

CITY OF LANGFORD
SPECIAL MEETING OF COUNCIL
Monday, August 19th, 2019 @ 4:00 p.m.
Council Chambers, 3rd Floor, 877 Goldstream Avenue

AGENDA

	Page
1. <u>CALL TO ORDER</u>	
2. <u>APPROVAL OF THE AGENDA</u>	
3. <u>ADOPTION OF COUNCIL MINUTES</u>	
a) Minutes of the Regular Meeting of Council – July 15 th , 2019	3
4. <u>PUBLIC PARTICIPATION</u>	
5. <u>COMMITTEE RESOLUTIONS</u>	
a) Parks, Recreation, Culture and Beautification Committee – July 4 th , 2019	
1. Minutes of the Parks, Recreation, Culture and Beautification Committee – July 4 th , 2019	14
6. <u>REPORTS</u>	
a) Strata Title Conversion of the Existing Apartment at 733 Goldstream Avenue	17
- Staff Report (Planning)	
b) TUP19-0007 – 3680 Trans-Canada Highway	22
- Staff Report (Planning)	
c) Pacifica License Agreement for 3680 Trans-Canada Highway	34
- Staff Report (Administration)	
d) Recreation, Park, Trail and Open Space Review	45
- Staff Report (Parks and Recreation)	
e) License to Occupy – Café Patio at 102-2778 Peatt Road	57
- Staff Report (Planning)	
f) Temporary Road Closure for Sarah Beckett Memorial Park Opening	61
- Staff Report (Engineering)	

g)	Bylaw No. 1860 – Application to Rezone the Two Unaddressed Properties from RR4 (Rural Residential 4) to CD-12 to Allow for Expansion of the CD-12 Development - Staff Report (Planning)	64
7.	<u>BYLAWS</u>	
a)	BYLAW NO. 1860 “Langford Zoning Bylaw, Amendment No. 573, (PID Nos. 009-427-902 & 024-550-485), Bylaw No. 1860, 2019”. (FIRST READING)	76
8.	<u>IN CAMERA RESOLUTION</u>	79
9.	<u>ADJOURNMENT</u>	

CITY OF LANGFORD
REGULAR MEETING OF COUNCIL
Monday, July 15th, 2019 @ 5:30 p.m.
Council Chambers, 3rd Floor, 877 Goldstream Avenue

PRESENT

Acting Mayor, L. Seaton, Councillors: D. Blackwell, M. Sahlstrom, L. Szpak, N. Stewart and R. Wade.

ATTENDING

Chief Administrative Officer, D. Kiedyk; Director of Finance, M. Dillabaugh; Director of Corporate Services, B. Hutchins; Director of Planning, M. Baldwin; and Director of Engineering, M. Mahovich.

ABSENT

Mayor Young.

1. CALL TO ORDER

Acting Mayor Seaton called the meeting to order at 5:30 pm.

2. APPROVAL OF THE AGENDA

MOVED BY: COUNCILLOR WADE
SECONDED: COUNCILLOR SAHLSTROM

That Council remove agenda item 9d, renumber the items accordingly, and approve the agenda as amended.

CARRIED.

3. BYLAWS

- a) **BYLAW NO. 1839**
"Langford Zoning Bylaw, Amendment No. 561, (801 Goldstream Ave; 2816, 1822, 2826, 2832, 2834, 2838 & 2844 Peatt Rd; 816 & 818 Hockley Ave), 2019".
(RESCIND SECOND AND THIRD READINGS)

MOVED BY: COUNCILLOR WADE
SECONDED: COUNCILLOR SZPAK

That Council rescind second and third readings of Bylaw No. 1839.

CARRIED.

4. PUBLIC HEARINGS

a) **BYLAW NO. 1839**

"Langford Zoning Bylaw, Amendment No. 561, (801 Goldstream Ave; 2816, 1822, 2826, 2832, 2834, 2838 & 2844 Peatt Rd; 816 & 818 Hockley Ave), Bylaw No. 1839, 2019".

The Acting Mayor opened the Public Hearing for Bylaw No. 1839 at 5:32 pm, and read a statement to inform those present of the public hearing procedure.

Director of Planning Matthew Baldwin advised that Matthew McKay of DB Services has applied on behalf of 1082116 BC Ltd. to amend the zoning of 801 Goldstream Ave; 2816, 2822, 2826, 2832, 2834, 2838 & 2844 Peatt Rd; 816 & 818 Hockley Ave from the C3 (District Commercial) and R1 (One-Family Residential) to MU2 (Mixed-Use Residential Commercial 2) Zone.

This is being proposed in order to allow a future multi-storey commercial and residential development.

As part of this application, a public hearing is required in accordance with the regulations of the *Local Government Act*.

This proposal is consistent with the Official Community Plan City Centre designation.

Notifications and advertisements have been placed as required by the *Local Government Act*.

The Acting Mayor called a first time for presentations.

- Resident on Rowils Crescent spoke in support of increasing density in the City core, and asked questions regarding wood construction, a new location for the displaced business, and whether the City would consider reducing parking requirements to encourage alternative transportation
- Business Owner on Goldstream Avenue requested information about business access during construction
- Business Representative on Peatt Road expressed concern that parking access be maintained during construction
- Resident on Goldstream Avenue shared concerns about pedestrian safety at the proposed roundabout at Peatt and Hockley
- Resident on Goldstream Avenue spoke regarding vibrations, increased traffic and limited parking during construction
- Resident on Goldstream Avenue expressed concern about the proposed height of the building
- Resident on Hockley Avenue estimated that construction could last 4.5- 6 years, and raised concerns about the associated impact on traffic, parking, and neighbourhood businesses
- Resident on Peatt Road echoed concerns about lengthy construction period required and proposed building height
- Resident on Hockley Avenue raised concerns about the increased traffic once the building(s) are built, and safety of nearby intersections

- Resident on Goldstream Avenue expressed support for wood construction, DB Services, and the increased densification and height of buildings as long as concerns are addressed
- Resident on Hockley Avenue expressed a desire to see the plan for buildout of the site before the project is approved
- Matthew McKay of DB Services provided the following information:
 - Timber construction is innovative and speeds construction
 - Parking will be created onsite
 - The traffic impact is expected to be negligible
 - Existing storefronts will be accessible during construction
 - Construction noise will be mitigated where possible
 - DB Services will work with Langford Engineering on road closures
- A resident requested information about visibility at the proposed roundabout for pedestrians
- Business Owner on Peatt Road requested clarification on the location of the proposed roundabout
- Director of Engineering Michelle Mahovich confirmed that roundabouts will be installed both at the intersections of Peatt and Hockley, and Goldstream and Peatt
- A resident requested further information about the number of units per tower, expected number of residents, planned number of parking spots, and the traffic study
- A resident stated that a roundabout is not an effective solution to existing traffic issues
- Resident on Rowils Crescent stated that reducing parking encourages other modes of transportation, and that roundabouts increase safety
- Business Owner on Goldstream Avenue requested confirmation that business access will be maintained during construction

Acting Mayor Seaton called a second time for presentations.

None presented.

Acting Mayor Seaton called a third and final time for speakers. There being none, she declared the Public Hearing for Bylaw No. 1839 closed at 6:15 p.m.

5. ADOPTION OF COUNCIL MINUTES

a) Minutes of the Regular Meeting of Council – June 17th, 2019

MOVED BY: COUNCILLOR SZPAK
SECONDED: COUNCILLOR BLACKWELL

That Council approve the minutes of the Regular Meeting of Council held on June 17th, 2019.

CARRIED.

6. OTHER BOARD AND COMMISSION MINUTES

a) Minutes of the West Shore Parks and Recreation – June 14th, 2018

MOVED BY: COUNCILLOR BLACKWELL

SECONDED: COUNCILLOR SZPAK

That Council receive the minutes of the West Shore Parks and Recreation Board of June 14th, 2018.

CARRIED.

7. PUBLIC PARTICIPATION

Residents addressed Council regarding items on the agenda:

- Resident on Goldstream Avenue spoke in support of the increase in school site DCCs, due to the need for new schools
- Residents on Trans-Canada Highway shared concerns about the proposed Temporary Use Permit (TUP) at 3680 Trans-Canada Highway:
 - That the proposed TUP is a precursor to rezoning properties on the Trans-Canada Highway
 - The TUP process is not sufficiently transparent
 - Concerns about the proposed new uses, ability to fight fires at the property, and increased traffic

8. COMMITTEE RESOLUTIONS

a) Planning, Zoning and Affordable Housing Committee – June 10th, 2019

1. Application to Exclude 3582 Kathy Lane from the Agricultural Land Reserve

MOVED BY: COUNCILLOR BLACKWELL

SECONDED: COUNCILLOR WADE

That Council not support the application to exclude the property at 3582 Kathy Lane from the Agricultural Land Reserve, and to not authorize the application to proceed to the ALC.

CARRIED.

b) Planning, Zoning and Affordable Housing Committee – June 24th, 2019

**1. Minutes of the Planning, Zoning and Affordable Housing Committee
– June 24th, 2019**

MOVED BY: COUNCILLOR BLACKWELL

SECONDED: COUNCILLOR WADE

That Council receive the minutes of the Planning, Zoning and Affordable Housing Committee meeting held on June 24th, 2019.

CARRIED.

2. Application to Rezone 1000 Citation Road from R2 to RM2A to Allow for Townhouse Units and to Rezone 2691 Secretariat Way from R2 to RM7A to Allow for Multi-Family Development and Amend the Official Community Plan

MOVED BY: COUNCILLOR BLACKWELL
SECONDED: COUNCILLOR WADE

That Council:

Direct Staff to prepare a bylaw to amend the Official Community Plan designation of 1000 Citation Road and 2691 Secretariat Way from Neighbourhood to Mixed Use Employment Centre;

Direct Staff to prepare a bylaw to amend the zoning designation of the property located at 1000 Citation Road from R2 (One-and Two-Family Residential) to RM2A (Attached Housing) and the property located at 2691 Secretariat Way from R2 (One-and Two-Family Residential) to RM7A (Medium Density Apartment) subject to the following terms and conditions:

- a) That the applicant provides, **as a bonus for increased density**, the following contributions per residential unit, prior to issuance of a building permit:
 - i. \$610 towards the Affordable Housing Fund; and
 - ii. \$3,660 towards the General Amenity Fund.

The apartment component may be subject to reductions depending on the use and height in accordance with the Affordable Housing and Amenity Contribution Policy.

- b) That the applicant provides, prior to Public Hearing, the following:
 - i. A technical memo from an engineer that verifies stormwater can be adequately managed on-site for the proposed developments, to the satisfaction of the Director of Engineering;
 - ii. Conceptual design drawings for both 1000 Citation Road and 2691 Secretariat Way to the satisfaction of the Director of Planning.
- c) That the applicant provides, **prior to Bylaw Adoption**, a Section 219 covenant, registered in priority of all other charges on title, that agrees to the following:
 - i. That all frontage improvements to Bylaw No. 1000 standards are provided to the satisfaction of the Director of Engineering prior to the issuance of a building permit including any required measures from the approved Traffic Impact Study;
 - ii. Complete remaining sidewalk on Citation Road to Florence Lake Road to the satisfaction of the Director of Engineering;
 - iii. That a Stormwater Management Plan be provided and all required measures recommended be implemented to the satisfaction of the Director of Engineering prior to the issuance of a building permit;

- iv. That a Construction Parking Management Plan be provided to the satisfaction of the Director of Engineering prior to any alteration of the land;
- v. That the required parking stalls for this development are allocated for the use by individuals in each unit, as required by Bylaw 300 and designed accordingly, and that parking stalls are not rented out individually;
- vi. That the 6 m portion that will remain road will be improved to the satisfaction of the Fire Chief if the applicant proceeds with purchasing a portion of the road right-of-way.

Direct Staff to amend Schedule "A1" within Zoning Bylaw No. 300 to include 2691 Secretariat Way;

Direct Staff to amend the RM7A zone to allow for a height limit of 7 storeys at 2691 Secretariat Way;

Authorize the Director of Planning to issue the following variances through a Development Permit application:

- d) A variance to Section 6.31A.06(1) to decrease the front lot line setback from the required 5.5 m to 3.8 m for townhomes located at 1000 Citation Road;
- e) A variance to Section 6.36A.06(1) to decrease the front lot line along Secretariat Way from the required 7.5 m to 0 m for the development located at 2691 Secretariat Way;
- f) A variance to Section 6.36A.06(3) to decrease the exterior side lot line along McCallum Road from the required 7.5 m to 2 m for the development located at 2691 Secretariat Way;
- g) A variance to Section 6.36A.06(3) to decrease the exterior side lot line along Citation Road to 0 m for the development located at 2691 Secretariat Way.

CARRIED.

3. Bylaw 1854 - Application to amend the lakefront lot subdivision regulations of the R1 Zone for the property at 2849 Lake End Rd

MOVED BY: COUNCILLOR BLACKWELL

SECONDED: COUNCILLOR WADE

That Council:

Direct staff to prepare a bylaw to amend the text within the R1 Zone **for the subject property at 2849 Lake End Road only** such that the SPEA may be included in the minimum lot size calculation of lakefront lots and to allow 550 m² lots to be created within a lakefront parent parcel, behind lots that directly adjoin the lake, or a lakefront park;

Subject to the following:

- (a) That the applicant provides, **prior to Public Hearing**, a technical memo from an engineer that verifies storm water can be adequately managed on-site for the proposed developments, to the satisfaction of the Director of Engineering; and

(b) That the applicant provides, as a bonus for increased density, the following contributions prior to subdivision approval:

- i. \$6,000 towards the General Amenity Reserve Fund; and
- ii. \$1,000 towards the Affordable Housing Reserve Fund.

CARRIED.

4. Application to Rezone 813 and 817 Orono Ave from R1 (one-Family Residential) to MU2 (Mixed-Use Residential Commercial) to Allow a 31-unit Apartment

MOVED BY: COUNCILLOR BLACKWELL
SECONDED: COUNCILLOR WADE

That Council:

Give 1st reading to the attached Bylaw No. 1722 to amend the zoning designation of the property located at 813 and 817 Orono Avenue from R1 (One-Family Residential) to MU2 (Mixed-Use Residential Commercial 2) subject to the following terms and conditions:

- a) That the applicant provides, **as a bonus for increased density**, the following contributions per residential unit, prior to issuance of a building permit:
 - i. \$750 towards the Affordable Housing Fund; and
 - ii. \$2,850 towards the General Amenity Reserve Fund.subject to reductions depending on the use and height in accordance with the Affordable Housing and Amenity Contribution Policy.
- b) That the applicant provides, **prior to Public Hearing**, the following:
 - i. A technical memo from an engineer that verifies storm water can be adequately managed on-site for the proposed developments, to the satisfaction of the Director of Engineering;
 - ii. A frontage drawing to the satisfaction of the Director of Engineering to confirm if road dedication is required to complete all required frontage improvements and a left turn lane from Orono Ave to Peatt Rd;
- c) That the applicant registers, **prior to Bylaw Adoption**, a road dedication plan, if required, to the satisfaction of the Director of Engineering;
- d) That the applicant provides, **prior to Bylaw Adoption**, a Section 219 covenant, registered in priority of all other charges on title, that agrees to the following:
 - i. That all frontage improvements to Bylaw 1000 standards, including a left turn lane on Orono Ave, are provided to the satisfaction of the Director of Engineering prior to issuance of a building permit;
 - ii. That a storm water management plan be provided prior to issuance of a building permit and implemented, as per Bylaw 1000, all to the satisfaction of the Director of Engineering; and

- iii. That a construction parking management plan be provide prior to the issuance of a building permit, to the satisfaction of the Director of Engineering.
- iv. That the required parking stalls for this development are allocated for the use by individuals in each unit, as required by Bylaw 300 and designed accordingly, and that parking stalls are not rented out individually.

CARRIED.

