

Memorandum



To: Mayor and Council

From: Chief Administrative Officer

Date: March 23, 2023

Re: Bylaw 1088-2023 Rezoning for 149 Cowichan Lake Road

Application Request by the Owner

The intent is to re-zone the property currently designated as Business Commercial (C-4) to General Commercial(C-1).

The applicant's intention is to construct a multi-unit residential and commercial building , with commercial use to be located on the ground level and residential units on the second and third floors.

Official Community Plan

On its face, the proposed zoning is not clearly consistent with the Official Community Plan direction. The area is designated as Highway Commercial, and the plan refers to a future highway commercial Zone District. Such a district has not been created.

The most appropriate location for multi-story multi-unit residential development is in the Downtown, Uptown, or Urban Core area.

The following options are available for council to consider on the subject bylaw:

Option 1

Rezone to General Commercial (C-1) as proposed by the applicant will result in the following:

Pros:

- Possibility of multi-unit residential units being constructed;
- Potential of residential one- and two-bedroom units being constructed, with these meeting the Town's greatest need;
- Possibility of additional rental units (a high housing need) being made available.

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Cons:

- Commercial development being the only beneficiary with no residential development occurring;
- Additional general commercial zoned land along the highway not being necessary at this point;
- The potential for traffic congestion will add to the traffic congestion in what is already a busy corner.

Option 2

Rezone to General Commercial (C-1) as proposed but with the proviso that an 'r' (rental only) designation be placed on the residential units on the land but which must require a further change in the zoning bylaw.

Pros:

- An 'r' designation ensures that any residential development is for rental accommodation only.

The *Local Government Act* does not specify the type of Zone District to which this type of tenure is limited. Therefore it is only appropriate to apply a rental tenure limitation within a C-1 Zone District, so long as multi-family residential is a use. The *Local Government Act* states:

Residential rental tenure

481.1 (1) A zoning bylaw may limit the form of tenure to residential rental tenure within a zone or part of a zone for a location in relation to which multi-family residential use is permitted.

Cons:

- The Zoning Bylaw only specifies that the 'r' designation is presently applicable within the R-7 Zone District. No specific mention is made of its applicability within the C-1 zone district.
- The Bylaw states:
Zone District Subcategory Permitted Principal Uses (Designation 'R'):
Designation R (denoted as R-7-R on the map) is to permit 'rental only' multi-unit dwellings in accordance with the *Local Government Act*.
- Residential use only remains a potential possibility.
- The potential for traffic congestion remains a risk what with the added commercial and residential uses.

Option 3

Council may deny the rezoning application by not proceeding with the third reading.

Option 4

Pros:

- The Applicant can then apply for a further amendment to the Zoning Bylaw and seek a highway commercial zoning, which would allow a greater range of uses than are currently allowed, but without the full range of permitted uses in C-1 General Commercial;
- The applicant can propose a restricted R-7 Zone that permits a medium density multi-unit residential development with a designated minimum number of rental units and a specified number of one- and two-bedroom units.

Cons:

- The applicant may not pursue or support residential development; and
- The potential for traffic congestion remains a risk what with added commercial and residential uses.

Conclusion

In all of the instances referred to in the foregoing, the parking regulations as stipulated in the Zoning Bylaw must be complied with. Driveway access must be through Macdonald Road. All construction or reconstruction in the subject area must comply with the Development Permit regulations stated in the Official Community Plan.



Joseph A. Fernandez