

**MISCELLANEOUS – AMENDMENTS TO LAND USE BYLAW 1P2007  
CITY WIDE  
BYLAW 5P2015**

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**EXECUTIVE SUMMARY**

This report proposes amendments to introduce a new use in to Land Use Bylaw (LUB) 1P2007. Responding to Council direction, Administration created a new use, Restaurant: Neighbourhood, to address industry concerns that there were limited opportunities for neighbourhood scaled restaurants within neighbourhoods that were not subjected to a discretionary application process and potential appeal. The proposed definition and rules for the new use addresses community concerns regarding potential negative impacts of neighbourhood restaurants, and limit a neighbourhood restaurant's ability to turn in to a drinking establishment, which sometimes occurs with other types of restaurants.

**PREVIOUS COUNCIL DIRECTION**

On 2013 July 29, Council adopted Councillor Carra's NM2013-22, Restaurant Licensed and Food Service Only – Neighbourhood, directing Administration to "investigate amendments to Bylaw 1P2007 to either amend an existing or establish a new restaurant district large enough to be viable for operators and unconstrained by regulations incompatible with the achievement of MDP targets for the development and redevelopment of neighbourhood-scaled complete communities."

On 2014 January 27, Council received PUD2013-0471. Administration recommended no changes to the Land Use Bylaw in response to NM2013-22. Council directed Administration to "expand the size maximum for small restaurants from 75 square metres to 150 square metres, along with consideration of parking, adjacency and permitted versus discretionary uses; or establish a new "neighbourhood restaurant" use for inclusion in the Land Use Bylaw 1P2007." Council also directed Administration to "coordinate safeguards for this district so that desired restaurant uses cannot devolve into drinking establishments and/or nightclubs within the context of neighbourhoods."

On 2014 September 24 Council approved the SPC on Planning and Urban Development recommendation of the creation of a new "Neighbourhood" restaurant use definition as proposed by Administration with the inclusion of a better defined entertainment area. Administration was also directed to consider replacing the proposed mandated closing times and explore mandating that the kitchen remains open until one hour before closing as an alternative regulatory approach.

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**ADMINISTRATION RECOMMENDATION(S)**

2014 December 04

That Calgary Planning Commission recommends **APPROVAL** of the proposed amendments to the Land Use Bylaw 1P2007.

**RECOMMENDATION(S) OF THE CALGARY PLANNING COMMISSION**

That Council hold a Public Hearing on Bylaw 5P2015; and

1. **ADOPT** the proposed amendments to Land Use Bylaw 1P2007, in accordance with Administration's recommendation, as amended; and
2. Give three readings to the proposed Bylaw 5P2015.

**REASON(S) FOR RECOMMENDATION:**

Based on Council direction, Administration recommends the creation of a new restaurant use as a permitted use in commercial and specific multi-residential districts with characteristics and rules as follows: a maximum of 150 square metres of public area, a rule allowing for low impact entertainment, no residential interface setbacks, a rule requiring the kitchen to remain open until one hour prior to closing with full menu service available, a requirement that minors be allowed on the premises at all times, and a reduced base parking rate. The creation of this new use will address industry concerns over discretionary application timelines and unwanted community opposition. To address community concerns regarding impacts the new use has several neighbourhood sensitive rules that cannot be relaxed. Collectively the new use strikes a balance between the two stakeholder groups.

**ATTACHMENT**

1. Proposed Bylaw 5P2015

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**ADMINISTRATIONS RECOMMENDATION TO CALGARY PLANNING COMMISSION**

Recommend that Council **ADOPT**, by bylaw, the proposed amendments to Land Use Bylaw 1P2007 (APPENDIX III).

**Moved by: M. Wade**

**Carried: 7 – 1**

Opposed: R. Honsberger

**MOTION:**

Notwithstanding Calgary Planning Commission's recommendation of Approval, as amended, CPC recognizes the amendments may not be fully in accordance with Council's direction on the subject but have recommended the amended bylaw to ensure appropriate advertising requirements for the Public Hearing.

**Moved by: R. Wright**

**Carried: 8 – 0**

Reasons for Approval from Ms. Wade:

- Excellent work with Industry on this Bylaw Amendment, support the increase from 75 to 150 square metres and address by the inclusion of menu and open to minors. Speaks to a neighbourhood environment.

