

Date: July 12, 2024

To: **Mayor and Council**

Name and title: Deanna Wasnik, Director of Planning and Development

Subject: Liquor Licence Application No. LL100195

Applicant: Marnie Hamagami for Theatre NorthWest

Location: 556 North Nechako Road

Attachment(s): Location and Existing Zoning Map
Letter of Intent
Occupancy Load Confirmation

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 July 12, 2024, from Deanna Wasnik, Director of Planning and Development for Liquor Licence Application No. LL100195;
2. CONFIRMS the methods used to gather the views of potentially affected property owners were in accordance with Section 4: Statutory Notification and Public Consultation of the City of Prince George Liquor and Cannabis Licensing Policy and that the views of affected residents are as summarized in the minutes of the Council Meeting held on August 19, 2024; and
3. SUPPORTS the approval of the Liquor Licence Application to allow a liquor primary use for Theatre Northwest located at 556 North Nechako Road subject to the adoption of "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9453, 2024", 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) for a new liquor primary licence at 556 North Nechako Road (subject property). This application will allow liquor service to occur at Theatre NorthWest. The applicant has provided a letter of intent outlining the proposed business plan and hours of operation and an occupancy load drawing which are attached to this report.

Background:

Site Characteristics

Location	556 North Nechako
Legal Description	Block C, District Lot 1574, Cariboo District, Plan 8540 except Plans 11535, 14080, 27425 and H699
Current Use	Various Commercial Occupancies including Theatre NorthWest
Site Area	3.25 ha (8.03 acres)
Zoning	C3: Neighbourhood Commercial; AG: Greenbelt

Liquor and Cannabis Licence Policy

Type of Licence	Liquor Primary
Hours of Service	Sunday-Wednesday 12:00 pm to 11:00 pm Thursday-Saturday 12:00 pm to 1:00 am

Relevant Applications

Rezoning Application No. RZ100812 (Bylaw No. 9453): The applicant has applied for a site-specific text amendment to allow a “Liquor Primary Establishment, Major” as a secondary use on the subject property. On July 8, 2024, Council approved First and Second Reading of “City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9453”. A concurrent public hearing will be held to consider both RZ100812 and LL100195.

Policy / Regulatory Analysis:

Liquor and Cannabis Regulation Branch

The LCRB is the provincial authority for liquor licensing and is regulated by the *Liquor Control and Licensing Act* and the *Liquor Control and Licensing Regulation*. All liquor licences and changes to existing licences are approved and issued by the LCRB. The LCRB requires that the local government reviews the application, gathers the views of residents that will be affected by the proposal and passes a resolution on the application. The applicant has concurrently applied to the LCRB for a liquor primary licence. Should Council concur with this application, a resolution from Council will be forwarded to the LCRB subject to the concurrent rezoning.

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 licenced liquor establishments and cannabis retail stores within the City (i.e. 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.

Location of Establishment

The subject property is located within the Parkhill Centre adjacent to industrial and utility uses, and immediately adjacent to a greenbelt (north) and Highway 97 North (east). The Parkhill Centre contains a variety of commercial uses, including Theatre NorthWest, several salons, health service, restaurants, several offices, and a daycare. The proposed liquor primary use does not conflict with the adjacent industrial uses, as the existing Theatre NorthWest facility is on the opposite end of the parcel (211 m) from the nearest industrial use, with other commercial uses on the site and the parking lot creating a buffer between the theatre and industrial uses. The proposed liquor primary will offer small scale entertainment to the community that is not otherwise available in this area.

Surrounding Land Use Table

North	Undeveloped Land
South	North Nechako Road; Highway 97; Industrial
East	Residential
West	Industrial

The subject property is a well-established commercial site that has existed within the community for a number of years. The proposed liquor primary use is consistent with the existing use, and will eliminate the need for Theatre NorthWest to apply for special event permits to allow liquor service throughout the year. As the liquor primary use is being added as a secondary use to the existing Theatre NorthWest location and will not be implemented as a stand-alone liquor primary business, it is not anticipated to have negative impacts on the surrounding area and adjacent land uses.

Hours of Liquor Service

The LCLP guidelines allow for Liquor Primary Establishments outside of the downtown to offer hours of liquor service between 9:00 am and 1:00 am. The applicant is proposing to offer liquor service between Sunday to Wednesday from 12:00 pm to 11:00 pm and between Thursday to Saturday from 12:00 pm to 1:00 am.

