

DATE: July 29, 2020

TO: MAYOR AND COUNCIL

NAME AND TITLE: Ian Wells, General Manager of Planning and Development

SUBJECT: Rezoning Amendment Application No. RZ100665 (Bylaw No. 9135, 2020)

Applicant: Devinder Parmar for Sarjiwan Parmar
Location: 530 Freeman Street

ATTACHMENT(S): Location and Existing Zoning Map
Appendix "A" to Bylaw No. 9135

RECOMMENDATION(S):

That Council:

1. GIVES First and Second Reading to "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9135, 2020";
2. WAIVES the requirements for a public hearing for proposed "City of Prince George Zoning Bylaw No. 7850, 2007, Amendment Bylaw No. 9135, 2020", pursuant to Section 464(2) of the *Local Government Act*; and
3. PERMITS that consideration of Final Reading of proposed Bylaw No. 9135 BE WITHHELD until the following requirements have been met to the satisfaction of Administration:
 - a. Registration of a Section 219 Covenant on the legal title of Lot 15 and Lot 16, Block 33, District Lot 937, Cariboo District, Plan 752 that restricts symmetrical facades for two-unit housing; and
 - b. Registration of a Section 219 Covenant on the legal title of Lot 15 and Lot 16, Block 33, District Lot 937, Cariboo District, Plan 752 that restricts secondary suites within two-unit housing.

PURPOSE:

The applicant has applied to rezone 530 Freeman Street (subject property) from RS4: Urban Residential to RT2: Two-Unit Residential, as shown on Appendix "A" to Bylaw No. 9135. The subject property is comprised of two (2) properties (Lots 15 and Lot 16). The purpose of this application is to facilitate the development of a two-unit house (duplex) on the subject property. Each unit of the proposed duplex will be constructed on Lot 15 and Lot 16 with the common wall being constructed on the interior lot line. Currently there is a small home located onsite, which will be demolished to facilitate the proposed new duplex.

Site Characteristics

Location	530 Freeman Street
Legal Description	Lot 15 and Lot 16, Block 33, District Lot 937, Cariboo District, Plan 752
Current Use	Residential
Site Area	557.0 m ²
Growth Management Class	Growth Priority
Future Land Use	Neighbourhood Corridor
Servicing	City Services Available

Zoning (see Appendix “A” to Bylaw No. 9135)

Current Zoning	RS4: Urban Residential
Proposed Zoning	RT2: Two-Unit Residential

Surrounding Land Use Table

North	Residential and 5 th Avenue
South	Residential
East	Laneway and Residential
West	Freeman Street and Multi-Family Development

POLICY / REGULATORY ANALYSIS:

Official Community Plan (OCP)

Future Land Use

The subject property is designated as “Neighbourhood Corridor” in Schedule B-6: Future Land Use of the Official Community Plan. The designation encourages development that is consistent in form and character of the existing neighbourhoods, with higher densities supported along collector and arterial streets. The applicant has proposed to re-develop the subject properties and construct an asymmetrical (i.e. non-mirror image) two-unit dwelling along Freeman Street.

The OCP supports infill and redevelopment in existing neighbourhoods that is incremental, respects the scale and character of the existing neighbourhood and has relatively minor immediate impacts on the surrounding area (Policies 8.3.45 and Policy 8.3.48).

In order to maintain the character and scale of the existing neighborhood, the two-unit housing is to be designed asymmetrically (i.e. non-mirror image) with varied and interesting facades (Policy 8.3.60 and 8.3.62)

Administration supports this application, as the proposal is consistent with the “Neighbourhood Corridor” designation of the OCP based on the rationale above.

Growth Management

The subject property is designated as “Growth Priority” in Schedule B-4: Growth Management of the Official Community Plan. Properties with this designation are intended to be a priority for redevelopment and infill projects.

Growth Management designations allow the City to direct growth in ways that support community goals. The Official Community Plan indicates that areas designated as “Growth Priority” should be a priority for upgrades and extensions to networks and services (e. servicing, sidewalks, roads etc.). Further to this, these areas are intended to facilitate redevelopment and infill, create land-use patterns, which are supportive of walking, cycling and transit, promote walkable communities, strengthen neighbourhood, minimize replacement and maintenance of infrastructure and remove barriers to growth.

The proposed rezoning will facilitate redevelopment within an established neighbourhood, and will utilize existing City infrastructure. The redevelopment of existing properties within an existing neighbourhood is consistent with the “Growth Priority” designation.

Administration is supportive of this application, as the proposal is consistent with the intent of the “Growth Priority” designation.

Zoning Bylaw

The subject properties are zoned as RS4: Urban Residential, which is intended to accommodate single detached housing on lots with lane access. The zone also provides for complementary residential related uses that are compatible with the residential character of the area. The applicant proposes to develop a duplex on the subject properties. As such, the applicant wishes to rezone the subject properties to RT2: Two-unit Residential. The RT2 zone is intended to provide for housing, primarily buildings with two dwellings in subdivisions with lanes for innovative, cluster housing, and compact housing.

