



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 4320-20

From: Chief Administrative Officer

Date: December 2nd, 2019

Subject: Permanent Change to Liquor Licence Application (Cornerstone) – 208A 5th St

PURPOSE:

The purpose of the report is to obtain Council direction to request public input with respect to Cornerstone's application for a permanent change to the food primary licence to include a Patron Participation Entertainment endorsement and to extend hours of liquor service from midnight to 1:00am every night.

CAO RECOMMENDATIONS:

THAT, based on the December 2nd, 2019 staff report, 'Permanent Change to Liquor Licence Application (Cornerstone) – 208A 5th St', Council approve OPTION 1 and direct staff to post notice on the City's website requesting public input on Cornerstone's proposed Patron Participation Entertainment endorsement and extended hours.

Respectfully submitted,

David Allen, BES, CLGEM, SCLGM
Chief Administrative Officer

BACKGROUND:

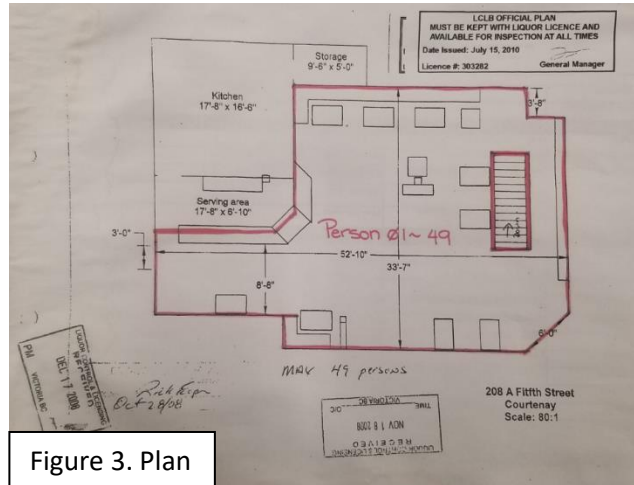
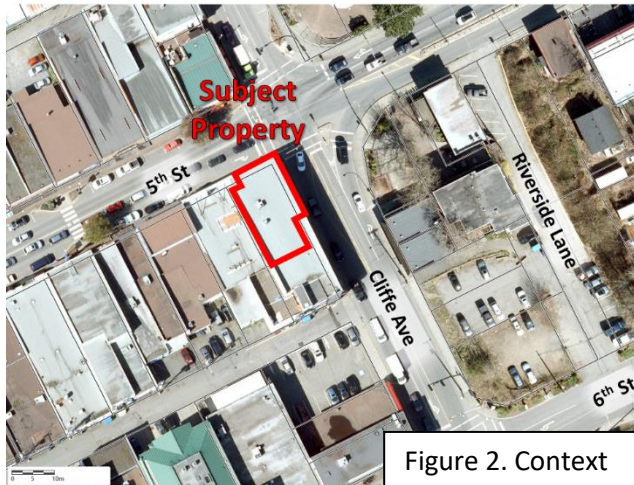
The applicant is making application for a permanent change to their existing liquor licence to the Liquor & Cannabis Regulation Branch (LCRB) for the property at 208A 5th Street. The proposed changes are to add a Patron Participation Entertainment Endorsement, which would allow the restaurant to host events where guests can move about freely and dance, and to extend hours of liquor service from midnight to 1:00am seven days a week. The applicant does not propose changes to the 49-person capacity.



Figure 1. Property from 5th St & Cliffe Ave

Pursuant to Section 38 (3)(c) of the *Liquor Control and Licensing Act*, the local government must gather the views of residents when the applicant has given the local government notice of the application. In order to

gather the views of residents, the City will post notice of the application on the City's main website for two weeks.



DISCUSSION:

The subject location is zoned Commercial One (C-1), which permits the intended use. The applicant is not proposing to make changes or alterations to the building and is not subject to development permit requirements.

The total number of patrons and seating does not change and potential nuisance noise increase with the extended hours is expected to be negligible, with all activity inside the downtown commercial area building. The types of entertainment proposed include karaoke, open mike and DJs, and are expected to be a good fit for the location and contribute positively to a vibrant downtown.

Section 71 (9) of the *Liquor Control and Licensing Regulation* states that a local government or first nation that wishes to provide comments and recommendations for the LCRB under section 38 (3) of the Act must do so in accordance with the following requirements:

- (a) the comments and recommendations must be in writing;
- (b) the comments must include the views of the local government or first nation on
 - (i) the impact of noise on the community in the immediate vicinity of the establishment unless subparagraph (ii) or (iii) apply,
 - (ii) in the case of an application that involves a temporary use area endorsement, the impact of noise on the community in the immediate vicinity of the proposed locations of event sites under corresponding temporary use area authorizations,
 - (iii) in the case of an application that involves a lounge or special event area endorsement, the impact of noise on the community in the immediate vicinity of the location of the service area under the endorsement,
 - (iv) the general impact on the community,
- (c) if the local government or first nation has gathered the views of residents under section 38 (3) (c) of the Act, the comments must include
 - (i) the views of the residents, and
 - (ii) a description of the method used to gather those views;

- (d) the recommendations must include whether the application should be approved or rejected; and
- (e) the recommendations must include the reasons on which they are based.

