

DATE: June 2, 2023

TO: MAYOR AND COUNCIL

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

SUBJECT: Official Community Plan Amendment Application No. CP100200 (Bylaw No. 9410) and Zoning Bylaw Amendment Application No. RZ100712 (Bylaw No. 9411)

APPLICANT: Troika Developments Inc. for The Roman Catholic Episcopal Corporation of Prince Rupert

LOCATION: 5743 Nicholas Avenue and 5958 Stringer Crescent

ATTACHMENT(S): Location and Existing Zoning Map
Appendix “A” to Bylaw No. 9410
Appendix “A” to Bylaw No. 9411
Exhibit “A” to Application No. CP100200
College Heights Comprehensive Development Study Supporting Document

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. 9410, 2023”; and
2. DENIES FIRST AND SECOND READING to “City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9411, 2023”.

PURPOSE:

The applicant is proposing to amend the Official Community Plan (OCP) and Zoning Bylaw to facilitate development of two 6-storey apartment buildings at 5743 Nicholas Avenue (Subject Area 1) and a 0.46 ha portion of 5958 Stringer Crescent (Subject Area 2), as shown on Appendix “A” to Bylaw No. 9411. This application does not include the remaining 0.77 ha portion of 5958 Stringer Crescent.

To facilitate the proposed density and height, the applicant has applied for a site-specific text amendment to allow 6-storey apartment buildings contrary to OCP Policy, as shown on Appendix “A” to Bylaw No. 9410; and to rezone Subject Area 1 from P3: Major Institutional to RM6: Mid-Rise Residential and Subject Area 2 from C2: Regional Commercial to RM6: Mid-Rise Residential, as shown on Appendix “A” to Bylaw No. 9411. 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

| | Subject Area 1 | Subject Area 2 |
|-------------------------|------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| Location | 5743 Nicholas Avenue | 5958 Stringer Crescent |
| Legal Description | Lot 1, District Lot 753, Cariboo District, Plan 29151 | Lot A, District Lot 753, Cariboo District, Plan 24027, Except Plans 26624, 29151, 30349, 30915 and BCP41482 |
| Current Use | Undeveloped | Undeveloped |
| Subject Area Size | 2.48 ha (6.1 acres) | 0.47 ha (1.2 acres) |
| Property Size | 2.48 ha (6.1 acres) | 1.24 ha (3.1 acres) |
| Growth Management Class | Growth Priority | Growth Priority |
| Future Land Use | Neighbourhood Centre Corridor | Neighbourhood Centre Corridor |
| Servicing | City Services Available (<u>upsizing</u> required during development) | City Services Available (<u>upsizing</u> required during development) |

Zoning (see Appendix "A" to Bylaw No. 9411)

| | Subject Area 1 | Subject Area 2 |
|-----------------|---------------------------|---------------------------|
| Current Zoning | P3: Major Institutional | C2: Regional Commercial |
| Proposed Zoning | RM6: Mid-rise Residential | RM6: Mid-rise Residential |

Surrounding Land Use Table

| | Subject Area 1 | Subject Area 2 |
|-------|---------------------------------------------|---------------------------------------------------------------|
| North | Domano Boulevard, single-family residential | Commercial shopping center |
| South | Manufactured Home Park | Manufactured Home Park |
| East | Nicholas Avenue, undeveloped | Undeveloped, Nicholas Avenue |
| West | Commercial shopping center, undeveloped | Multi-family residential, Stringer Crescent, and O'Grady Road |

Relevant Applications:

College Heights Comprehensive Development Study: The College Heights Comprehensive Development Study for 6700 Southridge Avenue, 6100 O'Grady Road, 5958 Stringer Crescent, and 5743 Nicholas Avenue, as shown on Exhibit "A" has assessed the impacts of change on neighbourhood transportation, amenities, and other matters of concern to the community. The College Heights Comprehensive Development Study is attached to this report for Council's consideration.

Zoning Bylaw Amendment Application No. RZ100706 (Bylaw No. 9408): This application proposes to rezone 6700 Southridge Avenue from P2: Minor Institutional to RM5: Multiple Residential to facilitate a multi-family residential development.

