

**CITY OF LANGFORD**  
**PLANNING, ZONING AND AFFORDABLE HOUSING COMMITTEE**

**Monday, September 13, 2021 @ 5:30 pm**

**Due to COVID-19 Council Chambers is Closed**

**Dial In:** 1-855-703-8985 (Canada Toll Free) or 1-778-907-2071 **or join via Zoom**  
**using Zoom.us or Zoom app on your mobile device.**

**Meeting ID:** 834 4707 7402

**To Participate:** During the public participation period, press **Star (\*) 9** or use the icon in Zoom to "raise your hand". Participants will be unmuted one by one when it is their turn to speak.

When called upon, you will have to press \*6 to unmute the phone from your side as well.

We may experience a delay in opening the meeting due to technical difficulties. In the event that the meeting does not start as scheduled please be patient and stay on the line, we will get started as quickly as possible. **Public Dial-In Details are also posted at [www.langford.ca](http://www.langford.ca)**

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**AGENDA**

	<b>Page</b>
<b>1. <u>CALL TO ORDER</u></b>	
<b>2. <u>APPROVAL OF THE AGENDA</u></b>	
<b>3. <u>ADOPTION OF THE MINUTES</u></b>	
a) Planning, Zoning & Affordable Housing Committee Meeting – August 9, 2021	<b>2</b>
<b>4. <u>REPORTS</u></b>	
a) Application to Rezone 3216 Happy Valley Road from Rural Residential 2 (RR2) Zone to Residential Townhouse 1 (RT1) Zone to Allow for an 18-unit Townhouse Development - Staff Report (Planning)	<b>7</b>
b) Application to amend the text and schedule map of the CD3 (Comprehensive Development – Westhills) Zone - Staff Report (Planning)	<b>20</b>
<b>5. <u>ADJOURNMENT</u></b>	

**CITY OF LANGFORD**

**MINUTES OF THE PLANNING, ZONING AND AFFORDABLE HOUSING COMMITTEE**

**Monday, August 9, 2021 @ 5:30 pm**

**Due to COVID-19 Council Chambers is Closed  
Meeting by Teleconference**

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**PRESENT**

Councillors: D. Blackwell (Chair), and L. Seaton (Vice-Chair).

Members: A. Creuzot, and J. Raappana.

By Telephone: Members K. Sheldrake.

**ATTENDING**

L. Stohmann, Deputy Director of Planning and Subdivision; and G. Henshall, Deputy Director of Engineering and Public Works.

**ABSENT**

Councillor R. Wade; Members: S. Harvey, M. Hall, C. Brown, and D. Horner

**1. CALL TO ORDER**

The Chair called the meeting to order at 5:30 p.m.

**2. APPROVAL OF THE AGENDA**

MOVED BY: J. RAAPPANA

SECONDED: L. SEATON

That the Planning, Zoning and Affordable Housing Committee move item C) Bylaw No. 1977 to item D and that item D) Bylaw No. 1999 be moved to item C and approve the agenda as amended.

CARRIED.

**3. ADOPTION OF THE MINUTES**

**a) Planning, Zoning & Affordable Housing Committee Meeting – July 12, 2021**

MOVED BY: L. SEATON

SECONDED: A. CREUZOT

That the Planning, Zoning and Affordable Housing Committee approve the minutes of the meeting held on July 12, 2021.

CARRIED.

#### 4. REPORTS

- a) **Bylaw No. 1998 Application to rezone 2619 Sooke Road from One- and Two- Family Residential (R2) zone to Neighbourhood Institutional (P1A) zone and amend the text of the P1A zone at 2619 Sooke Road to allow for a 44-child Group Daycare**  
- **Staff Report (Planning)**

MOVED BY: A. CREUZOT  
SECONDED: J. RAAPPANA

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

1. Proceed with consideration of Bylaw No. 1998 to rezone 2619 Sooke Road from One- and Two-Family Residential (R2) to Neighbourhood Institutional (P1A) and amend the text of the P1A (Neighbourhood Institutional) at 2619 Sooke Road to allow for a 44-child Group Daycare, subject to the following terms and conditions:
  - a) That the applicant provides, prior to **Bylaw Adoption**, the following:
    - i. \$6,000.00 for a sidewalk on the Sooke Rd frontage of the strata property, to the satisfaction of the Director of Engineering.

CARRIED.

- b) **Application to Rezone 962, 966, 970, 974, and 978 Bray Avenue from the One- and Two-Family Residential (R2) Zone to the City Centre (CC1) Zone to Allow for Two 6-Storey Residential Buildings**  
- **Staff Report (Planning)**

MOVED BY: L. SEATON  
SECONDED: J. RAAPPANA

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

1. Direct staff to prepare a bylaw to amend the zoning designation of the properties located at 962, 966, 970, 974, and 978 Bray Avenue from the R2 (One- and Two-Family Residential) zone to the CC1 (City Centre) zone 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, **as a bonus for increased density**, the following contributions per square metre of commercial space, prior to issuance of a building permit:
  - i. \$10.75 towards the General Amenity Reserve Fund.
- c) That the applicant provides, **prior to Public Hearing**, the following:
  - i. Detailed 3D renderings of the proposed development that clearly illustrates the proposal; and
  - ii. A technical memo from a qualified engineer that verifies stormwater can be adequately managed on-site for the proposed developments, to the satisfaction of the Director of Engineering;
  - iii. A Traffic Impact Assessment from a qualified engineer be provided regarding the proposed development, 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 five subject properties be consolidated together prior to issuance of a Development Permit for Form and Character;
  - ii. That a separate covenant be registered prior to issuance of a building permit for the proposed residential building(s) that ensures parking is allocated to each unit and visitors as required by the zoning bylaw and is not provided in exchange for compensation separate from that of a residential unit;
  - iii. That a separate covenant be registered that informs individuals about the potential noise that will be generated from the neighbouring Park at various times;
  - iv. That no occupancy permit be issued for the proposed building until a strata plan for the building has been registered, to the satisfaction of the Approving Officer;
  - v. That 100% of residential parking spaces, excluding visitor parking spaces, shall feature an energized outlet capable of providing Level 2 charging or higher to the parking space, and that
    - 1. Energized outlets shall be labelled for the use of electric vehicle charging;
    - 2. Where an electric vehicle energy management system is implemented (load sharing), a qualified professional may specify a minimum performance standard to ensure a sufficient rate of electric vehicle charging; and
    - 3. The owner/tenant is required to keep the Electric Vehicle Servicing Equipment (EVSE) in operation and the Strata Council/landlord may not prevent an owner, occupant, or tenant from installing the EV charging equipment
  - vi. That the following are implemented to Bylaw 1000 standards to the satisfaction of the Director of Engineering prior to issuance of a building permit:
    - 1. Frontage improvements;
    - 2. A storm water management plan; and
    - 3. A construction parking management plan.

AND

2. Develop a rendering of the proposed building that is more consistent with the City's guidelines for multi-family residential development prior to Public Hearing, and covenant and agree that what they propose for Development Permit and Building Permit is consistent with the design shown at Public Hearing;

AND

3. Authorize the Director of Planning to issue the following variance in the Form and Character Development Permit for 962, 966, 970, 974, and 978 Bray Avenue:
  - a) That Section 6.57.07(3) be varied to reduce the minimum landscape strip between surface parking and the rear lot line from the required 3.0m (9.8 ft) to 1.5m (5 ft), subject to an increased level of landscaping in the subject area with emphasizes on height. That Section 6.57.07(3) be varied to reduce the minimum landscape strip between surface parking and the rear lot line from the required 3.0m (9.8 ft) to 1.5m (5 ft), subject to an increased level of landscaping in the subject area with emphasis on height.

