

CITY OF LANGFORD

PLANNING, ZONING AND AFFORDABLE HOUSING COMMITTEE

Monday, March 12th, 2012 @ 7:00 pm

Council Chambers

AGENDA

	Page
1. <u>CALL TO ORDER</u>	
2. <u>APPROVAL OF THE AGENDA</u>	
3. <u>ADOPTION OF THE MINUTES</u>	
a) Planning, Zoning & Affordable Housing Committee Meeting – February 27 th , 2012	001
4. <u>REPORTS</u>	
a) Application to Rezone 703 Massie Drive from R2 (One and Two-Family Residential) to MU1A (Mixed Use Residential Commercial) in order to create a ten (10) unit residential development. - Staff Report (File No. Z11-0010)	005
b) Omnibus amendments to Zoning Bylaw No. 300 - Staff Report (File No. Z12-0007)	014
c) Application to amend the CD10 Zone (Comprehensive Development - Boulder Ridge) for the properties at 3347, 3348, 3351, 3354, 3355, 3359, 3360, 3363, 3364, 3367, 3368, 2271, 3375 Vision Way and 903 Tayberry Terrace - Staff Report (File No. Z12-0001)	017
d) Application to Rezone 963 Walfred Rd from R2 (One and Two-Family Residential) to RS3 (Residential Small Lot 3) to Allow a 1-lot Subdivision - Staff Report (File No. Z12-0010)	031
5. <u>ADJOURNMENT</u>	

CITY OF LANGFORD

MINUTES OF THE PLANNING, ZONING AND AFFORDABLE HOUSING COMMITTEE

Monday, February 27th, 2012 @ 7:00 pm

Council Chambers

PRESENT

Councillor D. Blackwell (Chair), Councillor R. Wade (Vice-Chair): Members: J. Butler-Smythe, D. Horner, and N. Stewart.

ATTENDING

Senior Planner, Leah Stohmann and Deputy Manager of Engineering, Michelle Mahovich.

ABSENT

Members: A. Creuzot, M. Hall, S. Harvey, and K. Sheldrake.

1. CALL TO ORDER

The Chair called the meeting to order at 7:03 p.m.

2. APPROVAL OF THE AGENDA

MOVED BY: COUNCILLOR WADE

SECONDED: N. STEWART

That the Planning, Zoning and Affordable Housing Committee approve the Agenda as presented.

CARRIED.

3. ADOPTION OF THE MINUTES

a) Planning, Zoning & Affordable Housing Committee – February 13th, 2012

MOVED BY: N. STEWART

SECONDED: J. BUTLER-SMYTHE

That the Minutes of the Planning, Zoning and Affordable Housing Committee of February 13th, 2012 meeting be adopted as circulated.

CARRIED.

4. REPORTS

- a) **Application to vary lot width from 11m (36ft) to 10.2m (33.5ft) to allow single family dwellings with carriage homes on four lots at 3091 Langford Lake Road and to consider amending the lot width requirement in Zoning Bylaw No. 300 and to consider delegating the authority to the City Planner to issue variances to lot width within Development Permits for lots less than 550m² (5,920ft²)**
- Staff Report (File No. DVP12-0001)

MOVED BY: COUNCILLOR WADE
SECONDED: N. STEWART

That the Planning, Zoning and Affordable Housing Committee recommend to Council:
That Council:

1. Proceed with consideration of a Development Variance Permit No. DVP12-0001 for lots 27, 28, 29 and 31 at 3091 Langford Lake Road, with the following variance:
 - a) That Section 3.08.04 (10)(b) of Zoning Bylaw No. 300 be varied to reduce the lot width from the required 11m (36ft) to 10.2m (33.5ft) for a lot with a secondary suite in an accessory building on a lot less than or equal to 550m² (5,920ft²) for lots 27, 28, 29 and 31, currently addressed as 3091 Langford Lake Road; and
2. Direct staff to amend Section 3.08.04 (10)(b) of Zoning Bylaw No. 300 in the next Omnibus process to reduce the minimum lot width for a lot with a secondary suite in an accessory building on a lot less than or equal to 550m² (5,920ft²), from 11m (36ft) to 9.5m (31ft) providing the lot has rear lane vehicle access; and
3. Direct Staff to amend the City's Design Guidelines to delegate the authority for the City Planner to issue variances to lot width for single family dwellings on lots less than 550m² (5,920ft²) in area, for minor variances, and that the City Planner's guide for a reasonable variance be no greater than a 25% reduction in lot width.

CARRIED.

- b) **Application for Development Permit for 2806 and 2810 Shelby Place to Allow an Addition within the Riparian Development Permit Area and to Vary Section 6.1.1 of Subdivision and Development Servicing Bylaw No. 1000 to Allow Development Without a Connection to the Municipal Sanitary Sewer System**
- Staff Report (File No. DP12-0003)

MOVED BY: D. HORNER
SECONDED: COUNCILLOR WADE

That the Planning, Zoning and Affordable Housing Committee recommend to Council:
That Council:

1. Proceed with Development Permit Application DP12-0003 for the construction of a shed on the property at 2810 Shelby Place and an addition on the property at 2806 Shelby Place, as shown on the site plan attached as appendix to this report, with the following variance:

- a) That Section 6.1.1 of Subdivision and Development Servicing Bylaw No. 1000 is varied by allowing development without a connection to a municipal sanitary sewer system;

Subject to the following condition:

- i. That the owner not vote against the properties being connected to the municipal sanitary sewer system.

CARRIED.

- c) **Application to rezone 3344 Hazelwood Rd from RR2 (Rural Residential 2) to CD14 (Hazelwood/Luxton) to allow a residential subdivision.**

- Staff Report (File No. Z12-0002)

MOVED BY: COUNCILLOR WADE
SECONDED: N. STEWART

That the Planning, Zoning and Affordable Housing Committee recommend to Council:

That Council:

1. Give First Reading to Bylaw No. 1387, which will amend the zoning of the property at 3344 Hazelwood Road from RR2 (Rural Residential 2) to CD14 (Comprehensive Development 14 – Hazelwood/Luxton) subject to the following terms and conditions:
 - a. That the following amenity contributions are included in the bylaw for increased density, to be payable at the time of subdivision:
 - i. \$9,300 per lot created towards the General Amenity Reserve Fund;
 - ii. 10% cash in lieu of open space dedication; and
 - iii. \$4.19 per m² site area towards the General Amenity Reserve Fund;
 - b. That the applicant register a Section 219 covenant, prior to bylaw adoption, that includes the following:
 - i. Dedication of the following public road right-of-ways at the time of subdivision: 3.0m road widening along Piper Road, 6.0m road dedication for the lane, and 12.0m road dedication for Merlin Road;
 - ii. That all lots with frontage along the 6 metre laneway will only be permitted to have driveway access from the laneway;
 - iii. That a curvilinear “woonerf” road design, as illustrated in the conceptual streetscape designs submitted as part of rezoning application Z-09-16, is to be incorporated into the civil engineering drawings, as a condition of subdivision;
 - iv. That legal noise nuisance from South Vancouver Island Rangers and nuisances from agricultural uses be acknowledged; and
 - v. Frontage improvements, works and services to Subdivision and Servicing Bylaw No. 1000 standards.

CARRIED.

- d) Application to vary the distance of a building to a front yard lot line from the required 6m (20ft) to 2m (6.6ft) for a portion of a single family dwelling, to be built at 2661 Goldstone Heights
- Staff Report (File No. DVP12-0003)

MOVED BY: COUNCILLOR WADE
SECONDED: N. STEWART

That the Planning, Zoning and Affordable Housing Committee recommend to Council:
That Council:

1. Proceed with consideration of a Development Variance Permit No. DVP12-0003 for 2661 Goldstone Heights, with the following variance:
 - a) That Section 6.21.06 (1)(a) of Zoning Bylaw No. 300 be varied to reduce the distance of a building to a front yard lot line from the required 6m (20ft) to 2m (6.6ft) for a portion of a single family dwelling, as shown on Appendix B, to be built at 2661 Goldstone Heights.

CARRIED.

- e) Planning Department Statistical Information – January 2012
- Staff Report (Planning)

MOVED BY: COUNCILLOR WADE
SECONDED: D. HORNER

That the Planning, Zoning and Affordable Housing Committee receive the Planning Department Statistical Information Report for January, 2012.

CARRIED.

5. ADJOURNMENT

The Chair adjourned the meeting 7:20 p.m.

CHAIR

CERTIFIED CORRECT
(Administrator)



Staff Report

to

Planning, Zoning and Affordable Housing Committee

Date: March 12, 2012

Department: Planning

Application No.: Z11-0010

Subject: Application to Rezone 703 Massie Drive from R2 (One and Two-Family Residential) to MU1A (Mixed Use Residential Commercial) in order to create a ten (10) unit residential development.

SCANNED

Purpose

Harry Skadburg is applying on behalf of Pacific Coast Land Company to amend the zoning designation of the property at 703 Massie Drive from R2 (One and Two-Family Residential) to MU1A (Mixed Use Residential Commercial) in order to create a ten (10) unit residential development.

Background

There have been no other previous applications made to the City of Langford Planning Department with respect to the subject property.

Application Data

Table 1 – Application Data

Table with 3 columns: Field, Current, Proposed. Rows include Applicants, Owners, Location, Legal, Size of Property, DP Areas, Zoning, and OCP Designation.

Table 2 – Development Proposal

	Permitted by MU1A Zoning	Proposed Development*
Height	Maximum = 4 storey's	4 storeys 13.8m (45ft)
Site Coverage	Maximum = 90%	56%
Density of Development	FSR Maximum = 2.0	1.6
Front Yard Setback	Minimum = 2m (6.6 ft)	4.56m (15ft)
Interior Side Yard Setback	Minimum = 0m (ft)	1.57 m (5ft)
Exterior Side Yard Setback	Minimum = 2m (6.6ft)	1.2m (4ft)
Rear Yard Setback	Minimum = 7.5m (25 ft)	5.8m (19 ft)
Parking Requirement	Required: 1.4 spaces per unit = 14 spaces	14 on-site spaces

*The development proposal complies with the parking requirements and permitted use and density allowed in the MU1A zone.

Site and Surrounding Data

The subject property is located at the south west corner of Massie Drive and Veterans Memorial Parkway (VMP). Immediately north, resides a 10 unit townhouse project at 710 Massie Drive. The rest of Massie Drive consists of 14 residences, most of which are one family dwellings, and there are three two family dwellings.

Table 3 - Surrounding land uses

	Zoning	Use
North	RM2 (Attached Housing 2)	Multi Family Residence
East	R2 (One- and Two-Family Residential)	Commercial (Boston Pizza)
South	R2 (One- and Two-Family Residential)	Single Family Residence
West	R2 (One- and Two-Family Residential)	Single Family Residence

Council Policy

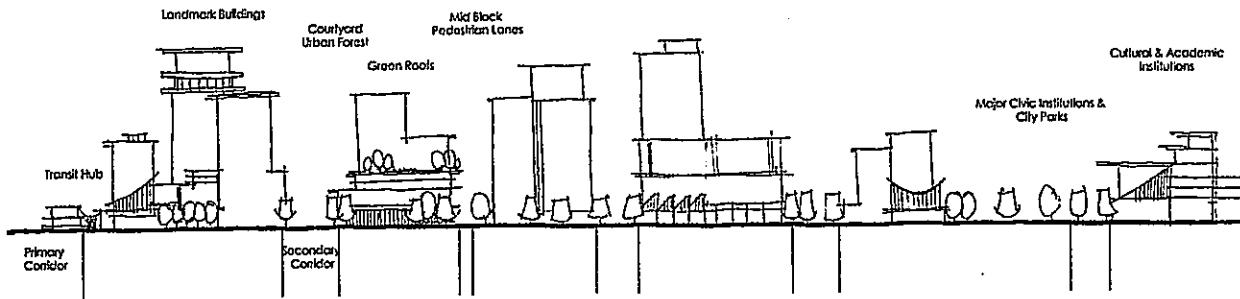
OFFICIAL COMMUNITY PLAN

The Official Community Plan Bylaw No. 1200 designates the subject property as *City Centre*, as defined below:

City Centre

- A major regional growth centre that support a wide range of high density housing, including affordable and rental housing
- A major employment area for institutional, office, commercial, light industrial uses
- Major civic uses and public buildings are key landmarks
- A major place of community gathering and celebration
- A wide range of public squares, parks and open spaces are integrated throughout
- The City's major entertainment and/or cultural precinct
- Inter-city and/or inter-regional transit hub connect residents

Figure 1 - A Concept Sketch for the City Centre (from the OCP)



While not specifically expressed above, the OCP provides a gallery of images of housing and building concepts that would be acceptable in the City Centre. These range from three story townhomes to hi-rise residential buildings. The applicant's proposal of medium density housing complies with this designation and would permit the subject property to be developed according to the OCP.

