



# Planning, Zoning, and Affordable Housing Committee Agenda

Monday, January 31, 2022, 5:30 PM

Electronic Meeting

Due to COVID-19 Council Chambers is Closed

Dial In: 1-855-703-8985 (Canada Toll Free) or 1-778-907-2071 Meeting ID: 867 1149 2772

To Participate: During the public participation period, press **Star (\*) 9** 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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1. TERRITORIAL ACKNOWLEDGEMENT	
2. CALL TO ORDER	
3. APPROVAL OF THE AGENDA	
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5.1. Application for a Development Variance Permit to vary the total permitted area of façade sign from 37.78m <sup>2</sup> , previously varied by DVP99-0005, to allow for a total façade sign area of 53.43m <sup>2</sup> for Staples at 789 McCallum Road.	10
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# Planning, Zoning, and Affordable Housing Committee Minutes

January 17, 2022, 5:30 PM  
Electronic Meeting

PRESENT: Councillor D. Blackwell  
Councillor L. Seaton - Alternate  
A. Creuzot  
D. Horner  
A. Ickovich  
J. Raappana-Remote  
T. Stevens-Remote arrived 6:08 p.m.

ABSENT: C. Brown  
K. Sheldrake

ATTENDING: M. Baldwin, Director of Planning and Subdivision  
M. Mahovich, Director of Engineering and Public  
Works  
T. Cruikshank, Land Development Assistant  
C. Lowe, IT Support Specialist

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

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**1. TERRITORIAL ACKNOWLEDGEMENT**

**2. CALL TO ORDER**

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

**3. APPROVAL OF THE AGENDA**

MOVED BY: CREUZOT  
SECONDED: ICKOVICH

THAT the Committee approve the agenda with the amendment of moving item 5.5 ahead of 5.4.

**Motion CARRIED.**

**4. ADOPTION OF THE MINUTES**

4.1 Planning, Zoning and Affordable Housing Committee Meeting - December 13, 2021

MOVED BY: HORNER  
SECONDED: CREUZOT

That the Committee approve the minutes of the Planning, Zoning and Affordable Housing Committee meeting from December 13, 2021.

**Motion CARRIED.**

**5. REPORTS**

5.1 Addendum Report - Bylaw No. 1999 - Application to Rezone 2762, 2768, 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.

MOVED BY: ICKOVICH  
SECONDED: CREUZOT

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

1. Proceed with consideration of Bylaw No. 1999 to amend the zoning designation of 2762, 2768, and 2774 Winster Road from the R2 (One-and Two-Family Residential) to CC1 (City Centre) subject to the following terms and conditions:
  1. That the applicant provides, as a bonus for increased density, the following contributions per residential unit, prior to the issuance of a building permit:
    1. \$750 towards the Affordable Housing Reserve Fund; and
    2. \$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.
  2. 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;
  3. 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:
    1. That the developer registers a strata plan, prior to the issuance of an occupancy permit, that creates individual strata titles for each residential unit;
    2. 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;

3. That the following are provided to Bylaw No. 1000 standards to the satisfaction of the Director of Engineering prior to the issuance of a Building Permit:
  1. Frontage improvements;
  2. A storm water management plan; and
  3. A construction parking and traffic management plan;
4. 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
  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 is required to keep the Electric Vehicle Servicing Equipment (EVSE) in operation and the Strata Council may not prevent an owner, occupant, or tenant from installing the EV charging equipment.
2. Authorize the Director of Planning to issue a variance to reduce the northern interior side lot line setback from the required 3m to 1.5m for a stairwell within the Form and Character Development Permit for 2762, 2768, and 2774 Winster Road:

**Motion CARRIED.**

5.2 Application to Rezone 661 Hoylake Avenue from R2 (One- and Two-Family Residential) to RT1 (Residential Townhouse 1) to allow for 6 townhouse units

MOVED BY: CREUZOT

SECONDED: HORNER

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

1. Consider proceeding with First Reading of Bylaw No. 2026 as drafted to amend the zoning designation of 661 Hoylake Avenue from R2 (One- and Two-Family Residential) to RT1 (Residential Townhouse 1), subject to the following conditions:
  1. That the owner agrees to provide, as a bonus for increased density, the following contributions per lot created, prior to Building Permit issuance:
    1. \$3,660 towards the General Amenity Reserve Fund;
    2. \$610 towards the Affordable Housing Reserve Fund;

2. That the applicant provides, **prior to Public Hearing**, 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;
3. 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:
  1. That all frontage improvements to Bylaw 1000 standards, inclusive of the construction of a sidewalk, streetlights, scallop parking, and boulevard planting on Hoylake Avenue, and formalization of the road edge parking on Belair Road, are provided to the satisfaction of the Director of Engineering, prior to the issuance of a building permit;
  2. That a Stormwater Management Plan be provided and all required measures recommended be implemented by the owner to the satisfaction of the Director of Engineering, prior to the issuance of a building permit;
  3. That a Construction Parking Management Plan be provided to the satisfaction of the Director of Engineering prior to any alteration of the land.
2. Authorize the Director of Planning to issue the following setback variances within the form and character development permit:
  1. That Section 6.28.07(1)(c) of Zoning Bylaw No. 300 be varied to reduce the exterior side lot line setback from the required 3.5 m to 0.88 m; and
  2. That Section 6.28.07(d) of Zoning Bylaw No. 300 be varied to reduce the rear lot line setback from the required 5.5 m to 1.2 m, subject to the following condition:
    1. That the interior side lot line have a minimum setback requirement of 5.5 m.

**Motion CARRIED.**

5.3 Application to allow Opal Cannabis Corp. to operate a Cannabis Retail Store at #107 797 Goldstream Ave. by means of a Temporary Use Permit.

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

Whereas:

- A. The non-medicinal use of cannabis and cannabis related products has historically been prohibited by federal law in Canada and, as a result, has historically been prohibited by the City under its Zoning Bylaw No. 300.
- B. On October 17, 2018, the Federal Government legalized the non-medicinal use of cannabis and cannabis products;
- C. The Federal Government and the Provincial Government have developed a regulatory framework for the retail sale of cannabis and cannabis products for non-medicinal use;

- D. The City wishes to authorize the retail sale of cannabis and cannabis products within its boundaries, but recognizes that there are challenges associated with it doing so;
- E. The City issued the Request for Proposals for the Retail Sales of Cannabis and Cannabis Related Products to seek proposals from individuals and organizations interested in undertaking the retail sale of cannabis and cannabis products for non-medicinal use within the City's boundaries, and required that proposals include details as to how the challenges with the retail sale of cannabis and cannabis products would be addressed;
- F. The City received and reviewed over 30 proposals in response to the Request For Proposals, and identified Opal Cannabis Corp. proposal as one that best addressed the challenges with the retail sale of cannabis and cannabis products; and
- G. Opal Cannabis Corp. is committed to assisting the City and taking positive steps to address the challenges with the retail sale of cannabis and cannabis products, Subject to an occupancy permit for the tenant improvement to #107-797 Goldstream Avenue being issued by the City;

MOVED BY: HORNER  
 SECONDED: ICKOVICH

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

- 1. That Council direct staff to prepare notices of Council's intention to consider issuance of a Temporary Use Permit TUP21-0005 Opal Cannabis Corp. to operate a Cannabis Retail Store at #107-797 Goldstream Avenue, subject to the terms and conditions in the Temporary Use Permit.

