

# STAFF REPORT TO COUNCIL

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**DATE:** February 21, 2023

**TO:** MAYOR AND COUNCIL

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

**SUBJECT:** Official Community Plan Amendment Application No. CP100194 (Bylaw No. 9365) and Rezoning Amendment Application No. RZ100775 (Bylaw No. 9366)

**APPLICANT:** New Essence Health Care Management Services Ltd. for Fair Value Homes Ltd., Inc. No. BC0992705

**LOCATION:** 2940 14th Avenue

**ATTACHMENT(S):** Location and Existing Zoning Map  
Appendix "A" to Bylaw No. 9365  
Appendix "A" to Bylaw No. 9366  
Exhibit "A" to Application No. CP100194  
Exhibit "A" to Application No. RZ100775  
Supporting Document(s)

## 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. 9365, 2022"; and
2. DENIES FIRST AND SECOND READING to "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9366, 2022".

## 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 114 units at 2940 14<sup>th</sup> Avenue (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, as shown on Appendix "A" to Bylaw No. 9365; and rezone the subject property from RM3: Multiple Residential to RM7: High-Rise Residential, as shown on Appendix "A" to Bylaw No. 9366. The applicant has concurrently submitted a road closure application to facilitate consolidation of the adjacent laneways (north and east) with the subject property (subject area), as shown on Exhibit "A" to RZ100775. Administration does not support the applicant's proposed OCP amendment and rezoning as the proposal does not meet the intent or policy direction of the OCP.

### Site Characteristics

Location	2940 14th Avenue
Legal Description	Parcel A (Being a Consolidation of Lots 1-12, See BB649873), Block 41, District Lot 1429, Cariboo District, Plan 646
Current Use	Vacant Land
Subject Property Size	0.3 ha (0.8 acres)
Subject Area	0.6 ha (1.5 acres)
Growth Management	Infill
Servicing	Services Available

### Official Community Plan – Future Land Use (see Appendix “A” to Bylaw No. 9365)

Current Designation	Neighbourhood Residential
Proposed Designation	Neighbourhood Centre Corridor

### Zoning (see Appendix “A” to Bylaw No. 9366)

Current Zoning	RM3: Multiple Residential
Proposed Zoning	RM7: High-Rise Residential

### Surrounding Land Use Table

North	Harwin Elementary School; Laneway
South	14 <sup>th</sup> Avenue; Multi-Family Housing
East	Freeman Park; Freeman Street
West	Laneway; Two-Unit Housing

### Property Title

A review of the legal title of the subject property indicated no encumbrances or restrictions that would affect this application.

### Relevant Applications:

**Road Closure Application No. RCL00032:** The applicant has concurrently submitted a road closure application to facilitate consolidation of the adjacent laneways (north and east) with the subject property, as shown on Exhibit “A” to RZ100775. This application will provide for a greater land area to facilitate the proposed apartment building. This application is on hold pending First and Second Reading of the proposed OCP amendment and rezoning.

### **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 provide for neighbourhoods that are primarily residential in nature and dominated by single-detached housing and similarly sized buildings. The Neighbourhood Residential designation is intended to maintain a similar scale of housing to that typical to existing neighbourhoods, by limiting the size of new

buildings, encouraging ground oriented multiple residential forms, and a density of less than 22 dwellings/ha (OCP Policy 8.3.45 and 8.3.60).

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 (OCP 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 (OCP 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 are appropriate (OCP Policy 8.3.33 and 8.3.37).

The surrounding neighbourhood (west and south of the subject property) is predominately low-medium density residential housing in two-unit and row housing forms. Nearby apartment buildings located on 14<sup>th</sup> Avenue are zoned RM3: Multiple Residential (i.e., Elizabeth Fry Housing Society, 3 storeys), whereas those located on 15<sup>th</sup> Avenue an arterial road are zoned RM6: Mid-Rise Residential (i.e., Hartley Manor, 2.5 storeys) and RM7: High-Rise Residential (i.e., Cedar Towers, 10 storeys). OCP Policy encourages buildings be of a similar size and scale with nearby (e.g., on the same street or block) buildings (OCP Policy 8.3.55). The proposed six (6) storey apartment is not consistent with the size and scale of existing low-medium density housing forms in the surrounding area and reflects a scale of development supported elsewhere such as in the downtown or along Queensway (OCP Policy 8.3.33).

