

# Memo



**Date:** February 25/11

**To:** City Manager

**From:** Land Use Management, Community Sustainability (LT)

**Application:** LL11-0001                      **Property Owner:** City of Kelowna

**Address:** 421 Cawston Ave                      **Applicant/Licensee:** Kelowna Visual & Performing  
(Legal: 1315 Water St)                      Arts Centre Society (T. Ward)  
Rotary Centre for the Arts

**Subject:** Liquor Primary Structural Change (Capacity Expansion/Outdoor Patio)

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## 1.0 Recommendation

In accordance with Section 53 of the *Liquor Control and Licensing Regulation* and Council Policy #359, be it resolved THAT:

Council's comments on the Liquor Control & Licensing Branch (LCLB)'s prescribed considerations for the application from Kelowna Visual & Performing Arts Centre Society at 421 Cawston Avenue, Kelowna BC, (legally described as Lot A, District Lot 139, ODYD, Plan KAP67454 for an expansion to the existing Liquor Primary Establishment, are as follows:

a) **The potential for noise if the application is approved:**

The potential for noise is of little concern in this location. Only incremental increases in noise from the existing operation are anticipated.

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

No negative impacts are anticipated.

c) **View of residents.**

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 #359 "Liquor Licensing Policy & Procedures."

d) **Recommendation:**

Council recommends that the application for a structural change to increase the capacity of the existing Liquor Primary establishment, including the addition of outdoor patio space, be approved.

## 2.0 Purpose

This application seeks Council's support for an expansion to the existing Liquor Primary and the addition of a new outdoor patio for the Rotary Centre for the Arts (RCA).

### 3.0 Land Use Management

The application combines the two existing licenses into one Liquor Primary license. This represents a positive change for the operation and management at the Rotary Centre for the Arts. No changes to the licensed operations of the café are being proposed.

The inclusion of patio space was previously supported by Council as part of the original Liquor Primary application, however was not included in the license granted by the LCLB. The applicant has now been able to address the LCLB's concerns regarding operational challenges of the patio space. The licensee will be required to control access to the patio during licensed events intended to utilize this space, to the satisfaction of the local liquor inspector. The ability to host licensed events in this outdoor space would provide options to potential rental users, particularly as there are a number of overhead doors that can be opened into the patio space during the warmer months.

Council Policy #359 specifies guidelines for the siting and density of Liquor Primary Establishments. These parameters are designed to help control the density of late-night establishments with a focus on alcohol (nightclubs, pubs, etc.). While the RCA's proximity to other establishments would not meet these guidelines, this type of operation presents no concerns regarding its location. Policy #359 also considers supporting "alternative entertainment options, and/or establishments which are less focused on alcohol consumption to add a mix of entertainment options in Urban Centres" and the RCA's application would comply on this basis.

Given the above considerations, the Land Use Management Department is supportive of the proposed expansion of the Liquor Primary.

### 4.0 Summary

#### 4.1 Background

An application to the existing Liquor Primary has been forwarded by the licensee to the Provincial Liquor Control and Licensing Branch (LCLB) for their approval. Procedurally, changes to licensed floor plans, including the addition of an outdoor patio and/or increasing total occupancy requires Local Government comment on the application, prior to the LCLB making a final decision.

The RCA received Council support for a Liquor Primary license in September 2009. The license was granted by the LCLB in November 2010. Since that time, the ownership/operation of the Food Primary license within the RCA (Artwalk Bistro) has been transferred to the Arts Centre Society from a private operator. This has presented the opportunity to combine the Liquor and Food Primary licenses into one combined license for ease of management and service.

#### 4.2 Proposal

The applicant has requested an expansion to their recently approved Liquor Primary (LP) license to overtake the Food Primary (FP) license floor area, as well as the unlicensed outdoor patio spaces. No construction is required to make these changes. In addition, no changes to the hours of sale (9:00am-1:00am daily) are being considered.

The existing Food Primary has a capacity 60 persons indoors, and 12 persons outdoors. The proposal would include these 72 seats, in addition to the currently unlicensed areas of the patio, with a capacity of 165 persons.

