



Staff Report to Council

DATE: Monday, August 19, 2024

DEPARTMENT: Planning

APPLICATION NO.: Z23-0020

SUBJECT: Adoption of Bylaw No. 2165 - Application to Rezone 775 Latoria Road from the Rural Residential 2 (RR2) to the Residential Townhouse 1 (RT1) Zone to allow for approximately 33 Townhomes.

BACKGROUND:

At their regular meeting of June 17th, 2024, Council passed the following resolution with respect to 775 Latoria Road:

1. *Direct Staff to prepare a bylaw to amend the zoning designation of the properties located at 775 Latoria Drive from RR2 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 approval: (secured in bylaw)***
 - i. *\$610 towards the Affordable Housing Reserve Fund; and*
 - ii. *\$3,660 towards the General Amenity Reserve Fund;*
 - b. *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: (complete)*
 - 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 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 comprehensive geotechnical plan;*
 2. *A construction parking management plan; and*
 3. *A mitigation plan;*

- iii. *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;*
- iv. *That the project shall be constructed with electric heat pumps, to the satisfaction of the Chief Building Inspector;*
- v. *That the project shall be constructed to Step 4 of the BC Building Code, to the satisfaction of the Chief Building Inspector;*
- vi. *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;*
- vii. *Acknowledge that the site is in proximity to agricultural uses the South Vancouver Island gun range, and that these uses may create general noise, odour, and other nuisances, and agree that the owner and all future owners assume all risk and annoyance of such nuisances;*
- viii. *That the lot provides at least 28% open space, of which at least 17.5% is dedicated to the City as Park, and the remainder amount is retained as strata common property, to be protected in a non-disturbance covenant, prior to the issuance of a building permit, to the satisfaction of the Director of Parks, Recreation, and Facilities; and*
- ix. *That tree protection measures, inclusive of tree protection fencing, outlined within the arborist report prepared by Capital Tree Service Inc. dated October 27, 2023, are implemented prior to commencement of work on site to protect the trees identified for retention in the arborist report throughout the construction period, to the satisfaction of the Director of Development Services;*

AND

- 2. *That Council retains the non-disturbance covenant EPP78535 on Urban Rise, but allows the tree removal, re-grading, and re-landscaping of the areas, subject to the work being supervised by the project biologist, to the satisfaction of the Director of Development Services. (to be dealt with in future development permit)*

AND

3. *Direct Staff to include within the bylaw an allowance to utilize General Amenity Fund contributions towards the installation of sidewalk beyond the frontage of 775 Latoria Road, connecting to the crosswalk at Autumn Lane, to the satisfaction of the Director of Engineering. (secured in bylaw)*

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 first, second and third readings of Bylaw No. 2165 on July 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 - July 15, 2024 \(escribemeetings.com\)](https://www.escribemeetings.com)

The applicant has registered a Section 219 Covenant against the title of the subject properties that agrees to items 1. b. i-ix in Council's resolution dated June 17th, 2024, noted above.

Bylaw No. 2165 was not required to be signed by the Minister of Transportation and Infrastructure as it falls more than 800 m away from a controlled access highway.

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. 2165.

OR Option 2

That Council not adopt Bylaw No. 2165.

SUBMITTED BY: Julia Buckingham, Planner II

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

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: 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, Director of Legislative & Protective Services

Concurrence: Braden Hutchins, Deputy Chief Administrative Officer

Concurrence: Darren Kiedyk, Chief Administrative Officer