Zoning Bylaw Amendment Application No. RZ100707 (Bylaw No. 9409): This application proposes to rezone a 6.95 ha portion of 6100 O'Grady Road from U2: Major Utilities, C2: Regional Commercial, and RM9: Manufactured Home Park to RM6: Mid-Rise Residential, and a 0.77 ha portion of 5958 Stringer Crescent from C2: Regional Commercial to RM6: Mid-Rise Residential to facilitate a multi-family residential development and concurrent subdivision application to facilitate a boundary adjustment.

Subdivision Application No. SD100757: The applicant has applied for a subdivision to adjust the existing lot lines between 6100 O'Grady Road, 5958 Stringer Crescent, and 5743 Nicholas Avenue and to create 1 new lot at 6100 O'Grady Road.

STRATEGIC PRIORITIES:

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

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 Area's are designated as Neighbourhood Centre Corridor in Schedule B-6: Future Land Use of the OCP. 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).

Subject Area 1 is bound by Domano Boulevard (arterial road) and single-family housing to the north, Nicholas Avenue (local road) to the east, a manufactured home park to the south, and a commercial shopping centre to the west.

Subject Area 2 is bound by a commercial shopping centre to the north and west, Subject Area 1 to the east, a manufactured home park to the south, and apartment housing to the west. The Subject Area's are within a transit catchment area, approximately 150 m from the nearest transit stop, and are within easy walking distance of daily needs amenities (OCP Objective 8.3.11). Both Subject Area 1 and Subject Area 2 are currently vacant and underutilized. Should this application be approved, the proposed development will access directly onto Nicholas Avenue, which is classified as a local road.

To facilitate the proposed density and height, the applicant has applied for a site-specific text amendment to allow 6-storey apartment buildings on Subject Area 1 and Subject Area 2, as shown on Appendix "A" to Bylaw No. 9410. OCP Policy encourages buildings to be of a similar size and scale to nearby (e.g., on the same street or block) buildings (OCP Policy 8.3.55). 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).

Although the applicant's proposal is consistent with the apartment buildings located at the corner of O'Grady Road and Stringer Crescent, Administration is challenged to support the proposal due to the intended building scale and density. Administration believes the proposed scale and density of the multi-family use is better situated in areas already identified in OCP Policy 8.3.33 and 8.3.37 (i.e. downtown, along Queensway, or at the intersection of O'Grady Road and Stringer Crescent).

Administration does not support the proposed site-specific text amendment to allow a 6-storey development on Subject Area 1 and Subject Area 2.

Growth Management

Subject Area 1 and Subject Area 2 are designated as Growth Priority in Schedule B-4: Growth Management of the OCP. Growth Management designations allow the City to make decisions about how the community should grow based on existing infrastructure. Areas within the Growth Priority designations are intended to prioritize infill development and encourage utilization of underutilized sites (OCP Policy 8.1.1).

Although OCP Policy encourages infill, the proposed building height and massing must be considered. The proposed building height is not compatible with the surrounding neighbourhood and is anticipated to result in negative land use impacts. Administration does not support the proposed amendment to 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. Should this application be approved, the proposed development will trigger a Multiple Residential Form and Character Development Permit. Through the Development Permit process, the City will review the application to ensure that the proposed development is designed to reflect and align with design guidelines and enhance the built environment (OCP Policy 8.2.10).

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 rezoning would provide housing options for residents, the proposed OCP amendment would permit a scale of development inappropriate for the subject property per the OCP policy outlined above.

Zoning Bylaw

Subject Area 1 is zoned P3: Major Institutional. The P3 zone is intended to provide for minor and major institutional and recreational uses. Subject Area 2 is zoned as C2: Regional Commercial. The C2 zone is intended to provide for major shopping centres and complementary residential uses.

The applicant has applied to rezone Subject Area 1 from P3: Major Institutional to RM6: Mid-Rise Residential, and Subject Area 2 from C2: Regional Commercial to RM6: Mid-Rise Residential, as shown on Appendix "A" to Bylaw No. 9411. The remaining 0.77 ha portion of 5958 Stringer Crescent is not included in this application. The proposed RM6 zone is intended to provide mid-rise housing with a maximum density of 140 dwellings/ha for areas defined by the OCP as suitable for higher-density housing.