Land Use and Zoning

Development projects zoned to the MU1A (Mixed Use Residential Commercial) zone typically are configured with ground floor commercial and residential floors above, but can be entirely residential. The applicant initially proposed this concept, but upon review, a parking deficiency was noticed. By modifying the project to entirely residential, a parking surplus is achieved thereby eliminating concerns about spillover parking.

Environmental Protection

The subject property is not within any environmentally sensitive or hazardous Development Permit Areas, however, a substantial Garry Oak tree resides in the municipal boulevard. The Parks Department is requesting that the tree be protected with a Tree Protection Barrier to the satisfaction of the Parks Manager. Council may wish to direct the City Planner to include this in the Development Permit.

Public Safety

The BC Building Code specifies that for this type of building which will have fire sprinklers, there must be a fire hydrant within 45m (147ft) of the fire department connections (standpipes). As the nearest fire hydrant is 11 meters away and located at the north west corner of the Massie Drive/VMP intersection, a new fire hydrant will not be required.

Building and Site Design

This development proposal, if supported by Council, will be subject to a 'form and character' Development Permit for *Multi-Family Residential*.

Variance Request - Setbacks

As shown in Table 2, the applicant has requested one variance to the minimum setback required in the MU1A zone: from 7.5m to 5.8m for the rear yard setback. If Council chooses to support this variance, it may be granted through the Development Permit process by the City Planner.

Parking Requirements

Zoning Bylaw No. 300 states that the MU1A zone requires 1.4 parking spaces for an apartment unit. As the proposal is for ten units, the required parking would be fourteen spaces, which is what the applicant

has provided. Staff recommend that each unit gets an allocated parking stall and that the remaining 0.4 per unit be 'uncoupled parking', which would not be allocated as limited common property, but would serve as visitor and over-flow parking for the project. Council may wish to secure this arrangement by a Section 219 covenant registered on title that would ensure the 0.4 per unit parking spaces are non allocated.

Stormwater Management

Prior to issuance of a building permit, the applicant must demonstrate that storm water can be managed on-site. If drainage cannot be managed on site and works are required to be constructed beyond the subject property, the applicant will need to incur the costs of such works as a condition of rezoning. Council may wish to secure this request in a Section 219 covenant as a condition of rezoning.

Frontage Improvements

While the frontage improvements along the VMP street frontage is complete, Massie Drive will require upgrading. For building strata developments, Council Bylaw No. 825 permits the City of Langford to require up to 15% of the value of the building permit work when the building has three or more dwelling units. Given that the costs to complete frontage improvements can exceed this amount, Council may wish to require as a condition of rezoning, that the applicant provide frontage improvements to the standards of Bylaw No. 1000.

While most of the frontage works on Massie Drive are already completed, new works required will include: the installation of a street light (cyclone post top luminaire) conduit and sidewalk extension along the Massie Drive frontage towards the adjacent western property as well as street trees, irrigation and landscaping. Council may wish to secure this in a Section 219 covenant registered on title prior to bylaw adoption.

Referral Comments from External Agencies

The Ministry of Transportation has requested that a 15ft "no-build" area be preserved along VMP to allow for future roadway expansion if required. The applicant has redesigned the project to comply with this request and the no-build area will be retained as private property landscaping and can be secured in the Development Permit if Council chooses to support this application.

Preliminary Neighbourhood Consultation

The applicant has discussed the development proposal with the immediate neighbours residing in single family dwellings to the south and west, but has not yet discussed the project with the neighbours across Veterans Memorial Parkway (being the Reflections development and Boston Pizza) nor with the 10 unit townhouse strata across the street on Massie Drive.

Amenity Contributions

As per Council's Affordable Housing, Parks and Amenity Contribution Policy, the applicant is required to provide \$2,700 per residential unit (Pedestrian Downtown Area) to Langford as an amenity for increased density at the time of rezoning (please refer to Table 5 for amenity contributions). Open space and affordable home contributions are not applicable to this project due to the project's location within the defined Town Centre.

Financial Implications

Rezoning the subject property to residential zones that permit higher densities of development may increase the assessed value of the property, and this will increase municipal revenue. As the applicant will connect and pay for the utility connections and as the applicant will complete frontage improvements, the direct capital costs to the municipality associated with this development will be negligible. A summary of the development cost charges (DCCs) are provided in the following table.

Table 4 – Development Cost Charges

Development Cost Charges		
• Roads	\$2,184 per unit	\$21,840
• Storm Drainage	\$1.34 per m2 of site area	\$1,029.12
• Park Improvement	\$1,890 per unit	\$18,900
• Park Acquisition	\$1,100 per unit	\$11,000
• Integrated Survey Area (ISA)	\$35 per unit	\$350
• CRD Water	\$2,653.14 per unit	\$26,531.40
• School Site Acquisition	\$698 per unit	\$6,980
Total DCC's		\$86,630.52

Table 5 – Amenity Contributions

Contribution	City Centre Area
General Amenity Reserve Fund	\$2,700 per unit
Total Contributions	\$2,700 per unit (\$27,000)

OPTIONS

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

1. Direct staff to prepare a bylaw to amend the zoning of the subject property from R2 (One-and Two-Family Residential 1) to the MU1A (Mixed Use Residential Commercial), subject to the following terms and conditions:

a) That the owner agrees to provide as a bonus for increased density, the following contributions per dwelling unit prior to issuance of a building permit:

- i) \$2,700 towards the General Amenity Reserve Fund.

b) That prior to adoption of any bylaw to rezone the subject property, the applicant provides a Section 219 Covenant, registered on title that agrees to the following:

- i) The applicant shall demonstrate that the site can handle on-site storm water management. If drainage cannot be managed on site and works are required to be constructed beyond the subject parcel, the applicant will incur the costs of such works as a condition of rezoning;

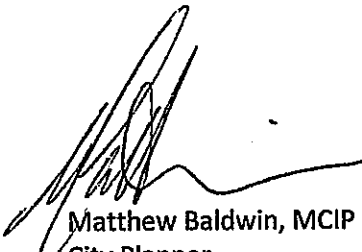
- ii) That each residential unit will get 1 parking space allocated and the remaining 0.4 per unit of parking spaces are non allocated as limited common property and remain as visitor and overflow parking; and
- iii) The applicant shall provide frontage improvements to Bylaw No. 1000 standards along the Massie Drive frontage including: the installation of a street light (cyclone post top luminaire) conduit and sidewalk extension towards the adjacent western property as well as street trees, irrigation and landscaping.

AND

- 2. Direct the City Planner to issue the requested rear yard setback variance within the required Development Permit and to also include the Tree Protection Barrier for the Oak Tree on municipal boulevard (to the satisfaction of the Parks Manager).

OR

- 3. Reject this application for rezoning.



