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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** July 17, 2009  
**To:** City Manager  
**From:** Community Sustainability Division  
**APPLICATION NO.:** LL09-0004      **APPLICANT:** Mastma Enterprises  
**AT:** 238 Leon Ave (Gotcha)      **OWNERS:** Do Gi Ent. Ltd.  
**PURPOSE:** TO RECEIVE COUNCIL SUPPORT FOR THE PROPOSED  
AMENDMENT TO THE EXISTING LIQUOR PRIMARY  
LICENSE TO EXTEND THE LICENSED HOURS OF SALE  
FROM 2AM CLOSING TO 3AM CLOSING  
**EXISTING ZONE:** C7LP – Central Business Commercial (Liquor Primary)  
**REPORT PREPARED BY:** Luke Turri

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## **1.0 RECOMMENDATION**

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

1. The Council does not recommend the amendment of the license for the application from Mastma Enterprises to amend a liquor primary license for the establishment located at 238 Leon Avenue, Kelowna, BC (Gotcha Nite Club), and legally described as Lot 7, Block 10, District Lot 139, ODYD, Plan 462 for the following reasons: *the proposed extension to the hours of sale would put further strain on RCMP resources, and would only extend the negative impacts related to the bar flush.*
2. The Council's comments on the prescribed considerations are as follows:  
(a) *The potential for noise if the application is approved would increase further into the morning hours.*  
(b) *The impact on the community if the application is approved would be detrimental in that current bar flush issues would be extended further into the morning hours.*
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 applicant is proposing to add one additional hour of liquor sale to their current license, which would extend the hours of sale from 2:00am to 3:00am.

### 3.0 BACKGROUND

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

The proposed amendment would extend the current hours of liquor service an additional hour, from 2:00am to 3:00am. No expansion to the existing licensed area or person capacity is proposed. The Liquor Control and Licensing Branch (LCLB) allows for potential hours of liquor service in British Columbia between 9:00am and 4:00am. Currently, the closing hour of sale for all Liquor Primary establishments in the City of Kelowna is 2:00am or earlier.

The proposed amendment would extend the current hours of sale as follows:

#### Existing License Summary (License #015483):

Current Hours of Liquor Sale							
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	7:00PM	7:00PM	7:00PM	7:00PM	7:00PM	7:00PM	7:00PM
Close	2:00AM	2:00AM	2:00AM	2:00AM	2:00AM	2:00AM	2:00AM
Proposed Hours of Liquor Sale							
Open	7:00PM	7:00PM	7:00PM	7:00PM	7:00PM	7:00PM	7:00PM
Close	3:00AM	3:00AM	3:00AM	3:00AM	3:00AM	3:00AM	3:00AM

**Current Person Capacity (to remain unchanged):** 473 persons

### 3.2 Site Context

The subject property is located in the Leon/Lawrence area of the Downtown Urban Centre, between Highway 97 and Bernard Avenue. Specifically, the adjacent land uses are as follows:

<b>North</b>	General Commercial (Restaurant, Professional Building, Social Services)
<b>East</b>	General Commercial (Food Primary, Car Storage)
<b>South</b>	Hotel, Parking, Social Services
<b>West</b>	Motel, City Park

### 3.3 Site Location Map

Subject property: 238 Leon Avenue



## 4.0 **CURRENT DEVELOPMENT POLICY**

### 4.1 Mayor's Entertainment District Task Force Report

The Mayor's Entertainment District Task Force report does not address hours of sale, only referencing "new, expanded or relocated" liquor primary establishments. The subject property is in close proximity to a number of liquor establishments, as seen in the Site Location Map above.

### 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 Public Health Inspector

No concerns.

### 5.2 RCMP

If approved, RCMP are concerned with the increased demand on existing police resources. RCMP would be required to patrol the area for an extra hour, putting strain on our "enhanced & overtime" membership, and budget resources.

We are also concerned with having patrons migrating (bar hopping) from one establishment to another for the extra hour of service. This activity could lead to added stress on emergency personnel, especially police. Bar hopping could lead to more traffic on the roadways during the early morning hours and could lead to an increase in criminal activity and/or victimization.

## 6.0 LAND USE MANAGEMENT DEPARTMENT

The Land Use Management Department is guided by the Mayor's Entertainment District Task Force (MEDTF) Policy #315 regarding all Liquor Primary (LP) and Retail Liquor Sales (RLS) establishments. While the report does not specifically address hours of sale, the addition of one hour to the current closing time could be considered an expansion to the existing establishment, as it is assumed that more alcohol would be sold in the added time proposed.

Staff do not support this application, as the current closing time of 2:00am for liquor establishments of this type is deemed to be appropriate and adequate. Bar owners currently have the ability to request extended hours of sale (4:00am) on a temporary basis for up to three evenings a year, which can accommodate special events and holidays such as New Year's Eve. Any permanent extension to this current situation is considered to be excessive.