The proposal to develop a duplex is consistent with the intent of the RT2 zone. The RT2 zone has similar development regulations to the surrounding RS4 zoned properties. Please see the table below for a comparison of the development regulations of the RS4 zone and the RT2 zone.

Table 1: Comparison of RS4 and RT2 Zoning Regulations

Zoning Regulations	RS4: Urban Residential	RT2: Two-unit Residential
Principal Uses	<ul style="list-style-type: none"> Community Care Facility, Minor Housing, Single Detached 	<ul style="list-style-type: none"> Community Care Facility, Minor Housing, Single Detached Housing, Two-Unit
Secondary Uses	<ul style="list-style-type: none"> Home business 1 Home Business 2 Secondary Suite Secondary Dwelling 	<ul style="list-style-type: none"> Bed & Breakfast Home Business 1 Home Business 2 Secondary suite only in single detached housing
Maximum site coverage	45 - 50%	45%
Maximum height	9.0 - 10.0 m	10.0 m
Minimum front yard	4.5 m	4.5 m
Minimum interior side yard	1.2 m	1.2 m
Minimum exterior side yard	3.0 m	3.0 m
Minimum rear yard	6.0 m	6.0 m

Land Use Impacts

The subject property is located on a laneway, surrounded by a mixture of housing types including single-family dwellings, two-unit and multiple residential developments along Freeman Street and is in close proximity to transit services and a variety of amenities.

Currently, there are two (2) duplexes located to the south approximately 80 m and 95 m from the subject property and one (1) duplex to the north approximately 52 m from the subject property. Although there are three (3) duplexes within 100 m of the subject property on Freeman Street, it is not anticipated that there will be an over proliferation of duplexes in one area.

Administration does not anticipate negative impacts to result from the proposed development as the proposed RT2 zone has similar development regulations as the existing RS4 zone, as lane access is available and there is sufficient space for on-site parking.

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.

Section 219 Covenant

The applicant has indicated that they will register two (2) Section 219 Covenants on title of the subject property prior to Final Reading of Bylaw No. 9135, 2020. One (1) covenant will ensure the construction of the two-unit residence is asymmetrical and looks like two distinct dwellings (i.e. varying roof lines and using different building materials for the exterior finish), while the other covenant will restrict secondary suites within two unit housing.

Ministry of Transportation and Infrastructure

As identified under Section 52 of the Transportation Act, any properties that are within 800 m of a Controlled Access Highway require bylaw approval from the Ministry of Transportation and Infrastructure. The subject property is within 800 m of a Controlled Access highway (i.e. Highway 97), which requires the Ministry's approval prior to Final Reading.

Council Procedures during COVID-19

As a result of the COVID-19 pandemic and the Ministerial Order No. M083 issued under the *Emergency Program Act*, City Council at their meeting held April 6, 2020 passed a resolution to waive public hearings for rezoning applications where such hearings are not required as described below. This decision is effective for the period that Ministerial Order No. M083 applies.

Legislation specifies that a local government may waive the holding of a public hearing on a proposed zoning bylaw if an OCP is in effect for the area that is subject to the zoning bylaw and the bylaw is consistent with the OCP. Further, Council resolved that in addition to the legislative requirements above, in order for Administration to recommend that Council waive a public hearing, the following criteria must also be met:

- a. Approval of the rezoning application is supported by Staff; and
- b. A determination that the public hearing on the application is not expected to generate significant public input.

Notice of City Council's decision to waive the public hearing and the opportunity to provide written comments will be published in accordance with legislative requirements. Written submissions received in response to the public notice for this application will be provided to Council at the time third reading of the bylaw is proposed to be considered. Submissions received after the Council meeting agenda has been published will be provided as a handout on the day of the Council meeting for Council's consideration during deliberations on the application.

Subject to Council's approval of first and second reading of Bylaw No. 9135, 2020, third reading of the proposed bylaw may be considered at the next regularly scheduled Council meeting.

Public Hearings

Pursuant to Section 464(2) of the *Local Government Act*, Administration recommends that Council waive the requirement for a public hearing in relation to proposed Bylaw No. 9135, 2020, as the application is consistent with the City's OCP, approval of the rezoning application is supported by Administration; and a public hearing on the application is not expected to generate significant public input.

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. 9135, 2020 be approved.

SUMMARY AND CONCLUSION:

The applicant is proposing to rezone the subject property from RS4: Urban Residential to RT2: Two-Unit Residential, as shown on Appendix "A" to Bylaw No. 9135, 2020. The purpose of this application is to facilitate the development of a two-unit residence (i.e. duplex) at 530 Freeman Street. Administration is supportive of this application because of the rationale provide in this report.

RESPECTFULLY SUBMITTED:

Ian Wells, General Manager of Planning and Development

PREPARED BY: Melissa Nitz, Planner 1

APPROVED:

Kathleen Soltis, City Manager

Meeting Date: 2020/08/17