**Motion CARRIED.**

5.4 Application to Rezone 902 Walfred Road from Rural Residential 5 (RR5) to Residential Small Lot 1 (RS1) to accommodate an 13-lot bare land strata subdivision.

MOVED BY: CREUZOT  
 SECONDED: ICKOVICH

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

- 1. Proceed with consideration of Bylaw No. 2030 to amend the zoning designation of 902 Walfred Road from the RR5 (Rural Residential 5) Zone to the RS1 (Residential Small Lot 1) Zone subject to the following terms and conditions:

- 1. That the applicant provides, as a bonus for increased density, the following contributions per lot **prior to subdivision approval**:

- 1. \$600 (Small Lot) towards the Affordable Housing Fund;

2. \$1,000 (Single Family – 550 m<sup>2</sup> or more) towards the Affordable Housing Fund;
  3. \$3,960 (Small Lot) towards the General Amenity Fund; and
  4. \$6,000 (Single Family – 550 m<sup>2</sup> or more) towards the General Amenity Fund.
2. That, **prior to Public Hearing**, the applicant provides 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 Engineer;
  3. That the applicant provides, **prior to Bylaw Adoption**, a Section 219 covenant, registered in priority of all other charges on title, that agrees:
    1. That the following will be provided and implemented to Bylaw No. 1000 standards to the satisfaction of the Director of Engineering prior to subdivision approval or the issuance of a building permit, whichever is first:
      1. Full frontage improvements; and
      2. A storm water management plan;
    2. That a Construction Parking and Traffic Management Plan be provided to the satisfaction of the Director of Engineering prior to any alteration of the land;
    3. That vegetation within the road allowance on Walfred Road should be retained. If any vegetation is removed, the applicant is required to replant the area and provide a temporary irrigation system from a private irrigation system to the satisfaction of the Manager of Parks
    4. That a non-disturbance covenant be registered over 31% of the land to be protected as open space on strata common property prior to subdivision approval, to the satisfaction of the Approving Officer;

**Motion CARRIED.**

- 5.5 Application to Rezone 2822, 2824, and 2828 Jacklin Road from the One- and Two-Family Residential (R2) Zone to the City Centre Pedestrian (CCP) Zone to Allow for the Development of a 12-Storey Mixed Use Building

Committee member Jenn Raappana left the meeting at 7:45 pm due to a perceived conflict of interest with item 5.5, as she lives nearby.

MOVED BY: ICKOVICH  
SECONDED: CREUZOT

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

1. Proceed with consideration of Bylaw No. 2032 to amend the zoning designation of the properties located at 2822, 2824, and 2828 Jacklin Road from the One- and Two-Family Residential (R2) Zone to Area 2 of the City Centre Pedestrian (CCP) Zone, subject to the following terms and conditions:

1. That the applicant provides, **as a bonus for increased density**, the following contributions per residential unit, prior to issuance of a building permit:

1. \$750 towards the Affordable Housing Fund; and

subject to reductions in accordance with the Affordable Housing and Amenity Contribution Policy depending on use and height.

2. That the applicant provide, **as a bonus for increased density**, the following contributions per square meter, prior to issuance of a building permit:

1. \$10.75 towards the General Amenity Reserve Fund.

3. That the applicant provides, **prior to Public Hearing**, the following to the satisfaction of the Director of Engineering:

1. A technical memo from a qualified engineer that verifies stormwater can be adequately managed on-site for the proposed development.

4. 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:

1. That the three subject properties be consolidated prior to issuance of a Development Permit for Form and Character;
2. That a separate covenant be registered prior to issuance of a building permit for the proposed residential building that ensures parking is allocated to each unit and for visitors as required by the zoning bylaw, and is not provided in exchange for compensation separate from that of a residential unit;
3. 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;
4. 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:
5. 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



6. 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
  1. That the following are implemented to Bylaw 1000 standards to the satisfaction of the Director of Engineering prior to issuance of a building permit:
7. Frontage improvements;
8. A storm water management plan; and
9. A construction parking management plan.

**Motion CARRIED.**

**6. ADJOURNMENT**

MOVED BY: SEATON  
SECONDED: CREUZOT

The Chair adjourned the meeting at 8: 16 pm.

**Motion CARRIED.**

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Presiding Council Member

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Certified Correct - Corporate Officer



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

**DATE:** Monday, January 31, 2022

**DEPARTMENT:** Planning

**APPLICATION NO.:** DVP21-0015

**SUBJECT:** Application for a Development Variance Permit to vary the total permitted area of façade sign from 37.78m<sup>2</sup>, previously varied by DVP99-0005, to allow for a total façade sign area of 53.43m<sup>2</sup> for Staples at 789 McCallum Road.

## **PURPOSE**

Jordan Desrochers of Priority Permits Ltd. has applied on behalf of Staples and the property owners 318219 British Columbia Ltd. for a Development Variance Permit to increase the total allowable area of façade signage to 53.43 m<sup>2</sup> from the previously varied 37.78 m<sup>2</sup>.

## **BACKGROUND**

### **PREVIOUS APPLICATIONS**

DVP99-0005 – In 1999, a Development Variance Permit was obtained to allow a fascia signage with an area of 37.78 m<sup>2</sup> with the condition that no free-standing sign be permitted on the site. At the time of issuance, the total allowable area of fascia signage was 20m<sup>2</sup> (215.3 ft<sup>2</sup>).

DVP05-0003 – In 2005, an application was submitted for a Development Variance Permit to allow banner signage on the west face of the Staples building. Council rejected this application for a variance.

**Table 1: Site Data**

<i>Applicant</i>	Jordan Desrochers (Priority Permits Ltd.)
<i>Owner</i>	318219 British Columbia Ltd.
<i>Civic Address</i>	789 McCallum Road
<i>Legal Description</i>	Lot 1, Section 112, Range 3 Esquimalt District, Plan VIP68719, PID No. 024-464-457
<i>Size of Property</i>	9,386 m <sup>2</sup> approximate

<i>DP Areas</i>	Commercial
<i>Zoning Designation</i>	W2 (Large Format Business)
<i>OCP Designation</i>	Mixed Use Employment Centre

#### SITE AND SURROUNDING AREA

The subject property is located south of a new multi-family residential development on Gateway Rd and City Gate Blvd, across McCallum Road from the subject property, as well as west of Best Buy and Save on Foods, east of Costco, and north of Costco gasoline service station.

