

# STAFF REPORT TO COUNCIL

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**DATE:** May 24, 2022

**TO:** MAYOR AND COUNCIL

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

**SUBJECT:** Official Community Plan Amendment Application No. CP100184 (Bylaw No. 9257) and Rezoning Amendment Application No. RZ100721 (Bylaw No. 9258)

**APPLICANT:** Mike Davis on behalf of Dr. Amy Johnson Inc., Inc. No. BC1021875

**LOCATION:** 1677 7<sup>th</sup> Avenue

**ATTACHMENT(S):** Location and Existing Zoning Map  
Appendix "A" to Bylaw No. 9257  
Appendix "A" to Bylaw No. 9258  
Exhibit "A" to Application No. CP100184  
Letter from Applicant

## RECOMMENDATION(S):

THAT Council:

1. DENIES First and Second Reading to "City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9257, 2021"; and
2. DENIES First and Second Reading to "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9258, 2021".

## PURPOSE:

The applicant is proposing to amend the Official Community Plan (OCP) and Zoning Bylaw to facilitate a Health Service, Minor use (medical and dermatology clinic) at 1677 7<sup>th</sup> Avenue (subject property).

In order to facilitate the proposed use, the applicant has applied to amend the Official Community Plan (OCP) from Neighbourhood Residential to Downtown, and rezone the subject property from RS4: Urban Residential to C8: Commercial Conversion. The applicant is currently operating at the subject property under Temporary Use Permit No. TU000070 that was approved by Council on July 12, 2021. The applicant has supplied a rationale letter which has been attached to this report for Council's consideration.

As the proposal does not meet the policy direction of the OCP or the Crescents Neighbourhood Plan Administration is unable to support the proposed OCP amendment and rezoning application.

#### Site Characteristics

Location	1677 7 <sup>th</sup> Avenue
Legal Description	Lots 3 and 4, Block 180, District Lot 343, Cariboo District, Plan 1268
Current Use	Health Service, Minor operating under Temporary Use Permit No. TU000070
Site Area	605.0 m <sup>2</sup>
Growth Management Class	Growth Priority

#### Official Community Plan Schedule B-6: Future Land Use (see Appendix “A” to Bylaw No. 9257)

Current Designation	Neighbourhood Residential
Proposed Designation	Downtown

#### Zoning (see Appendix “A” to Bylaw No. 9258)

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

#### Surrounding Land Use Table

North	7 <sup>th</sup> Avenue; Multiple Residential and Single Residential
South	Laneway and Single Residential
East	Single Residential
West	Multiple Residential and Single Residential

#### Title

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

#### Relevant Applications

**Temporary Use Permit Application No. TU000070:** In 2021, the applicant applied for a Temporary Use Permit to facilitate the proposed Health Service, Minor use on the subject property. Administration did not support the application as the proposal did not meet the policy direction of the OCP or the Crescents Neighbourhood Plan. On July 12, 2021, Council recommended approval of the Temporary Use Permit which expires three (3) years from the date of issuance.

#### **POLICY / REGULATORY ANALYSIS:**

##### **Intent of the Official Community Plan**

As identified in Section 1.2 of the OCP (Intent, Application, and Interpretation): The *Local Government Act* explains that all bylaws enacted or works undertaken by Council after adoption of the OCP must be consistent. An OCP, however, is not intended to be a static document, but should adapt to new trends within society and respond to changing circumstances. As such, following appropriate public consultation and careful consideration by Council, policies and land use designations in an OCP may be revised by an amending bylaw pursuant to provisions outlined within the *Local Government Act*.

##### **Official Community Plan**

##### Future Land Use

The subject property is designated as Neighbourhood Residential in Schedule B-6: Future Land Use of the OCP. This designation is intended to provide for neighbourhoods that are primarily residential in nature, and characterized by small-scale developments such as single-family dwellings and similar sized buildings.

In order to facilitate the proposed Health Service, Minor use, the applicant is proposing to amend Schedule B-6: Future Land Use from Neighbourhood Residential to Downtown, as shown on Appendix "A" to Bylaw No. 9257. The Downtown designation is intended to function as the civic and cultural centre of Prince George, containing key cultural, civic, recreational amenities, offices, shopping and 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).

The Downtown designation allows for the minor expansion of commercial conversion uses on lots fronting the west side of Vancouver Street between 4<sup>th</sup> and 11<sup>th</sup> avenue. This allows for the conversion and replacement of older dwellings to a limited range of non-retail commercial uses. Expansion beyond the west side of Vancouver Street is not recommended, as these lots are intended for residential uses and various housing densities (OCP Policy 8.3.30 e).

