

STAFF REPORT TO COUNCIL

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DATE: February 10, 2022

TO: MAYOR AND COUNCIL

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

SUBJECT: Amendments to Official Community Plan Application No. CP100177 (Bylaw No. 9237, 2021) and Rezoning Application No. RZ100713 (Bylaw No. 9238, 2021)

APPLICANT: Kirk Gable for Roswitha Friedmann

LOCATION: 2361 and 2385 Hart Highway

ATTACHMENT(S): Location and Existing Zoning Map
Appendix "A" to Bylaw No. 9237
Appendix "A" to Bylaw No. 9238

RECOMMENDATION(S):

That Council:

1. GIVES FIRST READING to "City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9237, 2021."
2. CONSIDERS "City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9237, 2021", in conjunction with the current Financial Plan and confirms there are no issues.
3. CONSIDERS "City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9237, 2021", in conjunction with the current Regional District of Fraser Fort-George Solid Waste Management Plan and confirms there are no issues.
4. CONSIDERS "City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9237, 2021", in conjunction with the City of Prince George Strategic Framework for a Sustainable Prince George and confirms there are no issues.
5. GIVES SECOND READING to "City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9237, 2021"
6. APPROVES the following public consultation process to fulfill the requirements of Section 475 of the *Local Government Act*:
 - a. One (1) Citywide Newspaper advertisement requesting written comment.
7. GIVES FIRST AND SECOND READING to "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9238, 2021"; and

8. PERMITS that consideration of Final Reading of proposed Bylaw Nos. 9237 and 9238, 2021 BE WITHHELD until the following requirements have been met to the satisfaction of Administration:

- a. Registration of a Section 219 Covenant on the legal title of Lots 1 and 2, District Lot 4377, Cariboo District, Plan 9186 that restricts symmetrical facades for two-unit housing; and
- b. Registration of a Section 219 Covenant on the legal title of Lots 1 and 2, District Lot 4377, Cariboo District, Plan 9186 that restricts secondary suites within two-unit housing.

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

PURPOSE:

The applicant has applied to amend the Official Community Plan (OCP) designation, and Zoning Bylaw to align the existing residential uses at 2361 and 2385 Hart Highway (subject properties) with the OCP and Zoning Bylaw. The applicant would like to amend the subject properties OCP designation from Service Commercial to Neighbourhood Residential, and rezone from C4: Local Commercial to RT2: Two-Unit Housing.

Site Characteristics

Location	2361 and 2385 Hart Highway
Legal Description	Lots 1 and 2, District Lot 4377, Cariboo District, Plan 9186
Current Use	2361 Hart Highway – Residential dwelling 2385 Hart Highway – Vacant
Site Area	2631 Hart Highway – 663 m ² 2385 Hart Highway – 652 m ²
Growth Management	Infill
Servicing	City services available

Schedule B-6: Future Land Use Designation (see Appendix “A” to Bylaw No. 9237)

Current Future Land Use	Business District, Service Commercial
Proposed Future Land Use	Neighbourhood Residential

Zoning (see Appendix “A” to Bylaw No. 9238)

Current Zoning	C4: Local Commercial
Proposed Zoning	RT2: Two-Unit Residential

Surrounding Land Use Table

North	McIntosh Road and residential
South	BC Ambulance Service and residential
East	Hart Highway Frontage Road and Highway 97 North
West	Residential

POLICY / REGULATORY ANALYSIS:

Intent of the Official Community Plan

As identified in Section 1.2 of the Official Community Plan (Intent, Application, and Interpretation): The *Local Government Act* explains that all bylaws enacted or works undertaken by Council after adoption of the Official Community Plan must be consistent. An Official Community Plan, 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 Official Community Plan 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 Service Commercial in Schedule B-6: Future Land Use of the Official Community Plan (OCP). The intent of this designation is to provide commercial services intended primarily for the traveling public in highly accessible locations.

The applicant would like to amend the OCP Future Land Use designation of the subject properties from Service Commercial to Neighbourhood Residential. The Neighbourhood Residential designation intends to maintain similar scale of housing to that typical to existing neighbourhoods (Policy 8.3.58). This designation also indicates support for two-unit housing where the number is dispersed and designed asymmetrical (i.e. non-mirror image) (Policy 8.3.60).

Due to the primarily residential nature of the neighbourhood, and the existing residential development on-site, Administration is supportive of this application to amend the designation of the subject properties to Neighbourhood Residential.

