



Staff Report to Sustainable Development Advisory Committee

DATE: Monday, August 12, 2024

DEPARTMENT: Planning

APPLICATION NO.: Z22-0009

SUBJECT: Bylaw No. 2097 – Application to Rezone 728 Massie Drive and 2746 Dinan Place from the One- and Two- Family Residential (R2) Zone to the City Centre 1 (CC1) Zone to Allow for a Six-Storey Mixed Use Apartment Building.

EXECUTIVE SUMMARY:

Shannon Webb of OTG Developments Ltd. has applied on behalf of 1344326 BC Ltd. and Krista Anne Klein to rezone 728 Massie Drive and 2746 Dinan Place from the One- and Two-Family Residential (R2) Zone to the City Centre 1 (CC1) Zone to allow for a six-storey mixed-use apartment with two ground floor commercial units and approximately 81 residential units. Part of the application is the realignment of an unused City pedestrian corridor and a request to purchase a portion of the road right of way. The applicant is not seeking any variances.

BACKGROUND:

PREVIOUS APPLICATIONS

No previous applications have been made for either site.

Table 1: Site Data

<i>Applicant</i>	Shannon Webb, OTG Developments Ltd.	
<i>Owner</i>	1344326 BC Ltd. And Krista Anne Klein	
<i>Civic Address</i>	728 Massie Drive and 2746 Dinan Place	
<i>Legal Description</i>	LOT 3, SECTION 72, ESQUIMALT DISTRICT, PLAN 27116 LOT 4, SECTION 72, ESQUIMALT DISTRICT, PLAN 25893	
<i>Size of Property</i>	2,077 m ²	
<i>DP Areas</i>	City Centre Development Permit Area	
<i>Zoning</i>	Existing: R2	Proposed: CC1
<i>OCP Designation</i>	Existing: City Centre	Proposed: City Centre

SITE AND SURROUNDING AREA

The subject properties are located within the Langford's City Centre, north of Goldstream Avenue, between Claude Road and Veterans Memorial Parkway. The two lots are flat, each containing a single-family home with sheds. Dividing the two lots is an unused City owned pedestrian corridor. The corridor is blocked by a thick hedge and is not passable by pedestrians. There are no trees on the lots. In 2021 the City also completed a reconfiguration of Massie Drive, connecting it with the former Thomasset Place, both of which had previously ended in a cul de sac. The portion of the former cul de sac bulb of Thomasset Place falls directly in front of the two subject properties on what is now known as Massie Drive.

Despite being in the City Centre, the immediate neighbourhood is made up of predominately single-family homes and some duplexes. A few blocks beyond there are many new apartment buildings and townhouses, as well as the Royal Roads University development. The properties are located approximately 300 m away from Goldstream Avenue which offers many services, shops, and frequent transit options. The nearest park is Danbrook Park, located about 60 m from the site.

Figure 1: Subject Properties



Ruth King Elementary School is located about 800 m away. School District No 62 has been made aware of this application such that they can consider the proposed increase in density in this area as part of their long-range facility planning.

Table 2: Surrounding Land Uses

	Zoning	Use
<i>North</i>	R2 (One- and Two-Family Residential)	Single Family Dwellings
<i>East</i>	R2 (One- and Two-Family Residential)	Single Family Dwellings and Townhomes
<i>South</i>	R2 (One- and Two-Family Residential)	Duplexes and Single Family Dwellings
<i>West</i>	R2 (One- and Two-Family Residential)	Single Family Dwellings and Townhomes

COMMENTARY:

Development Proposal

The applicant has applied to rezone 728 Massie Drive and 2746 Dinan Place from R2 (One- and Two-Family Residential) to CC1 (City Centre) to allow for a six-storey mixed-use apartment building with approximately 81 residential units and 147 m² of ground floor commercial space. Council may wish to note that the applicant has submitted exterior renderings and a landscape plan as a concept to demonstrate what is possible on this site, but they do not intend to construct it. The applicant intends to take these properties through the rezoning process in the interest of selling the consolidated site to be developed by someone else. As such, details on the unit make up, sustainability features and accessibility features, amongst others, are not available. Council may wish to proceed with this rezoning regardless of a lack of concrete plans and choose to secure certain features through a Section 219 covenant that would then become requirements for any future developer on this site.