Comments from Ms. Gondek:

- AGLC should be the regularity body that oversees menu offerings, as well as entertainment offerings. These limitations do not belong in the Land Use Bylaw.
- In our desire to curb socially disruptive behaviour, we are perhaps creating very restrictive land use bylaws that are intended to address a small percentage of the patrons that may frequent a restaurant. To the patrons that may frequent a restaurant. To have "vibrant" neighbourhoods, we need a certain level of faith in the civility of our residents.

2014 December 04

**AMENDMENT:**

Amend 1(c)(b)(i) to read "that may have a maximum of 10.0 square metres of public area used for the purposes of providing entertainment for patrons which is ancillary to the service of food;"

**Moved by: R. Wright**

**Carried: 8 – 0**

Reason for Approval from Mr. Honsberger:

- Support the amendment to 1(c)(b)(i) to broaden wording to entertainment (more flexible).

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**AMENDMENT:** Amend 1(c)(b)(iii) “the kitchen remains open and full meal items are available until one hour before closing time;”.

**Moved by: R. Wright**

**LOST: 2 – 6**

Opposed: M. Wade, C. Friesen,  
M. Tita, G.-C. Carra,  
R. Honsberger and  
J. Gondek

Reason for Opposition from Mr. Honsberger:

- Not appropriate to tell restaurant operators how to run their business.

**AMENDMENT:** Add the “Restaurant: Neighbourhood” use as a discretionary use to the Commercial – Neighbourhood 1 (C-N1) District as amendment “(i)” and renumber the amendments accordingly.

**Moved by: R. Wright**

**Carried: 8 – 0**

Reason for Approval from Mr. Honsberger:

- Good idea!

**AMENDMENT:** Delete 1(c)(b)(iii) in its entirety and renumber the conditions accordingly.

**Moved by: R. Honsberger**

**LOST: 3 – 5**

Opposed: M. Wade, C. Friesen,  
R. Wright, M. Tita and  
G.-C. Carra

Reason for Approval from Mr. Honsberger:

- Restaurant business is difficult enough without City hamstringing operators.
- Unenforceable, difficult to administer.
- How are “full menu service” and “full meal” terms defined? Who determines?
- Operational, not land use jurisdiction

**RECONSIDERATION:** To reconsider the vote on Mr. Wright’s amendment to 1(c)(b)(iii).

**Moved by: J. Gondek**

**Carried: 7 – 1**

Opposed: R. Honsberger

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**AMENDMENT:** Amend 1(c)(b)(iii) “the kitchen remains open and full meal items are available until one hour before closing time;”.

**Moved by: J. Gondek**

**Carried: 5 – 4**

Opposed: C. Friesen, M. Tita,  
G.-C. Carra and  
R. Honsberger

Reasons for Approval from Ms. Wade:

- Support the change of text to “full meal”.

Reason for Opposition from Mr. Honsberger:

- Not appropriate to tell restaurant operators how to run their business.

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**PLANNING EVALUATION**

**BACKGROUND**

The current approach to managing restaurants was a new feature of the LUB when adopted in 2008. The LUB divides eating and drinking uses in to several categories to define the differences between how establishments operate and the types of products they offer. Currently the LUB has three categories for establishments where the primary service is food: Food Service Only, Licensed, and Take-out. Food Service Only and Licensed are further divided in to three size categories: Small, Medium, and Large. Size is based on the public area of the restaurant, which is essentially the dining area. This is the best measure of the intensity of a restaurant. Public area does not include the kitchen, washrooms, offices, staff rooms, hallways, corridors or entrance vestibules.

- Small = 75 square metres or less of public area
- Medium = greater than 75 square metres but less than 300 square metres of public area
- Large = 300 square metres or greater of public area

These sizes form part of the use definition and cannot be relaxed by the Development Authority.

Aside from sizes, restaurants are defined according to whether minors are allowed on the premises and have rules such as minimum required parking. Some restaurants have additional rules in particular districts concerning setbacks from residential areas, and rules addressing the interface between the restaurant and adjacent residential areas. Rules can be relaxed by the Development Authority as part of the development permit process. This may be done to address existing site conditions and building form. Relaxations of LUB rules are advertised and may constitute reasons to appeal the decision of the Development Authority.

Feedback from industry suggested that restaurant rules developed for 1P2007 do not reflect current industry trends and needs. It was suggested that typically a restaurant must have 150 square metres of public area to be financially viable. This would currently be considered a medium restaurant which is a listed use in all but two commercial districts. Industry however believes that because medium sized restaurants typically go through a discretionary review and are subjected to added rules which are often used to minimize impacts on surrounding residential uses, they are limited in their opportunities.

