

# REPORT TO COUNCIL

## LIQUOR LICENSE



**Date:** November 5, 2024  
**To:** Council  
**From:** City Manager  
**Address:** 1370 Water St  
**File No.:** LL24-0018

	Existing	Proposed
<b>OCP Future Land Use:</b>	Parks	Parks
<b>Zone:</b>	P1 – Major Institutional	P1 – Major Institutional

### 1.0 Recommendation

THAT Council directs Staff to forward the following Recommendation to the Provincial Liquor and Cannabis Regulation Branch (LCRB):

In accordance with Division 9 (71) of the Liquor Control and Licensing Regulation and Council Policy 359, BE IT RESOLVED THAT:

1. Council recommends support of an application from Rising Tide Consultants for a license amendment for Lot 1 District Lots 139 and 4083 ODYD Plan EPP29214, located at 1370 Water St, Kelowna, BC for the following reasons:
  - The proposed structural change is perceived to be minor in nature and the RCMP do not have any concerns.
2. Council’s comments on LCRB’s prescribed considerations are as follows:
  - a. The potential for noise if the application is approved:  
 The potential impact for additional noise is minimal as the patio has been existing under the LCRB’s TESA program with no complaints from the neighbourhood. Additionally, there is no residential units in close proximity.
  - b. The impact on the community if the application is approved:  
 The potential for negative impacts is minimal as there is no proposed change to the overall capacity of the business and the space has been operating in the current layout for several years.
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 seek Council’s support for a structural change application to increase the liquor area with no change to the overall capacity.

### 3.0 Development Planning

Staff support the request to increase the service area of the existing Liquor Primary for the establishment known as the Kelowna Yacht Club. The establishment is spread over two storeys and the expanded area is to include a patio. To accommodate the patio without increasing the overall capacity of the site, the applicant has reduced the capacity in other areas of the establishment.

The proposed patio area has been operating under the provincial Temporary Expanded Service Area (TESA) program since the COVID-19 pandemic. With the Province’s recent announcement to end the TESA program the applicant is seeking to operate the patio on a permanent basis. The impact on the surrounding community is anticipated to be minimal due to a combination of factors including:

- No bylaw complaints have been received relating to noise in over 5 years;
- The surrounding area does not contain residential uses, and
- RCMP do not have concerns with the proposed expansion.

### 4.0 Project Details

#### Existing Hours of Operation:

		Sun	Mon	Tues	Wed	Thurs	Fri	Sat
<b>Open</b>		9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM
<b>Close</b>	Indoor	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM
	Patio	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM	11:00 PM

#### Occupant Load:

	Existing	Proposed
<b>Indoor</b>	474	434
<b>Outdoor</b>	356	396

### 5.0 Site Context & Background

Orientation	Zoning	Land Use
North	P <sub>3</sub> – Parks and Open Space	Park
East	UC <sub>1</sub> – Downtown Urban Centre	Spectator Entertainment Establishment
South	P <sub>3</sub> – Parks and Open Space	Park
West	W <sub>2</sub> – Intensive Water Use	Marina

**Subject Property Map: 1370 Water St**



The subject property is located on Water St, located between Kelowna Community Theatre and the Kelowna Downtown Marina. The property is adjacent to a public boat launch to the north and Stuart Park to the south. There is public transit in close proximity via the Queensway Bus Exchange.

**6.0 Current Development Policies**

**6.1 Council Policy 359 – Liquor Licensing Policy and Procedures**

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

- An outdoor patio at a licensed establishment may not operate later than 11:00 PM.

**7.0 Technical Comments**

**7.1 R.C.M.P.**

No concerns

**8.0 Application Chronology**

Application Accepted: August 15, 2024

**Report prepared by:** Jason Issler, Planner II  
**Reviewed by:** Trisa Atwood, Development Planning Manager  
**Reviewed by:** Nola Kilmartin, Development Planning Department Manager  
**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning, Climate Action & Development Services

**Attachments:**

Attachment A: Floor Plan/Site Plan/Occupant Load

Attachment B: Letter of Rationale

For additional information, please visit our Current Developments online at [www.kelowna.ca/currentdevelopments](http://www.kelowna.ca/currentdevelopments).