Should Council proceed with this rezoning, any future developer would be subject to the CC1 zoning requirements that have been summarized below in Table 3:

Table 3: Zoning Comparison

	Permitted by R2 (Current Zoning)	Permitted by CC1 (Proposed Zoning)
<i>Permitted Uses</i>	Single Family Homes, Secondary Suites and Detached Suites Duplexes, Townhomes	Apartments and Commercial Uses
<i>Density (FAR and/or min. lot size)</i>	400 m ² min. lot size	5.0 FAR

<i>Height</i>	11 m	6-storeys
<i>Site Coverage</i>	50%	n/a
<i>Front Yard Setback</i>	3 m / 5.5 m	2 m - 1-2 storeys 4 m - 3+ storeys
<i>Interior Side Yard Setback</i>	1.5 m	3 m
<i>Rear Yard Setback</i>	3 m	3 m
<i>Vehicle Parking Requirement</i>	1 per unit + 1 per suite	1.25 per unit and 1 per 35 m ² of commercial floor area
<i>Bicycle Parking Requirement</i>	n/a	1 per unit
<i>Common Outdoor Amenity Space</i>	n/a	5% of the lot area (103 m ²)
<i>Active Building Frontage</i>	n/a	80%

As noted previously, the applicant has submitted renderings of a conceptual project which can be seen below as Figure 2. Additional renderings have been provided and attached to this report as Schedule A.

Figure 2: Conceptual Rendering



The design presents as a west coast style, using stone veneer and simulated wood accents. Full architectural plans have not been provided to staff. If Council favours the general design style of the renderings, they may wish to secure through the Section 219 covenant that the future building be substantially similar to what has been presented within this report. Alternatively, Council could choose not to secure this design and instead rely on the City Centre Design Guidelines and CC1 Zoning to be the guide, to be reviewed by staff through the Form and Character Development Permit process which would allow more flexibility for future project architects.

To remain consistent with other developments, Council may wish to require the applicant to register a separate covenant at the time of building permit that ensures residential parking is not provided in exchange for compensation separate from that of the residential unit. Council may also wish to require that the project be constructed with electric heat pumps.

Pedestrian Pathway and Road Closure

As noted, the City currently owns a corridor approximately 3 meters wide that runs between the two properties, connecting the cul de sac at Dinan Place with Massie Drive. The corridor is not passable as a thick shrub blocks the path, seen below in Figure 3.

Figure 3: Existing City Owned Corridor



The image above also shows that the second driveway of 2742 Dinan Place encroaches onto the City owned corridor at the north end access. Should this rezoning be approved, and a pathway be reinstated between Dinan Place and Massie Drive, the owner of 2742 Dinan may lose access to their second driveway.

The applicant is proposing to purchase the pathway from the City and to provide public access between Massie and Dinan through a Statutory Right of Way (SRW) following the north and west property boundary of 728 Massie. The applicant prefers a SRW instead of dedicating the realigned pathway to the City as it will allow their underground parking to extend below the pathway, which would not be permissible if the City owned the corridor. The Directors of the Engineering and Parks Departments have determined that a 2.2 m wide SRW would be sufficient. If 2742 Dinan Place or 732 Massie Drive were redeveloped in the future, Council could decide to request a further SRW on those properties to increase the width of the pathway. Should Council wish to proceed with this application, they may secure within the covenant that the SRW be registered and that the path and fencing be constructed to the satisfaction of the Director of Parks, Recreation, and Facilities.

The applicant is also requesting to purchase a portion of the former cul de sac along Massie Drive. As shown above, a portion of the former Thomasset Place cul de sac sits in front of the subject properties along the Massie Drive frontage. The applicant is seeking to purchase a triangular portion of road from the southwest corner of 728 Massie Drive, connecting to the southwest corner of 2746 Dinan Place. The applicant has provided a draft road closure plan, attached to this report for reference, to demonstrate the area they would like to purchase to include within their development site.

The applicant has provided a conceptual frontage drawing to the Engineering Department to demonstrate how they will manage their frontage requirements and still ensure driveway access to neighbouring sites on Massie are maintained.

Given the above, Council may wish to direct staff to proceed with a road closure bylaw.

Landscaping

As discussed previously, there are no existing trees on site and therefore no arborist report was submitted by the applicant. The large hedge that bisects the two properties along the City owned corridor will need to be removed for any future development of this site. The applicant has submitted a conceptual landscape plan that shows the ability to plant approximately 9 trees, not including street trees. The conceptual landscape plan has been attached to this report for reference, but a finalized version will be required at the time of the Form and Character Development Permit.