OCP Policy encourages infill and redevelopment of existing vacant and underused sites, with an emphasis on enhancing the pedestrian experience (OCP Policy 8.3.31). The subject property is within a transit catchment area and approximately 150 m from the nearest transit stop; however, the subject property is not within easy walking distance of daily needs amenities (OCP Objective 8.3.11). The proposed development will access directly onto 14<sup>th</sup> Avenue, which is classified as a local road. It is not clear the extent of potential impacts, the proposed development will have on traffic volumes and access to 14<sup>th</sup> Avenue. Should Council support this application, a Traffic Impact Study will be required to address the trip generation and distribution from the proposed development.

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 (OCP Policy 8.1.1).

Although OCP Policy encourages infill, the proposed density, building form and potential impacts of the proposed development must be considered. The proposed density and height are not compatible with the surrounding neighbourhood. 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.

#### **City of Prince George Housing Needs Report**

The City's [Housing Needs Report dated December 2021](#), notes a need for a variety of housing types. Although the proposed rezoning would provide housing options for residents, the proposed OCP amendment would permit a scale of development inappropriate for the subject property as per OCP policy outlined above.

## Zoning Bylaw

The subject property is currently zoned RM3: Multiple Residential. The RM3 zone is intended to provide multi-family housing with a maximum density of 60 dwellings/ha. The current zoning would allow the applicant to construct a three (3) storey, 18-unit apartment building on the subject property or a three (3) storey, 36-unit apartment building on the subject area.

The applicant is proposing to rezone the subject property from RM3 to RM7: High-Rise Residential. The RM7 zone is intended to provide for high-rise multi-family housing with a maximum density of 280 dwellings/ha for areas defined by the OCP as suitable for higher density housing. The proposed RM7 zone would facilitate an 18 storey, 84-unit apartment building on the subject property or an 18 storey, 168-unit apartment building on the subject area.

The RM7 zone is supportable downtown, along Queensway, and at the intersection of O'Grady Road and Stringer Crescent. There are currently 12, RM7 zoned properties throughout the City. The RM7 zone is primarily located on arterial roads, along Queensway and downtown, where higher density residential uses are encouraged. Currently the following two (2) properties on 15<sup>th</sup> Avenue, west of Carney Street, are zoned RM7:

- Cedar Towers located at 2905 15<sup>th</sup> Avenue, which was constructed in 1963 and predates current OCP Policy; and
- Royal Oak Apartments at 3450 15<sup>th</sup> Avenue, which currently has one 36-unit, 4.5 storey apartment and was rezoned in 2017 to accommodate an additional building. This property is designated as Neighbourhood Centre Corridor. Through the 2017 rezoning, a Section 219 Covenant is registered to the property title of 3450 15<sup>th</sup> Avenue restricting density to 150 units/ha and height to 20.0 m (4.5 storeys).

As noted above, the applicant is proposing to rezone the subject property from RM3 to RM7, 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 – RM3: Multiple Residential</b>	<b>Proposed – RM7: High-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> <li>• Housing, Two-Unit</li> </ul>	<ul style="list-style-type: none"> <li>• Community Care Facility, Major</li> <li>• Community Care Facility, Minor</li> <li>• Apartment Hotel</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>• Bed &amp; Breakfast only in single detached and two-unit housing</li> <li>• Home Business 1</li> <li>• Home Business 2 only in single detached and two-unit housing</li> <li>• Secondary Suite only in single detached housing</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	60 dwellings/ha	280 dwellings/ha
Max. site coverage	55%	55% plus 30% for covered parking
Max. height	12.0 m except 10.0 m for single detached and two-unit housing	55.0 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 RM3 zone permits a variety of residential building forms constructed to a maximum height of 12.0 m, with up to 60 dwellings/ha. The principal uses permitted by the proposed RM7 zone mirrors the multi-family building forms permitted by the existing RM3 zone; however, the maximum height and density is significantly greater. The subject property is 0.3 ha (0.8 acres) in size, therefore the maximum density permitted under the RM3 zone will allow up to 19 dwelling units. The applicant has proposed RM7 zoning and the adjacent road closure to allow up to 114 dwelling units on the subject area.

The proposed rezoning is inconsistent in scale and density from the surrounding neighbourhood. The proposed RM7 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.

#### **STRATEGIC PRIORITIES:**

Although this application is consistent with Council's strategic priority for economic growth and development by increasing market housing, the proposed density and height is not consistent with the surrounding neighbourhood or policy identified by the OCP.

