



Staff Report to Sustainable Development Advisory Committee

DATE: Tuesday, October 15, 2024

DEPARTMENT: Planning

APPLICATION NO.: Z22-0035

SUBJECT: Bylaw No. 2191 – Application to Rezone 946 Isabell Avenue from One- and Two-Family Residential (R2) to Residential Townhouse (RT1) to allow for the development of approximately 7 townhouse units.

EXECUTIVE SUMMARY:

Mehdi Khataw of Khataw Development has applied on behalf of Ladkeen (Canada) Ltd. to rezone 946 Isabell Avenue from R2 (One- and Two-Family Residential) to RT1 (Residential Townhouse) to allow approximately 7 townhouse units within 2 blocks. The proposal includes 8.12% (124.57m²) of covenanted non-disturbance area which contains the Streamside Protection and Enhancement Area (SPEA) of the Fire Hall Creek located to the rear of the site. The SPEA is proposed to be revegetated under the direct guidance of the project Biologist and fenced off with a permanent fence to avoid any future encroachment into the riparian habitat.

BACKGROUND:

PREVIOUS APPLICATIONS

An environmental Development Permit DP08-0037 was issued in July 2008, to lift and move the existing dwelling into the Riparian Development Permit Area in order to facilitate a future one-lot subdivision of the subject property. The proposal did not proceed.

Table 1: Site Data

<i>Applicant</i>	Mehdi Khataw
<i>Owner</i>	Ladkeen (Canada) Ltd.
<i>Civic Address</i>	946 Isabell Avenue
<i>Legal Description</i>	Lot 6, Section 84, Esquimalt District, Plan 22027
<i>Size of Property</i>	1,533 m ²
<i>DP Areas</i>	Riparian

<i>Zoning</i>	Existing: R2	Proposed: RT1
<i>OCP Designation</i>	Existing: Neighbourhood	Proposed: Neighbourhood

SITE AND SURROUNDING AREA

The subject property is located in south Langford, east of Happy Valley Road, on the north side of Isabell Avenue. The site does not contain any trees, is flat in nature, and contains an established single-family dwelling, which is not proposed to be retained as part of this proposal. Fire Hall Creek is located north of the subject site, with the creek's 10m SPEA partially situated along the rear of the subject site.

The surrounding neighborhood is primarily composed of small lot and conventionally sized single-family subdivisions. The subject site is surrounded by small lot single family subdivisions immediately to the north, east, and west. The same applicant has also proposed a 19-unit townhome development on the south side of Isabell Avenue, approximately 100m from the subject site. Ernhill Park, Sedgwick Park, and Ed Fisher Memorial Park are all located within a fifteen-minute walk from the subject site. The Galloping Goose Regional Trail is located approximately 300m from the development site, with the closest access point off the Isabell Avenue cul-de-sac. Happy Valley Elementary School is located approximately 650m away from the site. 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.

The proposed development is also located within 800m of a Controlled Access Highway under the jurisdiction of the Ministry of Transportation and Infrastructure (MoTI) and is therefore subject to their review and approval. During the referral stage of the application, MoTI has not identified any concerns with the proposal and indicated that they have no objection to the proposal in principle.

