

# Report

Date May 18, 2022

File: 3360-20 20.11

Subject Zoning Amendment Bylaw No. 3868 for first and second readings

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## PURPOSE

To introduce Zoning Amendment Bylaw No. 3868 (3005, 3011 Drinkwater Road and 6455 Ford Road from R1 to CD23), 2022", which proposes to amend Zoning Bylaw No. 2950, 1997 to permit high density residential use. A staff presentation will be provided.

## BACKGROUND

The subject properties cover an area of 1.2 hectares (2.94 acres) and are located on the north east corner of the intersection of Drinkwater and Ford Roads, north of the Cowichan Commons Regional Shopping Centre and west of the Trans Canada Highway (Attachment 1 and 2). The subject properties are currently zoned for low density residential use (i.e., R1 Residential Rural; Attachment 3). The Bell McKinnon Local Area Plan (BMLAP) designates the subject properties for high density residential uses (Residential High - RH) (Attachment 4). The subject properties (except 6455 Ford Road) are located within the 'Regional Shopping Centre' and 'Commercial' land use designations, and within the Urban Containment Boundary (UCB) of the Official Community Plan (OCP Map 9, 12, 17, Bylaw No. 3450).

## Land Use Context

The subject properties are surrounded by rural residential uses to the north and east, an RCMP station currently under construction to the west, and regional shopping centre uses to the south. This rural residential neighbourhood between Paddle Road and Ford Road is in transition to multi-family housing.

## Proposal

### *Land Use & Density*

The subject properties are located in the Rural Residential R1 Zone, which permits low-density residential uses, such as single and two-family dwellings. The R1 Zone is provided in Attachment 5.

The applicant proposes to construct three rental apartment buildings on the subject properties for a total of 262 apartment units. For the use and density to be permitted as proposed, a change to the current zoning is required. Therefore, the applicant is applying to amend the Zoning Bylaw (No. 2950) to change the zone from R1 to a zone that permits high density residential use.

As the properties are subject to the land use policies of the Bell McKinnon Local Area Plan (BMLAP), and there is no other zone currently available in the zoning bylaw that is consistent with the BMLAP land use designation for the subject properties, the applicant proposes a new "Ford Road South Comprehensive Development Zone (CD23)", which would permit the proposal, as well as meet the intent of the BMLAP.

The Ford Road South Comprehensive Development Zone (CD23) & Draft Zoning Amendment Bylaw No. 3868 is provided in Attachment 6.

This application proposes to change permitted land uses. Approval of the land use application does not authorize specific development on the subject properties. As such, the eventual development proposal could change from what is currently envisioned (shown in Figure 1 below). Should the application be successful, the applicant proposes to:

- Assemble the 3 subject properties: 3005, 3011 Drinkwater Road, and 6455 Drinkwater Road into a single consolidated lot;
- Submit a development permit application for two 4-storey and one 5-storey apartment buildings for a total of 262 apartment units;
- Provide a range of unit types within the development permit application; and if successful,
- Operate the apartment buildings as purpose-built rental housing.

A rendering of the anticipated development concept for the land use and density sought in this rezoning application is provided in Figure 1.

Estimated units per bedroom type for the apartments as envisioned are provided in Figure 2.



**Figure 1.** A rendering of the project provides an overview of 3 potential apartment buildings located at the corner of Drinkwater and Ford Road, all of which are proposed to be operated as rental housing.

<u>TOTAL, BLDGS A, B, &amp; C – 262</u>	
TOTAL BUILDINGS – 3	
STUDIO –	11
ONE BEDROOM –	106
TWO BEDROOM –	108
THREE BEDROOM –	37

**Figure 2.** Units per bedroom type as proposed

The Letter of Rationale from the applicant is provided in Attachment 7. The Site Plan is provided in Attachment 8. Site Photos are provided in Attachment 9.

## DISCUSSION

### Official Community Plan: Land Use Designations & 'Housing' Objective

The zoning amendment proposal for increased residential density for the subject properties is inconsistent with the Official Community Plan (OCP) land use policies in that they designate the subject properties for future commercial development (i.e., 'Regional Shopping Centre', 'Commercial'; Map 9, 12, 17) and residential growth (i.e., 'Growth Centre' applies to 6455 Ford Road only; Map 17)).