9. **REPORTS**

- a) **TUP19-0007 – Application for a Temporary Use Permit at 3680 Trans-Canada Hwy to allow for a range of Eco-Tourism and Recreation uses**
 - **Staff Report (Planning)**

MOVED BY: COUNCILLOR BLACKWELL
SECONDED: COUNCILLOR WADE

That Council:

Direct staff to prepare notices of Council's Intention to consider issuance of Temporary Use Permit No. TUP19-0007 to the City of Langford for the purpose of establishing Eco-Tourism and Recreation uses on the property located by 3680 Trans-Canada Highway subject to the following terms and conditions:

1. That the following uses will be permitted for a term of 3 years:
 - i. Assembly;
 - ii. One accessory dwelling unit in conjunction with and in addition to any of the other uses permitted in the subsection;
 - iii. Campsite;
 - iv. Conference and meeting facilities;
 - v. Accessory dormitories;
 - vi. Hotel;
 - vii. Recreational facilities, including but not limited to canoe and rowing club, gymnasiums, physical fitness training;
 - viii. Rental of recreational equipment including, but without limited the generality of the foregoing: bicycles, kayaks and canoes, clothing and outdoor gear;
 - ix. Restaurants;
 - x. Light manufacturing and assembly of recreation equipment in enclosed buildings and which are not noxious or offensive by reason of permitting odours, dust, smoke, gas, or noise.
2. That any new buildings meet the applicable Form and Character design guidelines to the satisfaction of the Director of Planning prior to the issuance of a Building Permit;
3. That, despite Section 6.13.07 and 3.16.01(1) of Zoning Bylaw No. 300, a building or structure containing uses permitted by this TUP may be located with a nil setback to the rear property line and high water mark of the ocean;

4. That, despite, Section 6.13.05, lot coverage of all buildings and structures may not exceed 30%;
5. That, despite, Section 6.13.06(1), no building or structure may exceed a height of three storeys;

AND that Council direct staff to meet with neighbours to address any concerns.

CARRIED.

b) School District No. 62 School Site Acquisition Charge Rate Increase Proposal
- **Staff Report (Planning)**

MOVED BY: COUNCILLOR SZPAK
SECONDED: COUNCILLOR WADE

That Council direct staff to send a letter to the School District No. 62 indicating that the City has no concerns with their proposed School Site Acquisition charge increases.

CARRIED.

c) Rent-to-Own Affordable Home Ownership Partnering Agreement
- **Staff Report (Planning)**

MOVED BY: COUNCILLOR WADE
SECONDED: COUNCILLOR SAHLSTROM

That Council authorize staff to enter into the Rent-to-Own Affordable Home Ownership Partnering Agreement, as presented in Appendix A;

AND that Council direct staff to prepare an overarching Rent-to-Own policy and refer the policy back to Council for review prior to the City providing any further assistance.

CARRIED.

d) Pre-Award of Humpback Irwin Road Multi-Use Trail Connector
- **Staff Report (Engineering)**

MOVED BY: COUNCILLOR WADE
SECONDED: COUNCILLOR SZPAK

That Council direct staff to award the Humpback Irwin Multi-Use Trail Connector construction project to the lowest compliant bidder.

CARRIED.

10. CORRESPONDENCE

- a) West Shore Parks and Recreation**
- RE: Centennial Centre Lease

MOVED BY: COUNCILLOR WADE
SECONDED: COUNCILLOR SAHLSTROM

That Council approve a five-year extension to the West Shore Parks and Recreation Society lease at Centennial Park, and further grant West Shore Parks and Recreation Society the option to extend the lease for a further five years.

CARRIED.

11. BYLAWS

- a) BYLAW NO. 1722**
"Langford Zoning Bylaw, Amendment No. 496, (813 and 817 Orono Ave), Bylaw No. 1722, 2019".
(FIRST READING)

MOVED BY: COUNCILLOR WADE
SECONDED: COUNCILLOR BLACKWELL

That Council give first reading to Bylaw No. 1722.

CARRIED.

- b) BYLAW NO. 1810**
"Langford Zoning Bylaw, Amendment No. 550, (887 Klahanie Dr), Bylaw No. 1810, 2019".
(ADOPTION)

MOVED BY: COUNCILLOR WADE
SECONDED: COUNCILLOR BLACKWELL

That Council adopt Bylaw No. 1810.

CARRIED.

- c) BYLAW NO. 1839**
"Langford Zoning Bylaw, Amendment No. 561, (801 Goldstream Ave; 2816, 1822, 2826, 2832, 2834, 2838 & 2844 Peatt Rd; 816 & 818 Hockley Ave), 2019".
(GIVE NEW SECOND AND THIRD READINGS)

MOVED BY: COUNCILLOR WADE
SECONDED: COUNCILLOR BLACKWELL

That Council give second and third readings to Bylaw No. 1839,

AND that the applicant be required to provide a construction parking management plan prior to issuance of a building permit.

CARRIED.

12. IN CAMERA RESOLUTION

MOVED BY: COUNCILLOR SZPAK

SECONDED: COUNCILLOR BLACKWELL

- a) That it is the opinion of Council that the public interest require that persons other than members of Council and Officers be excluded from the meeting to consider confidential information regarding:
- The acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality under *Community Charter* section 90 (1) (e)
 - The receipt of advice that is subject to solicitor-client privilege under *Community Charter* section 90 (1) (i)
- b) That Council continue the meeting in closed session.

CARRIED.

13. ADJOURNMENT

Acting Mayor Seaton adjourned the meeting at 7:15 pm.

PRESIDING COUNCIL MEMBER:

CERTIFIED CORRECT
Corporate Officer

CITY OF LANGFORD

MINUTES OF THE PARKS, RECREATION, CULTURE AND BEAUTIFICATION COMMITTEE

Thursday, July 4th, 2018 @ 5:00 pm

Council Chambers, 3rd Floor, 877 Goldstream Avenue

PRESENT

Councillors: L. Seaton (Chair) and R. Wade (Vice-Chair), Members: N. Arden, M. Stearns, and J. Whitehouse.

ATTENDING

Manager of Parks, C. Manton and Deputy Director of Planning, L. Stohmann

ABSENT

Members: R. Prettie, K. Reece, and A. Sturgeon, Victoria Contracting and Municipal Maintenance Corporation representative, G. Harrison.

1. CALL TO ORDER

The Chair called the meeting to order at 5:05 p.m.

2. APPROVAL OF THE AGENDA

MOVED BY: COUNCILLOR WADE

SECONDED: M. STEARNS

That the Parks, Recreation, Culture and Beautification Committee approve the Agenda as presented.

CARRIED.

3. ADOPTION OF THE MINUTES

a) Parks, Recreation, Culture & Beautification Committee Meeting – January 24th, 2019

MOVED BY: COUNCILLOR WADE

SECONDED: N. ARDEN

That the Parks, Recreation, Culture and Beautification Committee approve the minutes of the meeting held on January 24th, 2019.

CARRIED.

4. PRESENTATION

**a) Cory Manton, Manager of Parks and Recreation
RE: Current and Upcoming Capital Projects**

MOVED BY: COUNCILLOR WADE
SECONDED: M. STEARNS

That the Parks, Recreation, Culture and Beautification Committee receive the presentation on the current and upcoming Capital Projects in the City.

CARRIED.

The Manager of Parks and Recreation provided the Committee with updates on the following capital projects: Stadium Expansion, Sarah Beckett Memorial Park, Pacific FC Indoor Training Facility, and 3680 Trans Canada Highway.

5. UPDATES

a) Parks and Recreation Space Needs Assessment Request For Proposal
- **Verbal Update presented by Cory Manton, Manager Parks and Recreation Parks**

MOVED BY: COUNCILLOR WADE
SECONDED: N. ARDEN

That the Parks, Recreation, Culture and Beautification Committee receive the verbal update on the Parks and Recreation space needs assessment request for proposal.

CARRIED.

The Manager of Parks and Recreation provided the following update:
The City is reviewing the best way to receive a comprehensive assessment of Langford's existing and future Recreation, Park, Trails and Open Space needs. Once finalized, this will be presented to the Committee for review and approval.

b) Tree Removal and Cutting Policy
- **Verbal Update presented by Cory Manton, Manager Parks and Recreation Parks**

MOVED BY: COUNCILLOR WADE
SECONDED: N. ARDEN

That the Parks, Recreation, Culture and Beautification Committee receive the verbal update on the tree removal and cutting policy.

CARRIED.

The Manager of Parks and Recreation provided the following update:

The Parks and Recreation Department is reviewing how to best update the existing Parks Regulation Bylaw No.177, 1996 Section 4.2 to include public open spaces or natural lands owned by the City. This Policy could follow and expand upon language already in place for requests for pruning or removal of trees within the Design Guidelines for DP areas. Once finalized, this will be presented to the Committee for review and approval.

6. ADJOURNMENT

The Chair adjourned the meeting at 5:55 p.m.

CHAIR

CERTIFIED CORRECT
(Corporate Officer)



Staff Report to Council

Date: August 19, 2019
Department: Land Development
Application No.: SUB19-0013
Subject: Strata Title Conversion of the Existing Apartment at 733 Goldstream Avenue

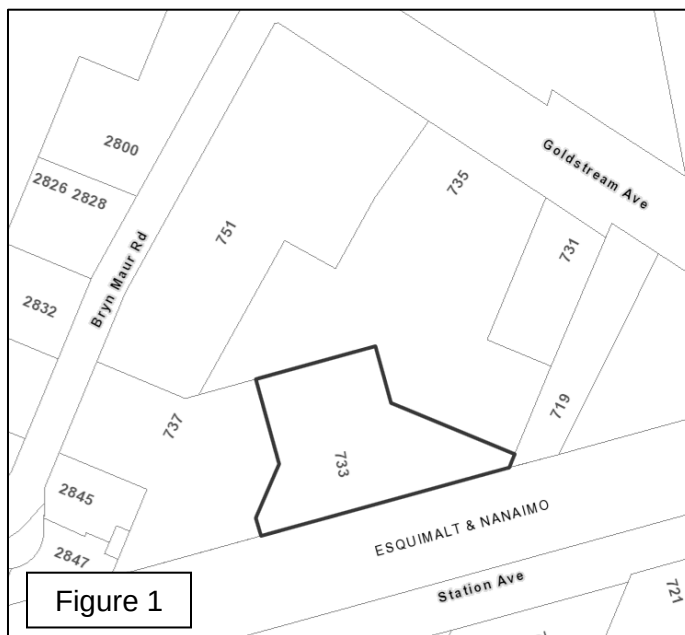
Background

Bill Beadle of Westwind Plaza JV Properties Ltd. has applied to strata-title the existing apartment building located at 733 Goldstream Avenue (Figure 1). This 60-unit apartment building was recently constructed and is occupied. The property is legally described as Lot B, Section 72, Esquimalt District, Plan EPP67837.

Commentary

In January of 2017 a Development Permit (DP16-0075) was issued for this site to allow for the construction of a 60-unit apartment building. The building permit (BLD17-0137) was issued in July of 2017.

Prior to issuing the building permit a covenant was registered that states the building would be an apartment for a minimum of 10-years which allowed the developer to qualify for reduced City fees. The covenant states that if the apartment were to be converted to individual strata units within 10-years of receiving occupancy the applicant would then be required to pay back those fees that were reduced. Occupancy was issued in March of 2018.



Within this existing covenant that states this building will remain as a rental apartment for 10-years, there is a clause that allows for a strata-title conversion without paying back the City fees that were reduced as long as a 'no separate sale' covenant is registered. A no-separate sale covenant states that no individual unit may be sold on its own, but must be sold collectively with all the other units and associated common property of the strata. In essence it ensures the building remains as rental units and not individual condos. The applicant wishes to strata-title this building and register the 'no separate sale' covenant.

By strata-titling the building and registering the 'no separate sale' covenant, it allows the owner to sell the whole building (by individual units) to a single purchaser while saving on property transfer tax (PTT). The PPT rate is setup according to the following:

- 1% on the first \$200,000,
- 2% on the value greater than \$200,000 and up to and including \$2,000,000,
- 3% on the value greater than \$2,000,000, and
- If the property is residential, a further 2% on the value greater than \$3,000,000

Therefore, if this building were valued at \$18,000,000 (\$300,000) per unit, the PPT on an \$18,000,000 sale would be \$818,000. However, if the building were sold by individual units at \$300,000 each, the PTT would be \$240,000; a difference of \$578,000.

Statistics

To better understand the types, numbers, and trends of dwelling units in the City, the following is a brief summary of type and number of units from Statistic Canada for 2016:

A total of 14,180 occupied private dwellings, of which:

- 5,655 are single-detached dwellings
- 2,975 are in multi-storey buildings
- 4,945 are townhomes or duplexes
- 535 are classified as movable
- 70 are classified as other

With respect to trends over the years, we have been seeing the number of single-family homes constructed remain relatively consistent, whereas there has been a continual increase in the number of multi-family buildings constructed. The following Table 1 shows the trend from 2013 to 2017 for both of these types of dwelling units.

Table 1 – Number of Units Constructed

Year	Single-family	Multi-family
2013	205	73
2014	197	140
2015	328	278
2016	303	434
2017	224	625

There is an increasing trend towards constructing multi-family buildings, some of which took advantage of the reduced City fees while that policy was available and other buildings that were simply built as a rental without any City incentives.

When the policy was available to developers to have reduced fees for rental buildings, there were approximately 39 buildings (2670 units) constructed where the developer agreed to keep it as a rental for at least 10-years. There has also been approximately 415 units constructed as non-rental. Currently, with no incentive available to developers for constructing rental buildings, we are still seeing rental buildings as the preferred choice to construct.

The strata title conversion associated with 733 Goldstream Avenue is the first application we've had on a rental building that took advantage of the policy that allowed for reduced fees. However, it should be noted that a new 'no separate sale' covenant would be registered on title prior to any conversion taking place, which helps secure the individual units as rental.

The agreements that have been registered on the titles of rental buildings that took advantage of reduced fees are only good for 10 years. After the 10th year, the owner may apply for a strata title conversion and would not be required to register a 'no separate sale' covenant. At that time, Council does have the ability to not endorse a strata title conversion, but that would be contrary to the original rezoning agreement that was registered on title. After 10 years, the owner is supposed to have the ability to sell off individual units if they wish to.

With respect to the specific strata plan that the applicant for 733 Goldstream Avenue has presented, it shows all the parking as common property as opposed to having the parking stalls legally tied to individual units. If Council wishes to have parking assigned to individual units they may wish to require the strata plan to be revised to tie individual parking stall to units, which would leave only the visitor parking and drive aisles as common property.

Financial Implications

There are no known financial implications associated with strata-titling this apartment building.

Legal Implications

There are no known legal implications associated with strata-titling this apartment building.

Options

Option 1

That Council:

1. Endorse the strata-title conversion of the apartment building at 733 Goldstream Avenue;

AND

2. Require that either all the reduced City fees are paid back or that a no-separate sale covenant is registered on title for the remaining time of the original agreed upon 10-years of rental units;

AND

3. Require a covenant be registered that states individual stalls will be assigned to each tenants unit as per the parking requirements of the zoning bylaw.

OR

Option 2

That Council:

1. Endorse the strata-title conversion of the apartment building at 733 Goldstream Avenue as presented;

AND

2. Require that either all the reduced City fees are paid back or that a no-separate sale covenant is registered on title for the remaining time of the original agreed upon 10-years of rental units.

OR

Option 3

That Council:

3. Take no action at this time with respect strata-titling the apartment at 733 Goldstream Avenue.

Respectfully submitted,

Submitted by:	Robert Dykstra, MCIP, RPP Land Development Planner
Concurrence:	Adriana Proton, Manager of Legislative Services
Concurrence:	Matthew Baldwin, MCIP, RPP Director of Planning
Concurrence:	George Henshall, Deputy Director of Engineering
Concurrence:	Leah Stohmann, MCIP, RPP, Deputy Director of Planning
Concurrence:	Audrey Kryklywyj, Deputy Director of Finance
Concurrence:	Braden Hutchins, Director of Corporate Services
Concurrence:	Darren Kiedyk, Chief Administrative Officer

:rd



Staff Report to Council

Date: August 19, 2019

Department: Planning

Subject: TUP19-0007 - temporary use permit at 3680 Trans-Canada Hwy to allow for a range of Eco-Tourism and Recreation uses.

Background

On July 15th, 2019, Council considered a Temporary Use Permit (TUP) application for the City-owned property at 3680 Trans Canada Highway to allow for a range of eco-tourism and recreation uses. At that meeting, Council directed staff to hold a public information meeting with residents that may be affected by the TUP proposal.

The owners of neighbouring properties were invited to meet with senior staff to discuss concerns. That meeting was held on Tuesday, August 13th, and was attended by approximately 20 people.

