

# STAFF REPORT TO COUNCIL

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**DATE:** February 27, 2024

**TO:** MAYOR AND COUNCIL

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

**SUBJECT:** Liquor Licence Application No. LL100194

**APPLICANT:** Bernie Scheider for 1436836 B.C. Ltd., Inc. No. 1436836  
**LOCATION:** 1466 3<sup>rd</sup> Avenue

**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 February 27, 2024, from Deanna Wasnik, Director of Planning and Development for Liquor Licence Application No. LL100194;
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 April 8, 2024; and
3. SUPPORTS the approval of the Liquor Licence Application to allow a liquor primary use for Alibis Bar located at 1466 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) for a new liquor primary licence located at 1466 3<sup>rd</sup> Avenue (subject property). The applicant has provided a letter of intent, and floor plans outlining the proposed business plan, occupancy, and hours of operation which are attached to this report.

This application will facilitate the operation of a new liquor primary and adult-oriented establishment (Alibis Bar). As the proposed uses are permitted by the current C1I: Downtown zone, a rezoning application is not required.

## Background

### Site Characteristics

Location	1466 3rd Avenue
Legal Description	Lot 17, Block 46, District Lot 343, Plan 1268
Current Use	Vacant Building (Previously Sonar Comedy & Night Club)
Site Area	306 m <sup>2</sup> (0.08 acres)
Zoning	C1I: Downtown

### Liquor and Cannabis Licence Policy

Type of Licence	Liquor Primary
Hours of Service	Monday to Sunday: 9 am to 3 am
Proposed Occupant Load	284 persons

### Relevant Application(s)

**Liquor Licence Application No. LL100142 & Rezoning No. RZ100557, Bylaw No. 8859:** On May 15th, 2017, Council approved 3<sup>rd</sup> Reading of Bylaw No. 8859 following the Public Hearing for LL100142 and Bylaw No. 8859. Final Reading of Bylaw No. 8859 was approved by Council on May 29, 2017. The approval of LL100142 and Bylaw No. 8859 facilitated a liquor primary use for Sonar Comedy & Night Club. Sonar Comedy & Night Club closed in 2020.

### **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 licenses and changes to existing licenses 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. Once Council reviews this application, a resolution from Council will be forwarded to the LCRB.

#### **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 within the C1: Downtown zone to have hours of liquor service between 9 am and 3 am. The applicant has applied to the LCRB for a liquor primary licence for liquor service from Monday to Sunday from 9 am to 3 am.

Administration is supportive of this application as the proposed hours of liquor service are consistent with the LCLP.

#### Occupant Load

The LCLP guidelines allow primary liquor licenses within the downtown to have an occupant load no greater than 400. The applicant's proposed occupancy of 284 persons (184 persons main floor and 100 persons basement) was determined by a qualified professional and is consistent with the LCLP.

### Location of Establishment

As indicated previously, the subject property is located within the downtown area. The Official Community Plan (OCP) states that the downtown should be the primary entertainment and cultural center of the City. Administration has considered potential community impacts regarding noise, parking and traffic below.

### Surrounding Land Uses

North	Laneway; City Owned Parking Lot (hourly paid parking)
South	3 <sup>rd</sup> Avenue; Retail; Restaurant; Office Space
East	Private Parking Lot; CIBC Branch
West	Office Building; Hwy 16

The surrounding land uses include a mix of commercial uses such as office space, restaurants, and retail. The subject property is currently zoned C1I: Downtown which permits a liquor primary establishment. There are currently no other C1I zoned properties within 100m.

This application is consistent with OCP policy direction and is typical of other uses occurring within the downtown area.

### Community Impacts

Administration has considered typical land use impacts associated with the proposed increase in occupancy to the existing liquor primary established including proliferation, noise, parking and traffic.

#### *Proliferation of Uses*

The OCP identifies the downtown as the primary entertainment centre of the city, and so centralizing uses such as the proposed liquor primary establishment within the downtown is consistent with OCP policy direction. Currently, there is not an over proliferation of liquor primary uses within the area surrounding the subject property. There are only two other properties zoned C1I: Downtown within 200 m of the subject property (1380 2nd Avenue and 425 Brunswick Street). Of these, only one has an active liquor primary licence (425 Brunswick Street Senior Activity Centre).

Administration does not believe there is an over proliferation of liquor primary uses within the area surrounding the subject property and is supportive of this application.

#### *Noise*

The subject property is bordered by 3<sup>rd</sup> Avenue to the south, a laneway and surface parking to the north, and a surface parking lot to the east. These uses provide a physical buffer between the subject property and surrounding uses (commercial retail and restaurant). The peak hours for the proposed use are anticipated to be in the evening and thus will be outside of the typical downtown commercial uses of 8:00 am to 6:00 pm. This will limit the impact of the proposed club on the adjacent office building (to the west) and the surrounding commercial uses. It is not anticipated that liquor primary use will significantly disrupt surrounding uses through increased noise and public nuisances.

#### *Parking and Traffic*

The location provides flexibility for parking and traffic circulation along Victoria Street and 3rd Avenue, has the capacity for on-street parking, is near multiple surface parking lots and is along an active transit route. In addition to this, the proposed peak hours will be off set from peak hours for commercial retail uses along 3rd Avenue.

Administration supports this application as the proposed liquor licence 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 for comments.

### RCMP

The RCMP was not supportive of this application and the proposed uses (liquor primary and adult-oriented entertainment establishment).

### 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 Council's information:

Incorporation Number	BC1436836
Name of Company	1436836 B.C. LTD.
Director Information (Last Name, First Name)	Smetaniuk, TerryIn Ann

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

## 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*, 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 has applied for a liquor primary licence for the subject property located at 1466 3<sup>rd</sup> Avenue. 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: Bryce Deveau, Planner 1

### APPROVED:

Walter Babicz, City Manager

Meeting Date: 2024/04/08