Growth Management

The subject properties are designated as Infill on Schedule B-4: Growth Management of the OCP. This designation is intended to support the redevelopment of existing serviced lands within the City. This application will provide a designation that is reflective of the use occurring on-site, and is adequately serviced to encourage infill and redevelopment.

Administration supports this application as it is consistent with the residential uses and services occurring on-site, and the residential character of the area.

Zoning Bylaw

The applicant has applied to rezone the subject properties from C4: Local Commercial to RT2: Two-Unit Residential. The existing C4 zone has an intent to provide for local commercial areas and complementary residential uses. The proposed RT2 zone facilitates residential development that may be either two-unit or a single detached housing form.

The subject property is located adjacent to established residential uses located along O'Keefe Avenue, McIntosh and Bedard Roads (e.g. RS2: Single Residential, RS1: Suburban Residential and RT1: Two-Unit Residential). The proposed RT2 zone aligns with the existing residential uses occurring on the subject properties, and would facilitate a duplex form of housing through conversion of the existing houses, or redevelopment of the subject properties.

The nearest two-unit residential uses are located about 90 meters from the subject properties, and are located along Bedard Road (west) and Mario Place (south). Further to this, the subject properties border an Ambulance Service (south), and the McIntosh Highway 97 Frontage Roads (north and west). The location of the subject properties will ensure that any two-unit development is separated from other existing duplex residences. Further to this, the applicant has volunteered a Section 219 Restrict Covenant to restrict the façade to be non-mirror image.

Administration is supportive of the proposed zone as it is not expected to negatively impact the surrounding neighbourhood.

OTHER CONSIDERATIONS:

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 land use application. Administration is recommending that the Notice of Public Hearing and OCP consultation mail out area that is required as per the “City of Prince George Development Procedures Bylaw No. 7635, 2005” is 30 meters.

Referrals

This application was referred to internal City divisions and external agencies for comments. The following comments were received during the referral process.

Building Conversion

Should the applicant wish to convert the existing houses into duplexes, a code analysis may be required at the Building Permit stage. This analysis would ensure the conversion meets BC Building Code regulations.

Section 219 Covenant

The applicant has indicated that they will register a Section 219 Covenant on title of the subject properties prior to Final Reading of Bylaw Nos. 9237, 2021 and 9238, 2021. This covenant would ensure the construction of the two-unit residence is asymmetrical and looks like two distinct dwellings (i.e. varying roof lines and using multiple materials for the exterior finish).

Additionally, the applicant has indicated that they will register a second Section 219 Covenant on title of the subject properties prior to Final Reading of Bylaw Nos. 9237, 2021 and 9238, 2021 that restricts secondary suites within a duplex.

Administration recommends that Final Reading of Final Reading of Bylaw Nos. 9237, 2021 and 9238, 2021 be withheld until the above mentioned Section 219 Covenants are submitted to Administration's satisfaction and are registered on the legal title of the subject properties.

Ministry of Transportation and Infrastructure

As per Section 52 of the *Transportation Act*, Bylaw No. 9238, 2021 requires approval from the Ministry of Transportation and Infrastructure prior to Final Reading and adoption.

Council Procedures and Statutory Notification

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 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. Additional information on methods to provide comments to Council can be found on the [City's website](#).

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.

Statutory Consultation

The Department recommends that Council approve the consultation method outlined in the recommendation section of this Staff Report to Council to provide:

- One (1) Citywide Newspaper advertisement(s) requesting written comment; and
- Request for written comment from properties identified on Exhibit "A" to CP100177.

This consultation would occur after First and Second Reading to Bylaw Nos. 9237, 2021 and 9238, 2021 and prior to the Public Hearing.

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. 9237, 2021 and 9238, 2021 be approved.

SUMMARY AND CONCLUSION:

The applicant is proposing to amend the OCP designation and zoning of 2361 and 2385 Hart Highway, as shown on Appendix "A" to Bylaw No. 9237 and Appendix "A" to Bylaw No. 9238. The purpose of this application is to align the OCP designation and zoning with the existing residential uses occurring on site, and allow for future duplex form of housing as an option for the properties. Administration is supportive of this application for the reasons outlined in this report.

RESPECTFULLY SUBMITTED:

Deanna Wasnik, Director of Planning and Development

PREPARED BY: Mandy Stanker, Supervisor of Land Use Planning

APPROVED:

Walter Babicz, City Manager

Meeting Date: 2022/02/28