Through the 2009 application for a Liquor Primary, Council supported the licensing of a portion of the patio space, however, this request was not granted by the LCLB as there was no barrier between the proposed LP patio and the existing FP patio. The entire patio space would now be included under one license. The licensee would be required to control access to the patio during licensed events intended to utilize this space, to the satisfaction of the local liquor inspector.

**Proposed Structural Change Summary:**

Person Capacity:

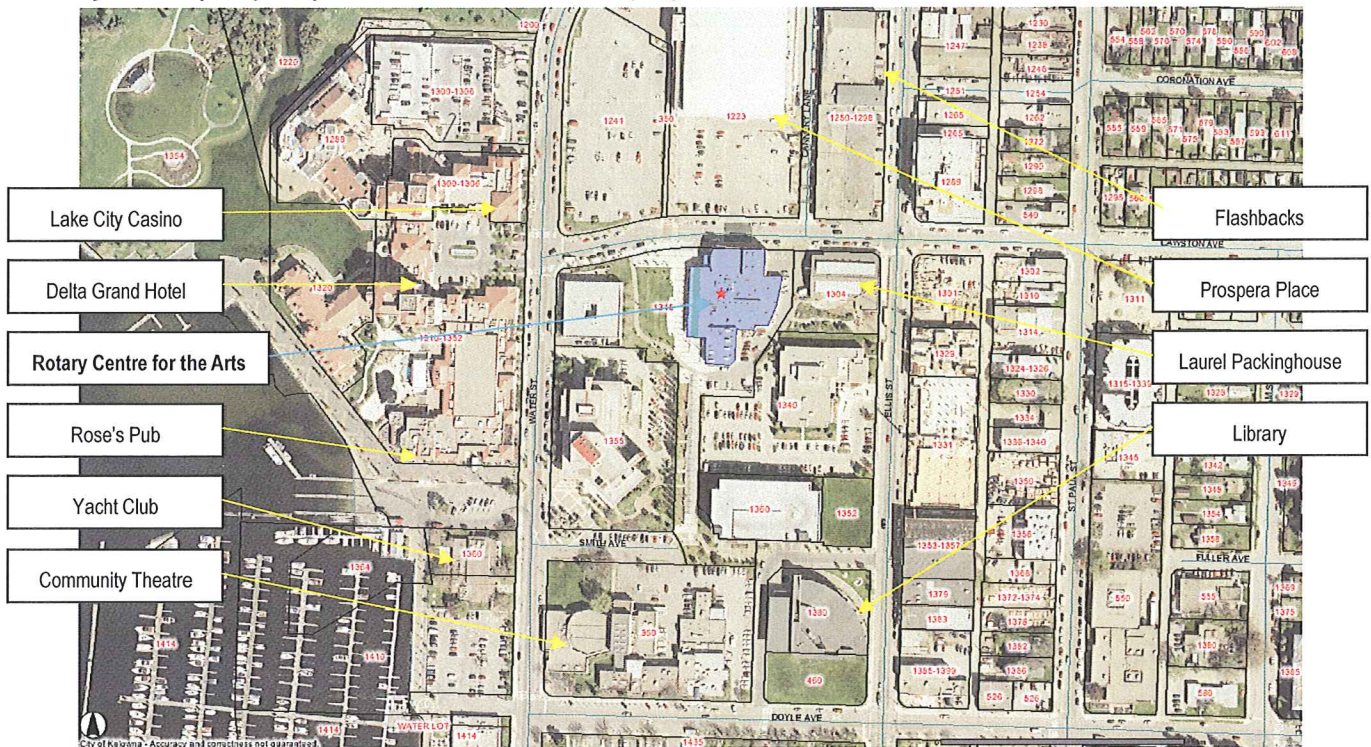
Area	Capacity
Existing Liquor Primary (Indoor)	865
Existing Food Primary (Indoor)	60
Existing Food Primary Patio	12
Unlicensed Patio Area	165
<b>Total Licensed Capacity</b>	<b>1102</b>

