

STAFF REPORT TO COUNCIL

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DATE: March 3, 2022

TO: MAYOR AND COUNCIL

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

SUBJECT: Rezoning Amendment No. RZ100733 (Bylaw No. 9274, 2021)

APPLICANT: L&M Engineering Ltd. on behalf of Kelly Zammit

LOCATION: 1613 5th Avenue

ATTACHMENT(S): Location and Existing Zoning Map
Appendix "A" to Bylaw No. 9274

RECOMMENDATION(S):

THAT Council:

1. GIVES First and Second Reading to "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9274, 2021";
2. PERMITS that consideration of Final Reading of proposed Bylaw No. 9274, 2021 BE WITHHELD until the following requirements have been met to the satisfaction of Administration:
 - a. Receipt of confirmation that Lots 11 and 12, Block 160, District Lot 343, Cariboo District, Plan 1268 have been consolidated;
 - b. Receipt of a landscaping plan and security in the amount of 120% of the cost of the landscaping works identified on the landscaping plan;
 - c. Receipt of a paving plan and security in the amount of 120% of the cost of the paving works identified on the parking and paving plan; and
 - d. Receipt of Servicing Brief.

In addition, any recommendations presented in the preceding items must be addressed to the satisfaction of the Director of Planning and Development.

PURPOSE:

The applicant would like to develop a 'Service, Personal' use (i.e. tattoo parlor) at 1613 5th Avenue (subject property). In order to facilitate the proposed development, the applicant has applied to rezone the subject property from RS4: Urban Residential to C8: Commercial Conversion, as shown on Appendix "A" to Bylaw No. 9274. The applicant will be utilizing the existing single family dwelling on the subject property with off street parking provided off of the lane.

Site Characteristics

Location	1613 5 th Avenue
Legal Description	Lots 11 and 12, Block 160, District Lot 343, Cariboo District, Plan 1268
Current Use	Residential
Site Area	628.3 m ²
Future Land Use	Downtown
Growth Management Class	Growth Priority
Servicing	City Services Available

Zoning (see Appendix “A” to Bylaw No. 9274)

Current Zoning	RS4: Urban Residential
Proposed Zoning	C8: Commercial Conversion

Surrounding Land Use Table

North	5 th Avenue, Commercial Conversion and Multiple Residential
South	Laneway, Multiple Residential and 6 th Avenue
East	Vancouver Street and Commercial
West	Residential and Multiple Residential

POLICY / REGULATORY ANALYSIS:

Official Community Plan

Future Land Use

The subject property is designated as Downtown in Schedule B-6: Future Land Use of the Official Community Plan (OCP). The downtown functions as the civic and cultural centre of Prince George, containing key cultural, civic and recreational amenities, offices, shopping and accommodating significant housing. This designation is intended to revitalize downtown as the commercial, cultural and civic heart of the community and strengthen the sense of place and identity of the downtown (OCP Objective 8.3.5 and 8.3.6). This designation allows for the minor expansion of commercial conversions uses that are supported on lots fronting the west side of Vancouver Street between 4th Avenue and 11th Avenue. This allows for the conversion and replacement of older dwellings to a limited range of non-retail commercial uses (OCP Policy 8.3.30).

The applicant is proposing to convert a residential dwelling into a non-retail commercial use (i.e. tattoo parlor), fronting the west side of Vancouver and 5th Avenue. This proposed development is consistent with the Downtown designation to support the minor expansion of commercial conversion uses along Vancouver Street.

Administration is supportive of the proposed rezoning as it is consistent with the OCP future land use direction.

Growth Management

The subject property is designated as Growth Priority in Schedule B-4: Growth Management of the OCP. Areas within this designation are intended to be a priority for development, and be encouraged for redevelopment and infill projects. Growth Management designations allow the City to make decisions about how the community should grow based on existing infrastructure. The growth priority designation is intended to encourage growth, and prioritize infill and redevelopment of existing underutilized sites.

The proposed rezoning will facilitate redevelopment of an existing and underutilized site in an established neighbourhood. The proposal is consistent with the growth priority designation, and is supported by Administration.

Crescents Neighbourhood Plan

The Crescents Neighbourhood Plan was adopted by Council in December 2003, after an extensive community consultation process for the area. The Crescents Neighbourhood Plan is intended be the guiding document for rezoning and redevelopment and provide more specific land use policy direction.

The Crescent's area is located close to the downtown and in close proximity to residential neighbourhood areas, and institutional uses. The plan recognizes the existing urban nature of the area that is developed and serviced, while identifying areas that can be considered for redevelopment due to its proximity to the City Centre.

The plan also states that infill and redevelopment within established areas for commercial use is appropriate. Service commercial uses are encouraged on the west side of Vancouver Street, permitting redevelopment with consolidation of lots fronting on Vancouver Street (Neighbourhood Plan Policy 5.3.1).

The subject property is located along the west side of Vancouver Street and is proposing a commercial conversion zone that will permit service commercial uses that are not anticipated to negatively impact the surrounding area.

Administration supports this application, as it is consistent with the OCP future land use policy and the Crescents Neighbourhood Plan.

Zoning Bylaw

The subject property is zoned RS4: Urban Residential, which is intended to accommodate single detached housing on lots with lane access. The zone also provides for complementary residential related uses that are compatible with the residential characters of the area. The applicant would like to rezone the subject property to C8: Commercial conversion in order to permit a service, personal (i.e. tattoo parlor) on the subject property. The C8 zone is intended to provide for the conversion and replacement of older dwellings to a limited range of non-retail commercial uses. The C8 zone allows for uses such as restaurant, office, community care facilities, service personal and health service minor.

