

Date: June 28, 2024

To: **Mayor and Council**

Name and title: Deanna Wasnik, Director of Planning and Development

Subject: Section 219 Covenant Application No. RC000027 (Bylaw No. 9478, 2024)

Applicant: L&M Engineering Ltd. for Ridgecrest Development Group, Inc.
No. BC1284633

Location: 8640 St. Lawrence Avenue and 2800 Vista Ridge Drive

Attachment(s): Location and Existing Zoning Map
Exhibit "A" to RC000027
Exhibit "B" to RC000027
Notification Map to Application No. RC000027
Section 219 Restrictive Covenant (Land Title Office Doc No. CA9371006)
Section 219 Restrictive Covenant (Land Title Office Doc No. CA9371008)
Section 219 Restrictive Covenant (Land Title Office Doc No. CA9371010)

Recommendation(s):

That Council:

1. GIVES First and Second Reading to "City of Prince George Restrictive Covenant Bylaw No. 9478, 2024" to discharge three Section 219 Covenants registered as Land Title Office Document No. CA9371006, CA9371008, and CA9371010 on Lot 1 District Lot 1605 Cariboo District Plan 30863, Except Plans 34562 PGP38585, PGP41824, PGP46265, PGP46269, BCP25534, BCP36464, EPP41947 AND EPP131558
2. PERMITS the Public Hearing for proposed Bylaw No. 9478, 2024 BE WITHHELD until the following requirements have been met to the satisfaction of Administration:
 - a) Receipt of Rustic Trail as-built drawings; and
 - b) Trail inspection completed and deemed to meet bylaw standards.

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

PURPOSE:

The applicant has applied to discharge three (3) Section 219 Covenants (Land Title Office Document No. CA9371006, CA9371008, and CA9371010) from the legal title of 8640 St Lawrence Ave/2800 Vista Ridge Dr (subject property).

BACKGROUND:

The three (3) Section 219 Covenants were registered on title as a condition of an Official Community Plan and Zoning Amendment Application (Bylaw No. 9184 and 9185, 2021) to facilitate a subdivision at 7785 Southridge Avenue. The parent parcel known as 7785 Southridge Avenue has since been subdivided from the subject property and the covenants are no longer relevant to future phases of subdivision.

Site Characteristics

Location	8640 St Lawrence Avenue and 2800 Vista Ridge Drive
Legal Description	Lot 1 District Lot 1605 Cariboo District Plan 30863, Except Plans 34562, PGP38585, PGP41824, PGP46265, PGP46269, BCP25534, BCP36464, EPP41947 and EPP131558
Current Use	Vacant Land
Site Area	29.2 ha (72.1 ac)
Current Zoning	RS2: Single Residential
Future Land Use	Neighborhood Residential
Growth Management Class	Infill
Servicing	City services available

Surrounding Land Use Table

North	Single Residential
South	Vacant Land
East	Single Residential
West	Vacant land; Ospika Blvd road dedication

Relevant Applications

Official Community Plan Bylaw Amendment No. CP100169 (Bylaw No. 9184, 2021) and Zoning Bylaw Amendment Application No. RZ100694 (Bylaw No. 9185, 2021): On August 30, 2021, Council granted Final Reading and adoption of Bylaw No. 9184 and 9185, to rezone a 1.07 ha portion of 7706 Southridge Avenue from P1: Parks and Recreation to RS2: Single Residential to facilitate a future single-family residential development; and rezone a 1.76 ha portion of 7785 Southridge Avenue from RS2: Single Residential to RM3: Multiple Residential, in order to facilitate a multi-family development. As a condition of final reading, three restrictive covenants were registered on title as described in the report.

Official Community Plan Bylaw Amendment No. CP100205 (Bylaw No. 9445, 2024) and Zoning Bylaw Amendment Application No. RZ100808 (Bylaw No. 9446, 2024): The applicant has concurrently

applied to rezone a 1.91 ha portion of the subject property to develop a multi-family development. Should Council approve this application for First and Second Reading, a concurrent public hearing will be held.

Subdivision Application No. SD100799: Administration has received a subdivision application that proposes to create a 2-lot subdivision for further residential development through the extension of St. Lawrence Avenue. The subdivision is interim as one of the two proposed lots will be further subdivided into 11-residential lots.

Subdivision Application No. SD100800: Administration has received a subdivision application that proposes to create an 11-lot subdivision for residential development through the extension of St. Lawrence Avenue. Covenants CA9371008 and CA9371010 were registered on the subject property as part of a previous subdivision. The restrictive covenants are specific to lots that have now been subdivided from the subject property, and the covenants are no longer relevant to future phases of subdivision.

STRATEGIC PRIORITIES:

This application is consistent with Council's strategic priority for economic growth and development by increasing market housing within targeted growth areas.

POLICY / REGULATORY ANALYSIS:

Official Community Plan

Future Land Use

The subject property is designated as Neighbourhood Residential in Schedule B-6: Future Land Use of the Official Community Plan (OCP). The neighbourhoods are primarily residential in nature, with associated schools and parks within them. The Neighbourhood Residential designation is intended to maintain a similar scale of housing to the existing neighbourhoods, by limiting the size of new buildings, encouraging ground-oriented multiple residential forms, and a density of less than 22 units/ha (OCP Policy 8.3.59).

