

Date: December 4, 2024

To: **Mayor and Council**

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

Subject: Section 219 Covenant Application No. RC000033 (Bylaw No. 9497)

Applicant: L&M Engineering Ltd. for Kidd Real Estate Holdings Ltd.,
Inc. No. BC821509

Location: 8777 Foothills Boulevard

Attachment(s): Location and Existing Zoning Map
Section 219 Restrictive Covenant (Land Title Office Doc No. CA7361175)

Recommendation(s):

That Council GIVES FIRST AND SECOND READING to "City of Prince George Restrictive Covenant Discharge Bylaw No. 9497, 2024" to discharge Section 219 Covenant registered as Land Title Office Document No. CA7361175 on Lot A, District Lot 2425, Cariboo District, Plan PGP37227.

Purpose:

The applicant has applied to discharge a Section 219 Covenant from the legal title of 8777 Foothills Boulevard (subject property) to remove the limitation of housing forms.

BACKGROUND:

On December 7, 2023, the B.C. Government passed several amendments to the *Local Government Act* related to planning and land use. These changes are designed to increase housing supply, provide more diverse housing options, and, over time, help make housing more affordable across the province. In response to these legislative changes, the City of Prince George Council adopted "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9466, 2024" during their regular meeting on June 12, 2024. This amendment addressed the legislative requirements for small-scale multi-unit housing.

Relevant Applications

Zoning Bylaw Amendment Application No. RZ100561 (Bylaw No. 8869, 2017): A 3.4 ha (8.5 acre) portion of the property located at 8777 Foothills Boulevard was rezoned from AG: Greenbelt to RM1: Multiple Residential to facilitate a comprehensive strata development with a variety of housing forms. As a condition of final reading, a restrictive covenant was registered to the legal title of the subject

property limiting the density to 22 unit/ha and requiring varied housing forms, to align with Official Community Plan (OCP) policy.

Strategic Priorities:

This proposal is consistent with Council's Strategic Priority for Economic Diversity and Growth by providing additional opportunities for residential development at an underutilized property.

Policy / Regulatory Analysis:

Section 219 Covenant

A covenant permitted by Section 219 of the *Land Title Act* provides local governments with a tool to regulate the use of land, the use of buildings or subdivisions and to refine the Zoning Bylaw to provide comfort to local governments that is enforceable against the covenantor and successors to the land.

Section 219 Covenant No. CA7361175 (attached to this report) was registered on the legal title of 8777 Foothills Boulevard on February 22, 2019. This covenant limits residential forms for the 3.4 ha (8.5 acre) portion of subject property that is zoned RM1 to:

- a) Restrict density to 22 units/ha;
- b) Limit housing forms to 50% single detached and 50% two-unit, row and four-plex mixed; and
- c) Require that 10% of the entire development incorporates accessible housing features.

The applicant would like to discharge the covenant to allow the development regulations of the zoning bylaw to prevail which align with the provincial housing legislation for small-scale multi-unit housing (i.e. Bill 44).

Currently the existing covenant limits the density of the RM1 zoned portion of the subject property to 22 units/ha, or 75 units. Discharging the existing covenant would increase the density of the RM1 zoned portion of the subject property to 30 units/per ha (i.e. RM1 zone maximum density), or 103 units. The removal of the covenant would also allow the developer of the property to determine the types of housing forms for the site, with the BC Building Code informing accessibility requirements.

Administration supports this application as it encourages infill development, and is consistent with the Future Land Use and Growth Management policy direction identified by the OCP.

Other Considerations:

Referrals

This application was referred to internal City divisions 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.

The property owner 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	BC821509
Name of Company	Kidd Real Estate Holdings Ltd.
Director Information	Bruce Charles Kidd Kathryn Teresa Kidd

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 bylaw, a public hearing will be held regarding the application 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 the application. 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 the application will be provided to Council for their information and consideration during deliberations on the application. Additional information on methods to provide comments to Council can be found on the [City's website](#).

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. 9497, 2024 be approved.

Summary and conclusion:

The applicant has applied to discharge a Section 219 Covenant (CA7361175) from the legal title of 8777 Foothills Boulevard. Administration recommends that Council approve the proposed covenant discharge for the reasons provided in this report.

Respectfully submitted:

Deanna Wasnik, Director of Planning and Development

Approved:

Walter Babicz, City Manager

Meeting date: 2025/01/13