

Memo



Date: July 16/10
To: City Manager
From: Community Sustainability Division
File No: LL10-0003 **Applicant/Licensee:** 429228 BC Ltd (Capri Valley Lanes)
At: #154-1835 Gordon Drive **Property Owner:** RG Properties Ltd.
Purpose: TO RECEIVE COUNCIL SUPPORT FOR A PROPOSED LIQUOR PRIMARY LICENSE
Existing Zone: C4lp - Urban Centre Commercial (Liquor Primary)
Report Prepared by: Luke Turri

1.0 RECOMMENDATION:

THAT Council direct staff to forward the following recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

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

1. Council recommends the issuance of a liquor primary license at #154-1835 Gordon Drive, Kelowna BC, and legally described as Lot A, District Lot 137, ODYD Plan KAP64836, for the following reasons:
 - The proposed license would be consistent with bowling alleys in the City, and is perceived to have little impact on property owners.
2. The Council's comments on the LCLB's prescribed considerations (bolded) are as follows:
 - a) **The location of the establishment:**
The subject property is within the basement of an existing shopping centre, significantly limiting any impacts on surrounding properties.
 - b) **The proximity of the establishment to other social or recreational facilities and public buildings:**
Surrounding facilities would not conflict with the proposed establishment.
 - c) **The person capacity and hours of liquor service of the establishment:**
The applicant has proposed a maximum person capacity of 100 persons and closing hours of 2:00am daily. While the capacity is deemed appropriate, the closing hour of 1:00am daily is recommended to be consistent with other bowling facilities.
 - d) **The number and market focus or clientele of liquor primary license establishments within a reasonable distance of the proposed location:**
There are no other facilities with a similar focus in the area.

e) **Traffic, noise, parking and zoning:**

The bowling alley has operated in this location for many years, and existing traffic, noise, parking and zoning conditions are acceptable. The license is proposed as a value-added service to existing clientele.

f) **Population, population density and population trends:**

The existing bowling facility is supported by a growing population, and draws customers from a large area.

g) **Relevant socio-economic information:**

None.

h) **The impact on the community if the application is approved:**

Community impacts are considered minimal given that the bowling alley has operated for many years with no concerns.

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 were as per Council Policy #315 "Liquor Licensing Procedures - Liquor Primary and Retail Liquor Sales."

2.0 SUMMARY:

A liquor license application has been forwarded by the applicant to the Provincial Liquor Control and Licensing Branch (LCLB) for their approval. Procedurally, any application for a liquor primary license requires local government resolution commenting on the application.

The Capri Bowling Centre is currently licensed with a Food Primary license, plus lounge area. A previous Liquor Primary license expired prior to the new owners purchasing the operation in 2009. The applicant would surrender the Food Primary license upon issuance of a Liquor Primary License.

Ample parking is provided by the shopping centre.

2.1 Proposed License Summary

License #TBD	Proposed
Licensed Capacity	100
Hours of Sale	9:00am-2:00am (Monday-Sunday)
Staff Proposed Hours	9:00am-1:00am (Monday-Sunday)

Staff have recommended that hours of sale end at 1:00am, as opposed to 2:00am originally proposed. This is in consideration of other bowling alley operations in the City, and to limit any potential impacts on the surrounding community. The applicant has agreed with the recommendation.

2.2 Site Context

The bowling alley is located within the basement of Capri Centre Mall, at the southeast corner of Hwy 97 and Gordon Drive. Specifically, adjacent land uses are:

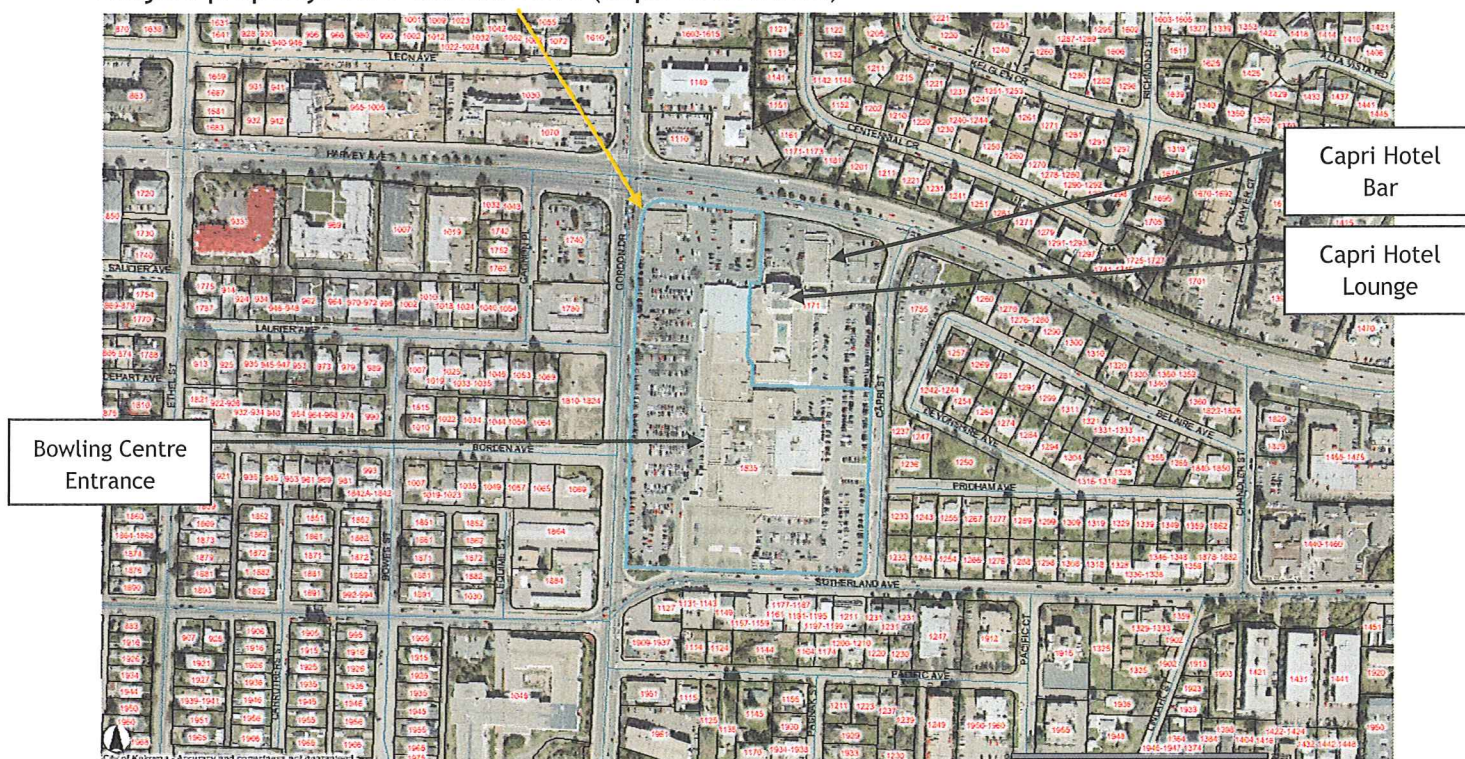
Orientation	Zoning	Land Use
North	RU6 - Two Dwelling Housing C4 - Urban Centre Commercial C9 - Tourist Commercial	Residential Neighbourhood Mixed Commercial Motel
East	RU6 - Two Dwelling Housing C4 - Urban Centre Commercial	Residential Neighbourhood Restaurant
South	C4 - Urban Centre Commercial	Mixed Commercial
West	P2 - Educational & Minor Institutional C4 - Urban Centre Commercial C9 - Tourist Commercial	Religious Assembly Mixed Commercial Motels

The table below provides information existing liquor primary establishments and/or social facilities in the immediate area:

Establishment/Facility	Proximity	Capacity	Closing Time	Description
Capri Hotel	~200m (on-site)	259	1:00am	Hotel Pub
Capri Hotel	~200m (on-site)	225	2:00am	Hotel Lounge
Buddhist Temple	~100m	n/a	n/a	n/a
Dakota's Pub	~1000m	253	Midnight	Sports Bar

2.3 Site Location Map

Subject property: 1870 Gordon Drive (Capri Centre Mall)



3.0 CURRENT DEVELOPMENT POLICIES:

3.1 Mayor's Entertainment District Task Force/Council Policy #315

Any new, expended or relocated Liquor Primary License application with a person capacity of less than 150 persons shall not be located adjacent or abutting an existing Liquor Primary Establishment.

While existing licensed establishments (Capri Hotel Lounge & Bar) are located within the Capri Centre Mall property, there is more than 200m in walking distance from door-to-door. In addition, there is no concern with the clustering of these licenses given the types of establishments being operated, and common property ownership.