CARRIED.

- c) **Bylaw No. 1999 - Application to Rezone 2762, 2786, and 2774 Winster Road from R2 (One-and Two-Family Residential) to CC1 (City Centre) to Allow for a Six-Storey, 68-Unit Apartment Building**  
- **Staff Report (Planning)**

MOVED BY: L. SEATON

SECONDED: A. CREUZOT

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

1. Refer the application for 2762, 2786 and 2774 Winster Road back to staff until the proposal is redesigned to a lower density than proposed and a traffic impact assessment is completed.

CARRIED.

- d) **Bylaw No. 1997 - Application to amend the text of the RCBM2 Zone and associated Schedule O2 map**  
- **Staff Report (Planning)**

MOVED BY: A. CREUZOT

SECONDED: J. RAAPPANA

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

1. Proceed with consideration of Bylaw No. 1997 to:

- a. Amend the designation of the area labelled **Area A** on Appendix A of this report from Area 2 to Area 3 on Schedule O2;
- b. Amend the designation of the area labelled **Area B** on Appendix A of this report from Area 3 to Area 2 on Schedule O2;
- c. Amend the text of the RCBM2 Zone to allow an interior side lot setback of 1.5 m in Area 3; and
- d. Amend the text of the RCBM2 Zone to allow secondary suites in one-family dwellings in Area 3;

That **prior to Public Hearing**, the applicant provides a Traffic Impact Assessment (TIA) to determine the capacity of the road networks, to the satisfaction of the Director of Engineering.

CARRIED.

## 5. ADJOURNMENT

The Chair adjourned the meeting at 6:30 p.m.

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CHAIR

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CERTIFIED CORRECT  
(Corporate Officer)



## Staff Report to Planning, Zoning and Affordable Housing Committee

**Date:** September 13, 2021

**Department:** Planning

**Application No.:** Z21-0012

**Subject:** Application to Rezone 3216 Happy Valley Road from Rural Residential 2 (RR2) Zone to Residential Townhouse 1 (RT1) Zone to Allow for an 18-unit Townhouse Development

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### **PURPOSE**

Gary Lunn has applied on behalf of Walking Stick Developments Inc. to rezone 3216 Happy Valley Road from Rural Residential (RR2) Zone to Residential Townhouse 1 (RT1) Zone to allow for an 18-unit townhouse strata development.

### **BACKGROUND**

#### **PREVIOUS APPLICATIONS**

The City has not received any previous planning applications on the subject property.

**Table 1: Site Data**

<i>Applicant</i>	Gary Lunn	
<i>Owner</i>	Walking Stick Developments Inc.	
<i>Civic Address</i>	3216 Happy Valley Road	
<i>Legal Description</i>	Parcel A (DD 1536941) of Lot 15, Block 2, Section 83, Esquimalt District, Plan 1524	
<i>Size of Property</i>	2,175m <sup>2</sup> (0.54 acres)	
<i>DP Areas</i>	n/a	
<i>Zoning Designation</i>	Existing: Rural Residential 2 (RR2)	Proposed: Residential Townhouse 1 (RT1)
<i>OCP Designation</i>	Existing: Neighbourhood	Proposed: Neighbourhood

**SITE AND SURROUNDING AREA**

The subject property is flat in nature and has a few mature trees to the rear of site. There is an existing detached two-family dwelling located onsite. To the north, east, and south are single-family dwellings on lots that are generally 550m<sup>2</sup> in size. To the west is a property that has split zoning between RR2 and C3. This property operates a rehabilitation service for individuals who have survived a brain injury. The two properties immediately north of this site have applied for a rezoning to allow for a townhouse development across both those properties.

**Table 2: Surrounding Land Uses**

	<b>Zoning</b>	<b>Use</b>
<i>North</i>	Rural Residential 2 (RR2)	Residential
<i>East</i>	Rural Residential 2 (RR2) / District Commercial (C3)	Personal Service Establishment
<i>South</i>	Rural Residential 2 (RR2)	Residential
<i>West</i>	One- and Two Family Residential (R2)	Residential

**Figure 1 – Subject Property**



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## **COUNCIL POLICY**

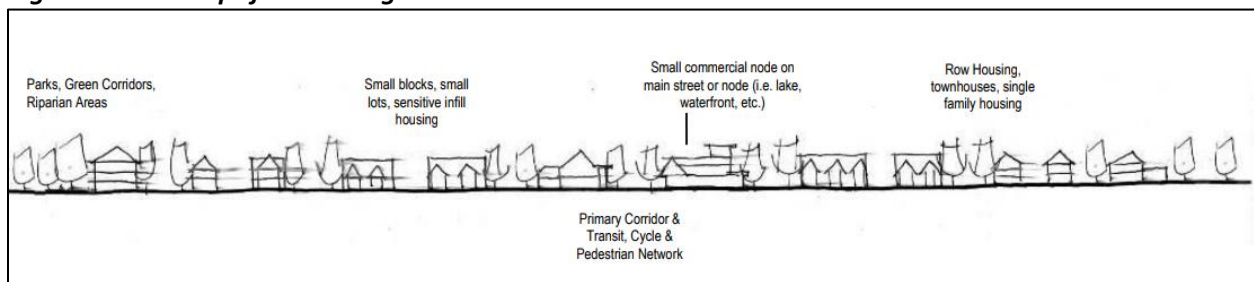
### **OFFICIAL COMMUNITY PLAN**

The Official Community Plan (OCP) Bylaw No. 1200 designates the subject property as 'Neighbourhood', which is defined by the following text:

#### **Neighbourhood**

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

***Figure 2: A Concept for the Neighbourhood***



### **DEVELOPMENT PERMIT AREAS**

The subject property is not located within any of the Environmental Protection or Hazardous Area Development Permit Areas. However, since the proposed development is to construct townhomes, a Development Permit for Form and Character will be required. This DP would need to be issued prior to a building permit to ensure the design is consistent with the City's Design Guidelines.

**Table 3: Proposal Data**

	<b>Permitted by R2 (Current Zone)</b>	<b>Permitted by RT1 (Proposed Zone)</b>
<i>Permitted Uses</i>	<ul style="list-style-type: none"> <li>• Dwelling, One-Family</li> <li>• Dwelling, Two-Family</li> <li>• Group Day Care</li> </ul>	<ul style="list-style-type: none"> <li>• Dwelling, One-Family</li> <li>• Townhouse</li> </ul>
<i>Density</i>	n/a	<b>1.5 FAR *</b>
<i>Height</i>	9m (30 ft)	<b>10.5m (35 ft) *</b>
<i>Site Coverage</i>	40% max	60% max
<i>Front Yard Setback</i>	3.0m (10 ft)	3.0m (10 ft)
<i>Interior Side Yard Setback</i>	1.5m (5.0 ft)	1.2m (4 ft)
<i>Exterior Side Yard Setback</i>	3.0m (10 ft)	3.5m (11.5 ft)
<i>Rear Yard Setback</i>	5.5m (18 ft)	<b>5.0m (16.4 ft) *</b>
<i>Parking Requirement</i>	2.0 per dwelling 1.0 per suite	2.0 per dwelling, plus 4 visitor stalls

\* **Variance or text amendment required****VARIANCES**

The applicant wishes to place the townhouse units closer to the rear lot line by 0.5m than what the zone permits. The height of the townhomes is also proposed to be 0.5m higher than what the zone permits. If Council has no objection to these requested variances, they may wish to authorize the Director of Planning to issue these variances within the Development Permit for Form and Character that is required for this site. Alternatively, if Council is not supportive of the proposed variances, they may wish to request the applicant to redesign the site to comply with the zoning requirements of the RT1 zone.