The surrounding land uses are as follows:

**Table 2: Surrounding Land Uses**

	<b><i>Zoning</i></b>	<b><i>Use</i></b>
<i>North</i>	MUE2 (Mixed Use Employment 2)	Multi-family residential
<i>East</i>	BP1 (Business Park 1)	Commercial
<i>South</i>	W1 (Special Wholesale)	Parking and commercial
<i>West</i>	W1 (Special Wholesale)	Parking and large-scale commercial

#### **COMMENTS**

##### DEVELOPMENT PROPOSAL

As mentioned above, the applicant is asking for an increase in the total allowable area of the façade signage for Staples from the previously varied area of 37.78m<sup>2</sup> to 53.43m<sup>2</sup>, an increase of 15.65 m<sup>2</sup>. This will allow them to replace the three existing non-conforming sign copies with updated signs of a similar aesthetic and scale.

The sign locations are shown in Appendix C attached to this report. Sign 1 (31.25 m<sup>2</sup>) is to be located on the westerly elevation of the building above the main entrance, and to face the internal access route and parking lot. Sign 2 (11.09m<sup>2</sup>) is to be located on the northerly elevation, facing McCallum Road, to target vehicular and pedestrian traffic traveling eastbound and westbound on McCallum Road. Sign 3 (11.09m<sup>2</sup>) is to be located on the easterly elevation, near northeast corner of the building, facing the internal access route. Due to the increasing elevation west on McCallum Road, sign 3 will be visible from the Millstream Road and McCallum Road intersection, as well as to the vehicular and pedestrian traffic traveling westbound on McCallum Road.

Council may wish to note that these new, larger signs have already been installed and that fading of the

metal façade has left the area under the older signage still visible. Council may also wish to note that Staples has erected a banner sign, similar to what was rejected by Council in 2005 on the west-facing (facing Costco) of the building. Council may wish to have Staples refinish the red background on their building and remove the banner signage as a condition of issuance of this Development Variance Permit.

**Table 3: Proposal Data**

Permitted by Bylaw No.1250	Varied by DVP99-0005	Proposed by DVP Application
25 m <sup>2</sup> or 17%, whichever is less	37.78 m <sup>2</sup>	53.43 m <sup>2</sup>

**OPTIONS:**

**Option 1**

THAT the Planning, Zoning, and Affordable Housing Committee recommend:

1. That Council direct staff to provide notice that Council will consider issuing a Development Variance Permit for the property at 789 McCallum Rd with the following variances:
  - a) That Section 10(a)(i) of Sign Bylaw No. 1250 be varied to increase the total allowable façade sign area to 53.43m<sup>2</sup>.

Subject to the following terms and conditions:

- i. That the signs must reflect only the information and esthetic in accordance with the plans attached to this report as Appendix A and B, and may only be placed in the locations as shown on the site map in Appendix C;
- ii. That the red background of the building be suitably refinished so that the area that was under the previous signage is no longer of a different colour from the remainder of the façade;
- iii. That the banner sign on the west façade of the building be removed;

**OR Option 2**

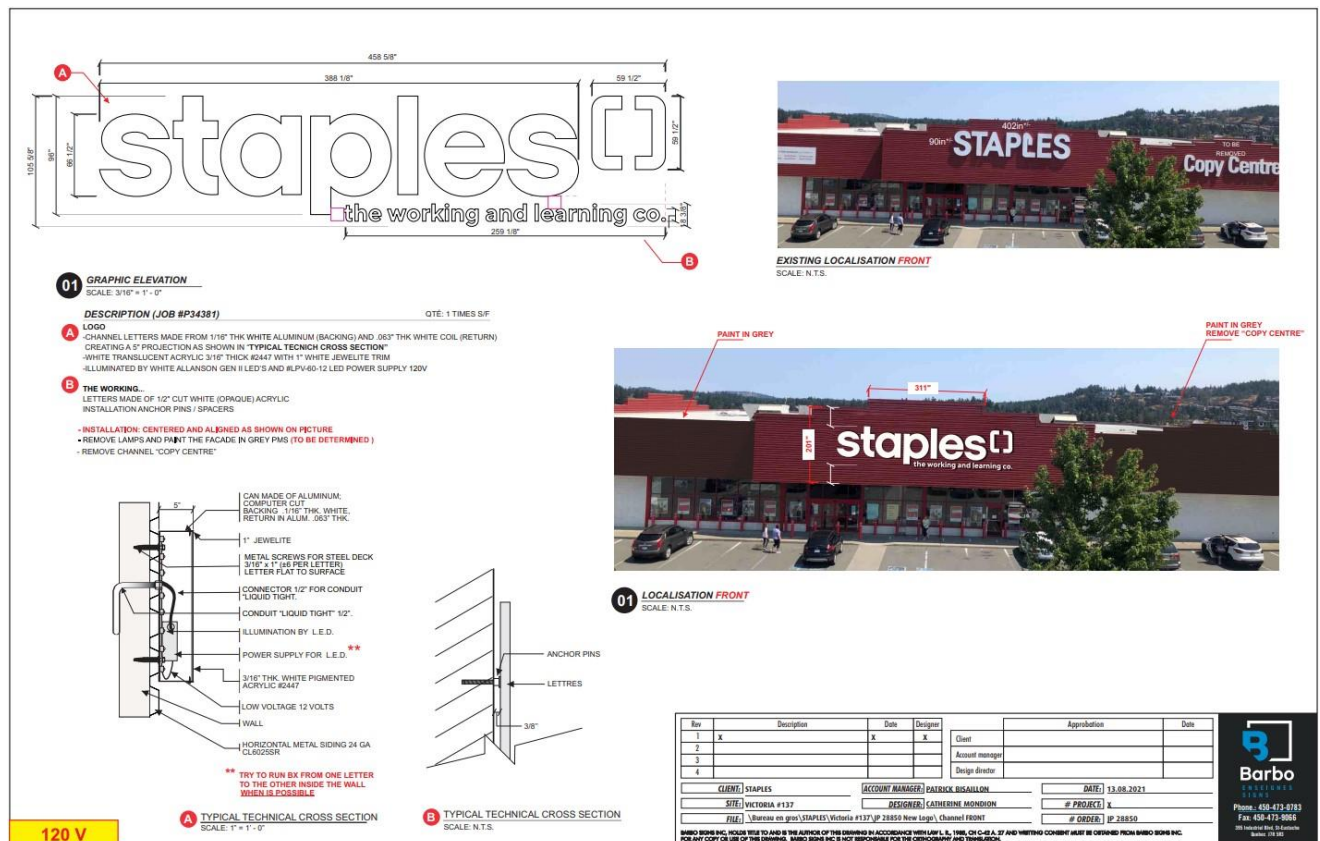
THAT the Planning, Zoning, and Affordable Housing Committee recommend:

1. That Council reject this application for development variance permit and require applicant to remove signage that is in excess of 37.78m<sup>2</sup>.