4.3 Site Context

The Rotary Centre for the Arts is located in the Cultural District on Cawston Avenue. More specifically, the adjacent land uses are as follows:

- North Prospera Place
- East Laurel Packinghouse
- South Library Parkade, Interior Health
- West Art Gallery, Hotel, Casino

Subject Property Map: 421 Cawston Avenue (Legal Address: 1315 Water Street)



The venue is located within 500m walking distance of the following liquor primary establishments:

Establishment	Proximity	Capacity	Clientele
Rose's Pub	~300m	321	Downtown Pub
Flashbacks*	~235m	490	Cabaret
Delta Grand Okanagan Resort*	~150m	2040	Hotel/Conference Centre
Prospera Place*	~150m	8046	Stadium
Lake City Casino*	~150m	600	Gaming
Kelowna Community Theatre	~300m	868	Concert

\*The proximity to these existing establishments would not fall within the guidelines of Council Policy #359 (see below).

## 5.0 Existing Policies

### 5.1 Council Policy #359 - Liquor Licensing Policy & Procedures

The following sections of Policy #359 are applicable to this application:

- Large establishments (with person capacity greater than 249 persons):
  - Should only be located within an Urban Centre.
  - ii) Should be located a minimum of 250m from another Large establishment.
  - iii) Should be located a minimum of 100m from a Medium establishment.
  - iv) Should not be located beside a Small establishment.
- Where appropriate, support alternative entertainment options, and/or establishments which are less focused on alcohol consumption (including event-driven establishments, and Food Primary establishments with the Patron Participation Entertainment Endorsement) to add a mix of entertainment options in Urban Centres. Consider limiting potential community impacts via license terms and conditions (hours, capacity, etc)

As shown above, the proximity of a number of surrounding establishments would not meet the siting/density guidelines provided in the Council Policy. However, only one pub/nightclub (Flashback's) is within this buffer area, with the other facilities being public facilities and Lake City Casino. The RCA is a cultural facility, without a major focus on alcohol consumption. The guidelines are intended to regulate more traditional Liquor Primary establishments (pubs, nightclubs, lounges, etc).

## 6.0 Circulation Comments

### 6.1 Building & Permitting

No concerns.

### 6.2 Cultural Services

No concerns.

### 6.3 Fire Department

No concerns.

### 6.4 Public Health Inspector

Increase to seating capacity will generate increase in health permit fees. No other objections.

6.5 RCMP

As the applicant has agreed with the RCMP and Liquor Inspector to have controlled access to the patio entrances during their events, we approve of the application and conditions.

6.6 Real Estate & Building Services

No concerns.

