



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

**DATE:** Monday, April 25, 2022

**DEPARTMENT:** Planning

**APPLICATION NO.:** Z22-0005

**SUBJECT:** Application to Rezone 2870 and 2874 Peatt Road from the R2 (One- and Two-Family Residential) Zone to the CCP (City Centre Pedestrian) Zone to Allow for a Six-Storey Mixed-Use Building

## PURPOSE

David McGrath on behalf of Paradise Homes Ltd has applied to rezone 2870 and 2874 Peatt Road from R2 (One-and Two-Family Residential) to CCP (City Centre Pedestrian) to allow for a six-storey mixed use building with approximately 44 residential units and 376 m<sup>2</sup> of commercial space.

## BACKGROUND

### PREVIOUS APPLICATIONS

There is currently an open application for a Temporary Use Permit (TUP22-0001) to convert the existing home at 2874 Peatt Road to a temporary office space. The applicant has noted that the location of their current office is being demolished for redevelopment and their new office space that they plan to relocate to has not been constructed yet. They would like to occupy 2874 Peatt Road in the interim until their new office space is available.

**Table 1: Site Data**

<i>Applicant</i>	Gary Brown
<i>Owner</i>	Paradise Homes Ltd
<i>Civic Address</i>	2870 and 2874 Peatt Road
<i>Legal Description</i>	LOT 14, SECTION 5, ESQUIMALT DISTRICT, PLAN 12186 <b>(2870 Peatt Rd)</b> LOT 15, SECTION 5, ESQUIMALT DISTRICT, PLAN 12186 <b>(2874 Peatt Rd)</b>
<i>Size of Property</i>	1,497 m <sup>2</sup> (combined total)
<i>DP Areas</i>	City Centre Development Permit Area
<i>Zoning Designation</i>	R2 (One- and Two-Family Residential)
<i>OCP Designation</i>	City Centre

The subject properties are located on the corner of Peatt Road and Orono Avenue. Each lot is flat with a few large trees at the rear and contains an existing single-family dwelling. The surrounding area has seen significant redevelopment within the past few years, with multiple new apartment buildings approved for Orono Ave, and major changes at the Peatt and Hockley intersection. The subject properties are located in downtown Langford and are in close proximity to many shops, services, transit options, and the E&N Trail.

	<b><i>Zoning</i></b>	<b><i>Use</i></b>
<i>North</i>	R2 (One- and Two-Family Residential) MU2 (Mixed-Use Residential Commercial)	Single Family Residential Mixed-Use Apartment
<i>East</i>	RM2 (Attached Housing) MU1A (Mixed-Use Residential Commercial A)	Townhomes Mixed-Use Apartment
<i>South</i>	R2 (One- and Two-Family Residential)	Single Family Residential
<i>West</i>	MU2 (Mixed-Use Residential Commercial 2)	Apartment (under construction)

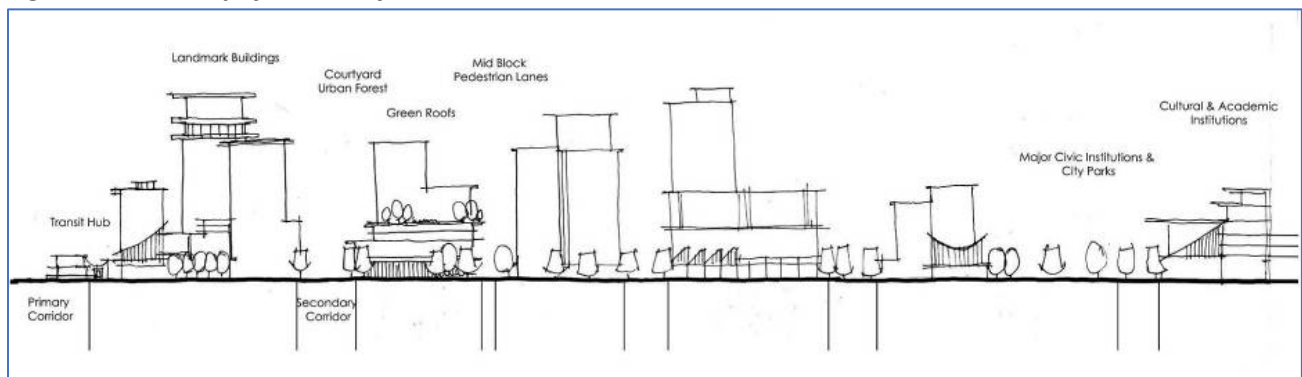
## **COMMENTS**

### **OFFICIAL COMMUNITY PLAN**

The Official Community Plan (OCP) Bylaw No. 1200 designated the subject properties as “City Centre”, which is defined by the following text:

