

STAFF REPORT TO COUNCIL

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DATE: April 5, 2023

TO: MAYOR AND COUNCIL

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

SUBJECT: Modification to Section 219 restrictive covenant registered as Land Title Office Document No. CA9074075 to allow for Development Permit Application No. DP100832

APPLICANT: The Hub Collection for 1268628 BC Ltd., Inc. No. BC1268628
LOCATION: 4500 Ospika Blvd.

ATTACHMENT(S): Location and Existing Zoning Map
Development Permit No. DP100832
Exhibit "A" to DP100832
Section 219 Covenant (Land Title Office Document No. CA9074075)
Modification to Section 219 Covenant CA9074075 (Land Title Office Document No. CA9428022)
Supporting Documents

RECOMMENDATION(S):

That Council:

1. APPROVES a modification of Section 219 Covenant registered as Land Title Office Document No. CA9074075 as amended by Land Title Office Document Number CA9428022 on the title of the property located at 4500 Ospika Boulevard, legally described as Lot 147, District Lot 2003, Cariboo District, Plan 28774 to allow for a 118-unit apartment offering congregate housing, as shown on proposed Development Permit No. DP100832; and
2. AUTHORIZES the Director of Planning and Development to execute the modification agreement.

PURPOSE:

The purpose of this report is to seek Council's approval to modify the Section 219 Covenant registered as Land Title Office Document No. CA9074075 as amended by Land Title Office Document No. CA9428022 (the "Design Covenant") on the title of the property located at 4500 Ospika Boulevard ("subject property").

The applicant would like to develop a 118-unit apartment offering congregate housing intended for independent seniors living. The proposed 118-unit apartment requires a modification of the Design Covenant which stipulates a 256-unit apartment building be constructed.

The proposal to modify the Design Covenant to facilitate the development for the 118-unit apartment was initially considered by Council at their regular meeting on February 6, 2023. The applicant has since provided rationale for the proposed Design Covenant modification which is attached to this report for Council's consideration as a supporting document and has re-applied for the modification.

Site Characteristics

Location	4500 Ospika Blvd.
Legal Description	Lot 147, District Lot 2003, Cariboo District, Plan 28774
Current Use	Vacant Land
Site Area	2.3 ha (5.6 acres)
Future Land Use	Neighbourhood Centre Corridor
Growth Management Class	Infill
Servicing	Services Available

Zoning

Current Zoning	RM5: Multiple Residential
Proposed Zoning	N/A

Surrounding Land Use Table

North	Ospika Boulevard; Residential
South	Tyner Boulevard
East	Residential; Sullivan Crescent; Baker Road
West	Ospika Boulevard; Vacant Land

Relevant Applications

Official Community Plan Amendment Application No. CP100164 (Bylaw No. 9156) and Rezoning Amendment Application No. RZ100678 (Bylaw No. 9157):

On March 8, 2021, Council approved Bylaw No. 9156 and Bylaw No. 9157 for First and Second Reading to amend the Official Community Plan (OCP) from Neighbourhood Residential to Neighbourhood Centre Corridor and rezone the subject property from RM1: Multiple Residential to RM5: Multiple Residential.

On May 31, 2021, a Public Hearing was held for Bylaw No. 9156 and Bylaw No. 9157 and Council approved both bylaws for Third Reading. Prior to the Public Hearing, a Traffic Impact Study and Serving Brief were provided to the satisfaction of Administration. The applicant also provided a document titled "Prince George, BC: Stakeholder Presentation April 2021" which was included in the Council agenda package. The applicant presented the housing project details regarding building design and siting.

On August 16, 2021, Council adopted Bylaw No. 9156 and Bylaw No. 9157. Prior to Final Reading and adoption, a Section 219 Covenant (Land Title Office Document No. CA9471509) was registered on title to ensure that no building or development occur within a 1.09 ha portion of the subject property, per Reference Plan EPP107851. The applicant has demonstrated that the proposed development does not interfere with the no build area restricted by this covenant, as shown on Exhibit "A" to DP100832.