**Report prepared by:**



Luke Turri, Land Use Planner

**Reviewed by:**



Danielle Noble, Manager, Urban Land Use Management

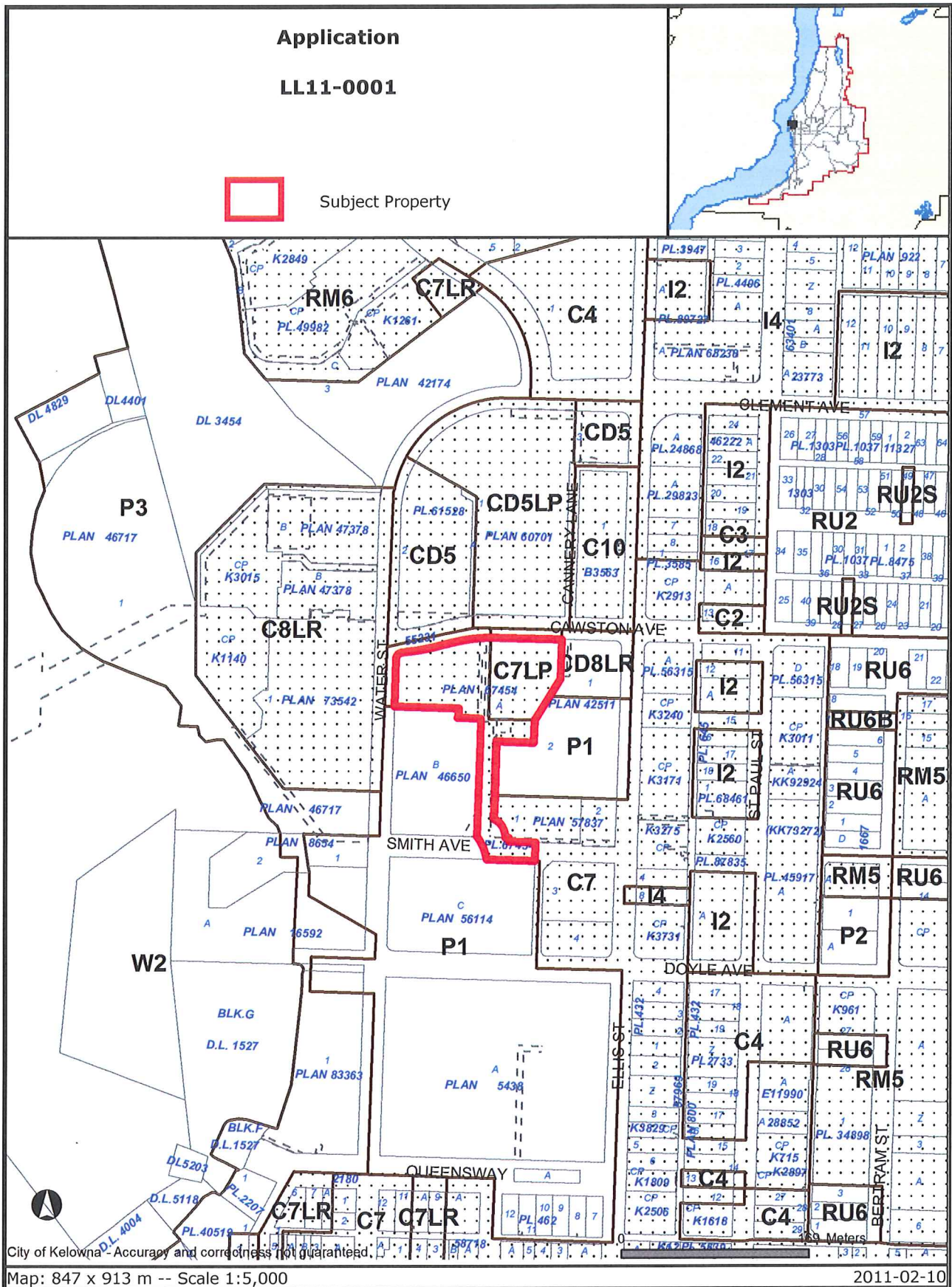
**Approved for Inclusion:**



Shelley Gambacort, Director, Land Use Management

**Attachments:**

- Subject Property Map
- Floor Plans
- Copy of Existing Liquor Primary License
- Site Plan
- Applicant Letter of Intent (2 pages)

