

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:

- Council comments on LCLB's prescribed considerations for the application from Manteo Resort Limited Partnership to add Patron Participation Entertainment to an existing Food Primary license for Lot1 District Lot 134 and Section 6 Township 26 ODYD Plan EEP55101, located at 3762 Lakeshore Rd, Kelowna, BC are as follows:
 - a) The potential for noise 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 are considered to be minimal.
 - c) If the amendment may result in the establishment being operated in a manner is contrary to its primary purpose:
 The endorsement is being sought to offer an additional level of service to the food primary establishment. The focus of the establishment will be as a food primary establishment.

2. 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.

2.0 Purpose

To seek Council's support for a Patron Participation Entertainment endorsement for an existing food primary establishment located on the subject property.

3.0 Community Planning

The proposed Patron Participation Entertainment endorsement would allow dancing, live entertaining or a DJ service for clients who rent the banquet spaces or visit the restaurant for family gatherings such as weddings. The proposal is consistent with Council Policy #359 which supports alternative entertainment options less focused on alcohol consumption including Food Primary Establishments with the Patron Participation Entertainment Endorsement where appropriate. The addition of Patron Participation Entertainment is not anticipated to have negative impacts on the surrounding land uses or to the larger community.

In consideration of the above, staff recommend support for the proposed change to the existing Food Primary License.

4.0 Proposal

4.1 <u>Background</u>

An application has been forwarded by the licensee to the Provincial Control and Licensing Branch (LCLB) for their approval. Local Government comment is required for a Patron Participation Entertainment endorsement.

4.2 <u>Project Description</u>

The applicant has operated a Food Primary establishment on the subject property known as "Smack Dab". The application to add a Patron Participation Entertainment endorsement to their Food Primary license requires a Council Resolution to the Liquor Control and Licensing Branch (LCLB).

The Food Primary establishment is designed with an occupancy load of 539 persons for the interior locations and a maximum occupant load of 700 for outdoor spaces.

The floor spaces are to continue to be operated as a food primary establishment.

4.3 Existing Food Primary License Summary

The proposed hours are consistent with existing Food Primary license.

Current Hours of Sale

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM
Close	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM	1:00 AM

Capacity

Banquet 01	85	Banquet o2	66	Banquet o3	48	Banquet o4	25
Banquet o5	40	Banquet o6	60	Banquet 07	60	Patio 2	165
Patio 2	8	Patio 3	292	Patio 4	50	Patio 5	125
Patio 6	60	Person 01	82	Person 02	48	Person o3	25

4.4 <u>Site Context</u>

The property is located within the South Pandosy – KLO City Sector.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C9 – Tourist Commercial	Apartment Hotels
East	C9 – Tourist Commercial	Apartment Hotels
South	C9lp – Tourist Commercial (Liquor Primary)	Apartment Hotels
West	W2 – Intensive Water Use	Marina

Subject Property Map: 3762 Lakeshore Rd



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5.0 Current Development Policies

5.1 <u>Council Policy # 359 – Liquor Licensing Policy and Procedures</u>

Liquor Primary (LP) Establishments – 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).

6.o Technical Comments

• No technical comments

7.0 Application Chronology

Date of Application Received:	August 8, 2017
Report prepared by:	Emily Williamson, Planner
Reviewed by:	Terry Barton, Urban Planning Manager
Reviewed by:	Ryan Smith, Community Planning Department Manager

Attachments:

Attachment 'A' – Applicant's Rationale Letter Attachment 'B' – Existing Food Primary License