


Staff Report to Council

Planning and Development

FILE: 3360-20-2017-04

REPORT DATE: April 11, 2024 **MEETING DATE:** April 30, 2024
TO: Mayor and Council
FROM: Colin O'Byrne, Manager of Planning
SUBJECT: Third Reading Extension for 19476 Hammond Road

CHIEF ADMINISTRATIVE OFFICER REVIEW/APPROVAL:



RECOMMENDATION(S):

THAT Council:

- A. Grant an extension to the completion period for Zoning Amendment Bylaw No. 2899, 2021 for 19476 Hammond Road until the City has amended Zoning Bylaw No. 2505, 2011 to align with the new provincial housing legislation as mandated through Bill 44 Housing Statutes (Residential Development) Amendment Act; AND
- B. Include as a condition prior to adoption of Zoning Amendment Bylaw No. 2899, 2021 a restrictive covenant on title limiting the number of units to one per lot as offered by the developer; OR
- C. Other.

PURPOSE

For Council to consider a third reading extension to an in-stream rezoning application at 19476 Hammond Road, which is impacted by the new provincial housing legislation enacted under Bill 44 Housing Statutes (Residential Development) Amendment Act (also referred to as the Small Scale, Multi-Unit Housing Legislation (SSMUH)).

☐ Information Report ☒ Decision Report ☐ Direction Report

DISCUSSION

Background:

The application is to rezone 19476 Hammond Road from RS (Large Lot Residential) to R-2 (Small Lot Residential) to allow subdivision and development of four single-family homes. The zoning amendment bylaw received first and second reading on July 20, 2021. A public hearing was held on May 3, 2022, and third reading was granted on September 20, 2022.

The City's Development Procedures Bylaw allows applicants up to 12 months following approval of third reading (i.e., the completion period) to satisfy all requirements before Council considers adopting the amendment bylaw. Applicants can apply for up to two extensions to the completion period, each for up to six months. In this case, the initial 12-month completion period ended September 20, 2023. The applicant is seeking an extension to the completion period; however, recent Provincial legislation changes impact the application and delayed the timeline for bringing this request to Council.

Bill 44 - 2023 Housing Statutes (Residential Development) Amendment received Royal Assent on November 30, 2023. In December 2023, the regulations for Bill 44 were deposited, and the Provincial Policy Manual and Site Standards for Small Scale, Multi-Unit Housing (SSMUH) were released. Local governments have until June 30, 2024, to adopt zoning bylaw amendments that will bring their bylaws into compliance with the new housing regulations.

These regulatory changes are intended to increase density and change the land use in single-family and duplex-zoned properties to allow up to three, four, or six units per lot, depending on location and lot size. In other words, local governments can no longer zone exclusively for single-family or duplex dwellings (except for areas exempt from the legislation). Under the terms of the new housing regulations, each of the four parcels resulting from the proposed subdivision would be eligible for up to six residential units for a potential total of 24 units.

The applicant has indicated that they wish to proceed with the subject rezoning application to facilitate subdivision into four lots, and have voluntarily offered to register a restrictive covenant on title that would limit the number of units to one unit per lot, for a total of four, which is consistent with the R-2 zone.

Relevant Policy, Bylaw or Legislation:

1. Development Procedures Bylaw No. 2740, 2016
 - Applicants may apply to Council for an extension to the completion period. Each extension provided by Council may be granted for a maximum of six (6) months. However, in this case, the rezoning must be complete before the Zoning Bylaw is brought into alignment with the provincial legislation.
2. Bill 44 Housing Statutes (Residential Development) Amendment Act

- By June 30, 2024, Zoning Bylaws to permit:
 - Secondary suites and/or accessory dwelling units in all residential and duplex zones;
 - Up to three units of lots smaller than 280m² (3,013 ft²);
 - Up to four units on lots 280m² (3,013 ft²) or larger;
 - Up to six units on lots 280m² (3,013ft²) or larger within 400m to frequent transit stops. No minimum parking requirement permitted;
 - Permitted unit types include secondary/garden suites in single-family/duplexes, house-plexes, and townhomes.

Analysis:

The purpose of Zoning Amendment Bylaw No. 2899, 2021 is to rezone the property from RS (Large Lot Residential) to R-2 (Small Lot Residential) to permit subdivision into four lots. Third reading of the bylaw was granted on September 20, 2022, subject to the following conditions, with the status of each condition noted in *italics*:

- Payment of \$13,500 as Residential Community Amenity Contribution as offered by the developer – *Not complete*
- Registration of a tree protection covenant – *Not complete*
- Payment of \$7,500 for cash-in-lieu related to the trees that cannot be replaced on the property as a result of accommodating the proposed development – *Not complete*

Usually, up to two extensions (six months each) may be granted; however, in this case, the rezoning must be completed before the Zoning Bylaw is brought into alignment with the provincial legislation changes. Following the adoption of new zones that align with provincial requirements, the request for R-2 zoning (which limits dwelling numbers per lot to less than allowed under Bill 44) cannot be approved as the zone would contravene the Province's legislation and the new zones may have different minimum lot sizes.

If an extension is granted, it will be valid until the new zoning is adopted on or before June 30, 2024. At that point, if the conditions are still not completed, the applicant will either need to develop per the zoning changes required by the Province or submit a new application. Before the provincial changes are incorporated into the Zoning Bylaw, the applicant must also apply for subdivision. In accordance with the *Local Government Act*, the applicant will have one year after the zoning changes required by the Province are implemented to complete the subdivision process, after which the new provincially required zoning will apply. The new minimum lot size currently contemplated for the new provincially required zoning would not accommodate the subdivision of the subject property. If rezoning and subdivision are finalized within the noted timeline, four new lots will be created, restricted to one dwelling unit per lot per the proposed restrictive covenant.

Recommendation:

In alignment with the OCP policies and Council's previous motions on the application, the recommended motions are to grant the third reading extension until the provincially required zoning has been implemented and to add as a condition of rezoning registration a restrictive covenant on title, as offered by the applicants, restricting the number of units to one per new lot (for a total of four new single-family homes). This approach will enable the applicants to proceed with their rezoning conditions and ensure the application continues to align with what Council and the public have previously contemplated.

COUNCIL STRATEGIC PLAN ALIGNMENT

- ☐ Principled Governance ☐ Balanced Economic Prosperity ☐ Infrastructure
☒ Community Spirit & Wellbeing ☐ Corporate Pride ☐ Public Safety
☐ Not Applicable

Housing Diversity – Encourage diversity in housing types to foster an inclusive, affordable and multigenerational community.

WORKPLAN IMPLICATIONS

- ☒ Already accounted for in department workplan / no adjustments required
☐ Emergent issue / will require deferral of other priority(ies)
☐ Other

FINANCIAL IMPLICATIONS

- ☒ None ☐ Budget Previously Approved ☐ Referral to Business Planning
☐ Other

There are no financial implications associated with this report.

PUBLIC PARTICIPATION

- ☒ Inform ☐ Consult ☐ Involve ☐ Collaborate ☐ Empower

Comment(s):

This report will be available on the City's website.

KATZIE FIRST NATION CONSIDERATIONS

Referral ☐ Yes ☒ No ☐ Other

SIGN-OFFS**Written by:**

Jaimie Jagpal,
Development Services Technician

Reviewed by:

Colin O'Byrne,
Manager of Planning

Patrick Ward,
Director of Planning and Development

ATTACHMENTS

None.