Multi-Modal Network

FRONTAGE IMPROVEMENTS

Full frontage requirements on Massie Drive will be required to Bylaw No. 1000 standards, inclusive of a 1.8 m wide sidewalk. Council may wish to request that the applicant extend the 1.8 m wide sidewalk along

Massie Drive beyond their frontage to the west to connect with Claude Road. This would be especially important as this proposal includes commercial units that would otherwise have no sidewalk access.

PEDESTRIAN, CYCLING AND MOTORIST NETWORK

As noted, the subject properties are well located within the Langford City Centre with good access to shops, services, and transit options. The sidewalk network in the surrounding area is patchy and expected to improve over time as more single-family homes come in for redevelopment. As noted above, the applicant will be installing sidewalk along the frontage of Massie Drive, and Council may wish to request they extend the sidewalk to Claude Road. Carshare vehicles are located approximately 400 m away, along Goldstream Avenue. The Director of Engineering has noted that no Traffic Impact Assessment is required. The Ministry of Transportation and Infrastructure has noted they have no objections to the proposal.

Infrastructure

DRAINAGE AND STORMWATER

The applicant has submitted a stormwater technical memo prepared by an engineer outlining how they plan to manage stormwater on-site. This memo has been reviewed and approved by the Director of Engineering.

SEWERS

A sewer main exists along Massie Drive and Dinan Place. A connection from the building to this main would be required. Any improvements, extensions, or modifications needed to the sewer main within the municipal road right-of-way will be completed by West Shore Environmental Services at the applicant's expense.

Construction Impact Mitigation

Council may wish to require a Construction Parking and Delivery 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.

CONSTRUCTION STAGING/ENCROACHMENTS

Any construction staging beyond the property limits requires a construction licence with the City, including but not limited to temporary above or below ground occupancy of any public lands or rights-of-way. Construction licences must be executed prior to any land alteration and are subject to non-negotiable terms, conditions, and one-time and/or daily fees. All permanent encroachments and above ground temporary construction licences on public lands or rights-of-way are subject to Council approval.

Neighbourhood Consultation

The applicant mailed 31 notification letters to all adjacent properties within 100 m of the subject properties to notify neighbours of the application. The applicant received only one response regarding

fencing. The applicant responded to confirm that privacy fencing will be provided along the side property lines. No other communication was received by the applicant.

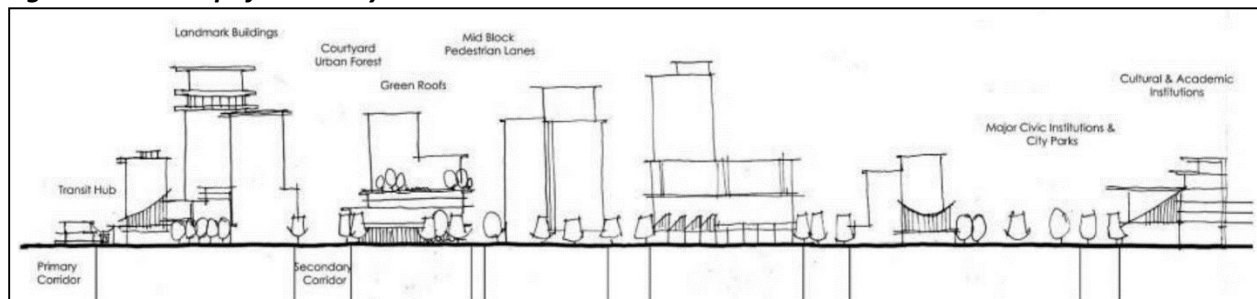
COUNCIL POLICY

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 supports 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



The proposal meets many of the City's OCP objectives, including but not limited to:

- Creating high density housing in the City's core.
- Creating mixed-use development, contributing to providing more services within walking distance of downtown residents.
- Providing a right of way dedication for creating more finely grained pedestrian and cycle network connectivity.