**SUBMITTED BY:** Anastasiya Mysak, Planning and Land Development Technician  
**Concurrence:** Leah Stohmann, MCIP, RPP, Deputy Director of Planning and Subdivision  
**Concurrence:** Matthew Baldwin, MCIP, RPP, Director of Planning and Subdivision  
**Concurrence:** Michelle Mahovich, P.Eng, P.Geo, Director of Engineering and Public Works  
**Concurrence:** Michael Dillabaugh, CPA, CA, Director of Finance  
**Concurrence:** Marie Watmough, Acting Director of Corporate Services  
**Concurrence:** Darren Kiedyk, Chief Administrative Officer

## Appendix A

### SIGN 1



## SIGNS 2 AND 3

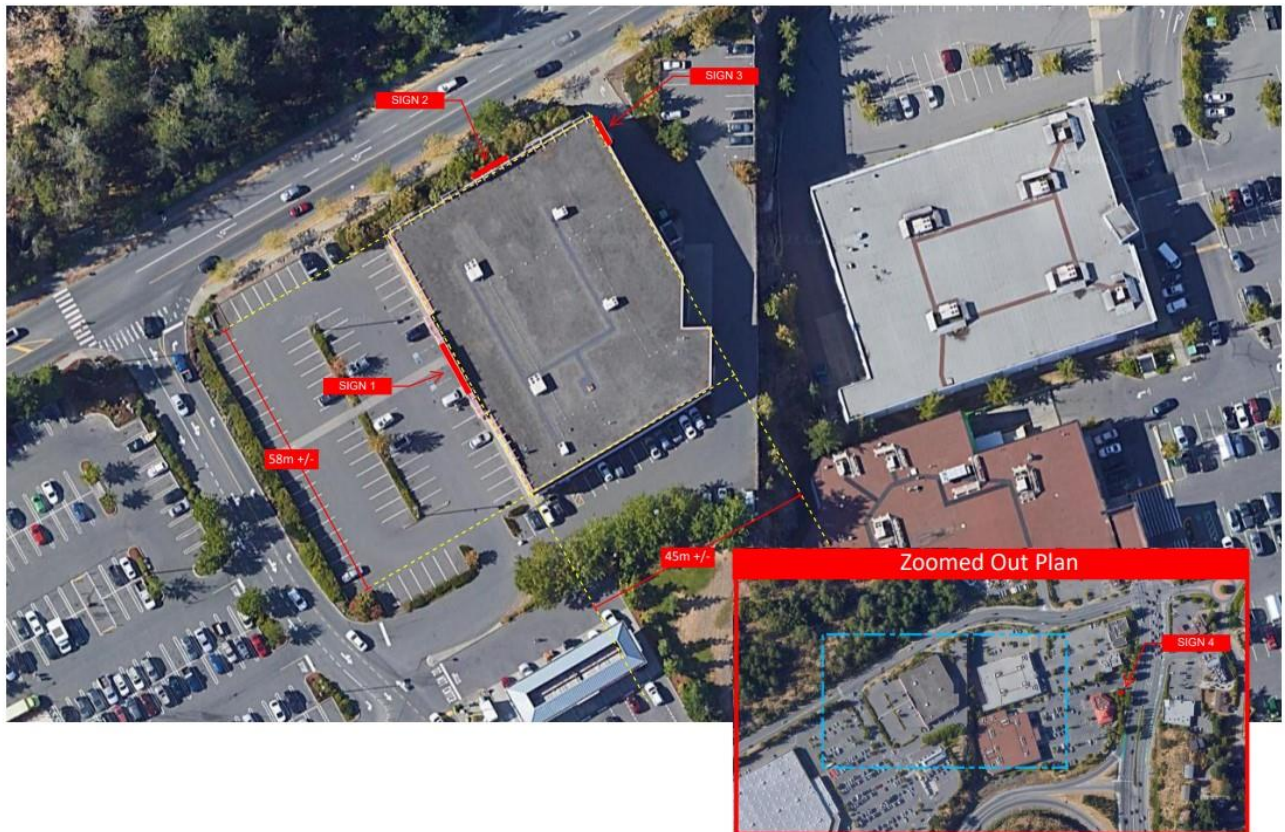




## Appendix C

### SIGN LOCATION MAP

789 McCallum Rd



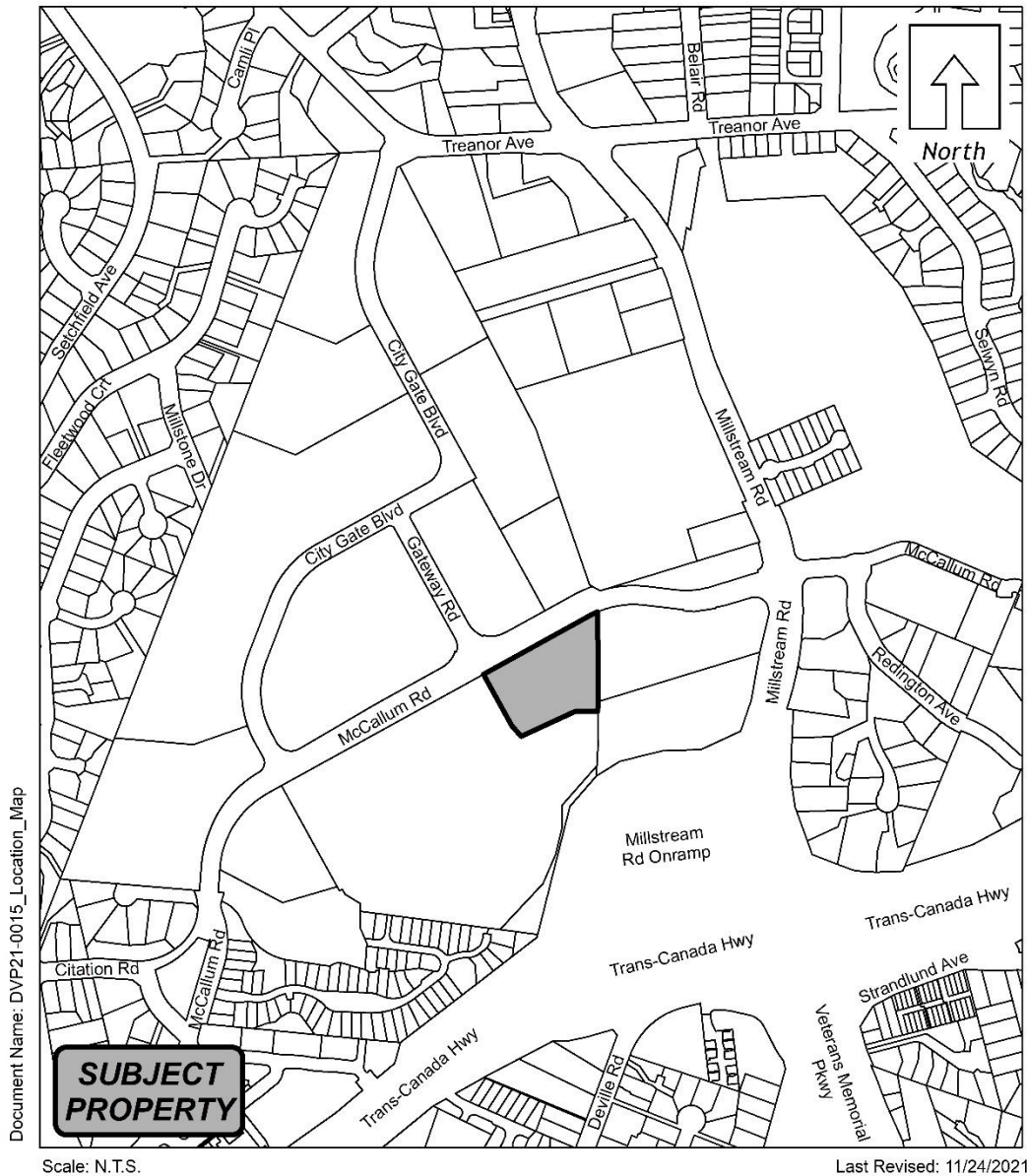
**Appendix D**

**LOCATION MAP**

**DEVELOPMENT VARIANCE PERMIT**

**( DVP21-0015 )**

**789 McCallum Rd**

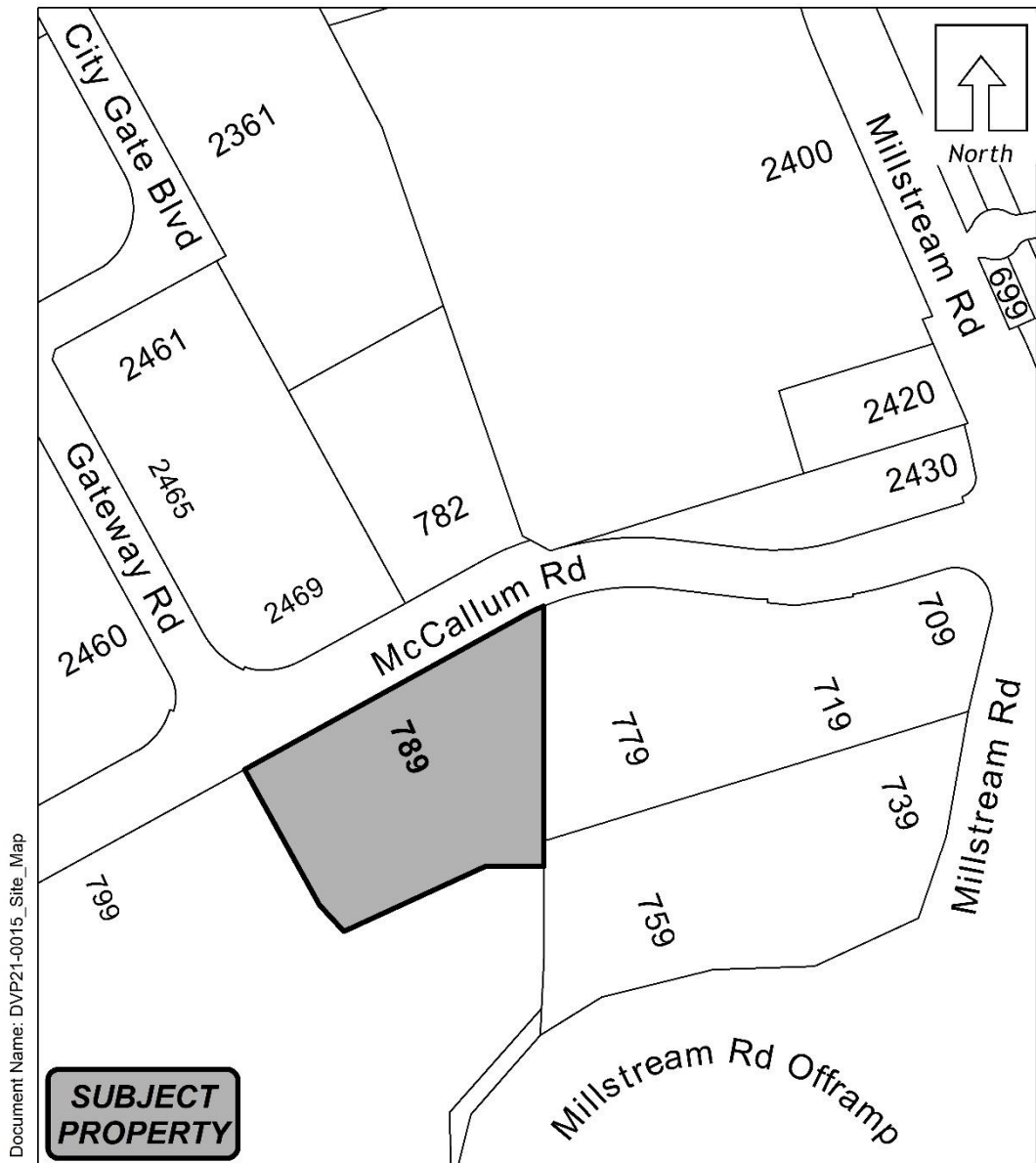




**Appendix E**

**SUBJECT PROPERTY MAP**

**DEVELOPMENT VARIANCE PERMIT  
( DVP21-0015 )  
789 McCallum Rd**





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

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**DATE:** Monday, January 31, 2022

**DEPARTMENT:** Planning

**APPLICATION NO.:** DVP21-0018

**SUBJECT:** Application for Development Variance Permit to allow a 1.82 m (6.0 ft) high composite solid board fence to be constructed on a lot line abutting a Highway at 2620 Mica Place.

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## **PURPOSE:**

Nancy Hughes of Children of the Island Early Learning Centre Inc. has applied for a development variance permit to increase the height of a fence abutting a highway from the allowable 1.2 m (3.9 ft.) to 1.82 m (6.0 ft) and to permit the construction of a solid board fence abutting a highway at property located at 2620 Mica Place.

## **BACKGROUND:**

### **PREVIOUS APPLICATIONS**

The two properties associated with the daycare site were included in the original application to rezone the lands now within the CD12 (Comprehensive Development – South Skirt Mountain) Zone (Z08-0006) and were also subject to text/map amendments to the CD12 zone (Z16-0001).

In 2020, the property was the subject of a site-specific text amendment to the zone (Z20-0024) to increase the allowable capacity of a group daycare to 225 children. A Form & Character Development Permit was issued for the development of the daycare in 2021 (DP21-0003). There have also been several Development Permits issued to allow for land clearing within the designated Environmental Protection and Hazardous Area Development Permit Areas.

The original parent parcel has been subdivided multiple times to create bulk parcels as well as final building lots.