Figure 1: Subject Property and Surrounding Neighbourhood

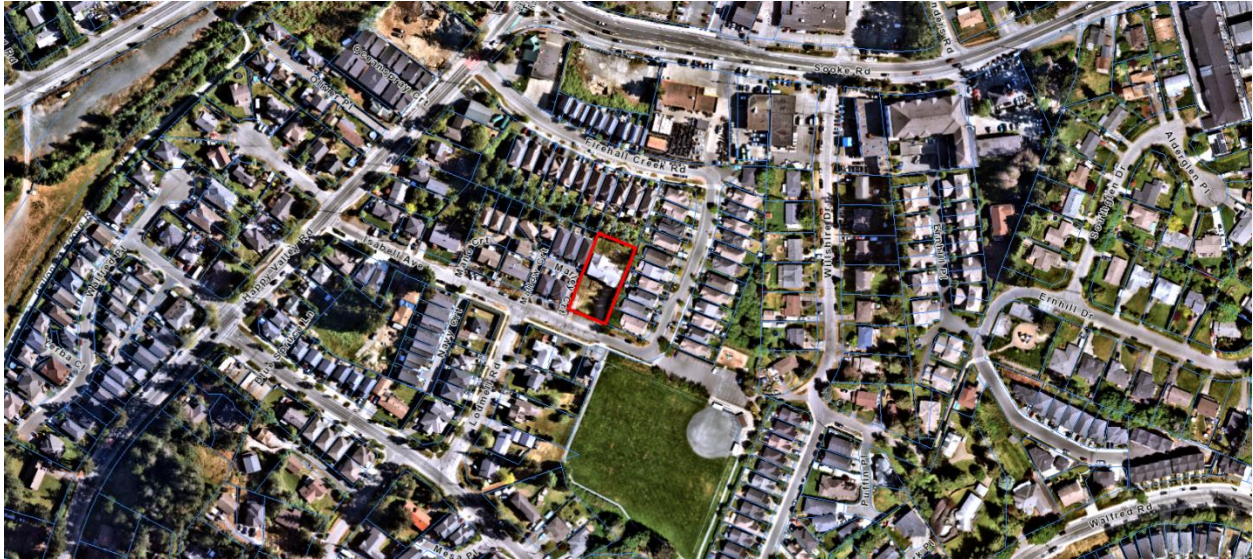


Table 2: Surrounding Land Uses

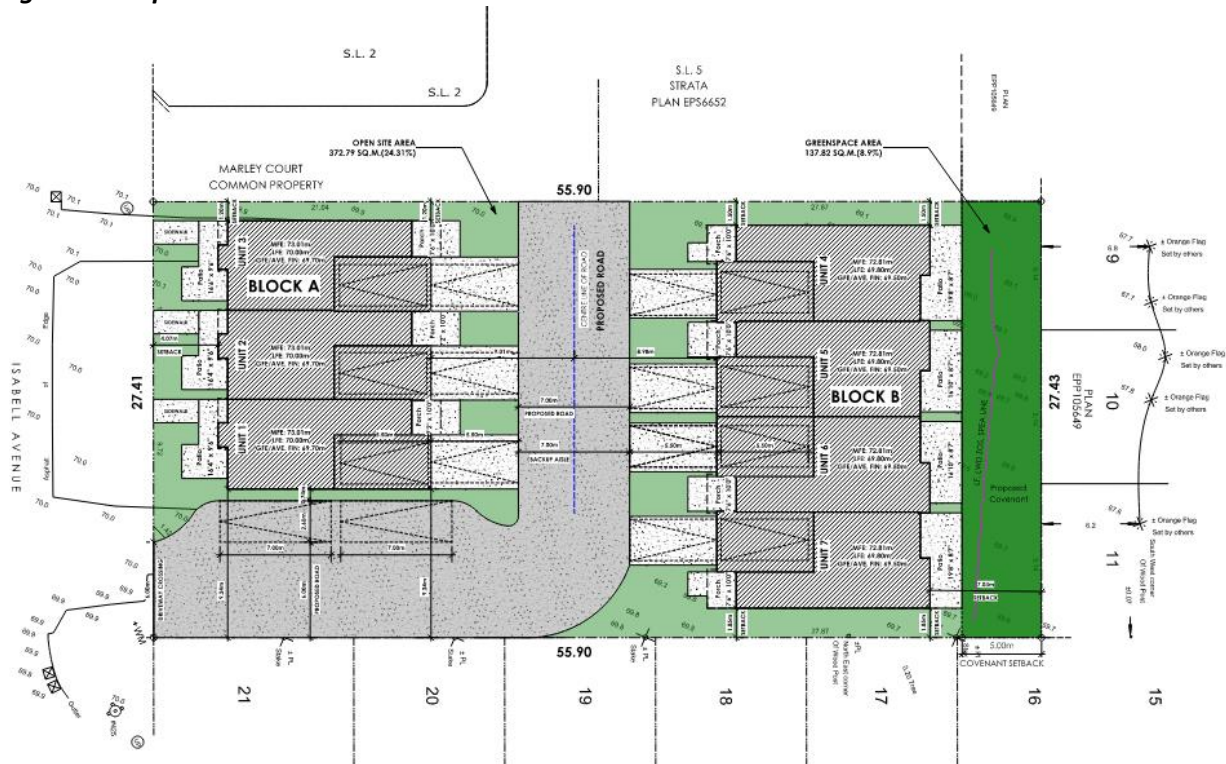
	Zoning	Use
<i>North</i>	RS1 (Residential Small Lot)	Single-family dwellings on small lots
<i>East</i>	RS1 (Residential Small Lot)	Single-family dwellings on small lots
<i>South</i>	RS1 (Residential Small Lot) R2 (One- and Two-Family Residential)	Single-family dwellings on small lots Duplex
<i>West</i>	RS1 (Residential Small Lot)	Single-family dwellings on small lots