**Table 4: Variance Requests**

	Required	Proposed
Rear Yard Setback	5.5m (18 ft)	5.0m (16.4 ft)
Height	10.0m (33 ft)	10.5m (35 ft)

**AMENDMENT**

The applicant is also proposing a higher density than permitted by the zone. The zone states that the maximum density can be a Floor Area Ratio (FAR) of 1.2, but the applicant is proposing an FAR of 1.5. Since density is not permitted to be varied as per the *Local Government Act*, an amendment to the Zoning Bylaw would be required. If Council has no objection to the proposed increase in density, they may wish to amend the Zoning Bylaw to increase the maximum allowable density on the subject property to an FAR of 1.5. Alternatively, if Council is not supportive of the proposed increased density, they may wish to request the applicant to redesign the site in order to comply with the zoning requirements.

**FRONTAGE IMPROVEMENTS**Happy Valley Road

The applicant will be required to provide full frontage improvements along Happy Valley Road in accordance with Bylaw 1000, prior to issuance of a building permit. Improvements would include parking scallops, concrete sidewalk, street lighting, and boulevard landscaping with irrigation. Canada Post has requested that the community mailbox and affiliated concrete pad be installed along Happy Valley Road so it can be expanded to include service for future developments.

Private Strata Road

The applicant will need to construct a private strata road prior to subdivision approval. Improvements for this road would include a minimum 6.0m wide hard surface access route.

**ACCESS TO LANDS BEYOND**

As illustrated in Appendix A, the applicant is proposing a private strata road in the centre of the property for access to the individual townhomes. However, through the referral process, The Ministry of Transportation and the Engineering Department have both stated that a half municipal road along the north side of the property should be dedicated and built (the other half to be dedicated and built by 3212 Happy Valley) in order to provide a safe access route to 2715 Sooke Road, for which the only access is on Sooke Road near the bend in the road. If Council wishes to provide an alternative access for 2715 Sooke Road, they may wish to request the applicant to dedicate half a municipal road along the north side of this property.

**SEWERS**

A sewer main exists within Happy Valley along this frontage. The developer will be required to connect the new development to this main through approved civil engineering drawings. Any sewer extensions or modifications within the municipal road right-of-way will be constructed by West Shore Environmental Services at the applicant's expense.

**DRAINAGE AND STORMWATER MANAGEMENT**

As a condition of subdivision approval, Bylaw No. 1000 states that storm water is to be managed through infiltration. As a condition of rezoning, Council may wish to require the applicant to provide a technical memo prior to public hearing from a qualified professional regarding storm water management, to the satisfaction of the Director of Engineering.

**FINANCIAL CONTRIBUTIONS****Council's Amenity Contribution Policy**

The amenity contributions that apply as per Council's Affordable Housing, Park and Amenity Contribution Policy are summarized in Table 5 below.

**Table 5 – Amenity Contributions per Council Policy**

<b>Amenity Item</b>	<b>Per Unit Contribution</b>	<b>Total (18 units)</b>
<i>Affordable Housing Reserve Fund</i>	\$610	\$10,980
<i>General Amenity Reserve Fund</i>	\$3,660	\$65,880
<b>Total</b>		<b>\$76,860</b>

**Development Cost Charges**

The Development Cost Charges that apply as per Bylaw 1700 are summarized in Table 6 below.

**Table 6 – Development Cost Charges**

<b>Development Cost Charge</b>	<b>Per Unit Contribution</b>	<b>Total (18 units)</b>
<i>Roads</i>	\$3,865	\$69,570
<i>Storm Water</i>	\$1,166	\$20,988
<i>Park Improvement</i>	\$1,890	\$34,020
<i>Park Acquisition</i>	\$1,100	\$19,800
<i>Incremental Storage Improvement Fees</i>	\$371.25	\$6,682.50
<b>Subtotal (DCCs paid to City of Langford)</b>		<b>\$151,060.50</b>
<i>CRD Water</i>	\$1,644	\$29,592
<i>School Site Acquisition</i>	\$800	\$14,400
<b>Total (estimate) DCCs</b>		<b>\$195,052.50</b>

**OPTIONS****Option 1**

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

1. Direct staff to prepare a bylaw to amend the zoning designation of the property located at 3216 Happy Valley Road from Rural Residential 2 (RR2) Zone to Residential Townhouse 1 (RT1) Zone, subject to the following terms and conditions:
  - a) That the applicant agrees to provide, **as a bonus for increased density**, the following contributions per new dwelling unit, prior to issuance of a building permit:
    - i. \$3,660 towards the General Amenity Reserve Fund; and
    - ii. \$610 towards the Affordable Housing Reserve Fund.

- 
- b) That the applicant provides, **prior to Public Hearing**, the following:
- i. A technical memo from a qualified engineer that verifies storm water can be adequately managed onsite, to the satisfaction of the Director of Engineering.
  - ii. **A revised site plan and rendering that includes a dedicated municipal half road along the northern boundary.**
- 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 a municipal half road be dedicated and built along the north property line, prior to issuance of a Development Permit, to the satisfaction of the Director of Engineering; and**
  - ii. That all frontage improvements to Bylaw 1000 standards are provided to the satisfaction of the Director of Engineering; and
  - iii. That a storm water management plan be provided and implemented, to the satisfaction of the Director of Engineering; and
  - iv. That the applicant provide a construction management plan to the satisfaction of the Director of Engineering.

**AND**

2. Direct staff to prepare a bylaw to amend Zoning Bylaw 300 by adding the following text as Section 6.28.03(3):

Notwithstanding Subsection 6.28.03(1), on land whose legal description is Parcel A (DD 153694I) of Lot 15, Block 2, Section 83, Esquimalt District, Plan 1524 (3616 Happy Valley Road), the minimum Floor Area Ratio may be increased to 1.5 if the owner of the land proposed to be developed:

- a) pays to the City the amount specified in Column 4 of Table 1 of Schedule AD, prior to the issuance of a building permit. (Bylaw No. 1869);

**AND**

3. Authorize the Director of Planning to issue the following variance in the Form and Character Development Permit for 3216 Happy Valley:
- i. That Section 6.28.06 be varied to increase the maximum height from the required 10.0m (32.8 ft) to 10.5m (34.5 ft); and
  - ii. That Section 6.28.07(1)(d) be varied to reduce the minimum rear yard setback from the required 5.5m (18 ft) to 5.0m (16.4 ft);

**OR Option 2**

4. Direct staff to prepare a bylaw to amend the zoning designation of the property located at 3216 Happy Valley Road from Rural Residential 2 (RR2) Zone to Residential Townhouse 1 (RT1) Zone, subject to the following terms and conditions:
  - a) That the applicant agrees to provide, **as a bonus for increased density**, the following contributions per new dwelling unit, prior to issuance of a building permit:
    - i. \$3,660 towards the General Amenity Reserve Fund; and
    - ii. \$610 towards the Affordable Housing Reserve Fund.
  - b) That the applicant provides, **prior to Public Hearing**, the following:
    - i. A technical memo from a qualified engineer that verifies storm water can be adequately managed onsite, to the satisfaction of the Director of Engineering.
  - 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 1000 standards are provided to the satisfaction of the Director of Engineering; and
    - ii. That a storm water management plan be provided and implemented, to the satisfaction of the Director of Engineering; and
    - iii. That the applicant provide a construction management plan to the satisfaction of the Director of Engineering.