3.2 Official Community Plan

Entertainment Establishments: Encourage entertainment facilities to locate on lands within the City Centre, Town Centres and Highway Centre that are designation for commercial uses provided that the proposed entertainment uses are compatible with any surrounding uses.¹

4.0 TECHNICAL COMMENTS:

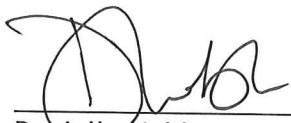
4.1 RCMP

No concerns.

5.0 LAND USE MANAGEMENT DEPARTMENT:

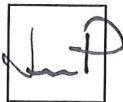
The proposed liquor primary license would have little, if any negative impacts on the surrounding area. The license should not have a large effect on the number or type of clientele visiting the business, as the bowling alley has been in operation for some time and a food primary license already exists. Staff appreciates the applicant's cooperation with the recommended 1:00am closing hour. Given the above considerations, the Land Use Management Department recommends support for the liquor primary application. Discussion on the LCLB's regulatory criteria for Local Government comment on liquor primary applications is as contained within staff's recommendation at the beginning of this report.

Submitted by:



Danielle Noble
Manager, Urban Land Use

Approved for inclusion:

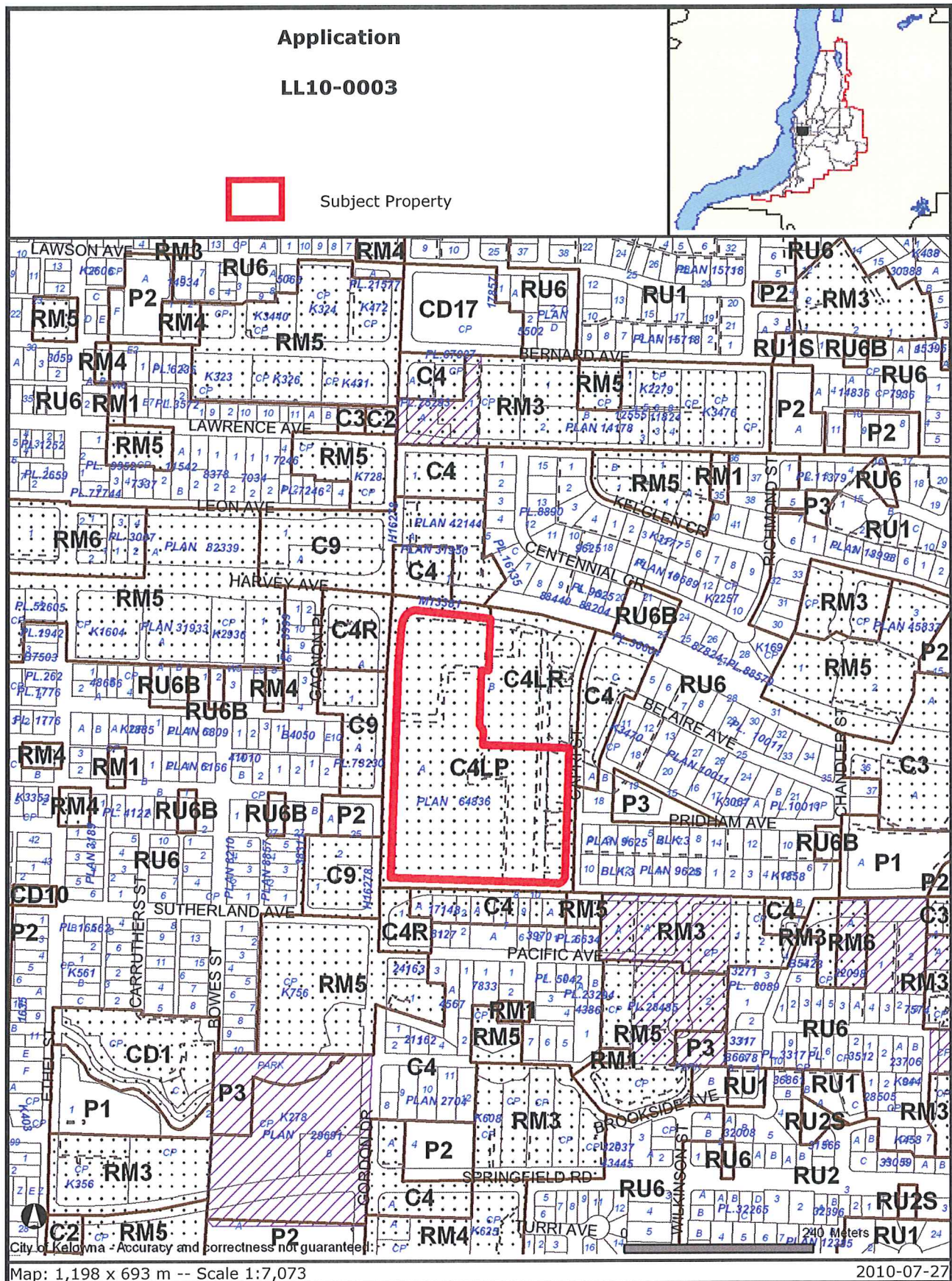


 Shelley Gambacort
Director, Land Use Management

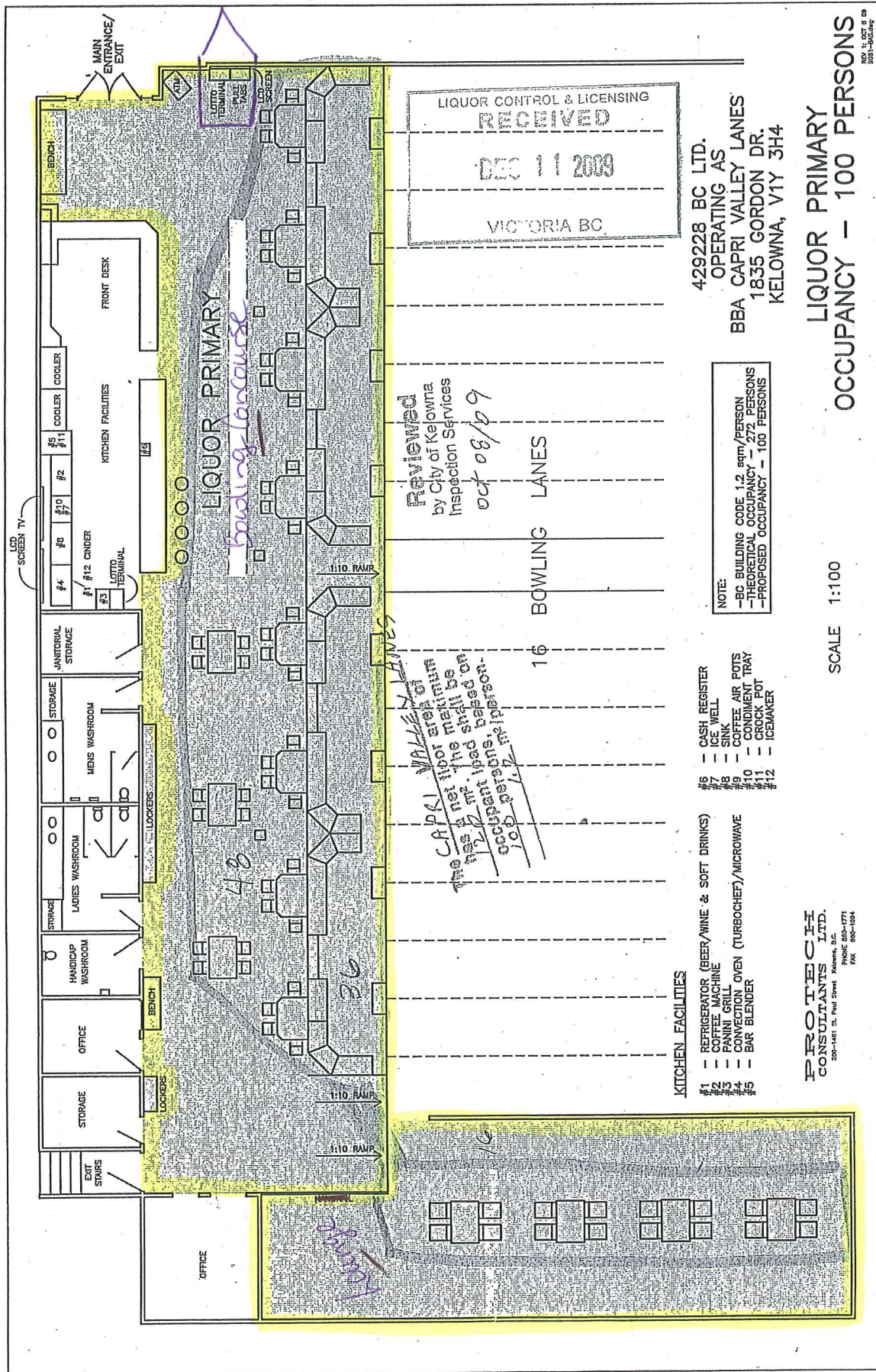
Attachments:

Subject Property Map
Proposed Floor Plan
Letter of Intent
Excerpt of Council Policy #315 - Liquor Primary Establishments

¹ Urban Centre Policies, 6.1.35 (Page 6-5)



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.



APPLICATION FOR A LIQUOR PRIMARY LICENSE

**AT: CAPRI VALLEY LANES
154-1835 GORDON DRIVE
KELOWNA, BC V1Y 3H5**

APPLICANT: 429228 BC LTD.

LETTER OF INTENT FOR THE APPLICATION FOR A LIQUOR PRIMARY LICENSE

INTRODUCTION

The applicant is applying for a replacement liquor primary license to be located inside the Capri Valley Lanes bowling centre located at 154-1835 Gordon Drive in Kelowna.

This establishment was previously licensed with a liquor primary license (LP #178613) issued to RG Bowling Centres Ltd. Attached is a copy of this liquor primary license and the associated floor plan which had a capacity of 21 and hours of licensing from 10am to midnight, Monday to Saturday and 11am to midnight on Sundays.

The previous license was cancelled earlier this year by the Liquor Control & Licensing Branch and therefore was not available to be transferred from RG Bowling Centres Ltd to the new owner of the establishment which is 429228 BC Ltd.

Also, 429228 BC Ltd applied for and obtained a temporary food primary liquor license for the establishment until such time as this application for a liquor primary license is approved. The applicant will surrender the food primary license upon the issuance of the liquor primary license.

The capacity of the previous liquor primary license was 21 persons as per the attached floor plans dating back to 1997. The proposed capacity as per the floor plans approved by the City of Kelowna is 100 persons as the licensed area has expanded in size.

As this is a bowling centre, the applicant is seeking an exercise in discretion to allow minors to be present in this licensed bowling centre as permitted by Branch policy:

10.1.3 Minors in liquor primary licensed establishments

- the general manager may permit minors in the licensed area of a curling club, golf course facility, recreation centre or stadium, as part of a pilot project, provided:
 - minors leave the licensed premises no later than 10:00pm
 - signage is placed in a prominent location within the establishment that reads "Minors are permitted until 10:00pm"
 - minors will only be permitted into the licensed area of a curling club, golf course facility, recreation centre or stadium when the facility is being used for sports, sports-related, or recreational purposes only.

The proposed hours of licensing requested are 9:00am to 2:00am seven days a week. The entertainment in this establishment will be background music, t.v. monitors, and bowling activities. This establishment will provide both food and beverage service to the patrons of the bowling centre.

The following is the required Letter of Intent for this application, which follows the guidelines set out by the Liquor Control & Licensing Branch, a copy of which is attached to this document.

TARGET MARKET

The location of this establishment is such that it will cater to the bowlers of the Capri Valley Lanes. The target market group will be primarily over 30 years of age with a variety of occupations that attend the bowling centre for the bowling activities.

HOSPITALITY/TOURISM DEVELOPMENT FACTORS

As the proposed liquor primary licensed establishment is located in a bowling centre, it will contribute to the Hospitality/Tourism Development factors in the City of Kelowna.

The proposed establishment is located close to major hotels in downtown Kelowna. The liquor license will provide an added amenity to the bowling activities. The bowling centre caters to both residents and visitors to Kelowna.

BENEFITS TO THE COMMUNITY

The applicant's proposed establishment will cater substantially to the community in the following ways:

- Employment opportunities for residents of Kelowna;
- Provide a source of tax revenue for the city, provincial and federal governments; and
- Involvement in sponsorships and community events.

