

# STAFF REPORT TO COUNCIL

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**DATE:** May 18, 2022

**TO:** MAYOR AND COUNCIL

**NAME AND TITLE:** Deanna Wasnik, Director of Planning and Development

**SUBJECT:** Liquor License Application No. LL100175

**APPLICANT:** Andrea Legault for 1034857 B.C. Ltd., Inc. No. BC1034857  
**LOCATION:** 1165 5<sup>th</sup> Avenue

**ATTACHMENT(S):** Location and Zoning Map  
Existing Licence & Occupancy Drawings

## RECOMMENDATION(S):

THAT Council:

1. CONFIRMS that its comments on the Liquor and Cannabis Regulation Branch's prescribed considerations are as set out in the report dated May 18, 2022 from Deanna Wasnik, Director of Planning and Development for Liquor License Application No. LL100175;
2. CONFIRMS the methods used to gather the views of potentially affected property owners were in accordance with the *Liquor Control and Licensing Act* and that the views of affected residents are as summarized in the minutes of the Council Meeting held on June 13<sup>th</sup>, 2022; and
3. SUPPORTS the approval of the Liquor License Application to allow a seasonal rooftop patio located at 1165 5<sup>th</sup> Avenue for the following reasons:

This application is not expected to have a negative impact on the community or produce any significant negative land use impacts on adjacent properties.

## PURPOSE:

The applicant has applied to the Liquor and Cannabis Regulation Branch (LCRB) to permit use of a rooftop patio at the Black Clover Pub located at 1165 5<sup>th</sup> Avenue (subject property). This application is intended to allow the applicant to continue use of the seasonal rooftop patio, which is temporarily permitted under the LCRB's Temporary Expanded Service Area (TESA) authorization.

The LCRB is the authority for liquor licensing, and must therefore approve liquor and food primary licenses. The LCRB requires that the local government review the application, gather the views of the residents that will be affected by the proposal and pass a resolution on the application. Once Council reviews this application, the resolution will be forwarded to the LCRB.

## Background

### Site Characteristics

Location	1165 5 <sup>th</sup> Avenue
Legal Description	Parcel C, Block 165, District Lot 343, Cariboo District, Plan 1268
Current Use	The Black Clover (Restaurant and Pub)
Site Area	687 m <sup>2</sup>
Zoning	C1I: Downtown

### Liquor and Cannabis License

Type of License	Liquor Primary Establishment
Hours of Service	Monday-Sunday: 11:30 am to 12:00 am
Current Occupant Load	300
Proposed Occupant Load	400

## Relevant Application(s)

**Building Permit Application No. BPO41081:** In 2021, the applicant was granted final occupancy of the rooftop patio as a part of the LCRB's TESA authorization. The applicant is now proposing to extend the liquor licence to encompass the seasonal rooftop patio after the TESA authorization expires.

### **POLICY / REGULATORY ANALYSIS:**

#### **Liquor and Cannabis Regulation Branch**

The LCRB is the authority for liquor licensing, and must therefore approve all liquor license applications. The LCRB regulates restaurants, bars, pubs, liquor retailers, manufactures and special events.

TESA authorizations have allowed licensees to temporarily expand their service areas but without altering the approved occupancy load or capacity. The increased service area has allowed licensees to serve patrons while complying with the Provincial Health Officer's orders regarding physical distancing. TESA authorizations expire on March 31, 2023 therefore licensees must apply for a permanent structural change or new outdoor patio to continue operating past the March 31, 2023 expiry date.

#### **City of Prince George Liquor and Cannabis License Policy**

The [City of Prince George Liquor and Cannabis Licensing Policy](#) (LCLP) establishes guidelines for the operation of licensed liquor establishments and cannabis retail stores within the City. The LCLP provides guidelines on hours of operation and location. Staff have evaluated the criteria outlined in the LCLP and have considered their relevance to this application, as noted below.

#### Hours of Liquor Service

The LCLP guidelines allow for Liquor Primary Licenses downtown to have hours of liquor service between 9:00 am and 3:00 am. Hours of liquor service for existing Liquor Primary Establishments will not change without an application to LCRB, and resolution from City Council pursuant to the *Liquor Control and Licensing Act* and Regulation.