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

***Figure 2 - A Concept for the City Centre***



### **DEVELOPMENT PERMIT AREAS**

The subject properties are not located within any environmental or hazardous development permit areas. However, a form and character development permit would be required prior to the issuance of a building permit to review overall compliance with the City Centre and Multi-Family design guidelines as well as zoning bylaw requirements.

### **DESIGN GUIDELINES**

The subject properties are located within the City Hall (S2) neighbourhood of the City Centre Design Guidelines as outlined below. For this region of the City Center, the design intent is as follows:

*The City Hall neighbourhood has a wide variety of uses from light industrial to mixed-use and residential. This neighbourhood, due to the variety of uses and central location in the City Centre, serves as a representation for the remainder of the City. Development within this neighbourhood shall include medium- and high-density residential as well as mixed-use buildings along Goldstream Avenue, Peatt Road and Jacklin Road. Buildings not used for residential purposes, shall incorporate and blend design to maximize consistency. Emphasis within the City Hall neighbourhood shall be to create a walkable, pedestrian-oriented neighbourhood.*

Further to these Neighborhood Guidelines, the subject properties were identified as being appropriate for consideration of the City Centre Pedestrian (CCP) Zone on the City Centre Concept Map now forming part of the City Centre design guidelines.

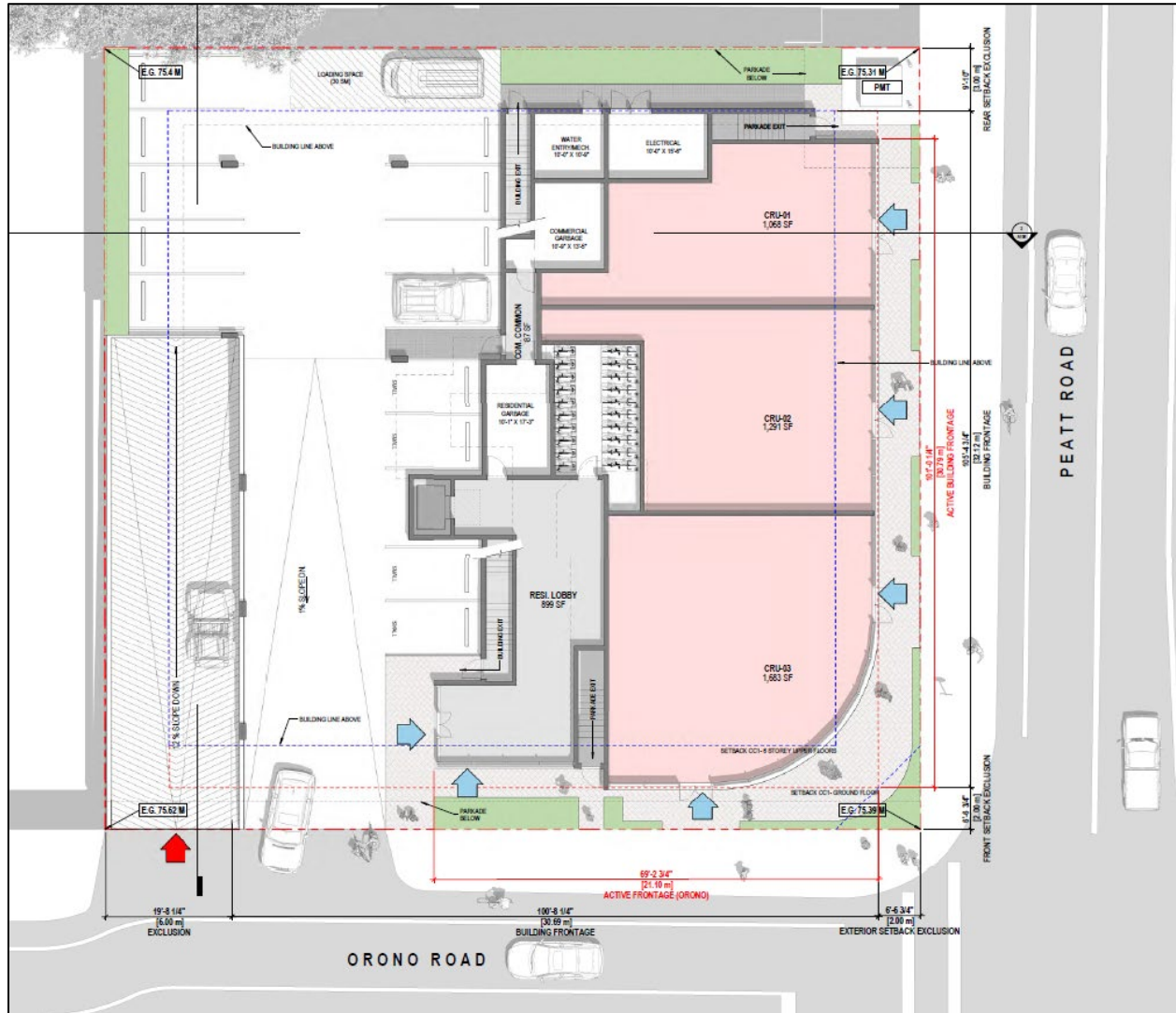


## **COMMENTS**

The applicant has applied to rezone 2870 and 2874 Peatt Road from R2 (One- and Two-Family Residential) to CCP (City Centre Pedestrian) to allow for a six-storey mixed-use apartment building with approximately 44 residential units and 376 m<sup>2</sup> of ground floor commercial space. These residential and commercial units would be supported by one floor of underground parking and surface parking that is hidden behind the building face. The commercial units for the building would face Peatt Road, in compliance with the City's Design Guidelines. The proposal meets the CCP zoning requirement for a minimum of 80% active building frontage and the requirement of providing at least 5% of the lot area as common outdoor amenity space on a second floor patio space. The site plan can be seen below in Figure 3.



