

STAFF REPORT TO COUNCIL

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DATE: May 3, 2023

TO: MAYOR AND COUNCIL

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

SUBJECT: Development Permit with Variance Application No. DP100807

APPLICANT: EFG Architects Inc. for 1253545 B.C. Ltd., Inc. No. BC1253545

LOCATION: 1177 Foothills Boulevard

ATTACHMENT(S): Location and Zoning Map
Development Permit with Variance No. DP100807
Exhibit "A" to DP100807
Exhibit "B" to DP100807
Exhibit "C" to DP100807
Plan EPP124828
Previous Staff Report to Council dated September 8, 2021 (Considered at the October 4, 2021 Regular Council Meeting)
Supporting Documents

RECOMMENDATION(S):

That Council DENIES Multiple Residential Form and Character Development Permit with Variance No. DP100807 for the property legally described as Lot 104, District Lot 2507 and 2609, Cariboo District, Plan 22809 as follows:

- a. The development of one (1) apartment, as shown on Exhibit "A" to DP100807;
- b. Vary "City of Prince George Zoning Bylaw No. 7850, 2007" Table 7.4 by decreasing the required parking for 2 bedroom dwellings in Apartment Housing from 1.5 to 0.9 parking spaces and by decreasing the required visitor parking from 1 per 7 dwellings to 1 per 9 dwellings, as shown on Exhibit "B" to DP100807; and
- c. Vary "City of Prince George Zoning Bylaw No. 7850, 2007" Section 10.14.5 5. by decreasing the minimum interior side yard setback from 3.0 m to 1.1 m, as shown on Exhibit "C" to DP100807.

PURPOSE:

The applicant has applied for a Multiple Residential Form and Character Development Permit to facilitate the construction of a 6-storey, 125-unit apartment offering underground parking at 1177 Foothills Boulevard (subject property).

The applicant has also applied to vary Table 7.4 of the Zoning Bylaw to decrease the parking requirement for 2 bedroom dwellings in apartment housing from 1.5 to 0.9 spaces and visitor parking from 1 per 7 dwellings to 1 per 9 dwellings, and to decrease the minimum interior side yard setback from 3.0 m to 1.1 m for principal

development in the RM6: Mid-Rise Residential principal, as shown on Exhibits “B” and “C” to DP100807, respectively. In keeping with the rationale provided in the previously submitted Staff Report to Council dated September 8, 2021, titled Official Community Plan Amendment Application No. CP100176 (Bylaw No. 9214) and Rezoning Amendment Application No. RZ100705 (Bylaw No. 9215), Administration does not support this application.

Background

Site Characteristics

Location	1177 Foothills Boulevard
Legal Description	Lot 104, District Lot 2507 and 2609, Cariboo District, Plan 22809
Zoning	RM6: Mid-Rise Residential
Current Use	Vacant Land
Site Area	1.0 ha (2.5 acres)

Official Community Plan

Future Land Use	Neighbourhood Centre Corridor
Growth Management	Infill

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

Property Title

Section 219 Covenant No. CB382756 and CB382757: Registered on the legal title December 12, 2022, this covenant restricts buildings and structures from within that part of the Lands shown in bold outline as “Covenant Area 1” on Plan EPP124828; and buildings and structures from within that part of the Lands shown in bold outline as “Covenant Area 2” on Plan EPP124828, except for parking lots, walkways, gardens, small green houses, and gazebos, provided that no significant excavation below the existing elevation (<1.2 m) is required for their installation. For reference, Plan EPP124828 is attached to this report.

Relevant Applications

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

On October 4, 2021, Council approved Bylaw No. 9214 and Bylaw No. 9215 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 RM4: Multiple Residential to RM6: Mid-Rise Residential. Administration did not support the proposed bylaw amendments due to the proposed density, height and location being inconsistent with OCP policy as outlined in the previously submitted Staff Report to Council dated September 8, 2021, titled Official Community Plan Amendment Application No. CP100176 (Bylaw No. 9214) and Rezoning Amendment Application No. RZ100705 (Bylaw No. 9215).

On August 29, 2022, the Public Hearing was held for Bylaw No. 9214 and Bylaw No. 9215 and Council approved both bylaws for Third Reading. Prior to the Public Hearing, a complete Development Permit Application, a Geotechnical Report, a Traffic Impact Study, and Serving Brief were provided to the satisfaction of Administration.

On January 16, 2023, Council adopted Bylaw No. 9214 and Bylaw No. 9215. Prior to Final Reading and adoption, a Section 219 Covenant and reference Plan EPP124828 was registered on the legal title to restrict development of the subject property as identified by the Geotechnical Report received prior to Public Hearing.

