

Report

Date

November 16, 2022

File: 3360-20 20.11

Subject

Paddle Road Housing Agreement Bylaw No. 3886 for first three readings

PURPOSE

To introduce Bylaw No. 3886, 2022, which proposes to authorize the District to enter into a Housing Agreement with the owner of five properties at the north end of Paddle Road ("Paddle Road residential development") in order to secure a total of 37 apartment units at below market rental rates, and that at least half (i.e., 19) be constructed within the first 3 phases of development, prior to adopting Zoning Amendment Bylaw No. 3867, 2022 to permit approximately 366 residential units.

BACKGROUND

Zoning Amendment Bylaw No. 3867 (Bylaw No. 3867) proposes to rezone 5 properties located at the north end of Paddle Road for approximately 366 apartment, townhouse, and duplex dwelling units. Third reading was given to Bylaw No. 3867 on September 21, 2022. Adoption of the Bylaw can be considered following registration of covenant and housing agreements that secure the applicant's commitments for infrastructure, amenities and affordable housing units.

A *Location Map* of the subject properties is provided in Attachment 1. For context, a *Site Plan* overview of the residential proposal providing the basis for the new CD22 zone is provided in Attachment 2.

DISCUSSION

Section 483 of the *Local Government Act* (LGA) provides a local government with the authority to enter into a Housing Agreement with a property owner to secure terms and conditions of occupancy of housing units. This section of the LGA also requires that Housing Agreements be adopted by bylaw. Housing agreements are registered on the title of the impacted properties and are binding on the current and future property owners.

Housing Agreement Bylaw No. 3886 (Bylaw No. 3886) will secure 10% (37) of the proposed housing units associated with Bylaw 3867 at below market rental rates. Rental rates for nine of the 37 affordable units will be capped at 30% of median household income level based on "Duncan-N. Cowichan" area income data provided by BC Housing. The remaining 27 units will have rental rates at 10% below market rental rates based on appraised values. The Housing Agreement will also require that half the affordable units be provided within the first three phases of development.

Should Council adopt Bylaw No. 3886, the District would be authorized to sign the Housing Agreement (Attachment 3) after which the agreement would be registered on the title of the subject properties. The *Community Charter* requires that only three readings of the Bylaw may be given at a Council meeting. Should Council give three readings to Bylaw No. 3886, the bylaw would be brought to the next available Council meeting (i.e., December 7, 2022) for bylaw adoption.

OPTIONS

1. **(Recommended Option)** THAT Council give first, second, and third readings to Paddle Road Housing Agreement Bylaw No. 3886, 2022.
2. THAT Council direct staff to make the following changes to the Paddle Road Housing Agreement:
(Council to identify what changes the wish made to the agreement).

IMPLICATIONS

Should Council give three readings of Housing Agreement Bylaw No. 3886 (Paddle Road), the bylaw will be brought back for consideration of adoption at a subsequent Council meeting. Following adoption of Bylaw No. 3886 and registration of the Housing Agreement and Covenant with the Land Title Office, Council can consider adoption of Zoning Amendment Bylaw No. 3867.

Should Council request changes to the Paddle Road Housing Agreement the changes would need to be negotiated with the property owner and another public hearing for Zoning Amendment Bylaw No. 3867 would likely be required.

RECOMMENDATION

THAT Council give first, second, and third readings to Paddle Road Housing Agreement Bylaw No. 3886, 2022.

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Approved to be forwarded to Council:



Ted Swabey
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Attachments:

- (1) Location Map
- (2) Site Plan of Paddle Road Rezoning Proposal
- (3) Housing Agreement Bylaw 3886