Yet, a zoning amendment proposal for increased residential density on the subject properties, as identified in the Bell McKinnon Local Area Plan (i.e., designated residential high density – RH), will align with the OCP's (No. 3450) objective of 'Housing' toward the goal of 'Building Strong Communities', providing that the balance of 'Housing' policies are met.

Key 'Housing' policies relevant to this proposal are:

1. *The Municipality recognizes the need for a variety of housing types (by size, type, tenure, density and cost) integrated into a range of neighbourhoods in all growth centres ... (sec. 2.5.2.1)*
2. *The Municipality will encourage development that makes North Cowichan a more walkable community (sec. 2.5.1.5 a))*
3. *The Municipality requires that 10% of units within major projects ... incorporate an affordable housing requirement (sec. 2.5.2.3 a))*
4. *The Municipality will assess the community impact of each application for a multi-unit housing project in terms of (sec. 2.5.2.5 b)):*

*The project scale in relation to the character and privacy of existing developments nearby;*

*The potential for increased traffic and parking congestion;*

*The adequacy and capacity of existing services ... including open space, parks and recreation; and*

*The extent to which the project would impose additional capital costs on the Municipality.*

The proposal aligns with the selection of key policies of the OCP's objective of 'Housing' by providing:

- Apartment unit housing type, i.e., est. 262 units with 1 to 3 bedrooms could be achieved on-site;
- Walkability to both the commercial centre (Cowichan Commons) immediately to the south of the proposal, as well as to future park, i.e., a "Central Paddle Park" (see *Bell McKinnon LAP Policy & Community Amenity Contribution* sections);
- Market rental housing, which the OCP identifies as a type of affordable housing (sec. 2.5.2, p. 71) (see *Ford Road South Comprehensive Development Zone CD23* section); and
- To mitigate project scale, buildings would be limited to 4 and 5 storeys in the new CD23 Zone

Off-Street Parking is addressed in section *Development Permits*. Traffic and servicing implications are addressed in section *BC Transit & Ministry of Transportation and Infrastructure* and *Servicing Infrastructure*.

An amendment to the OCP Maps 9, 12 and 17 is required such that all the subject properties are included in the 'Growth Centre' land use designation, for the zoning amendment proposal to be consistent with OCP land use designations, currently identified as 'Regional Shopping Centre' and 'Commercial'. Staff are satisfied that the zoning amendment proposal aligns with the balance of the OCP's 'Housing' policies for housing diversity, walkability, affordability, and appropriate scale (sec. 2.5).

### **Bell McKinnon Local Area Plan Policy**

The Bell McKinnon Local Area Plan (BMLAP), which applies to the area where the subject properties are located, provides further policy guidance for land use and development. The BMLAP supplements the more general OCP.

Key policies of the BMLAP relevant to this proposal are:

- *Preferred land use of high density multi-family housing ranging from 1.5:1 floor area ratio (FAR) and/or 3-storeys (or greater) with 70% underground parking up to 2.5:1 FAR and/or 4-storeys (or greater) with 90% underground parking (i.e., "Residential High (RH)"; sec. 4.3.5).*
- *'Green urbanism' translating to, for example, energy efficient buildings (Step Code 3), a 30% minimum urban tree canopy cover, and greenspace coverage. Storm water infrastructure should include on-site rain gardens (sec. 4.5).*
- *Street typology design standards for public roads, including street trees, traffic calming, and street parking; and public laneway linking Ford Road with public park (sec. 5.3.4 & 5.3.3, and p. 66 b.)*
- *Park access within 5 minute walk (BMLAP, p. 27) whereby a 2 acre park is envisioned between Ford Road and Paddle Road (sec. 6.3.2 pg. 93, 95). See Figure 3 for the actual public park location proposed.*

Highlights of the BMLAP land use policies as they relate to the subject properties are shown in Figure 3.