Council direction acknowledged that “neighbourhood” restaurants are a desired commercial activity. Therefore, considering this and both industry and community feedback, Administration’s approach was to develop rules that would enable a new use as a permitted use by mitigating community concerns using defining characteristics and use rules.

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**RISKS**

Adding another use adds another layer of complexity in order to address issues that can already be dealt with through existing process. Permitted uses that meet the rules of the LUB must be approved by the Development Authority and prevents Administration from providing specific oversight of the development. The opportunity to mitigate any potential impacts is done via the use definitions and rules. A new restaurant use that is a permitted use will not be circulated to the respective community association or the Councillor's office that is affected by the development. Alternatively a discretionary use allows the Development Authority to manage the impacts and performance of the development, as well as receive feedback from affected stakeholders.

Finally, a new use with such prescriptive rules sets a precedent for the level of involvement the LUB will have in terms of rules for operators. The LUB is concerned with the use of land or buildings, not the users themselves. Typically issues related to operators are managed through the licensing bylaw or by the operator on their own accord. Council's direction indicates "desired restaurant forms" which is difficult to regulate because there is nothing the LUB can do to regulate type of food, pricing, customers or even operators.

**LEGISLATION AND POLICY**

There are no specific policies in the MDP concerning restaurants or their sizes. There are policies and goals which concern the general access to food, daily needs, and complete communities.

Increasing the opportunities for restaurants helps to implement the following policies in the Municipal Development Plan:

- Section 1.4.2 – Facilitating private sector investment: Buy-in and investment by the private sector market is critical to achieving the vision for growth and change in the city and direction and certainty to both business and communities, to support private sector investment to build housing, commercial and industrial developments.
- Section 2.1.2 (e) – Remain open to innovation and provide flexibility to accommodate the changing needs of business
- Section 2.2.4 (b) (iii) – Communities should be planned according to the following criteria for complete communities and provide: Neighbourhood stores, services and public facilities that meet day-to-day needs, within walking distance for most residents.

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**DESCRIPTION OF AMENDMENTS**

APPENDIX II contains a table summarizing the districts the new use will be listed in.  
APPENDIX III contains each proposed amendment.

**INDUSTRY AND COMMUNITY CONSULTATION**


Administration conducted extensive engagement with industry, community associations, and community members. Between industry and community stakeholders 61 persons/organizations participated in various capacities. Meeting invitations were sent to every community association, BRZ's, and an industry list developed in collaboration with key industry members. Industry representation included developers and restaurant operators. Consultation was done in phases, starting with meetings to identify the project, reviewing existing LUB rules and brainstorming with stakeholders about issues and ideas. After analyzing initial comments, Administration produced a survey/feedback form that captured the common concepts presented by stakeholders and built upon the information shared in the initial meetings. This survey was sent out to the stakeholder group for feedback. Based on feedback received Administration began formulating what a new use may look like in terms of definitions and rules. A final meeting was held with stakeholders to discuss what definitions and rules would be critical to future amendments. Feedback from this meeting was taken in to consideration to finalize the proposed recommendations presented on 2014 September 10 to the SPC on Planning and Urban Development. The same stakeholder group was circulated the formal LUB amendments as part of the Calgary Planning Commission phase of this project. Final letters from stakeholders have been included in APPENDIX IV.



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APPENDIX I

COPY OF NM2013-22 AND AMENDMENTS

 THE CITY OF  
**CALGARY**  
CITY CLERK'S OFFICE

NM 2013-22

RECEIVED

2013 JUL 18 P 2:10

THE CITY OF CALGARY  
CITY CLERK'S

NM2013-JULY 17

**NOTICE OF MOTION**  
CC 661 (R2009-05)

RE: RESTAURANT LICENSED AND FOOD SERVICE ONLY -  
NEIGHBOURHOOD

WHEREAS in 2012 the Province of Alberta introduced penalties for drivers with a blood alcohol concentration of between 0.05 to 0.08, greatly increasing the need for full-service restaurants within walking distance of customers' residences;

AND WHEREAS the development of complete communities at the scale of the neighbourhood "where daily needs can be met" is a core goal of the 2009 Calgary Municipal Development Plan;

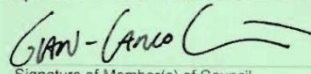
AND WHEREAS the current rules in Calgary's 2007 Land Use Bylaw 1P2007 restrict the public area of **Restaurant Licensed – Small** and **Food Service Only – Small** to 75 square metres or less;