**AND**

5. Direct staff to prepare a bylaw to amend Zoning Bylaw 300 by adding the following text as Section 6.28.03(3):

Notwithstanding Subsection 6.28.03(1), on land whose legal description is Parcel A (DD 153694I) of Lot 15, Block 2, Section 83, Esquimalt District, Plan 1524 (3616 Happy Valley Road), the minimum Floor Area Ratio may be increased to 1.5 if the owner of the land proposed to be developed:

- a) pays to the City the amount specified in Column 4 of Table 1 of Schedule AD, prior to the issuance of a building permit. (Bylaw No. 1869);

**AND**

6. Authorize the Director of Planning to issue the following variance in the Form and Character Development Permit for 3216 Happy Valley:
  - i. That Section 6.28.06 be varied to increase the maximum height from the required 10.0m (32.8 ft) to 10.5m (34.5 ft); and
  - ii. That Section 6.28.07(1)(d) be varied to reduce the minimum rear yard setback from the required 5.5m (18 ft) to 5.0m (16.4 ft);

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Submitted by:	Robert Dykstra, MCIP, RPP, Senior Planner – Approved
Submitted by:	Chris Aubrey, Fire Chief – Approved
Submitted by:	Lorne Fletcher, Manager Community Safety and Municipal Enforcement – Approved
Concurrence:	Matthew Baldwin, MCIP, RPP, Director of Planning – Approved
Concurrence:	Adriana Proton, Manager of Legislative Services
Concurrence:	Yari Nielson, Manager of Parks and Recreation – Approved
Concurrence:	Michelle Mahovlich, P.Eng, P.Geo, Director of Engineering – Approved
Concurrence:	Audrey Kryklywyj-Shortreid, Acting Director of Finance – Approved
Concurrence:	Marie Watmough, Acting Director of Corporate Services - Approved
Concurrence:	Darren Kiedyk, Chief Administrative Officer - Approved

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**Appendix A**  
SITE PLAN





**Appendix B**  
RENDERING



**Appendix C**  
**SUBJECT PROPERTY MAP**

**REZONING BYLAW AMENDMENT**  
**( Z21-0012 )**  
**3216 Happy Valley Rd**



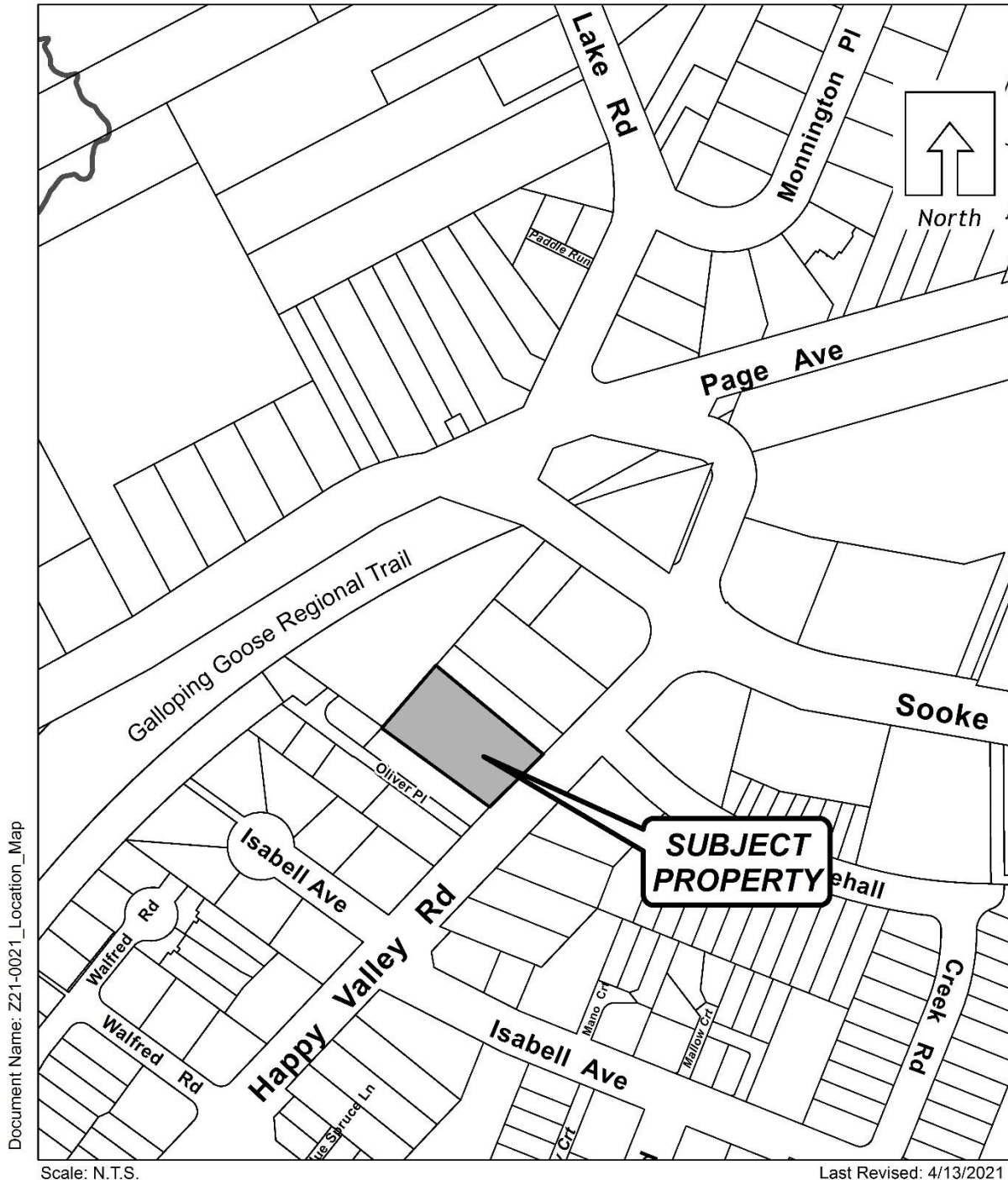
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Scale: N.T.S.