The Downtown Urban Centre has been identified as an area where mixed-use development is supported. Commercially designated properties are encouraged to include a residential component and as such, liveability and safety concerns become paramount in these urban centres if this sustainable form of development is to flourish. Amplifying the previously identified problem of the bar flush for an additional hour runs at cross-purposes to these initiatives.

Staff are also concerned about the precedent that could be set by supporting an additional hour of sale as there are a number of liquor primary establishments in the City (particularly concentrated in the Downtown area) that could pursue a similar application. This would only put further strain on the existing bar flush situation, including but not limited to the concerns expressed by the RCMP. On-going problems within the Entertainment District include public safety concerns, public transportation issues, and budget/resource implications for the RCMP.

  
Shelley Gambacort

Director of Land Use Management

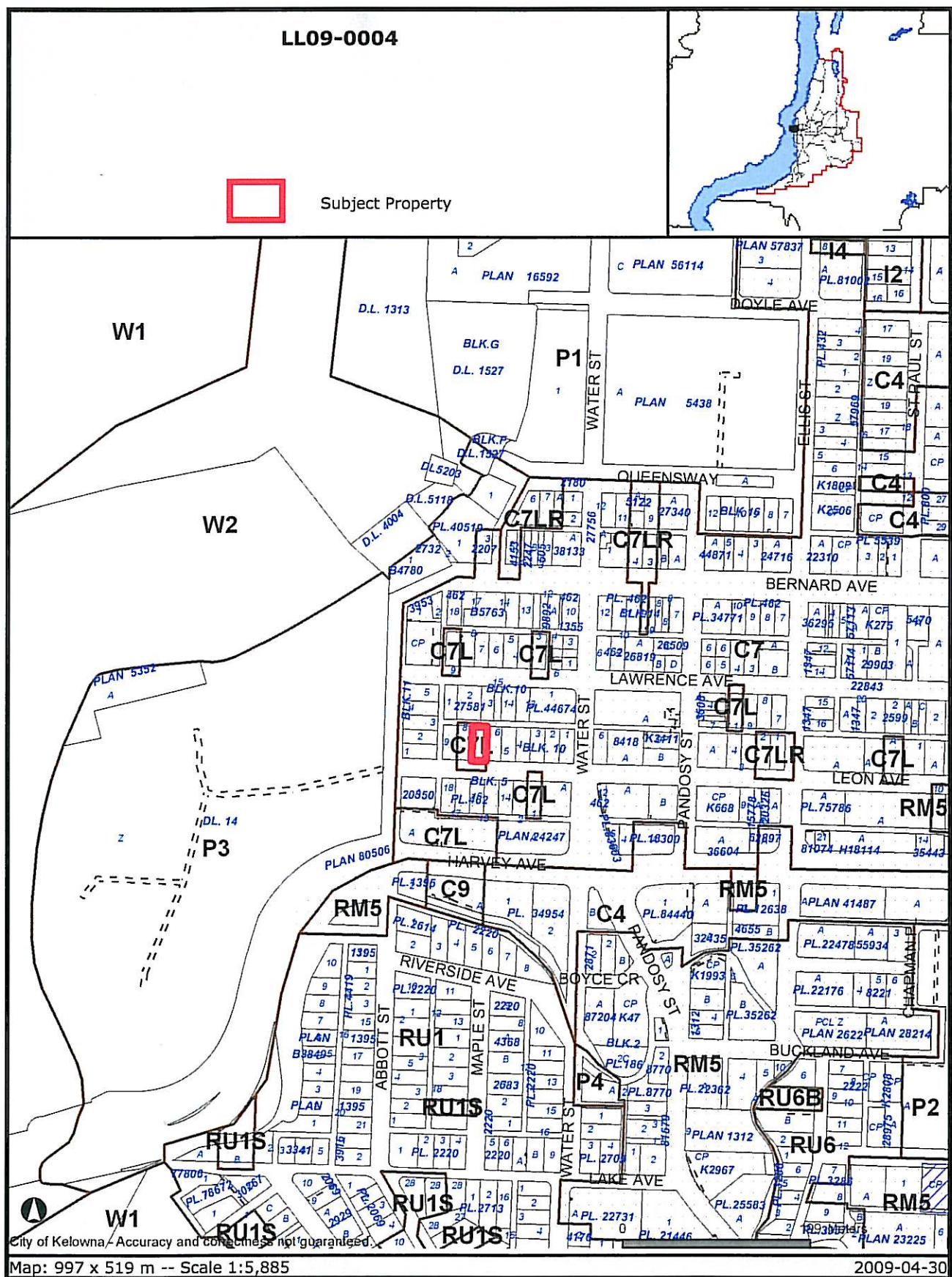
Approved for inclusion



Jim Paterson  
General Manager, Community Sustainability

## ATTACHMENTS

Subject Property Map



*Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.*