DESIGN GUIDELINES

The subject properties are located within the "N3 Claude" neighbourhood of the City Centre Design Guidelines as outlined below. For this region of the City Centre, the design intent is as follows:

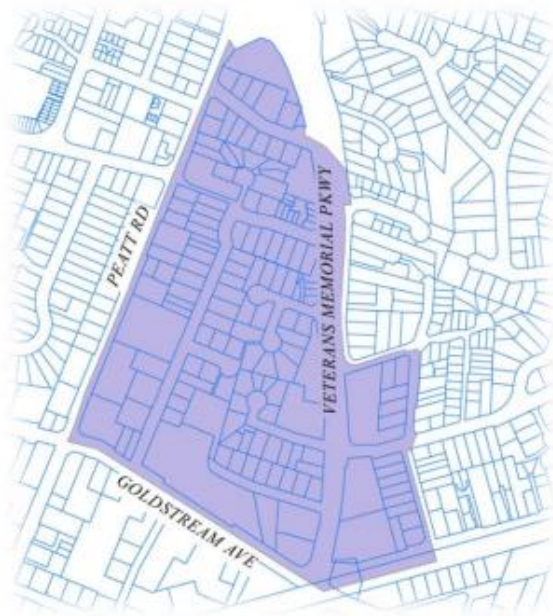
N3 Claude

The Claude neighbourhood contains a major transportation artery and a significant commercial area along Goldstream Avenue.

Due to the proximity of amenities and transportation routes, Claude is an ideal neighbourhood for high-density residential development.

Development shall focus on creating a residential node near the commercial activity along Goldstream Avenue.

A development emphasis should create pedestrian access between the cul-de-sacs to create an attractive and walkable neighbourhood.



Further to these Neighborhood Guidelines, the subject properties were identified as being appropriate for consideration of the CC1 Zone on the City Centre Concept Map forming part of the City Centre design guidelines. The CC1 Zone allows for apartment buildings with optional ground floor commercial and a maximum height of 6-storeys. As such, this proposal is consistent with the City Centre Concept Map.

DEVELOPMENT PERMIT AREAS

The subject properties are not located within any of the Environmental Protection or Hazardous Area Development Permit Areas. However, these properties are located within the City Centre Development Permit Area and since the proposal is for a multi-family development, a Development Permit for Form and Character will be required. This Development Permit is required prior to issuance of a building permit to ensure the design is consistent with the City's Design Guidelines

LOW CARBON CONCRETE

In accordance with Council's Low Carbon Concrete Policy POL-0167-PLAN, Council may wish to require the applicant to utilize ready-mix concrete that meets or exceeds the weighted average Global Warming Potential targets based on Concrete BC Baseline (average) mix data for the construction of the proposed development.

ATTAINABLE HOUSING POLICY

Currently, the City's Attainable Housing Policy requires all new developments with 4-storeys or more to participate in the program but does not set out specific requirements for purpose built rental buildings. On February 21st, 2023, Council passed a resolution to direct staff to add requirements for purpose-built

rental buildings for Council’s consideration and to review individual proposals on a case-by-case basis in the interim, provided they meet a benchmark of including at least 10% of the units in a building for at least 10% below market rent. As we are still in the interim stage, the applicant has committed to providing at least 10% of the units at 10% below market rate, as per Council’s resolution, or otherwise meet the City’s current Attainable Home Ownership Policy in the event that they proceed with a condo building. Council may wish to require the applicant to enter into a Housing Agreement securing the units prior to the issuance of a building permit. The specific units will be confirmed through the development permit process.

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 81 residential units and 147 m² of commercial gross floor area.

Table 4 – Amenity Contributions per Council Policy

Amenity Item	Per unit / area contribution	Total (81 units)
<i>General Amenity Reserve Fund</i>	\$2,850 per residential unit (1st through 4 th storeys)*	@ 53 units = \$151,050
	\$1,425 per residential unit (5 th & 6 th storeys)	@ 28 units = \$39,900
	\$10.75 per m ² of commercial gfa	@147 m ² = \$1,580.25
<i>Affordable Housing Reserve Fund</i>	\$750 per residential unit (1st through 4 th storeys)*	@ 53 units = \$39,750
	\$375 per residential unit (5 th and 6 th storeys)	@ 28 units = \$10,500
TOTAL POLICY CONTRIBUTIONS		\$242,780.25*

*Any below market rental units are subject to a 50% reduction in amenity fees on the 1st through 4th floors, as per the City’s Affordable Housing and Amenity Contribution Policy.

