



The Corporation of the City of Courtenay

Staff Report

To: Council
From: Director of Development Services
Subject: Liquor Licence Application No. 2502– 444 5th Street

File No.: 4530-20-2502/LL000024
Date: July 16, 2025

PURPOSE:

For Council to consider a resolution to the Liquor and Cannabis Regulation Branch (LCRB) in response to Liquor Licence Application No. 2501 to amend a Food Primary Liquor Licence by including a Patron Participation Entertainment Endorsement at the existing business located at 444 5th Street.

BACKGROUND:

The proprietor of Taco Bandido Restaurant, located at 444 5th Street (LOT 2, SECTION 61, COMOX DISTRICT, PLAN 4541, EXCEPT THAT PART SHOWN COLOURED RED ON PLAN 356 BL) currently holds a valid Business License issued by the City and valid Food Primary Licence issued by the LCRB where the primary focus is the service of food with a 110-person capacity. According to the proprietor, the licence permits food service anytime and liquor is only from 9AM to midnight. The current hours of operation are 11AM to 9PM weekdays and 11AM until late on weekends; usually closed by midnight.

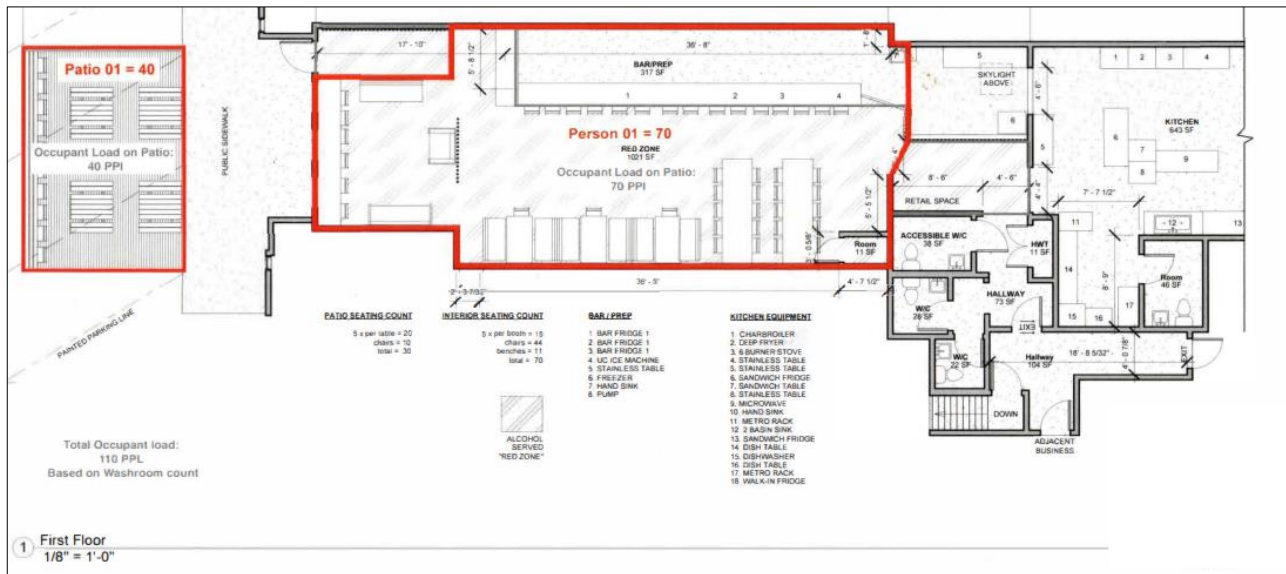
Figure 1: Site Location and Context



The proprietor requests a patron participation entertainment endorsement to the existing Food Primary licence for a 110-person capacity (70 persons inside the building and 40 persons on the patio once installed). If approved by the LCRB this would allow the establishment to host entertainment activities such as trivia night, speed dating, and dancing, within the Food Primary licenced area, illustrating in Figure 2 (highlighted by red lines).

The proposed patron participation endorsement would not change the 110-person capacity or hours of operation already permitted under the LCRB issued Food Primary licence.

Figure 2: Site Plan – Illustrating existing Food Primary licenced areas (highlighted by red lines)



DISCUSSION:

In accordance with the LCRB requirements and City of Courtenay Liquor License Application and Process Policy (DS-03), Development Services staff have opted-in initiating the provincial 90-day time frame during which the staff must implement the public input process, (see section Public Engagement) and prepare a report to Council inclusive of an analysis describing impacts of noise on the community in the immediate vicinity of the establishment or service area; general impact if application is approved and in the case of a food primary, whether the application for hours after midnight or patron participation may result in the focus of the establishment shifting away from food service. A summary of this analysis follows based on current land use zoning and the LCRB application and supplement information provided by the proprietor.

