

REPORT TO COUNCIL



Date: May 15, 2018

RIM No. 0930-50

To: City Manager

From: Community Planning Department (LK)

Application: LL18-0002

Owner: DHL NO. 48 Holdings LTD.,
INC. No. C1105825

Address: 1300-1306 Water Street

Applicant: Gateway Casinos &
Entertainment Ltd.

Subject: Liquor License

Existing OCP Designation: COMM - Commercial

Existing Zone: C8LR – Convention Hotel Commercial (Liquor Primary, Retail Liquor Primary)

1.0 Recommendation

THAT Council directs 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 #359, BE IT RESOLVED THAT:

1. Council recommends support of an application from DHL NO. 48 Holdings LTD., INC. No. C1105825 for Lot 1 District Lots 139, 4041 and 4082 ODYD Plan KAP73542 located at 1300-1306 Water Street, Kelowna, BC, for a Liquor Primary license with a capacity of 199 persons and hours of sales from 10:00 AM to 2:00 AM Sunday to Saturday for License Number 301837 (Match Eatery & Public House).
2. That Council's comments on the prescribed considerations are as follows:
 - (a) The impact of noise on the community in the immediate vicinity of the establishment if the application is approved;

The potential impact for noise is minimal and would be compatible with surrounding land uses.
 - (b) The impact on the community if the application is approved:

The potential for negative impacts is considered to be minimal.

THAT Council's comments on the views of residents 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 and Procedures".

2.0 Purpose

To seek Council's support for a new Liquor Primary Licensed Establishment at the subject property.

3.0 Community Planning

Community Planning staff supports the proposed new Liquor Primary Establishment within the existing casino. Lake City Casino has recently rebranded to Playtime Casino. Through the rebranding process, the food offerings within the casino have undergone change. The bistro area has become the 'Buffet' restaurant and is located within the main casino space.

The subject proposal is for the addition of 'Match Eatery and Public House', which is accessed from the main casino area. The new restaurant is located at the north end of the casino floor in a room that was used as a private function space. The Liquor Primary Establishment will provide a broader selection of food offerings and a dining experience that is separate from the casino.

The proposed licensed hours of operation will be from 10 am to 2 am seven days a week. The restaurant area has an occupant load of 189 people. From this space, two patio areas are accessed, with each accommodating up to 5 people for a total occupant load of 199 people.

Staff typically prefers to see consistent safety measure requirements for new Liquor Primary Establishments. These requirements generally include the installation and use of Servall Biometrics, having security staff patrols, and hi-definition cameras installed on-site. Discussions with the RCMP have provided Staff with a level of comfort in not having the additional requirement of Servall Biometrics for the proposed business for the following reasons:

- Access to the establishment is only available through the Casino;
- The Casino ID's patrons upon entry;
- The Casino currently utilizes enhanced security measures which are typically not in place with smaller scale businesses;
- Has an existing monitored security camera system on-site;
- Provides a higher ratio of security staff patrols within the premises as a standard business practice.

4.0 Proposal

4.1 Background

An application has been forwarded by the licensee to the Provincial Liquor Control and Licensing Branch (LCLB) for their approval. Procedurally, these applications need Local Government comment prior to the LCLB making a final decision:

- New liquor primary licensed establishments.

4.2 Project Description

Proposed Hours of Sale for Match Eatery & Public House:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM	10:00 AM
Close	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM

Match Eatery & Public House:

Licensed Area	Net Floor Area	Proposed Capacity
Restaurant Seating area	226.8 m ²	189 persons
Patio #3 area	6 m ²	5 persons
Patio #4 area	6 m ²	5 persons
Capacity	238.8 m²	199 persons*

*The proposed capacity is based on preliminary floor plans, which are subject to approval by the Building & Permitting Branch and the LCLB.