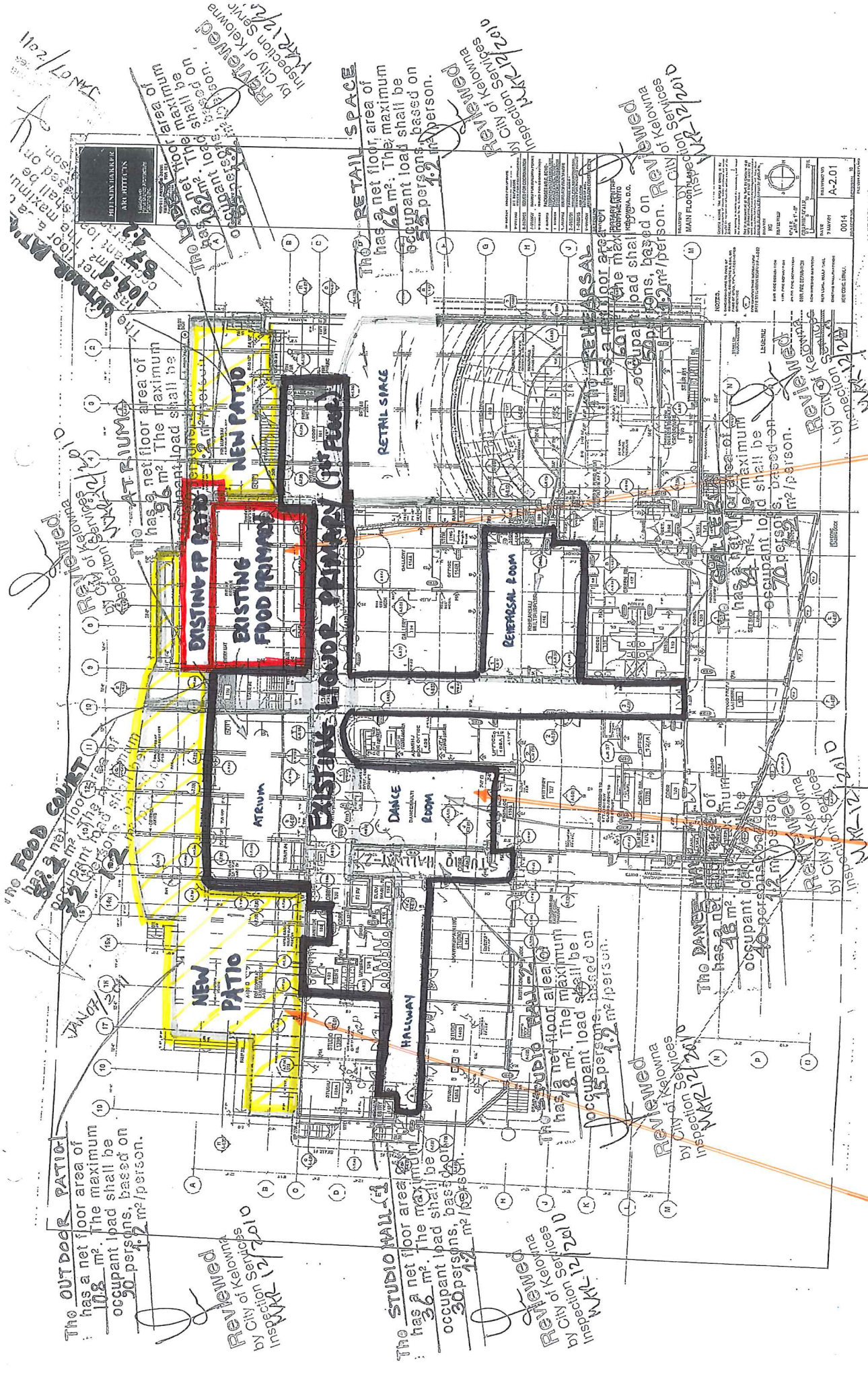


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.

11/27/2010  
Reviewed by City of Kelowna Inspection Services  
MKR 12/20/10

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MKR 12/20/10



The OUTDOOR PATIO has a net floor area of 108 m<sup>2</sup>. The maximum occupant load shall be 50 persons, based on 1.2 m<sup>2</sup>/person.

The FOOD COURT has a net floor area of 22 m<sup>2</sup>. The maximum occupant load shall be 18 persons, based on 1.2 m<sup>2</sup>/person.

The ATRIUM has a net floor area of 96 m<sup>2</sup>. The maximum occupant load shall be 80 persons, based on 1.2 m<sup>2</sup>/person.

The LABORATORY has a net floor area of 67 m<sup>2</sup>. The maximum occupant load shall be 56 persons, based on 1.2 m<sup>2</sup>/person.

The STUDIO HALL has a net floor area of 36 m<sup>2</sup>. The maximum occupant load shall be 30 persons, based on 1.2 m<sup>2</sup>/person.

The STUDIO HALL has a net floor area of 18 m<sup>2</sup>. The maximum occupant load shall be 15 persons, based on 1.2 m<sup>2</sup>/person.

The DANCE ROOM has a net floor area of 48 m<sup>2</sup>. The maximum occupant load shall be 40 persons, based on 1.2 m<sup>2</sup>/person.

The DANCE ROOM has a net floor area of 32 m<sup>2</sup>. The maximum occupant load shall be 27 persons, based on 1.2 m<sup>2</sup>/person.

