

# STAFF REPORT TO COUNCIL

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**DATE:** September 8, 2021

**TO:** MAYOR AND COUNCIL

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

**SUBJECT:** Official Community Plan Amendment Application No. CP100176 (Bylaw No. 9214) and Rezoning Amendment Application No. RZ100705 (Bylaw No. 9215)

**APPLICANT:** Peter Wise for 1253545 B.C. Ltd., Inc. No. BC1253545

**LOCATION:** 1177 Foothills Boulevard

**ATTACHMENT(S):** Location and Existing Zoning Map  
Appendix "A" to Bylaw No. 9214  
Appendix "A" to Bylaw No. 9215  
Exhibit "A" to Application No. CP100176  
Exhibit "A" to Application No. RZ100705  
Exhibit "B" to Application No. RZ100705  
Supporting Documents

## 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. 9214, 2021"; and
2. DENIES FIRST AND SECOND READING to "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9215, 2021".

## PURPOSE:

The applicant is proposing to amend the Official Community Plan (OCP) and Zoning Bylaw to facilitate development of a six-storey apartment building comprised of 127 units at 1177 Foothills Boulevard (subject property).

In order to facilitate the proposed density and height, the applicant has applied to amend the OCP from Neighbourhood Residential to Neighbourhood Centre Corridor; and rezone the subject property from RM4: Multiple Residential to RM6: Mid-Rise Residential. The applicant has provided a rendering of the proposed development and details of the proposed seniors housing model, amenities and services, which have been attached to this report as supporting documents. Administration does not support the applicant's proposed OCP amendment and rezoning as the proposal does not meet the policy direction of the OCP.

### Site Characteristics

Location	1177 Foothills Boulevard
Legal Description	Lot 104, District Lot 2507 and 2609, Cariboo District, Plan 22809
Current Use	Vacant Land
Site Area	1.0 ha (2.5 acres)
Growth Management	Infill
Servicing	Services Available

### Official Community Plan – Future Land Use (see Appendix “A” to Bylaw No. 9214)

Current Designation	Neighbourhood Residential
Proposed Designation	Neighbourhood Centre Corridor

### Zoning (see Appendix “A” to Bylaw No. 9215)

Current Zoning	RM4: Multiple Residential
Proposed Zoning	RM6: Mid-Rise Residential

### Surrounding Land Use Table

North	Foothills Boulevard
South	Open Space; Single Residential; Elkhorn Crescent
East	Foothills Boulevard; Single Residential; Ochakwin Crescent
West	Significant Slope; Cranbrook Hill Road

## 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 maintain a similar scale of housing typical to existing neighbourhoods, having a density of less than 22 units per hectare, and limiting the size of new buildings (Policy 8.3.58 and 8.3.59).

#### Form and Character

In order to facilitate the proposed six (6) storey apartment building, the applicant has applied to amend the future land use designation from Neighbourhood Residential to Neighbourhood Centre Corridor. Neighbourhood Centre's are intended to increase the mix of uses (i.e., residential and daily needs amenities) within easy walking distance of one another (Section 8.3 C). The Neighbourhood Centre Corridor designation is intended to provide mixed-use developments incorporating local shops, services and similar amenities at grade with residential above, and is typically along a major arterial or collector road (Policy 8.3.34). Neighbourhood Centre Corridors primarily consist of multi-family building forms up to four (4) storeys in height, except along Queensway and at the intersection of O'Grady and Stringer Crescent where six (6) storeys is appropriate (Policy 8.3.33 and 8.3.37).

The surrounding neighbourhood (north, east and south of the subject property) is predominantly low density residential. Nearby apartment buildings (i.e., Carriage House Apartments, Forest Glen Apartments, Briarwood Apartments) are located on lots zoned RM3: Multiple Residential, RM4: Multiple Residential, and RM5: Multiple Residential. The above noted apartment buildings are 2.5 storeys in height. Additional apartment housing is currently under construction at Glen Shee Road and Foothills Boulevard on lots zoned RM5, which permits a

maximum number of four (4) storeys. OCP Policy encourages buildings be of a similar size and scale with nearby (e.g., on the same street or block) buildings (Policy 8.3.55). The proposed six (6) storey apartment is not consistent with the size and scale of existing apartment buildings in the surrounding area and reflects a scale of development supported elsewhere such as in the downtown, along Queensway and at the intersection of O'Grady Road and Stringer Crescent (Policy 8.3.33).

