

DRAFT RESOLUTION

Re: Liquor License Application No. LL10-0013 - Delta Hotels No. 48 Holdings Ltd. (Gateway Casinos & Entertainment) - 1300 Water Street

THAT Council defers consideration of Liquor License Application No. LL10-0013 to the January 25, 2011 Regular Meeting.

BACKGROUND:

Staff has advised that the development sign was not posted on the subject property, and therefore the Applicant did not meet the requirements of Development Application Procedure Bylaw No. 8140 with respect to signage. The Applicant is aware that Council's consideration of its application will have to be deferred.

Date: January 5, 2011

Memo



Date: December 3/10

To: City Manager

From: Land Use Management, Community Sustainability

Application: LL10-0013 (LT) **Property Owner:** Delta Hotels No. 48 Holdings Ltd.

Address: 1300 Water Street **Applicant/Licensee:** Gateway Casinos & Entertainment
(Lake City Casino)

Subject: Liquor License (Increased Hours and Person Capacity)

Existing Zone: C8LP/LRS - Convention Hotel Commercial
(with Liquor Primary/Retail Liquor Sales)

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 support for the application from Gateway Casinos & Entertainment (Lake City Casino) to increase the licensed capacity from 600 persons to 1683 persons, including three outdoor balconies, and extend hours of sale to 2:00am daily for the existing Liquor Primary Establishment at 1300 Water Street, legally described as Lot B, District Lots 139, 3454 and 4082, ODYD, Plan KAP47378 except Plans KAP73543 and KAP76701. The application is supported as the proposal is not anticipated to have significant impact on the surrounding area, and is not thought to be inconsistent with surrounding development.
2. The Council's comments on the LCLB's prescribed considerations are as follows:
 - a) The potential for noise if the application is approved:

The majority of increased noise would be limited to the interior of the casino. Any impacts on the hotel uses incorporated into the adjoining building should be mitigated as the hotel owner is the land owner, and the casino is a tenant. The proposed smoking area balconies are not located near current or future residential uses, and any noise increase from these areas being licensed would be incremental.
 - b) Impact on the community if the application is approved:

Community impacts are considered to be positive, providing social and economic benefits.
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 Purpose

Lake City Casinos is seeking Council support to expand the licensed capacity of the casino to incorporate a future addition, including three outdoor patios/smoking areas. The hours of sale are also proposed to be extended to 2:00am daily.

3.0 Land Use Management

Lake City Casinos offers an entertainment venue for both residents and tourists alike, adding vitality to Kelowna's Cultural District. The proposed changes to the existing license are considered a reasonable request. The casino operates under the regulations of the BC Lottery Corporation and the LCLB, and has not been a problem establishment for the RCMP.

While extensive, the increased licensed capacity to 1683 persons is not perceived to be detrimental to existing conditions, and would add to the level of service and amenities that the casino provides, including expanded food service. The one existing and two proposed balconies to be used as smoking areas are of little concern as there are no residential land uses immediately adjacent.

Allowing the hours of liquor service to end at 2:00am daily would not be a significant change to existing conditions. Currently, the casino can serve liquor until 2:00am on Friday and Saturdays between June and October. Having consistent hours throughout the week and year respectively is considered appropriate, as Kelowna continues to develop as a four-season destination.

The Land Use Management Department recommends that the expansion to licensed capacity, including three outdoor balconies, and the increased hours of sale be supported, and that the appropriate resolution be forwarded to the LCLB. 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.

4.0 Proposal

The applicant is proposing permanent changes to an existing Liquor Primary license in conjunction with an expansion/renovation to Lake City Casino (currently in-progress). A permanent change application has been forwarded by the licensee to the Provincial Liquor Control and Licensing Branch (LCLB) for their approval. Procedurally, changes to the licensed area or hours of sale for a Liquor Primary license require Local Government comment prior to the LCLB's decision.

The LCLB also requires that any expansion to a licensed area for a gaming establishment must be stamped by the BC Lottery Corporation, along with a written letter of support for the application. The licensee has met these requirements.

