

DATE: October 19, 2020

TO: MAYOR AND COUNCIL

NAME AND TITLE: Ian Wells, Acting Deputy City Manager

SUBJECT: Liquor Licence Application No. LL100171

Applicant: Nancy O's Restaurant Group Inc., Inc. No. BC0973651
Location: 1261 -1267 3rd Avenue

ATTACHMENT(S): Location and Existing Zoning Map
Liquor and Cannabis Regulation Branch Application

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 October 19, 2020 from Ian Wells, Acting Deputy City Manager, for Liquor Licence Application No. LL100171;
2. CONFIRMS the methods used to gather the views of potentially affected property owners were in accordance with Section 4: 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 November 9, 2020; and
3. SUPPORTS the approval of the Liquor Licence Application to allow the extension of the liquor primary service area for Nancy O's located at 1261 - 1267 3rd 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:

Nancy O's operates as a liquor primary establishment under an existing liquor licence (Licence No. 304573) at 1261 3rd Avenue. The applicant intends to expand the restaurant into an adjacent space within the same building and on the same property, currently addressed as 1267 3rd Avenue. This expansion will create additional patron seating area, which will allow an increase in occupant load from 84 patrons to 141 patrons.

Background

Site Characteristics

Location	1261 – 1267 3 rd Avenue
Legal Description	Lot 5, Block 133, District Lot 343, Cariboo District, Plan 1268
Current Use	Liquor Primary Establishment (Nancy O's), Vacant commercial space
Site Area	308 m ²
Zoning	C1I: Downtown

Liquor and Cannabis License Policy

Type of License	Liquor Primary Licence
Type of Application	Structural Change Application
Existing Occupant Load	84 patrons
Proposed Occupant Load	141 patrons

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 the existing licences are approved and issued by the LCRB. The applicant has concurrently submitted an application to the LCRB for a change to the existing Liquor Primary Licence.

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 suggest that Liquor Primary Licences within the downtown have hours of liquor service between 9:00 a.m. and 3:00 a.m. from Monday to Sunday. The existing Liquor Primary Licence was approved with hours of service between 9:00 a.m. and 2:00 a.m. Monday to Sunday. The applicant is not proposing changes to the service hours at this time.

Occupant Load

The LCLP guidelines allow liquor primary licences within the downtown to have a maximum occupant load of 400. The applicant is proposing to increase their occupant load from 87 to 141, which is consistent with the LCLP.

Location of Establishment

Nancy O's is located at 1261 3rd Avenue, and proposes to expand into a vacant tenant space within the existing building, currently addressed as 1267 3rd Avenue. This location is within the downtown, which encourages uses that promote vibrancy within the city's core. The table below summarizes the surrounding land uses.

Surrounding Land Use Table

North	3 rd Avenue, Commercial
South	Lane, Commercial
East	Restaurant
West	Financial Service

The LCLP does not require a minimum separation for liquor primary uses within the downtown.

Community Impacts

Administration has not received any Bylaw complaints relating to parking or noise associated with the existing Liquor Primary License. In addition, the Official Community Plan encourages the Downtown to be maintained as the primary entertainment and cultural centre of the City. As such, the liquor primary use is compatible with the surrounding area and Administration supports this application as the proposed change to the existing Liquor Primary License 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.

Council Procedures during COVID-19

As a result of the COVID-19 pandemic and the Ministerial Order issued under the *Emergency Program Act*, City Council at their meeting held April 6, 2020 passed a resolution to waive public hearings for permit applications and certain bylaws where such hearings are not required.

As per the requirements set out in the *Cannabis Control and Licensing Act*, City Council will receive written submissions in response to the public notice for this application. 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 consideration at the time the application is being considered. Submissions received after the 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 to increase the occupant load of an existing Liquor Licence for the subject property located 1261 – 1267 3rd 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:

Ian Wells, General Manager of Planning and Development/
Acting Deputy City Manager

PREPARED BY: Tristin Deveau, Planner

APPROVED:

Walter Babicz, Acting City Manager
Meeting Date: 2020/11/09