AND WHEREAS 75 square meters of public area is proving to be financially unsustainable for operators who seek to run restaurants offering a full menu to patrons;

AND WHEREAS **Restaurant Licensed – Small** and **Food Service Only – Small** and **Medium** have rules which prevent them from being located adjacent to or within residential land use districts, including required parking ratios which are incompatible with the desired character of urban complete communities;

THEREFORE BE IT RESOLVED THAT Council directs Administration, in consultation with stakeholders, to investigate amendments to Bylaw 1P2007 to either amend an existing or establish a new restaurant district large enough to be viable for operators and unconstrained by regulations incompatible with the achievement of MDP targets for the development and redevelopment of neighbourhood-scaled complete communities.

AND FURTHER BE IT RESOLVED THAT Council directs Administration report on this investigation to the SPC on Planning and Urban Development no later than December 2013.

  
Signature of Member(s) of Council

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ADOPT, Moved by Councillor Chabot, Seconded by Councillor Carra, that SPC on Planning and Urban Development Recommendation 3 contained in Report PUD2013-0471 be adopted as follows:

That Council:

3. Direct Administration to coordinate safeguards for this district so that desired restaurant uses cannot devolve into drinking establishments and/or nightclubs within the context of neighbourhoods, and return through the SPC on Planning Urban Development by 2014 September 10.

Opposed: B. Pincott, E. Woolley

CARRIED

ADOPT, Moved by Councillor Chabot, Seconded by Councillor Carra, that SPC on Planning and Urban Development Recommendation 2 contained in Report PUD2013-0471 be adopted as follows:

That Council:

2. Direct Land Use Sustainment team to work with industry stakeholders to either:
  - a) expand the size maximum for small restaurants from 75 square metres to 150 square metres, along with consideration of parking, adjacency and permitted versus discretionary uses; or
  - b) establish a new “neighbourhood restaurant” use for inclusion in Land Use Bylaw 1P2007.

Opposed: B. Pincott, E. Woolley

CARRIED

AMENDMENT, Moved by Councillor Carra, that Administration Recommendation 1 contained in Report PUD2014-0610, be amended, by deleting the words “to create a new restaurant use definition” following the words “Approve the recommended option” and by substituting the words “of the creation of a new “Neighbourhood” restaurant use definition as proposed in Attachment 2 with the inclusion of:

- a) A better defined “Entertainment Area” definition.”

CARRIED

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AMENDMENT, Moved by Councillor Carra, that the Administration Recommendations contained in Report PUD2014-0610 be amended by adding a new Recommendation 3 as follows:

“3. Direct Administration, with respect to Attachment 2 of Report PUD2014-0610, consider replacing bullet 4 “Mandated closing times” and explore mandating that the kitchen remains open until one hour before closing as an alternative regulatory approach.”

Opposed: R. Pootmans

CARRIED

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**APPENDIX II**

**DISTRICT SUMMARY FOR PROPOSED NEW USE**

The new use **Restaurant: Neighbourhood** will be added to the following districts:

District	Permitted	Discretionary
C-N1	NOT LISTED	
C-N2		✓
C-C1	✓	
C-C2	✓	
C-COR1	✓	
C-COR2	✓	
C-COR3	✓	
C-O		✓
C-R1		✓
C-R2	✓	
C-R3	✓	
M-H1		✓
M-H2		✓
M-H3		✓
M-X1		✓
M-X2		✓

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**APPENDIX III**

**PROPOSED AMENDMENT BYLAW WORDING**

1. The City of Calgary Land Use Bylaw, being Bylaw 1P2007 of the City of Calgary, as amended, is hereby further amended as follows:

- (a) Delete Section 13 (32) (j) (k) (l) (m) and replace with the following:

“(j) **Restaurant: Neighbourhood;**  
(k) **Retail and Consumer Service;**  
(l) **Service Organization;**  
(m) **Specialty Food Store;** and  
(n) **Take Out Food Service.”**

- (b) Delete Section 25 (1) (j) (iii) (H) and replace with the following:

“(H) **Restaurant: Neighbourhood;** and  
(I) **Night Club;”**

- (c) Insert a new section 283.1 as follows:

**“283.1 “Restaurant: Neighbourhood”**

- (a) means a ***use***:

- (i) where food is prepared and sold for consumption on the premises and may include the sale of prepared food for consumption off the premises;
- (ii) that may be licensed for the sale of liquor by the Alberta Gaming and Liquor Commission; and
- (iii) that has a ***public area*** of 150.0 square metres or less; and

