

DATE OF MEETING | March 26, 2018 |

AUTHORED BY | TAMERA ROGERS, PLANNER, CURRENT PLANNING AND
SUBDIVISION |

SUBJECT | **COVENANT AMENDMENT APPLICATION NO. CA7 –
4745 LEDGERWOOD ROAD** |

OVERVIEW

Purpose of Report

To present Council with an application to amend the Section 219 covenant registered on the title of 4745 Ledgerwood Road in order to increase the permitted number of dwelling units from 114 to 120. |

Recommendation

That Council direct Staff to proceed with a Public Hearing for Covenant Amendment Application No. CA7 at 4745 Ledgerwood Road. |

BACKGROUND

The City has received a covenant amendment application, CA7, for 4745 Ledgerwood Road from White Lion Developments Ltd. to amend the Section 219 covenant (EL70929) to increase the permitted number of dwelling units from 114 to 120.

Council first considered this covenant amendment application at the 2018-MAR-19 Council Meeting where concerns were raised regarding the amount of the community amenity contribution secured during the original rezoning. The owner has agreed to increase the community amenity contribution from \$400 per dwelling unit to \$1,000 per dwelling unit. The community amenity contribution will be directed towards the Housing Legacy Reserve Fund.

In 1995, 4745 Ledgerwood Road and 4801 Ledgerwood Road (now consolidated into 4745 Ledgerwood Road) were rezoned from Single Family Residential Zone (RS-1) and Light Industrial Zone (I-2) to Medium Density Multiple Family (Suburban) Zone (RM-5) through rezoning application RA95-15 to allow a multiple family development on each lot. Through the rezoning application, a covenant was placed on the property titles to secure the following:

- \$400/unit community contribution;
- maximum of 40 dwelling units on Lot A and 80 units on Lot B;
- maximum lot coverage of 26% on Lot A and 28% on Lot B;
- subdivision (boundary adjustment) per Schedule A;
- 10% of dwelling units to be three-bedroom or larger; and,
- one underground parking space per dwelling unit.

In 2010, new owners consolidated the lots and applied to amend the covenant (RA265) to allow for a new development proposal. The covenant was amended to:

- permit a maximum of 114 dwelling units (a reduction of 6 dwelling units);
- remove the lot coverage restriction;
- remove the requirement to subdivide; and,
- reduce the percentage of units required to be three-bedroom or larger from 10% to 5%.

The subject property is now under new ownership with a new development proposal to maximize the unit yield on the property. A future development permit will be required for the proposed multiple family development.

Subject Property

<i>Zoning</i>	R8 – Medium Density Residential
<i>Location</i>	The subject property is located on the south side of the road, adjacent the Jordan Avenue/Ledgerwood Road intersection.
<i>Total Area</i>	12,817m ²
<i>Official Community Plan</i>	Map 1 – Future Land Use Plans – Light Industrial Map 3 – Development Permit Area No. 4 – Nanaimo Parkway Design; Development Permit Area No. 5 – Steep Slope Development; Development Permit Area No. 9 – Commercial, Industrial, Institutional, Multiple Family and Mixed Commercial/Residential Development

The subject property is adjacent to the Boban Industrial Park to the north, south and west, a single dwelling residential neighbourhood to the east, and the Wellington Cemetery directly across the street. The lot is designated a steep slope property. |

DISCUSSION

The applicant proposes to amend the covenant to increase the number of permitted dwelling units from 114 to 120. When the property was rezoned in 1995, the City's Official Community Plan did not include a steep slope development permit area or steep slope design guidelines to regulate the development of properties with steep slopes. Registration of the Section 219 covenant as a condition of the rezoning application was intended to minimize the impact of future development on the steep slope through restrictions to lot coverage and the permitted number of dwelling units. As the City now has a designated Steep Slope Development Permit Area (DPA5) and design guidelines for steep slopes, developments on steep slopes are now more comprehensively addressed through the development permit review process to ensure sensitive steep slope development. As such, Staff support the increase in the maximum number of dwelling units from 114 to 120, with the detailed design to be reviewed through a future development permit application. This number also reflects the total number of units originally permitted through the rezoning on the subject property in 1995.

The community amenity contribution will also be increased from \$400 per dwelling unit to \$1,000 per dwelling unit. The community contribution will be directed towards the Housing Legacy Reserve Fund. All other covenant conditions will be maintained, including the requirement for 5% of dwelling units to have three or more bedrooms, and the requirement of one underground parking space per dwelling unit.

Staff request Council direction to proceed with public notification and a Public Hearing for this application. |

SUMMARY POINTS

- A covenant amendment application (CA7) was received to increase the permitted number of dwelling units from 114 to 120.
- Prior to its amendment in 2010, the original covenant allowed a total of 120 dwelling units on the subject property (40 on Lot A and 80 on Lot B).
- Staff support the amendment of the Section 219 covenant to increase the maximum number of dwelling units to 120.
- The community amenity contribution will be increased from \$400 per dwelling unit to \$1,000 per dwelling unit and will be directed towards the Housing Legacy Reserve Fund.

ATTACHMENTS

ATTACHMENT A: Location Plan

ATTACHMENT B: Aerial Photo

Submitted by:

L. Rowett
Manager, Current Planning and Subdivision

Concurrence by:

D. Lindsay
Director, Community Development