COMMENTARY:

DEVELOPMENT PROPOSAL

As noted above, the applicant is proposing to rezone the subject property from R2 to RT1 to allow for approximately 7 townhouse units within two blocks. The proposed site plan can be seen below as Figure 2.

Figure 2: Proposed Site Plan



One of the blocks along the front is proposed to contain three units, and the townhouse block along the rear of the property is proposed to be contain four dwelling units. Both townhouse blocks are two storeys high, feature a single-car garage and one storey of living space above, large enough to accommodate 3-bedroom layouts, making them suitable for families with children and other larger household types.

Each unit includes two parking spaces, one in the enclosed garage and second one on the driveway, which meets the requirement of the Zoning Bylaw No. 300. The applicant is also proposing a total of two visitor parallel parking spaces to be located along the strata access road, south of Block A. To remain consistent with townhouse developments that have been recently rezoned, Council may wish to require that garages are to be used for parking of vehicles and not the storage of items in a manner that would prevent utilization of the garage space for parking purposes. This requirement should be secured through a Section 219 Covenant prior to bylaw adoption, in favour of the City, but should require that the strata bylaws of the resulting strata corporation are reflective of this requirement, such that the strata is responsible for enforcing the covenant rather than the City.

In a similar manner, Council may wish to secure a requirement to incorporate electric heat pumps for heating and cooling, to remain consistent with recent rezoning applications.

The applicant has submitted two conceptual renderings of their proposal to better articulate the design of the proposed townhomes (Figures 3 and 4).

Figure 3: Rendering Of the Block a Of Proposed Townhouse Development as Seen from Isabell Avenue



Figure 4: Rendering Of the Block B Of Proposed Townhouse Development as Seen from The Strata Road



The buildings have a West-Coast modern style, mixing monochromatic cladding and natural wood shades. The primary materials proposed are concrete fibre panels, vertical metal siding, and cedar

longboard. The final design, including finishing materials, will be secured through the Form and Character Development Permit.

Each unit contains no less than 10m² of ground level private open space for the use of the residents of each townhome. Additionally, a total of 8.12% (124.57m²) of the site along the rear is proposed to be retained as a common area. As this area contains part of the SPEA for the Fire Hall Creek, it is designated as a non-disturbance area and is required to be fenced off with a permanent fence to ensure no further disturbance of the riparian habitat.

The applicant will also be required to install a 1.8m solid privacy fence along the property lines that do not abut the highway to screen the development from adjacent properties. For the front property line abutting Isabell Avenue, the fence may not exceed 1.2m and is required to provide less than complete visual screening. As shown on the landscaping plan attached, the applicant is proposing 0.9m cedar horizontal slat fence for the units facing Isabell Avenue.