As previously mentioned, Subject Area 1 and Subject Area 2 are predominately surrounded by low-density developments (manufactured home park and single-family) and a commercial shopping centre. The surrounding area is a mix of RS1, RM1, RM9, C2 and P3 zones with varying lot sizes and building forms. The proposed RM6 zone supports with a maximum density of 140 dwellings/ha for areas defined by the OCP as suitable for higher-density housing. Should this application be approved, Subject Area 1 (2.48 ha) and Subject Area 2 (0.47 ha) may permit up to 427 dwelling units. Furthermore, the proposed RM6 zone would permit a maximum height of 30.0 m (approximately 10-storeys). In consideration of the human scale and neighbouring buildings, the applicant has offered to register a Section 219 Covenant limiting building height to 6-storeys on Subject Area 1 and Subject Area 2.

The proposed rezoning allows for a development with a scale and density that is not ideal for the location when considering surrounding uses and other active land use applications relevant to this area. The proposed RM6

zone permits a scale of development that OCP policy clearly identifies where it is most appropriate. Potential over-building of the site may lead to future variances in parking or landscaping requirements. In keeping with the rationale provided above, Administration does not support this application.

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 CP100200. 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. 9410, 2023, and Bylaw No. 9411, 2023, 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. 9410, 2023”.
2. CONSIDERS “City of Prince George Official Community Plan Bylaw No. 8383, 2011, Amendment Bylaw No. 9410, 2023”, 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. 9410, 2023”, 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. 9410, 2023”, 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. 9410, 2023”.
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 CP100200.
7. EXPANDS, from 30 meters distance to the notification area shown on Exhibit ‘A’ to CP100200, 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. 9410, 2023” and “City of Prince George Zoning Bylaw No. 7580, 2007, Amendment Bylaw No. 9411, 2023”.
8. GIVES First and Second Reading to “City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9411, 2023”.
9. PERMITS the Public Hearing for proposed Bylaw No. 9410 and Bylaw No. 9411 BE WITHHELD until the following requirements have been met to the satisfaction of Administration:
 - a. Receipt of a complete Development Permit Application;
10. PERMITS that consideration of Final Reading for proposed Bylaw No. 9410 and Bylaw No. 9411 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 Lot 1, District Lot 753, Cariboo District, Plan 29151 (Subject Area 1) and Lot A, District Lot 753, Cariboo District, Plan 24027, Except Plans 26624, 29151, 30349, 30915 and BCP41482 (Subject Area 2) that restricts:
 - i. height to 20.0 m (6 stories).

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. 9410 and Bylaw No. 9411, be withheld until a complete Multiple Residential Form and Character Development Permit application has been submitted to satisfaction of Administration.

Servicing Brief

The applicant has provided a Servicing Brief prepared and sealed by L&M Engineering Ltd., dated June 29, 2022, as part of the College Heights Comprehensive Development Study. The Servicing Brief has addressed technical issues related to water supply, sanitary sewer collection, and storm drainage system design requirements of the proposed development.

The Servicing Brief has been received to Administration's satisfaction and is included in the College Heights Comprehensive Development Study attached to this report for Council's consideration.

Traffic Impact Study

The applicant has provided a Traffic Impact Study prepared by L&M Engineering Ltd., dated February 15, 2023, and a Supplementary Traffic Letter prepared by L&M Engineering Ltd., dated February 17, 2023, as part of the College Heights Comprehensive Development Study. The Traffic Impact Study addresses technical issues related to traffic for the proposed development, such as trip generation, distribution, and assignment, as well as site access and recommendations for future road configurations.

The Traffic Impact Study and Supplementary Letter have been received to Administration's satisfaction and are included in the Comprehensive Study attached to this report for Council's consideration.

Section 219 Covenant

To limit the height and massing of the proposed development, the applicant has offered to register a Section 219 Restrictive Covenant on the legal title of Subject Area 1 and Subject Area 2 prior to Final Reading of Bylaw No. 9410 and Bylaw No. 9411. This covenant would limit height to 20.0 m (6-storeys).

Should Council support this application, Administration recommends that Final Reading of Bylaw No. 9410 and Bylaw No. 9411, 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. 9411 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 two 6-storey apartment buildings at 5743 Nicholas Avenue (Subject Area 1) and a 0.46 ha portion of 5958 Stringer Crescent (Subject Area 2). Administration does not support the proposed amendments due to the proposed height and location being inconsistent with OCP policy. In keeping with the rationale provided above, Administration does not support this application. 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: Léah Labarrere, Planner 1

APPROVED:

Walter Babicz, City Manager

Meeting Date: 2023/06/12