Matthew Baldwin, MCIP
City Planner



Grant Liebscher
Planner




Mike Leskiw
Parks Manager



Bob Beckett
Fire Chief



Michelle Mahovich, P. Geo.
Deputy Manager of Engineering



Steve Ternent
Treasurer

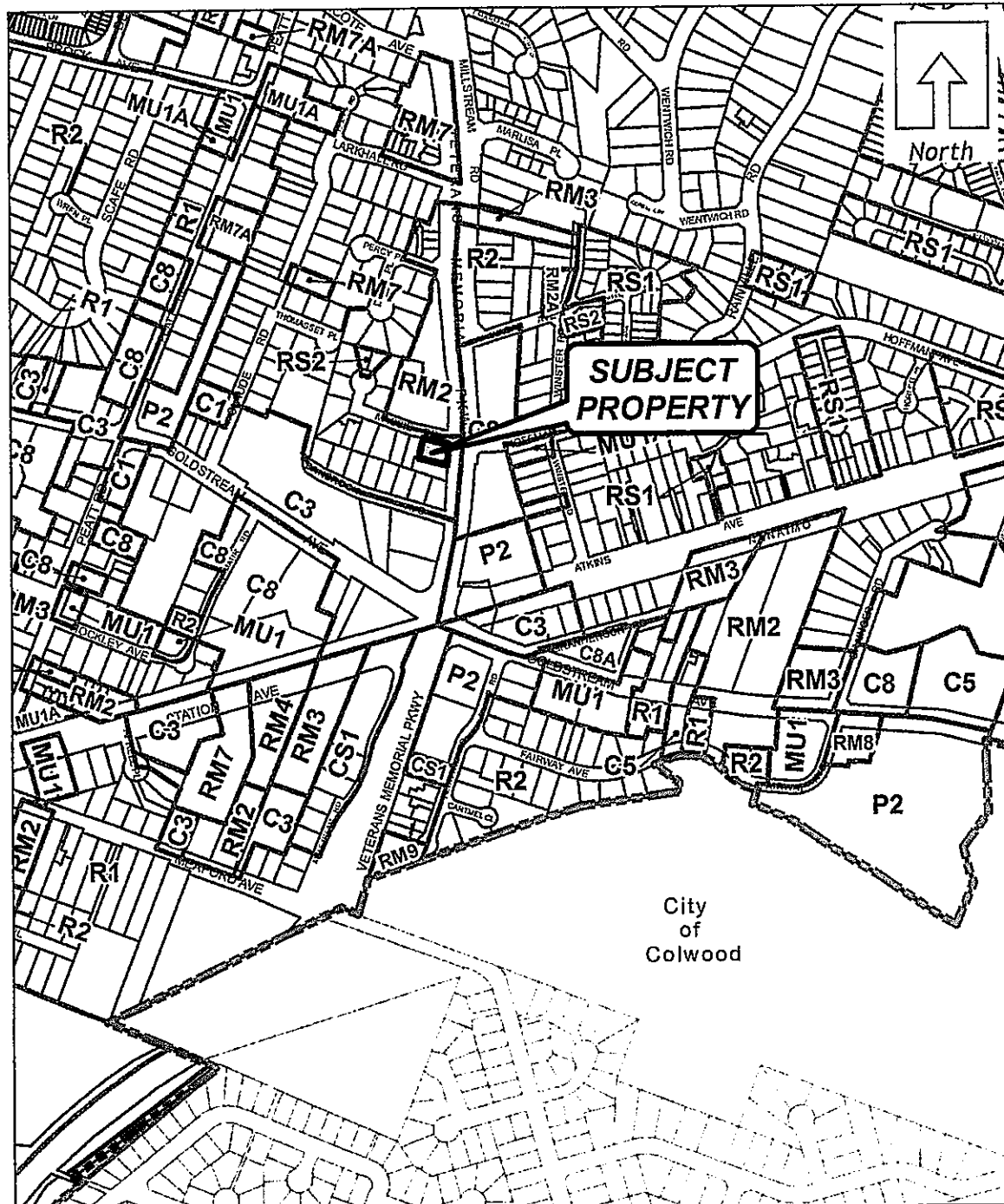


Jim Bowden
Administrator

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REZONING BYLAW AMENDMENT

703 Massie Drive (Z11-0010)

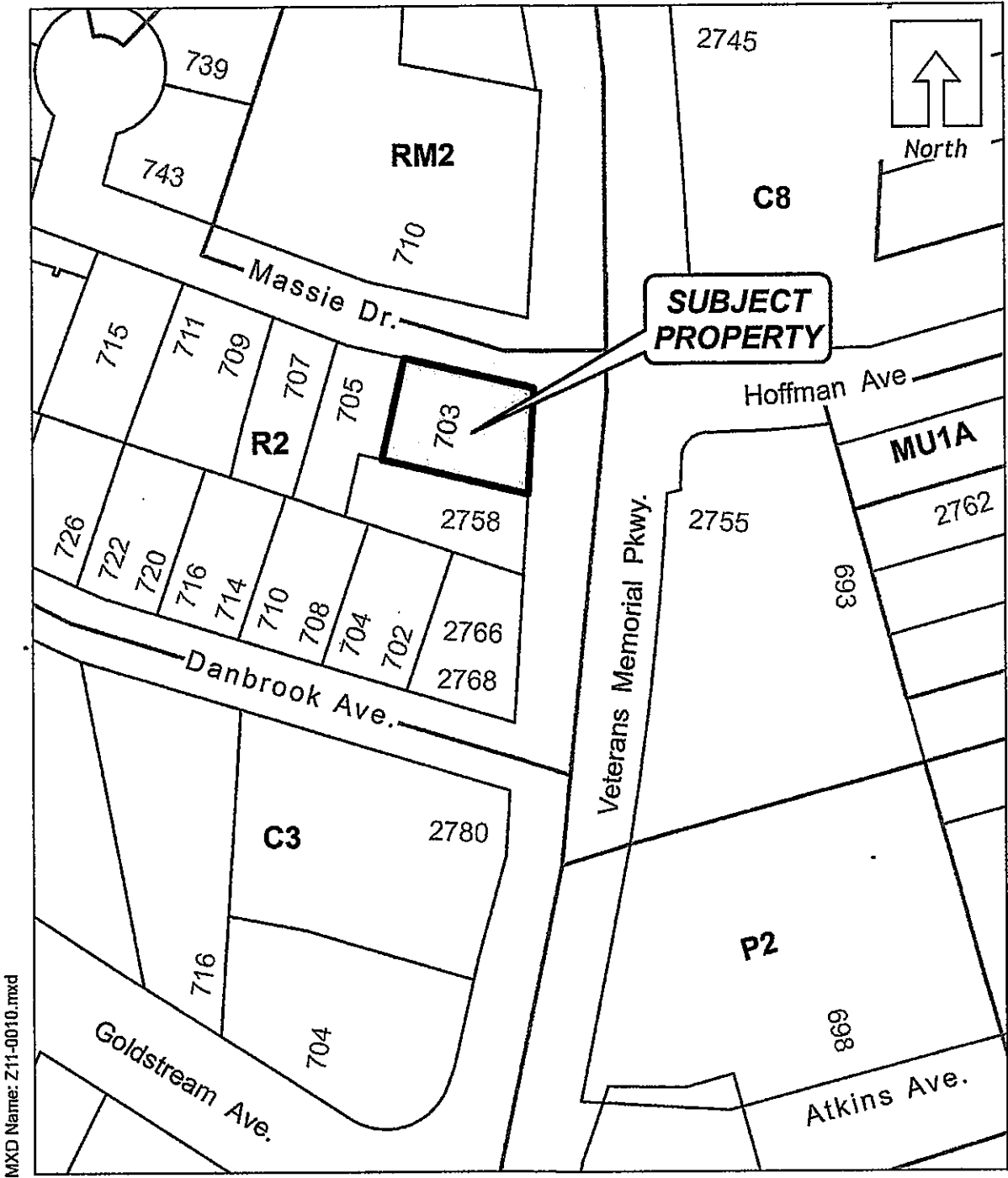


MXD Name: Z11-0010.mxd

Scale: N.T.S.

Last Revised: May 11, 2011

REZONING BYLAW AMENDMENT
703 Massie Drive
(Z11-0010)

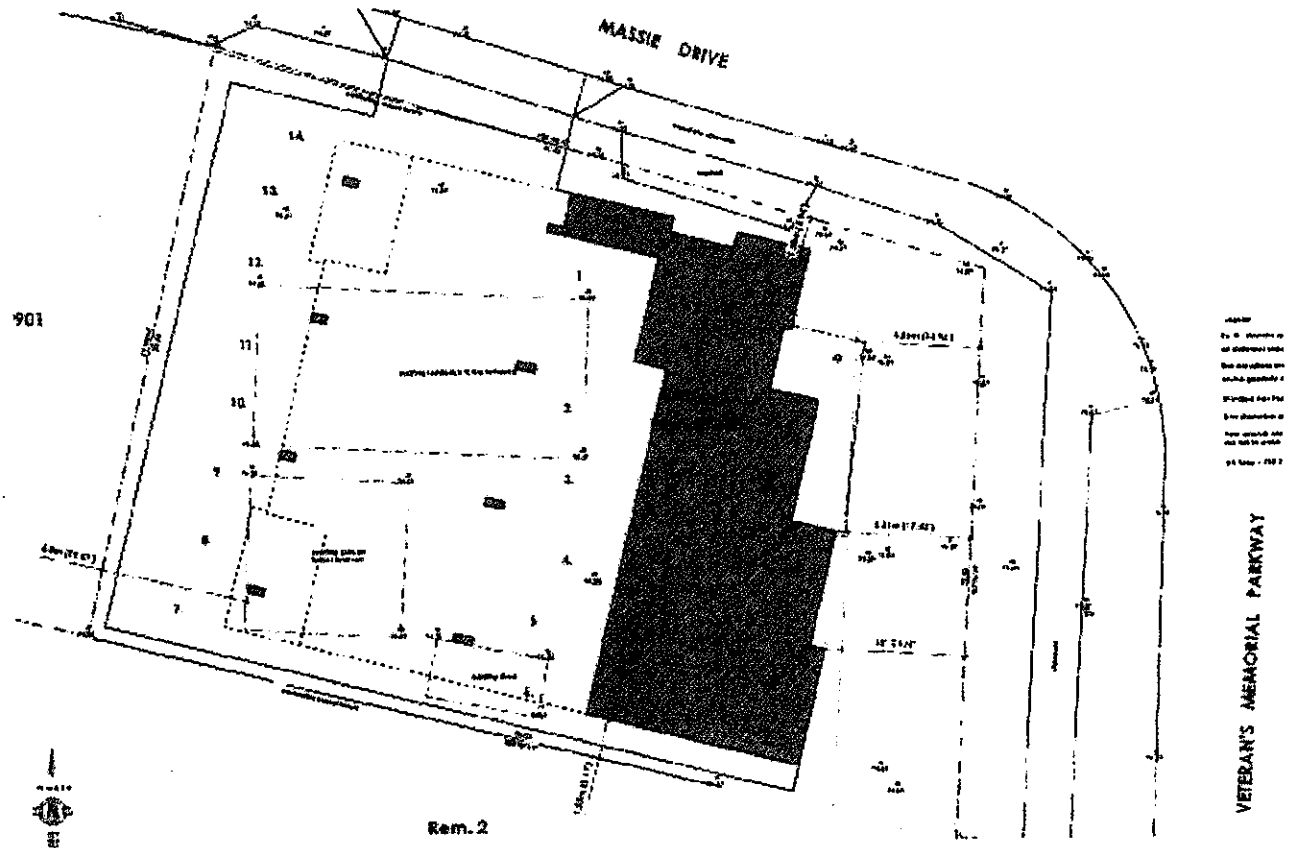


MXD Name: Z11-0010.mxd

Scale: N.T.S.

Last Revised: May 11, 2011

Appendix A – Site Plan





Staff Report

to

Planning, Zoning and Affordable Housing Committee

Date: March 12, 2012
Department: Planning
Application No.: Z12-0007
Subject: Omnibus amendments to Zoning Bylaw No. 300

Purpose

When Zoning Bylaw No. 300 was adopted in February 1999, it was anticipated that periodic revisions to the bylaw would be required. In consultation with developers, staff is proposing the following omnibus changes to Zoning Bylaw No. 300:

- Increase the maximum height of an apartment building in the C8, C8A, MU1, MU1A, RM7, RM7A and RM9 zones;
- Amend the subdivision lot requirements in the R4 zone to allow a parent parcel to be averaged out to 1 lot per ¼ acre; and
- Amend Part 4 to prohibit recreational vehicle parking on small lots.

Comments

INCREASE THE MAXIMUM HEIGHT OF AN APARTMENT BUILDING IN VARIOUS ZONES

In January 2009, the Province of British Columbia increased the maximum height for a wood-frame residential construction from four (4) to six (6) storeys. In light of this change, Council may wish to consider amending the C8, C8A, MU1, MU1A, RM7, RM7A and RM9 zones to increase the maximum height of an apartment building from four (4) to six (6) storeys. Council may wish to note that the majority of properties being rezoned to C8, C8A, MU1, MU1A, RM7, RM7A and RM9 are located in the City Centre and the Sooke Road Revitalization Area where the OCP supports higher density development. This change will also be consistent with the policy direction in CEERS. Parking will ultimately control the density of development on any given site.

AMEND THE SUBDIVISION LOT REQUIREMENTS IN THE R4 (ONE-FAMILY RESIDENTIAL 4) ZONE

When the R4 (One-Family Residential 4) was created, the overall density of development was to be in keeping with the objectives and policies of the South Langford Neighbourhood Plan. However, one of the principal objectives of that plan - that the density of development on Walfred Road between Jacklin

Road and Cuaulta Cres. should approximate 4 dwelling units/lots per acre - became written in the R4 Zone that "No subdivision plan may be approved unless the lots created by subdivision have an average area of at least 1012 m² (0.25 acres)". This wording does not account for land lost to road dedication or strata roads. Council may wish to consider amending this section to read: "No subdivision plan may be approved unless the number of lots created divided by the size of the parent parcel is equal to or less dense than 1 unit per 4047 m² (4 units per acre)".

RECREATIONAL VEHICLE PARKING ON SMALL RESIDENTIAL LOTS

Council may wish to consider amending the zoning regulations with respect to Vehicle Storage (Sec. 3.03 of Zoning Bylaw No. 300) to specifically exclude seasonal recreational vehicles (eg: motorhomes, travel trailers, boats, trailers for motorcycles and other recreational vehicles etc.) from small residential lots (lots smaller than 550 m², or 5920 ft²).

Residential small lot zoning typically requires at least two parking spaces per dwelling unit, and often one of these parking spaces occurs within an attached garage. Because of the limited amount of land associated with small lot development, it is unusual for a small lot to be developed with more than the minimum number of required parking spaces.

Council controls the form and character of intensive residential development through the Development Permit process. This occurs at the time of the initial development, and it can be difficult for the City to monitor and control changes to small lot developments in the absence of a building permit application. Therefore, it is difficult for staff to prevent unauthorized changes to small lot development, such as the widening of driveways or paving over landscaped areas for the purpose of creating parking for recreational vehicles.

During recent rezoning applications, it has been noted by residents of small lot developments that parking tends to be a significant neighbourhood issue, and that this issue is exacerbated by home owners parking recreational vehicles on small lots, and even on public roadways within small lot developments. Excluding RV parking from small lot development would require owners to find alternate off-site locations to park their seasonal recreational vehicles, and would free up on-street and off-street parking for day-to-day use.