Growth Management

The subject property is designated as Infill in Schedule B-4: Growth Management of the OCP. This designation is intended to promote infill and redevelopment of existing vacant and underutilized sites.

Zoning Bylaw

The subject property is zoned as RS2 which has an intent to foster an urban lifestyle on properties larger than 500 m². The zone also provides for complementary residential related uses that are compatible with the residential character of the area. The subject property is currently vacant and undeveloped, and the proposed Section 219 Covenant discharge will encourage residential

development by removing restrictions and preventing irrelevant covenants from transferring onto newly subdivided lots.

Administration supports this application, as it is consistent with the OCP's Future Land Use and Growth Management policies for development.

Section 219 Covenants

Section 219 Covenant No. CA9371006 restricts the following on the subject property:

1. Any Housing, Two-Unit building constructed on any portion of the Land, shall be built such that the Housing, Two-Unit building is non-mirror image;
2. No building permit may be applied for, and the City is not obliged to issue any building permit, in respect of any Housing, Two-Unit building having a design that is not non-mirror image;
3. there shall be no secondary suites within the Housing, Two-Unit building built on any portions of the Land;
4. No Two-Unit buildings shall be constructed on any Adjacent Lot; and
5. No building permit may be applied for, and the City is not obliged to issue any building permit, in respect of any Housing, Two-Unit building that is to be constructed on any Adjacent Lot.

This covenant was registered to ensure the future multiple residential development at 7785 Southridge Avenue has a similar form, character, and density of the existing neighbourhoods. Section 219 Covenant CA9371006 currently restricts the development of two-unit housing, contradicting Bill 44 - Small-Scale Multi-Unit Housing and the legislative updates to the City's Zoning Bylaw.

Section 219 Covenant No. CA9371008 requires the following to occur on the subject property if any subdivision of the subject property requiring and resulting in an extension of the present south westerly terminus of Vista Ridge Drive:

1. For the Owner to construct a Rustic Trail to provide pedestrian access from Vista Ridge Drive through the Green belt area in accordance with the Trail Plan;
2. For the Owner to be responsible for the construction of the Rustic Trail; and
3. For the Owner to provide a detailed final design plan for the Rustic Trail and security for its construction and completion to the City as a condition of the Subdivision stage for approval;

The construction of the Rustic Trail was recently completed by the applicant. An inspection of the trail will be required to insure it is in accordance with the Subdivision and Development Servicing Bylaw and Trail Plan as shown on Exhibit "A" to RC000027. Once it is determined the trail is in accordance, the terms of covenant will have been met and the covenant may be discharged. Administration has requested that Third Reading and Public Hearing are withheld until the City is in receipt of as-built drawings and the inspection is completed.

Section 219 Covenant No. CA9371010 restricts the following from occurring on the subject property:

1. A maximum density of forty (40) dwellings per hectare;
2. A maximum number of six (6) dwellings per building;

3. A maximum number of fifty (50) dwellings; and
4. a maximum number of ten (10) Housing, Two Unit buildings.

7785 Southridge Avenue was rezoned from RS2 to RM3. As a condition, this covenant was registered to ensure the future multiple residential development has a similar form, character, and density of the existing neighbourhoods. Additionally, the density was reduced as the multi-family site could not achieve the recommended fire flow. This covenant will remain on the legal title of 7785 Southridge Avenue and be discharged from the subject property only, as shown in Exhibit “B” to RC000027.

Administration supports this application, as it is consistent with the Future Land Use and Growth Management policies for development outlined by the OCP, as well as recent legislative updates to the City’s Zoning Bylaw.

OTHER CONSIDERATIONS:

Referrals

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

Property Title

As the owner of the subject property is a registered company, a BC Company Search has been conducted to provide the names of the company directors. The following is provided for Council’s information:

Incorporation Number	Inc. No. BC1284633
Name of Company	Ridgecrest Development Group Inc
Director Information	Mohammed Golam

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

Infrastructure and Subdivision Services

Section 219 Covenant No. CA9371008 cannot be discharged until appropriate confirmation of construction completion has been provided. The applicant is to submit a Certificate of Completion sealed by an Engineer and as-built drawings of the rustic trail. The City must inspect the trail to ensure it was built to the City’s standard. Administration has requested that Public Hearing be withheld until the above-noted items are received and inspected to Administration’s satisfaction.

Statutory Notification and Public Consultation

As set out in the *Local Government Act* and “City of Prince George Development Procedures Bylaw No. 9423, 2023”, 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 deliver 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](#).

Statutory Consultation

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

- a. Request for written comment from properties identified on Notification Map to Application No. RC00027; and
- b. Publish notification of public consultation in accordance with the "City of Prince George Public Notice Bylaw No. 9329, 2022".

This consultation would occur after First and Second Reading to Bylaw No. 9478, 2024 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. 9478, 2024 be approved.

SUMMARY AND CONCLUSION:

The applicant has applied to discharge three Section 219 Covenants registered on the legal title of the subject property. Administration recommends that Council approve the discharge of the Section 219 Restrictive Covenants registered as Land Title Office Document No. CA9371006, CA9371008, and CA9371010 for the reasons provided in this report.

RESPECTFULLY SUBMITTED:

Deanna Wasnik, Director of Planning and Development

PREPARED BY: Melissa Pritchard

APPROVED:

Walter Babicz, City Manager

Meeting Date: 2024/07/22