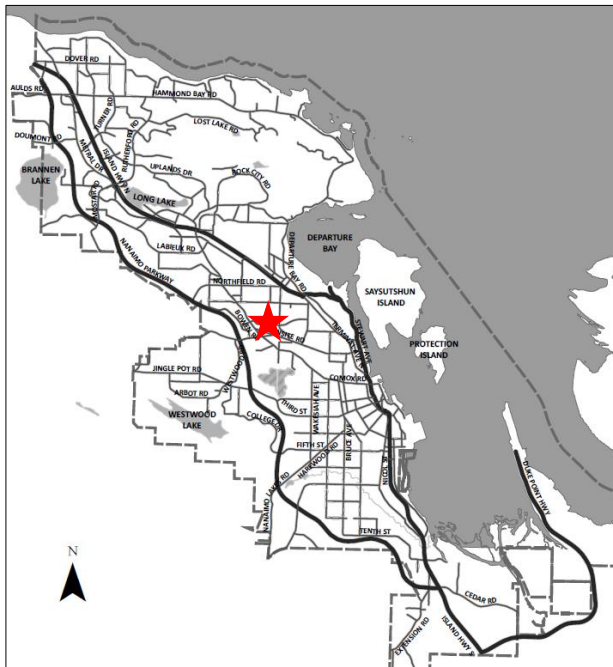


DATE OF MEETING | May 26, 2025 |

AUTHORED BY | KRISTINE MAYES, PLANNER, CURRENT PLANNING |

SUBJECT **COVENANT AMENDMENT APPLICATION NO. CA21 – 1179**
SEAFIELD CRESCENT



Proposal:

To discharge a covenant from the property titles which restricts medical / dental office use

CA

Zoning:

CC5 - Hospital Urban Centre

City Plan Land Use Designation:

Secondary Urban Centre (Hospital)

Lot Area:

1,972m²



City Aerial Photo 2024

OVERVIEW

Purpose of Report

To present for Council's consideration with an application to discharge a Section 215 covenant from the property titles of 1179 Seafield Crescent, which restricts medical / dental office use on the subject property.

Recommendation

That Council direct Staff to proceed with public notification prior to consideration of Covenant Amendment Application No. CA21 for 1179 Seafield Crescent at an upcoming Council meeting.

BACKGROUND

A Covenant Amendment Application, CA21, was received from R.W. (Bob) Wall Ltd., on behalf the Owners of Strata Plan VIS3329, to discharge a Section 215 covenant (EE119175) from the property titles of 1179 Seafield Crescent.

Subject Property and Site Context

The subject property is located on Seafield Crescent, just south of Dufferin Crescent in the Townsite neighbourhood. The subject property currently contains an existing strata titled medical office building with surface parking and landscaping.

Established medical facilities (hospital and medical offices); commercial services; multi-family developments (including seniors' congregate housing); single-family dwellings; commercial uses; Dufferin Crescent School; and, Beaufort Park predominantly characterize the surrounding area. The property is well connected to the Hospital Urban Centre and within walking distance to transit and the hospital campus.

DISCUSSION

Proposed Covenant Amendment

The applicant is proposing to discharge a Section 215 covenant (EE119175) registered in 1991 as condition of "Zoning Bylaw Amendment Bylaw 1991 No. 3902" (which had a concurrent Official Community Plan (OCP) amendment). Bylaw No. 3902 rezoned the subject property from Residential 3 Zone (R3) to Limited Commercial 2 Zone (C2) which permitted a range of commercial uses. The requirement to register the covenant was in response to verbal comments received during the public hearing held on 1991-SEP-05. Covenant EE119175 specifies that the building shall not be occupied or used by a physician practicing as a general practitioner (defined as a doctor who is not qualified to practice as a specialist).

Following the adoption of Zoning Bylaw 1993 No. 4000, the zoning of the subject property was changed to a Mixed Use Commercial Zone (C4) and then subsequently to the current CC5 zone with the adoption of Zoning Bylaw 2011 No. 4500. The CC5 zone allows a "medical / dental office"

use which includes general practitioners (doctors); however, the existing covenant restriction on use still applies.

The proposed covenant discharge would allow the “medical / dental office” use without restrictions and could permit family practice doctors to operate on the subject property. The office parking requirements (1 space per 18m² per gross floor area) would remain unchanged.

Policy Context

City Plan

City Plan identifies the subject property within the Hospital Urban Centre, which is recognized as a city-wide and regional centre for health services, seniors housing, medical professional offices, and higher density residential. City Plan Policies D4.3.48 and D4.3.51 both support the provision of medical professional offices in this designation.

The covenant does not align with the future land use designation of the subject property and prohibiting general practitioners from the medical office use is not supported by City Plan. Staff support the proposed discharge of covenant EE119175, given that a medical office use is permitted in the existing CC5 zone and the proposed Covenant Amendment application is consistent with City Plan policies to support medical professional offices and services in the Hospital Urban Centre.

Covenant Amendment Process Policy

Council’s *Covenant Amendment Process Policy* outlines the process for considering an amendment to a covenant previously secured through rezoning. Where the proposed Covenant Amendment application pertains to land use, density, or community contributions, Council may choose to direct the application to a public hearing. A public hearing for a Covenant Amendment application is not a statutory requirement and is not impacted by provincial legislation for public hearings in the *Local Government Act*. Given that CA21 pertains to a medical / dental office use, which is permitted in the CC5 zone, and the proposed covenant discharge is consistent with City Plan, Staff recommend that Council direct the application for public notification instead of a public hearing and consider the proposed covenant discharge at an upcoming regular Council meeting.

The two options available to Council are outlined as follows:

1. That Council direct Staff to proceed with public notification to consider the proposed Covenant Amendment application at an upcoming regular Council meeting.
 - *Advantages of this option:* The application may be considered earlier based on Council’s meeting schedule than by proceeding with a public hearing.
 - *Disadvantages of this option:* Neighbours would not be given the opportunity to be heard at a public hearing.
2. That Council direct Staff to proceed with public notification to consider the proposed Covenant Amendment application at an upcoming public hearing.
 - *Advantages of this option:* Neighbours will be given the opportunity to be heard at a public hearing.
 - *Disadvantages of this option:* The application will need to wait until the next available public hearing, which is scheduled for 2025-JUN-19. |

SUMMARY POINTS

- Covenant Amendment Application No. CA21 proposes to discharge a Section 215 covenant (EE119175) from the property titles of 1179 Seafield Crescent.
- Staff support the proposed discharge of the covenant given that medical office use is permitted in the existing CC5 zone and the proposed Covenant Amendment application is consistent with City Plan policies to support medical professional offices in the Hospital Urban Centre.

ATTACHMENTS

ATTACHMENT A: Subject Property Map

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Planning & Development