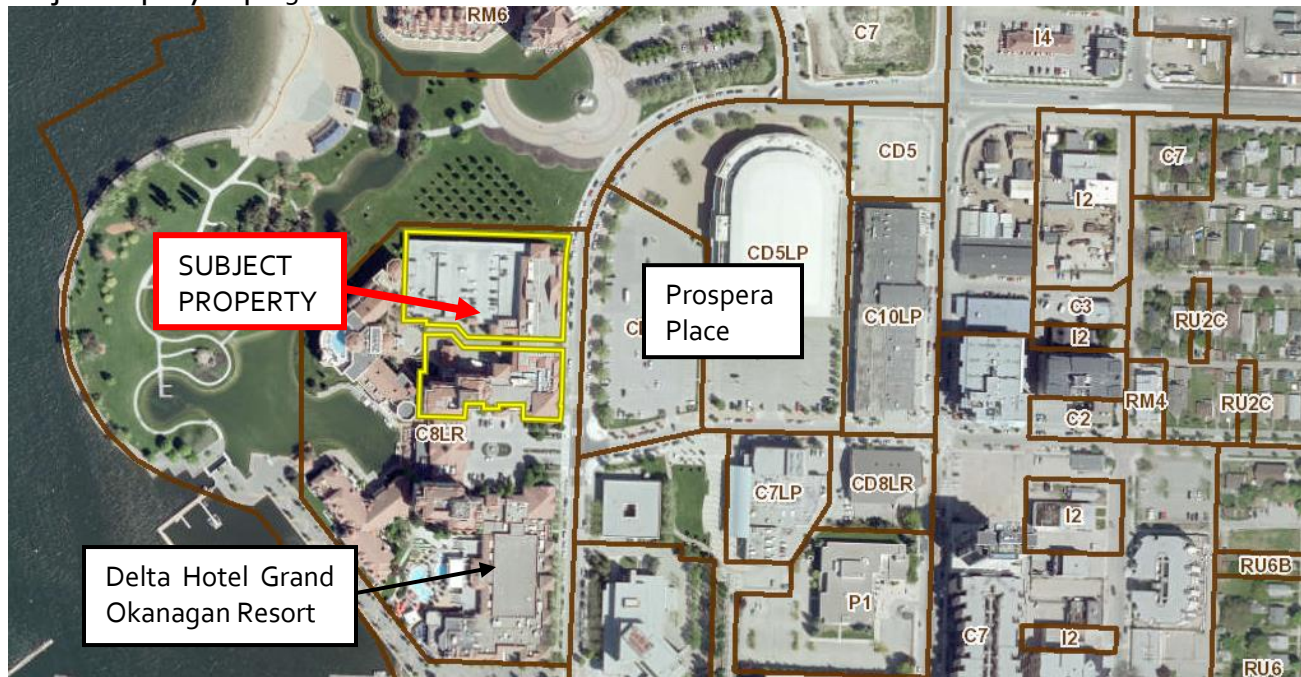
4.3 Site Context

The subject property is located at the north end of downtown on Water Street across from Propsera Place. The Match Restaurant is located within the Playtime Casino at the Delta Hotel Grand Okanagan Resort.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P ₃ – Parks and Open Space	Park
East	CD ₅ – Multi-Purpose Facility	Propsera Place
South	C8LR – Convention Hotel Commercial P ₁ – Major Institutional	Delta Hotel Grand Okanagan Resort Kelowna Yacht Club
West	P ₃ – Parks and Open Space	Park

Subject Property Map: 1310 Water Street



5.0 Current Development Policies

5.1 Council Policy #359 – Liquor Licensing Policy & Procedures

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

Liquor Primary Establishments

1. Siting/Density Guidelines:

- a. No establishment with a person capacity greater than 500 persons should be permitted.
- b. Large establishments (with person capacity greater than 249 persons):
 - i. 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.
- c. Medium establishments (with person capacity between 100-249 persons):
 - i. Should only be located within an Urban or Village Centre.
 - ii. Should be located a minimum of 100m from a Large or Medium establishment.
 - iii. Should not be located beside a Small establishment.
- d. Small establishments (with person capacity less than 100 persons):
- e. Should not be located beside another liquor primary establishment

For the purposes of determining proximity, the shortest walking distance (door-to-door) will be applied. These distances are meant to guide staff in their recommendations for particular applications, however, a number of other factors should be considered, including (but not limited to):

- a. Pertinent input from the RCMP;
- b. Vehicular and pedestrian traffic patterns for area and current zoning;

- c. Availability of on-site and off-site parking; proximity of playgrounds, schools, and other social facilities;
- d. Surrounding land-uses, and general impact on the local neighbourhood;
- e. Correspondence received from abutting property owners;
Past licensee compliance and performance issues as may be provided by the LCLB

2. Other Policies:

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).

5.2 Kelowna Official Community Plan (OCP)

Entertainment Venues.¹ Within designated Urban Centres, encourage private-sector provision of facilities which diversify the selection of venues and entertainment opportunities throughout the city.

6.o Application Chronology

Date of Complete Application Received: January 10, 2018

Date of Amended Occupant Load Plans Received: April 16, 2018

Report Prepared by: Lydia Korolchuk, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A: Floor Plan – Occupant Load

¹ Policy 5.17.1 (Development Process Chapter 5, page 5.21)