Commentary

A number of concerns were raised at the August 13th meeting about the Temporary Use Permit and how the City might use the property at 3680 Trans-Canada Highway in the future. Understandably, most of the concerns revolved around fire, and uses which could jeopardize the peaceful enjoyment of adjacent properties. In particular, neighbours raised the following concerns:

- “Hotel” and “Restaurant” uses, which might be expected to generate large numbers of users, were not desirable as increased use would generate increased noise and traffic;
- “Campsite” use, and camping in general, was not desirable as it implies campfires, as well as increased noise and traffic;
- Increased use of the property by the general public would likely increase risk of fire, noise and trespass to neighbouring properties.
- The City of Langford does not have a foreshore lease for this property. The process of obtaining a lease, may be lengthy and rests with senior levels of government;

- That the subject property is within several Development Permit areas and that the TUP does not address this;

Given the input from neighbouring residents, Council may wish to strike certain uses from the list of uses permitted under the TUP.

The City of Langford has contracted Technical Fire Consulting to undertake a wildfire interface assessment of the property and provide operational recommendations to mitigate potential fires through the development of a fire safety plan. The plan provides operational guidelines for the fire department, City staff and users of the site by recommending improvements that include, but are not limited to: life safety equipment, operational procedures and site improvements in compliance with all applicable regulations.

Work at the site, to date, has been done to increase the level of fire safety. Fire extinguishers, compliant with the NFPA and BC Fire Code have been installed. A monitored fire alarm system has also been installed in both buildings on site to provide for early notification in the event of a fire. The vacant house on the property has been removed and a caretaker, cameras and Greater Victoria Security monitor the site by providing both security and fire watch functions. There are currently two standpipes to provide water from the pond or well, one mid-property and one between the structures near the water line. Additional steps will be taken based on the recommendations from the consultant's report to provide further fire safety measures.

As part of our due diligence in regards to the foreshore lease, staff have engaged the services of Island Marine Construction Services Ltd. (IMCS) and have appointed Mr. David McKerrell of IMCS to act as our agent to "Obtain a Crown Land Tenure" on the City's behalf. As part of the application process, staff have engaged Castor Consultants Ltd. to perform a Marine Biological Assessment and prepare the required report for submission as part of our application. Staff have also engaged Terra Remote Sensing and Powell and Associates Surveyors to complete the required above high water mark survey and bathometric survey of the foreshore.

The Crown Land Tenure application process may take upwards of two years for review and approval. First Nations consultation process is required by federal law, and is often the longest part of the entire process. Council may wish to direct staff to take a proactive approach and engage the four local First Nations in advance of the application to share our plans and seek a letter of support which can be submitted with our application for tenure. Our consultant has indicated that in his experience, the Province has allowed new owners of non-tenured docks to utilize existing docks while they go through the Crown Land Tenure application and review process.

Staff were able to convey to the residents who met on Tuesday the 13th that the City had purchased the subject property for the recreational use and enjoyment of all of the residents of Langford, and that while this would invariably change the rural residential use and character of the property, that public ownership of this property should also translate into better stewardship of the property and that the City of Langford was by no means exempt from the requirements of environmental, geotechnical, or design development permit areas, nor building permits or other development requirements.

Financial Implications

None.

Legal Implications

Process for securing a foreshore lease has been initiated by the City through the Parks Department, as outlined above.

Options

1. That Council issue TUP19-0007 to the City of Langford for a period of 3 years;
2. That Council not issue TUP19-0007 at this time.

Respectfully submitted,

Submitted by:	Matthew Baldwin, MCIP, RPP Director of Planning
Concurrence:	Leah Stohmann, MCIP, RPP, Deputy Director of Planning
Concurrence:	Chris Aubrey, Fire Chief
Concurrence:	Cory Manton, Manager of Parks and Recreation
Concurrence:	Michelle Mahovich, P.Eng, P.Geo, Director of Engineering
Concurrence:	Audrey Kryklywyj, Director of Finance
Concurrence:	Braden Hutchins, A/Director of Corporate Services
Concurrence:	Darren Kiedyk, Chief Administrative Officer

:mgsb

CITY OF LANGFORD TEMPORARY USE PERMIT

TUP19-0007 – 3680 Trans Canada Highway

That Temporary Use Permit No. TUP19-0007 be issued by the Council for the City of Langford to the City of Langford for the purpose of establishing Eco-Tourism and Recreation Uses on the property located by 3680 Trans Canada Highway subject to the following terms and conditions:

1. That the following uses will be permitted for a term of 3 years:
 - i. Assembly;
 - ii. One accessory dwelling unit in conjunction with and in addition to any of the other uses permitted in the subsection;
 - iii. Campsite;
 - iv. Conference and meeting facilities;
 - v. Accessory dormitories;
 - vi. Hotel;
 - vii. Recreational facilities, including but not limited to canoe and rowing club, gymnasiums, physical fitness training;
 - viii. Rental of recreational equipment including, but without limited the generality of the foregoing: bicycles, kayaks and canoes, clothing and outdoor gear;
 - ix. Restaurants;
 - x. Light manufacturing and assembly of recreation equipment in enclosed buildings and which are not noxious or offensive by reason of permitting odours, dust, smoke, gas, or noise.
2. That any new buildings meet the applicable Form and Character design guidelines to the satisfaction of the Director of Planning prior to the issuance of a Building Permit;
3. That, despite Section 6.13.07 and 3.16.01(1) of Zoning Bylaw No. 300, a building or structure containing uses permitted by this TUP may be located with a nil setback to the rear property line and high water mark of the ocean;
4. That, despite, Section 6.13.05, lot coverage of all buildings and structures may not exceed 30%;
5. That despite, Section 6.13.06(1), no building or structure may exceed a height of three storeys;



Notice of Intention to Consider Issuance of a Temporary Use Permit

Council for the City of Langford hereby gives Notice of Intention to consider issuance of a Temporary Use Permit at its Regular Meeting scheduled for **4:00 pm, Monday, 19th of August 2019**, in the City Hall Council Chamber on the Third Floor of 877 Goldstream Avenue.

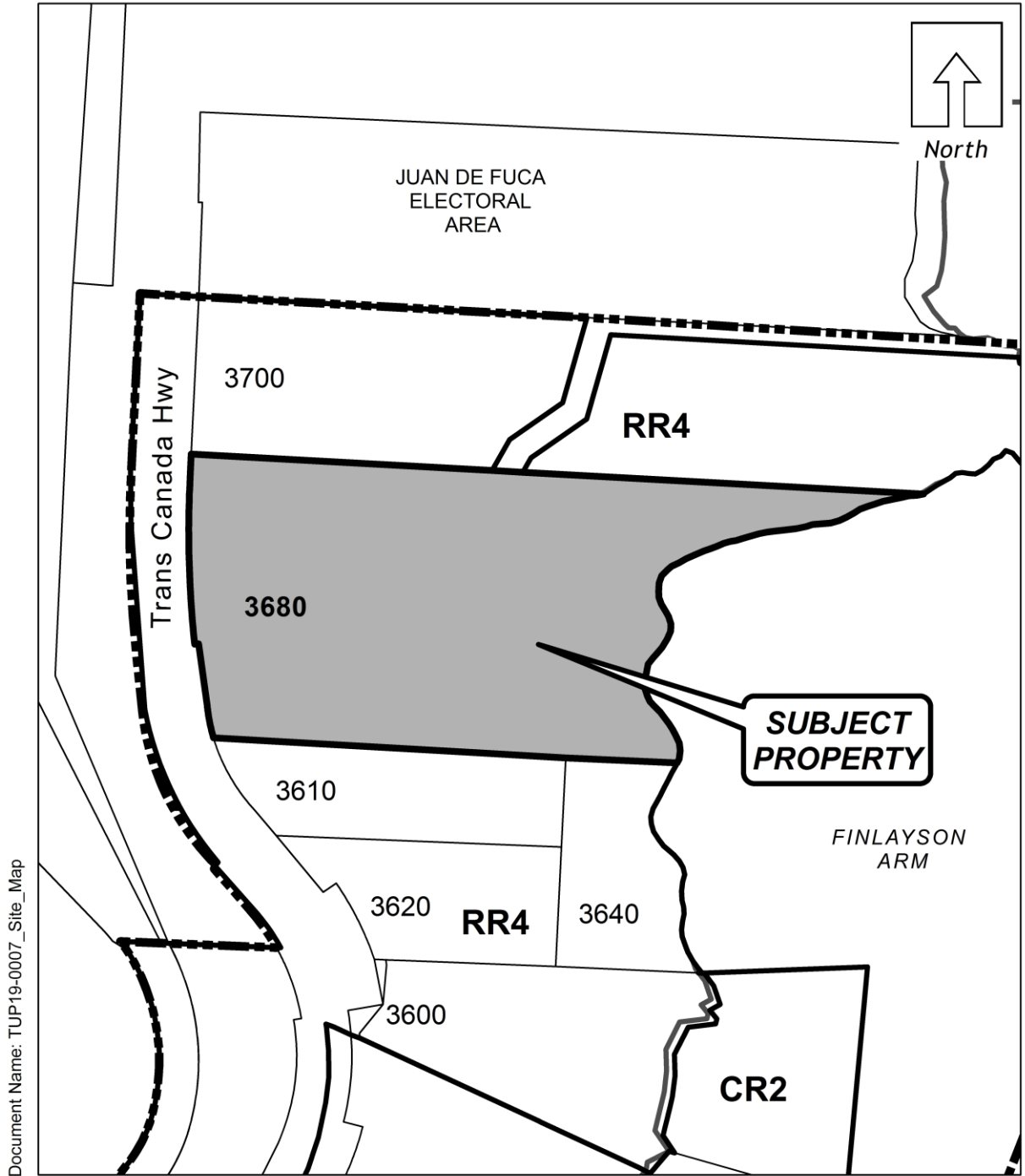
File	Temporary Use Permit No. TUP19-0007
Applicant	City of Langford
Location	The lands that are the subject of Temporary Use Permit No. TUP19-0007 are 3680 Trans Canada Highway.
Purpose	The purpose of the proposed Temporary Use Permit is to expand the list of permitted uses on the property from residential to a range of Eco-Tourism and Recreation uses.

The purpose of this Notice is to acquaint the property owners and residents in the area with the specifics of the proposed temporary use permit. We request that any written submissions be submitted by Wednesday, 14 August 2019. The submissions will then be distributed for Council's consideration. You may also speak at the Council Meeting of 19 August 2019 during the Public Participation Section at the beginning of the meeting.

Relevant background information and a draft of the permit are available in the Planning Department for perusal Monday through Friday, except Statutory Holidays, during office hours (8:30 am to 4:30 pm). Please contact Leah Stohmann with any questions on this Temporary Use Permit.

Braden Hutchins
Director of Corporate Services

TEMPORARY USE PERMIT
(TUP19-0007)
3680 Trans Canada Hwy

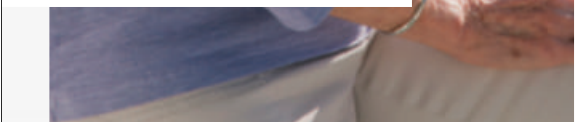


Scale: N.T.S.

Last Revised: 7/17/2019



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- KATHLEEN W.



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RCMP swarm Thetis Lake after woman spotted with handgun

A heavy police presence at Thetis Lake Regional Park on Thursday morning was caused by a replica handgun.

On Aug. 8, at approximately 7:35 a.m., the West Shore RCMP responded to a report of a woman holding a handgun in the 2000-block of Gourman Place in Langford.

The woman was with a man, and the two walked into Thetis Lake Regional Park.

The West Shore RCMP responded with a heavy police presence and officers began working their way into the park through the trail network.

“Thetis Lake Regional Park is a huge area with lots of foot traffic and multiple off shooting trails,” said Const. Nancy Saggar, West Shore RCMP media relations officer, in a statement. “Our officers had a starting point of where the suspects were last seen but we needed to make sure the exits



The replica handgun seized by officers at Thetis Lake Regional Park. (Photo courtesy of West Shore RCMP)

were covered. This required the coordination of numerous police officers at multiple places in and out of the park. To ensure both public and police safety, the officers redirected hikers already in the park and prevented several park enthusiasts from entering the trails while they searched for the suspects.”

The suspects were located by officers at approximately 8 a.m. and were taken into custody.

A handgun was seized from the man’s waistband. After closer examination, it was determined to be a replica.

The investigation into this incident is ongoing.



City of Langford
www.cityoflangford.ca

Notice of Intention to Consider Issuance of a Temporary Use Permit

NOTICE is hereby given that the City of Langford will consider issuance of a TEMPORARY USE PERMIT in the CITY OF LANGFORD COUNCIL CHAMBERS, Third Floor, 877 Goldstream Avenue, Langford, BC, on Monday, 19th of August 2019, at 5:30 pm.

File	Temporary Use Permit No. TUP19-0007
Purpose	The purpose of the proposed Temporary Use Permit is to expand the list of permitted uses on the property from residential to a range of Eco-Tourism and Recreation uses.
Applicant	City of Langford
Location	The land that is the subject of TEMPORARY USE PERMIT NO. TUP19-0007 is 3680 Trans Canada Highway.

COPIES of the complete proposed TEMPORARY USE PERMIT and other related material may be viewed during normal working hours, 8:30 am to 4:30 pm, Monday to Friday (holidays excluded), from Tuesday, 6 August 2019 to Monday, 19 August 2019, inclusive, at the Langford City Hall, Second Floor, 877 Goldstream Avenue, Langford, BC, V9B 2X8. Please contact Leah Stohmann in the Planning Department with any questions on this Temporary Use Permit.



Braden Hutchins
Director of Corporate Services

DATE: August 13, 2019

TO: Council for the City of Langford and Hosts of the August 13th Information Meeting

SUBJECT: Concerns of North Langford Residents regarding the Proposed Temporary Use Permit (TUP) 19-0007 for 3680 Trans Canada Highway under review by the City of Langford

- a. 3680 Trans Canada Highway (TCH) is a residential property zoned as Rural Residential (RR4), surrounded by properties which conform to that RR4 zoning. All residents surrounding 3680 TCH are concerned that the City of Langford is waiving Municipal bylaws and Provincial laws to ultimately circumvent proper process, that would essentially change the use of this property from Rural Residential zoning to Commercial Use zoning. Activities such as **hotel operation, conference and meeting rooms; recreational, rental and gymnasium activities, manufacturing, and eco-tourism are economic and tourism activities normally undertaken as Commercial enterprises, not as taxpayer-funded activities. We feel that these activities are neither viable, nor 'recreational', but essentially Commercial activities.**

ISSUES OF CONCERN ARE:

A. Development Permit Area Reports

As pointed out in the Staff Report to Council, from the City of Langford, Planning Department, dated July 15, 2019, this property is within four Development Permit Areas as prescribed by Provincial law. **"As such, a Development Permit or Development Permit exemption may be required depending on the scope of work the City may wish to pursue."** These four Development Permit Areas are:

1. Potential Habitat & Biodiversity Area
2. Interface Fire Hazard Area
3. Steep Slopes Area
4. 200-year Floodplain Development Permit Area

It is incumbent on council to ensure that each of these reports are properly prepared, supported and submitted for review regarding each of the Development Permit Areas. Consider that each of the four areas noted above are applicable to this particular property. The proposed changes to the 3680 TCH property are in no way "temporary", nor do they provide specific details, nor consideration for potential impacts of the proposed new uses, nor management of all areas of concern.

B. Infrastructure Requirements

1. "Water and Septic Systems – Municipal sewer and CRD Water service is not available at this location and as such the property would potentially require wells to be dug. The previous inhabitants used ground water service for drinking, which is not normally acceptable as potable water according to VIHA regulations. As the subject property is outside the West Shore Environmental Services contract area for sewer, the following Section of Bylaw No. 1000 will apply, under one of the following circumstances:
 - a. "Each parcel is a minimum of 40ha. in area, and has a sufficient area for sewage disposal to comply with the Sewerage System Regulation under the Public Health Act, or has the benefit

of an easement for access to such an area for sewage disposal on another parcel that is a minimum of 40ha. In area.”

It is unlikely that 3680 TCH can comply with a high-use standard as much of the terrain is steep slope and rock. An official report showing how this type of terrain can meet high use demands needs to be assessed, documented, and presented for approval.