Table 3: Proposal Data

	Permitted by R2 (Current Zoning)	Permitted by RT1 (Proposed Zoning)	Proposed by Rezoning Application
<i>Permitted Use</i>	<ul style="list-style-type: none"> • Single -family dwelling • Duplex • 4-unit townhouse 	Townhouse	Townhouse
<i>Density (FAR and/or min. lot size)</i>	400m ²	1.2 FAR	1.0 FAR
<i>Height</i>	11m	3 storeys	2 storeys
<i>Site Coverage</i>	50%	60%	
<i>Front Yard Setback</i>	3.0m (5.5m for garage or carport)	3.0m (5.5m for garage or carport)	4.07
<i>Interior Side Yard Setback</i>	1.5m	1.2m	1.20
<i>Exterior Side Yard Setback</i>	3.0m (5.5m for garage or carport)	3.5 (5.5m for garage or carport)	N/A
<i>Rear Yard Setback</i>	3.0m	5.5m	7.03m
<i>Vehicle Parking Requirement</i>	1 per dwelling unit	2 per dwelling unit + 2 visitor stalls	2 per dwelling unit + 2 visitor stalls
<i>Bicycle Parking Requirement</i>	N/A	1 per dwelling unit	1 per dwelling unit

As can be seen in Table 3, under the current zoning, the property can have a 4-unit townhome without having to rezone the site, in accordance with the recent Bylaw changes. The applicant wishes to increase the density on site to 7 townhome units.

Additionally, as can be seen from the table above, the applicant is not utilizing the entirety of the height allowance permitted by the zone and is proposing two storey dwellings instead of three storey dwellings. The applicant has identified this design was utilized to remain consistent with the immediate neighbourhood, which is predominantly comprised of two storey homes.

VARIANCES

Although not listed in the table above, one variance to Section 3.16.01(1) of the Zoning Bylaw No. 300 is required to facilitate this project. Section 3.16.01(1) stipulates that no building or structure may be located within 30m of the natural boundary of any watercourse. The Director of Development Services is authorized to approve a variance for the setback of a building from a watercourse otherwise required by the Zoning Bylaw No. 300, if the R.P. Bio confirms that the variance would not result in any encroachment into or impact to the SPEA. As the proposed non-disturbance area containing the SPEA has been identified by the project Biologist and approved by the province, the variance will be issued within the Development Permit.

ARBORIST REPORT & LANDSCAPING

As there are no trees currently present on site that would require removal, no arborist report and tree inventory was submitted for Council's consideration. The applicant did, however, obtain the Riparian Areas Protection Regulation (RAPR) Assessment Report, which includes recommendations pertaining to the protection and restoration of the riparian habitat, historically disturbed by human activity. The report was approved by the province in accordance with regulations.

Aside from retention and revegetation of the 124.57m² of property along the rear of the lot containing the 10m SPEA, the applicant is proposing some extensive landscaping on private property, where space allows. Council may wish to note that the landscaping concept plan demonstrates approximately 32 trees to be planted on site, in addition to some ornamental shrubs. The proposed species are 13 Japanese cherry trees, 9 Asian white birch trees, 3 pin oaks, 4 Greenspire lindens, and 3 Eddie's white wonder dogwood trees. The exact species and location will be confirmed at the time of Form and Character Development Permit, but the number of trees planted is expected to remain consistent with the number provided within the landscaping plan.

Council should note that the landscaping plan will be secured through the Form and Character Development Permit, which will provide assurance that trees on private property will be maintained in accordance with the plan in perpetuity, as any change to the landscaping plan would be subject to the approval of the Director of Development Services through a Development Permit amendment.

The Parks Department has indicated that boulevard trees are required at a rate of 1 tree per 12 linear meters of frontage. For any required boulevard trees that cannot be accommodated within the frontage without compromising sound arboricultural practices, due to the size or other characteristics of the frontage, cash-in-lieu would be required in accordance with Bylaw No. 1000.

MULTI-MODAL NETWORK

FRONTAGE IMPROVEMENTS

Full frontage improvements will be required in accordance with Bylaw No. 1000 and to the satisfaction of the Director of Engineering prior to the issuance of a building permit. Of note, the Engineering Department has indicated that the proposal will be required to provide three angled parking stalls, streetlights, and a minimum of two boulevard trees. The Director of Engineering noted that angled parking, although not preferred everywhere in the City, is required in this area to help alleviate some of the street parking concerns that the neighbourhood is experiencing due to proximity to Ed Fisher Memorial Park. The Director of Engineering has reviewed and approved the preliminary frontage drawing for this proposal.