Options

Option 1


That the Planning and Zoning Committee recommend that Council:

1. Direct staff to prepare an omnibus amendment to Bylaw No. 300 that would:
 - a. Increase the maximum height of an apartment building in the C8, C8A, MU1, MU1A, RM7 and RM7A zones from four (4) to six (6) storeys;
 - b. Amend Sec. 6.29.02(5) of Zoning Bylaw No. 300 so that the maximum density of development reads "No subdivision plan may be approved unless the number of lots created divided by the size of the parent parcel is equal to or less dense than 1 unit per 4047 m² (4 units per acre)";
 - c. Revising Sec. 3.03 so that seasonal recreational vehicles may not be parked or stored on any lot smaller than 550 m² (5920 ft²);

2. Give first reading to Bylaw 1388 as drafted;

OR Option 2

3. Take no action at this time.



Matthew Baldwin, MCIP
City Planner



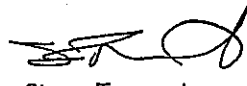
Leanne Taylor, MCIP
Senior Planner



Mike Leskiw, MA
Parks Manager




Michelle Mahovich.
Deputy Manager, Engineer



Steve Ternent
Treasurer



Jim Bowden
Administrator



Bob Beckett
Fire Chief

:lt&mb



Staff Report to Planning, Zoning and Affordable Housing Committee

Date: March 12, 2012
Department: Planning
Application No.: Z12-0001
Subject: Application to amend the CD10 Zone (Comprehensive Development - Boulder Ridge) for the properties at 3347, 3348, 3351, 3354, 3355, 3359, 3360, 3363, 3364, 3367, 3368, 2271, 3375 Vision Way and 903 Tayberry Terrace

Purpose

Paul King has applied on behalf of Boulder Ridge Developments Ltd. to amend the CD10 zone (Comprehensive Development - Boulder Ridge) which currently includes the properties addressed at 3347-3375 Vision Way and 903 Tayberry (the 4.5 acre parcel at the end of Tayberry Terrace. These parcels were previously rezoned when the parent parcels were addressed as 3349, 3355, 3361 Happy Valley Road. The CD10 zone also includes the small residential lots on the south side of Tayberry Terrace. These lots have already been sold to home builders and are not a part of this application and the proposed changes, if Council chooses to support them, will be written in the bylaw to not apply to these properties. All ten of these lots have building permits issued and construction has started.

The overall site plan is shown on Appendix A. The 4 townhouse blocks shown at the most eastern part of the site is not being considered at this time as the on-street and off-street parking scheme has not been provided and determined.

Background

Previous Applications

- **Z-96-10** – The previous owners of the property at 3349 Happy Valley Road applied in 1996 to rezone to R1 in order to permit residential development. This application was subsequently withdrawn by the applicant.
- **OCP-07-02 and Z-06-36** - Application to amend the Official Community Plan designation of the properties at 3349, 3355 and 3361 Happy Valley Road from "Suburban Residential" to "Comprehensive Development" and to rezone the properties at 3349, 3355 and 3361 Happy Valley Road from AG1 (Agriculture 1) to a new comprehensive development zone to allow for the development of a new residential neighbourhood with 2 apartment buildings, a mixed-use residential/commercial building, 94 fee simple attached dwelling units, the renovation of an existing one-family dwelling, and a group daycare facility.

- **Z-10-06** – Rezoning application to permit single family dwellings in Areas 2, 3 and 5 (See Figure 1) of the CD10 Zone, and to revise the density bonusing amenity structure to accept cash-in-lieu of the ‘pocket parks’ within the CD10 Zone. This still retained the 0.5 acre open space/green space as private property that resides in the middle of the project.
- **DP-10-31** – To permit the alteration of land within the Potential Habitat and Biodiversity, Steep Slopes, and Interface Fire Hazard Development Permit Areas (for the whole site) and to permit the construction of 21 Intensive Residential units along Tayberry Terrace and Vision Way which is located in Area 3 as shown on Figure 1.

Table 1: Site Data

<i>Applicant</i>	Paul King	
<i>Owner</i>	Boulder Ridge Developments Ltd.	
<i>Civic Address</i>	3347 – 3375 Vision Way; and 903 Tayberry	
<i>Legal Description</i>	LOT 24 SECTION 86 METCHOSIN DISTRICT PLAN EPP14196, 028-726-260 for 903 Tayberry (For Vision Way not shown as there are too many to list)	
<i>Size of Property</i>	903 Tayberry = 4.5 acres. Vision Way properties range from 184m ² (1,980ft ²) to 500m ² (5,381ft ²)	
<i>DP Areas</i>	Potential Habitat and Biodiversity, Steep Slopes and Interface Fire Hazard for 903 Tayberry Terrace and Intensive Residential and Multi-Family depending on the buildings proposed.	
<i>Zoning</i>	Existing: CD10 zone (Comprehensive Development - Boulder Ridge)	Proposed: CD10 zone (Comprehensive Development - Boulder Ridge)
<i>OCP Designation</i>	Existing: Neighbourhood	Proposed: Neighbourhood

Site and Surrounding Area

The subject properties (made up from the original 3 parent parcels) are 6.5 acres in total and are situated on the east side of Happy Valley Road, immediately south of Tayberry Terrace. There are two one-family homes residing on the subject property’s parent parcels. During the first rezoning process in 2006 (Z-06-36), Council secured the upgrade of these facades to the City Planner’s satisfaction which is being worked on now and will be completed prior to issuance of an occupancy permit of the first dwelling in Area 5 as shown in Figure 1.

Table 2: Surrounding Land Uses

	OCP Designation	Zoning	Use
North	Neighbourhood	West side: RS3 (Residential Small Lot 3) East side: AG1 (Agriculture 1)	West side: One single-family dwelling and accessory uses East side: Undeveloped
East	Hillside	AG1 (Agriculture 1)	Undeveloped
South	Neighbourhood	West side: RM7A (Medium Density Apartment) East side: RS2 (Residential Small Lot 2)	West side: Vacant and land preparation for developing East side: Small lot subdivision
West	Neighbourhood	RM7A (Medium Density Apartment)	Multi-Family residential currently being developed

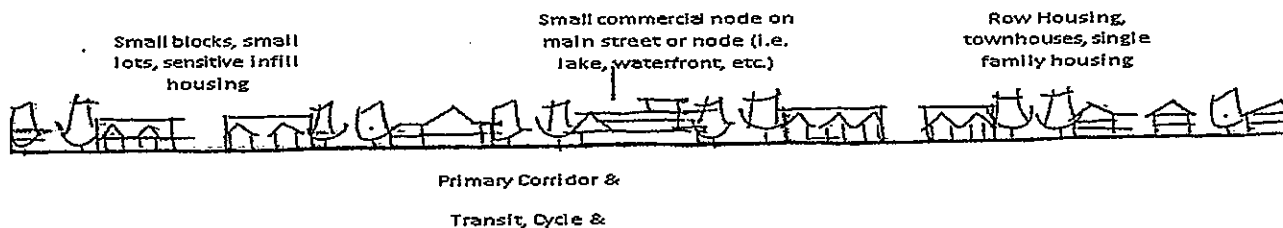
Official Community Plan (OCP)

Neighbourhood

Existing settled areas throughout the community predominantly located on the valley floor.

- Predominantly residential precinct that supports a range of low and medium density housing choices including secondary suites
- This area allows for residential and mixed use commercial intensification of streets that connect centres and/or are serviced by transit
- Schools, community facilities and other institutional uses are permitted throughout the area
- Retail serving local residents is encouraged along transportation corridors
- Home-based businesses, live-work housing is encouraged
- Parks, open spaces and recreational facilities are integrated throughout the area
- This area allows for *Neighbourhood Centres* to emerge in the form of medium density mixed-use nodes at key intersections.
- Transit stops are located where appropriate

A Concept for Neighbourhood Areas



Objective 3.9.2 in the OCP

Permit small lot subdivision and clustered densification in established areas.

Objective 3.9.3 in the OCP

An overall objective of 40 units per hectare (16 units per acre) for infill development in the Neighbourhood designated area will guide choices about density.

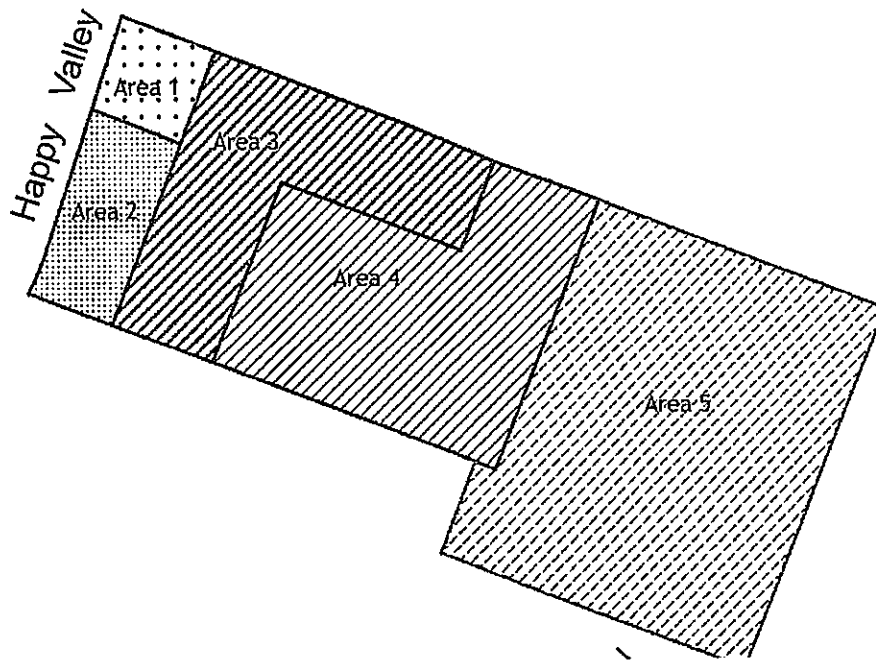
When first conceived, this project required amendments to both the OCP and Zoning Bylaw (OCP-07-02 and Z-06-36) as the project exceeded the permitted land use and density. The current CD10 zone permits up to 168 residential units. The current OCP states that 16 units per acre will “guide” choices about density. At 16 units per acre, only 101 residential units would fit within the guide.

Infill development is defined in the OCP as: *to add new residential units to an existing neighbourhood.* Council may wish to accept the subject proposal as this project is not considered “infill” as the subject proposal is not adding new additional units, but rather, shifting the building types and allocated units by geographical areas within the site of the CD10 zone.

Development Proposal

The current zoning achieved through the rezoning process in 2006 (File No. Z-06-36) permits the developers to have up to seventy apartments in Area 4 and up to eighty nine attached or detached residential dwellings in Areas 3 and 5. The current proposal is not to increase the density in these areas, but to shift and modify the building types in different areas and to modify several other aspects within the CD10 Zone to be discussed as follows:

Figure 1 - Map showing different Areas within the CD10 Zone



Area 1

This area in the CD10 zone currently permits a mixed-use residential commercial building consisting of 2 residential units and 2 commercial units on a lot that is 500m² (5,381ft²) in area. The CD10 zone currently lists the following as permitted uses: Retail Stores, Restaurants and Cafes, Professional Offices and Personal Service Establishments.

The applicant is requesting that Council consider Group Day Care, Pet Day Care and Veterinary Practice in enclosed buildings as permitted uses in this area (providing they can meet all parking requirements). The applicant is also requesting that Council consider increasing the lot coverage from 40% to 75% as they may need the additional area to achieve the concepts proposed. The applicant is also requesting that the current limit of 2 residences be increased to 4 units and that the project be entirely residential if the market does not support a commercial use.

As the number of residential units overall is proposed to be reduced to 68 from 89 units permitted in Areas 3 and 5, this would not constitute an increase in density in the CD10 zone.

Area 2

This area currently permits a Group Day Care and One-Family Dwellings as permitted uses. During the original rezoning for the CD10 zone, a Group Day Care was the only permitted use for the original house of the parent parcel of 3361 Happy Valley Road. The developers would like to have the option of reverting this back to its previous use and configuration as a one-family dwelling with a secondary suite. The house is proposed to have vehicle access from Vision Way and pedestrian access from both Vision Way and Happy Valley Road. While this lot (Lot #2 in Area 2 as shown on Appendix B) is only 288m² (3,100ft²), it may be enough room to meet the conventional R2 zone (One and Two-Family Dwelling) parking requirements of three parking stalls per lot for a single family dwelling with a secondary suite. If utility locations in the municipal boulevard restrict the ability to achieve three parking spaces are not able to be achieved, the secondary suite would not be permitted.