- i. A copy of the Lowen Hydrogeology Ltd. Report (or like consulting firm) for 3680 TCH is hereby requested.**
- b. “Construction of a building on a lot that has been vacant since September 20th, 2004...” Since 3680 TCH has only been vacant since mid-May, 2018, this is not applicable.**
- c. “Construction of an accessory building.” There is insufficient evidence of where this accessory building could be placed in order to meet current sewage and building bylaws.**
- d. “Construction of a building that replaces, alters, or increases the floor area of an existing building.” The existing dwelling, which sits directly on the waterfront at 3680 TCH is legal, although non-conforming to current bylaws, because it sits with no setback to the ocean. Therefore, the footprint of that building cannot be altered or increased to meet Provincial and Municipal building requirements, nor can it be replaced if it burns down. One would presume the height of the building should not be increased either. The secondary house on the middle of the property was derelict and appears to have already been torn-down and removed by the City of Langford.**
- e. It is also believed that a proposed building at this location could not meet current water and sewage requirements for “Conference and meeting facilities; Accessory dormitories; Hotel; Recreational facilities, canoe and rowing club, gymnasium, physical fitness training; Restaurants, Light manufacturing.” The main building on the waterfront is a two-storey log cabin previously occupied by two people vs. high-use.**
- f. Nor should “a nil setback to the rear property line and high-water mark of the ocean” be waived as Section iii of the proposed TUP indicates, in order to accommodate more or larger buildings, as this does not conform to existing Bylaws, nor Local or Provincial building requirements or zoning bylaws. We do not feel that waiving existing bylaws is an acceptable action, such as the removal of the Rear Yard Setback (10m) and Setback from the ocean (30m). The Staff Report states that “Any expansion of these buildings under the current zoning regulations would trigger setback variances, and possibly a height variance.”**
- g. 3680 TCH is outside the CRD Water Service Area. Wells are permitted “provided that the minimum potable water requirements stated in Bylaw 1000 are met”. An official report to prove specific and significantly increased use needs to be proven and documented. Note that the previous occupants used fresh ground water coming from the pond, they did not use well water.**

2. Legal Implications

- a. "Pursuant to Sec. 497 of the Local Government Act, the City may issue a TUP for up to 3 years. The Local Government Act also allows a temporary use permit to extended for a maximum of an additional three years. If any of these uses are established on the property and Council wishes to consider extending them beyond the six-year time frame permitted under this TUP process, they can either consider rezoning the property or issuing a new TUP." **The subsequent sentence in this Staff Report suggesting Council could "issue a new TUP" after the six-year time frame is contestable and outside the framework of the law.**
- b. **Additionally, we feel that the TUP is an inappropriate vehicle for this change in use of a Rural Residential property to Commercial zoning, as the City is attempting to establish permanent capital infrastructure in this location, which is neither temporary, nor of small investment. The 2 criteria for temporary are:** 1) What is the level of investment? 2) Can the land be restored to its previous condition? Hotel, conference and meeting rooms, multiple recreational, rental and gymnasium facilities, restaurant and manufacturing are each of significant investment and cannot be easily undone, and therefore cannot be temporary. Therefore, we feel these activities and buildings proposed are beyond the scope of a "Temporary" Use Permit.
- c. **Also listed under 'Temporary Commercial/Industrial Use Permit Areas' Bylaw #1198, Council is also obligated to consider requiring information regarding:**
 - i. A geotechnical evaluation
 - ii. An environmental impact assessment
 - iii. A wildlife hazard assessment
 - iv. A stormwater management and drainage plan
 - v. A groundwater management plan
 - vi. A soil removal plan
 - vii. An acoustical analysis and sound attenuation plan
 - viii. A traffic analysis and traffic impact mitigation plan
 - ix. A parking study and a parking plan
 - x. A site lighting plan
- d. An analysis of the impact of the proposal on the visual quality of the site from surrounding properties.
 - i. Given the factors noted above, the neighbouring residents of 3680 TCH **strongly feel** that Council has not performed due diligence to meet Provincial Legislation and Municipal Bylaws in order to apply for a TUP for 3680 TCH. Furthermore, it is **inappropriate to parachute commercial zoning into a rural residential zone.**

The City has also been performing work with power saws, men and equipment on the property for a number of months, without informing neighbouring residents of the purpose of their activities. This is inappropriate given that one resident received the City of Langford's '**Notice of Intention to Consider Issuance of a Temporary Use Permit**' on August 1st, subsequent to the Staff Report, dated July 15th (and presented to Council on July 15th). This was the ONLY notice received by any of the residents affected up to that point in time.

Local residents were subsequently offered an Information Session *after voicing considerable concerns* to Council at the July 15th meeting. The first resident who spoke up at the July 15th Council meeting was offered a private consultation, and it appeared he had already been in contact and negotiation with the City, long before the Information Meeting. The rest of the residents were not offered to attend that private meeting, nor know of its content, or outcomes. It is rather unusual for one resident to be treated significantly differently, and for neighbouring residents not to be informed.

The City of Langford Information Meeting is to be held August 13th. On August 6th a letter "Notice of Intention to Consider Issuance of a Temporary Use Permit" was mailed to one of the residents who picked it up at the Post Office on August 9th. That letter was NOT dated; it stated "The purpose of this Notice is to acquaint the property owners and residents in the area **with the specifics of the proposed temporary use permit**. We request that any written submissions be submitted by Wednesday, 14th August 2019". As impacted residents, we requested a two-day extension for our submissions so they would not be due until August 16th. Today, that request was granted.

Cc: Honourable Selina Robinson, Minister of Municipal Affairs & Housing.



Staff Report to Council

Date: August 19, 2019
Department: Administration
Subject: Pacifica Paddle Sports Non-Exclusive License of 3680 Trans-Canada Highway

Background

As Council is aware, the City purchased 3680 Trans-Canada Highway in the spring of 2019 to allow Langford residents direct access to the ocean for recreational activities, including rowing, canoeing, kayaking, stand-up paddle boarding and marine education.

Commentary

To achieve the above objective, staff have entered into discussions with nearby Pacifica Paddle Sports for the provision of canoeing, kayaking and stand-up paddle boarding lessons and rentals (it is anticipated that rowing equipment and lessons would be provided through Rowing BC). Pacifica Paddle Sports was engaged by staff, as they already operate a large fleet of non-motorized boats for rentals and lessons out of two locations on the Saanich Peninsula (including nearby Brentwood Bay on Finlayson Arm).

These discussions have resulted in the attached agreement, which has the following key business terms:

- Pacifica Paddle Sports will provide, via a non-exclusive license agreement, paddle boarding, canoeing and kayak rentals, tours and lessons from 3680 Trans-Canada Highway, as well as marine education;
- Term of the agreement is to the end of 2019;
- Hours of operation are 11 AM to 4 PM on Sundays, and Monday's to Saturday's by reservation only;
- Langford residents will receive a 10% discount; and
- The City of Langford will receive 5% of all revenue generated.

Financial Implications

There are no anticipated costs to the City associated with this license agreement. The City will earn 5% of all revenue collected by Pacific Paddle Sports operations at 3680 Trans-Canada Highway.

Legal Implications

The license agreement has been prepared by the City's lawyers. Council should also note that this agreement should only be approved after the Temporary Use Permit for 3680 Trans-Canada Highway is approved by Council.

Options

1. That Council authorizes the Mayor and Chief Administrative Officer to execute the non-exclusive license agreement with Pacifica Paddle Sports;

OR

2. That Council does not authorize the Mayor and Chief Administrative Officer to execute the non-exclusive license agreement with Pacifica Paddle Sports at this time.

Respectfully submitted,

Submitted by:	Braden Hutchins, Director of Corporate Services
Concurrence:	Matthew Baldwin, MCIP, RPP Director of Planning
Concurrence:	Chris Aubrey, Fire Chief
Concurrence:	Lorne Fletcher, Manager of Community Safety and Municipal Enforcement
Concurrence:	Cory Manton, Manager of Parks and Recreation
Concurrence:	Michelle Mahovlich, P.Eng, P.Geo, Director of Engineering
Concurrence:	Leah Stohmann, MCIP, RPP, Deputy Director of Planning
Concurrence:	Audrey Kryklywyj, Deputy Director of Finance
Concurrence:	Darren Kiedyk, Chief Administrative Officer

BH

LICENCE AGREEMENT – PADDLEBOARDING AT 3680 TRANS-CANADA HIGHWAY

THIS AGREEMENT dated for reference August 19, 2019 is

BETWEEN:

CITY OF LANGFORD

2nd Floor, 877 Goldstream Avenue, Langford, B.C. V9B 2X8

(the "City")

AND:

SEATEC DESIGNS INC. (Inc. No. BC0826333)

789 Saunders Lane, Brentwood Bay, B.C. V8M 1C5

(the "Licensee")

GIVEN THAT:

- A. The City is the registered owner in fee simple of the lands located at civic address 3680 Trans-Canada highway in the City of Langford, British Columbia, legally described as:

PID: 006-685-773

DISTRICT LOT 112, MALAHAT DISTRICT, EXCEPT THAT PART IN PLAN 15973

(the "Land");

- B. The Licensee is a business that provides paddle board, canoe and kayak rentals, tours and lessons; and
- C. The City desires the Licensee to provide paddle board, canoe, and kayak rentals, tours and lessons, and marine educational programs as a service on behalf of the City to residents of Langford (the "Services") and the Licensee has agreed to provide the Services.

THIS AGREEMENT is evidence that in consideration of the mutual promises contained in this Agreement and the payment of \$1.00 by the Licensee to the City (the receipt and sufficiency of which the City acknowledges), the parties covenant and agree as follows:

1. **Licence** – The City hereby grants to the Licensee for the Term a non-exclusive licence to use the Land for the provision of the Services on the terms and conditions of this Agreement.

2. **Term** – The term of this Agreement commences on the date this Agreement is fully executed and expires on December 31, 2019, subject to earlier termination pursuant to the terms of this Agreement (the “Term”).
3. **Hours of Operation** – During the Term, the Licensee shall operate the Services:

Sundays from 11 AM to 4 PM; and

Mondays to Saturdays by reservation.
4. **Grand Opening** – On a date mutually determined by the City and the Licensee, the Licensee shall hold a grand opening on the Land during which the Licensee shall offer sample paddle boarding, canoeing and kayaking lessons to the public free of charge.
5. **Rates** – The Licensee shall provide the Services at a 10% discount to residents of the City of Langford.
6. **Licence Fee** – The Licensee shall pay to the City 5% of all Revenue generated from the Services (the “Licence Fee”). “Revenue” means the total gross amount of sales, whether for cash, credit or otherwise, generated from the Services provided at the Land. In calculating Revenue, no deductions may be made for uncollected or uncollectible accounts. The Licence Fee shall be payable by the fifteen day of each month following each calendar month of the Term. The obligation of the Licensee under this section shall survive the expiry or earlier termination of this Licence.
7. **Access Licence** – By this section, the City grants to the Licensee and its invitees for the Term a non-exclusive licence to use those portions of the Land shown hatched and identified as “Area 1” on the sketch plan attached to this Agreement as Schedule “A” for the purposes of pedestrian and vehicle access for the purposes of the Services.
8. **Parking Licence** – By this section, the City grants to the Licensee and its invitees for the Term a non-exclusive licence to occupy 10 parking spots in the parking lots shown hatched and identified as “Area 2” on the sketch plan attached to this Agreement as Schedule “A” for the purposes of vehicle parking in relation to the Services.
9. **Purposes** – The Licensee may only use and occupy the Land for the purpose(s) of providing the Services and purposes necessary and incidental thereto.
10. **Licensee’s General Covenants** – The Licensee covenants and agrees with the City:
 - (a) to promptly pay the Licence Fee when due;
 - (b) to pay all costs associated with providing the Services;

- (c) to provide all equipment and supplies necessary to provide the Services;
 - (d) not to do, suffer or permit anything that may be or become a nuisance or annoyance in, on or from the Land to owners, occupiers or users of other parts of the Land, adjoining lands or to the public;
 - (e) to not permit the Land to become untidy, unsightly or hazardous;
 - (f) to take all reasonable precautions to ensure the safety of all persons using the Services; and
 - (g) to carry on and conduct its activities on the Land in compliance with any and all laws, statutes, enactments, bylaws, regulations and orders from time to time in force and not to do or omit to do anything in, on or from the Land in contravention thereof.
11. **Non-Exclusive Use** – The Licensee acknowledges that this Agreement grants non-exclusive licences only and that the City may also license the use of the Land to others. The Licensee shall work cooperatively and harmoniously with other users of the Land to minimize operational conflicts and maximize the utility of the Land as a benefit to the community of the City of Langford.
12. **Acknowledgment and Agreements of the Licensee** – The Licensee acknowledges and agrees that:
- (a) the Licensee licences the Land on an as is basis and condition and the City has given no representations or warranties with respect to the Land including, without limitation, their suitability for the Licensee’s intended use;
 - (b) it is the sole responsibility of the Licensee to satisfy itself with respect to the condition of the Land, including, without limitation, by conducting any inspections and other inquiries as the Licensee, in its sole discretion, considers necessary.
13. **Indemnity** – The Licensee shall indemnify, defend and save harmless the City and its elected officials, officers, employees, agents, successors and assigns, from any and all liabilities, actions, damages, claims, losses, costs and expenses whatsoever (including without limitation, legal fees on a solicitor and client basis) in any way directly or indirectly arising from the Services, the Licensee’s use and occupation of the Land, and any act or omission of the Licensee.

14. **Release** – The Licensee hereby releases and forever discharges the City and its elected officials, officers, employees, agents, successors and assigns, from any and all liabilities, actions, damages, claims, losses, costs and expenses whatsoever (including without limitation, legal fees on a solicitor and client basis) in any way directly or indirectly arising from the Services, the Licensee’s use and occupation of the Land, and any act or omission of the City.
15. **Survival of Indemnity and Release** – The obligations of the Licensee under sections 13 and 14 survive the expiry or earlier termination of this Agreement.
16. **Insurance Requirements** – The Licensee shall, at its sole expense, obtain and maintain during the Term comprehensive general liability insurance providing coverage for death, bodily injury, property loss and damage, and all other losses, arising out of or in connection with the operations, use and occupation of the Land and the provision of the Services in an amount of not less than \$5,000,000.00 per occurrence. The policy shall:
 - (a) name the City as an additional insured;
 - (b) include that the City is protected notwithstanding any act, neglect or misrepresentation by the Licensee which might otherwise result in the avoidance of a claim and that such policies are not affected or invalidated by any act, omission or negligence of any third party which is not within the knowledge or control of the insureds;
 - (c) be issued by an insurance company entitled to carry on the business of insurance under the laws of British Columbia;
 - (d) be primary and non-contributing with respect to any policies carried by the City and provide that any coverage carried by the City is excess coverage;
 - (e) not be cancelled or materially altered without the insurer providing the City with 30 days written notice; and
 - (f) be on other terms acceptable to the City, acting reasonably.
17. **Insurance Certificates** –The Licensee shall obtain all required insurance at its sole expense and shall, prior to commencing providing the Services and promptly upon request by the City from time to time provide the City with certificates of insurance confirming the placement and maintenance of the insurance.
18. **City May Insure** – If the Licensee fails to insure as required, the City may immediately effect the insurance in the name and at the expense of the Licensee and the Licensee

shall repay the City all costs reasonably incurred by the City within 14 days of receipt of an invoice. For clarity, the City has no obligation to effect such missing insurance.