#### **Statutory Notification and Public Consultation**

As set out in the *Local Government Act* and "City of Prince George Development Procedures Bylaw No. 7635, 2005", in advance of Council's consideration of third reading of the proposed bylaws, a public hearing will be held regarding the applications and the City of Prince George will mail or otherwise delivery a notice to adjacent property owners and tenants whose interest in property may be affected by these applications. In addition, notice will be published on the City's website and Facebook page in accordance with the "City of Prince George Public Notice Bylaw No. 9329, 2022."

Members of the public wanting to comment on the applications may submit written correspondence or speak to Council during the public hearing either via telephone or in person. Written submissions received in response to the public notice for these applications will be provided to Council for their information and consideration during deliberations on the applications. Additional information on methods to provide comments to Council can be found on the [City's website](#).

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 increased from 30 meters distance to the notification area shown on Exhibit 'A' to CP100194. The increased notification area will ensure the immediately surrounding neighbourhood is given the opportunity to comment on the application.

#### **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. 9365, 2022 and Bylaw No. 9366, 2022 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. 9365, 2022".
2. CONSIDERS "City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9365, 2022", 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. 9365, 2022", 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. 9365, 2022", 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. 9365, 2022".
6. APPROVES the following public consultation process to fulfill the requirements of Section 475 of the *Local Government Act*:
  - a. Request for written comment from properties identified on Exhibit "A" to CP100194.
7. EXPANDS, from 30 meters distance to the notification area shown on Exhibit 'A' to CP100194, 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. 9365, 2022" and "City of Prince George Zoning Bylaw No. 7580, 2007, Amendment Bylaw No. 9366, 2022".
8. GIVES First and Second Reading to "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9366, 2022".

9. PERMITS the Public Hearing for proposed Bylaw No. 9365 and Bylaw No. 9366 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 Servicing Brief; and
  - c. Receipt of a Traffic Impact Study.
  
10. PERMITS that consideration of Final Reading for proposed Bylaw No. 9365 and Bylaw No. 9366 BE WITHHELD until the following requirements have been met to the satisfaction of Administration:
  - a. Receipt of a Section 219 Restrictive Covenant on the legal title of Parcel A (Being a Consolidation of Lots 1-12, See BB649873), Block 41, District Lot 1429, Cariboo District, Plan 646 that restricts:
    - i. density to 200 dwellings/ha; and
    - ii. height to 20.0 m (6 storeys).

In addition, any recommendations presented in the preceding items must be addressed to the satisfaction of the 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.

A Multiple Residential Form and Character Development Permit Area has been designated on all lands where zoning allows multiple residential, comprehensive two-unit or strata developments. Development of the subject property will trigger a Multiple Residential Form and Character Development Permit. 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 area sites to local site conditions and area character. Through the Development Permit process, the City will review the application to ensure that the proposed development is designed to reflect local identity, align with design guidelines, and enhance the built environment (OCP Policy 8.2.10). The City may consider the following criteria to determine proposed land use suitability: location; lot size; site access; volume of site usage and traffic; parking; landscaping and screening; development size, massing, and quality of design (OCP Policy 8.3.7).

Should Council support this application, Administration recommends that the Public Hearing of Bylaw No. 9365 and Bylaw No. 9366, 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. 9365 and Bylaw No. 9366, 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. 9365 and Bylaw No. 9366, be withheld until a Traffic Impact Study has been prepared and submitted to the satisfaction of Administration.

### Section 219 Covenant

To limit the density and massing of the proposed development, the applicant has offered to register a Section 219 Restrictive Covenant on title of the subject property prior to Final Reading of Bylaw No. 9365 and Bylaw No. 9366. This covenant would restrict density to 200 dwellings/ha; and height to 20.0 m (6 storeys).

Should Council support this application, Administration recommends that Final Reading of Bylaw No. 9365 and Bylaw No. 9366, be withheld until a Section 219 Restrictive Covenant that restricts development is provided to Administration's satisfaction and is registered on the title of the subject property.

### Ministry of Transportation and Infrastructure

As per Section 52 of the *Transportation Act*, Bylaw No. 9366 requires the Ministry of Transportation and Infrastructure's approval prior to Final Reading and adoption.

### **SUMMARY AND CONCLUSION:**

The applicant has proposed to amend the OCP and Zoning Bylaw to facilitate a six (6) storey, 114 dwelling apartment building at 2940 14th Avenue. 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, Director of Planning and Development Services

**PREPARED BY:** Kali Holahan, Supervisor, Land Use Planning

### **APPROVED:**

Walter Babicz, City Manager

Meeting Date: 2023/03/13