Table 5 - Development Cost Charges - Residential Estimate

Development Cost Charge	Per Unit Contribution	Total (81 units)
<i>Roads</i>	\$3,092.39	\$250,483.59
<i>Parks</i>	\$1,438	\$116,478
<i>ISIF</i>	\$337.76	\$27,358.65
Subtotal (DCC's to Langford)		\$394,320.24
<i>CRD Water</i>	\$1,644	\$133,164
<i>School Site Acquisition</i>	\$600	\$48,600
TOTAL DCC's (estimated)		\$576,084.24

Table 6 – Development Cost Charges – Commercial Estimate

Development Cost Charge	Per m² of gross floor area	Total (147 m2)
<i>Roads</i>	\$54.12	\$7,955.64
<i>ISIF</i>	\$1.51	\$221.97
Subtotal (DCC's to Langford)		\$8,177.61
<i>CRD Water</i>	\$10.74	\$1,578.78
TOTAL DCC's (estimated)		\$9,756.39

LEGAL IMPLICATIONS:

Should Council choose to proceed with consideration of Bylaw No. 2097, the application will be 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*.

The amenity contributions specified in Table 4 above are incorporated into Bylaw No. 2097 and will be payable at the time of building permit along with the current Development Cost Charges specified in the various DCC Bylaws.

Council's other conditions of approval would be registered in a Section 219 Covenant in priority of all other charges on title prior to consideration of Bylaw Adoption.

OPTIONS:

Option 1

That the Sustainable Development Advisory Committee recommend that Council:

1. Proceed with consideration of First, Second, and Third Reading of Bylaw No. 2097 to amend the zoning designation of the properties located at 728 Massie Drive and 2746 Dinan Place from R2 (One- and Two-Family Residential) Zone to the CC1 (City Centre 1) 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**:
 - i. \$750 towards the Affordable Housing Reserve Fund;
 - ii. \$2,850 towards the General Amenity Reserve Fund; and
 - iii. \$10.75 per m2 of commercial gross floor area to the General Amenity Reserve Fund;

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

- b. That the applicant registers, **prior to Bylaw Adoption**, a 2.2 m wide Statutory Right of Way over the property to provide public access between Dinan Place and Massie Drive, to the satisfaction of the Director of Engineering;
- c. That the applicant, **prior to Bylaw Adoption**, registers a Section 219 covenant 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;
 2. Extending the sidewalk along Massie Drive to the Claude Road intersection;
and
 3. A storm water management plan;
 - ii. That the following will be provided and implemented to Bylaw No. 1000 standards to the satisfaction of the Director of Engineering prior to any land alteration:
 1. A construction parking management plan; and
 2. A mitigation plan;
 - iii. That the properties be consolidated prior to issuance of a Development Permit for Form and Character;

- iv. 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;
- v. 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;
- vi. That, prior to the issuance of a Building Permit, the developer enters into a Housing Agreement with the City that requires either a minimum 10% of units constructed be rented for at least 10% below the benchmark rent for the unit type for a term not less than 25 years or that a minimum of 5% of the units constructed be directed to and sold in accordance with the terms of the Attainable Home Ownership Program Policy (POL-0166-PLAN). The developer shall identify the Attainable Units on the plans submitted for the required Development Permit application;
- vii. That prior to the issuance of a Building Permit, the developer/owner constructs a 2.2 m wide public access pathway connecting Massie Drive to Dinan Place, inclusive of any relevant fencing, lighting, and signage, to the satisfaction of the Director of Engineering and the Director of Parks, Recreation, and Facilities;
- viii. That the building design be substantially similar to the one demonstrated to Council within Schedule A of this report, dated August 12th 2024;
- ix. That the building be constructed with electric heat pumps.

AND

- 2. Direct staff to proceed with a road closure bylaw for the pedestrian corridor and triangular portion of Massie Drive abutting 728 Massie Drive and 2746 Dinan Place, prior to Bylaw Adoption.

OR Option 2

That the Sustainable Development Advisory Committee recommend that Council take no action with respect to this application to rezone 728 Massie Drive and 2746 Dinan Place under Bylaw No. 2097 until such time as the following items are addressed and reviewed by the Sustainable Development Advisory Committee:

- a. _____;
- b. _____;
- c. _____;

Attachment(s):