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The RETAIL SPACE has a net floor area of 66 m<sup>2</sup>. The maximum occupant load shall be 55 persons, based on 1.2 m<sup>2</sup>/person.

The RETAIL SPACE has a net floor area of 60 m<sup>2</sup>. The maximum occupant load shall be 50 persons, based on 1.2 m<sup>2</sup>/person.

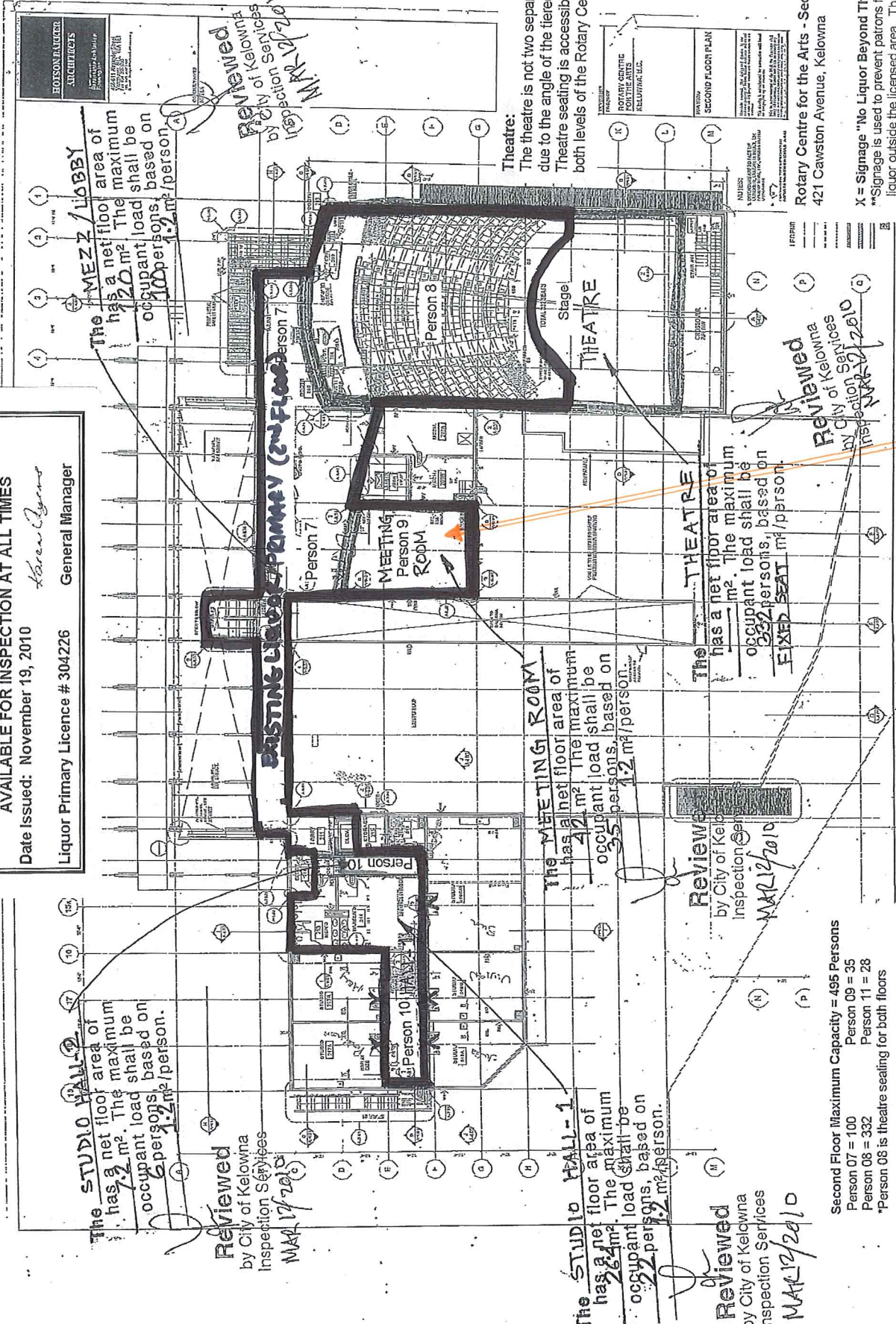
The RETAIL SPACE has a net floor area of 60 m<sup>2</sup>. The maximum occupant load shall be 50 persons, based on 1.2 m<sup>2</sup>/person.