19. **Workers Compensation** – The Licensee shall, at all times, in providing the Services comply with the Workers Compensation Act (British Columbia) and all regulations and orders from time to time in force thereunder, including the Occupational Health and Safety Regulation, and, upon request from the City, provide evidence of any required registration under that Act and evidence of compliance with any requirement under that Act to make any payments or pay assessments.
20. **Reporting** – The Licensee shall keep true and accurate records in accordance with generally accepted accounting principles of all business from which Revenue is generated and shall provide copies of such records to the City within 15 days of request.
21. **No Assignment or Sublicence** – The Licensee shall not assign the Licensee’s interest in this Agreement without the prior written consent of the City. The City may withhold such consents for any reason or no reason.
22. **Termination for Default** – If and whenever:
 - (a) the Licensee is in default in the payment of the Licence Fee or any other amount payable under this Agreement and the default continues for 7 days after written notice by the City to the Licensee; or
 - (b) the Licensee does not fully observe, perform and keep each and every term, covenant, agreement, stipulation, obligation, condition and provision of this Agreement to be observed, performed and kept by the Licensee, and persists in such default for 14 days after written notice by the City;
 - (c) a building or improvement on the Land is destroyed or damaged by any cause so that in the sole opinion of the City the Land is no longer reasonably fit for use by the Licensee for the purposes set out in this Agreement for any period of time in excess of 14 days

then the City may, at its option, terminate this Agreement and the Term then becomes immediately forfeited and void and the Licensee shall immediately cease all use and occupation of the Land.
23. **Time** – Time is of the essence in this Agreement.
24. **Notices** – Where any notice, request, direction or other communication (any of which is a “Notice”) shall be given or made by a party under the Agreement, it shall be in writing

and is effective if delivered in person, sent by registered mail addressed to the party for whom it is intended at the address set forth above in the Agreement, provided that any Notice to the City shall be to the attention of the Braden Hutchins, Corporate Officer and any Notice to the Licensee shall be to Peter Harris, Owner. Any Notice is deemed to have been given if delivered in person, when delivered; and if by registered mail, when the postal receipt is acknowledged by the other party.

25. **Waiver or Non-Action** – A waiver by the City of any breach of any term, covenant or condition of this Agreement by the Licensee shall only be effective if in writing and shall not be deemed to be a waiver of any subsequent default by the Licensee.
26. **No Modification** – This Agreement may only be modified in writing signed by each party.

27. **Entire Agreement** – The provisions in this Agreement constitute the whole of the agreement between the parties and supersede all previous communications, representations, warranties, covenants and agreements, whether verbal or written, between the parties with respect to the subject matter of the Agreement.

As evidence of their agreement to be bound by the above terms, the City and the Licensee each have executed this Agreement on the respective dates written below:

CITY OF LANGFORD

by its authorized signatories:

Mayor: Stewart Young

CAO: Darren Kiedyk

Date: _____

SEATEC DESIGNS INC.

by its authorized signatories:

Owner: Peter Harris

Date: _____

Schedule A



7/5/2019



City of Langford

www.cityoflangford.ca

Staff Report to Council

Date: August 19, 2019
Department: Parks & Recreation (File No. 5900-01)
Subject: Recreation, Park, Trail and Open Space Review

Background

It has been approximately 12 years since the last update of the Park Development Cost Charge (DCC), and therefore Council may wish to have staff review the previously established Park DCC rates and update accordingly. In order to conform to the Ministry of Community Service DCC best practices, Staff recommend contracting a consultant to perform this review. Staff have prepared a RFP (See Attachment A) that outlines the City's potential requirements for Recreation, Park, Trail and Open Space (referred to as 'Park Land' for the remainder of this report) Comprehensive Review.

As the City's population continues to grow, public amenities need to maintain a similar growth pattern. The Comprehensive Review shall provide the City with information regarding any connectivity gaps and deficiencies within the Park Land network. Determining the Park Land needs and the appropriate forms of monetary income to support public amenity growth will be an outcome of the RFP.

Commentary

Staff is seeking Council approval to proceed with the RFP process in order to find a consultant to prepare a Park Land Comprehensive Review and associated reference material during the fall of 2019 and spring 2020. Staff is also seeking Council approval for the utilization of the 2019 and 2020 budgets as required (outlined in the financial implication Section) to complete the work outlined in the RFP.

Staff recognize the information required to review the Park DCC bylaw is quite extensive. Therefore, in order to conform to the Ministry of Community Service DCC best practices, staff believe it to be an appropriate use of resources and budget to outsource the Park Land Comprehensive Review. The Park Land Comprehensive Review will include: the identification of gaps and/or deficiencies within the current Park Land network, areas of focus, the type of Park Land required, the costs expected with these areas, a review of the current Park DCC bylaw, and recommendations regarding the generation of income.

The findings and recommendations of this Comprehensive Review will provide City Staff the necessary information for a new Park DCC Bylaw and or amendments to the Amenity Contribution Policy, establishing the monetary requirements for a 10-year horizon (2020-2030) including direction for various 5-year financial plans.

Financial Implications

As the project will take place in 2019 and 2020, Staff is looking for budget approval of \$40,000 in 2019 and 2020 budget pre-approval of \$30,000 between both the Parks and Planning department budgets.

Legal Implications

The Park Land Comprehensive Review is a reference document, there are no legal obligations to use any or all of the information compiled.

Options

That Council:

1. Direct staff to proceed with the Park Land Comprehensive Review RFP process before reviewing the current Park DCC rates.

OR

2. Take no action at this time with respect to the DCC bylaw.

Respectfully submitted,

Submitted by:	Wolfgang Schoenefuhs, Planning Technician
Concurrence:	Adriana Proton, Manager of Legislative Services
Concurrence:	Matthew Baldwin, MCIP, RPP Director of Planning
Concurrence:	Cory Manton, Manager of Parks and Recreation
Concurrence:	Michelle Mahovich, P.Eng, P.Geo, Director of Engineering
Concurrence:	Leah Stohmann, MCIP, RPP, Deputy Director of Planning
Concurrence:	Michael Dillabaugh, CPA, CA, Director of Finance
Concurrence:	Braden Hutchins, Director of Corporate Services
Concurrence:	Darren Kiedyk, Chief Administrative Officer

: 'ws'

Attachment A



REQUEST FOR PROPOSALS
FOR
PARK AND OPEN SPACE REVIEW
FOR THE CITY OF LANGFORD, BC

RFP ISSUED	XXXX
SUBMISSION CLOSING TIME	XXXX at 2:00 p.m. (local time)
DELIVERY ADDRESS	2 ND Floor – 877 Goldstream Ave, Langford, BC V9B 2X8
CONTACT PERSON	Cory Manton
EMAIL ADDRESS	cmanton@langford.ca



Contents

1.0	PROJECT INTRODUCTION.....	2
2.0	SUBMISSIONS.....	2
3.0	BACKGROUND.....	3
4.0	PROJECT OBJECTIVES AND DELIVERABLES.....	3
5.0	DETAILED TECHNICAL REQUIREMENTS OF THE PROPOSAL.....	4
6.0	RESOURCES AVAILABLE.....	5
7.0	EVALUATION CRITERIA.....	5
8.0	AWARD OF CONTRACT.....	6



1.0 PROJECT INTRODUCTION

The City of Langford is seeking proposals from qualified and experienced Consultants to provide a comprehensive assessment of Langford's existing and future Recreation, Park, Trails and Open Space needs (referenced as 'Park Land' for the remainder of this RFP). This report must include a detailed review of the City's existing Park Lands as well as future needs based on anticipated development and population growth. The report should differentiate between the improvement of existing assets from the dedication and/or acquisition of additional Park Land and associated improvements. The Consultant will also be required to review various documents related to the Park Land Development Cost Charge (DCC) such as; The City of Langford Development Cost Charge Amendment No.11, Bylaw No. 1155, 2008; District of Langford Park Land Improvement Development Cost Charge Bylaw No. 784, 2003; and District of Langford Development Cost Charge Bylaw No. 26, 1993. Based on the work completed the Consultant will be required to provide a recommendation with supporting evidence for updating the City of Langford Park DCC Bylaw in order to support the capital cost of acquiring or improving Park Lands from 2020 – 2030. The City of Langford is intending to have all relevant documents and bylaws prepared and ready for council by spring 2020, with the changes taking effect soon after.

2.0 SUBMISSIONS

One (1) copy of each submission must be received in a sealed envelope addressed to at the City of Langford, 2nd Floor, 877 Goldstream Avenue, Langford, B.C., V9B 2X8, by 2:00 p.m. (Pacific Standard Time), **on Month day, 2019**, clearly labelled:

Request for Proposals
Recreation, Park, Trail and Open Space Review
City of Langford
Attention: Cory Manton, Manager Parks and Recreation
2nd Floor, 877 Goldstream Avenue
Langford, B.C., V9B 2X8

Late or misdirected submissions will not be accepted and will be returned unopened. Proposals will be binding for 90 Days. Unless otherwise specified, all formal proposals submitted shall be irrevocable for 90 calendar days following proposal opening date, unless the proponent(s), upon request of the Purchasing Agent, agrees to an extension. Proposals submitted by fax or email will not be accepted.

Additional Instructions:

- a) Enquiries deadline is one week prior to the submission deadline. All enquires related to this RFP, including additional information and clarification must be submitted in writing by the enquiries deadline to the contact person identified on Page 1 of this RFP;
- b) Proposals must be submitted with appropriate referencing and identification of supplemental documentation; and
- c) Proposals must be submitted in English.

In addition to any rights identified elsewhere in this RFP, the City of Langford reserves the right to:

- a) Reject any and all responses;
- b) Add, delete or change the terms of this RFP at any time prior to the specified closing date and time;



- c) During the evaluation period, seek clarification of any proponent's response, including consequential amendments, or any additional information from any proponent;
- d) Accept or reject, in whole or in part, any response without giving any reason;
- e) Have any documents submitted by the proponent reviewed and evaluated by any party, including independent consultants;
- f) Cancel the RFP process without penalty at any time for any reason; and
- g) Negotiate and enter into an agreement with any proponent notwithstanding any noncompliance by the proponent's response with any requirement of this RFP.

The City of Langford is the sole and final judge with respect to the selection of any successful proponent as a result of this RFP process. The City of Langford takes no responsibility for the accuracy or completeness of any information supplied of this project and, further, will not be responsible for any costs incurred in responding to this RFP.

3.0 BACKGROUND

Langford is located on the West Shore of the Capital Regional District (CRD), offering a variety of opportunities for community members to live a lifestyle of their choosing. As the fastest growing municipality within the CRD, Langford's population in the previous census cycles increased from 22,459 (2006) to 35,342 (2016) and is expected to continue to grow based on regional (CRD) projections. As the population continues to grow, it is important to ensure public amenities continue to develop as per the direction of the OCP. It should also be known, the importance Council has placed on sports tourism and Park Lands within Langford. For the purpose of this RFP, a regional (CRD) context shall be considered when determining the amount and proximity of active Park Lands (i.e. parks and sports fields) needed within the City of Langford. The Park Master Plan Study provided from 2008 will supply additional background information.

Currently much of park, trail and open space over the previous decade has been dedicated and/or acquired through the development process; however, this has created some connectivity and coordination gaps. It is important to ensure the City of Langford creates and maintains an adequate network of trails and park space, as well as a balanced composition of neighbourhood, community, nature, greenway and linear parks. Langford would like to see the development of a cohesive and comprehensive park and trail plan that will provide direction for new developments as opposed to treating each individual development as a standalone project with Park Land establishment that does not positively contribute to the growing park and open space network.

Langford is looking to complete a comprehensive review of the existing Park Lands to make sure the City is adequately supporting the current population needs. Additionally, a needs assessment will need to be completed based on the anticipated growth within the City of Langford. This needs assessment must consider the amount of Park Land, potential locations, related infrastructure, and the costs associated with providing these public spaces. The current Park DCC rates (Bylaw No. 1155), were established in 2008 utilizing similar components, the Bylaw identifies the class of development, Residential or Multi-Family, and the application stage at which the \$2990 Park DCC is paid, \$1890 collected for improvement and \$1100 for acquisition. A review of the current Park DCC rates must be conducted and recommendations be made to ensure that, through development (and alternative sources), Langford can provide sufficient funding for



future projects outlined in the needs assessment. The projects outline will require a detailed cost list for all types of costs related to future Park Land projects.

The findings and recommendations of this comprehensive review will provide the basis for the Park DCC Bylaw and establish DCC Improvement and Acquisition rates for a 10-year horizon including direction for various financial plans.

4.0 PROJECT OBJECTIVES AND DELIVERABLES

The primary outcome of this project is a Park DCC program and corresponding rate structure that will ensure an adequate and equitable distribution of costs associated with the acquisition and improvement of park space to support the projected growth in the City. However, the research and supporting needs assessment will contain important information regarding the ability of primary funding (Park DCC rates) and secondary funding (i.e. amenity contributions, general taxation, and levies) to provide for the necessary acquisition and improvements. Objectives and deliverables must be completed to Provincial Best Practice standards to ensure the highest level of accuracy and support for adopting any work that comes from this project.

The City is expecting the following Objectives and Deliverables as the minimum requirement from the successful proponent. The required deliverables are as follows:

- a) Objectives:
 - i. Initial discussion with City Parks and Recreation Staff about the issues confronting the community and their goals and expectations;
 - ii. Interviews with sports groups, service clubs, community groups, West shore Developers Association, youth and seniors;
 - iii. Review and evaluation of existing parks, open spaces and recreation facilities;
 - iv. Background research on societal and demographic trends impacting parks and recreation in British Columbia and Langford in particular;
 - v. Facilitation of a workshop with the Parks , Recreation, Beautification and Culture Advisory Committee;
 - vi. Assess park and trail assets and inventory to ascertain whether the current and anticipated future needs of the community are being met. Identify acquisition strategies for park, playgrounds, recreation facilities and other outdoor amenities such as ecologically significant areas; and
 - vii. Prioritize capital park and trail projects to guide long range financial planning and funding assistance applications.
- b) Deliverables:
 - i. Completion, distribution and analysis of a survey distributed to community leaders and parks and recreation users;
 - ii. Needs Assessment of construction estimations based on Regional population growth estimations;
 - iii. Meetings and Reports to review projects tasks and cost schedules, including stakeholder consultation meetings and follow-up reports;
 - iv. Prepare a schedule of detailed capital acquisitions and improvements to upgrade park and trails network that will serve the basis for an update to the City of Langford Park Acquisition and type Improvement Development Cost Charge Bylaw;



- v. Prescribe a standard for the type, number and quality of the assets (i.e. Play structures, washrooms, benches, garbage cans) within each park category;
- vi. Park DCC rate review and recommendations including recommendations of alternative funding models; and
- vii. Detailed unit cost breakdown for infrastructure, including replacement costs for existing assets not covered by DCCs.

Objectives and Deliverables, in addition to the required, may be negotiated depending on the relevance to the overall project and the cost to the City.

5.0 DETAILED TECHNICAL REQUIREMENTS OF THE PROPOSAL

The City is expecting all Proponent responses to include:

- a) Firm name, and address;
- b) Primary Point of Contact;
- c) Project overview;
 - i. A narrative (no more than two pages) that illustrates the Proponent's understanding of the Project, Deliverables, Timelines, and a persuasive statement regarding the proponents' candidacy.
- d) Understanding of Key Deliverables;
 - i. Recreation, Park and Open Space review – The Proponents classification and understanding of Park Land within Langford, including how these spaces contribute to their respective area Park Land demands.
 - ii. Needs assessment – Approximate plan to achieve a needs assessment based on CRD population growth projections and the Park Lands review, a determination of how much land, the type of usage and the suitable locations is required.
 - iii. DCC Review and Recommendations – The Proponents understanding of contributing factors and the order of process for compiling information and determining Park Land DCC rates and recommendations for alternative funding models.
 - iv. Meetings and Reports – Proposed agendas and meeting plans for individual meetings as well as brief outlines of intended reports including explanations of how these will contribute to the final product.
- e) Work Plan and Schedule;
 - i. Provide a specific timetable including milestones, completion dates and a detailed work plan for the different phases of the work. This should include estimated hours for the completion of tasks and the timing of completing deliverables;
 - ii. A detailed schedule for all project meetings, public consultation strategy, and individual phase progress reports required for this Project.
 - iii. A projected deadline including the final involvement of the City of Langford Council.
 - iv. A methodology describing how the Proponent will accomplish the objectives and deliverables. This methodology should break down the deliverables to smaller tasks and



create a systematic process that can be tracked to ensure timing and progress. This section should be clearly laid out, with each task succinctly described, and deliverables/outcome associated with each task identified.

- f) Qualification and Suitability;
 - i. List of key personnel detailing their qualifications and experience.
 - ii. List of similar projects undertaken, including references.
- g) Financial;
 - i. Financial expectations and fee breakdown based upon the deliverables and participation required by the City. Please include any cost saving strategies that will benefit the City.

6.0 RESOURCES AVAILABLE

Resources and documents that will aid the Proponents ability to complete the project will be made available to them by the City. The following documents are readily available as reference material, additional documents identified by the Proponent as useful and relevant may be discussed on a case by case basis.