In Area 2, two Lots #3 and #4 (shown on Appendix B) permitted uses include One-Family Dwellings. The developers would like the flexibility to either build the two separate dwellings, or to permit two non-strata attached townhouses, of which both concepts would be subject to a form and character Development Permit.

Areas 3 and 5

This area currently permits One-Family Dwellings and Attached Housing as permitted uses. The maximum permitted height for attached housing is 10m (33ft), which permits three storeys. The maximum permitted height for one-family dwellings is 10m (33ft) or two storeys, whichever is less. The developers would like to remove the clause "whichever is less" so they can have the option of building three storey single family dwellings in Areas 2, 3 and 5. As a comparison with other small sized lots, the small lot zones of RS1, RS2, and RS3 have a maximum permitted height of 8.5m (28ft).

Affordable Housing Component in Areas 3 and 5

The previous rezoning required the developer to provide 8 affordable homes based on their proposal to build 89 residential units in Areas 3 and 5. This was also based on Council's previous Affordable Housing and Amenity Contribution Policy of one affordable house for every ten new houses achieved through rezoning. Now that Council's policy changed on February 6th, 2012 to *1 affordable home for every 15 new single family houses* and now that the developers are only proposing to build 68 residential units in Areas 3 and 5, the developers are requesting that the new policy apply, (which would be 4 houses instead of 8) and that their contribution to the affordable housing program take the form of rental houses for a 25 year period with the ownership being retained by the developers.

If Council chooses to accept the proposal, the developers would start construction of three of the four houses immediately in Area 5. They would complete the last one of four when they develop the far eastern portion of Area 5. If Council chooses to accept this, it would be secured in the subject bylaw.

Area 4

This area currently permits up to 70 apartment units. The applicants would like to have the option of also building one family dwellings and attached housing. The density would still not exceed 70 units in Area 4.

Development Permit Areas

A Development Permit (DP-10-31) has already been issued to permit the alteration of land in the Potential Habitat and Biodiversity, Steep Slopes, and Interface Fire Hazard Development Permit Areas. A condition of that permit was that reports prepared by qualified professionals shall be provided to address both the Steep Slopes and Interface Fire Hazard Areas prior to issuance of a building permit in Area 5.

Frontage Improvements and On-Street Parking

Frontage improvements will be required to the standards of Subdivision and Development Servicing Bylaw No. 1000 as a condition of subdivision approval for non-strata subdivisions.

For building strata developments, Council Bylaw No. 825 permits requires up to 15% of the value of the building permit work when the building has three or more dwelling units. Council may wish to require as a condition of rezoning, that the applicant provide frontage improvements to the standards of Bylaw No. 1000.

New works required will include: the installation of a street lights, conduit, sidewalks, asphalt paving, street trees, and landscaped boulevards all for the road extensions of Tayberry Terrace, Sanderling Way and Turnstone Drive. Council may wish to secure this in a Section 219 covenant registered on title prior to bylaw adoption.

It is the City Engineer's good engineering practice to create 1 parking space on-street for every 2 lots. The applicant is proposing to provide 1 parking space for every 3 lots. As this is not a requirement by bylaw and therefore not able to be formally varied, the matter is being forwarded to the Transportation and Public Works Committee for their consideration and recommendation to Council.

Parking Requirements – Off-Street

- 3 parking spaces (off-street) are required by Design Guidelines for *Intensive Residential*
- 2 parking spaces (off-street) are required by Zoning Bylaw No. 300 (Section 4)

The applicant is proposing to provide 2 parking spaces off-street per dwelling unit which meets the requirements in Section 4 of the Zoning Bylaw. To address the three parking spaces per unit required by the Design Guidelines, the applicant is proposing that up to a third of the houses will have wider driveways to accommodate three parking spaces off-street.

This strategy will help achieve dual objectives within the Intensive Residential Design Guidelines: First, it will ensure that more than 60% of the majority of front yards will have soft landscaping to avoid excessive hard surfacing dominating the front yard; second, it will ensure that additional visitor parking is provided off-street, which will be in addition to the on-street parking that will also serve visitors.

While the Zoning Bylaw requirement would be achieved, the Design Guideline requirement of 3 off-street spaces per lot would not be achieved. If Council considers the proposal to be appropriate, they may wish to direct the City Planner to accept the proposal in the Development Permit.

Neighbourhood Consultation

Staff have encouraged the applicants to consult with the neighbours before the proposal is presented at the Planning, Zoning and Affordable Housing Committee Meeting. At the time this report was written, no feedback has been received by the Planning Department.

Financial Implications

As the applicant will connect and pay for the utility connections and as the applicant will complete frontage improvements, the direct capital costs to the municipality associated with this development will be negligible.

Development Cost Charges

As the developers are not sure of the exact number and building type of the residential units, they will be charged the commensurate amount as per the City of Langford's Development Cost Charges (DCCs) of which a summary sheet is attached as Appendix C.

Amenity Fees

Through the rezoning process in 2006 (File No. Z-06-36), Council secured the following amenity contributions: \$747,550 towards the General Amenity Reserve Fund, \$6.10/m² of site area for Area 4, \$4.96/m² of site area for Areas 3 and 5, and a combination of privately owned green space in Area 4, three pocket parks in Areas 3 or 5 (or the option to provide cash in lieu – modified during the rezoning in 2010 (Z-10-06)). The applicants have already paid \$149,510 in amenity fees to the City during the first phase of the project, and will pay the remainder in the three following phases prior to subdivision approval for single family dwellings or prior to building permits for multi-family construction. As the current proposal will not increase the overall density, past practice would suggest further application of Council's amenity policy is not required.

If Council considers that all of these amendment requests are reasonable and appropriate, they may wish to proceed to consider first reading of bylaw. Conversely, if Council decides that these requests are not appropriate, they may wish to direct staff to work with the applicant to improve them further, or reject proposed amendments.

OPTIONS

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

1. Direct staff to prepare a bylaw to amend the CD10 zone (Comprehensive Development – Boulder Ridge) for the subject properties subject to the following terms and conditions:
 - a) That the owner will provide 4 rental houses to be rented for a 25 year period with ownership and responsibility retained by the developer, superseding the previous arrangement;
 - b) To insert as permitted uses in Area 1: Group Day Care, Pet Day Care and Veterinary Practice in enclosed buildings ;
 - c) To permit not more than four residential units in Area 1 and that the building may be entirely residential.
 - d) To amend the site coverage requirement for Area 1 from 40% to 75% for all buildings and structures;
 - e) To include as a permitted use, a one-family dwelling with secondary suite for Lot #2 in Area 2 as shown on Appendix B, instead of it being solely restricted to a Group Day Care;
 - f) To include as a permitted use, two non-strata attached townhouses on Lots #3 and #4 in Area 2, (shown on Appendix B);
 - g) To permit three storeys in height for single family dwellings in the CD10 zone, except for those properties on Tayberry Terrace that are not subject to this zoning application;
 - h) To include as permitted uses, one family dwellings and attached housing in Area 4;
 - i) **That prior to adoption of any bylaw to rezone the subject property, the applicant provides a Section 219 Covenant, registered on title that agrees to the following:**
 - i) The applicant shall provide frontage improvements to Bylaw No. 1000 standards including: the installation of a street lights, conduit, sidewalks, asphalt paving, street trees, and landscaped boulevards all for the road extensions of Tayberry Terrace, Sanderling Way and Turnstone Drive.

AND

2. Direct the City Planner to accept that 2 off-street parking spaces per unit in the Development Permit is appropriate given that the up to one third of the lots will provide 3 parking spaces per unit.
-


