

# DECISION/DIRECTION NOTE

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**Title:** Notices Published – 397 Empire Avenue - DEV2500038

**Date Prepared:** April 29, 2025

**Report To:** Regular Meeting of Council

**Councillor and Role:** Councillor Carl Ridgeley, Development

**Ward:** Ward 4

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## **Decision/Direction Required:**

A Discretionary Use application has been submitted by Sunlit Kaya Inc. for 397 Empire Avenue.

## **Discussion – Background and Current Status:**

The proposed application is for a Restaurant Use. The business will occupy a floor area of approximately 173 m<sup>2</sup>. Hours of operation are Monday to Friday 7:30 a.m. – 12:00 a.m. and Saturday and Sunday 8:00 a.m. – 12:00 a.m. Parking is provided on-site. The proposed application site is zoned Commercial Neighbourhood (CN). Parking is provided on-site.

One submission was received, which questioned the type of meals provided, if there would be liquor sales, if the location would become a lounge and if video lottery terminals would be available; a revised submission noted no concerns following staff's response.

It was noted that although the menu is yet to be finalized, the location will serve Chinese cuisine. Should the location wish to serve liquor, an application to NLC for a Restaurant Liquor License would be required. If the applicant wishes to operate as a Lounge, a new Discretionary Use application. Approval as a Lounge is required before video lottery terminals can be considered at the provincial level.

## **Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Property owner and neighboring property owners.
3. Is this a New Plan or Strategy: No
4. Alignment with Strategic Directions:

A Sustainable City: Plan for land use and preserve and enhance the natural and built environment where we live.

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5. Alignment with Adopted Plans: **St. John's Municipal Plan and Development Regulations.**
6. Accessibility and Inclusion: Not applicable.
7. Legal or Policy Implications: **St. John's Development Regulations Section 10.5 "Discretionary Uses" and Section 10 "Commercial Neighbourhood (CN) Zone".**
8. Privacy Implications: Not applicable.
9. Engagement and Communications Considerations: Public advertisement in accordance with **Section 4.8 Public Consultation of the St. John's Envision Development Regulations.** The City has sent written notices to property owners within a minimum 150-metre radius of the application site. The application has been advertised in The Telegram newspaper at least twice and is posted on the City's website. Written comments received by the Office of the City Clerk are included in the agenda for the regular meeting of Council.
10. Human Resource Implications: Not applicable.
11. Procurement Implications: Not applicable.
12. Information Technology Implications: Not applicable.
13. Other Implications: Not applicable.

**Recommendation:**

That Council approve the Discretionary Use for a Restaurant Use at 397 Empire Avenue.

**Prepared by:**

Lindsay Lyghtle Brushett, MCIP Supervisor – Planning & Development  
Planning, Engineering and Regulatory Services

**Approved by:**

Jason Sinyard, P.Eng, MBA Deputy City Manager  
Planning, Engineering and Regulatory Services

**Report Approval Details**

Document Title:	Notices Published - 397 Empire Avenue.docx
Attachments:	- 397 Empire Avenue_subjectProperty.pdf - 397 Empire Avenue - Redacted Submissions.pdf
Final Approval Date:	Apr 30, 2025

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

**Lindsay Lyghle Brushett - Apr 29, 2025 - 11:07 AM**

**Jason Sinyard - Apr 30, 2025 - 11:19 AM**