

STAFF REPORT TO COUNCIL

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DATE: October 3, 2023

TO: MAYOR AND COUNCIL

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

SUBJECT: Temporary Use Permit Application No. TU000087

APPLICANT: Epik Products Inc. (Larissa Dawn Lebel) for 1292331 B.C. Ltd., Inc. No. BC1292331

LOCATION: 356 George Street

ATTACHMENT(S): Location and Existing Zoning Map
Temporary Use Permit No. TU000087
Supporting Documents

RECOMMENDATION(S):

That Council APPROVES Temporary Use Permit No. TU000087 for the property legally described as Lot 5, Block 135, District Lot 343, Cariboo District, Plan 1268.

PURPOSE:

The applicant has applied to renew an existing Temporary Use Permit to allow a Retail, Cannabis use to continue at 365 George Street (subject property).

BACKGROUND:

Site Characteristics

Location	356 George Street
Legal Description	Lot 5, Block 135, District Lot 343, Cariboo District, Plan 1268
Current Use	Retail, Cannabis (Epik Products Inc.)
Site Area	299 m ²
Zoning	C1: Downtown

Official Community Plan

Future Land Use	Downtown
Growth Management	Growth Priority

Surrounding Land Use Table

North	Retail; Office; Third Avenue
South	Retail; Office; Service; 4 th Avenue
East	Laneway
West	George Street; Office; Service

Relevant Applications

Temporary Use Permit Application No. TU000065 and Cannabis Licence Application No. CN000016: On November 9, 2020, Council approved a temporary use permit and cannabis licence at the subject property for a three-year term.

STRATEGIC PRIORITIES:

This application is consistent with Council's strategic priority for economic diversity and growth priorities.

POLICY / REGULATORY ANALYSIS:

A Temporary Use Permit (TUP) is a tool to allow a use short-term that does not comply with the Zoning Bylaw. As per the *Local Government Act*, a TUP may be issued for a maximum of three (3) years and may only be renewed once for up to an additional three (3) years. Following the expiration of the proposed TUP, the applicant must apply for a Zoning Bylaw amendment, cease the use, or relocate to a property that supports the proposed uses.

Zoning Bylaw No. 7850, 2007

The subject property is currently zoned C1: Downtown. The intent of the C1 zone is to provide a mix of uses for the central business area of the city. The C1c zone permits Retail, Cannabis as a principal use, a zoning bylaw amendment application is required to facilitate the "c" designation.

The applicant is currently operating under a TUP set to expire in November 2023. The applicant has applied to renew the TUP to allow a Retail, Cannabis use to continue at the subject property. The applicant is requesting to renew the existing TUP for an additional one year to allow business operations to continue while undergoing a zoning bylaw amendment process from C1 to C1c.

Official Community Plan Bylaw No. 8383, 2011

The subject property is designated as Downtown as per Schedule B-6: Future Land Use of the Official Community Plan (OCP). The Downtown designation is intended to promote revitalization of downtown as the commercial, cultural and civic heart of the community; and support a diverse, socially integrated population. OCP policy promotes downtown as high-density core with mixed use commercial services (Policy 5.1.7). Section 9.2 of the OCP outlines several considerations to avoid conflicts between different types of uses when considering a TUP. The OCP does not differentiate between retail and Retail, Cannabis.

Temporary Nature of Use

While the applicant would like to permanently establish a Retail, Cannabis use on the subject property, the applicant has applied to renew the existing TUP for an additional one year to allow for business operations to continue while undergoing a zoning bylaw amendment.

Compatibility of Adjacent Uses

The subject property is currently operating a Retail, Cannabis use. The subject property is surrounded by C1: Downtown commercial uses and businesses including social services, office space, retail space and more.

Operating under a TUP was initially intended to allow the applicant and administration to further assess any unforeseen impacts that may result from a "Retail, Cannabis" use occurring on the subject property. The existing TUP has not revealed any negative impacts on the surrounding neighbourhood. The applicant has since applied to renew the TUP for an additional one year while undergoing a zoning bylaw amendment.

Impact on Natural Environment

The proposed use is not anticipated to negatively impact the natural environment.

Intensity of Proposed Use

There are currently three other cannabis retail locations in the surrounding area, one located at 421 George Street (approximately 60 m south of the subject property), one located at 1533 3rd Avenue (approximately 500 m west of the subject property) and one located at 1543 Victoria Street (approximately 750 m southwest of the subject property).

Administration has not noted any negative impacts resulting from the operation of the Retail, Cannabis in conjunction with other cannabis retail locations in the surrounding area.

Inability to Conduct Proposed Use Elsewhere

Retail, Cannabis is permitted in the following zones, as per Zoning Bylaw No. 7850, 2007: C1c: Downtown; C2c: Regional Commercial; C4c: Local Commercial; and C6c: Highway Commercial. The applicant has applied to renew the existing TUP for an additional one year to allow for business operations to continue while undergoing a zoning bylaw amendment.

Administration supports this TUP, allowing the existing business to continue to operate while seeking a zoning bylaw amendment.

OTHER CONSIDERATIONS:

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 *Local Government Act* and “City of Prince George Development Procedures Bylaw No. 9423, 2023”, 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.

Referrals

This application was referred to internal City divisions and external agencies with no outstanding concerns.

Property Title

Land Use Contract No. H16498: A Land Use Contract registered to the legal title of the subject property restricts the uses permitted to Retail or other uses permitted in the C1 zone, as per Zoning Bylaw No. 1967, 1967, as amended and replaced. The proposed Retail, Cannabis use is in keeping with the uses permitted by the Land Use Contract.

ALTERNATIVES:

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

Administration recommends that Temporary Permit No. TU000087 be approved.

SUMMARY AND CONCLUSION:

Administration recommends that Council approve the applicant's request for a TUP allowing "Retail, Cannabis" use for an additional one year at 356 George Street.

RESPECTFULLY SUBMITTED:

Deanna Wasnik, Director of Planning and Development

PREPARED BY: Bryce Deveau, Planner 1

APPROVED:

Walter Babicz, City Manager

Meeting Date: 2023/10/30