**Table 1: Site Data**

<i>Applicant</i>	Nancy Hughes
<i>Owner</i>	Coti Holdings Inc.
<i>Civic Address</i>	2615 Mica Place
<i>Legal Description</i>	Lot 7, Section 115, Esquimalt District, Plan VIP87258 Except Plans EPP79954, EPP104192 And EPP106119, PID 028-057-350
<i>Size of Property</i>	5804 m2
<i>DP Areas</i>	Potential Habitat & Biodiversity, Interface Fire Hazzard and Woodland
<i>Zoning Designation</i>	Comprehensive Development – South Skirt Mountain (CD12)
<i>OCP Designation</i>	Neighborhood Centre

**SITE AND SURROUNDING AREA:**

Site preparation works including vegetation removal, blasting and rock removal, and retaining walls construction have occurred in accordance with the issued Development Permit. A Building Permit has been issued for the construction of the two-storey commercial building that will house the Daycare and construction is currently underway. The surrounding area is currently undergoing land alteration works in order to level lots and prepare sites for buildings.

**Table 2: Surrounding Land Uses**

	<b><i>Zoning</i></b>	<b><i>Use</i></b>
<i>North</i>	Comprehensive Development – South Skirt Mountain (CD12)	Vacant, zoned for mixed use
<i>East</i>	Comprehensive Development – South Skirt Mountain (CD12)	Vacant, zoned for mixed use and the lot beyond is a site for a future elementary school
<i>South</i>	Comprehensive Development – South Skirt Mountain (CD12)	Future townhouse development
<i>West</i>	Comprehensive Development – South Skirt Mountain (CD12)	Future single family subdivision

**COMMENTARY:**

**DEVELOPMENT PROPOSAL**

The applicant has applied to increase the allowable height of a fence abutting a Highway from 1.2 m (3.9 ft) to 1.82 m (6.0ft.) and to construct it as a composite (wood tone) paneled solid board fence rather than

of a style with less than complete visual screening (i.e. wrought iron, picket etc) as required. The request is being made in order to provide security and screening for the children of the daycare. The fence would be installed along the Verti block retaining wall that surrounds the property and the playground. The Verti block retaining wall has a current height of about 7.6 m (25 ft).

The daycare facility will have a maximum capacity of 225 children all under the age of 5 years old. At that age children are naturally prone to explore and climb and a 1.82 m (6.0ft.) solid board fence would eliminate any risk or danger of falling. Strict Provincial licencing guidelines around the privacy of the children, as well as the applicant's duty to protect the children while in their care, also restricts the use of less than solid screening around the playground area. Traffic sight lines will not be hindered by this request as the site is located at a much higher elevation than the intersection of Flint Avenue and Mica Place. The attached drawing (Appendix B) shows the location of the fence and the fence design that the applicant proposes to construct.

It should be noted that the attached landscape plan shows proposed changed to the plan approved in DP21-0087. The applicants are looking to reduce the amount of planting by 15% along the west property line as the constructed Verti block retaining wall has reduced the anticipated planting area. However, the most notable change is the removal of the planted area between the bus parking and the playground area. This area is proposed to have a screened storage area for playground equipment and a revised bus parking area with a 2m strip of landscaping along the south-east corner. This area is approximately 5-6m above the sidewalk/roadway and is not visible from Flint and Mica.

**Table 3: Proposal Data**

	<b>Required per Section 3.21.03 (3) of Zoning Bylaw No. 300</b>	<b>Proposed by DVP Application</b>
<i>Fence Requirement</i>	Fences abutting a highway within the required setback from a front lot line in all zones shall not exceed a height of 1.2 m (3.9 ft) and shall be constructed of wrought iron, picket or similar style providing less than complete visual screening.	1.82 m (6.0 ft.) solid board fence

**OPTIONS:**

**Option 1**

THAT the Planning, Zoning and Affordable Housing Committee recommend:

1. That Council direct staff to provide notice that Council will consider issuing a Development Variance Permit for the property at 2620 Mica Place with the following variance:
  - a) That Section 3.21.03(3) of Zoning Bylaw No. 300 be varied from the requirement of a maximum 1.2m (3.9 ft) high, wrought iron, picket or similar style fence providing less than complete visual screening to allow a 1.82m (6.0 ft) high solid board fence;

Subject to the following terms and conditions:

- i) That the site is developed in accordance with the plan attached to this report as Appendix B;

**OR Option 2**

THAT the Planning, Zoning and Affordable Housing Committee recommend:

1. That Council reject this application for development variance permit.

**SUBMITTED BY: Kory Elliott, Planning and Land Development Technician**

**Concurrence:** Leah Stohmann, MCIP, RPP, Deputy Director of Planning and Subdivision

**Concurrence:** Matthew Baldwin, MCIP, RPP, Director of Planning and Subdivision

**Concurrence:** Donna Petrie, Manager of Business Development and Events

**Concurrence:** Michelle Mahovlich, P.Eng, P.Geo, Director of Engineering and Public Works

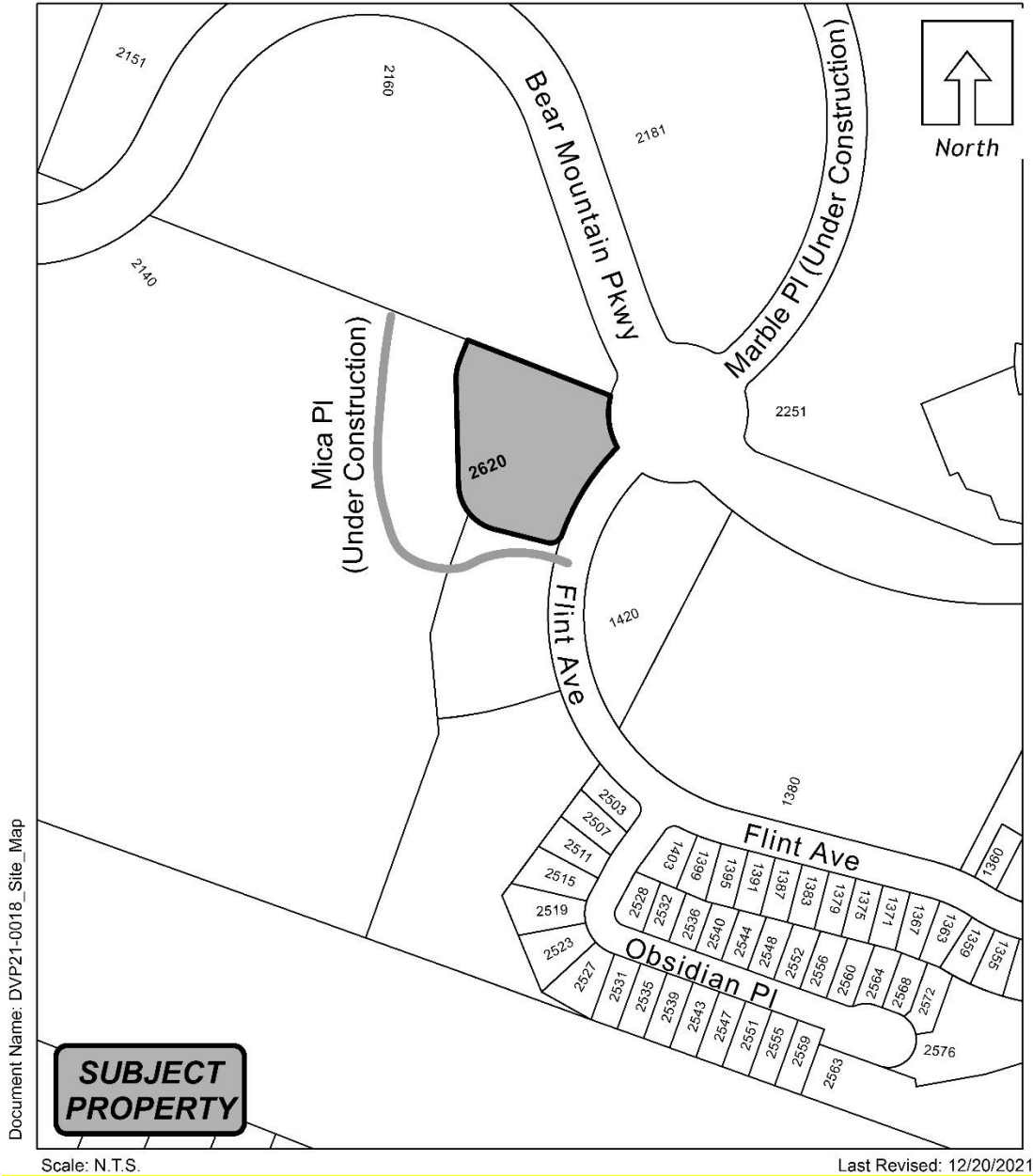
**Concurrence:** Michael Dillabaugh, CPA, CA, Director of Finance