Development Variance Permit No. VP100591:

On August 30, 2021, Council considered varying the maximum number of storeys from four (4) to five (5) and decreasing the number of required parking spaces. Council postponed consideration until the next regularly scheduled meeting, requesting that the full scope of the project and design rationale be presented to Council for consideration.

Development Permit with Variance No. DP100787:

On September 20, 2021, Council approved Multiple Residential Form and Character, and Wildfire Hazard Development Permit with Variance No. DP100787 to facilitate the development of a 256-unit apartment intended for student housing offering amenity space, onsite parking and landscaping. This approval included a variance to increase building height from 15.0 m to 16.6 m, increase the maximum number of storeys from four

(4) to five (5) and vary Table 7.4 by decreasing the required parking for studio dwellings in apartment housing from 1.0 to 0.72 spaces.

Following Council approval of DP100787, the applicant cleared and graded the site in preparation for development, and later postponed development as described by the applicant in the rationale letter, attached to this report as a supporting document.

Building Permit Application No. BP041803:

On February 25, 2022, Administration approved a Building Permit (for the foundation only) to facilitate the proposed Student Housing Project per the Design Covenant and Development Permit with Variance No. DP100787. The subject property was cleared and graded in preparation for development. The applicant cancelled the Building Permit application on August 22, 2022. Correspondence dated December 16, 2022, identified that shallow foundation footings were installed on the mid-northeast portion of the proposed building.

Development Permit Application No. DP100832:

On February 6, 2023, Council considered modifying the Design Covenant registered on the title of the subject property to allow the development of a 118-unit apartment offering congregate housing, as shown on Exhibit "A" to DP100832. The proposed modification of the Section 219 Covenant registered as Land Title Office Document No. CA9074075 as amended by Land Title Office Document No. CA9428022 was denied by Council.

POLICY / REGULATORY ANALYSIS:

Official Community Plan

Future Land Use

The subject property is designated as Neighbourhood Centre Corridor in Schedule B-6: Future Land Use of the Official Community Plan (OCP). The Neighbourhood Centre Corridor designation encourages infill and redevelopment of existing vacant and underused sites while providing residential uses adjacent to walkable amenities, such as public transit, shopping, and trail amenities (OCP Policy 8.3.31). The Neighbourhood Centre Corridor designation encourages a diverse range of building types and supports 3-4 storey apartments having a density of 75-135 units/ha (OCP Policy 8.3.34 and 8.3.37).

The surrounding neighbourhood (north and east of the subject property) predominately offers low density residential housing. The subject property is in close proximity to shopping centres, major public transit routes (i.e., Route 16, Route 88/89) and pedestrian connectivity and trails along Tyner Boulevard and Ospika Boulevard. Ospika Boulevard and Tyner Boulevard are both classified as arterial roads in Schedule B-10: 15 Year Road Network of the OCP. The proposed development is supported along arterial roads for the movement of large volumes of people and goods between different areas of the City.

Administration supports the proposed Section 219 Covenant modification, as the proposed development is consistent with the Future Land Use designation of the OCP.

Growth Management

The subject property is designated as Infill in Schedule B-4: Growth Management of the OCP. This designation is intended to infill and redevelop existing vacant and underutilized sites. The subject property is currently vacant and undeveloped. The proposed Section 219 Covenant modification and associated Development Permit will encourage development of the vacant site while enhancing the surrounding area through appropriate building and site design.

Administration supports this application as it is consistent with the OCP's Future Land Use and Growth Management policy direction of the OCP.

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 has reviewed 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). Multiple Residential Form and Character Development Permit Area Guidelines are specified in the City of Prince George Zoning Bylaw No. 7850, 2007, which is described below.

City of Prince George Housing Needs Report

The [City's Housing Needs Report updated December 2022](#), notes a need for a variety of housing types. The proposed development would provide apartment housing options for residents.