SOCIAL FACILITIES & PUBLIC BUILDINGS

The proposed site is in the downtown area in the City of Kelowna and as such is close to several social facilities and public buildings. These include the following:

Coast Capri Hotel - part of the same complex
Millbridge Park - approximately 0.5km away
Kelowna Vineyard Church - approximately 0.5km away
St. Joseph Elementary Catholic School - approximately 0.75km away
AS Matheson Elementary School - approximately 0.75km away
Dehart Public Elementary School - approximately 0.75 km away
4 Motels/Lodges - within a 0.5km radius

The applicant submits that the proposed establishment will not impact negatively on any of the surrounding facilities and public venues as it will primarily cater to patrons to the bowling centre and the service of liquor is merely an added amenity. The proposed establishment is 100 seats. Therefore, it is not expected to have a negative impact on the surrounding social facilities and public buildings.

The proximity to social facilities and public buildings is a factor that the City of Kelowna will consider when it assesses this application.

TRAFFIC IN THE VICINITY

As the venue is only proposing a capacity of 100 persons, the proposed venue will not impact negatively on traffic. The main purpose of this liquor primary license is to cater to persons who are already at the bowling centre for bowling activities. Therefore, there will be no impact on the traffic in the vicinity. This location is also well serviced by main roads and public transportation. This is also a factor that the City of Kelowna will consider when it assesses the application.

NOISE IN THE COMMUNITY

The applicant's proposed establishment is very small and it is located underground therefore, this is not a venue that will be creating noise in the community. The site is in the downtown area in the City of Kelowna, this is also a factor the City of Kelowna will consider when assessing the application.

PARKING

There are many public pay parking facilities located near the proposed location. There is also street meter parking available on the blocks surrounding the proposed site. The patrons of the bowling centre also have the option of parking in the large surface parking lot for the Capri Centre where the facility is located. This is also a factor that the City of Kelowna will consider when assessing the application.

ZONING - COMMERCIAL/RESIDENTIAL LIGHT OR HEAVY INDUSTRIAL

Attached to this letter of intent is a zoning map of the City of Kelowna. This area is zoned C4, Urban Centre Commercial (Liquor Primary) and a liquor primary licensed establishment is a permitted use. As previously mentioned, the site had a liquor primary license up to several months ago when it was cancelled by the Branch. Therefore, the site will not have to be rezoned for the proposed use at this site. The location is in an area of the downtown area of the City of Kelowna that is primarily commercial.

OTHER LICENSED ESTABLISHMENTS

As the site is located in downtown Kelowna, the surrounding distance criteria to other licensed venues would be approximately a 1km radius. There are several licensed venues in this area, mainly restaurants and lounges connected to hotels. The following is a list of liquor primary licensed establishments we have identified within a 1km radius of the site that would be considered relevant to this application:

Establishment	Address	License #	Establishment Type
Capri Hotel	1171 Harvey Avenue Kelowna, BC V1Y 6E8	LP #004665 LP #006133	Hotel Pub Hotel Lounge
Dakoda's	1574 Harvey Avenue Kelowna, BC V1Y 6G2	LP #030130	Recreation Facility
Kelowna Canadian Italian Club	770 Lawrence Avenue Kelowna, BC V1Y 6L9	LP #188946	Club - Private

Due to the relatively small size of the establishment and the location, it will not compete with the other establishments in the area.

NATURAL OR MANMADE BARRIERS

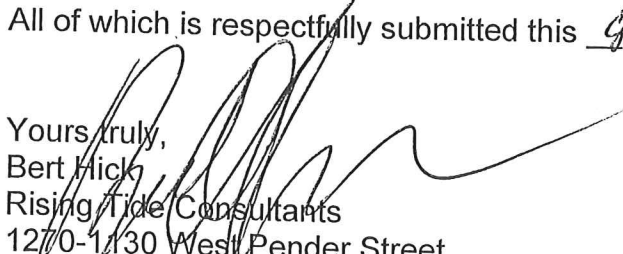
There are no natural or manmade barriers separating the applicant's proposed site from the existing liquor primary licensed establishments in this area.

OTHER FACTORS

The applicant also submits the following additional factors for consideration:

- The size of the proposed venue is only 100 persons;
- The venue is a bowling centre and liquor service is only an added amenity;
- Bowling centre tend not to create problems with the community or with the Liquor Branch;
- The applicant is applying for a minors endorsement; and
- This venue was previously licensed with a liquor primary license

All of which is respectfully submitted this 9th day of December, 2009.

Yours truly,

 Bert Hick
 Rising Tide Consultants
 1270-1130 West Pender Street
 Vancouver, BC V6E 4A4