OCP Policy encourages infill and redevelopment of existing vacant and underused sites, with an emphasis on enhancing the pedestrian experience (Policy 8.3.31). The subject property is within a transit catchment area however is not within walking distance of daily needs amenities (Policy 8.7.23). The proposed development will access directly onto Foothills Boulevard, which is classified as an arterial road. It is not clear the extent of potential impacts, the proposed development will have on traffic volumes and access to Foothills Boulevard.

#### *Schedule B-3: Significant Slopes*

The subject property is adjacent to Cranbrook Hill Road and a portion has been identified within Schedule B-3: Significant Slopes. Significant slopes are slopes greater than 20% grade and may be subject to landslide, erosion and sedimentation hazards (Policy 6.4.54 and 6.4.57).

The OCP encourages that park and open spaces utilize lands subject to landslide, erosion and sedimentation hazards, and that development be located a safe distance from significant slopes based on geotechnical reporting prepared by a qualified professional (Policy 6.4.55). OCP Policy encourages a strong urban/rural edge, following topographical features and significant slopes including slopes along the west of Foothills Boulevard (Policy 8.1.5).

The applicant has provided a Geotechnical Slope Review prepared by McElhanney Ltd., dated June 16, 2020, and an updated Geotechnical Assessment prepared by Soil Tech Consulting Ltd., dated August 12, 2021. Both the Geotechnical Slope Review and Geotechnical Assessment identified a 0.37 ha (0.9 acre) area as not developable (i.e., no building and no disturbance) without further geotechnical reporting, as shown on Exhibit "A" to RZ100705.

The proposed Neighbourhood Centre Corridor designation permits a scale of development inappropriate for the subject property as per OCP policy outlined above. Administration does not support the proposed amendments to the OCP to allow increased density and height.

#### Growth Management

The subject property is designated as Infill in Schedule B-4: Growth Management of the OCP. The intent of this designation is to prioritize infill development and encourage utilization of vacant sites (Policy 8.1.1).

Although OCP Policy encourages infill, the proposed density, form and potential impacts of the proposed development must be considered. The proposed density, coupled with significant slopes and reduced buildable area is not compatible. Furthermore, the location of the proposed development is not consistent with the policy direction of the OCP. Administration does not support the proposed amendments to the OCP.

#### **Zoning Bylaw**

The subject property is currently zoned RM4: Multiple Residential. The RM4 zone is intended to provide multi-family housing with a maximum density of 90 dwellings/ha. The current zoning would allow the applicant to construct a four (4) storey, 90 dwelling apartment building.

The applicant is proposing to rezone the subject property from RM4 to RM6: Mid-Rise Residential. The RM6 zone is intended to provide mid-rise, multi-family housing with a maximum density of 140 dwellings/ha, for areas defined by the OCP as suitable for higher densities. The proposed RM6 zone would allow the applicant to construct a six (6) storey, 140 dwelling apartment building.

The RM6 zone is supportable downtown, along Queensway, and at the intersection of O'Grady Road and Stringer Crescent. There are currently 23, RM6 zoned properties throughout the City and only four (4) of which are west of Highway 97, as shown on Exhibit "B" to RZ100705 in red. The RM6 zone is primarily located east of Highway

97, along Queensway and downtown, where higher density residential uses are encouraged. The four (4) properties west of Highway 97 include:

- an undeveloped parcel located at 474 Ospika Boulevard with a Section 219 Covenant (Title Document No. BB612734) restricting building height a maximum of 12.0 m;
- Rainbow Care Home located at 1000 Liard Drive, which is a single storey development;
- West Gables Town Houses located at 2823 Ferry Street, which is a three (3) storey development; and
- O'Grady Heights located at 5940 Stringer Crescent, which includes a five (5) and six (6) storey apartment as permitted by the OCP.

There are currently no RM6 zoned properties west of Ospika Boulevard.