There are no proposed changes to the current hours of liquor service. Administration is supportive of this application as the proposed hours of liquor service are consistent with the current Liquor Primary License and LCLP.

### Occupant Load

The LCLP guidelines allow Liquor Primary Licenses downtown to have an occupant load no greater than 400. The applicant's current Liquor Primary License was approved with occupancy of 300 patrons for the current location. This application will facilitate an increase in occupancy for the current Liquor Primary License from 300 to 400 patrons. The purpose of this application is to allow the use of the seasonal rooftop patio with seating for an additional to 100 patrons.

A Qualified Professional has determined that the proposed additional 100 patrons can be accommodated with the existing number washroom facilities. Administration is supportive of this application as the proposed occupancy load has been determined by a qualified professional and is consistent with the LCLP.

### Location of Establishment

The Black Clover is currently established at 1165 5<sup>th</sup> Avenue. There are no anticipated conflicts with the surrounding area and adjacent land uses from the proposed seasonal rooftop patio. Administration has considered potential community impacts regarding noise, parking and traffic below.

#### Surrounding Land Use Table

North	5 <sup>th</sup> Avenue; Wood Innovation Square
South	Laneway; Commercial Retail and Office
East	Restaurant and Commercial Office
West	Commercial Retail

As indicated previously, the applicant's patio will be seasonal, and has received the required Building Permits approvals from Administration. Administration does not anticipate any significant impacts with this application.

### Community Impacts

Administration has considered typical land use impacts associated with liquor primary patio uses including over proliferation, noise, parking, and traffic.

#### *Proliferation of Uses*

The proposed seasonal rooftop patio is within the downtown core, which is the civic and entertainment center of the City. The following nearby business also offer existing outdoor patios within a one-block radius of the subject property: the Makerie Craft & Coffee Bar, Crossroads Brewing & Distillery and the Keg Steakhouse & Bar. Administration does not anticipate conflicts with the surrounding and adjacent land uses.

#### *Noise*

The subject property is near other commercial businesses including restaurants, bars and retail uses. The LCLP supports the proposed hours of operation between 11:30 am and 12:00 am. It is not anticipated that the patio will disrupt surrounding land uses through increased noise or public nuisance.

#### *Parking and Traffic*

The subject property fronts approximately six parking stalls and is in close proximity to a parkade. There is 2-way traffic circulation around the subject property and adjacent City streets (Dominion Street and George Street). The increased occupancy is not expected to create adverse effects on parking or traffic circulation in the area.

Administration supports this application as the proposed extension to liquor service hours is consistent with LCLP direction and is not expected to significantly impact the surrounding uses.

### **Referrals**

This application was referred to internal City divisions and external agencies with no outstanding concerns.

## **Statutory Notification and Public Consultation**

Members of the public wanting to provide comment on the application may submit written correspondence to Council. As per the requirements set out in the *Liquor Control and Licensing Act/Cannabis Control and Licensing Act*, the City of Prince George will mail or otherwise deliver a public notice to property owners and tenants whose interests may be affected by this application. Written submissions received in response to the public notice for this application will be provided to Council for their consideration at the time the application and granting of the permit is being considered. Submissions received after the Council meeting agenda has been published will be provided to Council as a handout on the day of the Council meeting for consideration during deliberations on the application.

### **ALTERNATIVES:**

1. Approve the resolution
2. Approve the resolution as amended
3. Refuse the resolution
4. Defer or otherwise deal with the resolution

Administration recommends that Council approve the resolution as written in the recommendation.

### **SUMMARY AND CONCLUSION:**

The applicant would like to extend the Black Clover's liquor service area to include a seasonal rooftop patio, prior to the TESA authorization expiry (March 31, 2023). Administration recommends that Council approve the recommendations and forward it to the LCRB as the application is consistent with the LCLP.

### **RESPECTFULLY SUBMITTED:**

Deanna Wasnik, Director of Planning and Development

**PREPARED BY:** Imogene Broberg-Hull, Planner 1

### **APPROVED:**

Walter Babicz, City Manager

Meeting Date: 2022/06/13