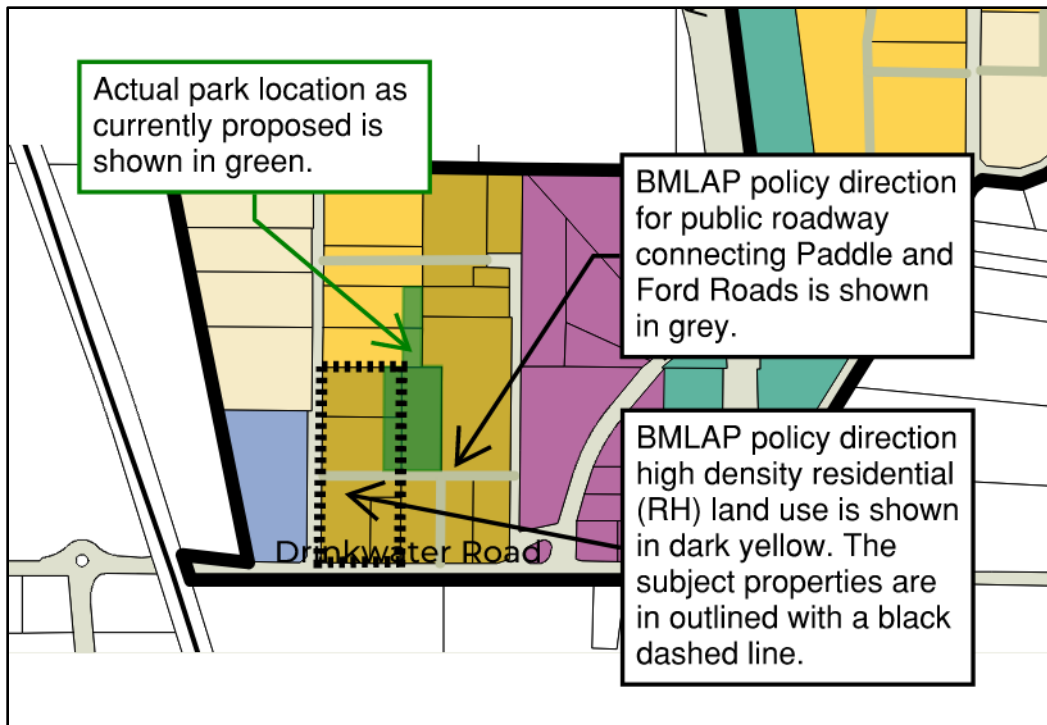
While the rezoning proposal for the new CD23 Zone provides 10% less underground parking than required by BMLAP policy for the 4 and 5 storey building heights, the proponent is willing to commit to a 40% urban tree canopy cover, which mitigates the impact of the site's surface parking. In alignment with 'green urbanism', street typology, and park policies of the BMLAP, the applicant is willing to secure the following with a *Land Title Act* section 219 covenant agreement with successful rezoning:

- BC Energy Step Code 3 standard for the construction of the proposed buildings;
- 40% urban tree canopy cover, which exceeds the minimum required of 30% , and on-site rain gardens to help manage storm water;
- Public roadway construction to enhanced design standards, i.e., street trees, bulb-outs, parking; dedication for a portion of public laneway and laneway landscaping/trail construction; and

- Lands for park (1,480 m<sup>2</sup>), and a \$3,000 financial contribution for parkland acquisition and improvements, toward achieving a public park between Ford and Paddle Road. Of note, the closest park is 300 metres south of the subject properties, i.e., Averill Creek Natural Area.

Community amenities are discussed in more detail in section *Community Amenity Contributions*.

Staff are satisfied that, overall, the rezoning proposal aligns with the land use policies of the BMLAP for the preferred use and density, and, with a *Land Title Act* section 219 covenant agreement registered prior to the adoption of Zoning Amendment Bylaw 3868 (if successful), design features related to energy efficiency and tree canopy cover, street typology, and park policies (BMLAP, sec. 4.3.5, 4.5, 5.3.4, 6.3.2).



**Figure 3.** BMLAP policy for the preferred land use for high density residential is shown in dark yellow. BMLAP policy for the location of a public roadway connecting Ford with Paddle Road is shown in grey. The actual park location as currently proposed is shown in green. The subject properties are shown in black (dashed).

