

# STAFF REPORT TO COUNCIL

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**DATE:** March 16, 2022

**TO:** MAYOR AND COUNCIL

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

**SUBJECT:** Liquor Licence Application No. LL100179  
Applicant: Nancy O'S Restaurant Group Inc. No. BC0973651  
Location: 1261 3<sup>rd</sup> Avenue

**ATTACHMENT(S):** Location and Existing Zoning Map  
Supporting Document

## 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 March 16, 2022 from Deanna Wasnik, Director of Planning and Development for Liquor Licence Application No. LL100179;
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 April 11, 2022; and
3. SUPPORTS the approval of the Liquor Licence Application to allow a seasonal outdoor patio located at 1261 3<sup>rd</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 allow a seasonal patio for Nancy O's Restaurant located at 1261 3<sup>rd</sup> Avenue (subject property). This application is intended to allow the applicant to continue use of the seasonal patio area, 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 licences. 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          | 1261 3 <sup>rd</sup> Avenue                                  |
| Legal Description | Lot 5 Block 133 District LOT 343 Cariboo District, Plan 1268 |
| Current Use       | Nancy O's Restaurant   |
| Site Area         | 305 m <sup>2</sup>   |
| Zoning            | C1I: Downtown Commercial                                     |

#### Liquor and Cannabis Licence Policy

|                        |                                   |
|------------------------|-----------------------------------|
| Type of Licence        | Liquor Primary                    |
| Hours of Service       | Monday-Sunday: 9:00 am to 2:00 am |
| Current Occupant Load  | 128                               |
| Proposed Occupant Load | 160                               |

#### **Relevant Application(s)**

Highway Right of Way Occupancy Application No. HWY00433: In 2021 the applicant was granted a permit to disrupt and occupy four parking stalls fronting the business for implementation of a temporary patio as a part of the LCRB's TESA authorization. The applicant is now proposing to extend its liquor licence to encompass the seasonal 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 licence 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 does not increase 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 June 1, 2022, therefore licensees must apply for a permanent structural change or new outdoor patio to continue operating past the June 1, 2022 expiry date.

##### **City of Prince George Liquor and Cannabis Licence 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 is no proposed change to the hours of liquor service. Administration is supportive of this application as the proposed hours of liquor service are consistent with the current Liquor Primary Licence 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 Licence was approved with occupancy of 128 patrons for the current location. This application will facilitate an increase in occupancy for the current Liquor Primary Licence from 128 to 160 patrons. The purpose of this application is to allow the use of a seasonal patio with seating for up to 59 patrons.

A Qualified Professional has determined that the proposed additional 59 patrons can be accommodated if the total occupancy is limited to 160 by removing indoor seating within the Nancy O's restaurant. 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 establishment is located at both 1261 3<sup>rd</sup> Ave. There are no anticipated conflicts with the surrounding area and adjacent land uses. Administration has considered potential community impacts regarding noise, parking and traffic below.

Surrounding Land Use Table

|       |  |
|-------|--|
| North | 3 <sup>rd</sup> Avenue; Vacant Lot                 |
| South | Laneway; Commercial Retail; 4 <sup>th</sup> Avenue |
| East  | Restaurant and Commercial Retail                   |
| West  | Commercial Retail                                  |

As indicated previously, the applicant's patio will be seasonal, and was constructed in a location approved by Administration. A seasonal patio may increase interaction between sidewalk users and patrons deriving a sense of physical comfort and sense of security along the street and sidewalk. As such, 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 patio is within the downtown core, which is the civic and entertainment center of the City. In terms of proliferation of uses, the existing seasonal patio is the only seasonal patio located along 3<sup>rd</sup> Avenue. As this patio is located in the downtown core and is the only patio along 3<sup>rd</sup> Avenue, Administration does not anticipate conflicts with the surrounding and adjacent land uses.

#### *Noise*

The subject property is near other commercial businesses including restaurants and retail uses. The LCLP supports the proposed hours of operation between 9:00 am and 2:00 am. It is not anticipated that the patio will disrupt surrounding land uses through increased noise or public nuisance.

#### *Parking and Traffic*

If this application is approved, four parking spaces in front of the applicants business would be seasonally unavailable. Based on the hours of operation, staggered hours of surrounding businesses, and the vacant lot to the north, the decreased parking is not anticipated to create significant impacts to the surrounding area.

Administration supports this application as the proposed liquor licence is consistent with LCLP direction and is not expected to negatively impact surrounding uses.

#### **Referrals**

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

### **Notification to Adjacent Property Owners**

During the COVID-19 pandemic, City Council authorized by resolution to discontinue informal hearings for Development Variance Permit applications, Temporary Use Permit applications and other applications where such hearings are not legally required to be held. Members of the public wanting to provide comment on the application may submit written correspondence.

As per the requirements set out in the *Liquor 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 and publish this notice in accordance with the City's *Liquor and Cannabis Licensing Policy*.

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 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 Nancy O's liquor service area to include seasonal patio, prior to the TESA authorization expiry (June 1, 2022). 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:** Bryce Deveau, Planner

### **APPROVED:**

Adam Davey, Acting City Manager

Meeting Date: 2022/04/11