**Concurrence:** Marie Watmough, Acting Director of Corporate Services

**Concurrence:** Darren Kiedyk, Chief Administrative Officer

Appendix A – Subject Property

**DEVELOPMENT VARIANCE PERMIT  
( DVP21-0018 )  
2620 Mica Pl**







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

**DATE:** Monday, January 31, 2022

**DEPARTMENT:** Planning

**APPLICATION NO.:** DVP21-0020

**SUBJECT:** Application for Development Variance Permit to allow for a setback and height variance at 2936 and 2940 Irwin Road

## PURPOSE

Nick Warrington of Van-Isle Projects Ltd. has applied on behalf of Bishop of Victoria for a development variance permit to reduce the front lot line setback from the required 7.5 m to 0 m and to increase the maximum height of a building or structure from the required 12 m to 27.5 m (90 ft).

## BACKGROUND

### PREVIOUS APPLICATIONS

Z08-0024 – In 2009, the subject properties were rezoned from Greenbelt 1 (GB1) to Neighbourhood Institutional (P1A) to allow for the development of a church and rector, private school and playfield, and assisted living apartment buildings.

**Table 1: Site Data**

<i>Applicant</i>	Nick Warrington, Van-Isle Projects Ltd.
<i>Owner</i>	Bishop of Victoria
<i>Civic Address</i>	2936 and 2940 Irwin Road
<i>Legal Description</i>	<b>2936 Irwin Road:</b> Lot A, Section 26, Goldstream District, Plan 38777 <b>2940 Irwin Road:</b> Lot B, Section 26, Goldstream District, Plan 38777
<i>Size of Property</i>	<b>2936 Irwin Road:</b> 5,475 m <sup>2</sup> (1.35 acres) <b>2940 Irwin Road:</b> 21,842 m <sup>2</sup> (5.39 acres)
<i>DP Areas</i>	Riparian, Extreme/High Fire interface Hazard, and Potential Habitat and Biodiversity
<i>Zoning Designation</i>	Neighbourhood Institutional (P1A)
<i>OCP Designation</i>	Hillside or Shoreline



#### SITE AND SURROUNDING AREA

The subject properties are a combined 2.7 ha (6.7 ac) site located on the south side of Irwin Road, west of Creekside Trail and Jordie Lunn Bike Park and east of the intersection of Irwin Road with Humpback Road. The surrounding area consists of rural residential lands, future and built phases of Westhills, regional parks, and large one- and two-family residential lots.

**Table 2: Surrounding Land Uses**

	<b>Zoning</b>	<b>Use</b>
<i>North</i>	CD3 (Westhills)	Residential
<i>East</i>	CD3 (Westhills)	Vacant and Park
<i>South</i>	CH3 (Cluster Housing Residential)	Single and two-family residential Mount Wells Regional Park
<i>West</i>	RR4 and P4	Sooke Hills Wilderness Regional Park Reserve and Rural Residential

**Figure 1: Location Map**



The subject properties are bisected by a watercourse – Wagh Creek. The area between the watercourse and Irwin Road is fairly flat, while the area from the watercourse to Creekside Trail at the rear of the property gains elevation at an approximate 20-25% grade. The site and location map have been included in the Appendices for Council's information.

The subject properties contain a substantial established tree cover in addition to the watercourse. The Streamside Protection and Enhancement Area (SPEA) associated with the watercourse will be protected in accordance with the Development Permit Area Guidelines in order to ensure the long term health of this environmentally sensitive area. Further to this, the protection of the SPEA will also help to maintain much of the established urban forest on the subject property, as many of the existing trees are located within the SPEA.

The subject properties currently contain a single family dwelling, mobile home, two accessory buildings, and substantial number of existing trees, as shown on Figure 1.

## **COMMENTS**

### **DEVELOPMENT PROPOSAL**

The applicant is proposing to construct a church with offices, dining hall, kitchen and outdoor garden space. As previously noted, a watercourse runs through the middle of the subject properties, leaving a limited building envelope that can be developed outside of the SPEA and property line setbacks. Due to this, the applicant has applied to vary the front lot line setback from the required 7.5 m to 0 m to allow for an extension of the roof canopy and keep the building offset from the SPEA. In addition, the applicant wishes to vary the maximum height of a building or structure from 12 m (39.4 ft) to 27.5 m (90 ft) to allow for a steeple. It should be noted that the roof canopy extends 6 m into the City of Langford's Irwin Road right of way and as such an encroachment agreement will be required. This will be addressed through a separate report to Council at a later date.

The Official Community Plan designates three development permit areas on the subject properties: extreme/high interface fire hazard, riparian and potential habitat and biodiversity. As such, the applicant will have to apply and obtain a development permit prior to the commencement of any works to demonstrate how the development proposal will address the guidelines associated with these designations.