### Proposed Ford Road South Comprehensive Development Zone (CD23)

Consistent with BMLAP land use policy for residential use, density, and building height, the CD23 Zone would permit an increase in residential density from approximately 12 units per hectare (i.e., maximum permitted in the R1 Zone) to up to 2.0 floor area ratio<sup>1</sup> (given the proponent's underground parking commitment) which would facilitate the 4 and 5-storey apartment buildings as proposed. For comparison, the proposed CD23 zone and the applicant's 262-unit development concept represent a site density of 218 units per hectare.

<sup>1</sup> Floor area ratio (FAR) means the floor area of all buildings divided by the lot. For example, an FAR of 2.0 is a measure of the floor areas of a building or buildings, which, when added together, is twice the area of the lot. FAR is a common density measure for buildings with multiple storeys.



Recent changes to the *Local Government Act* now permit local governments to identify 'residential rental tenancy' within zones. This has been applied to the new proposed CD23 Zone. If adopted, the proposed CD23 Zone would limit a portion of the site to 'residential rental tenure', which would secure rental housing on that portion in perpetuity while also allowing for flexibility on the remainder of the site into the future. For example, regarding the concept presented with this rezoning application, the new CD23 Zone would restrict the proposed L-shaped building to the north for approximately 135 apartment units to 'residential rental tenure' (see Figure 1). See Attachment 6.

### Servicing & Infrastructure

Staff are satisfied that water, sanitary, and storm water services can be supplied for the subject properties for the land use requested.

Prior to subdivision or development, the applicant is requested to dedicate lands for and construction of new public roadway connecting Ford with Paddle Road in the location identified in the Bell McKinnon Local Area Plan (Figure 3), dedications and improvements to Ford and Drinkwater Road, and a 5 metre contribution of land toward a 10 metre wide public laneway linking Ford Road with a future "Paddle Park" (BMLAP sec. 5.3.1 (13)b).

The applicant is willing to secure infrastructure works with a *Land Title Act* section 219 covenant, requiring the works to be provided before the subject properties are subdivided or developed:

- Dedication of lands for road widening of Ford (643 m<sup>2</sup>) and Drinkwater Road (94 m<sup>2</sup>);
- Dedication of lands for a new east-west public road to connect Ford and Paddle Road (1,391 m<sup>2</sup>);
- Dedication of lands for (313 m<sup>2</sup>), and financial contribution toward landscaping and construction, a 5m strip along the north boundary of 6455 Ford Rd., for a 10m public laneway to future park; and
- 150 m<sup>2</sup> of on-site storm water management using 'green' rain gardens/bioswales.

Lands to be dedicated to the Municipality for proposed public park, road & lane are shown in Figure 4.

### Community Amenity Contributions

In addition to infrastructure, the applicant is prepared to secure, in a *Land Title Act* section 219 covenant agreement, the following community amenities in accordance with Official Community Plan policy (sec. 2.5.1.5):

- Enhanced street design standard to include boulevard trees, bulb-outs, and on-street parking, exceeding the Municipality's basic road design standard;
- Land (1,480 m<sup>2</sup>) & a \$3,000 financial contribution per residential unit for a future "Paddle Park";
- Minimum BC Energy Step Code 3 construction standard;
- Minimum 20.5% parking stalls with electric vehicle charging & 10% electric bike charging;
- Minimum 40% on-site tree canopy cover, which exceeds policy min. of 30% (BMLAP, sec. 4.5.1); and
- Unique urban design features, i.e., stepped back 5<sup>th</sup> storey, adjacent to a future public laneway.



**Figure 4.** A schematic of the applicant's Site Plan highlighting the locations of lands to be dedicated to the Municipality for public park, roadway, and laneway, should Council approve the zoning amendment. The

schematic includes apartment buildings as currently proposed, including the number of storeys and est. # units. Should Council give third reading to the amendment bylaw, a finalized *Land Title Act* section 219 covenant agreement would be registered on the title of the property prior to bylaw adoption to secure infrastructure and community amenity commitments.

## **Future Development Approvals**

### *Variances*

Should Council approve this application and the associated zoning amendment bylaw, the applicant intends to seek a development variance to the Municipality's current zoning bylaw (No. 2950) to reduce the minimum required off-street parking stalls (sec. 21) from approximately 452 to 289, which is equivalent to an estimated proposed 1.1 stalls per residential apartment unit.