OR


3. Reject this application for rezoning.
-


Matthew Baldwin, MCIP
City Planner


Grant Liebscher
Planner


Mike Leskiw, MA
Parks Manager


Michelle Mahovlich, P.Ge.
Deputy Manager of Engineering


Steve Ternent
Treasurer


Jim Bowden
Administrator

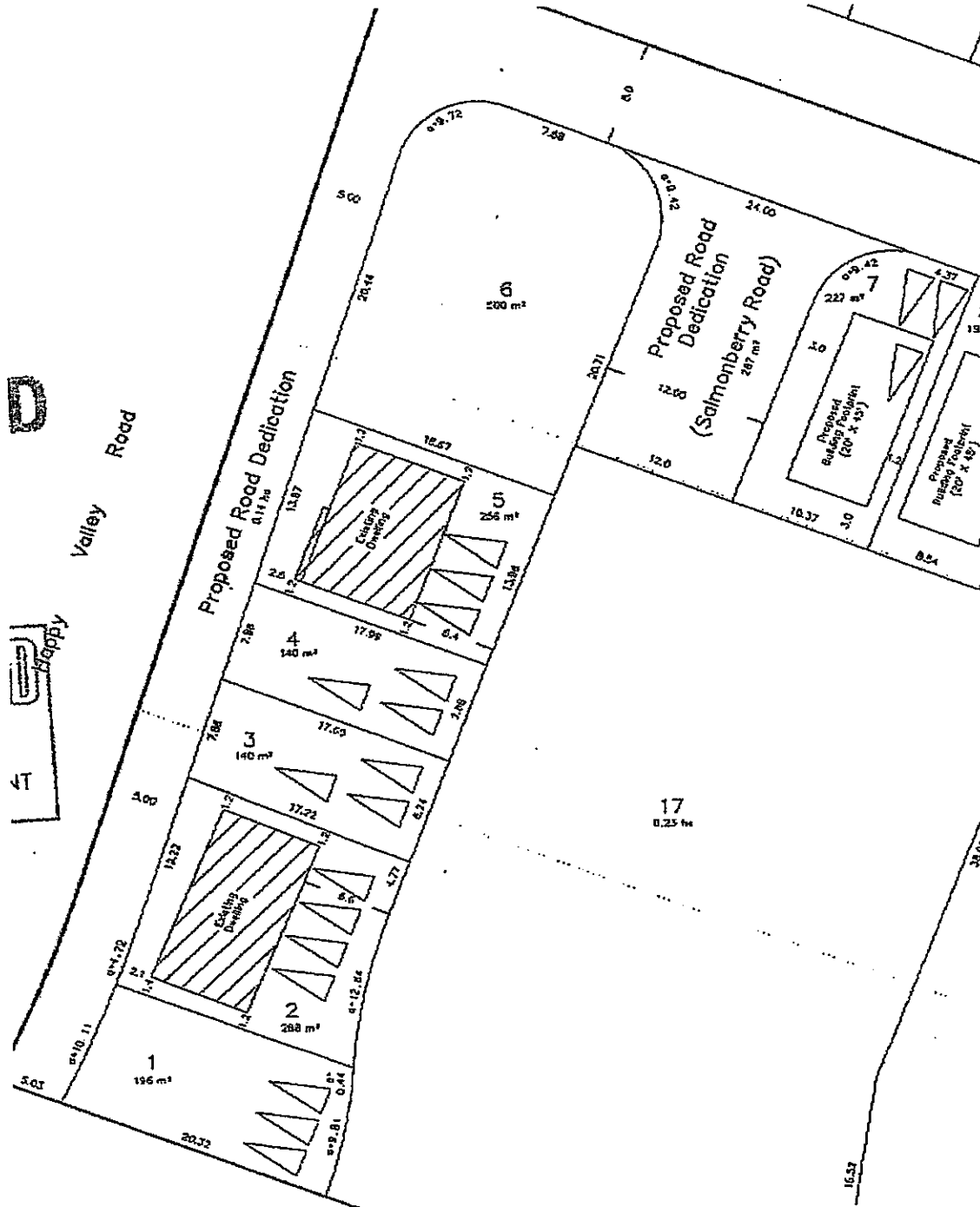

Bob Beckett
Fire Chief

:gl

Appendix A - Overall Site Plan



Appendix B – Areas 1 and 2 Site Plan



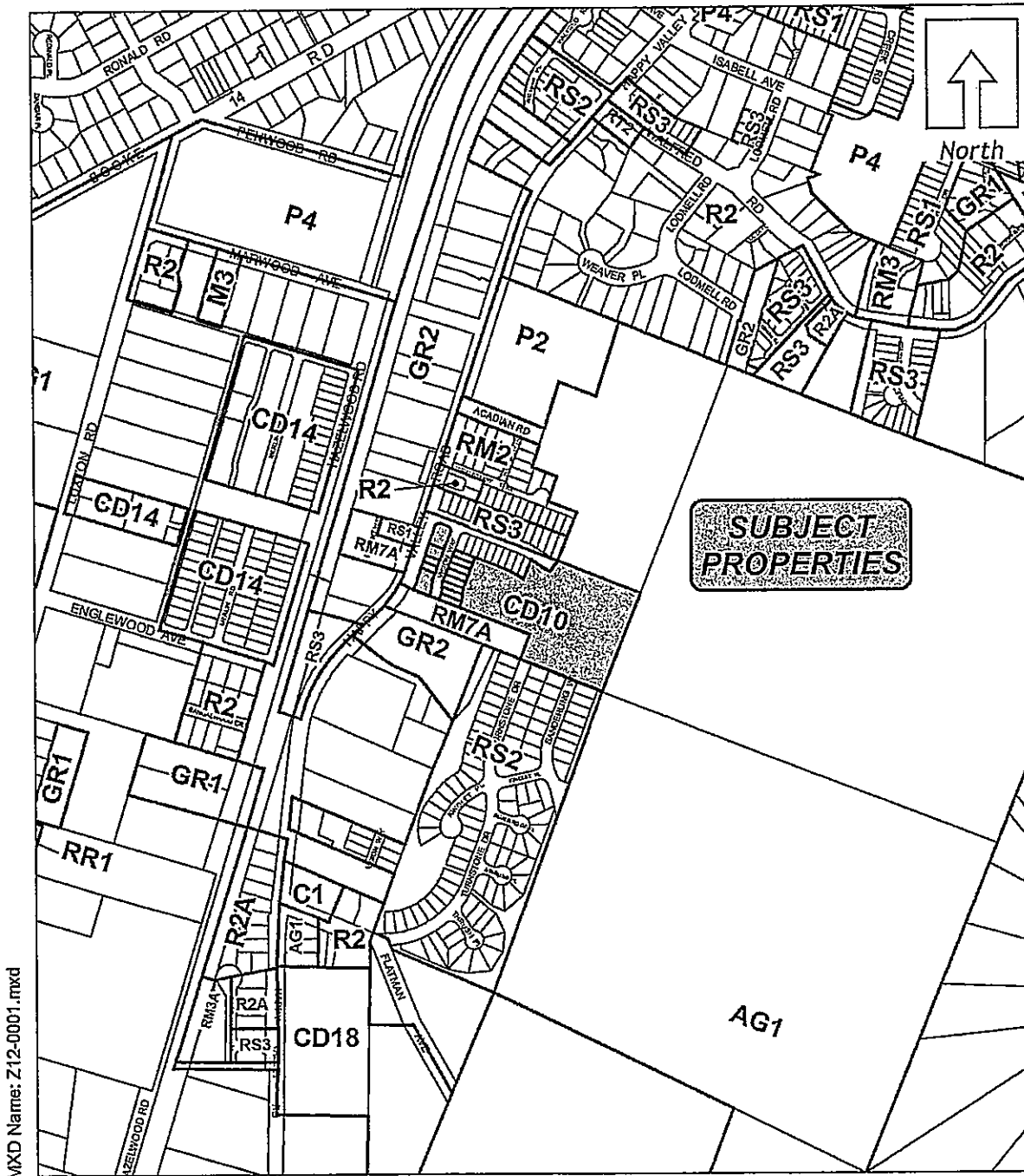
Appendix C – DCC Summary Sheet

CITY OF LANGFORD

CITY OF LANGFORD DEVELOPMENT COST CHARGES

ROADS – NORTH DEVELOPMENT		
Class of Development	Subdivision	Building Permit
Residential	Small Lot	\$3,576 /parcel created
	Single Family	\$5,364 /parcel created
	Duplex	\$7,152 /parcel created
Multi-Family		\$3,291 for each dwelling unit being built
Commercial		\$6,437 /1000 square feet of floor area
Industrial or Public Utility		\$1,000 /1000 square feet of floor area or, \$21,638 /acre
ROADS – SOUTH DEVELOPMENT AREA		
Class of Development	Subdivision	Building Permit
Residential	Small Lot	\$2,373 /parcel created
	Single Family	\$3,560 /parcel created
	Duplex	\$4,746 /parcel created
Multi-Family		\$2,184 each dwelling unit being built
Commercial		\$4,272 /1000 square feet of floor area
Industrial or Public Utility		\$663 /1000 square feet of floor area or, \$14,492 /acre
STORM DRAINAGE		
Class of Development	Subdivision	Building Permit
Residential		\$0.67 /m ² site area
Multi-Family Residential-Duplex		\$1.09 /m ² site area
Multi-Family Residential-Townhouse		\$1.09/m ² site area
Multi-Family Residential-Apartment		\$1.34 /m ² site area
Commercial		\$1.51 /m ² site area
Industrial or Public Utility		\$1.51 /m ² site area
Commercial Recreation or Public Utility with less than 5% Impervious surface		\$0.08 /m ² site area
PARK IMPROVEMENT		
Class of Development	Subdivision	Building Permit
Residential		\$1,890.00 /parcel created
Multi-Family		\$1,690.00 for each dwelling unit being built
PARK ACQUISITION		
Class of Development	Subdivision	Building Permit
Residential		Single Family \$1,100.00 /parcel created
Multi-Family		\$1,100.00 for each dwelling unit being built
INCREMENTAL STORAGE IMPROVEMENT FEES (ISIFs)		
Small Lot		\$371.25 /parcel created
Single Family		\$495.00 /parcel created
Duplex		\$742.50 /parcel created
Multi-Family		\$331.65 for each dwelling unit being built
Commercial		\$290.00 per 1000 square feet of floor area
Industrial or Public Utility		\$430.00 per 1000 square feet of floor area or \$9365.40 per acre
INTEGRATED SURVEY AREA (ISA)		
Per lot		\$35.00 /parcel created
CAPITAL REGIONAL DISTRICT WATER DEPARTMENT DEVELOPMENT COST CHARGES		
Class of Development	Subdivision	Building Permit
Single family residential		\$3,032.16 per unit
Two family residential		\$3,032.16 per unit
Three family residential		\$3,032.16 per unit
Medium Density Multi-Family (8 to 50 units/Ha)		\$2,653.14 per unit
High Density Multi-Family (over 50 units/Ha)		\$1,705.59 per unit
Commercial		\$11.15 /m ²
Industrial		\$5.04 /m ²
Institutional		\$24.63 /m ²
Institutional Residential		\$1,184.44 /bed
Elementary School		\$147.76 /student
Junior Secondary School		\$199.94 /student
Secondary School		\$199.94 /student
Tourist Accommodation		\$341.12 /room
SCHOOL ACQUISITION CHARGES		
Class of Development	Subdivision	Building Permit
Low Density Residential (<21 units /Ha)		\$598 /parcel created
Medium Low Density (21 to 50 units /Ha)		\$628 /unit
Medium Density (51 to 125 units /Ha)		\$558 /unit
Medium High Density (126 to 200 units /Ha)		\$488 /unit
High Density (>200 units /Ha)		\$419 /unit

REZONING BYLAW AMENDMENT
3347,3348,3351,3354,3355,3359,3360,3363,3364,3367,3368,3371,3375
Vision Way & 903 Tayberry Terr
(Z12-0001)



MXD Name: Z12-0001.mxd

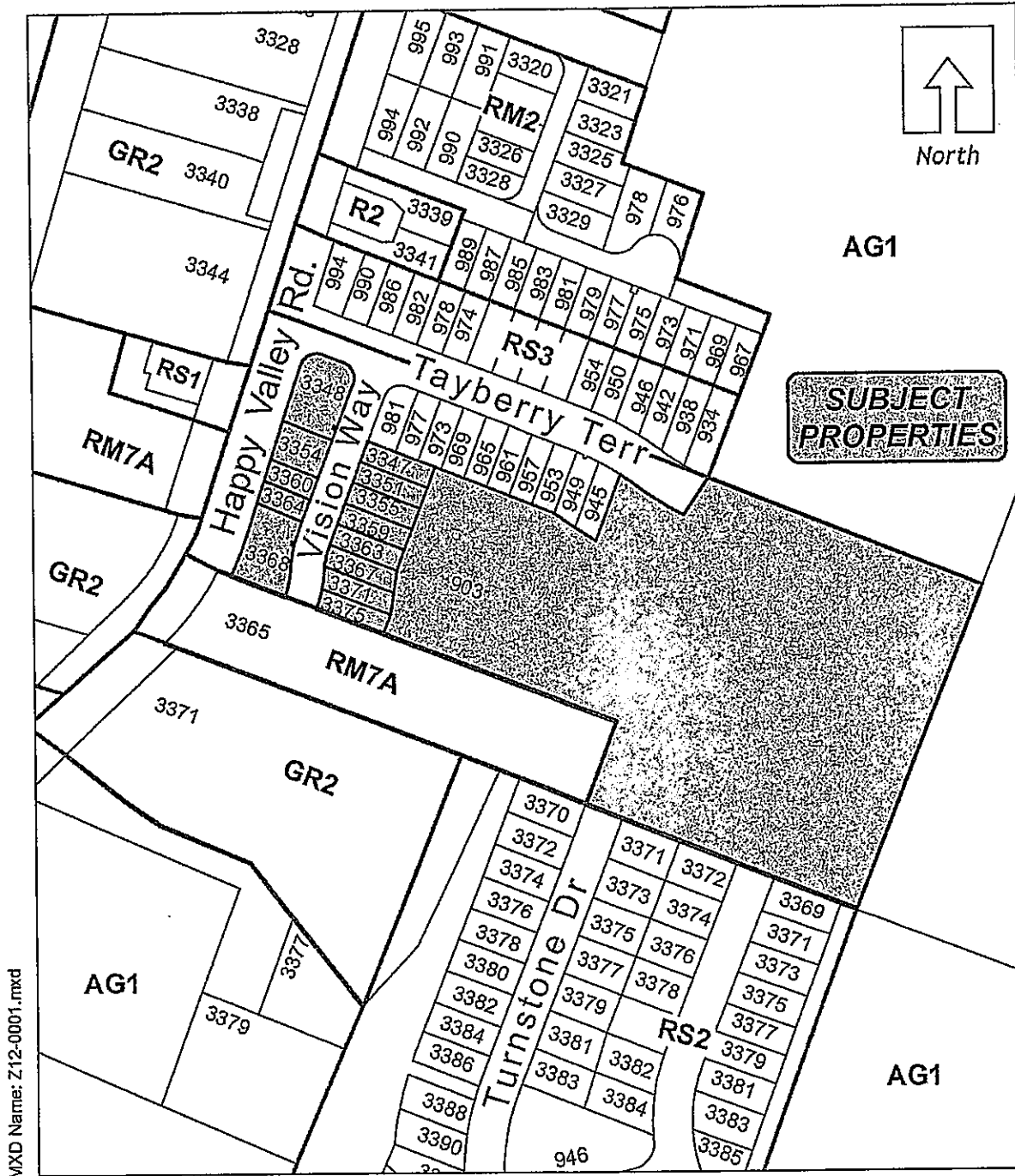
Scale: N.T.S.

Last Revised: January 26, 2012

REZONING BYLAW AMENDMENT

3347,3348,3351,3354,3355,3359,3360,3363,3364,3367,3368,3371,3375

Vision Way & 903 Tayberry Terr
(Z12-0001)



MXD Name: Z12-0001.mxd

Scale: N.T.S.