The proposed hours of liquor service are consistent with the LCLP for establishments outside of the downtown. Further, most other businesses in the Parkhill Centre close at or before 6 pm, lessening any potential impacts from the liquor primary use.

Occupant Load

The LCLP guidelines allow Liquor Primary Establishments outside of the downtown to have an occupant load no greater than 125 persons. A Qualified Professional has confirmed a 300-person occupancy load for Theatre NorthWest. This occupancy load is based on the capacity of both the seating area (141 persons) and the foyer (175 persons) and is reduced to 300 people to consider washrooms and exiting. Although permitting 300 people, the inclusion of both the foyer and seating area is meant to allow free flow of patrons from one section to the other. This is similar to the occupant loads of other theatres (e.g. PG Playhouse). While the occupancy is not consistent with the LCLP suggested occupancy for areas outside of the downtown, the LCLP states that Council may increase or decrease the suggested occupant loads on a case-by-case basis with consideration given to community impacts. As the applicant is applying to add a liquor primary use as a secondary use to the

existing Theatre NorthWest establishment, and for the reasons outlined above and below in consideration of Community Impacts, the 300-person occupancy is not anticipated to have any negative impacts on the surrounding area.

Community Impacts

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

Proliferation of Uses

The nearest liquor primary establishment is approximately 1.2 km southeast (BX Neighbourhood Pub Ltd.) from the subject property. As this application is to allow an existing business the ability to have liquor service as a secondary use only, it is not anticipated to create an undesirable amount of liquor primary uses in the area.

Noise

The subject property is adjacent to industrial land to the west and vacant land to the north. Neither of these areas are anticipated to be impacted by any noise generated on the property. Uses to the south are separated by North Nechako Road and Highway 97 North. A greenbelt exists between the proposed “Liquor Primary Establishment, Major” use and the residential property to the east, providing a significant buffer between land uses. Furthermore, the liquor use will be completely contained within the existing Theatre NorthWest tenant space, mitigating any potential noise generated by patrons of the liquor primary establishment to the existing facility. There is no record of noise complaints for the existing Theatre NorthWest business.

Parking and Traffic

The subject property provides ample off-street parking (approximately 413 spaces) and flexible traffic circulation throughout Parkhill Centre and adjacent major collector roads (i.e., North Nechako Road and Highway 97 North). It is not expected that the proposed use will have any significant impact on traffic in the area as commercial uses already exist and the existing parking lot has capacity to support the proposed use and occupancy load.

The proposed “Liquor Primary Establishment, Major” use is well suited to the surrounding industrial, commercial, and retail uses. Administration has considered land use and community impacts associated with liquor primary uses including over proliferation, noise, parking, and traffic. Administration supports this application as the proposed liquor licence is not expected to negatively impact surrounding uses.

Other Considerations:

Referrals

This application was referred to internal City divisions and external agencies with no outstanding concerns. The following comments were received during the referral process.

Property Title

As the owner of the subject property is a registered company, a BC Company Search has been conducted to provide the names of the company directors. The following is provided for information:

Incorporation Number	BC0450109
Name of Company	Novak Bros. Contracting Ltd.
Director Information (Last name, First name)	Novak, Robert Novak, Henry Novak, Anton

A review of the legal title of the subject property indicated no encumbrances or restrictions that would affect this rezoning application.

LCRB

The LCRB expressed no concerns with respect to this application.

RCMP

The RCMP expressed no concerns with respect to this application.

Statutory Notification and Public Consultation

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.

As set out in the Council Procedure: Liquor and Cannabis Licensing Policy, where a rezoning application is required to facilitate a liquor or cannabis license application, Council shall hold a public hearing during which both applications will be considered concurrently. Subject to Council's support of the rezoning application and granting of third reading of proposed "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9453," Liquor Licence Application No. LL100195 will be considered by Council.

During the public hearing, members of the public wanting to provide comment on either the Rezoning Application or the Liquor License Application may provide comment by written submission, telephone, or in person. Written submissions received in response to the public notice for these applications will be provided to Council for their consideration during the public hearing. Residents who wish to speak in person can do so during the Public Hearing in Council Chambers. Additional information on methods to provide comments to Council can be found on the [City's website](#).

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 has applied for a liquor primary licence for subject property located at 556 North Nechako Road. Administration recommends that Council approve the recommendation and forward it to the LCRB as the application is consistent with the OCP and LCLP.

Respectfully submitted:

Deanna Wasnik, Director of Planning and Development

PREPARED BY: Keone Gourlay, Planner 1

Approved:

Walter Babicz, City Manager

Meeting Date: 2024/08/19