

STAFF REPORT TO COUNCIL

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DATE: June 16, 2021

TO: MAYOR AND COUNCIL

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

SUBJECT: Temporary Use Permit Application No. TU000070
Applicant: Mike Davis and Amy Johnson
Location: 1677 7th Avenue

ATTACHMENT(S): Location and Existing Zoning Map
Temporary Use Permit No. TU000070
Letter of Intent from the Applicant

RECOMMENDATION(S):

That Council DENIES Temporary Use Permit No. TU000070 for the property legally described as Lot 3 and Lot 4, Block 180, District Lot 343, Cariboo District, Plan 1268.

PURPOSE:

The applicant would like to operate a medical and dermatological clinic out of an existing single-family dwelling located at 1677 7th Avenue (subject property). To facilitate the proposal, the applicant has applied for a Temporary Use Permit to allow a Health Service, Minor use on the subject property. The applicant has provided a letter of intent that provides rationale for support of this application. The applicant's letter is attached to this report for Council's consideration.

Background

Site Characteristics

Location	1677 7 th Avenue
Current Use	Single Family Dwelling
Site Area	605 m ²
Zoning	RS4: Urban Residential

Official Community Plan

Future Land Use	Neighbourhood Residential
Growth Management	Growth Priority

Surrounding Land Use Table

North	7 th Avenue, Single and Multiple Residential
South	Lane, Single Residential
East	Single Residential
West	Multiple Residential

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 uses.

Zoning Bylaw

The subject property is currently zoned RS4: Urban Residential. The intent of the RS4 zone is to accommodate single detached housing on lots with lane access. The applicant has applied for a TUP to allow a Health Service, Minor use on the subject property which is not permitted within the RS4 zone.

Crescents Neighbourhood Plan

The subject property is located within the Crescents Neighbourhood Plan Area. The intent of the Crescents Neighbourhood Plan (CNP) is to maintain the Crescents as a primarily residential neighbourhood, with some allowances for commercial and health services in specific areas immediately surrounding the University Hospital of Northern British Columbia (Section 5.4). Furthermore, the CNP indicates limited expansion of commercial uses along Vancouver Street (Policy 5.3 1), and identifies the subject property as appropriate for multifamily development (Policy 5.1 1.b).

As indicated above, a Health Service, Minor use on the subject property is not consistent with the policy direction of the CNP. Therefore, Administration is unable to support this application.

Official Community Plan

The subject property is designated as Neighbourhood Residential as per Schedule B-6: Future Land Use of the Official Community Plan (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 similarly sized buildings.

Furthermore, the OCP directs commercial and service uses within neighbourhoods to collector and arterial streets (Policy 8.3.54). While 7th Avenue is classified as a minor collector, the OCP does not designate this road network as a corridor intended for commercial and service expansion.

As the subject property is not located on a collector road specified for service 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. Therefore, Administration is unable to support this application.

In addition to the above referenced OCP policy, Section 9.2 identifies the criteria that Administration uses to evaluate a TUP application.

Temporary Nature of Use

The applicant would like to establish a clinic specializing in medical and dermatological treatments on the subject property. If approved, the TUP would allow the applicant to obtain a business license, and operate the proposed health clinic on the subject property. Upon expiry of the permit, the applicant may renew the Temporary Use Permit (for up to an additional 3 years), seek a zoning amendment to allow the Health Service, Minor use as a permanent use on the subject property, or relocate the business.

Compatibility of Adjacent Uses

The subject property is located mid-block within an established residential neighbourhood. While residents are permitted to operate home businesses out of their dwelling, the intent is that the dwellings remain primarily residential in use and character. The existing policies (OCP and CNP) direct commercial conversion of residential dwellings towards intersections and along major roads. As indicated above, the subject property is located mid-block along a minor Collector road.

Impact on Natural Environment

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

Intensity of Proposed Use

Home businesses on RS4 zoned properties are limited to no more than 25% of the floor area of the dwelling, and no more than one client or customer on site per hour. The applicant indicates that there will not be more than two clients on site per hour, which is of a higher intensity than the home business regulations. With this said, the applicant has also indicated the clinic would only operate three times per week, which would reduce the impact of the business.

Inability to Conduct Proposed Use Elsewhere

The Health Service, Minor use is permitted in a variety of commercial and institutional zones throughout the City of Prince George. These include: C1: Downtown, C2: Regional Commercial; C3: Neighbourhood Commercial, C4: Local Commercial, C6: Highway Commercial, C7: Transitional Commercial, C8: Commercial Conversion, and P3: Major Institutional.

OTHER CONSIDERATIONS:

Council Procedures during COVID-19

Orders of the Provincial Health Officer and Ministerial Order No. 192, issued under the Emergency Program Act, related to local government meetings and bylaw processes, have imposed specific requirements on local governments related to council meetings and bylaw process. In accordance with these orders, City Council has discontinued informal hearings for Development Variance Permit applications, Temporary Use Permit applications and other applications where such hearings are not legally required to be held. This decision is effective for the period that the Ministerial Orders related to local government meetings and bylaw processes apply.

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 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.

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.

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. TU000070 be denied. Should Council choose to support this application, Administration recommends the attached Temporary Use Permit No. TU000070 be considered for three (3) years from the date of issuance.

SUMMARY AND CONCLUSION:

Administration recommends that Council deny the applicant's request for a TUP allowing a Health Service, Minor use on subject property for the reasons outlined in this report.

RESPECTFULLY SUBMITTED:

Deanna Wasnik, Acting Director of Planning and Development Services

PREPARED BY: Mandy Stanker, Supervisor of Land Use Planning

APPROVED:

Walter Babicz, Acting City Manager

Meeting Date: 2021/07/12