Last Revised: 4/13/2021

**Appendix D**  
**LOCATION MAP**

**REZONING BYLAW AMENDMENT**  
**( Z21-0012 )**  
**3216 Happy Valley Rd**





## **Staff Report to Planning, Zoning and Affordable Housing Committee**

**Date:** September 13, 2021

**Department:** Planning

**Application No.:** Z21-0020

**Subject:** Application to amend the text and schedule map of the CD3 (Comprehensive Development – Westhills) Zone

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### **PURPOSE**

Ryan McKenzie has applied on behalf of Westhills Land Corp. to amend the text and schedule map of the CD3 (Comprehensive Development – Westhills) Zone to allow for various zoning changes. As the entire zone is being reviewed, it is the appropriate time to look at the introduction of amenity fees, updating of the Master Development Agreement, and creating a new Parkland Dedication Agreement. These changes will predominately affect the remaining undeveloped lands within Westhills as shaded on Appendix A.

### **COMMENTS**

#### **ZONING CHANGES**

The Westhills (CD3) existing zoning regulations were created in 2006 when the over 500 acre master plan community was approved by Council. As the Westhills development lands have been built out over the past 15 years, it has provided Westhills Land Corp. with more clarity on their direction of development for the remaining undeveloped lands. Due to this, they are seeking to make various amendments to their zoning regulations.

Currently, the CD3 Zone is divided into 6 “areas” shown on Schedule L of the Zoning Bylaw which is appended to this report as Appendix B. These areas are a Community Core (Area 1), Single Family Residential Area (Area 2), Medium and High Density Multi-Family Residential Area (Area 3), Non-Core Related Mixed Use Nodes (Area 4), Langford Lake Foreshore (Area 5), and Business Park (Area 6). Each of these areas have a different list of permitted uses and in some cases, different regulations pertaining to lot coverage, height, density, or setbacks. The CD3 zone also sets out what amenity contribution will be paid to the City and at what time it is owed. Changes to the amenity contributions are proposed and will be discussed in the next section of the report titled “Density of Development and Density Bonusing”.

The proposed zone changes to Area 1 (Community Core) include allowing drive-through financial institutions and drive-through restaurants exclusively along Langford Parkway and West Shore Parkway, allowing public assembly and entertainment uses, as well as parking facilities in enclosed buildings that contain commercial uses on the ground floor.

Another proposed zone change includes consolidating areas 2 and 3 shown on Appendix B into one residential area that allows for both single family and multi-family development. Council may wish to note that Area 2 (Single Family Residential) already allows for townhomes and apartment uses, so the consolidation of the areas represents more of a simplifying of the zone. It is proposed that a small selection of commercial uses be permitted on the ground floor of multi-family buildings over four storeys. The proposed commercial uses include bakery, day care, fitness centre, medical clinics, office, restaurant, and retail. This would provide neighbourhoods in the residential area with additional services within walking distance. By adding this allowance within the combined Single Family and Multi-Family Residential Area, it creates a redundancy of the existing Area 4, “Non-Core Related Mixed Use Nodes”. The “Non-Core Related Mixed Use Nodes” area was designed to provide a selection of commercial and institutional uses in neighbourhoods located further from the Westhills core. Nearly all of the allowable uses from Area 4 are proposed to be permitted in the Single Family and Multi-Family Residential Area as listed above, with the exception of some larger scale uses that would impact neighbourhoods more severely like hospitals, hotels, recreation centres, and places of worship. It is suggested that the non-residential areas within Area 2 be limited to a maximum of 6,000 m<sup>2</sup> of gross floor area for the entirety of Area 2.

Westhills is also proposing to expand Area 5 (Langford Lake Foreshore) to be renamed “Amenity” and include the lands comprising of the Jordie Lunn Bike Park. While the bike park is open, there are longer term plans to construct a clubhouse which could offer bike rentals, repair facilities, and a cafeteria which would need to be permitted uses within the zoning bylaw.

Westhills would like to expand the uses permitted in their Business Park designated area to be more consistent with other Business Park zones throughout the City of Langford. This includes adding automobile rental, sale, repair, and service, car wash, garden centre, group daycare, recycling depot, among others. Westhills has also requested that the maximum lot coverage be increased from 50% to 60%, and changing the height limit from 12m to 6 storeys. As shown on Appendix C, the area set to be used for Business Park purposes is along West Shore Parkway, abutting the BP2A (Business Park - Sooke Road West) Zone which also has a maximum lot coverage of 60%, and a maximum building height of 4 storeys. To ensure that Business Park uses are appropriately separated from residential uses, it is proposed that all buildings and structures within Area 2 (Single Family and Multi-Family Residential) have a 10m setback from any Business Park designated land. Additionally, a 6m setback is contemplated for any building or structure abutting any land zoned R2 (One- and Two-Family Residential) and RM2A (Attached Housing) which border the southeastern portion of the Business Park area.

As existing areas 2 and 3 are being combined, and existing area 4 is being removed, the remaining amended areas are renumbered and renamed as follows:

Area 1 – Community Core

Area 2 – Single Family and Multi-Family Residential

Area 3 – Amenity

Area 4 – Business Park

An updated version of Schedule L is shown on Appendix C, which shows how the Westhills land area is divided into the four above noted areas.

The applicant is also wanting to make some minor changes to their subdivision requirements. These changes would affect single family development and include reducing the minimum lot width from 9.5 m to 9m, reducing the minimum building envelope width from 7m to 6m, and reducing the minimum building envelope area from 93m<sup>2</sup> to 72m<sup>2</sup>. For context, the RS1 (Residential Small Lot) Zone allows for 9m wide lots with a building envelope width and area of 5.5m and 67m<sup>2</sup>. Given this, Council may feel the proposed change is reasonable.

#### **DENSITY OF DEVELOPMENT AND DENSITY BONUSING**

As part of this rezoning, it is proposed to make some changes to the “density of development” section of the CD3 Zone (Comprehensive Development – Westhills). As is, this section lays out how many units may be constructed on the lands before triggering different amenities – whether that be the construction of physical amenities like a public pier or paying cash amenities to the City. The proposed changes to this section of the zone include removing amenities that have already been paid out and restructuring how the remaining contributions will be paid, as well as introducing a single-family equivalent per residential unit to be paid into the City’s General Amenity Reserve Fund. Under the current zoning, the City does not collect an amenity fee per residential unit within Westhills.

In other Comprehensive Development Zones within the City, like Bear Mountain or South Skirt Mountain, the developer pays the City a single family equivalent of \$2,000 per residential unit. Should Council wish to accept this proposal and implement a single family equivalent of \$2,000 per unit within Westhills, they could expect the following contributions per housing type:

<b>Housing Type</b>	<b>Single Family Equivalent (SFE)</b>	<b>Contribution</b>
Single Family on lot over 550m <sup>2</sup>	1.0	\$2,000
Single Family on lots less than 550m <sup>2</sup>	0.66	\$1,320
Duplex	1.32 (0.66 x2)	\$2,640
Multi-Family (townhousing and apartment)	0.61	\$1,220

Westhills has made payments of \$2,120,000 to-date in accordance with the amenity contribution requirements of the current zoning. Under Council’s Affordable Housing and Amenity Contribution Policy for large comprehensive development (ex: Bear Mountain and Skirt Mountain), and considering the benefit to the community of the pre-payment made by Westhills of this amenity, their contribution to-date is equivalent to 1829 Single Family Equivalents (SFE) @\$2,000 per SFE<sup>1</sup>. At the present time there have been approximately 839 residential units constructed in Westhills, which equates to approximately 535 SFEs. Westhills has agreed to pay \$2,000 per SFE after the next 1295 SFEs have been constructed. At that point the amenity contribution to-date will have reached a value of \$2,000 per SFE.