As noted above, the applicant is proposing to rezone the subject property from RM4 to RM6, to facilitate the development of a six (6) storey apartment building. Administration has provided a comparison of the development regulations for these zones in Table 1 below.

<b>Table 1</b>	<b>Current – RM4: Multiple Residential</b>	<b>Proposed – RM6: Mid-Rise Residential</b>
Principal Uses	<ul style="list-style-type: none"> <li>• Community Care Facility, Major</li> <li>• Community Care Facility, Minor</li> <li>• Housing, Apartment</li> <li>• Housing, Congregate</li> <li>• Housing, Four-Plex</li> <li>• Housing, Row</li> <li>• Housing, Stacked Row</li> </ul>	<ul style="list-style-type: none"> <li>• Apartment Hotel</li> <li>• Community Care Facility, Major</li> <li>• Community Care Facility, Minor</li> <li>• Housing, Apartment</li> <li>• Housing, Congregate</li> <li>• Housing, Four-Plex</li> <li>• Housing, Row</li> <li>• Housing, Stacked Row</li> </ul>
Secondary Uses	<ul style="list-style-type: none"> <li>• Home Business 1</li> </ul>	<ul style="list-style-type: none"> <li>• Club</li> <li>• Health Service, Minor</li> <li>• Home Business 1</li> <li>• Retail, Convenience</li> <li>• Service, Massage Therapy</li> <li>• Service, Personal</li> </ul>
Max. density	90 dwellings/ha	140 dwellings/ha
Max. site coverage	55%	45% plus 30% for covered parking
Max. height	12.0 m	30.0 m
Min. front yard	6.0 m	4.5 m
Min. interior side yard	3.0 m	3.0 m
Min. rear yard	6.0 m	4.5 m
Min. between principal buildings	4.5 m	6.0 m

As shown in Table 1, the existing RM4 zone permits a number of residential building forms constructed to a maximum height of 12.0 m, with up to 90 dwellings/ha. The principal uses permitted by the proposed RM6 zone almost mirrors the RM4 building forms; however, the maximum height is 30.0 m and maximum density is 140 dwellings/ha. The subject property is 1.0 ha (2.5 acres) in size, therefore the maximum density permitted under the RM4 zone will allow up to 90 dwellings units. The applicant has proposed RM6 zoning in order to allow up to 140 dwelling units.

As noted above, Exhibit "A" to RZ100705, geotechnical reporting has identified approximately 0.37 ha (0.9 acres) as not developable without further professional reporting. OCP Policy recommends that a restrictive covenant be applied to the use, building and subdivision of significant slopes and areas deemed not developable. The OCP also suggests that these areas be excluded from all density calculations (Policy 6.4.50 and 8.2.15). Administration typically works with land use applicants to zone geotechnically sensitive land as AG: Greenbelt and secures a voluntary Section 219 Covenant. Where AG zoning is applied to sensitive lands, density

calculations exclude this land area. The applicant has indicated opposition to incorporating AG zoning on the subject property in order to obtain the maximum allowable density of the proposed

The proposed rezoning is inconsistent in scale and density from the surrounding neighbourhood. The proposed RM6 zone permits a scale of development inappropriate for the subject property as per OCP policy outlined above. Potential over-building of the site may lead to future variances to parking or landscaping requirements. In keeping with the rationale provided above, Administration does not support this application.

