



Staff Report to the Planning, Zoning and Affordable Housing Committee

DATE: Monday, November 29, 2021

DEPARTMENT: Planning

APPLICATION NO.: Z21-0012

SUBJECT: Application to Rezone 3216 Happy Valley Road from Rural Residential 2 (RR2) Zone to Residential Townhouse 1 (RT1) Zone to Allow for an 18-unit Townhouse Development

BACKGROUND:

On September 13, 2021 a report for the above noted application was presented to the Planning, Zoning, and Affordable Housing Committee. The main concern with this application was deciding whether or not to accept the proposed strata road or require a municipal half-road be built along the northern boundary line. At that time, a final decision was not made and instead the Committee made the following recommendation:

Refer the application back to staff for further review of the access, and direct staff to bring another report to a future Planning, Zoning and Affordable Housing Committee meeting for further review.

Council passed this as a resolution at their subsequent meeting, held on September 20, 2021.

COMMENTARY:

Following Council's resolution, staff met with the applicant and discussed options and next steps for this application. The applicant indicated that he has been in contact with representatives of neighbouring property owners that would participate in dedicating and constructing the municipal half-road, but an acceptable cost-sharing agreement could not be reached between the various property owners. Due to the inability to come to an agreement between the property owners, Council may wish to proceed with a proposed strata road for the subject development site, rather than requiring this applicant to provide, as a bonus for increased density, half of a municipal road along the northern boundary of the subject property to the sole benefit of the adjoining property owner.

OPTIONS:

Option 1

THAT the Planning, Zoning and Affordable Housing Committee recommend that Council:

1. Proceed with consideration of 1st reading of Bylaw No. 2015 as follows:
 - a) to amend the zoning designation of the property located at 3216 Happy Valley Road from the Rural Residential 2 (RR2) Zone to the Residential Townhouse 1 (RT1) Zone, subject to the following terms and conditions:
 - 1) That the applicant agrees to provide, **as a bonus for increased density**, the following contributions per new dwelling unit, prior to issuance of a building permit:
 - a) \$3,660 towards the General Amenity Reserve Fund; and
 - b) \$610 towards the Affordable Housing Reserve Fund.
 - 2) That the applicant provides, **prior to Public Hearing**, the following:
 - a) A technical memo from a qualified engineer that verifies storm water can be adequately managed onsite, to the satisfaction of the Director of Engineering;
 - 3) That the applicant provides, **prior to Bylaw Adoption**, a Section 219 covenant, registered in priority of all other charges on title, that agrees to the following:
 - a) That all frontage improvements to Bylaw 1000 standards are provided to the satisfaction of the Director of Engineering; and
 - b) That a storm water management plan be provided and implemented, to the satisfaction of the Director of Engineering; and
 - c) That the applicant provide a construction management plan to the satisfaction of the Director of Engineering.
 - b) By including the following amendments to Zoning Bylaw 300:
 - 1) Adding the following text as Section 6.28.03(3):

“(3) Notwithstanding Subsection 6.28.03(1), on land whose legal description is Parcel A (DD 153694I) of Lot 15, Block 2, Section 83, Esquimalt District, Plan 1524 (3216 Happy Valley Road), the maximum floor area ratio may be increased to 1.5 if the owner of the land proposed to be developed:

a) *pays to the City the amount specified in Column 4 of Table 1 of Schedule AD, prior to the issuance of a building permit;*

2) By amending the text of Section 6.28.06 to read as follows:

“No building or structure may exceed a height of 3 storeys.”

AND

2. Authorize the Director of Planning to issue the following variance in the Form and Character Development Permit for 3216 Happy Valley:
 - i. That Section 6.28.07(1)(d) be varied to reduce the minimum rear yard setback from the required 5.5m (18 ft) to 5.0m (16.4 ft);

OR Option 2

THAT the Planning, Zoning and Affordable Housing Committee recommend that Council take no action at this time with respect to this application to rezone 3216 Happy Valley Road under Bylaw No. 2015.

SUBMITTED BY: Robert Dykstra, MCIP, RPP Senior Planner

Concurrence: Leah Stohmann, MCIP, RPP Deputy Director of Planning

Concurrence: Matthew Baldwin, MCIP, RPP, Director of Planning and Subdivision

Concurrence: Michelle Mahovlich, P.Eng, P.Geo, Director of Engineering and Public Works

Concurrence: Michael Dillabaugh, CPA, CA, Director of Finance

Concurrence: Marie Watmough, Acting Director of Corporate Services

Concurrence: Darren Kiedyk, Chief Administrative Officer