- (b) where the following neighbourhood sensitive rules are met:

- (i) that may have a maximum of 10.0 square metres of ***public area*** used for the purposes of providing only non-amplified musical accompaniment for patrons which is ancillary to the service of food;
- (ii) minors are never prohibited;
- (iii) the kitchen remains open and full menu service is available until one hour before closing time;

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- (c) is a ***use*** within the Eating and Drinking Group in Schedule A to this Bylaw;
  - (d) must not have any openings, except emergency exits, loading bay doors, or non-opening windows, on a façade that faces a ***residential district*** or abuts a ***lane*** separating the ***parcel*** from a ***residential district***;
  - (e) must not have an exterior entrance located on a façade that faces a ***residential district***, unless that façade is separated by an intervening ***street***;
  - (f) requires a minimum of 1.7 ***motor vehicle parking stalls*** per 10.0 square metres of ***public area***;
  - (g) does not require ***bicycle parking – class 1 or class 2.***
- (d) Insert a new subsection to Section 637 (1) as follows:
- “(s.1) **Restaurant: Neighbourhood;**”
- (e) Insert a new subsection to Section 648 (1) as follows:
- “(u.1) **Restaurant: Neighbourhood;**”
- (f) Insert a new subsection to Section 659 (1) as follows:
- “(u.1) **Restaurant: Neighbourhood;**”
- (g) Insert a new subsection to Section 670 (1) as follows:
- “(s.1) **Restaurant: Neighbourhood;**”
- (h) Insert a new subsection to Section 680 (1) as follows:
- “(s.1) **Restaurant: Neighbourhood;**”
- (i) Insert a new subsection to Section 723 (3) as follows:
- “(s.1) **Restaurant: Neighbourhood;**”
- (j) Insert a new subsection to Section 734 (d) as follows:
- “(viii) **Restaurant: Neighborhood; and**”

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- (k) Insert a new subsection to Section 739 (2) as follows:  
“(u.1) **Restaurant: Neighbourhood;**”
- (l) Delete and replace the text in Section 752 (a) (x) and (xi) with:  
“(x) **Restaurant: Licensed – Small;**  
(xi) **Restaurant: Licensed – Medium;** and  
(xii) **Restaurant: Neighbourhood;**”
- (m) Insert a new subsection to Section 758 (2) as follows:  
“(x.1) **Restaurant: Neighbourhood;**”
- (n) Insert a new subsection to Section 777 (2) as follows:  
“(t.1) **Restaurant: Neighbourhood;**”
- (o) Insert “**Restaurant: Neighbourhood**” into Section 791 (2) (e) after “**Restaurant: Licensed – Medium,**”
- (p) Insert “**Restaurant: Neighbourhood**” into Section 791 (3) after “**Restaurant: Licensed – Small,**”
- (q) Insert a new subsection to Section 797 (2) as follows:  
“(w.1) **Restaurant: Neighbourhood;**”
- (r) Insert a new subsection to Section 814 (2) as follows:  
“(y.1) **Restaurant: Neighbourhood;**”
- (s) Insert a new subsection to Section 830 (4) as follows:  
“(g.1) **Restaurant: Neighbourhood;**”
- (t) Insert a new subsection to Section 845 as follows:  
“(u.1) **Restaurant: Neighbourhood;**”
- (u) Insert a new subsection to Section 862 (2) as follows:  
“(hh.1) **Restaurant: Neighbourhood;**”
- (v) Insert a new subsection to Section 881 (2) as follows:  
“(dd.1) **Restaurant: Neighbourhood;**”

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(w) Amend Schedule A, Eating and Drinking Group by inserting:

**“Restaurant: Neighbourhood”** after **“Restaurant: Licensed – Small.”**

2. This bylaw comes into effect 2015 February 23.



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**APPENDIX IV**

**LETTER RECEIVED**



**C O N S U L T I N G**  
Via Email: [dane.morris@calgary.ca](mailto:dane.morris@calgary.ca)  
November 17, 2014

The City of Calgary  
City Wide Planning Function  
City Wide Policy and Integration #8117  
PO Box 2100, Station M  
Calgary, AB T2P 2M5

**Attention: Dane Morris, Planner**

Dear Mr. Morris:

**Re: Neighbour Restaurant Use Definition LUB Amendment**

Thank you for your email of November 3, 2014 wherein you provided us with the proposed use definition (characteristics and rules) and district allocation for the new LUB use of a "Neighbourhood Restaurant".

