



Staff Report to Council

DATE: Tuesday, May 21, 2024

DEPARTMENT: Planning

APPLICATION NO.: Z23-0023

SUBJECT: Bylaw No. 2162 – Application to Rezone 902 Walfred Road from Residential Small Lot (RS1) to Residential Townhouse 1 (RT1) to allow the development of approximately 29 townhouse units.

BACKGROUND:

At their regular meeting of March 18th, 2024, Council passed the following resolution with respect to this application:

That Council:

1. *Proceed with consideration of First, Second, and Third Reading of Bylaw No. 2162 to amend the zoning designation of the properties located at 902 Walfred Road from RS1 to RT1 subject to the following terms and conditions:*
 - a. *That the applicant provides, **as a bonus for increased density**, the following contributions per dwelling unit, **prior to the issuance of a building permit: (Secured in Bylaw No. 2162)***
 - i. *\$610 towards the Affordable Housing Reserve Fund; and*
 - ii. *\$3,660 towards the General Amenity Reserve Fund;*
 - b. *That the applicant provides, **prior to Bylaw Adoption**, a release of the covenant that was previously registered under CA976093, and registers a new Section 219 covenant in priority of all other charges on title, that agrees to the following **(Completed)***
 - 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; and*
 2. *A storm water management plan.*

- ii. *That a Construction Parking and Traffic Management Plan and Mitigation Plan in accordance with Bylaw 1000 Section 2.5 be provided to the satisfaction of the Director of Engineering prior to any alteration of land.*
- iii. *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 Director of Parks, Recreation and Facilities.*
- iv. *That electric heat pumps are installed in the townhouse units.*
- v. *That a separate non-disturbance covenant be registered over 31% of the land to be protected as open space on strata common property, prior to issuance of a building permit.*
- vi. *That a separate covenant be registered prior to the registration of a strata plan for the proposed development agreeing that the garages are to be used for the parking of vehicles and not the storage of items preventing the parking of vehicles therein, in favour of the strata.*
- vii. *That a separate covenant be registered, prior to issuance of a building permit, agreeing to the following:*
 - 1. *No outdoor burning shall occur on the subject property;*
 - 2. *A fuel reduced buffer shall be maintained at all times from the perimeter of every building to a distance equal to 10m (32ft) from the perimeter of every building, or to the property boundary, whichever is less, and that this area shall be landscaped and maintained with the intent of eliminating the accumulation of combustible debris;*
 - 3. *If the fuel reduced buffers are not maintained, that the owner shall be required to pay a rent charge to the City of Langford of \$1000 per year; and*
 - 4. *All areas not within the fuel reduced buffer or the building footprint shall be maintained as a non-disturbance area where the removal of any vegetation is prohibited, without prior written consent of the City of Langford.*

- viii. *That a permanent fencing (e.g. split rail or other approved by the Director of Planning) to demarcate the non-disturbance open space shall be installed, or bonded for, to the satisfaction of the Director of Planning prior to building permit issuance.*

- ix. *That all concrete used on-site will utilize ready-mix concrete that meets or exceeds the weighted average Global Warming Potential targets based on Concrete BC Baseline (average) mix data, and that prior to the issuance of a Building Permit the applicant shall provide a Type III Environmental Product Declaration that is 3rd party verified specifying the total Global Warming Potential value and confirming that the proposed development meets the requirements of Low Carbon Concrete Policy POL-0167-PLAN;*

AND

- 2. *Amend the text of Schedule AD of the Zoning Bylaw No. 300 to remove the amenity contributions related to Bylaw No. 2030;*

AND

- 3. *Authorize the Director of Planning and Subdivision to issue the following variances in the Form and Character Development Permit: **(to be dealt with in future Development Permit)***
 - i. *Section 6.28.07(1)(d) to reduce the rear lot line setback from 5.5m (18ft) to 3.0m (10ft).*

COMMENTARY:

This application was prohibited from being the subject of a Public Hearing, as per the changes made by the Province to the *Local Government Act* through *The Housing Statutes (Residential Development) Amendment Act, 2023*.

Council gave the first, second and third readings of Bylaw No. 2162 on April 15th, 2024. The information considered in relation to this Bylaw as well as the video recording of the Meeting can be found at the following link on the City's website: [Council Meeting - April 15, 2024 \(escribemeetings.com\)](https://www.escribemeetings.com)

The applicant has registered a Section 219 Covenant against the title of the subject property that agrees to items 1.b. i – ix in Council's resolution dated March 18th, 2024. Concurrently with the registration of the new covenant, the old development covenant CA976093 was released.

Bylaw No. 2162 was signed by the Ministry of Transportation and Infrastructure on April 16th, 2024.

As there are no outstanding conditions required at this time, Council may wish to proceed with bylaw adoption.

OPTIONS:

Option 1

THAT Council adopt Bylaw No. 2162.

OR Option 2

THAT Council does not proceed with adoption of Bylaw No. 2162.

SUBMITTED BY: Anastasiya Mysak, Planner I

Concurrence: Donna Petrie, Senior Manager of Communications & Economic Development

Concurrence: Yari Nielsen, Director of Parks, Recreation and Facilities

Concurrence: Matthew Baldwin, RPP, MCIP, Director of Development Services

Concurrence: Leah Stohmann, RPP, MCIP, Director of Community Planning and Climate Change

Concurrence: Katelyn Balzer, P.Eng., Director of Engineering and Public Works

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

Concurrence: Marie Watmough, Deputy Director of Corporate Services

Concurrence: Braden Hutchins, Director of Corporate Services

Concurrence: Darren Kiedyk, Chief Administrative Officer