- Official Community Plan
- Park and Recreation Master Plan Study 2008
- Avi Friedman Consultants Inc. Vision Plan for Downtown Langford
- CRD Regional Growth Strategy
- Langford Trail Master Plan
- Park and Open Space DCC Bylaw no. 1155
- Bylaw no. 0784
- Bylaw no. 0026

7.0 EVALUATION CRITERIA

The City of Langford will evaluate all submitted proposals to identify the most appropriate proposal. During this time, the city reserves the right to contact the proponent for clarification regarding any statements made in their proposals. The proposals will be evaluated on their ability to meet all components listed in the detailed technical requirements in section 5.0 of this RFP:

Evaluation Components	Grading Criteria
Project Overview	Proponents' ability to convey their understanding of what the City of Langford is hoping to accomplish through the work outlined in this RFP.
Deliverables	Proponents' ability to provide the City of Langford with descriptions of the work to be completed and concepts of how to gather information required.
Work Plan and Schedule	Grading will consider the periods and amount of time estimated to complete the work in relation to how the proponent proposes to complete the work (methodology).
Qualification and Suitability	Grading will consider individual project staff members qualifications and their experience with similar projects. The proponent shall also provide overviews of similar projects at higher level.
Monetary Expectation	The City of Langford is looking for the best return on dollar value. The lowest bid will not automatically receive the highest grade.



The Successful Proponent will enter into a contract with the City based upon the information contained in this RFP and the Successful Proponent's Submission and any negotiated modifications thereto.

8.0 AWARD OF CONTRACT

Award of a Contract is contingent on funds being approved and the offer being made by the appropriate City authority. No Contract will be formed until the Contract terms have been successfully negotiated between both parties. The City is not obligated to any Proponent in any manner until a purchase order is issued and an agreement has been signed by City authorized personal.

The City's purchase order, the Proposal, the RFP and such other documents including all amendments or addenda, shall form the basis for the Contract between the Proponent and the City. In the event of a conflict between any of the Contract Documents, the following documents will take precedence and govern over each other in the following order of priority from highest to lowest:

- a) The City's purchase order including the standard purchase order terms and conditions;
- b) Or any mutually agreed to amendments between the Proponent and the City;
- c) The Proposal; and
- d) The RFP and any subsequent addenda.

Where the head office of the Successful Proponent is located within the City and/or where the Successful Proponent is required to perform the Service at a site located within the City, the Successful Proponent should have a valid City business license prior to Contract execution. The City is not under any obligation to award a Contract and may elect to terminate this RFP at anytime.



Staff Report to Council

Date: August 19, 2019
Department: Planning
Subject: License to Occupy – Café Patio at 102-2778 Peatt Road

Background

Vladi Vagels of V2 Designs Ltd is seeking a License to Occupy from the City of Langford for a café patio located at 102-2778 Peatt Road. The proposed patio would encroach into the City sidewalk along Peatt Road by approximately 3 ft. The existing building is a three storey mixed-use building with commercial units on the ground floor and residential above.

Commentary

As Appendix A shows, the patio would extend 3 ft. into the sidewalk, leaving 5 ft. remaining. The Engineering Department has noted that the remaining 5 ft. clearance on the sidewalk is acceptable.

The patio, which would accommodate approximately three tables, is meant for use by café patrons only and not for general use by the public. The applicant intends to have the café licensed to serve liquor which would therefore require the patio to be fenced. The applicant intends to enclose the patio with a four ft. high metal fence of a permeable style.

Semi-private spaces like the proposed patio are generally encouraged for Crime Prevention Through Environmental Design (CPTED) and are considered to contribute to good urban design. Furthermore, this proposal is supported by the proposed Design Guidelines for the City Centre that were developed in consultation with Dr. Avi Friedman. The new City Centre Design Guidelines are scheduled to be reviewed by Council in September.

Council should note that because this change occurs within the public realm, a form and character development permit will not be required. If Council agrees to move forward with the License to Occupy, they may wish to require the applicant to seek approval from the Planning Department in regards to the patio design and have it secured within the License.

A License to Occupy is required to allow for the patio to extend into City owned road right-of-way and to ensure any maintenance costs are not passed on to the City. Council may wish to set a term within the License that the agreement will terminate after one year or when a change of ownership occurs, whichever comes first, as this will allow the City to confirm that there are no negative implications resulting from the patio.

Financial Implications

There are no financial implications related to the License to Occupy the subject road right of way. The Licensees' solicitor can prepare the License to the satisfaction of the Director of Corporate Services. The License to Occupy would require the Licensees to maintain the fence and patio area. Council may require the Licensee to provide sufficient security equivalent to the cost of removing the proposed metal fence throughout the duration of the License.

Legal Implications

The License to Occupy Agreement must grant the Licensee the right to install, maintain, and remove the improvements. It should define the location of the works and the terms of the agreement. The License must release the City from liability.

Options

That Council:

1. Authorize the Director of Corporate Services to register and have executed a License to Occupy Agreement with V2 Designs Ltd for the construction of a patio at 102-2778 Peatt Road that will extend into the road right of way. This Agreement will either terminate after a term of one year or in the event there is a change of ownership of the business licence, whichever is first, that will include a security for the City, in an amount equal to the costs to remediate the City property, all subject to the applicant receiving approval from the Director of Planning for the proposed patio design.

OR

2. Not enter into a License to Occupy Agreement with V2 Designs Ltd for the construction of a patio at 102-2778 Peatt Road that will extend into the road right of way.

Respectfully submitted,

Submitted by:	Julia Buckingham, Planner I
Concurrence:	Adriana Proton, Manager of Legislative Services
Concurrence:	Matthew Baldwin, MCIP, RPP Director of Planning
Concurrence:	Chris Aubrey, Fire Chief
Concurrence:	Michelle Mahovlich, P.Eng, P.Geo, Director of Engineering
Concurrence:	Leah Stohmann, MCIP, RPP, Deputy Director of Planning
Concurrence:	Audrey Kryklywyj, Deputy Director of Finance
Concurrence:	Darren Kiedyk, Chief Administrative Officer

:jb

Appendix A –





Staff Report to Council

Date: August 19, 2019
Department: Engineering
Subject: Temporary Road Closure for Sarah Beckett Memorial Park Opening

Background

The City of Langford and the Rotary Club have worked together to construct a memorial play park to honour RCMP member Sarah Beckett. The grand opening for the Sarah Beckett Memorial Park will be Saturday August 24, 2019.

The purpose of this report is to seek Council approval for a temporary road closure on Glen Lake Road to facilitate the public's attendance for the Park opening.

Commentary

The grand opening of the Sarah Beckett Memorial Park is scheduled for 1pm on Saturday August 24, 2019. Attendance at this event is anticipated to be large. In order to safely facilitate access to and from the play park that is located on Glen Lake Road, near the corner of Jenkins Avenue, staff would like to close Glen Lake Road in both directions from Jenkins Avenue west to the driveway entrance to the Belmont High School Parking lot (refer to drawing below). This will allow attendees to park at Belmont High School and walk down to the play park using both lanes of the road for the public to view the opening.

In order to allow sufficient time for set up and take down of the road closure equipment, staff are suggesting that the road be closed from noon to 2:30pm the day of the event. If the grand opening finishes quicker than anticipated the road can be re-opened earlier.

Traffic control personnel will be in place, electronic message boards will be located in all areas of the event and a Traffic Advisory will be issued well in advance of the date. Traffic control personnel can use the bus loop at Belmont High School to turn any vehicles around. Vehicles on Glen Lake at Jenkins can reroute through the other roads in this area.

Road Closure Locations



Financial Implications

Costs for the road closure will be minimal as the City can do much of the work with in house resources and equipment.

Legal Implications

None noted.

Options

That Council:

1. Direct staff to enable a full road closure of Glen Lake Road in both directions from Jenkins Avenue to the Belmont High School parking lot driveway on Glen Lake Road on Saturday August 24, 2019 from 12:00pm to 2:30pm.

Respectfully submitted,

Submitted by:	Michelle Mahovich, P.Eng, P.Geo, Director of Engineering
Concurrence:	Adriana Proton, Manager of Legislative Services
Concurrence:	Matthew Baldwin, MCIP, RPP Director of Planning
Concurrence:	Lorne Fletcher, Manager of Community Safety and Municipal Enforcement
Concurrence:	Cory Manton, Manager of Parks and Recreation
Concurrence:	George Henshall, ASCT., Deputy Director of Engineering and Public Works
Concurrence:	Audrey Kryklywyj, A/Director of Finance
Concurrence:	Braden Hutchins, Director of Corporate Services
Concurrence:	Darren Kiedyk, Chief Administrative Officer

:mm



Staff Report to Council

Date: August 19, 2019

Department: Planning

Application No.: Z19-0014

Subject: Bylaw No. 1860 - Application to Rezone the two Unaddressed Properties from RR4 (Rural Residential 4) to CD-12 to Allow for an Expansion of the CD-12 Development

PURPOSE

Keycorp Consulting Ltd. has applied on behalf of Goldstream Rock Products to rezone two unaddressed properties abutting the South Skirt Mountain Zone (CD-12) from RR4 (Rural Residential 4) to CD-12 in order to allow for an expansion of the South Skirt Mountain development.

BACKGROUND

PREVIOUS APPLICATIONS

There have not been any previous Planning applications on the subject properties.

Table 1: Site Data

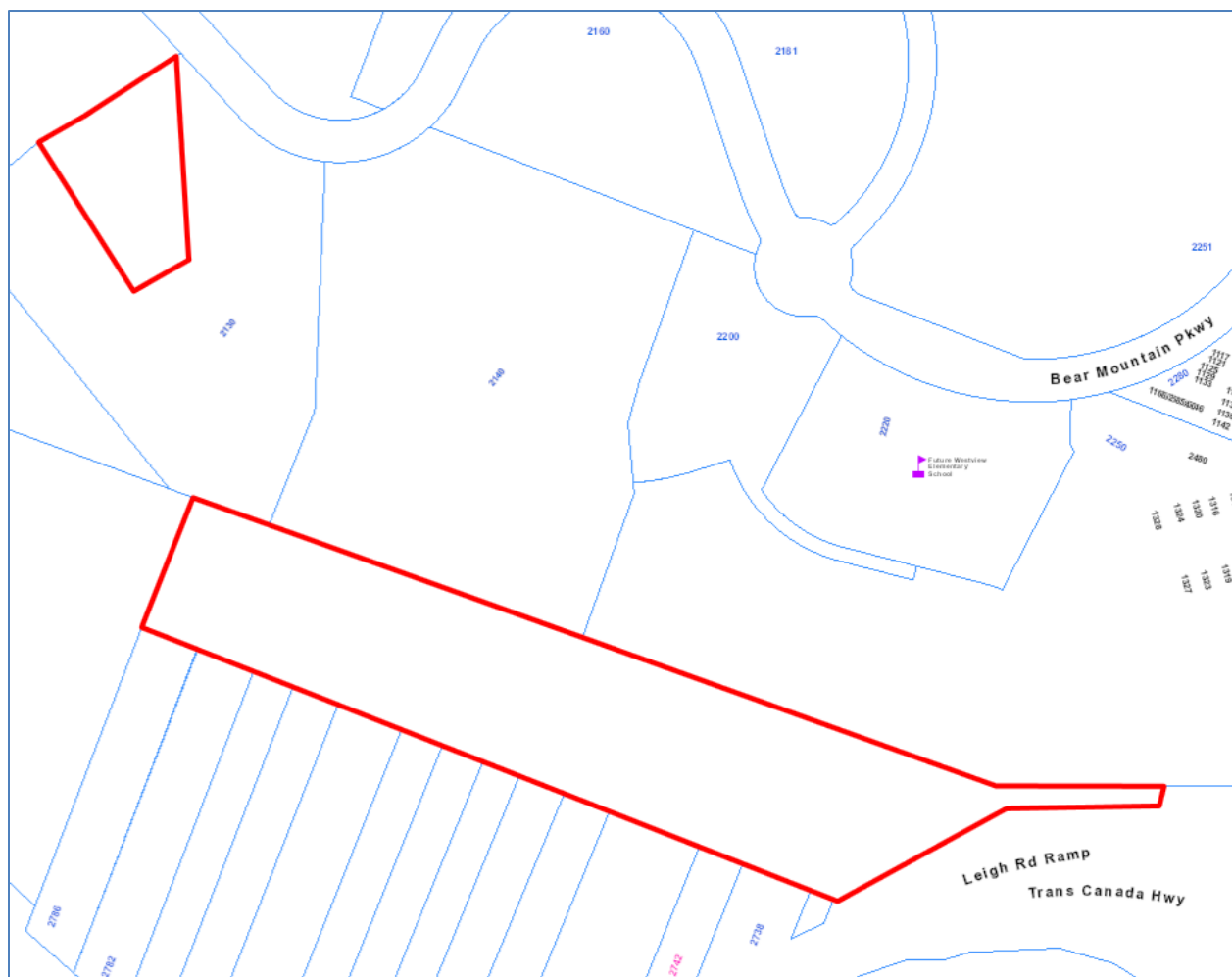
<i>Applicant</i>	Keycorp Consulting Ltd.	
<i>Owner</i>	Goldstream Rock Products Ltd.	
<i>Civic Address</i>	Unaddressed	
<i>Legal Descriptions</i>	• Lot 4, Section 28, Goldstream District, Plan VIP69106 • Section 115, Esquimalt District, Except That Part in Plan VIP69106, VIP84313, VIP85897, VIP87623, and EPP78517	
<i>Size of Properties</i>	• 1.0 hectare (2.5 acres) • 6.4 hectares (15.9 acres)	
<i>DP Areas</i>	Fire Hazard Area (extreme), Habitat and Biodiversity, Riparian, Steep Slopes, and Woodland.	
<i>Zoning Designation</i>	Existing: RR4 (Rural Residential 4)	Proposed: CD-12
<i>OCP Designation</i>	Existing: Hillside or Shoreline, Neighbourhood Centre	Proposed: Hillside or Shoreline, Neighbourhood Centre

SITE AND SURROUNDING AREA

The subject properties are surrounded by bush and trees, while nearby development is starting to see the clearing of the surrounding lands in permitted areas.

Table 2: Surrounding Land Uses

	Zoning	Use
<i>North</i>	CD-12	Residential (currently vacant)
<i>East</i>	CD-12	Residential (currently vacant)
<i>South</i>	CD-12 RR4 (Rural Residential 4)	Residential (currently vacant) Residential (currently vacant)
<i>West</i>	CD-12 RR4 (Rural Residential 4)	Residential (currently vacant) Residential (currently vacant)

Figure 1 – Subject Properties

COMMENTS

OFFICIAL COMMUNITY PLAN

The Official Community Plan (OCP) Bylaw No. 1200 designates the subject properties as 'Hillside or Shoreline' and a portion of the larger parcel as 'Neighbourhood Centre'. However, it is not anticipated that any portion of the larger parcel will be developed a 'Neighbourhood Centre'. The Hillside or Shoreline designation is defined by the following text:

- Predominantly residential precinct that supports a range of clustered low, medium and high density housing choices including secondary suites. Higher building forms, such as point towers, will be permitted on hillsides to maximize open space provided some conditions are satisfied.
- Schools, community facilities and other institutional uses are permitted throughout the area.
- Parks, open spaces and green corridors (creeks, wildlife corridors, trails, etc.) are integrated throughout the area. Large playfields are discouraged due to grading requirements. Site and topographic responsive pocket parks, enhanced viewpoints, graded hiking and walking trails, children's play areas, including 'tot lots' and outdoor exercise areas are strongly encouraged on hillside areas.
- This area allows for Neighbourhood Centres to emerge in the form of high and medium density clustered mixed-use nodes

and an objective that states:

- When considering development on greenfield sites, retain a minimum of 40% of the site area as public and/or private open space.

DEVELOPMENT PERMIT AREAS

The subject properties are located within the following environmental Development Permit areas:

- Fire Hazard Area (extreme)
- Habitat and Biodiversity
- Riparian
- Steep Slopes
- Woodland

An environmental DP will need to be issued prior to any works occurring within the subject areas that are proposed to be disturbed.

A DP will be required for Form and Character as well, which would need to be issued prior to building permits or subdivision approval, whichever is first, to ensure the designs are consistent with the City's Design Guidelines.