**Figure 3: Site Plan**



As noted above, the applicant is proposing a shared patio for residents located on the second floor overlooking the corner of Orono Avenue and Peatt Road. This patio location has resulted in the upper floors of this building being further setback from the corner, creating an attractive building form. The applicant has provided a rendering of the building, although Council should note that the exterior finishing has not been decided at this time so the rendering demonstrates form only. Exterior finishing will be confirmed at the time of form and character development permit, in accordance with the City Centre design guidelines. The rendering can be seen below in Figure 4.

**Figure 4 – Project Rendering (form only)**



Presently, the proposal demonstrates a residential unit makeup of 14 one-bedroom units and 30 two-bedroom or two-bedroom with den units. Council may wish to have the applicant register a building strata plan as a condition of rezoning prior to issuance of an occupancy permit and have this provision secured within a section 219 covenant registered on title. As of recently, Council has been requiring this for most multi-family rezoning applications.

As the subject properties are located within the City Centre and no units are intended to be larger than two-bedrooms, a parking rate of 1.25 parking spaces per unit is required, where the 0.25 will be allocated to visitors. With 44 residential units, 55 parking spaces are required, of which 11 spaces will be designated for visitors. The commercial parking rate in the City Centre is 1 space per every 35 m<sup>2</sup> of commercial gross floor area. As the applicant is proposing 376 m<sup>2</sup> of commercial gross floor area, 11 commercial parking spaces are required. Presently, the Zoning Bylaw allows for visitor parking spaces in mixed-use buildings to count towards the commercial parking spaces, provided that a covenant in favour of the City is registered. As the applicant intends to utilize this option, a total of 55 parking spaces are required. The proposed plans currently demonstrate 57 parking spaces, which exceeds the bylaw requirements. If the applicant chooses to change their unit make-up at a later date to include 3-bedroom units, a rate of 2.25 parking spaces per unit will apply to units of that size or larger. Parking requirements will be re-confirmed at the time of development permit.

To remain consistent with other multi-family developments that have recently been rezoned, Council may wish to require the onsite parking stalls be secured to each unit in accordance with the Zoning Bylaw to

ensure separate rent is not charged for a parking space. This would prevent future tenants from declining to pay separately for a parking stall and choosing to park on the surrounding streets instead.