Last Revised: January 26, 2012



Staff Report to Planning, Zoning and Affordable Housing Committee

Date: March 12, 2012
Department: Planning
Application No.: Z12-0010
Subject: *Application to Rezone 963 Walfred Rd from R2 (One and Two-Family Residential) to RS3 (Residential Small Lot 3) to Allow a 1-lot Subdivision*

PURPOSE

Paul Emery has applied on behalf of Shelden Ipsen to rezone 963 Walfred Road from R2 (One and Two-Family Residential) to RS3 (Residential Small Lot 3) to allow a 1-lot subdivision.

BACKGROUND

PREVIOUS APPLICATIONS

An application to rezone 963 Walfred Rd from the R2 (One and Two-Family Residential) zone to the RS3 (Residential Small Lot 3) zone was submitted in 2008 (Z-08-23) to allow a 6-lot subdivision. This application was later withdrawn, and the owner instead subdivided the property into 3 lots in accordance with the R2 zone in 2010. The subject property of this application is one of the three lots created in this 2010 subdivision.

Table 1: Site Data

<i>Applicant</i>	Paul Emery	
<i>Owner</i>	Shelden Ipsen	
<i>Civic Address</i>	963 Walfred Road	
<i>Legal Description</i>	Lot 1, Section 84, Esquimalt District, Plan VIP88048	
<i>Size of Property</i>	667 m ² (7 180 ft ²)	
<i>DP Areas</i>	n/a	
<i>Zoning</i>	Existing: R2 (One and Two-Family Residential)	Proposed: RS3 (Residential Small Lot 3)
<i>OCP Designation</i>	Existing: Neighbourhood	Proposed: n/a

SITE AND SURROUNDING AREA

The subject property is located at the corner of Walfred Road and Mesa Place. Mesa Place is a new road that serves the two new lots subdivided from the subject property in 2010, described above.

Figure 1 – Orthophoto Map

Figure 2 – Location Map

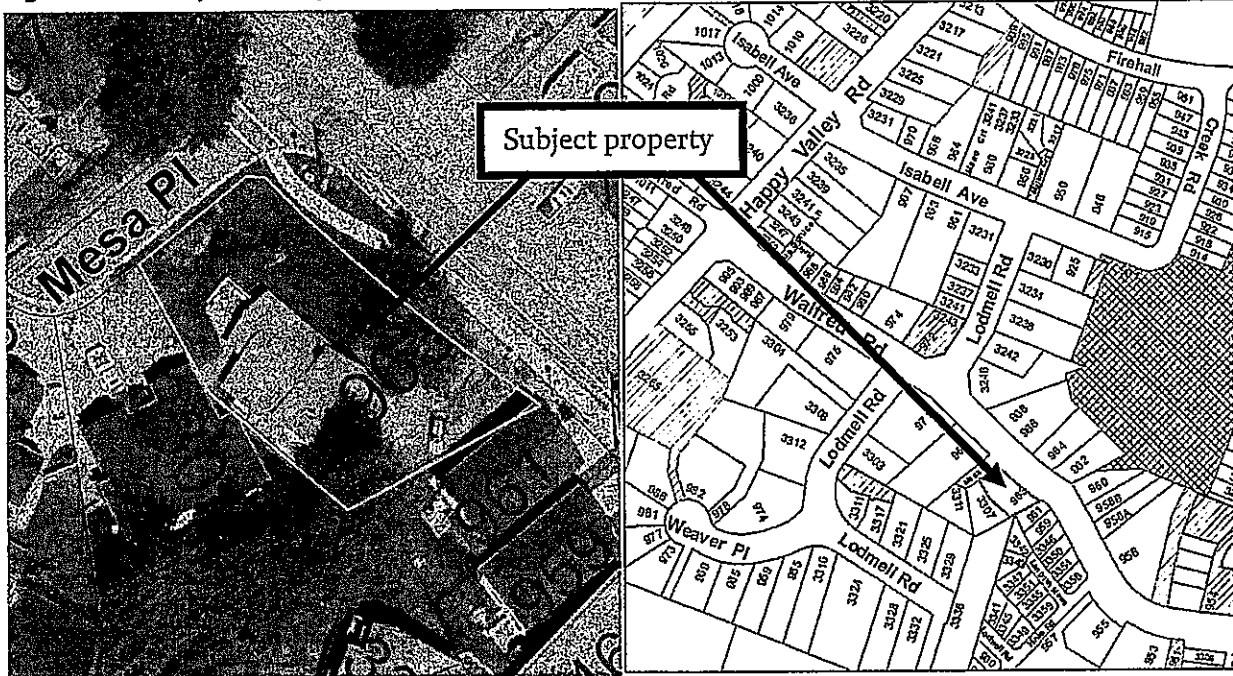


Table 2: Surrounding Land Uses

	Zoning	Use
<i>North</i>	R2 (One- and Two-Family Residential)	Single family dwellings and duplexes
<i>East</i>	RS3 (Residential Small Lot 3)	Single family dwellings
<i>South</i>	R2 (One- and Two-Family Residential); GR2 (Greenbelt Residential)	Single family dwellings
<i>West</i>	R2 (One- and Two-Family Residential)	Single family dwellings

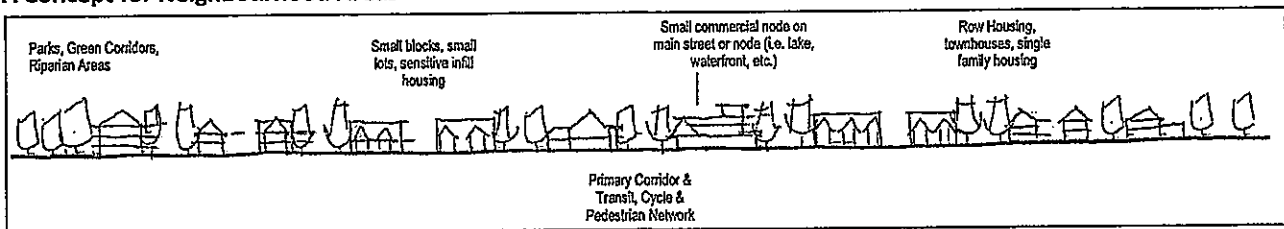
OFFICIAL COMMUNITY PLAN

The subject property is designated as “Neighbourhood” within Official Community Plan Bylaw No. 1200. The following policies apply to this designation:

- Existing settled areas throughout the community predominantly located on the valley floor.
- Predominantly residential precinct that supports a range of low and medium density housing choices including secondary suites.

- This area allows for residential and mixed-use commercial intensification of streets that connect centres and/or are serviced by transit.
- Schools, community facilities and other institutional uses are permitted throughout the areas.
- Retail serving local residents is encouraged along transportation corridors.
- Home-based businesses, live-work housing is encouraged.
- Parks, open spaces and recreational facilities are integrated throughout the area.
- This area allows for Neighbourhood Centres to emerge in the form of medium density mixed-use nodes at key intersections.
- Transit stops are located where appropriate.

A Concept for Neighbourhood Areas



This proposal is consistent with the Official Community Plan designation.

SOUTH LANGFORD NEIGHBOURHOOD PLAN

The subject property is designated as Urban Residential in the South Langford Neighbourhood Plan, which supports a maximum density of one unit per 200 m² (2 153 ft²). This proposal is consistent with the Urban Residential designation.

DEVELOPMENT PERMIT AREAS

The subject property doesn't contain any environmentally sensitive or hazardous Development Permit Areas.

The Intensive Residential Design Guidelines, attached to Zoning Bylaw No. 300 as Appendix L, require all new small lot subdivisions to obtain a Development Permit prior to subdivision approval. The applicant has submitted a building design for the new lot as part of his application, which is attached to this report as Appendix B. This design does meet the intent of the Intensive Residential Design Guidelines, as an attractive, visually interesting building face has been presented to both the Mesa Place and Walfred Road frontages.

The Intensive Residential Design Guidelines contain the following exemption:

Residential R1 or R2 zoned subdivision where three or fewer lots are smaller than 550 m² (achieved through lot averaging).

This exemption doesn't technically apply, as the subject property will be zoned RS3 (Residential Small Lot 3) if Council approves this application. However, as only one new lot will be created, Council may wish to waive the requirement for an Intensive Residential Development Permit, if satisfied with this building design, on the condition that the plans submitted for Building Permit are substantially similar to the plans attached to this report.

INFRASTRUCTURE

Full frontage improvements along Walfred Rd were completed in 2010 as a requirement of subdivision approval. No further frontage improvements are required as part of this application. The new house will be connected to the municipal sewer system, as required by Subdivision and Servicing Bylaw No. 1000.

COMMENTS

DEVELOPMENT PROPOSAL

The applicant would like to subdivide the 667 m² (7 180 ft²) subject property into two lots – one 220.3 m² (2 371.4ft²) lot and one 446.9 m² (4 810.5ft²) lot. The proposed plan of subdivision is attached to this report as Appendix A.

The applicant is proposing to retain the existing dwelling on Lot B; however, the covered patio will have to be removed in order to accommodate the new lot. The *Land Title Act* states that “...the approving officer may refuse to approve a subdivision plan if the approving officer considers that the subdivision does not conform to all applicable municipal, regional district, and improvement district bylaws regulating the subdivision of land and zoning.” This means that the approving officer can refuse a subdivision application that does not conform to the subdivision requirements specified in a Zoning Bylaw or would create any other Zoning Bylaw non-conformities. In this case, the existing dwelling currently complies with the setback requirements of the R2 (One- and Two-family Residential) Zone, but subdividing off the new lot will change the designation of the front, rear and side lot lines. What is now the interior side lot line on the subject property will become the rear lot line of proposed Lot B. While the house complies with the interior lot line setback, it will be encroaching into the rear lot line setback specified in the RS3 (Residential Small Lot 3) Zone, therefore creating a setback non-conformity. However, as this is an existing dwelling and an existing lot line, the approving officer has stated that he will not require the applicant to obtain a variance prior to subdivision registration. Once the covered patio is removed, the existing house will comply with the minimum setback required to the new interior side lot line that will be created by the proposed subdivision.

The proposed new dwelling to be constructed on Lot A will have driveway and front door access from Mesa Place. However, in keeping with Intensive Residential Design Guidelines, an attractive building face and side door access has been provided to Walfred Road as well. While the new dwelling will comply with the maximum building height and lot coverage required by the RS3 zone, variances to the exterior side and rear lot line setbacks will be required, as noted in Table 3 below.

If Council is supportive of this application and the proposed house design, they may wish to direct the applicant to apply for a Development Variance Permit, prior to the issuance of a Building Permit.

The off-street parking requirement for both the existing dwelling and the new dwelling has been met.

Table 3: Proposal Data

	Permitted by R2 (Current Zoning)	Permitted by RS3 (Proposed Zoning)	Proposed by Rezoning Application	
			Lot A	Lot B
<i>Density (min. lot size)</i>	550 m2	220 m2	220 m2	446.9 m2
<i>Height</i>	9.0m	8.5m	<8.5m	existing
<i>Lot Coverage</i>	35%	50%	<50%	<50%
<i>Lot Width</i>	16.0m	9.0m	>9m	>9m
<i>Front Yard Setback</i>	6.0m	3.0m	3.0m	9.7m
<i>Interior Side Yard Setback</i>	1.5m	1.2m	3m	1.2m
<i>Exterior Side Yard Setback</i>	4.5m	3.5m	3.0m*	n/a
<i>Rear Yard Setback</i>	6.0m	5.5m	2.6m*	1.51m**
<i>Parking Requirement</i>	2 spaces / unit	2.5 spaces / unit	3 spaces	3+ spaces

*Variance required

** Variance is not required

FINANCIAL CONTRIBUTIONS

COUNCIL’S AFFORDABLE HOUSING, PARK AND AMENITY CONTRIBUTION POLICY

As the subject property is currently zoned R2 (One and Two Family Residential), no affordable housing units or open space dedication are required in accordance with Council’s Affordable Housing, Park and Amenity Contribution Policy.