COMMENTS

DEVELOPMENT PROPOSAL

The applicant will integrate the subject properties into the overall concept plan for Skirt Mountain. The proposal is to increase the allowable density but maintain the required open space. Schedule A illustrates an overall proposal for open space planned for the entire development, which totals 40.3% for the ultimate build out. Some of the areas in this new plan are shown as developable area, but are shown as Open Space in the Master Development Agreement and some Development Permits that have been issued. Due to this change, a biologist's report would be needed to verify those areas are appropriate to develop. Future Environmental Development Permits are anticipated for each area as the overall development progresses and those specific areas will be addressed accordingly.

With respect to density, the applicant is proposing to increase the density on the lands owned by Seacliff Properties Ltd. from 1,200 units to 1,600 units and to increase the density on the lands owned by Southpoint Partners Ltd. from 650 units to 850 units. If the proposed increases in density are supported, Council may wish to require a traffic impact assessment study to be submitted in relation to this change in density prior to public hearing.

The CD-12 zone stipulates the type of development permitted for particular areas as outlined in Schedule X of Bylaw 300. The subject properties are proposed to be included in Area II and Area III, for the smaller parcel and the larger parcel respectively. Area II is designated for Multi-Family Residential and Area III is designated for Mixed-use Multi-Family Residential.

The applicant also proposes to amend the designation of two existing areas, changing each of their designations from I to III. These two areas are highlighted in grey in the attached Schedule B. If Council is supportive of applying these designations to these specific areas, they may wish to replace Schedule X of Bylaw 300 with the new proposal, attached as Schedule B to this report.

Table 3: Proposal Data

	Permitted by RR4 (Current Zoning)	Proposed by CD-12 Zone (Areas II and III)
<i>Permitted Uses</i>	• Agriculture • Boarding kennel • Group daycare • One- or Two-Family Dwelling • Four boarders in a one-family dwelling	• Attached housing • One- or Two-Family Dwelling • Schools • Townhouses • Apartments • Commercial and retail uses • Recreational facilities
<i>Density</i>	One dwelling per lot	1,600 units (Seacliff lands)
<i>Height</i>	10.5m (34 ft)	Six storeys
<i>Site Coverage</i>	30%	N/A

<i>Front Yard Setback</i>	7.5m (25 ft)	N/A
<i>Interior Side Yard Setback</i>	3.0m (10 ft)	N/A
<i>Exterior Side Yard Setback</i>	3.0m (10 ft)	N/A
<i>Rear Yard Setback</i>	10m (33 ft)	N/A
<i>Parking Requirement</i>	2 spaces per dwelling	2 spaces per dwelling

Road IMPROVEMENTS

At this time, there are no roads dedicated within the subject properties. However, when a subdivision application is received for either site, the Statement of Conditions will list out the required road improvements, which will be in accordance with Bylaw 1000 standards.

There may be additional improvements required depending on what the Traffic Impact Study recommends. Any recommended improvement stemming from the TIA would need to be completed at an appropriate time, likely stated in the TIA.

SERVICES

Similar to road improvements, there are no services to these lands at this time, but when the lands are ready to be developed the required services will be listed out in the Statement of Conditions and will be to Bylaw 1000 standards.

The subject properties are located within a storm water detention zone as noted in Bylaw 1000, and therefore the applicant will be required to design and install onsite storm water detention that conforms to Bylaw 1000 standards.

FINANCIAL IMPLICATIONS

Rezoning the subject properties to permit higher density of development will increase the assessed value of lands and eventually will increase municipal revenue due to the number of units created. As the developer is responsible to complete all frontage improvements, the direct capital costs to the City associated with this development will be negligible. A summary of Amenity Contributions and Development Cost Charges that the developer will be expected to pay, is outlined in Tables 4 and 5 below

FINANCIAL CONTRIBUTIONS

Council's Amenity Contribution Policy

The amenity contributions that apply as per the Master Development Agreement for the CD-12 zone are summarized in Table 4 below.

Table 4 – Amenity Contributions per the Master Development Agreement

Amenity Item	Contribution Rates	Total
<i>General Amenity Reserve Fund</i>	\$2,000 per unit (residential)	TBD

Table 5 – Development Cost Charges

Development Cost Charge	Per unit Contribution	Total
<i>Roads</i>	\$6,056 per unit	TBD
<i>Park Improvement</i>	\$1,890 per unit	TBD
<i>Park Acquisition</i>	\$1,100 per unit	TBD
<i>Incremental Storage Improvement Fees</i>	\$495 per unit w/ suite	TBD
<i>Integrated Survey Area</i>	\$35 per unit	TBD
Subtotal (DCCs paid to City of Langford)		
<i>CRD Water</i>	\$2,922 per unit	TBD
<i>School Site Acquisition</i>	\$698 per unit	TBD
TOTAL (estimate) DCCs		

OPTIONS

Option 1

That Council:

1. Give First Reading to Bylaw No. 1860 as drafted to amend the zoning designation of the properties legally described as Lot 4, Section 28, Goldstream District, Plan VIP69106 and Section 115, Esquimalt District, Except That Part in Plan VIP69106, VIP84313, VIP85897, VIP87623, and EPP78517 from RR4 (Rural Residential 4) to CD-12 (Comprehensive Development 12) subject to the following terms and conditions:
 - a) That the applicant provide, **prior to Public Hearing**, a Traffic Impact Study to the satisfaction of the Director of Engineering, which may include recommended road works that would then be required to be completed.
 - b) That the applicant provides, **prior to Bylaw Adoption**, the registration of an amended Master Development Agreement on the Seaclyff Properties Ltd. and Southpoint Partners Ltd. lands currently within the CD12 zone, as per the following:
 - i. The maximum number of dwelling units that may be constructed on lands currently owned by Seaclyff Properties Ltd. shall be 1,600.
 - ii. The maximum number of dwelling units that may be constructed on lands currently owned by Southpoint Partners Ltd. shall be 850.
 - iii. Replace Schedule A1 with the revised Open Space Plan attached as Appendix A to this report.
 - iv. Any requirements of the Traffic Impact Assessment Study.
 - c) That the applicant provides, **prior to Bylaw Adoption**, the registration of the revised Master Development Agreement, registered in priority of all other charges on title, on the subject properties.
2. Replace Section 6.101.04(8) of Bylaw 300 with, *'Under no circumstances may the total number of residential dwellings other than secondary suites and assisted living apartments and care facilities in Areas I, II, III, and IV of the CD12 zone exceed 2600.'*
3. Replace Schedule X of Bylaw 300 with the plan attached to this report as Schedule B.

OR

Option 2

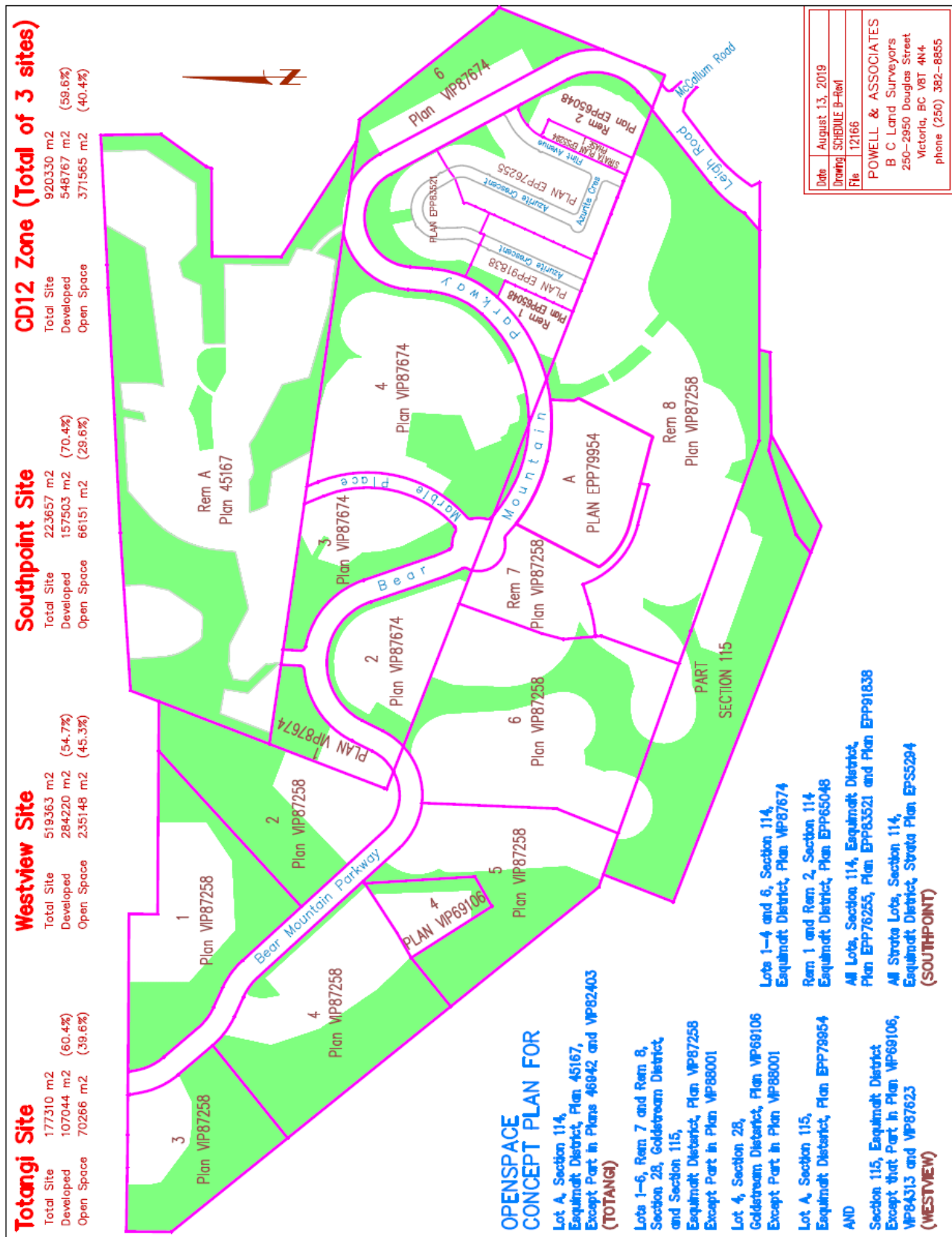
1. Take no action at this time with respect to Bylaw No. 1860.

Submitted by:	Robert Dykstra, MCIP, RPP Land Development Planner
Concurrence:	Matthew Baldwin, MCIP, RPP, Director of Planning
Concurrence:	Adriana Proton, Manager of Legislative Services
Concurrence:	Cory Manton, Manager of Parks and Recreation
Concurrence:	Michelle Mahovlich, P.Eng, P.Geo, Director of Engineering
Concurrence:	Leah Stohmann, MCIP, RPP, Deputy Director of Planning
Concurrence:	Michael Dillabaugh, CPA, CA, Director of Finance
Concurrence:	Darren Kiedyk, Chief Administrative Officer

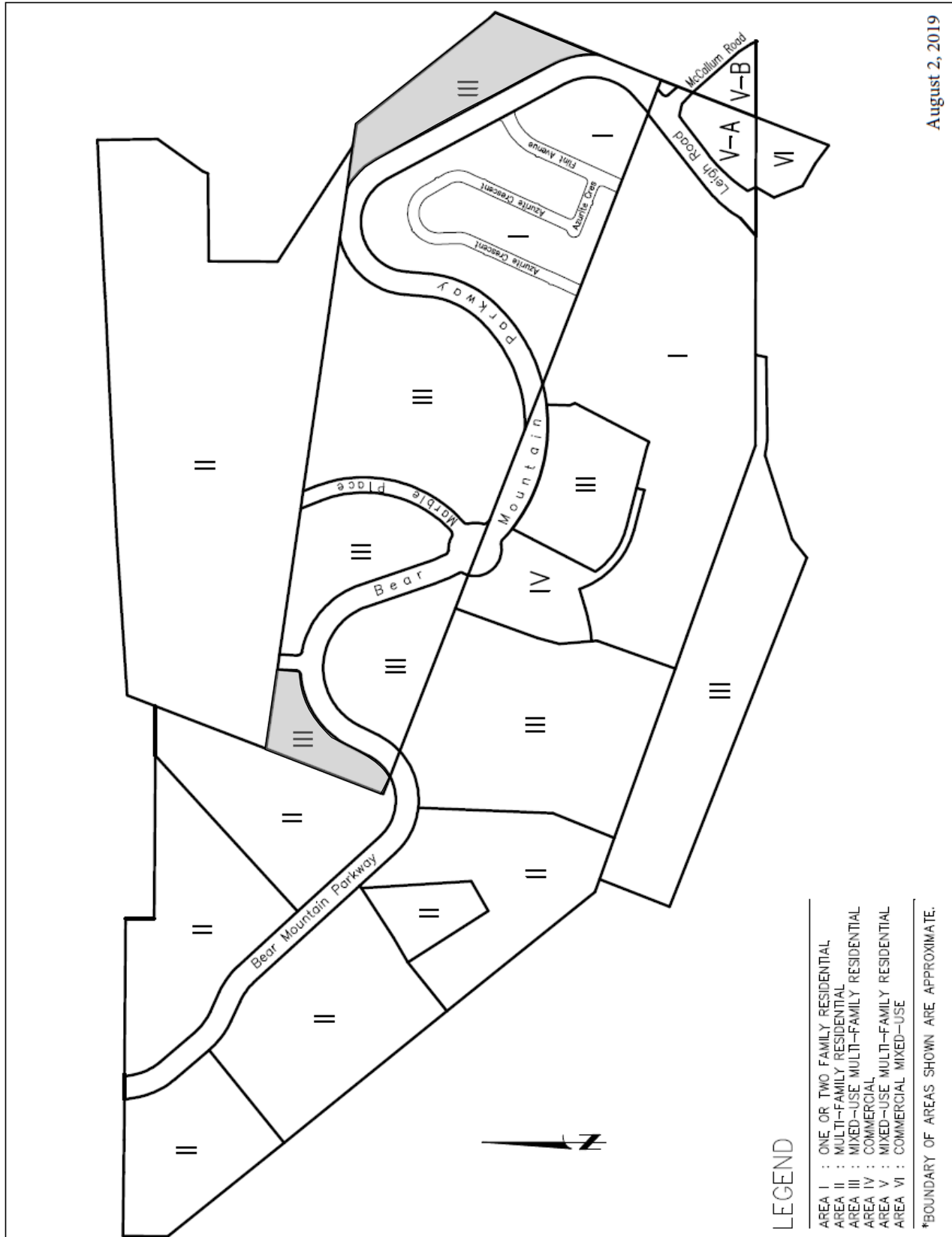
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Appendix A

OPEN SPACE PLAN

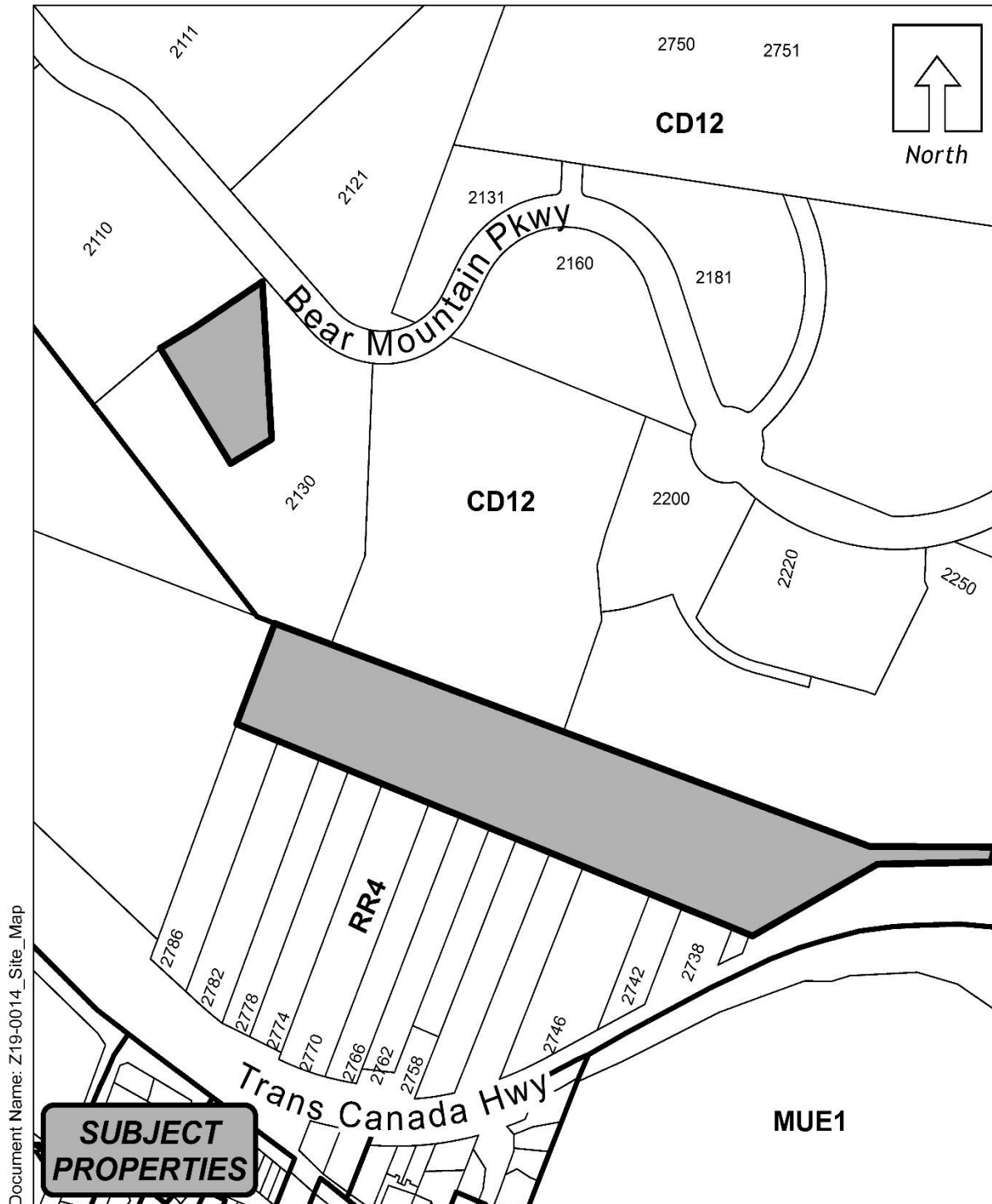


Appendix B
DESIGNATED AREAS



Appendix C
SUBJECT PROPERTIES

REZONING BYLAW AMENDMENT
(Z19-0014)
009427902 & 024550485



Scale: N.T.S.

