Agenda – Executive Policy Committee – April 28, 2020

REPORTS

Item No. 12 Amendment to Downtown Winnipeg Zoning and Development Procedures By-laws

STANDING COMMITTEE RECOMMENDATION:

On April 20, 2020, the Standing Policy Committee on Property and Development, Heritage and Downtown Development recommended to the Executive Policy Committee:

1. That the Winnipeg Public Service report back to the Standing Policy Committee on Protection, Community Services and Parks regarding any letters, meetings, and interventions that the Public Service may have had with the Liquor Gaming and Cannabis Authority of Manitoba (LGCA) on the subject of the recommendation from the Lord Selkirk-West Kildonan Community Committee, namely:

    A. Review the Downtown Winnipeg Zoning By-law No. 200/2006 and the Development Procedures By-law No. 160/2011 to confirm the occupancy approvals required to establish a new restaurant, drinking establishment (such as bar, nightclub, lounge) or billiard hall use within a character sector.

    B. Recommended By-law amendments necessary to ensure that any new restaurant, drinking establishment (such as bar, nightclub, lounge) or billiard hall use with a proposed floor area exceeding 3,000 square feet or a proposed capacity exceeding 200 patrons, be required to obtain written approval by the relevant Community Committee.

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DECISION MAKING HISTORY:

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M. Grady, Administrator of Zoning, Planning, Property and Development Department, provided a verbal update on the matter.

On March 2, 2020, the Standing Policy Committee on Property and Development, Heritage and Downtown Development laid the matter over for 30 days.

Councillor Santos, Point Douglas Ward, submitted a communication dated March 1, 2020 with respect to the matter.

On January 6, 2020, the Standing Policy Committee on Property and Development, Heritage and Downtown Development directed the Winnipeg Public Service to provide a verbal update within 60 days on the following:

1. Review the Downtown Winnipeg Zoning By-law No. 200/2006 and the Development Procedures By-law No. 160/2011 to confirm the occupancy approvals required to establish a new restaurant, drinking establishment (such as bar, nightclub, lounge) or billiard hall use within a character sector.

DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION (continued):

2. Recommended By-law amendments necessary to ensure that any new restaurant, drinking establishment (such as bar, nightclub, lounge) or billiard hall use with a proposed floor area exceeding 3,000 square feet or a proposed capacity exceeding 200 patrons, be required to obtain written approval by the relevant Community Committee.

The following persons submitted communications in support of the matter:

- Councillor Santos, Point Douglas Ward submitted a communication dated January 3, 2020, on behalf of John Giavedoni, Executive Director, Residents of the Exchange District.
- Steve Porter

COMMUNITY COMMITTEE RECOMMENDATION:

On November 12, 2019, the Lord Selkirk-West Kildonan Community Committee passed the following motion:

WHEREAS there was recent media coverage of a serious incident at a nightclub located on Bannatyne Avenue located in the Exchange District;

AND WHEREAS there has been numerous service calls to the nightclub on Bannatyne Avenue, involving the Winnipeg Police Service and the Liquor, Gaming and Cannabis Authority (the "LGCA") over the last 12 months;

AND WHEREAS the Exchange District neighbourhood is a mixed use residential and commercial community that accommodates a wide variety of local store front commercial businesses, nightclubs, restaurants and other community amenities to support the growing neighbourhood for residents who live and want to live in the Exchange District;

AND WHEREAS the residents of the Exchange District neighbourhood, together along with the ward Councillor, have been working together with the Winnipeg Police Service and the LGCA to address concerns in respect of the Citizen Nightclub;

AND WHEREAS in Section 105(2) of *The Liquor Gaming and Cannabis Control Act* (Manitoba) states as follows: "An applicant is not required to give public notice of the application if the applicant seeks a liquor service licence for premises in respect of which the executive director issued the same category of liquor service licence in the year before the application.";

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

AND WHEREAS the Minister of Justice and Attorney General for Manitoba has advised that a legislative amendment to Section 105(2) would not be warranted at this time as the LGCA cannot withhold a licence and that the LGCA liquor service licensing requirements are predicated on respecting municipal zoning requirements and standards;

THEREFORE BE IT RESOLVED THAT the Lord Selkirk – West Kildonan Community Committee recommend to the Standing Policy Committee on Property and Development, Heritage, and Downtown Development that the Winnipeg Public Service be directed to:

1. Review the Downtown Winnipeg Zoning By-law and the Development Procedures By-law to confirm the occupancy approvals required to establish a new restaurant, drinking establishment (such as bar, nightclub, lounge) or billiard hall use within a character sector; and

2. Report to the Standing Policy Committee on Property and Development, Heritage and Downtown Development, within 60 days, with recommended by-law amendments necessary to ensure that any new restaurant, drinking establishment (such as bar, nightclub, lounge) or billiard hall use with a proposed floor area exceeding 3,000 square feet or a proposed capacity exceeding 200 patrons, be required to obtain written approval by the relevant Community Committee.