

Report

Date October 4, 2023 File: 6480-30 23.04
Subject OCP Amendment Bylaw No. 3914 and Zoning Amendment Bylaw 3915 and updated community amenity contribution offer

PURPOSE

To consider moving OCP Amendment Bylaw No. 3914 and Zoning Amendment Bylaw No. 3915 forward and accepting the applicant's updated offer for community amenity contributions for 1771 Robert Street.

BACKGROUND

At the August 16, 2023, Regular Council Meeting, OCP Amendment Bylaw No. 3914 (to re-designate 1771 Robert Street from Rural Residential to Neighbourhood Residential) and Zoning Amendment Bylaw No. 3915 (to reclassify it from the A2 (Rural) zone to R3 (Residential One and Two-Family) and R3-MF (Residential Medium Density Multi-Family) zone) were each given first reading. The proposed amendments aim to facilitate future residential development of approximately 32 to 50 housing units at 1771 Robert Street.

In addition to previously committed amenities of land dedication for trail, trail construction, enhanced public roadway design, and vegetation replanting and protection measures, the proponent offered an increased financial contribution to the municipal Affordable Housing Fund of between \$136,000 and \$152,000, which was based on \$4,000 per unit for the estimated 34-38 units, excluding secondary suites (Attachment 1).

Council also requested, at that time, that the applicant increase their proposed contribution for affordable housing to \$245,000.

OCP Amendment Bylaw (1711 Roberts Street) No. 3914 and Zoning Amendment Bylaw No. 3915 for first and second readings

IT WAS MOVED AND SECONDED:

THAT Council:

- (1) give first reading to Official Community Plan Amendment Bylaw No. 3914, 2023; and,
- (2) give first reading to Zoning Amendment Bylaw No. 3915, 2023

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council direct staff to continue to work with the proponent regarding affordable housing community amenity contributions, to see the amount offered prior to Council's potential consideration of second reading of zoning amendment bylaw No 3915, 2023 to a target amount of \$245,000 for affordable housing.

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

DISCUSSION

On September 12, 2023, in response to Council's resolution and without prior consultation with Planning staff, the proponent submitted a letter updating the affordable housing commitment (Attachment 2). In summary, the monetary amount of the commitment remains the same as offered on August 16, 2023, i.e., \$4,000 per unit, with the following addition:

In the interests of supporting Council's goals related to increased affordability, density and housing choice, my client is also prepared to add the following commitments, which would be secured as part of the s.219 covenant(s) to be registered as part of the rezoning:

1. That a full subdivision of the parent property will include the necessary servicing and lot areas to accommodate a minimum of five (5) duplex lots.
2. That future building permits for any single-family home shall include the following minimum necessary rough-ins to accommodate a potential / future secondary suite (assuming that a completed secondary suite isn't included in the initial building plans):
 - 220-amp outlets for dryer and range;
 - plumbing rough-in for kitchen, laundry facilities and a full bathroom; and,
 - second exterior entrance.

Despite the proponent's commitment to provide a minimum of five duplex lots, any subdivision of the land would need to comply with all applicable subdivision and zoning requirements. As such, the total number of lots and subdivision layout may not be achievable as currently proposed and cannot be easily secured with a covenant.

The applicant's offer to "rough-in" for future suites is also potentially problematic, as such installations are generally not permitted unless authorized through the issuance of a building permit for a secondary suite. If the applicant wishes to commit to providing secondary suites, that can be secured with a covenant, but not the roughed-in suite fixtures. It is recommended that the proposed commitments for duplex lots and secondary suite "rough ins" not be accepted, as the commitments are not easily administered and secured through a covenant. Furthermore, the Municipality of North Cowichan does not have a policy or established practice supporting such offerings as affordable housing contributions.

The applicant has not increased the financial commitment for affordable housing to the target amount identified by Council on August 16, 2023, and the applicant has no obligation to comply with Council's directive. As such, Council must decide whether to proceed with the amendment bylaws and associated amenity contributions as proposed by the applicant or defeat and abandon the bylaws.

OPTIONS

As previously stated, Council's options are to pass the following motion and move forward with a public hearing or defeat the motion; hence, the bylaws would be abandoned:

THAT Council:

- (1) give second reading to Official Community Plan Amendment Bylaw No. 3914, 2023; and
- (2) give second reading to Zoning Amendment Bylaw No. 3915, 2023; and

(3) authorize a Public Hearing for Official Community Plan Amendment Bylaw No. 3914, 2023 and Zoning Amendment Bylaw No. 3915, 2023.

IMPLICATIONS

Passing the above motion would allow the amendment bylaws to proceed to a public hearing with the applicant’s amenities and affordable housing commitments secured in a Section 219 covenant (excluding commitments for duplex lots and “roughed in” suites unless directed otherwise by Council). Consideration of third reading and bylaw adoption would occur following the public hearing.

Defeating the motions would deny the rezoning application, and the property would retain the Rural Residential land use designation and A2 zoning.

RECOMMENDATION

A staff recommendation has not been provided. Council’s options are to adopt a motion to give second reading to the bylaws and proceed to a public hearing or defeat the motion.

Report prepared by:

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Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

- (1) Letter Community Amenity Contribution 2023-08-16
- (2) Letter Updated Community Amenity Contribution 2023-09-12
- (3) Report first reading OCP Bylaw 3914 Zoning Bylaw 3915 2023-07-19 (which includes the bylaws)