Expansion of Licensed Area/Outdoor Patios:

Lake City Casinos currently holds a Liquor Primary license for their casino floor, with a capacity of 600 persons. This application is requesting that the licensed capacity of the existing floor plan be increased to meet the building occupant load. In addition, an expansion of approximately 835m² (9000 ft²) to the casino is currently under-construction, which consists of: additional slot machines, washrooms, restaurant, lounge, outdoor balconies (smoking areas) and other service/administrative space. The existing floor plan would also be re-worked through this renovation. In sum, this application would increase the total Occupant Load from 600 persons to 1683 persons.

Currently, one balcony exists at the northwest corner of the existing site plan which is an unlicensed smoking area. The proposed expansion would include two additional balconies along the Water Street frontage. This application includes licensing these three balconies/patios for patron smoking areas.

Hours of Sale:

The existing licensed hours of sale for the casino are 10:00am-1:00am daily. In addition, the license allows for service until 2:00am on Friday and Saturday during the months of June-October. As part of this application, the licensee is proposing to extend licensed hours to 2:00am daily, which would removal the seasonal hours condition on the existing license.

4.1 License Application Summary

Expanded Floor Area:

	Existing	Proposed
Person Capacity	600 Persons	1683 Persons
Licensed Balconies/Patios	None	Three

Hours of Sale:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Existing	10:00am-1:00am	10:00am-1:00am	10:00am-1:00am	10:00am-1:00am	10:00am-2:00am*	10:00am-2:00am*	10:00am-1:00am
Proposed	10:00am-2:00am	10:00am-2:00am	10:00am-2:00am	10:00am-2:00am	10:00am-2:00am	10:00am-2:00am	10:00am-2:00am

*Existing license allows for extra hours of service on Friday and Saturdays in June-October.

4.2 Site Context

The existing Liquor Primary establishment is located within the Delta Grand Okanagan Resort complex, on Water Street within Kelowna's Cultural District. The surrounding area is primarily public/private cultural and entertainment venues, with high-density residential to the north. Specifically, adjacent land uses are:

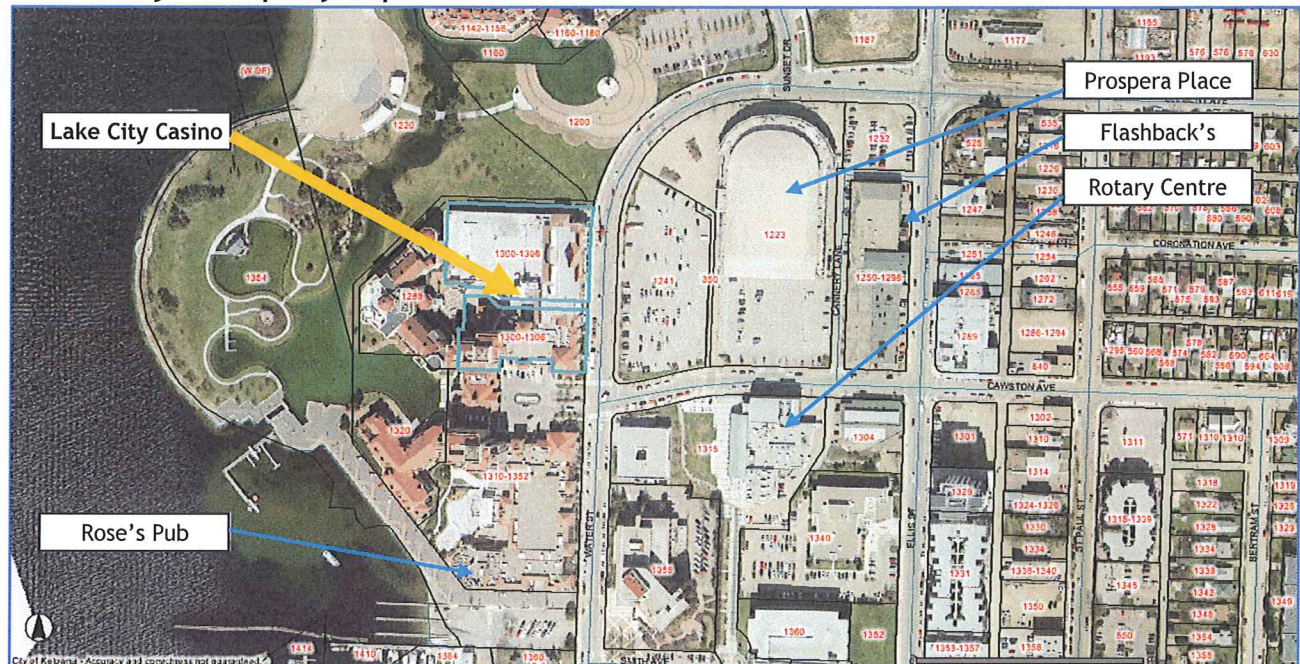
Orientation	Zoning	Land Use
North	P3 - Parks & Open Space/ RM6 - High Rise Apartment Housing	Waterfront Park/ Condominiums
East	CD5 - Multi-Purpose Facility (Liquor Primary)	Prospera Place
South	C8 - Convention Hotel Commercial	Delta Grand
West	P3 - Parks & Open Space	Waterfront Park

