

REPORT

OFFICE OF THE CAO

To: Mayor Johnstone and Members of Council
Date: January 30, 2023

From: Lisa Spitale
Chief Administrative Officer
File:

Item #: 2023-45

Subject: **Rozzini's Restaurant, 211 Ewen Avenue - Application for Patron Participation Endorsement**

RECOMMENDATION

THAT the following resolution be approved:

WHEREAS New Westminster City Council considered a staff report regarding an application from Rozzini's Restaurant located at 211 Ewen Avenue to amend its Food Primary Liquor License by including a Patron Participation Endorsement with proposed entertainment hours 6pm – 9pm on Friday and Saturdays;

WHEREAS a sign has been placed in front of the business for 30 days, two newspaper notices were published as well as circulated in the City's e-newsletter (Citypage Online), to 1200+ subscribers and providing details regarding the application and inviting the public to submit comments to the City; and

WHEREAS the City has received four emails expressing concern and 8 in support of the application;

WHEREAS the applicant is taking measures to address community concerns relating to noise and has amended their proposed hours in response to community input received;

WHEREAS the overall occupancy of the establishment remains at 110 people;

WHEREAS the establishment is not anticipated to negatively affect traffic patterns or parking, and any noise is expected to be properly mitigated by the applicant;

WHEREAS the requested amendment is consistent with the establishment's primary purpose as a restaurant;

THEREFORE BE IT RESOLVED:

THAT New Westminster City Council approves Rozzini's Restaurant's application for a Patron Participation Endorsement subject to the patron participation entertainment only being provided on Fridays and Saturdays and not taking place after 9:00 pm.

PURPOSE

To provide information regarding an application from Rozzini's Restaurant for a Patron Participation Entertainment Endorsement to be added to the establishment's existing Food Primary Liquor License. This type of liquor license endorsement is required for restaurants operating with a dine and dance, live music and dancing, or karaoke format.

SUMMARY

Rozzini's Restaurant, located at 21 Ewen Avenue, has applied to the City of New Westminster and the Province's Liquor and Cannabis Regulation Branch (LCRB) to allow patron participation entertainment at the licensed restaurant (e.g., live music, dance floor and karaoke nights). There would be no change to the total maximum occupancy of the business which would remain at 110 people, including all interior space and an existing patio. The proposed entertainment hours are from 6pm-9pm Friday and Saturday.

BACKGROUND

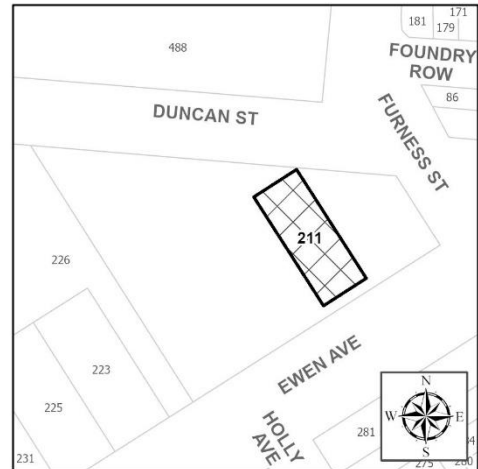
Rozzini's Restaurant is located at 211 Ewen Avenue and has a maximum seating capacity of 110 patrons. The business has an existing Food Primary Liquor License that permits the service of alcoholic beverages with meals from 9:30 am – 12:00 am on Mondays to Sundays. The restaurant's current hours of liquor service are not affected by the application.

When the application was originally submitted, the proposed hours for patron participation entertainment were 6pm -11pm Friday and Saturday's. The applicant has subsequently revised the application to 6pm – 9pm Friday and Saturday's.

The restaurant is located in the eastern end of Queensborough in the family-oriented Port Royal neighbourhood. The subject property is designated Q_ML (MIXED USE - LOW RISE) in the City's Official Community Plan (OCP), and zoned Light Industrial (M-1).

The property, with an approximate site area of 5,541 sq. m. (59,645 sq.ft.), contains two buildings. The properties surrounding the restaurant are a mix of industrial and residential, with the OCP envisioning low-rise commercial or commercial and residential mixed use buildings which create active and engaging principal streets.

Rozzini's Restaurant operates within half of one of the units. The unit has been operated as a restaurant since at least 2004 and the current business owner has operated it since 2013.



A site context map is provided in Figure 1.