On behalf of the developer / operator group, that we have been working with over the past year and a half, we wish to thank you for the diligent research, community and stakeholder consultation, and bringing both community and industry together to arrive at a reasonable compromise in addressing most of the expressed issues. On the understanding that you can accommodate our request, expressed in the following paragraph, we are supportive of the proposed characteristics and rules in the proposed wording.

As discussed we do remain concerned with what a "full menu service" wording means. We agree that it is a difficult section to word – we can accept the wording IF in Administration's report to CPC it is clear that the intent is not to have a restaurant's entire menu available until one hour before closing time but rather that a variety of food options remains available. As expressed before wise management of staff and food inventory is key to a viable restaurant operation and in addition some food items require specialty staff and a longer time to prepare. If the interpretation of the wording would mean the entire menu is to remain available until one hour before closing time this would remove from the operator his/her right to prudently manage their business and is too much of an intrusion into the operations of a business something we do not believe is within the jurisdiction or intent of the LUB and thus clarification within the report would be appropriate. Your thoughtful concern of all aspects of this section is appreciated.

There also remains some continued concern about "non-amplified musical accompaniment" however we understand it is one of the balances sought in response to expressed concerns of "social disorder" and since these are relatively small restaurants we trust industry can work within this proposed characteristic.

We reviewed the proposed Districts with you and again believe you have found an appropriate balance as to which Districts the proposed use will be Permitted or Discretionary.

Our group has appreciated working with you on this project and look forward to seeing the Report to CPC and it moving on to review, and we trust, approval at Council early in 2015.

Regards

**BELYEA CONSULTING LIMITED**



M. M. Belyea  
Consultant

c.c. Developer and Industry Group Participants

Belyea Consulting Limited  
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Art Direction is  
a division of  
Belyea Consulting Limited

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URBAN DEVELOPMENT INSTITUTE – CALGARY  
www.udicalgary.com

November 25, 2014

Delivered by Email

The City of Calgary  
City Wide Policy and Integration #8117  
P.O. Box 2100, Station M  
Calgary, AB

Attention: Dane Morris, Planner

Dear Sir:

Re: Neighbourhood Restaurant Use Land Use Bylaw Amendment

Dane, we would like to express appreciation to you for the manner in which you have engaged industry and other stakeholders in the process to achieve the proposed amendment as is being presented to Calgary Planning Commission for approval on November 27<sup>th</sup>.

We understand there is one remaining concern with respect to the definition of 'full menu service' and the preferred interpretation would be to NOT have the entire menu available until one hour before closing.

We are encouraged by the Amendment as we believe it will offer an opportunity for more service options and vibrancy in our neighbourhoods.

Yours truly  
UDI – Calgary

Beverly Jarvis  
Director of Policy & Government Relations

Cc: UDI – Calgary Commercial/Industrial/Retail Committee

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November 24, 2014

To: Dane Morris

Re: Proposed amendments to the Neighborhood Scaled Restaurant Use definition in Land Use Bylaw 1P2007

Dear Dane Morris,

Thank you for the opportunity to provide comment on the proposed amendments to the Neighborhood Scaled Restaurant use. We support the amendment requiring kitchens remain open until one hour before closing, however, we feel that the intent of the amendment regulating the entertainment area is already addressed in other City bylaws and regulation, and is unnecessarily prescriptive. The following are the Federation of Calgary Communities' comments on the proposed changes to the subsections discussing entertainment areas and timing.

- Entertainment area (a)(i): From a planning perspective, it is our opinion that prescribing particular musical instruments (i.e. non-amplified) may not be necessary in the LUB. If noise is the concern, concerns of that type are already addressed in the City's Community Standards Bylaw. Covering this same issue in multiple City bylaws may lead to inconsistent interpretation, as well as potentially being difficult to enforce. As well, in districts where this use is discretionary, if there is significant community concern regarding the noise associated with entertainment, those concerns could be addressed in the DP process.
- Timing (b)(iii): Requiring the kitchen remain open until one hour before closing seems like an appropriate way of ensuring that the establishments do not become 'night clubs', without being prescriptive in regards to closing times. We support this amendment to the Neighborhood Restaurant definition.

We thank Administration for including us in their development of the Neighborhood Restaurant use, and look forward to any future opportunities for involvement.

Regards,

Dan Godin  
Urban Planner