

Date: October 31, 2024

To: **Mayor and Council**

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

Subject: Section 219 Covenant Application No. RC000031 (Bylaw No. 9516)

Applicant: Gurpreet Kaur Kaila and Jagdev Singh Kaila

Location: 2785-2783 Vance Road

Attachment(s): Location and Existing Zoning Map
Section 219 Restrictive Covenant (Land Title Office Document No. CB374247)

Recommendation(s):

That Council GIVES FIRST THREE READINGS of “City of Prince George Restrictive Covenant Modification Bylaw No. 9516, 2024” to amend Section 219 Covenant registered as Land Title Office Document No. CB374247 on Lot 5, District Lot 753, Cariboo District, Plan 8870.

Purpose:

The applicant wishes to construct secondary suites in a two-unit house (i.e., duplex) currently under construction at 2785-2783 Vance Road (subject property). To facilitate the construction of the secondary suites, the applicant has applied to amend Section 219 Covenant No. CB374247 to permit secondary suites in a duplex.

Background:

Site Characteristics

| | |
|-------------------------|--|
| Location | 2785-2783 Vance Road |
| Legal Description | Lot 5, District Lot 753, Cariboo District, Plan 8870 |
| Current Use | Residential (duplex) |
| Site Area | 0.07 ha (0.17 acres) |
| Zoning | RT1: Two-Unit Residential |
| Future Land Use | Neighbourhood Residential |
| Growth Management Class | Infill |
| Servicing | City services available |

Surrounding Land Use Table

| | |
|-------|-------------------------|
| North | Vance Road; Residential |
| South | Laneway; Residential |
| East | Residential |
| West | Residential |

Relevant Applications

Zoning Bylaw Amendment Bylaw No. 9321, 2022 (RZ100756): In January, 2023, Council adopted Bylaw No. 9321, 2022 to rezone the subject property from RS2 to RT1 to permit duplex housing. As a condition of Final reading, a Section 219 Covenant No. CB374247 was registered on title to prohibit secondary suites in two-unit housing and to require any two-unit housing to be non-mirror image.

Zoning Bylaw Amendment Bylaw No. 9466, 2024: In June 2024, Council adopted Bylaw No. 9466, 2024 to address new Provincial housing legislation for Small Scale Multi-Unit Housing (SSMUH), allowing up to 3-4 units on properties currently zoned for single family or two-unit housing. Based on lot size, the SSMUH regulations permit 4 units on the subject property.

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 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 (OCP Policy 8.3.59).

The applicant's proposal to amend the covenant to allow secondary suites within two-unit housing meets the intent of the Neighbourhood Residential designation to encourage ground-orientated multiple residential forms, and will maintain a similar scale of housing in this existing neighbourhood.

Therefore, administration supports this application, as it is consistent with the OCP Future Land Use designation.

Growth Management

The subject property is designated as Infill in Schedule B-4: Growth Management of the OCP. Areas within an Infill designation have been prioritized for development and utilization of vacant sites and redevelopment of existing serviced lands is encouraged (OCP Policy 8.1.11).

The applicant's proposal will encourage density by adding secondary suites to a duplex currently under construction. The new build is serviced with existing city services.

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

Zoning Bylaw

The subject property is currently zoned RT1: Two-Unit Housing. The intent of the RT1 zone is to provide housing, primarily in buildings with two dwellings. The RT1 zone permits a variety of housing types with up to four (4) units, including two-unit housing with secondary suites. The amendment of Section 219 Covenant No. CB374247 will allow development on the subject property to meet the permitted density for the property set by the RT1 zone.

Administration supports this application, as it is consistent with the new Provincial housing legislation for SSMUH and related legislative updates made to the City's Zoning Bylaw in June 2024.

Section 219 Covenants

Section 219 Covenant No. CB374247 restricts the following on the subject property:

- a) 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;
- b) 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;
- c) there shall be no symmetrical facades within the Housing
- d) there shall be no secondary suites within Two-Unit building built on any portions of the Land.

This covenant was registered to ensure that development of the subject property has a similar form, character, and density of the existing neighbourhoods. Section 219 Covenant CB374247 currently restricts the development of secondary suites within two-unit housing, contradicting the new Provincial housing legislation for SSMUH and related legislative updates to the City's Zoning Bylaw. As such, the applicant has proposed to amend the Section 219 Covenant by striking item d) references above, "there shall be no secondary suites within Two-Unit building built on any portions of the Land."

Administration supports this application, as it is consistent with the OCP Future Land Use and Growth Management policy direction of the OCP, the new Provincial housing legislation for SSMUH and related legislative updates made to the City's Zoning Bylaw in June 2024.

Other Considerations:

Referrals

This application was referred to internal City divisions and external agencies for comments. There are no outstanding comments or concerns with this application.

Property Title

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

Ministry of Transportation and Infrastructure

As per Section 52 of the *Transportation Act*, Bylaw No. 9516 requires the Ministry of Transportation and Infrastructure's approval prior to Final Reading and adoption.

Statutory Notification and Public Consultation

In accordance with section 464(2) of the *Local Government Act*, a public hearing regarding this application will not be held as the proposed bylaw is consistent with the “City of Prince George Official Community Plan Bylaw No. 8383, 2011.” As per the requirements set out in the *Local Government Act* and “City of Prince George Development Procedures Bylaw No. 9423, 2023”, in advance of First Three Readings of the proposed bylaw, the City of Prince George will mail or otherwise deliver a notice to adjacent property owners and tenants whose interests in property may be affected by this application.

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. 9423, 2023”, 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 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 bylaw
2. Approve the bylaw as amended
3. Refuse the bylaw
4. Defer or otherwise deal with the bylaw

Administration recommends that Bylaw No 9516, 2024 be approved.

Summary and conclusion:

To facilitate development of secondary suites in a duplex under construction, the applicant is proposing to amend Section 219 Covenant registered as Land Title Office Document No. CB374247 on Lot 5, District Lot 753, Cariboo District, Plan 8870 to remove the prohibition of secondary suites in two-unit housing on the subject property. Administration is supportive of this application for the reasons outlined in this report.

Respectfully Submitted:

Deanna Wasnik, Director of Planning and Development

Prepared by: Keone Gourlay, Planner 1

Approved:

Walter Babicz, City Manager

Meeting Date: 2024/12/02