

Request for Decision



To: Regular Meeting

From: **Development & Planning**

Date: May 8, 2023

Subject: Application for an amendment to a liquor primary licence to increase the person capacity for The Bar + Kitchen located at 7319 2nd Street.

Recommendation: **THAT Council approve the comments made in this report to be sent to the LCRB regarding an application for an amendment to a liquor primary licence to increase the person capacity for The Bar + Kitchen, located at 7319 2nd Street.**

Purpose

To provide Council with the necessary information to deliver comment to the Liquor and Cannabis Regulation Branch (LCRB) regarding an application for amendment to a Liquor Primary Licence to increase the person capacity for The Bar + Kitchen located at 7319 2nd Street.

Background

The Liquor and Cannabis Regulation Branch (LCRB) has received an application for an amendment to a liquor primary licence to increase the person capacity for The Bar + Kitchen, located at 7319 2nd Street. Before the LCRB can decide whether to approve the application for the licence, Local Governments must first gather input from the community within the immediate vicinity of the establishment and provide comments on the application. Alternatively, Council may also choose to delegate the authority of providing comment on the application to Staff.

The proposal is for an increase in person capacity for The Bar + Kitchen. The current approved person capacity for the inside of the building is 30 and for the seasonal patio is 15, for an overall capacity of 45 persons. The applicant has applied to the Liquor and Cannabis Regulation Branch for a person capacity of 50 for the inside of the building and 20 for the seasonal patio, resulting in an overall capacity of 70 persons for the establishment.

The applicant acquired the services of an engineer to complete an assessment of the building to ensure the structure would meet the requirements of the proposed occupancy load. The engineer provided a list of recommendations that were completed by the applicant and subsequently inspected by the engineer. The engineer confirmed acceptance of the work.

Comments to the LCRB regarding an amendment to a liquor primary application for an increase in person capacity must speak clearly to the following items:

- The impact of noise on the community in the immediate vicinity of the establishment.
- The impact on the community if the amendment is approved.
- The views of residents, and a description of the method used to gather views.
- The local government's recommendations (including whether the application should be approved) and the reasons on which they are based.

These comments must consider:

- The proposed hours of service
- The occupancy load of the establishment

Figure 1: Existing Floor Plan and capacities of The Bar + Kitchen

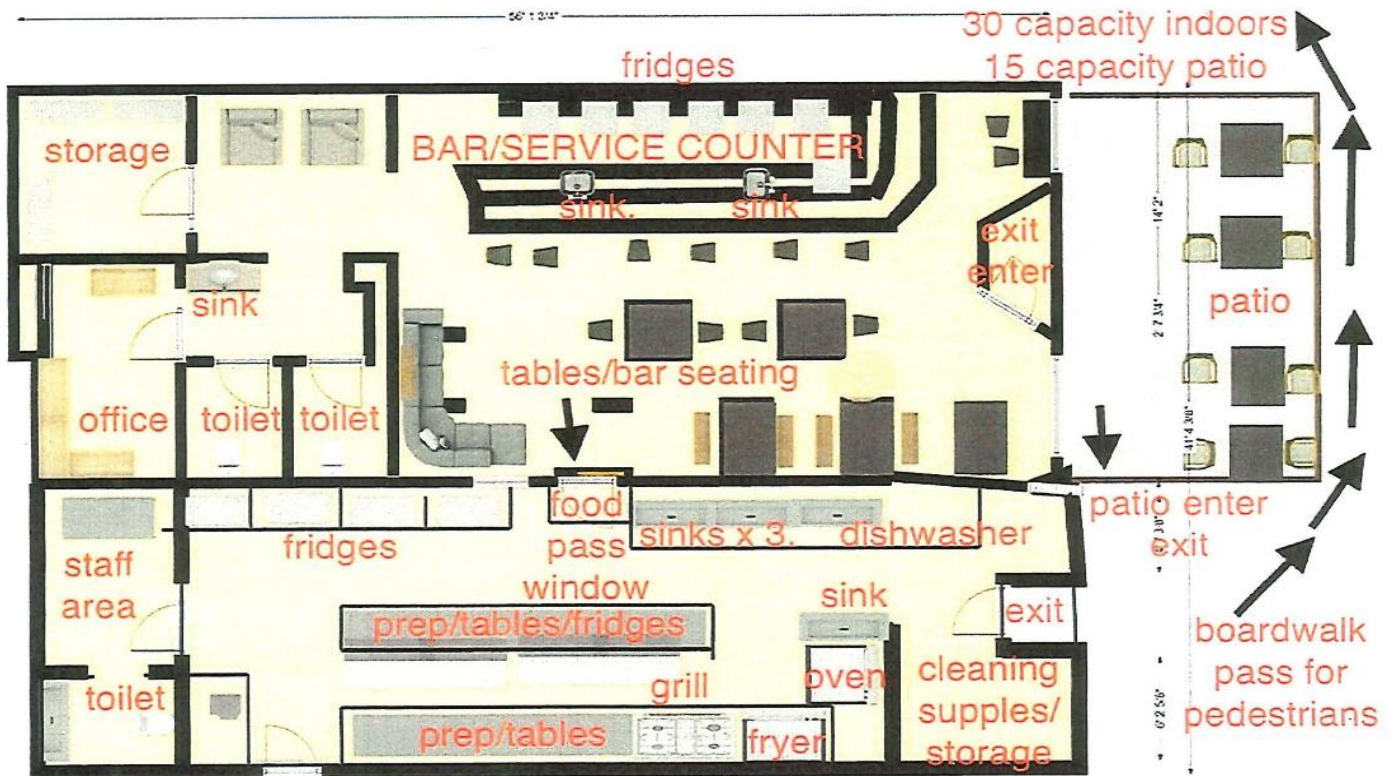
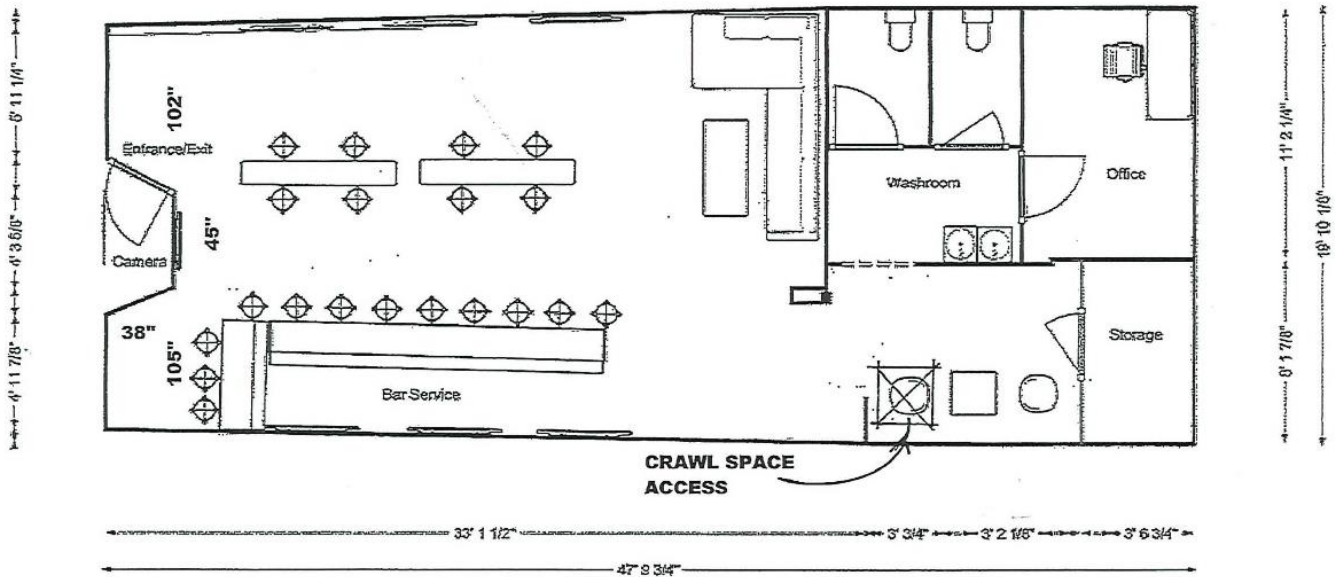


