

**Date:** December 19, 2024

**To:** **Mayor and Council.**

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

**Subject:** Section 219 Restrictive Covenant Application No. RC000032

**Applicant:** Praxis Solutions for 1268628 BC Ltd., Inc. No. BC1268628

**Location:** 4500 Ospika Boulevard

**Attachment(s):**

- Location and Existing Zoning Map
- Section 219 Covenant (Land Title Office Document No. CA9074075)
- Modification Covenant to CA9074075 (Land Title Office Document No. CA9428022)
- Exhibit "A" to RC000032: Proposed Section 219 Covenant
- Supporting Documents
  - Letter of Intent

## Recommendation(s):

That Council:

1. APPROVES the discharge and replacement of Section 219 Covenants registered as Land Title Office Document Nos. CA9074075 and CA9428022 from the legal title of 4500 Ospika Boulevard, legally described as Lot 147, District Lot 2003, Cariboo District, Plan 28774, with a new Section 219 Design and Performance Covenant attached as Exhibit "A" to RC000032 in the report from the Director of Planning and Development dated December 19, 2024, titled, "Section 219 Restrictive Covenant Application No. RC000032" to allow for a 118-unit congregate housing apartment.

## Purpose:

The purpose of this report is to seek Council's approval to discharge the Section 219 Covenant CA9074075 ("Design Covenant") and Modification Covenant CA9428022 registered on the legal title of 4500 Ospika Boulevard ("subject property") and replace them with a new Section 219 Covenant to facilitate the development of a 118-unit apartment offering congregate housing intended for independent seniors living.

### 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
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### 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 August 16, 2021, Council adopted Bylaw No. 9156 and Bylaw No. 9157 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.

#### **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.

#### **Development Permit Application No. DP100832:**

On February 6, 2023, Council denied modifying the Design Covenant registered on the legal title of the subject property to allow the development of a 118-unit apartment offering congregate housing.

**Development Permit Application No. DP100899:**

Administration has received and reviewed a Development Permit application for a 118-unit apartment offering congregate housing. The proposed development meets all zoning regulations, including setbacks, height, and site coverage.

**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 near shopping centres, major public transit routes 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.

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 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. The Multiple Residential Form and Character Development Permit Area is intended to 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. The proposed 118-unit congregate housing is currently being reviewed as Development Permit Application No. DP100899.

### **City of Prince George Housing Needs Report**

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

Congregate housing provides for semi-independent living and sleeping facilities where meal preparation, laundry services and room cleaning services may be provided. Such facilities may also provide other services such as transportation for routine medical appointments and counseling.

The proposed development complies with the land use and density regulations of the RM5 zone.

### **Section 219 Covenant**

The subject property has a Section 219 Design and Performance Covenant (Land Title Office Document No. CA9074075) and Modification of Section 219 Design and Performance Covenant (Land Title Office Document No. CA9428022) registered on title that restricts development in accordance with the covenantor's plans and specifications for a 256-unit apartment building intended for student housing.

The existing Section 219 Design and Performance Covenant and Modification Covenant were put in place through the sale of the property by the City of Prince George to the purchaser and speak to the 256-unit student housing apartment building and refer to an Option to Purchase which has since been discharged.

To facilitate the consideration of the proposed 118-unit congregate housing development in place of the 256-unit apartment building currently required under the existing Section 219 Design and Performance Covenant on title, a new Section 219 Design and Performance Covenant is proposed. The new covenant includes the design drawings for the intended 118-unit building, commits the Covenantor to submit a complete building permit package, and removes sections referencing the option to purchase.

Administration supports the proposed 118-unit congregate housing development as it is consistent with the policy direction of the Official Community Plan, addresses a housing need in our community, and meets the development regulations of the zoning bylaw. Therefore, Administration recommends Council discharge the existing Section 219 Design and Performance Covenant and Modification Covenant and replace them with the newly proposed Section 219 Design and Performance Covenant to facilitate a 118-unit congregate housing development on the subject property.

Should Council support Administration's recommendation, the new covenant would be signed by the owner and City of Prince George. This would facilitate the issuance of Development Permit No. DP100899 which would allow the developer to proceed with the process for a building permit.

#### 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

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 the proposed development meets the restrictions of this covenant.

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	BC1268628
Name of Company	1268628 BC Ltd.
Director Information	Kevin Price Ashley de Grey Osborn

#### Alternatives:

1. Approve the restrictive covenant discharge and replacement
2. Approve the restrictive covenant discharge and replacement as amended
3. Refuse the restrictive covenant discharge and replacement
4. Defer or otherwise deal with the restrictive covenant discharge and replacement

Administration recommends that the Section 219 Design and Performance Covenant and Modification Covenant be discharged and replaced with a new Section 219 Design and Performance Covenant.

#### Summary and conclusion:

The applicant would like to discharge the existing Section 219 Covenant (CA9074075) as amended Modification Covenant (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 DP100899.

Administration recommends that Council approves the Section 219 Covenant and Modification Covenant discharge, subject to registration of a new Section 219 Covenant for the reasons outlined in this report.

Respectfully submitted:

Deanna Wasnik, Director of Planning and Development

Prepared by Melissa Pritchard, Planner 1

Approved:

Walter Babicz, City Manager

Meeting date: 2025/01/13