Figure 1. Site Context Map

Liquor and Cannabis Regulation Branch (LCRB) Policy

The Branch's process for considering an application for a permanent patron participation endorsement can be summarized as follows:

- The operator must submit an Application for Patron Participation Entertainment Endorsement to the LCRB;
- The local government provides a resolution to support or oppose the application. Prior to considering a resolution, the local government must conduct a public input process to obtain the views of residents. The resolution must contain comments pertaining to the potential for negative impacts on the community and the views of residents; and
- After the local government provides a resolution regarding the application, the Branch proceeds to make a final decision regarding amending the establishment's liquor license.

City Policy

The City's practice is to opt into the process and to provide resolutions regarding liquor license applications where requested to do so by LCRB.

- City staff discuss with the applicant the requirements relating to the proposed endorsement;
- The applicant posts a project sign on site;
- Two notices are placed in the local newspaper as well as through the City's e-newsletter (circulated to approximately 1200 subscribers) inviting the public to comment on the application;
- Comments from the Police Service, Liquor Inspector and civic departments regarding the applicant's compliance record, bylaw issues and potential community impacts are also obtained and provided to Council in a staff report;
- Council considers the report regarding the application and adopts a resolution regarding the application; and
- Staff submits the resolution to LCRB.

A \$250 fee is charged by the City for processing liquor license applications. The applicant has paid this fee.

ANALYSIS

As part of the review process, public input was sought from the community as well as comments from New Westminster Police Department, the Provincial Liquor Inspector and other City departments.

Public Comments

The applicant posted a sign in front of the business for 30 days. Two notices (November 17 and 24, 2022) were placed in the local newspaper as well as through the City's e-newsletter (1200+ subscribers) advising the public of the application and inviting comments. A summary of the correspondence received is included as **Attachment 1**.

When this application was publicized staff received 12 emails regarding the proposal. Four expressed concern about potential impacts to surrounding residents. The residents were mainly concerned about noise, inadequate soundproofing of the building, proposed hours of operation, past conduct of patrons leaving the restaurant and parking. Three residents expressed concern that previous events with live music/entertainment appeared to be held on site, prior to the applicant receiving approval to do so.

Eight emails expressed support for the application. The main theme was that there are limited amenities (restaurants/entertainment) available for residents in Queensborough and the restaurant was within walking distance for Port Royal residents

After reviewing the feedback from the community input process, and having conversations with neighbourhood residents, the applicant requested to change the proposed hours for the live entertainment from 6pm-11pm to 6pm-9pm. The operator has also expressed their commitment to being diligent about ensuring that patrons leaving the restaurant are not behaving in a disruptive manner.

New Westminster Police Department

New Westminster Police Department advises they do not have issues with the restaurant's operations or with this application.

Provincial Liquor Inspector

The Liquor Inspector reports that Rozzini's has not generated any concerns or violations with respect to Provincial liquor regulations.

City Departments

The impact of noise on the community in the immediate vicinity of the establishment.
City staff report that the restaurant has generated one community complaint to Bylaws, with respect to music noise after 10pm. Staff also note that the operator has advised they will monitor the exterior of the establishment to help ensure noise impacts are

prevented. The measures include monitoring the exterior of the restaurant to help ensure noise impacts are prevented and only providing entertainment on Fridays and Saturdays to 9pm.

With respect to the comment that an event was occurring on Christmas Day (prior to receiving approval for Patron Participation), the applicant has advised that the restaurant was used by a community church for their service and Rozzini's provided the lunch. The church had singers and a band, however no patron participation (dancing, karaoke, etc) occurred. There was no comment with respect any other events that were referenced in the community comments.

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 a local business recovering from the pandemic, support the local food service industry and offer an additional amenity within Queensborough. The reduced hours of entertainment are anticipated to address the concerns with respect to nighttime noise.

OPTIONS

There are two options Council presented for Council's consideration:

1. THAT the following resolution be approved:

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WHEREAS the establishment is not anticipated to negatively affect traffic patterns or parking, and any noise is expected to be properly mitigated by the applicant;

WHEREAS the requested amendment is consistent with the establishment's primary purpose as a restaurant;

THEREFORE BE IT RESOLVED:

THAT New Westminster City Council approves Rozzini's Restaurant's application for a Patron Participation Endorsement subject to the patron participation entertainment only being provided on Fridays and Saturdays and not taking place after 9:00 pm.

2. THAT Not Approve the Requested Liquor License Amendment

Staff recommend Option 1.

ATTACHMENTS

Attachment 1: Summary of Comments Received

APPROVALS

This report was prepared by:
Carolyn Armanini, Senior Planner, Economic Development

This report was reviewed by:
Blair Fryer, Senior Manager Communications and Economic Development

This report was approved by:
Lisa Spitale, CAO