**TOTAL NEW PATIO SPACE: 165 PERSONS**  
**EXISTING LIQUOR PRIMARY: 865 PERSONS (INCLUDES 2ND FLOOR)**  
**EXISTING FOOD PRIMARY: 60 indoor, 12 outdoor**  
**TOTAL LICENSED CAPACITY: 1102 PERSONS**

# MAIN FLOOR

LCLB OFFICIAL PLAN  
 MUST BE KEPT WITH LIQUOR LICENCE AND  
 AVAILABLE FOR INSPECTION AT ALL TIMES  
 Date Issued: November 19, 2010  
 Karen Lyons  
 General Manager  
 Liquor Primary Licence # 304226

LICENSING ADMINISTRATOR  
 Maximum Capacity: 495 Persons - 2nd Floor  
 DMP November 18, 2010  
 LIQUOR CONTROL AND LICENSING BRANCH  
 FLOOR PLANS - APPROVAL IN PRINCIPLE  
 Licensing Approval is subject to the terms and/or conditions specified in the approval letter(s) on file.  
 PSA  
 PCA  
 AIP



Second Floor Maximum Capacity = 495 Persons  
 Person 07 = 100  
 Person 09 = 35  
 Person 08 = 332  
 \*Person 08 is theatre seating for both floors

Theatre:  
 The theatre is not two separate levels due to the angle of the tiered seating. Theatre seating is accessible from both levels of the Rotary Centre.

X = Signage "No Liquor Beyond This Point"  
 \*\*Signage is used to prevent patrons from consuming liquor outside the licensed area. Therefore all signs must be visible whether a door is opened or closed.

Rotary Centre for the Arts - Second Floor  
 421 Cawston Avenue, Kelowna (Page 2 of 2)

EXISTING LIQUOR PRIMARY: 365 PERSONS (INCLUDES 1ST FLOOR)

2nd FLOOR





Ministry of Housing and Social Development  
Liquor Control and Licensing Act

# LIQUOR PRIMARY LICENCE

Establishment Name: Rotary Centre for the Arts  
Licence Name: **Rotary Centre for the Arts**  
Mailing Address: 421 CAWSTON AVE  
KELOWNA, BC V1Y 6Z1

Licence Number  
**304226**  
Expiry Date  
**November 30, 2011**

Location Address: 421 CAWSTON AVE  
KELOWNA, BC V1Y 6Z1

Issued to: Kelowna Visual and Performing Arts Centre Society

Third Party Operator: N/A

### Hours of Sale:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM
Close	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM

**Capacity:** Person01 85 Person02 70 Person03 50  
 Person04 40 Person05 45 Person06 80  
 Person07 100 Person08 332 Person09 35  
 Person10 28

### TERMS AND CONDITIONS

- The terms and conditions to which this licence is subject include the terms and conditions contained in the publication 'A Guide for Liquor Licensees in British Columbia' as that publication is amended from time to time.
- Liquor may only be sold, served and consumed within the areas outlined in red on the official plan, unless otherwise endorsed or approved by the LCLB.
- Subject to terms and conditions specified in the restriction or approval letter(s). A copy of restriction or approval letter(s) to be kept with current liquor licence.
- Liquor service is only permitted at live events including the opening of an art exhibit, conferences and presentations. Liquor service is not permitted at youth oriented events.
- Liquor service hours of sale limited to one hour prior to, during and one hour after an event.
- Minors are only permitted during art/cultural events and events with an admission fee. Minors are not permitted at adult-oriented events

Local Government: KELOWNA (CITY OF)  
LDB Addresses: KELOWNA ORCHARD PK. GLS #167

November 19, 2010  
Printed Date

*Karen Ayers*  
General Manager