Zoning Bylaw

The subject property is zoned RM5: Multiple Residential. The RM5 zone is intended to provide for multi-family housing with a maximum density of 125 dwellings/ha for areas defined by the OCP as suitable for higher density housing. The proposed development will consist of one 118-unit apartment building offering congregate housing intended for independent seniors living on the subject property. The proposed development complies with the land use and density regulations of the RM5 zone.

As indicated previously, the subject property has a Design Covenant registered on the legal title that restricts development in accordance with the covenantor's plans and specifications for a 256-unit apartment building intended for student housing. These plans coincide with Development Permit with Variance No. DP100787. To facilitate the proposed development, the existing Design Covenant must be modified to align with Development Permit No. DP100832.

Multiple Residential Form and Character Development Permit Guidelines – Development Permit No. DP100832

The Multiple Residential Form and Character Development Permit Guidelines are specified in Section 8.8 of the City of Prince George Zoning Bylaw No. 7850, 2007. The proposed development is intended to facilitate a 118-unit apartment offering congregate housing intended for independent seniors living. The proposed development will be situated fronting Ospika Boulevard. The applicant has designed the site with consideration of potential impacts on adjacent residential uses, including a shadow study, as shown on Exhibit "A" to DP100832. The apartment will be finished with a mix of materials including engineered wood siding, fiber cement paneling, and sheet metal. The mix of materials and varied roofline (parapet) is intended to break up potential massing and add visual interest to the proposed development, as shown on Exhibit "A" to DP100832.

Unlike previous applications on the subject property, the proposed development does not require variances to the maximum height, number of storeys or parking regulations.

The proposed development is consistent with the Development Permit Guidelines in the following ways:

- The proposed development is designed with a varied and interesting facade, including articulation of the building faces, parapet, juliet balconies and covered entry.
- Exterior finishes include a variety of materials and colours that will wrap around the front, sides, and rear of the building.
- Consideration has been given to minimize the casting of shadows on nearby dwellings.
- Natural environmental features on the subject property are to be protected.
- Open space is provided through an enclosed, private courtyard, offering privacy to residents.
- The proposed development will meet all other RM5 zoning regulations including site coverage, setbacks, parking, and landscaping requirements.
- The proposed development is consistent with the Multiple Residential Form and Character Development Permit Guidelines.

STRATEGIC PRIORITIES:

This application is consistent with Council's strategic priority for economic growth and development by increasing market housing and affordability to maximize the quality of life.

OTHER CONSIDERATIONS:

Referrals

This application was referred to internal City divisions and external agencies with no outstanding concerns.

Property Title

Section 219 Covenant No. CA9471509: Registered on the legal title October 29, 2021, this covenant restricts building or development from occurring within a 1.09 ha portion of the subject property, per Reference Plan EPP107851. The applicant has demonstrated that the proposed development does not interfere with the no build area restricted by this covenant, as shown on Exhibit "A" to DP100832.

OPTIONS/ALTERNATIVES:

1. Approves the Design Covenant modification, as described
2. Refuse the Design Covenant modification, as described
3. Defer the Design Covenant modification

Administration recommends that the Design Covenant modification be approved to reflect the proposed 118-unit apartment, as shown on Exhibit "A" to DP100832.

SUMMARY AND CONCLUSION:

The applicant would like to modify the existing Section 219 Covenant (CA9074075) as amended by Land Title Office Document No. CA9428022 by replacing the existing 256-unit apartment building development currently permitted under the covenant with a 118-unit apartment offering congregate housing, as shown on Exhibit "A" to DP100832. Administration recommends that Council approves the Section 219 Covenant modification for the reasons outlined in this report. If Council approves the application by Hub Collection to modify the Section 219 Covenant to allow for a 118-unit apartment offering congregate housing intended for seniors, Administration will then amend the Section 219 Covenant and issue Development Permit No. DP100832 to The Hub Collection, subject to all applicable bylaws and regulations.

RESPECTFULLY SUBMITTED:

Deanna Wasnik, Director of Planning and Development

PREPARED BY: Kali Holahan, Supervisor, Land Use Planning

APPROVED:

Walter Babicz, City Manager

Meeting Date: 2023/04/24