For vehicle options in the future, Council may wish to remain consistent in requiring the onsite parking spaces to be equipped with infrastructure so that electric charging stations can be installed at a future date without the need of an expensive retrofit to the building. Given the future development of electric vehicles, this may be viewed as a proactive step that would allow residents of the building a wider choice of vehicles in years to come.

**Table 3: Proposal Data**

	<b>Permitted by CCP (Proposed Zone)</b>	<b>Proposed by this development</b>
<i>Density (FAR and/or min. lot size)</i>	6.0 FAR	2.67 FAR
<i>Height</i>	No limit	6 storeys
<i>Site Coverage</i>	No limit	71%
<i>Front Yard Setback</i>	2 m (6.6 ft) for 1 <sup>st</sup> storey 4 m (13 ft) for 3+ storeys	2 m (1 <sup>st</sup> storey) 4 m (2+ storeys)
<i>Interior Side Yard Setback</i>	3 m or 5 m (for the 3 <sup>rd</sup> or higher storeys) if adjacent property zoned for 4+ storeys	<b>3 m for all storeys*</b>
<i>Exterior Side Yard Setback</i>	2 m (6.6 ft) for 1 <sup>st</sup> storey 4 m (13 ft) for 3+ storeys	2 m (1 <sup>st</sup> storey) 4 m (2+ storeys)
<i>Rear Yard Setback</i>	3 m or 5 m (for the 3 <sup>rd</sup> or higher storeys) if adjacent property zoned for 4+ storeys	3 m for all storeys
<i>Parking Requirement</i>	1.25 spaces per residential unit (0.25 of which is for visitors) 1 space per 35 m <sup>2</sup> of commercial gfa (can be shared with visitor)	55 parking spaces are required, applicant is proposing 57 spaces.

As noted in the table above, the applicant is requesting one setback variance for the interior side lot line that abuts the six-storey apartment at 810 Orono Avenue. The CCP zone requires an interior side and rear setback of 3 m, and for the 3<sup>rd</sup> storey and above requires a setback of 3 m except when the adjacent property is zoned for more than 4 storeys, in which case a setback of 5 m is required. Council may wish to amend this regulation within the zoning bylaw to apply this larger setback when the adjacent property is zoned for more than 6 storeys instead of 4 storeys. The intent of this regulation was to separate tall towers and Council may agree that 6 storeys or less does not constitute a tall tower. Should Council approve this zoning amendment, the applicant would not require a variance for their proposal.

#### PEDESTRIAN, CYCLING AND MOTORIST NETWORK

The subject properties are located within downtown Langford and therefore are within close walking distance to many shops and services. The site is also situated close to many bus stops that provide frequent service to downtown Victoria, Sooke, and other neighbourhoods throughout Langford and the West Shore. The site is also very near to the E&N Trail which provides a safe cycling and walking route from Langford through View Royal and Esquimalt, terminating in downtown Victoria. Vehicle access to the development will be provided off Orono Avenue and no access directly from Peatt Road will be permitted.

#### FRONTAGE IMPROVEMENTS

Full frontage improvements have already been completed along Peatt Road. The applicant will be responsible for installing sidewalk, streetlighting, and boulevards on Orono Avenue. The Director of Engineering has noted that a Traffic Impact Assessment is not required.

#### DRAINAGE AND STORMWATER

As a condition of rezoning, Council may wish to request the applicant to examine how storm water can be managed on-site through infiltration and have a technical memo from a qualified engineer be provided in this regard to the satisfaction of the Director of Engineering prior to public hearing.

#### CONSTRUCTION PARKING AND TRAFFIC MANAGEMENT PLAN

Council may wish to require a Construction Parking and Traffic Management Plan as a condition of rezoning and require that it be provided to the satisfaction of the Director of Engineering prior to any land alteration. This should be secured within a covenant, prior to Bylaw Adoption.

### **FINANCIAL CONTRIBUTIONS**

#### 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.

#### COUNCIL'S AMENITY CONTRIBUTION POLICY

The amenity contributions that apply as per Council's current Affordable Housing and Amenity Contribution Policy are summarized in Table 4 below, based the current floor plans and total density of 44 residential units and 376 m<sup>2</sup> of commercial gross floor area.