The table below provides information existing liquor primary establishments in proximity:

Establishment/Facility	Proximity*	Capacity	Closing Time	Description
Delta Grand Okanagan Resort	~110m	93	1:00am	Hotel Lounge
Prospera Place	~125m	8046	1:00am	Stadium
Rose's Pub	~250m	321	2:00am	Pub
Kelowna Community Theatre	~330m	1144	1:00am	Theatre
Flashback's	~360m	490	2:00am	Cabaret
Waterfront Wines	~370m	51	Midnight	Lounge

*Shortest travelling distance door-to-door.

4.3 Subject Property Map: 1300 Water Street



5.0 Current Development Policies:

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

The following policies would apply to this application:

- No new, expanded or relocated Liquor Primary Establishment shall be permitted with a person capacity of greater than 500 persons. (*Exceeds capacity*)
- Any new, expanded or relocated Liquor Primary Establishment with a person capacity of 350 persons or more shall not be located closer than 300m (shortest travel distance) to an existing Liquor Primary Establishment with a person capacity of greater than 350 persons and no closer than 100m 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 1500 persons. (*Meets requirements*)

Despite the above, Council Policy #315 is intended for cabarets, pubs, lounges, etc. Other licensed venues such as casinos, stadiums and theatres should be given different consideration, as the primary purpose of these establishments is not the service of alcoholic beverages.

5.2 Official Community Plan (OCP)

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

Urban Centres.² Encourage the private sector provision of entertainment venues within designated Urban Centre.

¹ City of Kelowna OCP, Policy 6.1.35 (Urban Centres Chapter)

² City of Kelowna OCP, Policy 15.1.15 (Arts & Culture Chapter)

Development.³ Support the development of the Kelowna Cultural District, as outlined in the Cultural District Plan, as a centre for arts and entertainment, and a catalyst for downtown revitalization.

6.0 Circulation Comments

6.1 Fire Department

A fire safety plan as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for review to facilitate Fire Department pre-planning for this structure.

6.2 RCMP

No concerns at this time.

7.0 Application Chronology

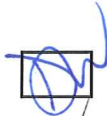
Date of Application Received: October 14, 2010

Report prepared by:



Luke Turri, Land Use Planner

Reviewed by:



Danielle Noble Manager, Urban Land Use

Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

Attachments:

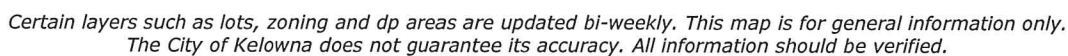
Subject Property Map

Letter of Intent from Gateway Casinos & Entertainment Ltd. (2 pages)

Copy of Existing License

Floor Plan

³ City of Kelowna OCP Policy 15.1.13 (Arts & Culture Chapter)





GATEWAY
CASINOS & ENTERTAINMENT LIMITED



October 8, 2010

Shelley Gambacort
Director of Land Use Management
City of Kelowna
1435 Water Street
Kelowna, BC
V1Y 1J4

RE: Required Resolutions for Changes to a Liquor Primary Licence, Kelowna Casino

Dear Ms. Gambacort,

Background

Gateway Casinos & Entertainment Limited, as operator of Kelowna Casino, has proudly been a business constituent of the City of Kelowna for many years. We have worked co-operatively with the City to deliver an outstanding entertainment experience to all patrons in a safe and secure environment and will continue same with our upcoming expansion of our facilities. Part of this experience also relates to the responsible service of alcohol, which is discussed further below.