Development Permit with Variance Application No. DP100807:

Following receipt of a revised drawing package from the applicant, the Planning and Development Department requested the application be removed from April 24, 2023, regular Council meeting agenda.

POLICY / REGULATORY ANALYSIS:

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 OCP requires that all land, on which zoning or comprehensive strata developments allow multiple residential development, must be consistent with the Multiple Residential Form and Character Development Permit Guidelines provided within the City's Zoning Bylaw.

Official Community Plan

Development Permit

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 (OCP Policy 8.2.10). Through the development permit process, the City has evaluated the proposed development by location; lot size; site access; the volume of site usage and traffic; parking; landscaping and screening; development size, massing, and quality of design (OCP Policy 8.3.7).

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 6-storey, 125-unit apartment on the subject property. The proposed development will be situated against Foothills Boulevard. The apartment will be finished with a mix of materials including cement paneling, glass, and Eldorado stone. The proposed building footprint and the varied roofline is intended to break up potential massing and add visual interest, as shown on Exhibit "A" to DP100807. The applicant has provided a design rationale letter prepared by EFG Architect Inc. dated November 15, 2022, attached to this report as a supporting document.

The Multiple Residential Form and Character Development Permit Guidelines indicate that new development should respect the form and character of existing development in the area around the development site. The proposed 6-storey apartment is not consistent with the size and scale of existing apartment buildings in the surrounding area (i.e., typically 2.5 to 3-storeys) 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 (OCP Policy 8.3.33).

Development Permit Guidelines encourage multi-family dwellings to be designed to minimize casting shadows on nearby dwellings and maximize year-round exposure to the sun, with special consideration given to sun angles during winter. Due to the proximity of the subject property to Cranbrook Hill, sun exposure particularly during winter months will be limited in the afternoon and evening. Development Permit Guidelines also encourage the retention of natural environmental features including native and mature trees. 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

(OCP Policy 6.4.54 and 6.4.57). As previously mentioned, prior to the Public Hearing of associated Bylaw No. 9214 and Bylaw No. 9215, Administration received a Geotechnical Slope Review and Geotechnical Assessment identifying a 0.37 ha (0.9 acres) area not developable (i.e., no building and no disturbance) without further geotechnical reporting. As such, a Section 219 Covenant has been registered to the legal title of the subject property to the satisfaction of Administration.

Although the proposed development proposes to be finished with a variety of materials and ample landscaping, the scale of the proposed development is inappropriate for the subject property and for the surrounding area. In keeping with the rationale provided in the previously submitted Staff Report to Council dated September 8, 2021 (attached), the location, significant slopes, reduced buildable area, and proposed density and massing, make this Development Permit with Variance difficult for Administration to support.

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. Although the proposed development would provide housing options for residents, the proposed development would permit a scale of development inappropriate for the subject property per OCP policy and Development Permit Guidelines outlined above.

Zoning Bylaw

The subject property is zoned 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. Administration recognizes the subject property is currently zoned to allow for a large scale development with respect to density and height, particularly as it relates to the buildable area.

Through the previously submitted Staff Report to Council dated September 8, 2021 (attached), Administration noted that future variances may be needed to facilitate development of the subject property. The applicant has applied for two variances, one to reduce parking requirements and one to reduce the interior side yard setback to accommodate the proposed development on the subject property.

Parking

As per Table 7.4 of the Zoning Bylaw an Apartment Housing requires:

- 1.0 parking space per studio or 1 bedroom dwelling,
- 1.5 parking spaces per 2 bedroom dwelling, and
- 1.0 parking spaces per 7 dwellings designated as visitor parking.

The applicant has applied to decrease the required parking on the subject property for 2 bedroom dwellings in apartment housing from 1.5 spaces to 0.9 spaces and to reduce visitor parking from 1 per 7 dwellings to 1 per 9 dwellings, as shown on Exhibit "B" to DP100807. In total under the current zoning regulations, the site requires 194 parking spaces. The applicant has proposed one level of underground vehicle parking offering 60 parking spaces and 69 surface parking spaces totaling 129 parking spaces to accommodate resident and visitor parking. This means the requested variance would reduce the required parking stall count by 65 stalls.

The applicant has provided a rationale letter prepared by McElhanney dated September 19, 2022, attached to this report as a supporting document. The rationale letter indicates that the proposed parking variance is consistent with similar housing projects marketed exclusively as seniors' housing. The subject property is within a transit catchment area however is not within walking distance of daily needs amenities (OCP Policy 8.7.23). The proposed development will access directly onto Foothills Boulevard, which is classified as an arterial road.

Should the proposed development include general market housing, the proposed parking variance may inhibit off-street parking and create congestion on site or along Foothills Boulevard. As such, Administration does not support this application.