**Table 4 – Amenity Contributions per Council Policy**

<b>Amenity Item</b>	<b>Per unit / area contribution</b>	<b>Total</b>
<i>General Amenity Reserve Fund</i>	\$2,850 per residential unit (1st through 4 <sup>th</sup> storeys)	@26 units = \$74,100
	\$1,425 per residential unit (5 <sup>th</sup> & 6 <sup>th</sup> storeys)	@18 units = \$25,650
	10.75 per m <sup>2</sup> of commercial gfa	@ 376 m <sup>2</sup> = \$4,042
<i>Affordable Housing Reserve Fund</i>	\$750 per residential unit (1st through 4 <sup>th</sup> storeys)	@26 units = \$27,000
	\$375 per residential unit (5 <sup>th</sup> and 6 <sup>th</sup> storeys)	@18 units = \$6,750
<b>TOTAL POLICY CONTRIBUTIONS</b>		<b>\$137,542</b>

**Table 5 – Development Cost Charges**

<b>Development Cost Charge</b>	<b>Per unit / area contribution</b>	<b>Total</b>
<i>Roads</i>	Residential: \$3,092.39 per unit	@ 44 units = \$136,065.16
	Commercial: \$54.12 per m <sup>2</sup> of gfa	@ 376 m <sup>2</sup> = \$20,349.12
<i>Park Improvement</i>	Residential: \$1,890 per unit	@ 44 units = \$83,160
	Commercial: N/A	N/A
<i>Park Acquisition</i>	Residential: \$1,100 per unit	@ 44 units = \$48,400
	Commercial: N/A	N/A
<i>Incremental Storage Improvement Fees</i>	Residential: \$331.65 per unit	@ 44 units = \$14,592.60
	Commercial: \$140 per 1000 ft <sup>2</sup> of gfa	@ 4,047.2 ft <sup>2</sup> = \$566.61
<b>Subtotal (DCCs paid to City of Langford)</b>		<b>\$303,133.49</b>
<i>CRD Water</i>	Residential: \$1,644 per unit	@ 44 units = \$72,336
	Commercial: \$10.74 per m <sup>2</sup> of gfa	@ 376 m <sup>2</sup> = \$4,038.24
<i>School Site Acquisition</i>	Residential: \$600 per unit	@ 44 units = \$26,400
	Commercial: N/A	N/A
<b>TOTAL (estimate) DCCs</b>		<b>\$405,907.73</b>

**OPTIONS:****Option 1**

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

1. Consider proceeding with First Reading of Bylaw No. 2066 to amend the zoning designation of 2870 and 2874 Peatt Road from R2 (One- and Two-Family Residential) to CCP (City Centre Pedestrian) 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 the issuance of a building permit:

- i. \$750 towards the Affordable Housing Reserve Fund; and
- ii. \$2,850 towards the General Amenity Reserve Fund; and

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

- iii. \$10.75 per m<sup>2</sup> of commercial gross floor area.

- b. That the applicant provides the following, **prior to Public Hearing**:

- i. A technical memo from an engineer that verifies storm water can be adequately managed on-site for the proposed development 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 the following will be provided and implemented to Bylaw No. 1000 standards to the satisfaction of the Director of Engineering prior to the issuance of a building permit:

1. Full frontage improvements inclusive of sidewalks, boulevards, and street parking;
2. A storm water management plan; and
3. A construction parking management plan.

- ii. That the developer will connect and be responsible for any upgrades required to the services and utilities required for the development;

- iii. That the building be strata titled into individual residential units prior to the issuance of an occupancy permit, to the satisfaction of the Approving Officer;

- iv. That the developer consolidate the parcels in accordance with the CCP zone regulations, prior to the issuance of a development permit;

- v. That a separate covenant be registered prior to issuance of a building permit for the proposed development that ensures residential 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; and
- vi. 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. Direct staff to prepare a bylaw to amend Section 6.58.06(2)(b) and Section 6.58.06(2)(c) within the CCP (City Centre Pedestrian) Zone to change the interior side lot line and rear lot line setback requirement of 5 m to apply when the adjoining lot is zoned to permit a building of 7 or more storeys in height.

**OR Option 2**

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

Take no action at this time with respect to Bylaw No. 2066.