However, Council may wish to note that Section 941 of the *Local Government Act* requires that all subdivisions that create three or more new lots under 2 ha in area provide 5% park dedication or cash-in-lieu. As the subdivision of the parent property in 2010 created only two new lots, this 5% dedication / cash-in-lieu was not applied. If the subject property is subdivided as proposed, the total number of lots created from the original parent property will be three. Section 941(5.1) of the *Local Government Act* allows the local government to apply the 5% dedication / cash-in-lieu for subdivisions that create less than three lots, if the land proposed to be subdivided was itself subdivided within the last 5 years. However, the 5% calculation will be based only on the area of the current subject property, not the original parent property. If Council wishes to secure 5% cash-in-lieu of the area of the original parent property rather than the current subject property, they may wish to include this as an amenity contribution to the General Amenity Reserve Fund.

Table 4 – Amenity Contributions per Council Policy

Amenity Item	Per unit contribution	Total
<i>General Amenity Reserve Fund</i>	\$9,300	\$9,300

Table 5 – Additional Amenity Contributions

Amenity Item	Per area contribution	Total
<i>South Langford Storm Drainage</i>	\$4.19 per m2	\$2,794.73
<i>Cash-in-lieu of park dedication, per Section 941 of the Local Government Act</i>	5% of 2,027.6m ² (0.5ac)	

According to Council's direction, the contributions toward the South Langford Storm Drainage Fund will be paid toward the General Amenity Reserve Fund.

DEVELOPMENT COST CHARGES

Table 6 – Development Cost Charges

Development Cost Charge	Per unit / area contribution	Total
<i>Roads</i>	\$2,373 per new lot	\$2,373
<i>Storm Drainage</i>	\$0.67 / m2 site area (667 m ²)	\$446.89
<i>Park Improvement</i>	\$1,890 per new lot	\$1,890
<i>Park Acquisition</i>	\$1,100 per new lot	\$1,100
<i>Incremental Storage Improvement Fees</i>	\$371.25 per new lot	\$371.25
<i>Integrated Survey Area</i>	\$35 per new lot	\$35
Subtotal (DCCs paid to City of Langford)		\$6216.14
<i>CRD Water</i>	\$3,032.16 per new lot	\$3,032.16
<i>School Site Acquisition</i>	\$698 per new lot	\$698 per new lot
TOTAL (estimate) DCCs		\$9,946.30

OPTIONS

Option 1

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

1. Direct staff to prepare a bylaw to amend the zoning of the property located at 963 Walfred Road from R2 (One and Two-Family Residential) to RS3 (Residential Small Lot 3), subject to the following terms and conditions:
 - a) That the owner agrees to provide, as a bonus for increased density, the following contributions per new lot created, prior to subdivision approval:
 - i. \$9,300 towards the General Amenity Reserve Fund;

- ii. \$4.19 per m2 lot area towards the General Amenity Reserve Fund;
- iii. An amount equal to 5% of the assessed value (post-rezoning) of 2,027.6m² of land towards the General Amenity Reserve Fund;


b) That the house design for Proposed Lot A be in substantial compliance with the plans attached this report as Appendix B; and

c) Direct the applicant to apply for a Development Variance Permit for the setback variances noted in Table 3 of this report, prior to the issuance of a Building Permit.


2. Waive the requirement for an Intensive Residential Development Permit;

OR Option 2

3. Reject this application for rezoning.




Matthew Baldwin, MCIP
City Planner



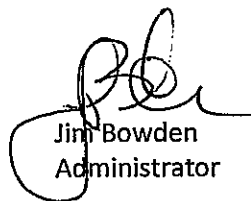
Leah Stohmann, MCIP
Senior Planner



Michelle Mahovlich, P.Geo.
Deputy Manager, Engineering



Steve Ternent
Treasurer



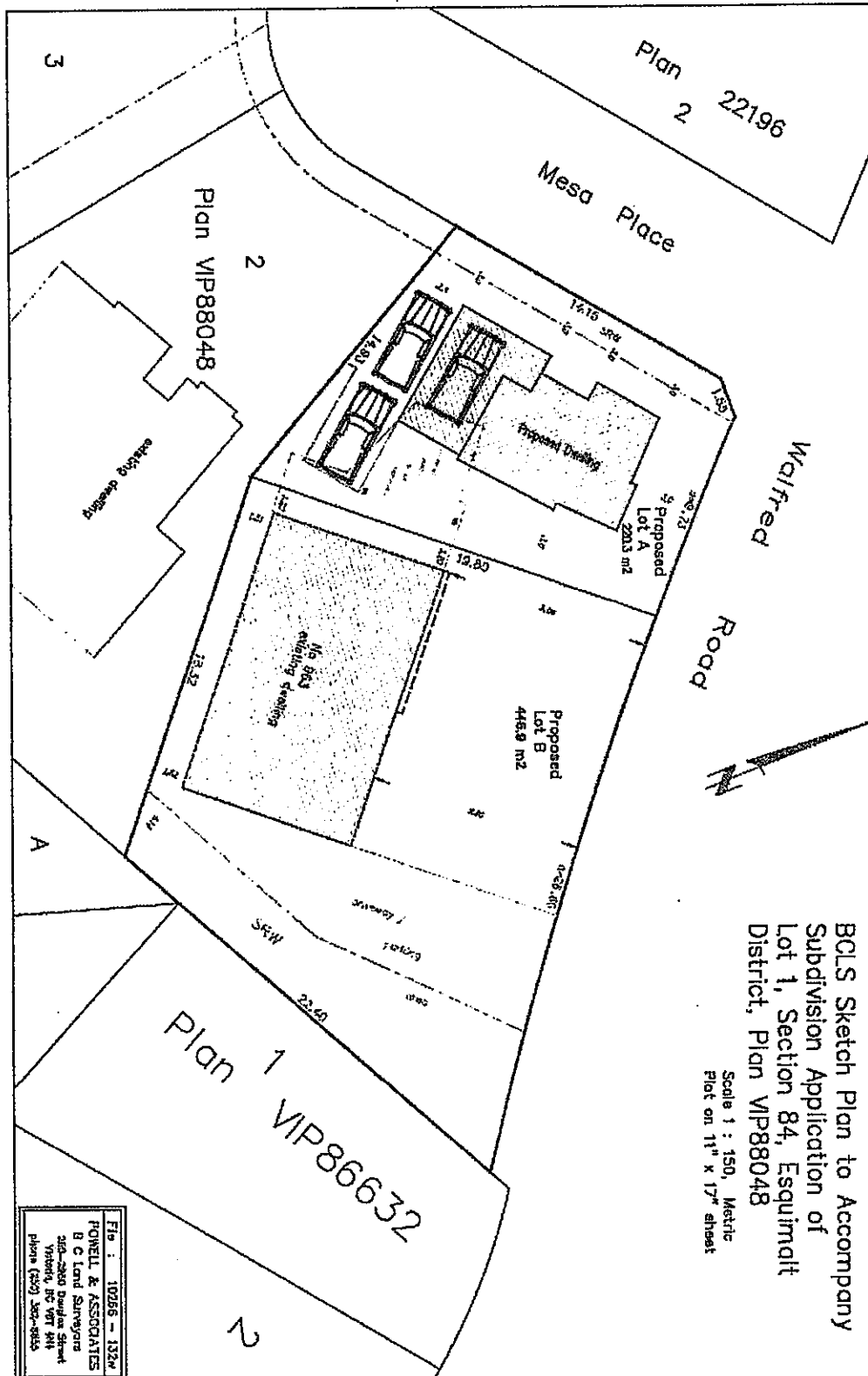
Jim Bowden
Administrator



Bob Beckett
Fire Chief

:ls

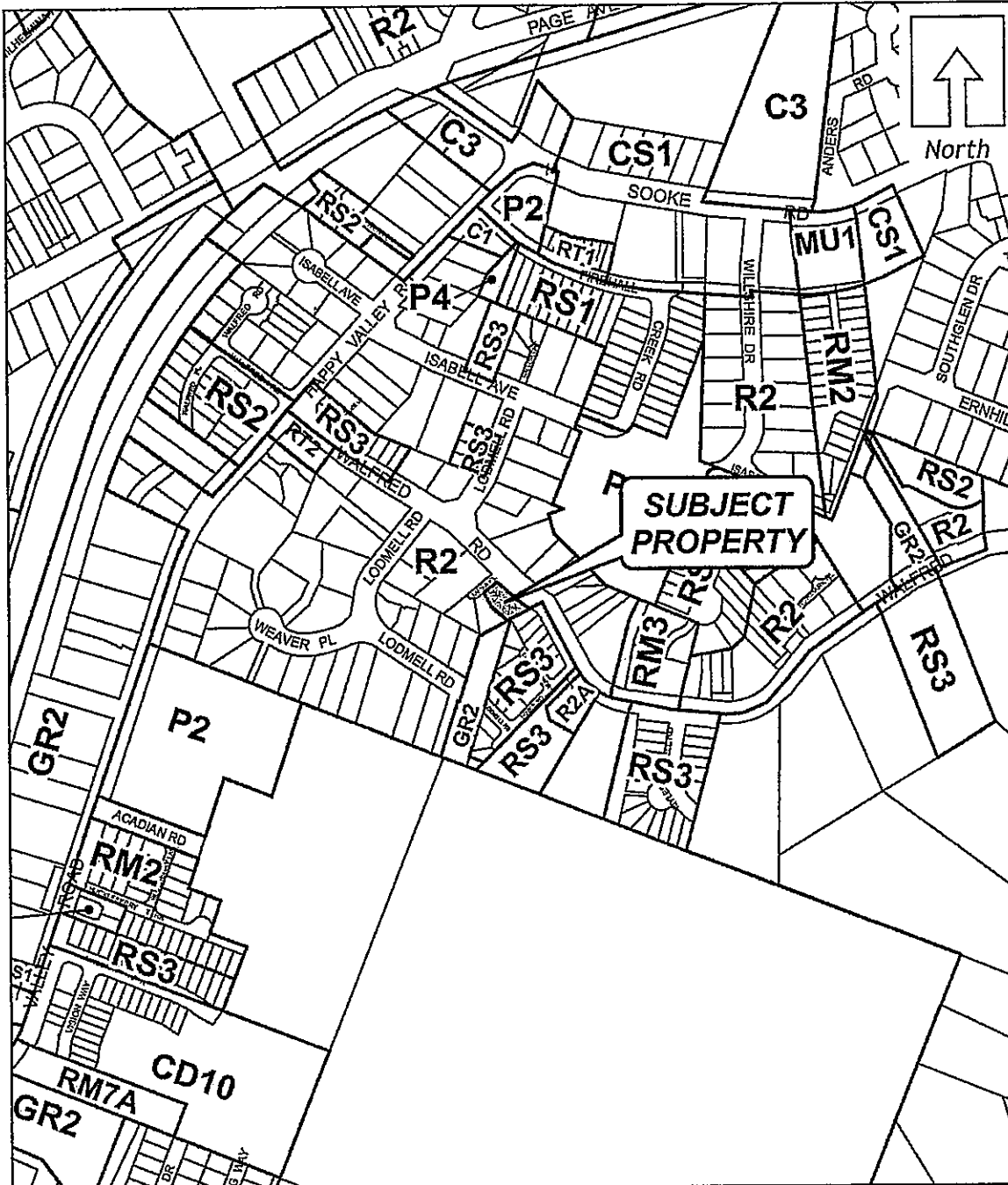
Appendix A – Proposed Subdivision Plan



File : 10286 - 132W
 POWELL & ASSOCIATES
 B C Land Surveyors
 210-2850 Douglas Street
 Victoria, BC V8T 4M4
 phone (250) 382-9855

Appendix C – Location Map

REZONING BYLAW AMENDMENT
963 Walfred Road
(Z12-0010)



MXD Name: Z12-0010.mxd

Scale: N.T.S.

Last Revised: February 23, 2012