The property owner is proposing to utilize the existing single detached dwelling and on-site parking off the rear lane. The proposed onsite parking meets the required parking for the proposed service, personal use. The development regulations of the C8 zone will ensure that future development will be consistent with the character of the surrounding neighbourhood.

The table below outlines the development regulations between the RS4: Urban Residential and C8: Commercial Conversion zones for Councils consideration:

Table 1: Zoning Comparison between RS4: Urban Residential (lot widths greater than 12.0 m) and C8: Commercial Conversion

	RS4: Urban Residential for lot widths greater than 12.0 m	C8: Commercial Conversion
Maximum Density	One (1) principal dwelling per site	One (1) principal building per site
Maximum Site Coverage	40%	30%
Maximum Height	10.0 m	10.0 m
Minimum Front Yard	4.5 m	4.5 m
Minimum Interior Side Yard	1.2 m	1.2 m
Minimum Exterior Side Yard	3.0 m	3.0 m
Minimum Rear Yard	6.0 m	6.0 m

The RS4 and C8 development regulations are similar with identical height and setbacks. The only significant difference between the zones is that C8 has a reduced site coverage of 30% compared to the RS4 site coverage regulations permitting 40%. Any future redevelopment of the site would be consistent with the surrounding residential uses for height and setbacks.

The subject property is on the corner of Vancouver Street and 5th Avenue. It is surrounded by single family, multiple residential and other commercial conversion uses (i.e. notary public and realtor businesses). As indicated previously, the applicant will be utilizing the existing dwelling on site. However if future redevelopment is proposed, the development regulations of the C8 zone will ensure consistency with the existing residential and commercial uses in the area.

Administration is supportive of the proposed rezoning application as the proposal is consistent with the intent of the C8 zone, and will act as a transition between the commercial orientated developments of downtown and the residential character of the crescents neighbourhood.

OTHER CONSIDERATIONS:

Referrals

This application was referred to internal City divisions and external agencies for comments. The following comments were received during the referral process.

Title

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

Lot Consolidation

Currently, the subject properties are two (2) legal parcels. In order to accommodate the commercial use and consistency with other C8 zoned parcels, Administration recommends that the lots are consolidated.

Administration recommends that Final Reading of Bylaw No. 9274 be withheld until confirmation of the lot consolidation is received to the satisfaction of Administration.

Paving Plan and Securities

As a Development Permit may not be triggered as part of the proposed development, a parking plan with a security in the amount of 120% of the cost of the works are required. A review of this plan and the security obtained will allow Administration to ensure that the parking requirements of the site are in compliance with the Zoning Bylaw.

Administration recommends that Final Reading of Bylaw No. 9274 be withheld until a parking plan has been prepared and security in the amount of 120% of the cost of the works identified has been submitted to the satisfaction of Administration.

Landscaping Plan and Securities

As a Development Permit may not be triggered as part of the proposed development, a landscaping plan with a security in the amount of 120% of the cost of the works are required. A review of this plan and the security obtained will allow administration to ensure that the landscaping requirements of the site are in compliance with the Zoning Bylaw.

Administration recommends that Final Reading of Bylaw No. 9274 be withheld until a landscaping plan has been prepared and security in the amount of 120% of the cost of the works identified has been submitted to the satisfaction of Administration.

Servicing Brief

A Servicing Brief prepared and sealed by a Professional Engineer registered in the Province of British Columbia is required. The Servicing Brief will address technical issues related to water supply, sanitary sewer collection, and storm drainage system designs.

Administration recommends that Final Reading of Bylaw No. 9274 be withheld until a Servicing Brief has been prepared and submitted to the satisfaction of Administration.

Ministry of Transportation and Infrastructure

As per Section 52 of the *Transportation Act*, Bylaw No. 9274 requires the Ministry of Transportation and Infrastructure's approval prior to Final Reading and adoption.

Council Procedures and Statutory Notification

In accordance with section 464(2) of the *Local Government Act*, a public hearing regarding this application will not be held as the proposed bylaw is consistent with the "City of Prince George Official Community Plan Bylaw No. 8383, 2011."

As per the requirements set out in the *Local Government Act* and "City of Prince George Development Procedures Bylaw No. 7635, 2005", in advance of First and Second Reading of the proposed bylaw, the City of Prince George will mail or otherwise deliver a notice to adjacent property owners and tenants whose interests in property may be affected by this application.

In response to the public notice for this application, written comments received from members of the public regarding this application will be provided to Council for their consideration in advance of their consideration of first and second reading of the proposed bylaw. Additional information regarding written submissions to Council can be found on the [City's website](#).

ALTERNATIVES:

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

Administration recommends that Bylaw No. 9274, 2021 be approved.

SUMMARY AND CONCLUSION:

The applicant is proposing to rezone the subject property from RS4: Urban Residential to C8: Commercial Conversion to facilitate a service, personal use for a tattoo parlor on the subject property. Administration supports this application, as proposal is consistent with the OCP policy and Crescents Neighbourhood Plan.

RESPECTFULLY SUBMITTED:

Deanna Wasnik, Director of Planning and Development

PREPARED BY: Melissa Nitz, Planner

APPROVED:

Walter Babicz, City Manager

Meeting Date: 2022/03/28