

# STAFF REPORT TO COUNCIL

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**DATE:** August 31, 2020

**TO:** MAYOR AND COUNCIL

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

**SUBJECT:** Temporary Use Permit Application No. TU000062

Applicant: Epik Products Inc. (Larissa Dawn Lebel) for Healx Medical Corporation Inc., Inc. No. BC1163648  
Location: 356 George Street

**ATTACHMENT(S):** Location and Existing Zoning Map  
Temporary Use Permit No. TU000062  
Liquor and Cannabis Regulation Branch Approval  
Supporting Document(s)

## RECOMMENDATION(S):

That Council DENY Temporary Use Permit No. TU000062 for the property legally described as Lot 5, Block 135, District Lot 343, Cariboo District, Plan 1268.

## PURPOSE:

The applicant has applied for a Temporary Use Permit to allow a Retail, Cannabis use on the subject property located at 356 George Street (formerly Long & McQuade). The proposed retail sale of cannabis will be located in an existing building within the downtown core. Please see the attached supporting documents for more details.

The applicant has successfully completed the financial integrity check and security screening required by the Liquor and Cannabis Regulation Branch (LCRB) for a non-medical cannabis retail store. Although this step has been approved, Administration is recommending denial of the application for the reasons outlined in this report.

## Background

### Site Characteristics

Location	356 George Street
Current Use	Vacant Storefront (previously Long & McQuade)
Site Area	299 m <sup>2</sup>
Zoning	C1: Downtown

### Official Community Plan

Future Land Use	Downtown
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Growth Management	Growth Priority
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#### Surrounding Land Use Table

North	Kaun Law Corporation Office; Vacant Lot; Ritual Coffee Bar; Third Avenue
South	Pastry Chef; Steve & Sons Shoe Repair; Fourth Avenue
East	Laneway
West	George Street; Downtown Commercial and Office Spaces

#### **Relevant Applications**

Cannabis License Application No. CN000013: The applicant has applied for a Retail Cannabis License following the financial integrity check and security screening with the LCRB. The concurrent Staff Report to Council for Cannabis License Application No. CN000013 considers the proposed Retail, Cannabis use in accordance with the City of Prince George Liquor and Cannabis License Policy, and provides an opportunity for public feedback on the application. The application will require a resolution from Council be forwarded to the LCRB.

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

A Temporary Use Permit (TUP) is a tool to allow a short-term use 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 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 use.

#### **Land Use Contract**

There is a Land Use Contract registered to the legal title of the subject property, Land Use Contract Bylaw No. 2493, 1973, registered as Land Title Office Document No. H16498. The Land Use Contract restricts the uses permitted on the subject property to Retail or other uses permitted in the C1: Commercial Comprehensive Core zone, as per Zoning Bylaw No. 1967, 1967. The proposed cannabis retail use is in keeping with the uses permitted under the Land Use Contract.

#### **Zoning Bylaw**

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 C1 zone does not permit Retail, Cannabis as a principal use; therefore, the applicant has applied for a TUP to allow Retail, Cannabis on the subject property located at 356 George Street. The C1: Downtown zone may allow Retail, Cannabis as a principal use, subject to a rezoning application from C1 to C1c.

#### **Official Community Plan**

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 a number of considerations to avoid conflicts between different types of uses when considering a TUP. The OCP does not differentiate between Retail, Cannabis and other forms of retail.

#### Temporary Nature of Use

While the applicant would like to permanently establish a Retail, Cannabis use on the subject property, a TUP is being used as a mechanism to allow the City and external agencies, the opportunity to better understand the impacts of Retail, Cannabis in the downtown. Should the applicant want to continue this use permanently on the subject property, a rezoning application will be required.

#### Compatibility of Adjacent Uses

The subject property is within 1 km of Wood Innovation Square, Duchess Park Secondary School, Canada Games Plaza, Veterans Plaza, Connaught Hill Park and the Provincial Court.

The downtown provides a number of social programs and services located within approximately 250 m of the subject property. Some of these social programs and services include the Central Interior Native Health Society, the Fire Pit Cultural Drop-In Centre, Intersect Youth and Family Services, Youth Around Prince, Royal Canadian Legion, and Prince George Native Friendship Centre, Association Advocating for Women and Community and St. Vincent de Paul Society.

#### Intensity of Proposed Use

The Liquor and Cannabis Licensing Policy recommends a minimum separation of 1.6 km between cannabis retail uses. There are currently two cannabis retail locations within the downtown, one located at 421 George Street (approximately 60 m south of the subject property) and one located at 1533 3rd Avenue (approximately 500 m west of the subject property).

Administration notes the close proximity of the existing cannabis retail locations and believes allowing a cannabis retail store on the subject property is inconsistent with the City of Prince George Liquor and Cannabis License Policy, and may create an over proliferation of the use in the downtown area. As such, Administration recommends that Council deny the proposed TUP.

#### Impact on Natural Environment

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

#### 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 for a TUP to allow the Retail, Cannabis use on the subject property for a temporary duration.

### **OTHER CONSIDERATIONS:**

#### **Referrals**

This application was referred to internal City divisions and external agencies for comments. The RCMP has indicated an overall concern with cannabis retail uses being located within the downtown. The RCMP has recommended that the City oppose any applications that look at adding cannabis (or liquor) in the downtown core.

#### **Notification to Adjacent Property Owners**

As per the requirements set out in the *Local Government Act*, the City of Prince George will mail or otherwise deliver a notice to adjacent property owners and tenants whose interests may be affected by this temporary use.

#### **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 *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 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 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.

#### **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 Use Permit No. TU000062 be denied.

Should Council support Temporary Use Permit No. TU000062, Administration has included with this report Temporary Use Permit No. TU000062 which would allow the proposed Retail, Cannabis use to occur on the subject property for 3 years.

#### **SUMMARY AND CONCLUSION:**

Administration recommends that Council deny the applicant’s request for a TUP allowing Retail, Cannabis use on subject property located at 356 George Street for the reasons outlined in this report.

#### **RESPECTFULLY SUBMITTED:**

Ian Wells, General Manager of Planning and Development

**PREPARED BY:** Kali Holahan, Planner

#### **APPROVED:**

Kathleen Soltis, City Manager

Meeting Date: 2020/09/14