

STAFF REPORT TO COUNCIL

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DATE: July 7, 2020

TO: MAYOR AND COUNCIL

NAME AND TITLE: Ian Wells, General Manager of Planning and Development

SUBJECT: Rezoning Amendment Application No. RZ100663 (Bylaw No. 9133)

Applicant: Dana and Adam Mathison and Owen and Lorraine Mathison
Location: 1675 5th Avenue

ATTACHMENT(S): Location and Existing Zoning Map
Appendix "A" to Bylaw No. 9133

RECOMMENDATION(S):

THAT Council:

1. **GIVES First and Second Reading to "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9133, 2020"; and**
2. **WAIVES the requirements for a public hearing for proposed "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9133, 2020", pursuant to Section 464 (2) of the *Local Government Act*.**

PURPOSE:

The applicant would like to open a daycare that allows more than 13 children at 1675 5th Avenue. Currently, the subject property is zoned RS4: Urban Residential, which allows a daycare or afterschool care for up to 12 persons under the 'Community Care Facility, Minor' use. In order to accommodate the proposed use, the applicant would like to rezone the subject property to RM1: Multiple Residential, which would facilitate a full-day daycare, with more than 13 children under the 'Community Care Facility, Major' use.

Site Characteristics

Location	1675 5 th Avenue
Legal Description	Lot C (see BA516698), Block 160, District Lot 343, Cariboo District, Plan 1268
Current Use	Residential
Site Area	615.47 m ²
Future Land Use	Neighbourhood Residential
Growth Management Class	Infill

Zoning (see Appendix “A” to Bylaw No. 9133)

Current Zoning	RS4: Urban Residential
Proposed Zoning	RM1: Multiple Residential

Surrounding Land Use Table

North	5 th Avenue; Residential
South	Laneway and Residential
East	Residential
West	Residential

Official Community Plan (OCP)

The subject property is designated Neighbourhood, Residential in Schedule B-6: Future Land Use of the Official Community Plan. This designation encourages development that is consistent with form and character of existing neighbourhoods (Policies 8.3.58 and 8.3.62) and permits housing forms with a density of less than 22 units/ha (Policy 8.3.59) The OCP supports infill and redevelopment in existing neighbourhoods that is incremental, respects the scale and character of the existing neighbourhood and has relatively minor immediate impacts on the surrounding area (Policies 8.3.45, 8.3.48).

The proposed ‘Community Care Facility, Major’ is utilizing an existing single detached house which is a similar scale and size of buildings in the surrounding neighbourhood. The proposed rezoning is consistent with policy direction of the OCP.

Zoning Bylaw No. 7850, 2007

The subject property is zoned RS4: Urban Residential, The purpose of this zone is 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 character of the area. In order to accommodate a ‘Community Care Facility, Major’ use, the applicant is proposing to rezone the subject property to RM1: Multiple Residential. The intent of the RM1: Multiple Residential zone is to provide for row housing and apartment housing with not more than six (6) units in a building, and a maximum residential density of 30 dwellings per hectare.

The current RS4: Urban Residential zone permits single detached housing and a Community Care Facility, Minor (i.e. a daycare for up to 12 persons) on the subject property. The proposed RM1: Multiple Residential zone permits a number of principal uses, including a variety of housing forms and Community Care Facility, Major (i.e. daycare for 13 or more persons). The applicant intends to operate a full time daycare for up to 24 persons on the subject property. The existing house on the subject property would accommodate the proposed Community Care Facility, Major use. Furthermore, the subject property meets the RM1 requirements for minimum lot width (15.0 m) and minimum lot area (500 m²).

The proposed Community Care Facility requires 1 parking space per 2 employees, plus 1 per 10 patrons, with a minimum of 4 parking spaces. The applicant has demonstrated that there will be eight parking spaces available on the subject property, which exceeds minimum requirements. The proposed parking spaces will also be available to accommodate employee parking, and drop-off and pick-up for parents. The applicant intends to access the subject property from the laneway and to stagger pickup and drop off times to eliminate any possible congestion along 5th Avenue.

Administration supports this application as the proposal aligns with OCP Policy, meets the RM1 zoning regulations (lot size, lot width, density and use), and the parking requirements have been satisfactorily addressed. Administration does not anticipate any negative effects as a result of this application.

OTHER CONSIDERATIONS:

Referrals

The application was referred to internal departments and external agencies for comment. There were no outstanding comments or concerns with this application.

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.

Legislation specifies that a local government may waive the holding of a public hearing on a proposed zoning bylaw if an OCP is in effect for the area that is subject to the zoning bylaw and the bylaw is consistent with the OCP. Further, Council resolved that in addition to the legislative requirements above, in order for Administration to recommend that Council waive a public hearing, the following criteria must also be met:

- a. Approval of the rezoning application is supported by Staff; and
- b. A determination that the public hearing on the application is not expected to generate significant public input.

Notice of City Council's decision to waive the public hearing and the opportunity to provide written comments, will be published in accordance with legislative requirements. Written submissions received in response to the public notice for this application will be provided to Council for consideration at the time third reading of the bylaw is proposed to be considered. Submissions received after the Council meeting agenda has been published will be provided as a handout on the day of the Council meeting for Council's consideration during deliberations on the application.

Subject to Council's approval of first and second reading of Bylaw No. 9133, 2020, third reading of the proposed bylaw may be considered at the next regularly scheduled Council meeting

Public Hearings

Pursuant to Section 464(2) of the *Local Government Act*, Administration recommends that Council waive the requirement for a public hearing in relation to proposed Bylaw No. 9133, 2020, as the application is consistent with the City's OCP, approval of the rezoning application is supported by Staff; and a public hearing on the application is not expected to generate significant public input

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. 9133, 2020 be approved.

SUMMARY AND CONCLUSION:

The applicant would like to rezone the subject property from RS4: Urban Residential to RM1: Multiple Residential to permit a 'Community Care, Major' use on the subject property. Administration recommends that Council support this application for the reasons outlined in this report.

RESPECTFULLY SUBMITTED:

Ian Wells, General Manager of Planning and Development

PREPARED BY: Nicole Fraser, Planner

APPROVED:

Kathleen Soltis, City Manager

Meeting Date: 2020/07/27