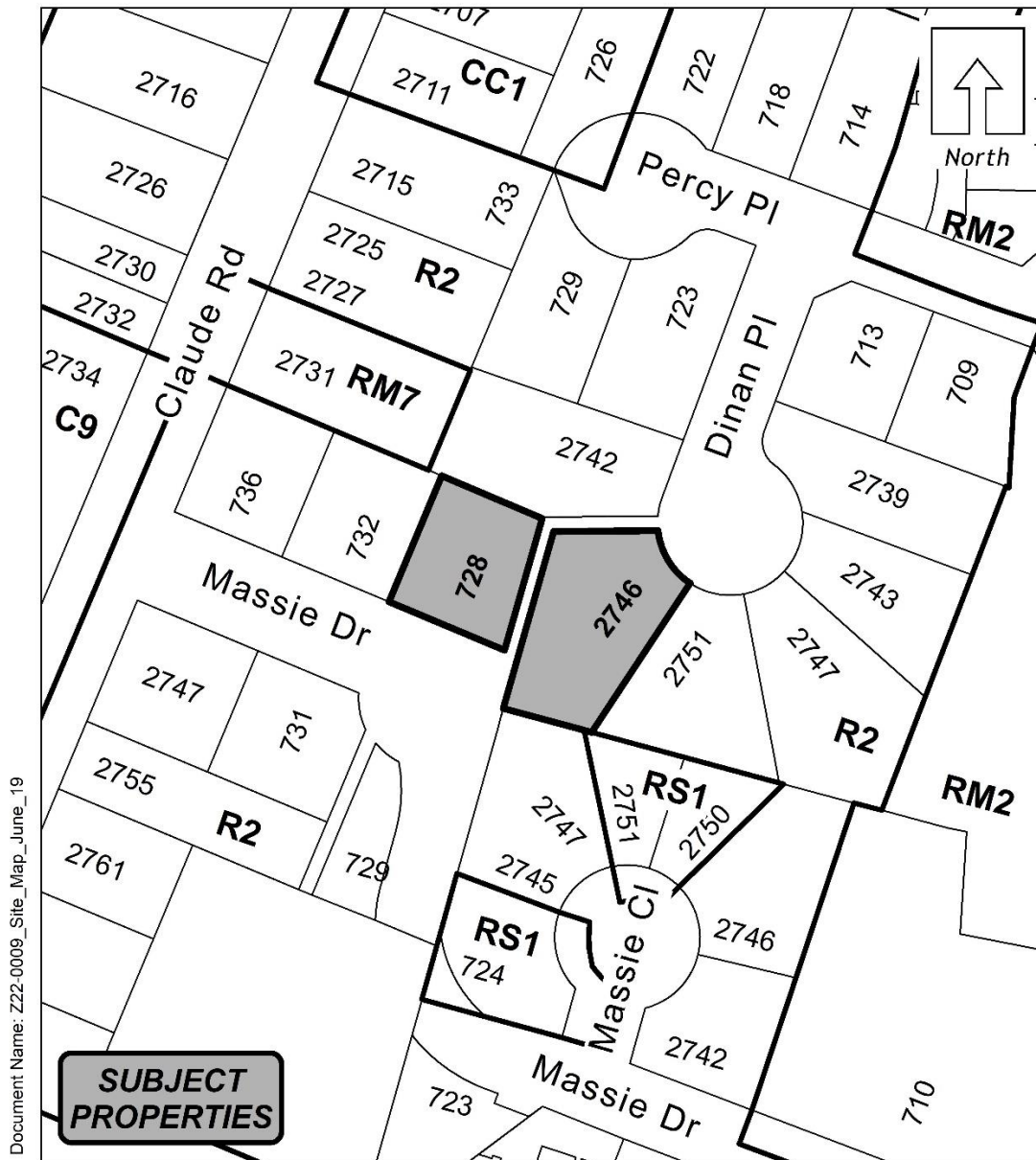
Bylaw No. 2097
Schedule A – Renderings
Landscape Concept Plan

SUBMITTED BY: Julia Buckingham, Planner II

- Concurrence:** Matthew Baldwin, RPP, MCIP, Director of Development Services
- Concurrence:** Leah Stohmann, RPP, MCIP, Director of Community Planning and Climate Change
- Concurrence:** Melisa Miles, Manager of Legislative Services
- Concurrence:** Donna Petrie, Senior Manager of Communications & Economic Development
- Concurrence:** Yari Nielsen, Director of Parks, Recreation and Facilities
- Concurrence:** Katelyn Balzer, P.Eng., Director of Engineering and Public Works
- Concurrence:** Michael Dillabaugh, CPA, CA, Director of Finance
- Concurrence:** Marie Watmough, Director of Legislative & Protective Services
- Concurrence:** Braden Hutchins, Deputy Chief Administrative Officer
- Concurrence:** Darren Kiedyk, Chief Administrative Officer