With respect to the requirement in section 38 (3) (c) of the *Liquor Control and Licensing Act*, the current practice is to advertise a notice on the City's website. Staff consider that it will satisfy the requirements of the LCRB. Once Council receives public input on the application, a resolution addressing these points will be forwarded to the LCRB for final consideration.

FINANCIAL IMPLICATIONS:

There is no direct financial implication related to this application. The application fee for all types of liquor licence applications is \$500 plus GST.

ADMINISTRATIVE IMPLICATIONS:

Administration of liquor licencing is included in the City's general statutory duties. To date, staff has spent four hours processing the application. It is anticipated an additional four hours will be required to complete the notification requirements, work with the applicant on the neighbours' concerns and bring a report back to Council.

ASSET MANAGEMENT IMPLICATIONS:

There is no direct asset management implication related to this application.

2019 – 2022 STRATEGIC PRIORITIES REFERENCE:



We focus on organizational & governance excellence

- Communicate appropriately with our community in all decisions we make
- Responsibly provide services at levels which the people we serve are willing to pay
- **Area of Control**

The policy, works and programming matters that fall within Council's jurisdictional authority to act.

OFFICIAL COMMUNITY PLAN REFERENCE:

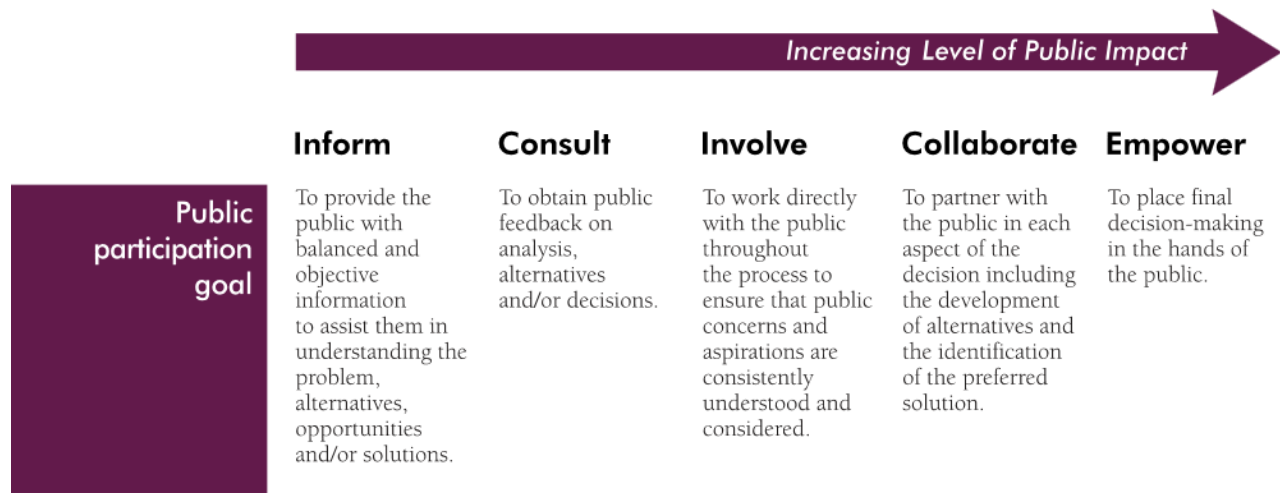
There is no direct reference related to this application.

REGIONAL GROWTH STRATEGY REFERENCE:

There is no direct reference related to this application.

CITIZEN/PUBLIC ENGAGEMENT:

Staff will **consult** members of the public based on the IAP2 Spectrum of Public Participation:



The public comment gathering period will be open between December 3rd and December 16th, 2019 on the City's website. Any comments received from the public and the standard referral procedure will be attached to the staff report for Council's final consideration at a future Council meeting.

OPTIONS:

- Option 1: Direct staff to publish notice on the City's website requesting public input on the proposed Patron Participation Entertainment endorsement and extended hours for Council consideration at a future regular Council meeting. **(Recommended)**
- Option 2: Direct staff to obtain public input through an alternative method.
- Option 3: Direct staff not to proceed with the application and advise the LCLB that the City does not support the request.

Prepared by:

Mike Grimsrud
Planner 2

Reviewed by:

Ian Buck, MCIP, RPP
Director of Development Services