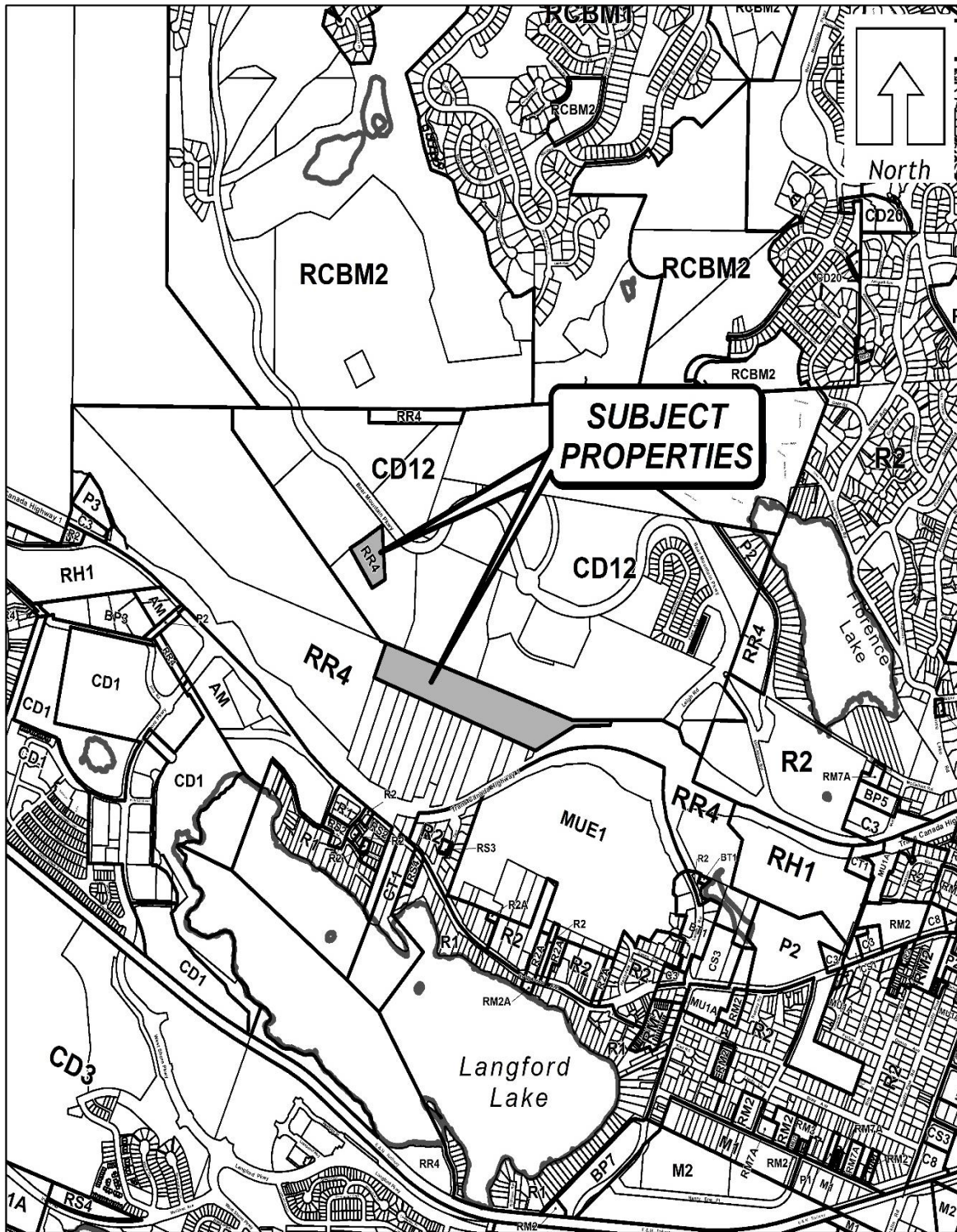
Last Revised: 7/5/2019

Appendix D
LOCATION MAP

REZONING BYLAW AMENDMENT

(Z19-0014)

009427902 & 024550485



Scale: N.T.S.

Last Revised: 7/5/2019

Document Name: Z19-0014_Location_Map

**CITY OF LANGFORD
BYLAW NO. 1860**

**A BYLAW TO AMEND BYLAW NO. 300,
"LANGFORD ZONING BYLAW, 1999"**

The Council of the City of Langford, in open meeting assembled, hereby enacts as follows:

A. Langford Zoning Bylaw No. 300, 1999 is amended as follows:

1. By deleting from the RR4 (Rural Residential 4) Zone and adding to CD12 (Comprehensive Development 12 – South Skirt Mountain) Zone the property legally described SECTION 115 ESQUIMALT DISTRICT EXCEPT THAT PART IN PLAN VIP69106 VIP84313 VIP85897 VIP87623 AND EPP78517, PID No. 009-427-902 and LOT 4 SECTION 28 GOLDSTREAM DISTRICT PLAN VIP69106 (SEE PLAN AS TO LIMITED ACCESS), PID No. 024-550-485 in the portions as shown shaded on Plan No. 1 attached to and forming part of this Bylaw.
2. Replace Section 6.101.04(8) of Bylaw 300 with, *'Under no circumstances may the total number of residential dwellings other than secondary suites and assisted living apartments and care facilities in Areas I, II, III, and IV of the CD12 zone exceed 2600.'*
3. Replace Schedule X of Bylaw 300 with the revised plan, attached as Schedule B to this bylaw.

B. This Bylaw may be cited for all purposes as "Langford Zoning Bylaw, Amendment No. 573, (PID Nos. 009-427-902 & 024-550-485), Bylaw No. 1860, 2019".

READ A FIRST TIME this day of, 2019.

PUBLIC HEARING held this day of, 2019.

READ A SECOND TIME this day of, 2019.

READ A THIRD TIME this day of, 2019.

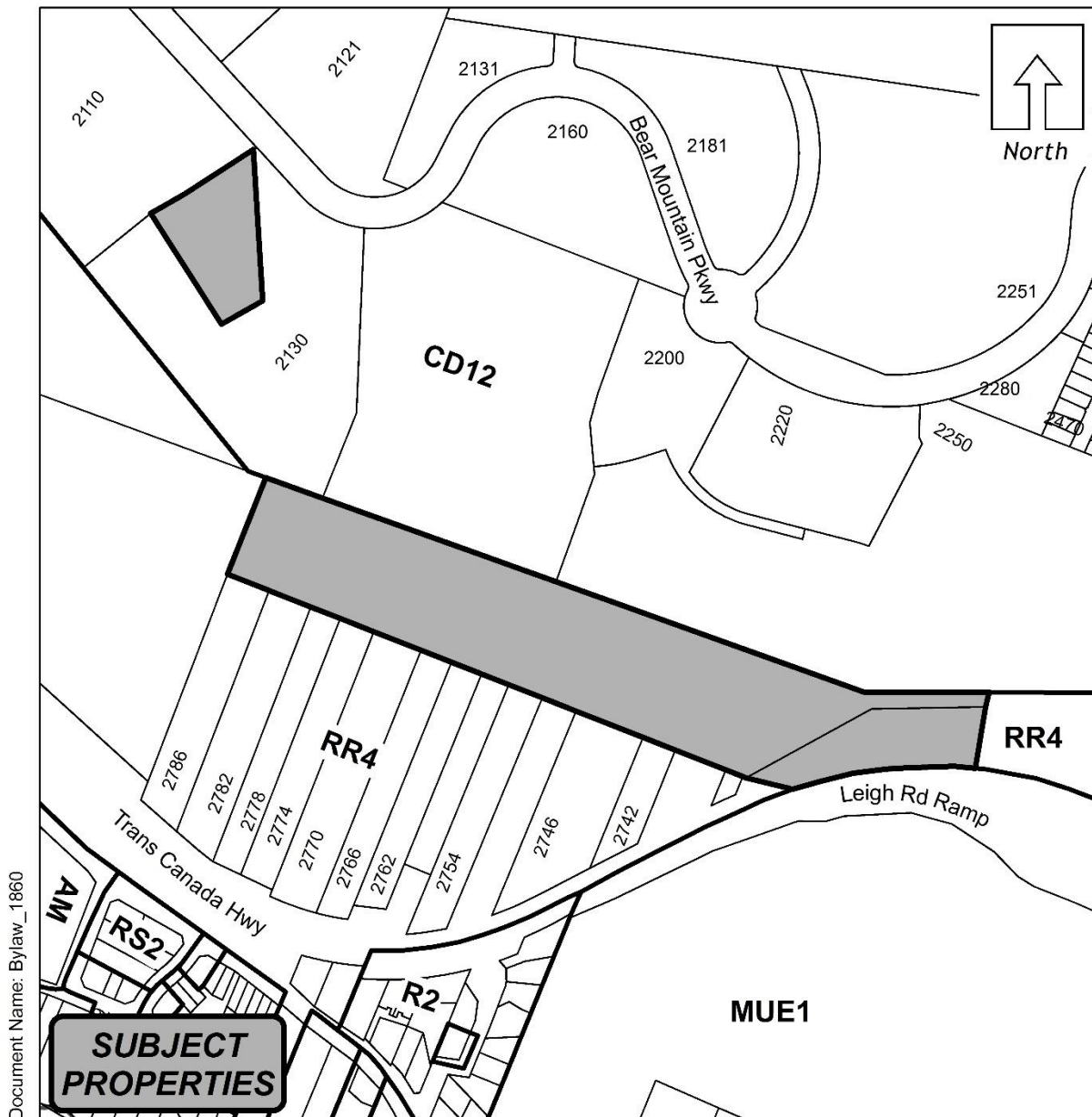
APPROVED BY THE MINISTRY OF TRANSPORTATION THIS day of , 2019.

ADOPTED this of, 2019.

MAYOR

(Certified Correct)
CORPORATE OFFICER

Schedule A



I HEREBY CERTIFY THIS TO BE A TRUE COPY
OF PLAN No. 1 AS DESCRIBED
IN SECTION A1 OF BYLAW No. 1860

MAYOR

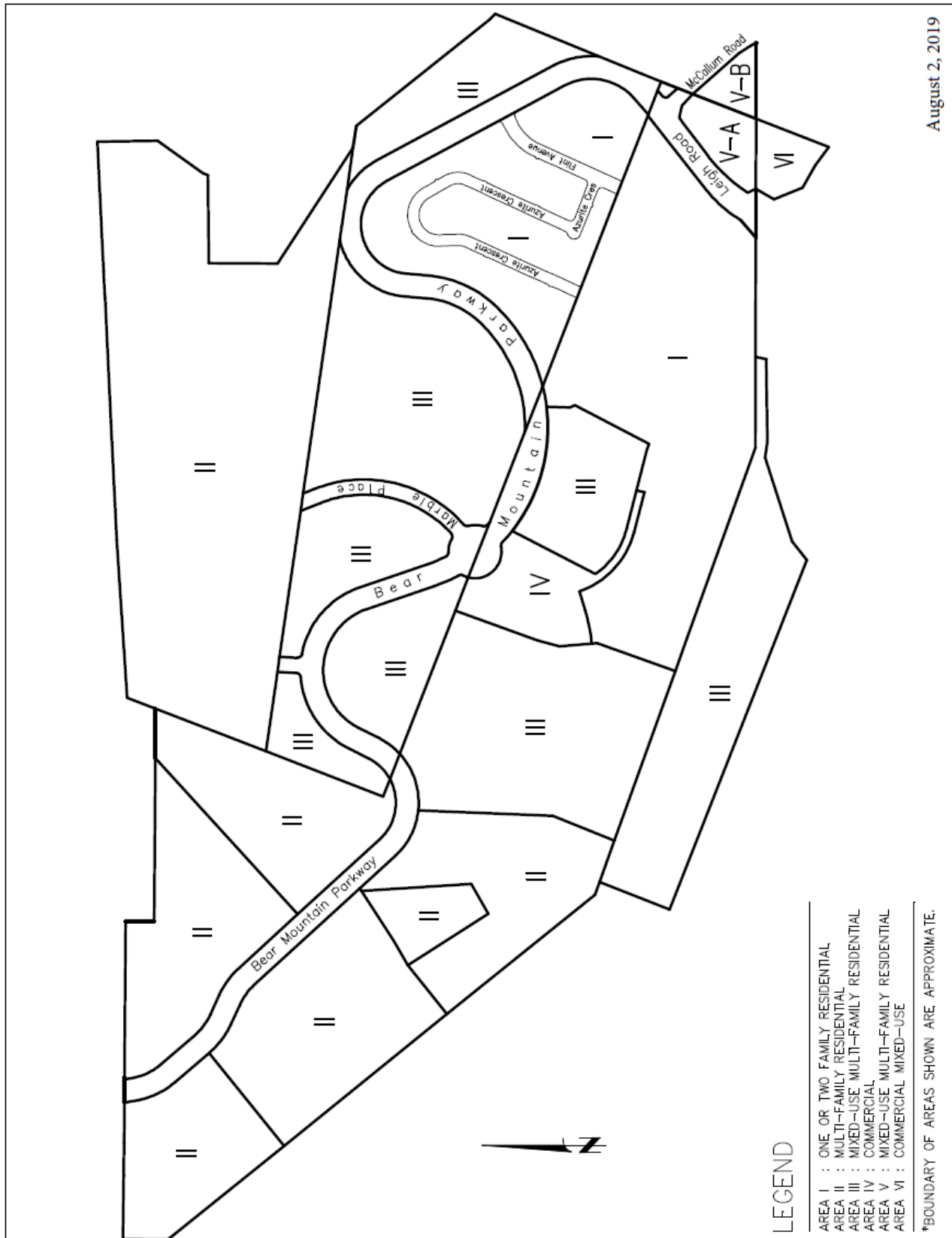
ADOPTION: _____

CORPORATE OFFICER

Scale: N.T.S.

Last Revised: 8/9/2019

Schedule B





City of Langford

www.cityoflangford.ca

August 19th, 2019

In-Camera Resolution

- a) That it is the opinion of Council that the public interest requires that persons other than members of Council and Officers be excluded from the meeting to consider confidential information regarding the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party; under Section 90 (2) (b) of the Community Charter.
- b) That Council continue the meeting in closed session.