

REPORT TO COUNCIL



Date: September 6, 2016

RIM No. 0930-50

To: City Manager

From: Community Planning Department (PMc)

Application: LL16-0005 **Owner:** 0729076 BC Ltd.

Address: 274 Lawrence Ave. **Applicant:** David Habib

Subject: Liquor License Application

Existing OCP Designation: Mixed Use (Residential/Commercial)(MXR)

Existing Zone: C7lp - Central Business District (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 non-support of an application from David Habib (Liquid Zoo) for a liquor primary license amendment for Lot 3, Block 13, DL139, O.D.Y.D., Plan 462, located at 274 Lawrence Avenue, Kelowna, BC for a change in capacity from the current occupant load of 301 persons to the proposed 450 persons for the following reasons:

Concern for the potential negative impacts of an increase in Liquor Primary patron capacity in this area by adding to the existing challenges in the area regarding noise, patron behavior, and increase in police enforcement. As well, staff have concerns for the turn-over of the area to a future mixed-use development as envisioned in the Official Community Plan.

2. Council's comments on LCLB's prescribed considerations are as follows:

Criteria for license amendment:

- a. The potential for noise if the application is approved:
There is potential for an increase in noise due to the additional capacity of service. Any increase in noise would likely have a minimal impact on the area currently, but could be a larger issue in the future as there is a transition to more residential uses.

- b. The impact on the community if the application is approved:

There is the potential for significant negative community impacts related to late night noise and inappropriate behaviour which could result in additional policing costs.

3. 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 consider a staff recommendation NOT to support a structural change application to the Liquor Control and Licensing Branch to increase the licensed capacity to an existing Liquor Primary liquor license.

3.0 Community Planning

Staff and the RCMP have concerns with the increase in occupant loads that the applicant has proposed from 301 to 450 persons. Council policy #359 requires that large establishments (capacity greater than 250 persons) be separated from other large establishments by a minimum of 250m. or separated from other medium establishments (capacity between 100 - 249 persons) by 100m. In this case, the subject property is separated from the nearest LP establishment (The Cake Nightclub) by only 90m. RCMP resources are already at capacity dealing with issues related to the "bar flush" that occurs in this area of the City between 1:30 AM and 2:30 AM. Staff's concern relates to adding more patrons to the numbers of people that are already putting a strain on the police and taxi industry in this area at this time. Staff are also concerned about the potential impacts that multiple LP establishments may have on this area in the future as it begins to transition to a more mixed use neighbourhood as envisioned by the Official Community Plan. It is for this reason that staff are recommending for non-support.

An alternative recommendation has been provided should Council support the patron capacity increase.

4.0 Proposal

4.1 Background

The subject property has operated as a number of hospitality oriented businesses over the years. There has been a cabaret operating at this location since the early 2000's.

In 2015, Development Permit application DP15-0116 was issued to authorize a major renovation to the façade and building to modernize the street elevation and to provide more formal useable space to the former covered patio area on the roof.

4.2 Project Description

The applicant is seeking Council support for a Structural Change to the capacity of an existing Liquor Primary Establishment.

The Liquid Zoo night club (formerly known as the "Senior Frog's", "Club Med", and "Champagne Charlie's") has been operating as a cabaret at this location since the early 2000's. This application seeks to increase the licensed capacity of the establishment from the current

occupant load of 301 persons for the entire building to the proposed total capacity of 450. This revised capacity also includes the interior portion of the second floor level and a rooftop deck area. No change to the business focus, clientele or management are anticipated through these changes. It has been noted that the increase in capacity will also trigger an increase in the required off-street parking to be provided. This can be accommodated by providing payment for the shortfall in parking (3 stalls @ \$22,500.00 = \$67,500.00), as provided for in the Payment in Lieu of Parking Bylaw #8125, should this application be supported by Council.

Existing Hours of Sale:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	11:30 AM	11:30 AM	11:30 AM	11:30 AM	11:30 AM	11:30 AM	11:30 AM
Close	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM

Proposed Structural Change Summary:

Person Capacity (including staff):

Licensed Area	Capacity
Total Existing Licensed Capacity	301
Proposed Licensed Capacity lower floor	259
Proposed Licensed Capacity upper floor	101
Licensed Patio area upper floor level	90
Proposed Total Licensed Capacity	450

4.3 Site Context

The subject property is located within the City Centre Urban Centre, within the "Entertainment District". The subject property is located on the north side of Lawrence Avenue, near Water Street. The Cake Nightclub is also located on the north side of Lawrence Avenue, but near Abbot Street to the west (approx.90m.). The Sapphire Nightclub (250m.) and Level Nightclub (220m) are both located on Leon Avenue.

Subject Property Map:

247 Lawrence Avenue



5.0 Current Development Policies

5.1 Council Policy #359 - Liquor Licensing Policy and 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.
 - Should be located a minimum of 250m from another Large establishment.
 - Should be located a minimum of 100m from a Medium establishment.
 - Should not be located beside a Small establishment.
- Medium establishments (with person capacity between 100-249 persons):
 - Should only be located within an Urban or Village Centre.
 - Should be located a minimum of 100m from a Large or Medium establishment.
 - 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 subject property to the nearest liquor primary establishment, as well as one of the liquor primary establishment located on Leon Avenue does not meet the siting/density guidelines provided in the Council Policy 359.

6.0 Technical Comments

6.1 Building & Permitting Department

No Comment

6.2 Fire Department

The Fire Department has no concerns if building department is satisfied with exits and exit capacity

6.3 R.C.M.P.

Kelowna RCMP are guided by Council Policy 359. Accordingly, the RCMP do not support the applicant's request for a permanent increase to the licensed seating capacity of this establishment.

7.0 Application Chronology

Date of Application Received:	April 7, 2016
Revised Occupant Load Received:	May 3, 2016
Updated RCMP Comments:	July 27, 2016

8.0 Alternate Recommendation

THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor Control and Licensing Branch (LCLB):

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2. Council's comments on LCLB's prescribed considerations are as follows:

Criteria for license amendment:

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- b. The impact on the community if the application is approved:
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3. 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."

Report prepared by:

Paul McVey, Urban Planner

Reviewed by:

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Ryan Smith, Community Planning Department Manager

Approved for Inclusion:

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Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

Location Map
Building Floor Plans
Conceptual Elevations
LCLB License Application package