The subject property is on the west side of Vancouver Street, mid-block along 7<sup>th</sup> Avenue within an established residential neighbourhood. OCP Policy does not support the expansion of non-retail commercial uses to properties westward of parcels along Vancouver Street. Furthermore, the OCP directs commercial and services uses within neighbourhoods to collector and arterial streets (OCP Policy 8.3.54). While 7<sup>th</sup> Avenue is classified as a minor collector, the OCP does not designate this road as a corridor intended for commercial and service expansion.

As the subject property is not located on a collector or arterial road specified for commercial conversions uses, and the Neighbourhood Residential designation is intended for small scale residential development, the proposed Health Service, Minor use is not consistent with the intent of the OCP.

#### 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 prioritize infill development and encourage utilization of underutilized sites (Policy 8.1.1). Growth Management designations allow the City to make decisions about how the community should grow based on existing infrastructure.

The subject property currently has an existing house located on it which has been converted to a medical and dermatology clinic.

#### **Crescents Neighbourhood Plan**

The subject property is located within the Crescents Neighbourhood Plan Area. 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 intent of the Crescents Neighbourhood Plan is to maintain the Crescents as a primarily residential neighbourhood (Policy 5.1.1), with some allowances for commercial and health services in specific areas immediate surrounding the University Hospital of Northern British Columbia (Section 5.4) and along the Vancouver Street corridor (Policy 5.3.1).

A Health Service, Minor use on the subject property is not consistent with the policy direction of 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 RS4 zone also provides for complementary uses that are compatible with the residential characters of the area.

The applicant has applied to rezone the subject property from RS4 to C8: Commercial conversion in order to permit a Health Service, Minor use on the subject property as shown on Appendix “A” to Bylaw No. 9258. 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 services.

As previously indicated, the applicant is currently operating a Health Service, Minor use (medical and dermatology clinic) under a Temporary Use Permit within an existing single detached dwelling on the subject property. The subject property is within an established residential neighbourhood and is surrounded by single family and multiple residential developments. The closest C8 zoned property is approximately 60 m to the east on the corner of 7<sup>th</sup> Avenue and Vancouver Street (i.e. The London and doctor’s offices). These C8 zoned properties front Vancouver Street and align with OCP Policy and the Crescents Neighbourhood Plan.

The proposed rezoning is inconsistent with the policy direction provided in the OCP and Crescents Neighbourhood Plan.

## **Council Procedures and Statutory Notification**

As per the requirements set out in the *Local Government Act* and “City of Prince George Development Procedures Bylaw No. 7635, 2005”, the City of Prince George will mail or otherwise deliver a notice to adjacent property owners and tenants whose interests may be affected by these applications.

Members of the public 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 and prior to third reading of the proposed bylaws. 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 bylaw
2. Approve the bylaw as amended
3. Refuse the bylaw
4. Defer or otherwise deal with the bylaw

Administration recommends that Bylaw No. 9257, 2021 and Bylaw No. 9258, 2021 be denied.

Should Council support this application, the sequence of adoption for the Official Community Plan is as follows:

## **Sequence of Adoption for the Official Community Plan**

Pursuant to the *Local Government Act*, City of Prince George Official Community Plan Bylaw No. 8383, 2011 was adopted by considering the Financial Plan, Solid Waste Management Plan and Strategic Framework. Therefore, any amending bylaws to the Official Community Plan must also consider these plans.

Section 477 of the *Local Government Act* identifies the adoption procedures for the development, repeal or amendment to the Official Community Plan bylaw. This sets in motion the following sequence which identifies the *Local Government Act* requirements and the City’s own procedures:

1. After a bylaw has been given first reading the following must occur:
  - a. Consideration of the plan in conjunction with the current [Financial Plan](#);
  - b. Consideration of the plan in conjunction with the current [Regional District Solid Waste Management Plan](#);
  - c. Consideration of any other plan and policies that the local government considers relevant (i.e. [Strategic Framework for a Sustainable Prince George](#));
  - d. Referral to the Agricultural Land Commission if the Plan applies to Agricultural Land Reserve land (not applicable to these applications);
  - e. Second Reading;
  - f. Public notice of the Public Hearing; and
  - g. Public Hearing.
2. Third Reading of the bylaw.
3. Final Reading and Adoption of the bylaw.

