



Staff Report to Council

DATE: Monday, August 19, 2024

DEPARTMENT: Planning

APPLICATION NO.: Z23-0015

SUBJECT: Adoption of Bylaw No. 2174 - Application to Rezone 2691 Sooke Road from Service Commercial 1 (CS1) to Community Town Centre Pedestrian 9 (C9) to allow a six-storey mixed-use building.

BACKGROUND:

At their regular meeting of May 21st, 2024, Council passed the following resolution with respect to 2691 Sooke Road:

1. *Proceed with consideration of First Reading of Bylaw No. 2174 to amend the zoning designation of the property located at 2691 Sooke Road from CS1 to C9 subject to the following terms and conditions:*
 - a. *That the applicant provides, **as a bonus for increased density**, the following contributions per dwelling unit, **prior to the issuance of a building permit: (secured in Bylaw No. 2174)***
 - i. *\$610 towards the Affordable Housing Reserve Fund; and*
 - ii. *\$2,074 towards the General Amenity Reserve Fund;*

Subject to reductions in accordance with the Affordable Housing and Amenity Contribution Policy and the Attainable Housing Policy depending on use and height.
 - b. *That the applicant registers, **prior to Bylaw Adoption**, a road dedication plan dedicating 3 meters of land along the Sooke Road frontage, to the satisfaction of the Director of Engineering; **(complete)***
 - c. *That the applicant, **prior to Bylaw Adoption**, registers a Section 219 covenant in priority of all other charges on title, that agrees to the following: **(complete)***
 - i. *That the following will be provided and implemented to Bylaw No. 1000 standards to the satisfaction of the Director of Engineering prior to the issuance of a building permit:*
 1. *Full frontage improvements; and*
 2. *A storm water management plan.*

- ii. *That the following will be provided and implemented to Bylaw No. 1000 standards to the satisfaction of the Director of Engineering prior to any land alteration:*
 - 1. *A construction parking management plan; and*
 - 2. *A mitigation plan.*
- iii. *That no occupancy permit be issued for the proposed building until a strata plan for the building has been registered, to the satisfaction of the Approving Officer;*
- iv. *That a separate covenant be registered prior to issuance of a building permit for the proposed development that ensures residential parking is allocated to each unit and visitors as required by the zoning bylaw and is not provided in exchange for compensation separate from that of a residential unit;*
- v. *That all concrete used on-site will utilize ready-mix concrete that meets or exceeds the weighted average Global Warming Potential targets based on Concrete BC Baseline (average) mix data, and that prior to the issuance of a Building Permit the applicant shall provide a Type III Environmental Product Declaration that is 3rd party verified specifying the total Global Warming Potential value and confirming that the proposed development meets the requirements of Low Carbon Concrete Policy POL-0167-PLAN;*
- vi. *That, prior to the issuance of a Building Permit, the developer enters into a Housing Agreement with the City that requires either a minimum 10% of units constructed be rented for at least 10% below the benchmark rent for the unit type for a term not less than 25 years or that a minimum of 5% of the units constructed be directed to and sold in accordance with the terms of the Attainable Home Ownership Program Policy (POL-0166-PLAN). The developer shall identify the Attainable Units on the plans submitted for the required Development Permit application;*
- vii. *That the building shall not exceed a height of six-storey;*
- viii. *That the building be constructed with electric heat pumps; and*
- ix. *That 10% of all residential units be constructed to adaptable standards, to the satisfaction of the chief building inspector.*

AND

- 2. *Amend the C9 zone through Bylaw No. 2174 to remove parking contradictions by deleting Section 6.44B.09(3) of Zoning Bylaw No. 300. (complete)*

AND

3. Amend Section 4 of Zoning Bylaw No. 300 through Bylaw No. 2174 by adding a flat rate for all commercial uses at 2691 Sooke Road as 1 space per 35 m² of commercial gross floor area. **(complete)**

AND

4. Authorize the Director of Planning to grant the following variances within the development permit: **(to be dealt with in future development permit)**
 - a. That Section 6.44B.07(1)(d) be varied to reduce the rear lot line setback from 2 m to 0.5 m; and;
 - b. That Section 6.44B.08(2) be varied to reduce the landscape and screening buffer width from 1 m to 0.5 m, subject to the rear 0.5 m being offered by way of an easement to the townhomes located to the rear of the site.

COMMENTARY:

This application was prohibited from being the subject of a Public Hearing, as per the changes made by the Province to the *Local Government Act* through *The Housing Statutes (Residential Development) Amendment Act, 2023*.

Council gave first, second and third readings of Bylaw No. 2174 on June 17th, 2024. The information considered in relation to this Bylaw as well as the video recording of the Meeting can be found at the following link on the City's website: [Council Meeting - June 17, 2024 \(escribemeetings.com\)](https://www.escribemeetings.com)

The applicant has registered a Section 219 Covenant against the title of the subject properties that agrees to items 1. c. i-ix in Council's resolution dated May 21, 2024, noted above.

Bylaw No. 2174 was signed by the Minister of Transportation and Infrastructure on June 26th, 2024.

As there are no outstanding conditions required at this time, Council may wish to proceed with bylaw adoption.

OPTIONS:

Option 1

That Council adopt Bylaw No. 2174 as presented.

OR Option 2

That Council not adopt Bylaw No. 2174.

SUBMITTED BY: Julia Buckingham, Planner II

Concurrence: Matthew Baldwin, RPP, MCIP, Director of Development Services

Concurrence: Donna Petrie, Senior Manager of Communications & Economic Development

Concurrence: Yari Nielsen, Director of Parks, Recreation and Facilities

Concurrence: Leah Stohmann, RPP, MCIP, Director of Community Planning and Climate Change

Concurrence: Katelyn Balzer, P.Eng., Director of Engineering and Public Works

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

Concurrence: Braden Hutchins, Deputy Chief Administrative Officer