There are several constructed amenities called for within the existing bylaw like a public pier, park, amphitheatre, and water feature, and have a stated value of at least \$750,000. Council may wish to request that this number be increased to \$1,000,000 to account for the increased cost of construction

<sup>1</sup> The amenity contribution made by Westhills has occurred over a number of years and its net present value to the community is estimated to be \$3,659,583.



that has occurred since 2006. Council may find it makes more sense to remove the constructed amenities from the zoning bylaw and secure them through the Parkland Dedication Agreement. This would allow for the appropriate triggers to be negotiated as the lands surrounding are developed instead of using a unit trigger within the zoning bylaw which may not be logical for the site context.

Other proposed changes to this section of the bylaw include reducing the overall number of units permitted outside of the Community Core (Area 1) from 5,950 units to 4,950 units. Council may wish to note that the number of allowable single-family homes is remaining unchanged and capped at 1500. Additionally, Westhills is suggesting that the minimum Floor Area Ratio requirement in the Community Core of 1.0 be reduced to 0.75 with an allowance to develop with an FAR below 0.75 if an additional amenity charge of \$10.75 per m<sup>2</sup> of gross floor area towards the General Amenity Reserve Fund. Council may wish to require that the ability to develop property below a 0.75 FAR be capped at 20% of the land within Area 1 to ensure that the Westhills core is developed as the dense community as contemplated in the original visioning of Westhills.

The applicant has also requested that the maximum density (on a lot by lot basis) be increased to 10.0. In theory this would allow taller and higher density development in Area 1, but actual density will also be tempered by general economic conditions and the ability to provide adequate parking.

Another item currently secured within this section of the bylaw is the requirement that 150 rental units are constructed on the lands. Although they may continue to build rentals, Westhills would like to remove this requirement from the zone. This was originally included in the zone due to a rental housing shortage throughout the City of Langford. As the City has seen nearly 3,000 rental units constructed in the past 15 years, Council may feel this is not the issue it once was.

Currently this section of the bylaw also speaks to the requirement that 40% of the lands be dedicated to the City. As this information is already secured in the Master Development Agreement and could also be secured in the Parkland Dedication Agreement, Council may see the inclusion of the information in the zoning bylaw as redundant.

#### **MASTER DEVELOPMENT AGREEMENT (MDA)**

The existing MDA for Westhills was created in 2007. Since then, Westhills has completed many of the items required and secured through the Agreement such as road improvements and constructing at least 320 small lot single family homes. Other items have been determined as no longer necessary, like an option for the City to acquire certain lands for a sanitary sewer treatment plant – an option that had to be exercised within 7 years of the original agreement which has since expired, or a requirement to provide transit vehicles for the operation of a transit service for the lands. As BC Transit now services the area, a separate transit service is not necessary. Removing these items will help to simplify the Agreement and make more clear what items are still outstanding.

Another provision within the MDA that has already been met and no longer necessary within the Agreement is that a portion of the lands be offered up for sale to the School District. As this sale has already occurred and a future elementary and middle school are planned for the Westhills neighbourhood, the requirement can be removed from the Agreement. In a further effort to simplify the MDA, the Westhills road cross sections could also be removed from the Agreement since they are already secured through Bylaw No. 1000.

Another component of the original MDA was that the development complies with LEED for Neighbourhood Development (LEED-ND). LEED-ND is a certification intended to guide neighbourhood-scale development (e.g. walkability, community-level designs, etc.), as opposed to other LEED programs which focus on individual buildings. Because LEED-ND guidelines did not exist within Canada at the time the MDA was established, the City of Langford and the Canada Green Building Council entered an MOU (2006) to utilize Westhills as a demonstration project to inform the eventual creation of LEED-ND guidelines for greenfield development sites within the country. Unfortunately, this process was cut short when the U.S. Green Building Council refocused all LEED-ND programming (including the Canada Green Building Council's) to instead prioritize brownfield/infill developments, ultimately resulting in a standard that does not align with larger, multi-phase, greenfield projects like Westhills. Due to this, all reference to LEED-ND is proposed to be removed from the MDA. Council may wish to note that in its place, all multi-family, commercial, or business park buildings would be required to either achieve a bronze category of the Built Green standard, comply with Canada Green Building Council LEED-NC (New Construction), or submit a Sustainability Statement prepared by a qualified professional which demonstrates how the building addresses key environmental principles in the areas of, at minimum: Energy Efficiency; Water Efficiency; Lighting Design; Landscaping Design; and Storm/Rainwater Management. Additionally, all single-family homes, duplexes, and townhomes in Westhills are still required to be built to at least a bronze category of the Built Green standard – a certification that addresses seven key areas of sustainable building: energy & envelope, materials & methods, indoor air quality, ventilation, waste management, water conservation, and building practices.

Another section of the MDA called for Westhills and the City to work co-operatively to create a Langford Green Utility. This green utility was created and is now known as Sustainable Services Ltd (SSL). SSL provides heating and cooling to over 1000 Westhills residents through the Westhills Community Energy System (CES), a form of District Energy that uses local renewable thermal energy from localized geo-exchange and waste heat recovery sources. The primary energy source for the CES is a geo-exchange bore field located underneath the Goudy Field that was constructed in 2008-09. The system consists of over 200 vertical wells drilled 400 feet deep. The CES also uses Westhills Arena to harness the heat removed from the arena to make ice. This heat would typically be expelled into the atmosphere as "waste heat" but is instead captured and injected into the CES so it can be used again by the community. Furthermore, SSL is also the potable water utility provider for the Westhills community as well as other nearby developments.

Additionally, Westhills is requesting that the requirement to construct a railway platform and station, should passenger rail service be re-instated in the future along the E&N rail corridor, be secured in a separate agreement rather than within the MDA. This is to ensure that it is clear to prospective purchasers that the responsibility to construct the platform/station lies with Westhills Land Corp., and is not the responsibility of new owners. Council may wish to request that Westhills enter into this separate agreement with the City prior to bylaw adoption.

Finally, the Director of Engineering has requested that a future road connection between Parkdale Road and West Shore Parkway be considered to assist in alleviating traffic along Alouette Road. This option can be secured within the new MDA.

#### **PARKLAND DEDICATION AGREEMENT (PDA)**



The updated MDA makes reference to a new Parkland Dedication Agreement (PDA). While the information related to parkland dedication was previously included within the MDA, it is suggested that it be moved into a separate agreement. This agreement secures that Westhills is still responsible for providing at least 40% of their land base to the City as Open Space. While approximately 10% (50 acres) has already been transferred to the City, like the new Jordie Lunn Bike Park, Westhills Park, the Central Wetland, Parkdale Hill, among others, there is still a significant portion of land remaining to be dedicated. The PDA sets out the parameters of what kinds of parcels of land will or will not be considered Park, when dedication needs to occur, and how the areas are to be protected or improved upon. It is proposed that the 40% land dedication could include playing fields, trails, Streamside Protection Enhancement Areas, engineered fill slopes, public plazas, untouched greenspace, among others. It is also proposed that the Park & Ride area adjacent to the E&N railway and YMCA count towards the 40% subject to it remaining available for public use.