Gateway Corporate Policies

Gateway takes its corporate, social and community responsibilities very seriously with respect to the lawful and responsible service of alcohol at all of our licensed premises. Gateway has established a 3-Tier Liquor Policy and mandatory staff training for Serving-It-Right Certification program, and Safe Transportation Plan policy.

Gateway follows liquor service policies and related guidelines that are designed to ensure guests do not over-consume and become intoxicated while on our premises. Whenever a guest appears to have become intoxicated, Gateway Casinos adheres to a community-based 'Safe Transportation Plan' policy:

Security staff will escort all customers asked to leave the premises due to intoxication until they obtain safe passage home. If the customer indicates that s/he intends to drive, staff must encourage them to not do so and suggest alternatives, such as offering to call a friend to come and pick them her/him up, or calling a taxi. Should a customer refuse to depart safely and proceed to operate a motor vehicle, staff will try to record the license plate of the vehicle and contact the police to report the suspected driver and vehicle.

Gateway also does not allow visibly intoxicated individuals to enter its casinos for their own, for existing guests, and for staff safety reasons. Gateway Casinos, however, follows the same protocols as above to ensure the safety of all.

Requested Changes to Liquor Primary Licence

In light of the above and our expansion, Gateway respectfully requests the City of Kelowna to pass resolutions to support the following amendments to Kelowna Casino's Liquor Primary Licence:

1. Expansion of our existing casino facility (per the attached floor plans);
2. Increase in capacity Occupant Load to 1,683 from 600;
3. Include the current and two additional balconies within the licensed area;

4. Extend liquor service hours on Friday and Saturday to 2:00 AM year-round, instead of the current 5-month period extension to 2:00 AM Sunday to Saturday;

Attached please find:

1. City of Kelowna Liquor Licence Application (previously submitted)
2. \$500.00 Cheque
3. Application for a Permanent Change to a Liquor Licence (copy) (requires the City of Kelowna to complete Part 16 and send to The Liquor Control and Licensing Branch's Head Office in Victoria within 90 days);
4. Structural Change Application (copy) (which requires the City of Kelowna to complete Part 16 and send to The Liquor Control and Licensing Branch's Head Office in Victoria within 90 days);
5. Liquor Primary Licence #301837 (copy)
6. BCLC Letter of Support
7. 11" x 17" floor plans, stamped by both the City of Kelowna and BCLC

The original LCLB applications have been forwarded to LCLB.

If you require further information and documentation, please contact Pat Shannon, General Manager of the Kelowna Casino, at 250-863-8800 or myself at 604-296-5020.

Once advised, Gateway Casinos will continue to complete all required processes.

Sincerely,



Glenn Atchison, CGA
Manager of Compliance
Gateway Casinos & Entertainment Limited
#300 – 4621 Canada Way
Burnaby, BC
V5G 4X8
604-296-5020

SEP 23 2010

Signature

THE KELOWNA CASINO

The KELOWNA CASINO has a net floor area of \times m². The maximum occupant load shall be 1683 persons, based on \times m²/person.

*- SEE CODE ANALYSIS ATTACHED BY ARCHITECT

NOTE: VERIFICATION OF OCCUPANT LOAD IS REQUIRED AFTER THE OCCUPANCY

NEW RESTAURANT AREA

1243
The SMOKING PATIOS has a net floor area of \times m². The maximum occupant load shall be 41 persons, based on \times m²/person.

EXISTING ENTRANCE

BALCONY SMOKING AREA (3 total)

← WATER STREET →

← 1300 WATER ST →

BUILDING CODE SUMMARY PLAN

NEW
→ EXPANSION
← EXISTING FLOOR PLAN



PROJECT
DWS TITLE

PROJECT NO.	9751	DWS REF	10-02
ISSUE DATE	JULY 23/2010	SCALE	N/A
DRAWN	DC	DWS NO.	SK-034
REVIEW	KDK		