Appendix A – Site Map

**REZONING BYLAW AMENDMENT
(Z22-0009)
728 Massie Dr & 2746 Dinan Pl**



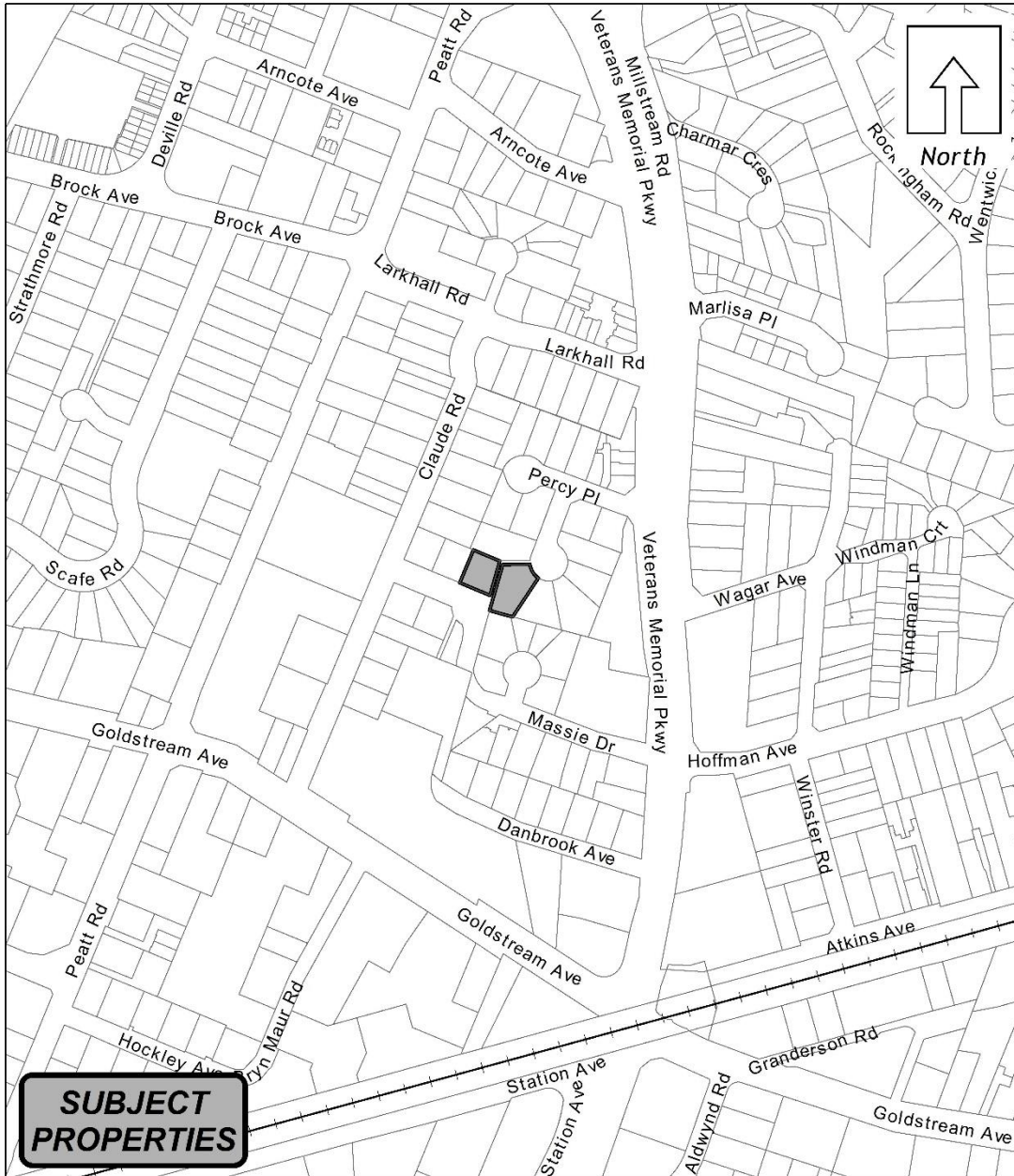
Document Name: Z22-0009_Site_Map_June_19

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Last Revised: 2024-06-19

Appendix B – Location Map

REZONING BYLAW AMENDMENT
(Z22-0009)
728 Massie Dr & 2746 Dinan Pl



Document Name: Z22-0009_Location_Map_June_19

Scale: N.T.S.

Last Revised: 2024-06-19