Under the City's Zoning Bylaw No. 2500, 2007, the subject location is zoned Commercial One (C-1), which permits licensed premises, microbrewery, and restaurant uses. The subject site and surrounding area are designated as part of the Downtown Town Centre in Official Community Plan Bylaw No. 3070, 2022. This designation reinforces the downtown's role as Courtenay's central hub for cultural, civic, culinary, economic, and public life.

To the north of the site, across 5th Street, is a variety of commercial businesses such as Bigfoot Donuts, Square 1 Travel, Headz Up Barber and Brennan Day MLA Courtenay-Comox Office (477, 449, 435, and 437 5th Street). To the south, on the other side of the lane, are commercially zoned lots occupied by the Bank of Montreal and Edible Island Market (449 and 463 6th Street). To the west of the subject property, there are retail stores and a restaurant use (478 and 470 5th Street) and to the east are a mix of commercial and residential uses, Extreme Runners and Shar-Ons All Sizes (438, 436 and 430 5th Street).

The downtown, commercial location means any increase in noise as a result of the amendment to the licence is not anticipated to have much, if any, negative impact on the community within the immediate vicinity of the establishment.

Based on the location, hours of service, referral comments (to Building Division, Operations Services Department, Fire Department, RCMP, K'ómoks First Nation), and public engagement, it is not anticipated that granting the license will negatively impact the broader community. Further details on the engagement results are provided later in this report under 'Public Engagement'.

POLICY ANALYSIS:

The City of Courtenay Liquor License Application and Process Policy (DS-03)

As per this Policy, Staff have proceeded by opted-in initiating the Provincial 90-day time frame and public input process and request for Council resolution. By way of this report, the outcomes of this process, including Staff analysis are presented for Council's consideration prior to providing a response to the LCRB by resolution.

Official Community Plan (OCP)

- Social Infrastructure Policy¹² (SI 12) directs the City and its staff to: "Work regionally to further recommendations of the Comox Valley Substance Use Strategy Phase 1 Report (2021) including identifying an appropriate role for the City."
- Local Economy Policy¹² (LE 12) directs the City and its staff to: "Work with the local business community and major employers to focus investment, facility and business development in Town and Neighbourhood Centres and Corridors."

FINANCIAL IMPLICATIONS:

Processing and proceeding with this liquor licence application has no financial implications to the City's Financial Plan 2025 - 2029.

ADMINISTRATIVE IMPLICATIONS:

Processing Liquor Licence applications is the current responsibility of the Development Services Department. Work to date has primarily been carried out by Development Services staff, although other departments have provided referral comments.

STRATEGIC PRIORITIES REFERENCE:

This initiative addresses the following strategic priorities:

- Local Economy - Review City processes that may be barriers to economic development
- Local Economy - Identify appropriate roles and responsibilities for the City in the delivery of economic development services in the region

PUBLIC ENGAGEMENT:

As per section 38 (c) of the Liquor Control and Licensing Act, the City was required to gather the views of residents before providing a resolution and comments to the LCRB. A two-week comment period was provided from June 11 to June 27, 2025. The City sent mailout notifications to all property owners and occupants within a 30-metre radius of the subject property (51 mailouts) and posted notice of the application on the City's website for two consecutive weeks, inviting public comments.

At the time of the writing of this report, the City received two (2) comments in response to this application. Any comments received after the writing of this report will be provided to Council. Of the two comments

mentioned, both spoke in favour of supporting the application citing a support for additional venues/ locations for music, trivia and dancing and a good opportunity for gathering with friends and neighbours.

OPTIONS:

1. THAT Council recommend the Liquor and Cannabis Regulation Branch (LCRB) approve the Taco Bandido Restaurant, located at 444 5th Street (LOT 2, SECTION 61, COMOX DISTRICT, PLAN 4541, EXCEPT THAT PART SHOWN COLOURED RED ON PLAN 356 BL) request to amend its Food Primary Liquor Licence by including a Patron Participation Entertainment Endorsement and Council's comments on LCRB prescribed considerations are as follows:
 - a) If the application is approved, any increase in noise as a result of the licence is not anticipated to have much, if any, impact on the community within the immediate vicinity and;
 - b) Based on the majority of views submitted by members of the public and the agencies for comment, including the RCMP, if the application is approved the general impact on the community is not anticipated to be negative.
2. THAT Council requests additional information or alternative conditions before responding to the Liquor and Cannabis Regulation Branch.
3. THAT Council not recommend support to the Liquor and Cannabis Regulation Branch for the application from Taco Bandido Restaurant, located at 444 5th Steret (LOT 2, SECTION 61, COMOX DISTRICT, PLAN 4541, EXCEPT THAT PART SHOWN COLOURED RED ON PLAN 356 BL) for a patron participation entertainment endorsement.

ATTACHMENT(S):

At the time of this report, the proprietor's Letter of Intent was not received. To avoid delaying this application, the proprietor has been notified as well as invited to attend the Council meeting at which this report is presented.

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