The *Local Government Act* requires that each reading of the OCP bylaw must receive an affirmative vote of a majority of all Council members. The adoption procedures found in Section 477 of the Local Government Act are required, and should any changes occur to the bylaw, the sequence of steps would be repeated.

Should Council support this application, the following recommendations are provided:

THAT Council:

1. GIVES First Reading to "City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9257, 2021."
2. CONSIDERS "City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9257, 2021", in conjunction with the current [Financial Plan](#) and confirm there are no issues.
3. CONSIDERS "City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9257, 2021", in conjunction with the current [Regional District Solid Waste Management Plan](#); and confirm there are no issues.
4. CONSIDERS "City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9257, 2021", in conjunction with the City of Prince George [Strategic Framework for a Sustainable Prince George](#) and confirm there are no issues.
5. GIVES Second Reading to "City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9257, 2021".
6. APPROVES the following public consultation process to fulfill the requirements of Section 475 of the *Local Government Act*:
  - a. Two (2) Citywide Newspaper advertisement(s) requesting written comment; and
  - b. Request for written comment from properties identified on Exhibit "A" to CP100184.
7. EXPANDS, the notification area from 30 metres to the area shown on Exhibit "A" to CP100184, as required in "City of Prince George Development Procedures Bylaw No. 7635, 2005", for the mailing of notice of the public hearing for "City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9257, 2021" and "City of Prince George Zoning Bylaw No. 7580, 2007, Amendment Bylaw No. 9258, 2021."
8. GIVES First and Second Reading to "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9258, 2021"; and

9. PERMITS that consideration of Final Reading of proposed Bylaw No. 9257, 2021 and Bylaw No. 9258, 2021 BE WITHHELD until the following requirements have been met to the satisfaction of Administration:
- a. Receipt of confirmation that Lots 3 and 4, Block 180, 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 and Parking Plan, and security in the amount of 120% of the cost of the paving works identified on the Paving and Parking 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 Services.

#### **DISCUSSION OF ITEMS FOR RESOLUTION OF SUPPORT:**

##### Lot Consolidation

Currently, the subject property is two (2) legal parcels. In order to accommodate the proposed C8: Commercial Conversion zone, Administration recommends that Lots 3 and 4 comprising the subject property be consolidated.

Administration recommends that Final Reading of Bylaw No. 9257 and Bylaw No. 9258 be withheld until confirmation of lot consolidation is received to the satisfaction of Administration.

##### Landscape Plan

As a Development Permit may not be triggered as part of the proposed development, a Landscape Plan and security in the amount of 120% of the cost of the landscaping works identified on the Landscape Plan is required. A review of this Plan and the security obtained will provide Administration the ability to ensure that the subject property is in compliance with the Zoning Bylaw.

Administration recommends that Final Reading of Bylaw No. 9257 and 9258 be withheld until a Landscape Plan has been prepared and security received in the amount of 120% of the cost of the landscaping works has been submitted to the satisfaction of Administration.

##### Paving and Parking Plan

As a Development Permit may not be triggered as part of the proposed development, a Paving and Parking Plan and security in the amount of 120% of the cost of the paving works identified on the Paving and Parking Plan is required. A review of this Plan and the security obtained will provide Administration the ability to ensure that the subject property is in compliance with the Zoning Bylaw.

Administration recommends that Final Reading of Bylaw No. 9257 and Bylaw No. 9258 be withheld until a Paving and Parking Plan has been prepared and security in the amount of 120% of the cost of the paving works 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 to address technical issues related to water supply, sanitary sewer collection, storm drainage system designs and fire flows.

Administration recommends that Final Reading of Bylaw No. 9257 and Bylaw No. 9258 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. 9258 requires the Ministry of Transportation and Infrastructure's approval prior to Final Reading and adoption.

**SUMMARY AND CONCLUSION:**

The applicant has proposed to amend the OCP and Zoning Bylaw to facilitate a Health Service, Minor use (medical and dermatology clinic) at 1677 7<sup>th</sup> Avenue. Administration does not support the proposed amendments, as the proposal is not consistent with OCP Policy or the Crescents Neighbourhood Plan. Administration recommends that Council deny the application for the reasons outlined in this report.

**RESPECTFULLY SUBMITTED:**

Deanna Wasnik, Director of Planning and Development

**PREPARED BY:** Melissa Nitz, Planner

**APPROVED:**

Walter Babicz, City Manager

Meeting Date: 2022/06/13