## **OPTIONS:**

### **Option 1**

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

1. Direct staff to provide notice that Council will consider issuing a Development Variance Permit for

2936 and 2940 Irwin Road with the following variances:

- a. That Section 6.80A.07 of Zoning Bylaw No. 300 be varied to increase the maximum height of a building or structure from 12 m (39.4 ft) to 27.5 m (90 ft); and
- b. That Section 6.80A.08(1) of Zoning Bylaw No. 300 be varied to reduce the front lot line setback from the required 7.5 m to 0 m;

**OR Option 2**

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

2. Reject this application for development variance permit.

**SUBMITTED BY: Matt Notley, Planner I**

**Concurrence:** Leah Stohmann, MCIP, RPP, Deputy Director of Planning and Subdivision

**Concurrence:** Donna Petrie, Manager of Business Development and Events

**Concurrence:** Matthew Baldwin, MCIP, RPP, Director of Planning and Subdivision

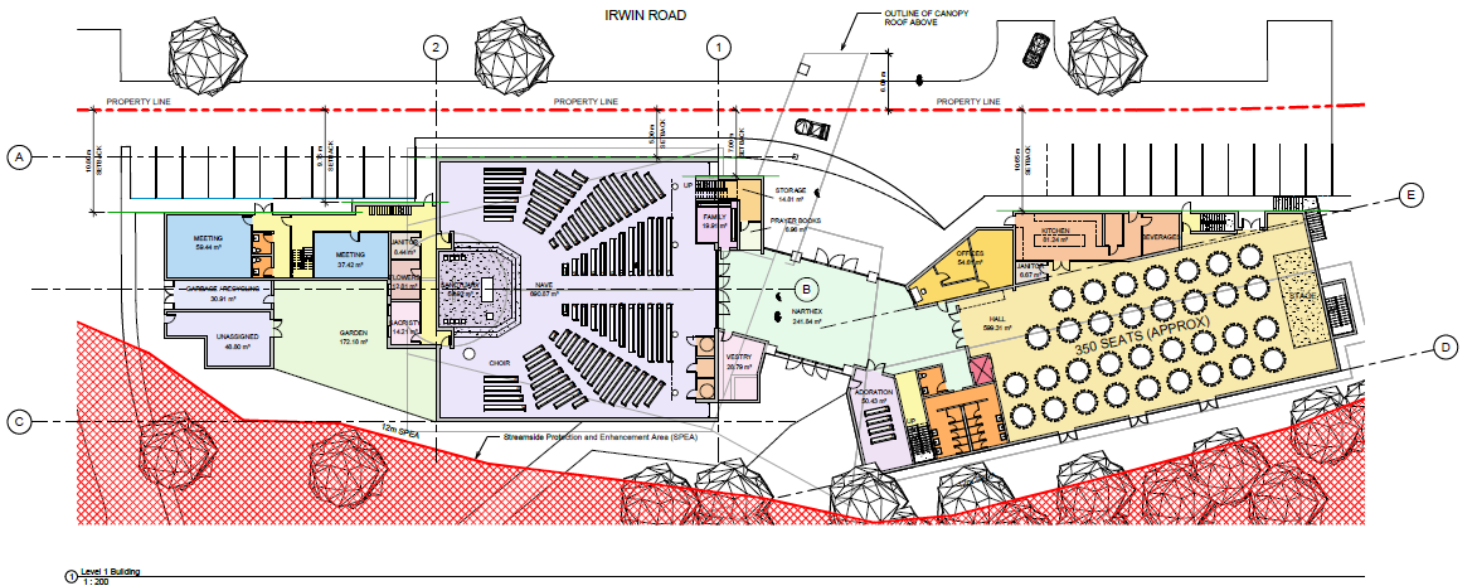
**Concurrence:** Michelle Mahovlich, P.Eng, P.Geo, Director of Engineering and Public Works

**Concurrence:** Michael Dillabaugh, CPA, CA, Director of Finance

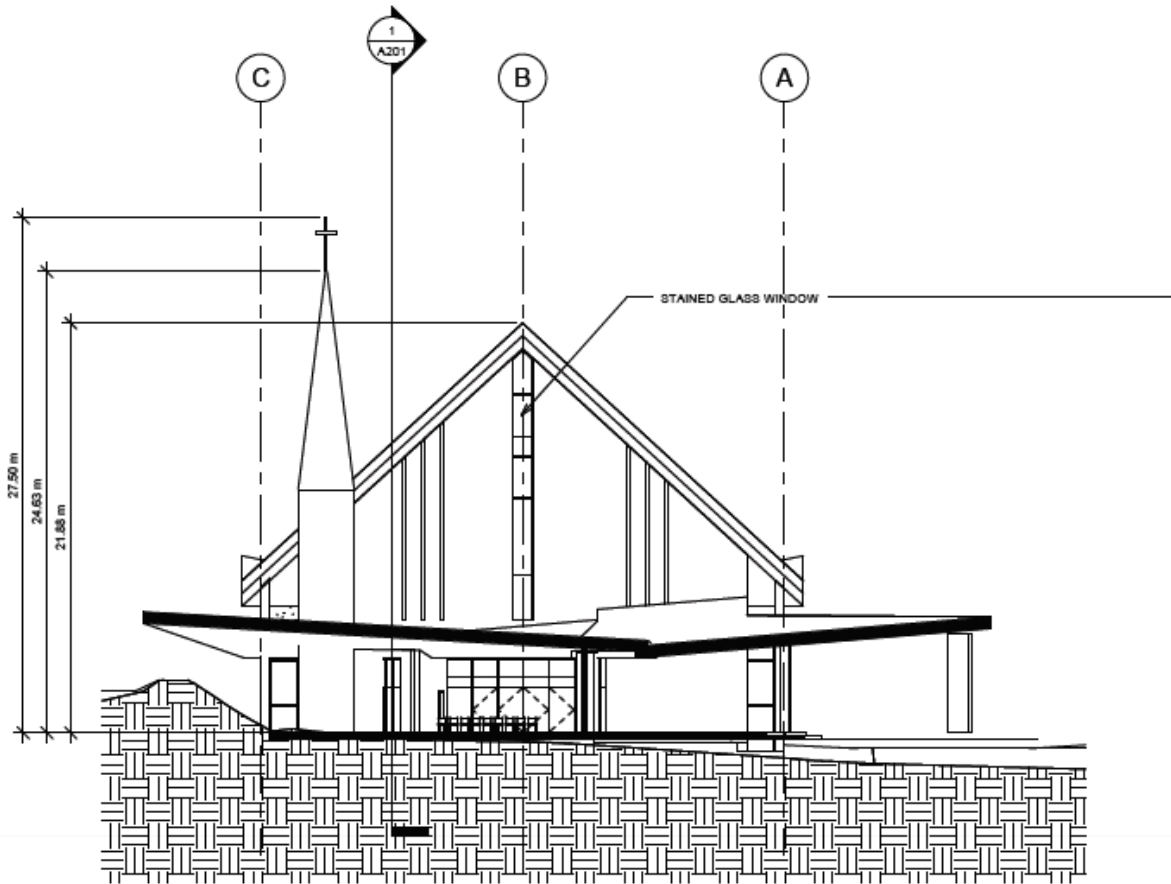
**Concurrence:** Marie Watmough, Acting Director of Corporate Services

**Concurrence:** Darren Kiedyk, Chief Administrative Officer

## Appendix A – Site Plan



**Appendix B – Steeple Height Cross Section**



② Building Section - Narthex  
1 : 200



Appendix C – Site Map

**DEVELOPMENT VARIANCE PERMIT  
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2936 Irwin Rd & 2940 Irwin Rd**



**Appendix D – Location Map**

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