#### **Council Procedures during COVID-19 Pandemic**

As per the requirements set out in the *Local Government Act* and “City of Prince George Development Procedures Bylaw No. 7635, 2005”, if Council approves first and second reading of the proposed bylaws, 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. The City of Prince George follows the guidelines of the Provincial Health Officer as measures have been put in place to ensure the safety of members of the public attending the Public Hearing to provide comments. 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. 9214, 2021 and Bylaw No. 9215, 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. 9214, 2021”.
2. CONSIDERS “City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9214, 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. 9214, 2021”, in conjunction with the current Regional District of Fraser Fort-George 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. 9214, 2021”, in conjunction with 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. 9214, 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 advertisements requesting written comment; and
  - b. Request for written comment from properties identified on Exhibit “A” to CP100176.
7. EXPANDS, from 30 metres distance to the notification area shown on Exhibit ‘A’ to CP100176, as required in the “City of Prince George Development Procedures Bylaw No. 7635, 2005,” for the mailing of notice of the public hearing for the “City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9214, 2021” and “City of Prince George Zoning Bylaw No. 7580, 2007, Amendment Bylaw No. 9215, 2021”.
8. GIVES FIRST AND SECOND READINGS to “City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9215, 2021”.
9. PERMITS the Public Hearing for proposed Bylaw No. 9214 and Bylaw No. 9215 BE WITHHELD until the following requirements have been met to the satisfaction of Administration:
  - a. Receipt of a complete Development Permit Application;
  - b. Receipt of a Geotechnical Report;
  - c. Receipt of a Servicing Brief; and
  - d. Receipt of a Traffic Impact Study.
10. PERMITS that consideration of Final Reading for proposed Bylaw No. 9214 and Bylaw No. 9215 BE WITHHELD until the following requirements have been met to the satisfaction of Administration:
  - a. Receipt of a Section 219 Restrictive Covenant that restricts development of the subject property as identified in the Geotechnical Report.

In addition, any recommendations presented in the preceding items must be addressed to the satisfaction of the Acting Director of Planning and Development.

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

### Development Permit

Section 488 of the *Local Government Act* gives municipalities the authority to designate development permit areas for specific purposes including the establishment of objectives for the form and character of multi-family developments. Once a development permit area has been designated, a development permit must be obtained prior to development.

The subject property is identified within a Multiple Residential Form and Character Development Permit Area. The Multiple Residential Form and Character Development Permit Area is intended to diversify housing stock options that provide for an appropriate level of design and site layout compatible with and complementary to adjacent uses; considers the human-scale; and provides the City with the ability to tailor new multiple residential developments to local site conditions (Policy 8.2.10). Through the development permit process, the City will evaluate that the proposed development by location; lot size; site access; volume of site usage and traffic; parking; landscaping and screening; development size, massing and quality of design (Policy 8.3.7).

Should Council approve the First Two Readings of Bylaw No. 9214, 2021, and Bylaw No. 9215, 2021, Administration recommends that the Public Hearing of Bylaw No. 9214 and Bylaw No. 9215, be withheld until a complete Multiple Residential Form and Character Development Permit application has been submitted to 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 and storm drainage system designs.

Should Council support this application, Administration recommends that the Public Hearing of Bylaw No. 9214 and Bylaw No. 9215, be withheld until a Servicing Brief has been prepared and submitted to the satisfaction of Administration.

### Traffic Impact Study

A Traffic Impact Study prepared and sealed by a Professional Engineer registered in the Province of British Columbia is required to address technical issues related to traffic for the proposed development (e.g. access to and from the subject property and adjacent intersections, trip generation information, and recommendations to reduce the impacts associated with traffic).

Should Council support this application, Administration recommends that Public Hearing of Bylaw No. 9214 and Bylaw No. 9215, be withheld until a Traffic Impact Study has been prepared and submitted to the satisfaction of Administration.

### Section 219 Covenant

In order to preserve geotechnically sensitive land, the applicant has offered to register a Section 219 Restrictive Covenant on title of the subject property prior to Final Reading of Bylaw No. 9214 and Bylaw No. 9215. This covenant would restrict land disturbance and buildings from the area shown on Exhibit "A" to RZ100705.

Should Council support this application, Administration recommends that Final Reading of Bylaw No. 9214 and Bylaw No. 9215, be withheld until a Section 219 Restrictive Covenant that restricts development, as shown on Exhibit "A" to RZ100705, is provided to Administration's satisfaction, and is registered on the title of the Subject property.

**SUMMARY AND CONCLUSION:**

The applicant has proposed to amend the OCP and Zoning Bylaw to facilitate a six (6) storey, 127 dwelling apartment building at 1177 Foothills Boulevard. Administration does not support the proposed amendments due to the proposed density, height and location being inconsistent with OCP policy. Administration recommends that Council deny the application for the reasons outlined in this report.

**RESPECTFULLY SUBMITTED:**

Deanna Wasnik, Acting Director of Planning and Development Services

**PREPARED BY:** Kali Holahan, Planner

**APPROVED:**

Walter Babicz, City Manager

Meeting Date: 2021/10/04