**SUBMITTED BY: Julia Buckingham, Planner II**

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

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

**Concurrence:** Will Ying-udomrat, Manager of Legislative Services

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

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

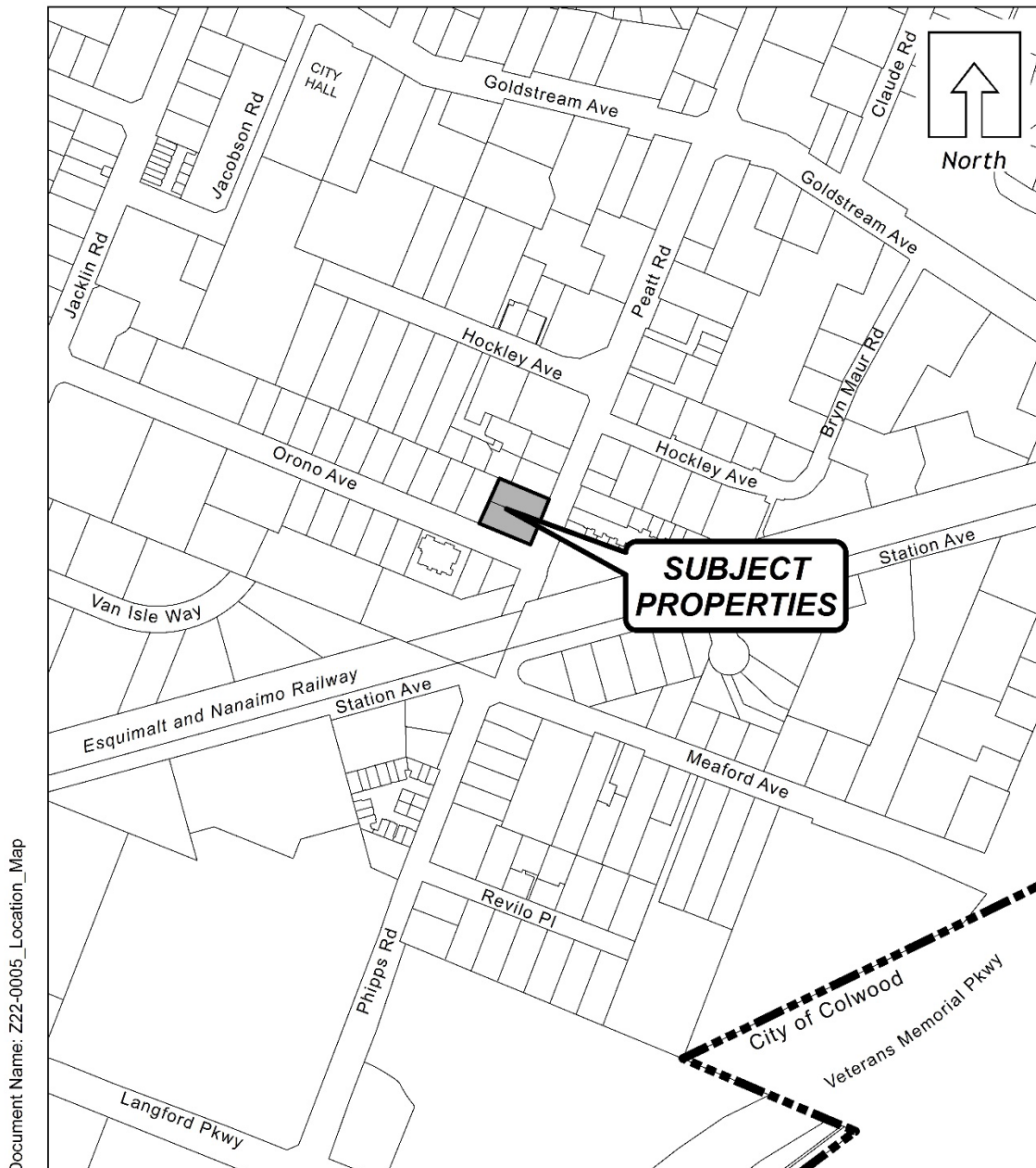
**Concurrence:** Michael Dillabaugh, CPA, CA, Director of Finance

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

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

Appendix A – Location Map

**REZONING BYLAW AMENDMENT  
( Z22-0005 )  
2870 & 2874 Peatt Rd**



Appendix B – Site Map

**REZONING BYLAW AMENDMENT**

**( Z22-0005 )**

**2870 & 2874 Peatt Rd**