Figure 2: Proposed Floor Plan and capacities of The Bar + Kitchen



MAXIMUM INTERNAL OCCUPANT LOAD = 50 PERSONS
 MAXIMUM EXTERNAL PATIO PERSON CAPACITY = 20 PERSONS



Hours and Occupancy

The current approved hours of liquor service are:

Current Hours of Liquor Service	
Monday-Tuesday	4PM-12AM
Wednesday-Thursday	3PM-12AM
Friday-Saturday	3PM-1AM
Sunday	12PM-1AM

Proposed Comments:

The following table lays out the required components of comments that must be made to the LCRB regarding a Lounge Area Endorsement and Staff's recommended comments.

Requirement	Comment
The location of the establishment	The location of the business is in the Core Commercial (CC) Zone. Liquor licenced premises are a permitted use in the zone.
The person capacity and hours of liquor service of the establishment	The person capacity requested by this application is a reasonable increase for this area of commercial use. The operating hours for this establishment were previously approved and are acceptable for this application.
The impact of noise on the community in the immediate vicinity of the establishment	Noise is not expected to be an issue due to the commercial location.
The impact on the community if the application is approved	If the application is approved, the impact is expected to be positive in that it will support the growth of the local economy and increase the patrons visiting the downtown core.
The views of residents, and a description of the method used to gather views	<p>The public was invited to participate in a public feedback session on May 8th, 2023, which was advertised in the local newspaper on April 12th, 2023. _____ members of the public attended the Public Feedback Session. The responses included: _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>The newspaper ad also invited the public to submit written feedback which was taken until noon on April 28th, 2023. No written responses were received.</p>
The local government's recommendations (Including whether the application should be approved) and the reasons on which they are based.	Council recommends to approve the endorsement. The proposed person capacity and hours of the establishment present no immediate concerns to the City or to the public. The increase in capacity has the potential to create new jobs and help revitalize the downtown core of Grand Forks.

Point of Decision

Council's point of decision is whether to approve the proposed comments to be sent to the LCRB regarding the application for an amendment to a liquor primary licence to increase the person capacity for The Bar + Kitchen, located at 7319 2nd Street.

Tentative Timeline

Activity	Date (2023)
Staff received notification of application	March 14 th
Public feedback session advertisement published in the Grand Forks Gazette	April 12 th
Cut off for written submissions from the public	April 28 th
Public feedback session held	May 8 th
Request for Decision brought to Council	May 8 th

Benefits or Impacts

General

The increase in person capacity in the downtown core will likely help in revitalization of the Market District.

Finances

There are no costs to the City directly associated with the liquor license other than advertising for the Public Feedback Session.

Strategic Impact

- N/A

Risk Assessment

Compliance:

- LCRB policy
- Liquor Control and Licensing Act

Risk Impact:

Low

Internal Control Process:

Staff is complying with LCRB requirements for local governments to provide comments on Liquor Primary license applications.

Next Steps / Communication

Comments will be provided to the LCRB.

Attachments

1. LCRB Publication - Local Government Qs & As
 2. Grand Forks Gazette Public Feedback Session Ad from April 12th, 2023
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Recommendation

THAT Council approve the comments made in this report to be sent to the LCRB regarding an application for an amendment to a liquor primary licence to increase the person capacity for The Bar + Kitchen, located at 7319 2nd Street.

Options

1. Council could choose to delegate the authority to provide comments on this Liquor Primary amendment application to Staff.
2. Council could choose to amend the comments made in this report before submission to the LCRB.

Report Approval Details

Document Title:	230508 RFD LCRB Liquor Primary Licence Amendment for The Bar + Kitchen.docx
Attachments:	- 230412 Gazette Ad.pdf
Final Approval Date:	May 2, 2023

This report and all of its attachments were approved and signed as outlined below:

Daniel Drexler

No Signature - Task assigned to Duncan Redfearn was completed by assistant Daniel Drexler

Duncan Redfearn