The agreement includes an Open Space Plan of projected Park areas, although Council may wish to note that these areas are considered the best estimation and are subject to change. Council may find it better to maintain a degree of flexibility as Westhills is constantly evolving and there may be needs for the future community that we are not contemplating at this time. It is suggested that these Park dedications be negotiated as the lands surrounding them are developed and will be secured at the time of adjacent subdivisions. That being said, Westhills is committing to transferring at least 35 acres of land within the red outlined area shown on the proposed Open Space Plan on Appendix D, inclusive of the rock-climbing area, within 6 months of adoption of this rezoning. As such, Council may wish to require that Westhills enter into a Parkland Dedication Agreement prior to the bylaw adoption.

## **OPTIONS**

### **Option 1**

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

1. Direct Staff to prepare a bylaw to amend the CD3 (Comprehensive Development 3 – Westhills) Zone to allow various zone changes, subject to the following conditions:
  - a. That prior to bylaw adoption, a Section 219 Covenant is registered on title in priority of all other charges on title that secures the updated Master Development Agreement;
  - b. That prior to bylaw adoption, the current Section 219 Covenant registered on title that contains the existing Master Development Agreement be discharged;
  - c. That prior to bylaw adoption, the applicant enter into a Parkland Dedication Agreement with the City to the satisfaction of the Chief Administrative Officer which shall include the following:
    - i. That 40% of the lands as generally shown on Appendix D shall be dedicated to the City at the time of adjacent development;
    - ii. Notwithstanding (i), that 35 acres of land located within the red outlined portion as shown on Appendix D, inclusive of the rock-climbing area, shall be transferred to the City within 6 months of the adoption of this bylaw;
    - iii. That the content within the existing Master Development Agreement in relation to the timing of parkland dedication be included;

- 
- d. That prior to bylaw adoption, the applicant enter into an agreement securing that Westhills Land Corp. shall construct a railway platform and station should passenger rail service be re-instated along the E&N corridor, to the satisfaction of the City Administrative Officer.

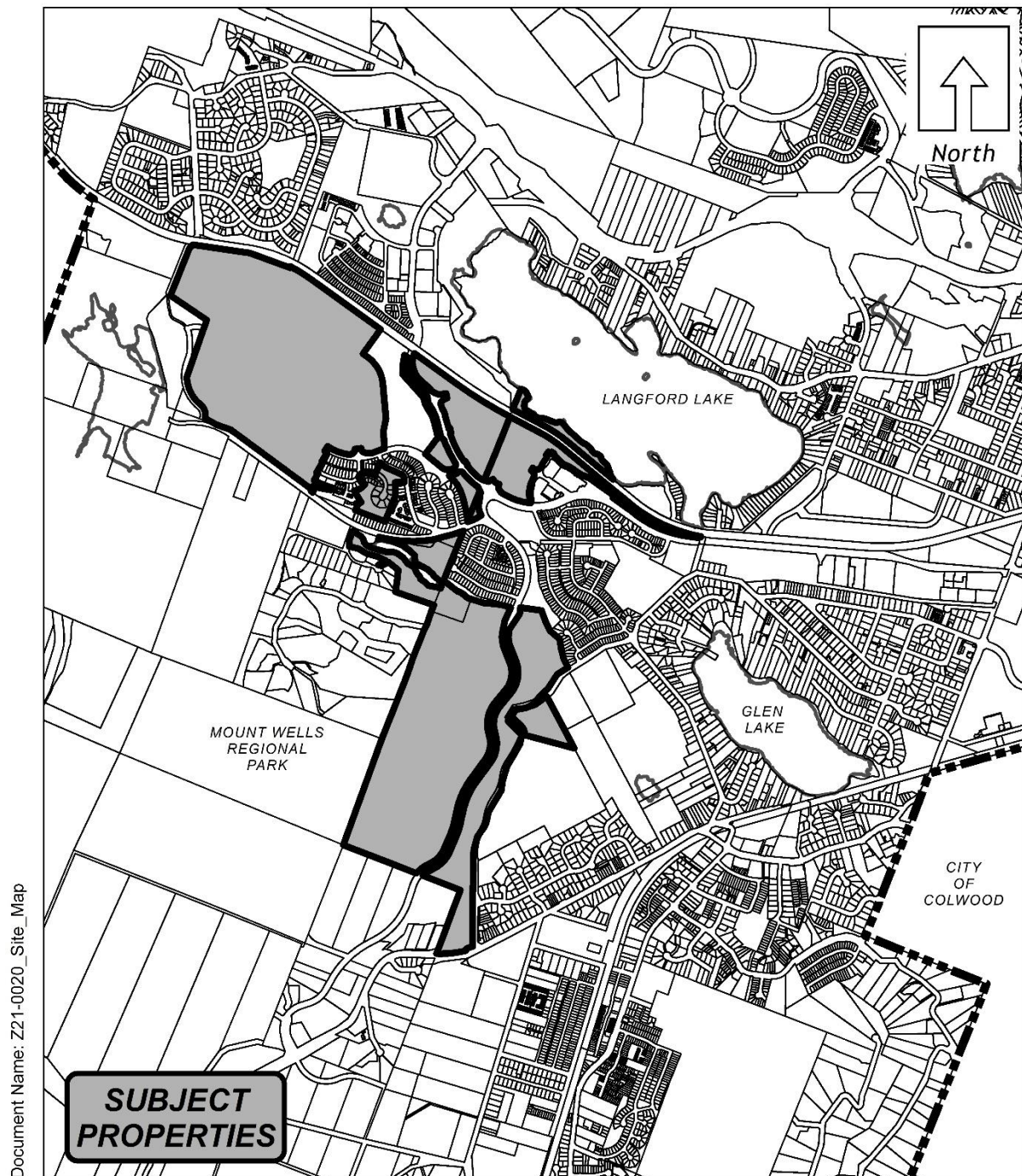
## OR Option 2

1. Reject this application to amend the zoning of the CD3 (Comprehensive Development 3 – Westhills) Zone.

Submitted by:	Julia Buckingham, Planner II
Concurrence:	Matthew Baldwin, MCIP, RPP, Director of Planning
Concurrence:	Adriana Proton, Manager of Legislative Services
Concurrence:	Chris Aubrey, Fire Chief
Concurrence:	Yari Nielson, Manager of Parks and Recreation
Concurrence:	Michelle Mahovich, P.Eng, P.Geo, Director of Engineering
Concurrence:	Audrey Kryklywyj-Shortreid, Acting Director of Finance
Concurrence:	Marie Watmough, Director of Corporate Services
Concurrence:	Darren Kiedyk, Chief Administrative Officer