This and any other variance the proponent may request in the future is not part of this zoning amendment application and would be addressed at a later date through a development variance or development permit application. As part of any such application, the proponent will be asked to provide an analysis of parking demand and effective transportation management strategies, prepared by a qualified professional, to justify requests to vary the Municipality's off-street parking requirements.

At this time the proponent has indicated, for example, this multi-family rental housing concept would include a station-based car-sharing program. Transportation features such as this can be required as conditions for the issuance of a future variance for parking standards, and may be secured with a *Land Title Act* section 219 covenant agreement.

Should Council not approve any of the variances anticipated to be requested, the applicant would need to adjust their plans and/or residential density accordingly to meet the Municipality's bylaw standards.

### *Development & Building Permits*

Development of the site for apartment buildings is subject to the Development Permit Area-1 (General) requirements and guidelines to meet objectives for the form and character of multi-family residential development (OCP, No. 3450, p. 137). Development permit approval must be achieved before building permits can be issued.

Infrastructure works and community amenities will be required at the building permit stage.

## **BC Transit & Ministry of Transportation and Infrastructure (MOTI)**

### *BC Transit*

BC Transit has recommended the Municipality provide a pair of transit stops on Drinkwater Road between Paddle and Ford Roads, i.e., one stop in each direction (east, west).

The transit stops are required to service the future development on the north side of Drinkwater Road, including what is proposed in this application. It is encouraging that the density of the Paddle/Ford Road area developments warrants a new transit stop, as that will help to reduce private vehicle usage and contribute to the goals and objectives for focused growth and high density development expressed in the OCP and BMLAP.



Options for funding the transit stops include development cost charges (DCC), negotiated contributions through the rezoning process, or from the Municipality's capital works budget. As the exact location, cost and timing of the future transit stops are unknown at this time, the applicant has not been asked to provide financial contributions towards it.

Following discussions with BC Transit and the Cowichan Valley Regional District (CVRD), which are still preliminary, it is recommended that the project and infrastructure upgrades required to service existing and future development in the Paddle Road/Ford Road neighbourhood be considered as a project for inclusion in the DCC Bylaw when it is next reviewed and updated.

#### *Ministry of Transportation and Infrastructure (MOTI)*

The subject properties are located within 800 metres of a Controlled Access Highway (Trans-Canada Highway). Should Council give third reading to Zoning Amendment Bylaw No. 3868, MOTI approval will be required prior to adoption (sec. 52(3) *Transportation Act*).

The application was referred to MOTI and it advised the Municipality that two receiving lanes will be required by the Municipality on Drinkwater Road west of the intersection with the Trans-Canada Highway (TCH), in anticipation of intersection improvements to the TCH's northbound left turn lane. MOTI was unable to provide a timeline for when the TCH intersection improvements are expected. No further concerns were identified. These works should be included in future capital budgets and considered for inclusion in the DCC Bylaw.

#### **Summary & Conclusion**

The three subject properties at the corner of Drinkwater Road and Ford Road are proposed to be assembled to facilitate the eventual construction of three apartment buildings with 262 apartment units in total. This requires an amendment from the current Rural Residential (R1) Zone to a Comprehensive Development Zone that aligns with municipal land use policies.

While the zoning amendment proposal is generally inconsistent with the Official Community Plan (OCP) land use designations of 'Regional Shopping Centre' and 'Commercial' (Maps 9, 12, 17) where future commercial development is encouraged, the rezoning proposal is consistent with OCP 'Housing' policy for housing diversity, walkability, affordability, and appropriate project scale.

Consistent with the land use, density, and design policy of the Bell McKinnon Local Area Plan (BMLAP), the applicant is committed to providing BC Energy Step Code 3 construction standard, 20.5% EV charging stations, 40% urban tree canopy cover, and on-site rain gardens. Further commitments include the transfer of lands for and construction of a 5 metre wide strip toward a future laneway linking Ford Road with, and, land and financial contribution toward, a future "Central Paddle Park".

