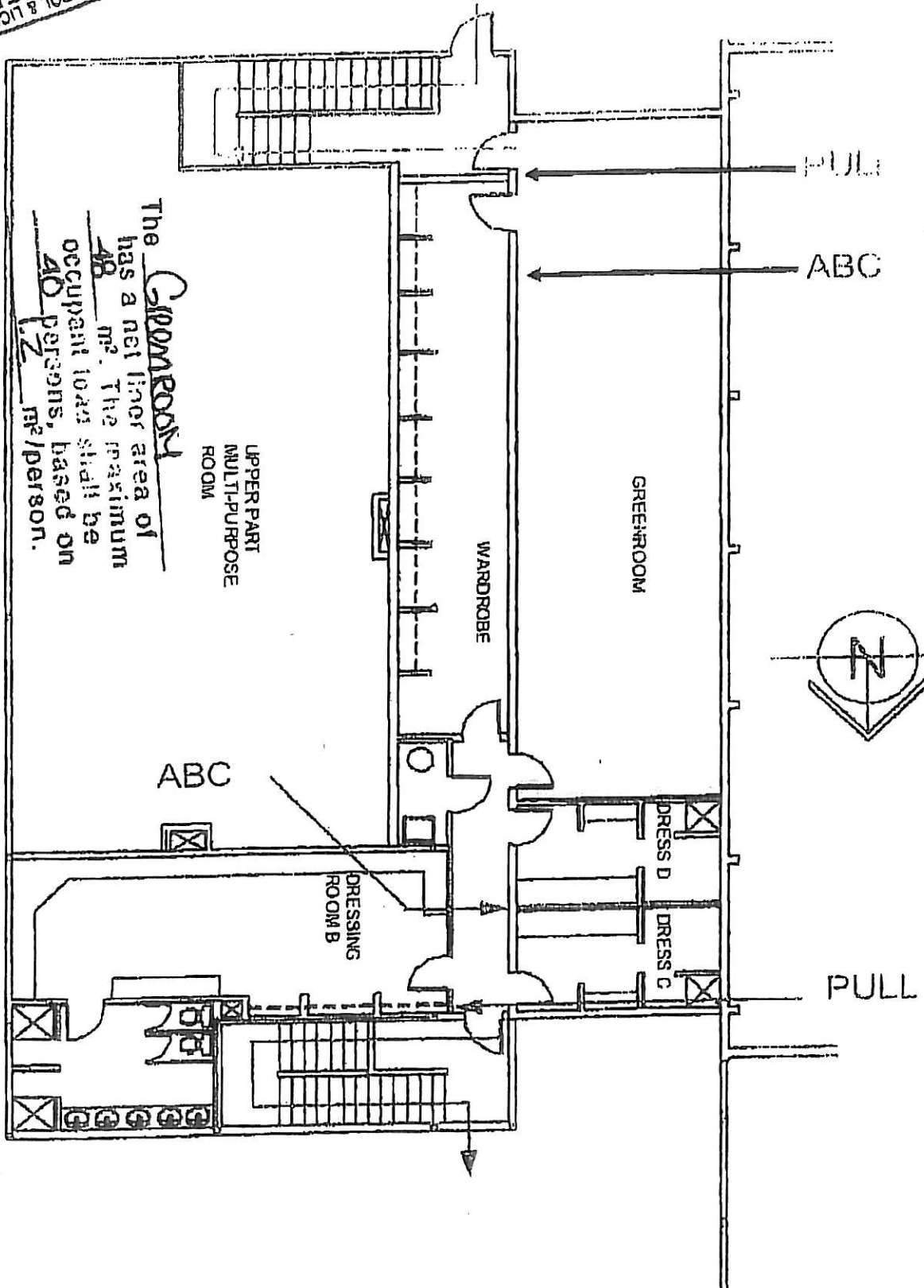


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TOTAL SEATING
CAPACITY

PM VICTORIA BC
 NOV 18 2008
 LIQUOR CONTROL & LICENSING
 REC-1457

UPPER LEVEL RCT



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
 MULTI-PURPOSE
 ROOM

Approved by City of Kelowna
 Inspection Services
 Oct 9/08
 [Signature]