Appendix A – Subject Properties

**REZONING BYLAW AMENDMENT  
( Z21-0020 )**

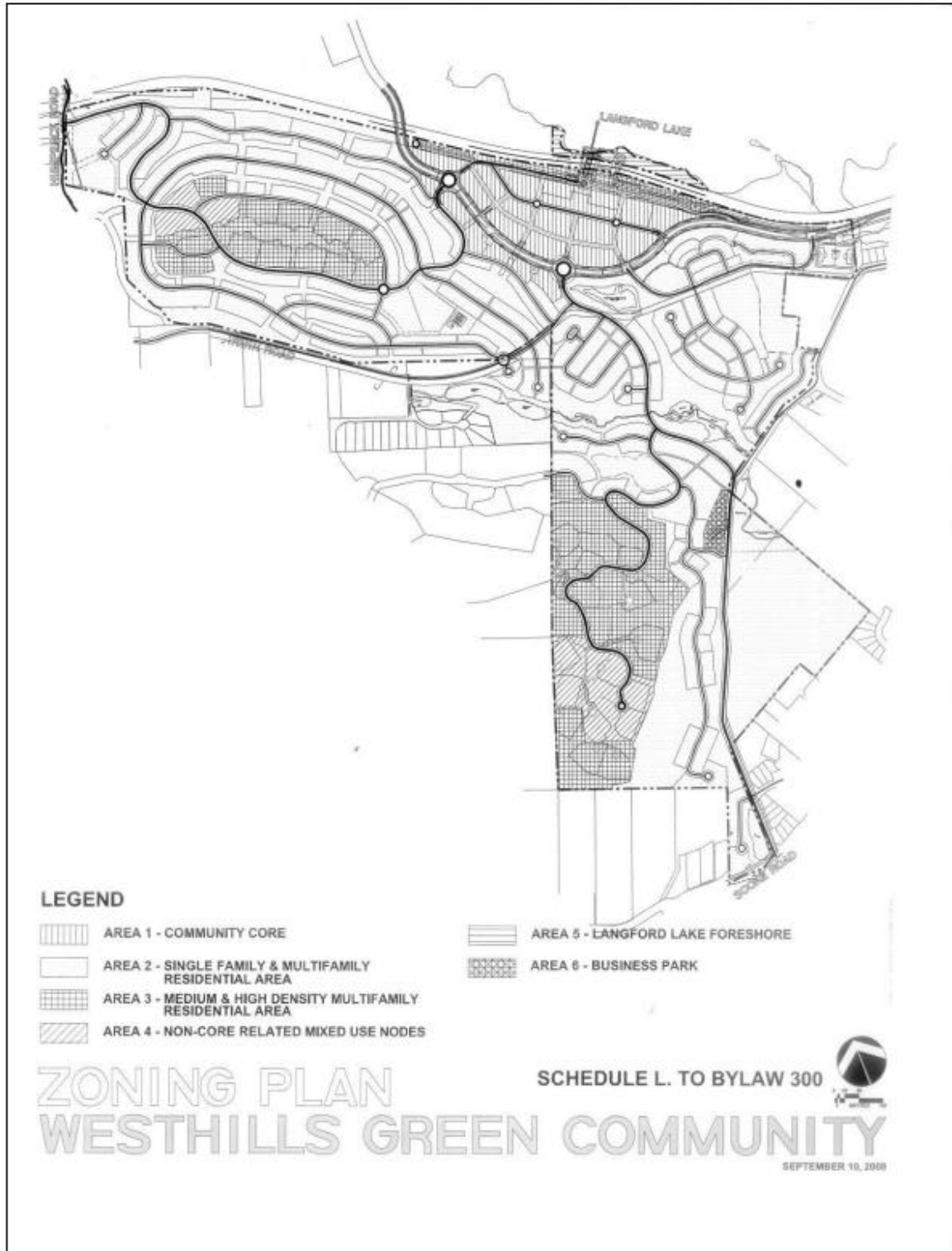


Scale: N.T.S.

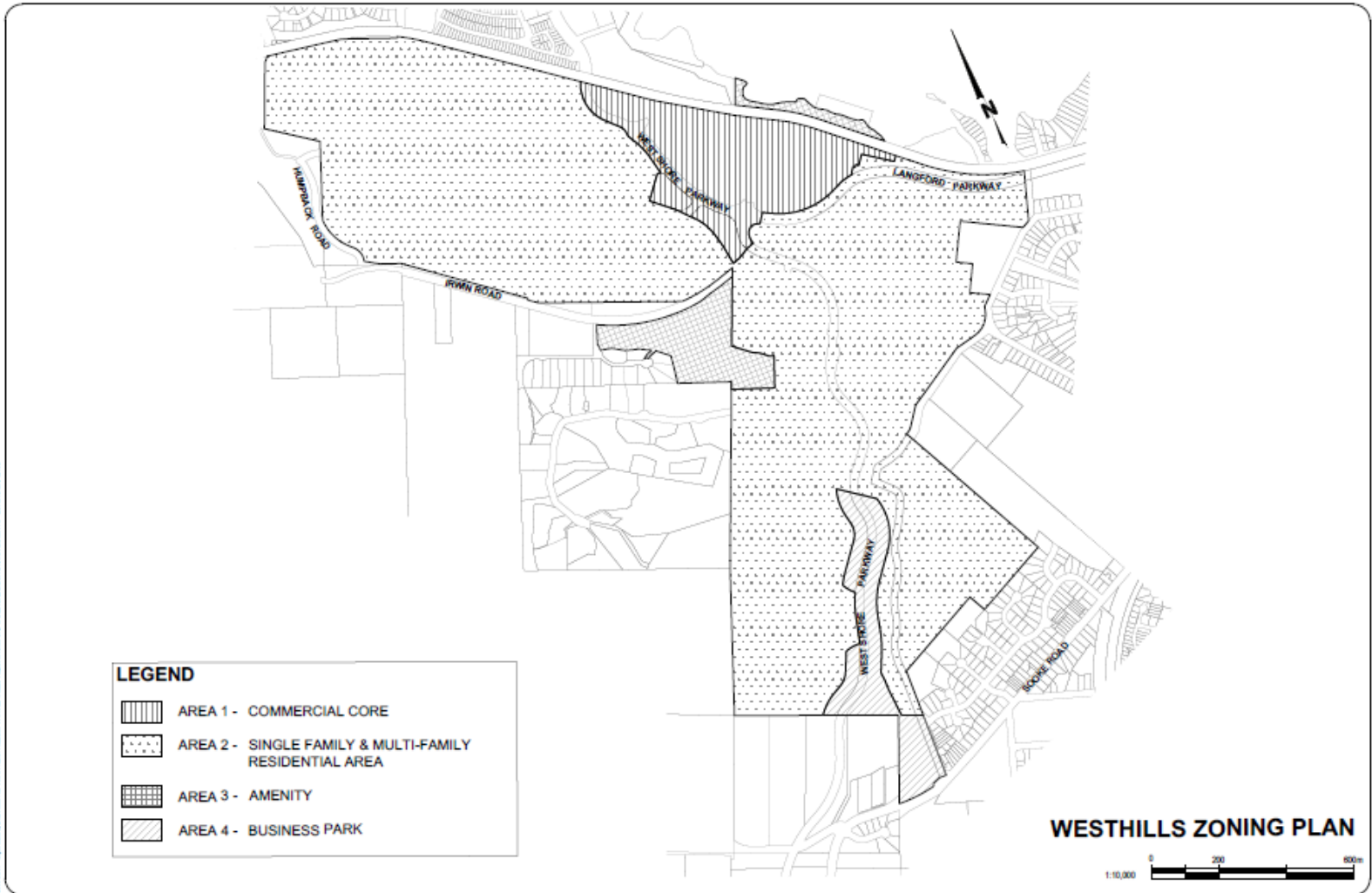
Last Revised: 8/27/2021

Appendix B – Existing Schedule L

**SCHEDULE L**



Appendix C - Proposed Schedule L Update





## Appendix D – Proposed Open Space Plan