The proponent intends to operate the entire site for rental housing. Should Council approve Bylaw No. 3868, 50% of the subject properties would be limited to apartment use for 'residential rental tenure' only. This would secure rental tenure housing on the subject properties while also allowing for flexibility on the remainder of the site for either rental or strata ownership tenure.

Servicing (water, sanitary, storm) and access as proposed is considered adequate for this request to increase residential density. The applicant is willing to provide dedications and construction for public roadway improvements on Drinkwater and Ford Roads, and a new public roadway connecting Ford with Paddle Road. The applicant is committing to construct public roadway frontages to enhanced street design standards (as per BMLAP, street typologies), which include street trees, bulb-outs/traffic calming, and on-street parking (pending detailed design).

Based on the intended development, development permits required prior to building permit issuance are anticipated to include a request to vary minimum required off-street parking standards. Should Council deny any future request for variances to municipal zoning bylaw standards, adjustments to the proposal as presented would result. The intended development concept may also change for other reasons, provided it complies with applicable zoning and the section 219 covenant.

The Ministry of Transportation and Infrastructure has provided preliminary approval, but has advised the Municipality that two receiving lanes will be required on Drinkwater Road in anticipation of TCH intersection improvements, with increased traffic demand in the future.

Should the OCP Amendment Bylaw No. 3869 to amend 'Regional Shopping Centre' and 'Commercial' designations on Maps 9, 12, and 17 be successful such that the subject properties would be located within the 'Growth Centre' designation for focussed residential development, staff are satisfied this proposal aligns with guiding land use policies of the OCP and the BMLAP. It is recommended that Zoning Amendment Bylaw 3868 receive first and second reading, and that a public hearing be scheduled.

## OPTIONS

1. **(Recommended Option)** THAT Council give first and second readings to "Zoning Amendment 3868 (3005, 3011 Drinkwater Road and 6455 Ford Road from R1 to CD23), 2022".  
THAT a Public Hearing for "Zoning Amendment Bylaw No. 3868 (3005, 3011 Drinkwater Road and 6455 Ford Road from R1 to CD23), 2022" be scheduled and notification be issued in accordance with the *Local Government Act*.
2. THAT Council deny application ZB000138 to amend Zoning Bylaw No. 2950, 1997 to permit high density residential housing at 3005, 3011 Drinkwater Road and 6455 Ford Road.

## IMPLICATIONS

While this rezoning proposal for increased residential density for multi-family apartment housing is largely consistent with the BMLAP, the future development of the subject properties will incur costs to the Municipality for the maintenance (and eventual replacement) of new infrastructure, which would be constructed by the developer, including:

- Street trees on the municipal boulevard (as identified in the BMLAP)
- New public roadway
- New public laneway (linking Ford Road with a proposed "Central Paddle Park")

Additionally, the following infrastructure is anticipated in the future with increased transit and traffic demands in this area that will need to be funded by the Municipality with the potential to recover part of the cost through development cost charges:

- Twinning of the receiving lanes on Drinkwater Road
- Two transit stops, i.e., one in each direction, between Ford and Paddle Road

## RECOMMENDATION

THAT Council:

1. Give first and second readings to "Zoning Amendment 3868 (3005, 3011 Drinkwater Road and 6455 Ford Road from R1 to CD23), 2022".
2. Schedule a Public Hearing for "Zoning Amendment Bylaw No. 3868 (3005, 3011 Drinkwater Road and 6455 Ford Road from R1 to CD23), 2022" and that notification be issued in accordance with the *Local Government Act*.

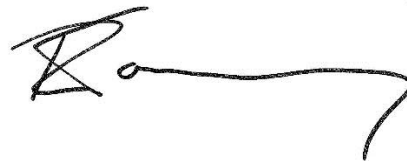
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Report reviewed by:



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Rob Conway, MCIP, RPP  
Director, Planning and Building

**Approved to be forwarded to Council:**



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Ted Swabey  
Chief Administrative Officer

Attachment(s):

- (1) Location
- (2) Orthophoto
- (3) Zoning
- (4) BMLAP Map
- (5) R1 Zone
- (6) Draft CD23 Zone & Amendment Bylaw No. 3868
- (7) Rationale
- (8) Site Plan
- (9) Site Photos