Setback

The RM6 principal development regulations require a minimum interior side yard setback of 3.0 m. The applicant has applied to vary the development regulations to decrease the minimum interior side yard setback from 3.0 m to 1.1 m, as shown on Exhibit "C" to DP100807.

The subject property has been identified as having challenging topography that includes slopes with grades greater than 20%. As previously mentioned, Administration received a Geotechnical Slope Review and Geotechnical Assessment identifying a 0.37 ha (0.9 acres) area not developable (i.e., no building and no disturbance) without further geotechnical reporting. As such, a Section 219 Covenant has been registered to the legal title of the subject property restricting development from occurring in this area.

Administration recognizes the variance to the setback is being requested in order to locate the proposed building footprint outside of the no building and no disturbance area. Administration is again challenged with the requested variance as Administration believes the proposed scale of development is inappropriate for this site.

STRATEGIC PRIORITIES:

Although this application is consistent with Council's strategic priority for economic growth and development by increasing housing stock, the proposed development would permit a scale of development inappropriate for the subject property per OCP policy and Development Permit Guidelines outlined above.

OTHER CONSIDERATIONS:

Statutory Notification and Public Consultation

Members of the public wanting to provide comment on the application may submit written correspondence to Council. 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.

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 Development Permit with Variance No. DP100807 be denied.

Should Council support this application, the following recommendations are provided:

That Council APPROVES Multiple Residential Form and Character Development Permit with Variance No. DP100807 for the property legally described as Lot 104, District Lot 2507 and 2609, Cariboo District, Plan 22809 as follows:

- a. The development of one (1) 6-storey, 125-unit apartment, as shown on Exhibit “A” to DP100807 with the following conditions and standards imposed prior to an approved Building Permit:
 - i. Receipt of a security deposit in the amount of 120% of the cost of the landscaping works identified on the Landscape Plan, as shown on Exhibit “A” to DP100807.
 - ii. A Geotechnical Report prepared and sealed by a Professional Engineer registered in the Province of British Columbia is required that addresses the construction of underground parking and that it will not impact “Covenant Area 1” on EPP124828.
- b. Vary “City of Prince George Zoning Bylaw No. 7850, 2007” Table 7.4 by decreasing the required parking for 2 bedroom dwellings in apartment housing from 1.5 to 0.9 parking spaces and by decreasing the required visitor parking from 1 per 7 dwellings to 1 per 9 dwellings,, as shown on Exhibit “B” to DP100807; and
- c. Vary “City of Prince George Zoning Bylaw No. 7850, 2007” Section 10.14.5 5. by decreasing the minimum interior side yard setback from 3.0 m to 1.1 m, as shown on Exhibit “C” to DP100807.

DISCUSSION OF ITEMS FOR RESOLUTION OF SUPPORT:

Geotechnical Report

To preserve geotechnically sensitive land, the applicant has registered a Section 219 Restrictive Covenant on title of the subject property. Section 219 Covenant No. CB382756 and CB382757 restrict buildings and structures from within that part of the Lands shown in bold outline as “Covenant Area 1” on Plan EPP124828; and buildings and structures from within that part of the Lands shown in bold outline as “Covenant Area 2” on Plan EPP124828, except for parking lots, walkways, gardens, small green houses, and gazebos, provided that no significant excavation below the existing elevation (<1.2 m) is required for their installation.

Should this application be approved, the proposed building will be placed immediately adjacent to the no building and no disturbance area, shown as “Covenant Area 1” on Plan EPP124828. Administration recommends that Building Permit approval be withheld until additional Geotechnical reporting is conducted that addresses the construction of the underground parking and that it will not impact “Covenant Area 1” on EPP124828. The additional geotechnical information is required to be prepared and sealed by a Professional Engineer registered in the Province of British Columbia to the satisfaction of Administration.

Landscape Plan

Should Council support this application, Administration recommends security be received in the amount of 120% of the cost of the landscaping works identified on the Landscape Plan, as shown on Exhibit “A” to DP100807. Administration recommends that Building Permit issuance be withheld until security has been received to the satisfaction of Administration.

SUMMARY AND CONCLUSION:

The applicant has applied for a Multiple Residential Form and Character Development Permit to facilitate the construction of a 6-storey, 125-unit apartment including underground parking at 1177 Foothills Boulevard. The proposal also includes a request to decrease the required number of parking spaces and the interior side yard setback for the proposed development. Administration is challenged to support the proposal for the reasons outlined in this report, and therefore, recommends denial of the application.

RESPECTFULLY SUBMITTED:

Deanna Wasnik, Director of Planning and Development

PREPARED BY: Kali Holahan, Supervisor, Land Use Planning

APPROVED:

Walter Babicz, City Manager

Meeting Date: 2023/05/31