PEDESTRIAN, CYCLING AND MOTORIST NETWORK

Sidewalks are situated along the south side of Isabell Avenue, and are expected to be completed with the development of 967A Isabell. Bike lanes exist on both sides of Happy Valley Road, approximately 170m from the subject site, providing bicycle access to the downtown core and beyond, via Sooke Road. The Galloping Goose Trail offers cycling connections throughout the Greater Victoria region.

There are several bus stops within walking distance of the development site, including two bus stops along Happy Valley Road near the intersection of Happy Valley and Walfred Road, which provide access to routes 48, 52, 55, and 64. Route 48 offers service to and from downtown Victoria during peak commuting hours. Route 52 runs throughout the day to provide service between the Colwood Exchange and Bear Mountain. Route 55 offers service to Langford Exchange, which in turn offers transfers to many other routes, including Blink Rapid Line 95, a key commuting service into downtown Victoria. Route 64 travels from Langford Exchange to Sooke Town Centre via Happy Valley Road. Multiple other bus routes are available along Sooke Road within walking distance of the site.

Figure 5: Ortho Map Showing Bike Lanes (purple lines), Sidewalks (pink lines), Trails (orange lines), and Bus Stops (blue icons):



INFRASTRUCTURE

SEWERS

A sewer main exists along Isabell Avenue and a connection from the units 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.

FIRE ACCESS AND FIRE PREVENTION PROTECTION

No ladder fire truck turning template was required as the strata road access does not exceed the 90m specified in Building Bylaw No. 1160.

STORMWATER MANAGEMENT

The applicant will be required to provide a storm water management plan to the satisfaction of the Director of Engineering prior to the issuance of a building permit. As part of their application, the applicant has submitted a stormwater technical memo outlining how they plan to adequately manage storm water on-site. This memo has been reviewed and approved by the Director of Engineering.

CONSTRUCTION IMPACT MITIGATION

Council may wish to require a Construction Parking and Deliveries Management Plan as well as an Erosion and Sediment Control Plan as a condition of rezoning and require that it will be provided to the satisfaction of the Director of Engineering prior to any land alteration. Additionally, as per Bylaw 1000, Section 2.5, a Mitigation Plan is required prior to land alteration to the satisfaction of the Director of Engineering (this is an interim measure for all developments, until the Good Neighbour Policy is adopted). A Mitigation Plan is required where there is reasonable ground to anticipate any discharge of contaminants, pollutants, silts, airborne particles (dust) or materials (toxic or natural) to watercourses, municipal ditches and sewage systems, public or private lands, waters or the atmosphere. The construction impact mitigation measures should be secured within a Section 219 covenant, prior to Bylaw Adoption.

NEIGHBOURHOOD CONSULTATION

The developer held a public information session on Sunday, November 12th, 2022. The developer sent out the notice to 45 neighbours, notifying them of the upcoming neighbourhood consultation meeting. 10 residents have attended the session to discuss the proposal.

COUNCIL POLICY

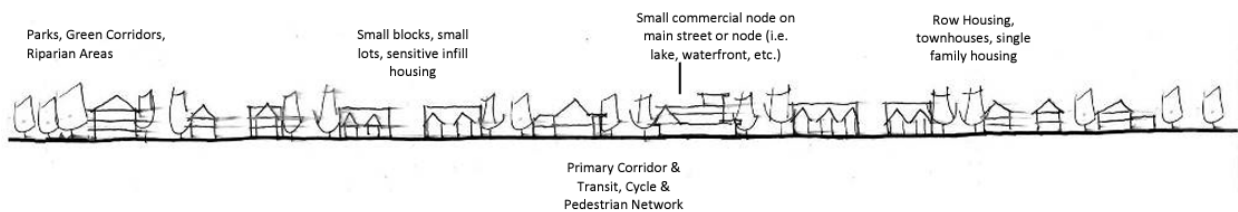
OFFICIAL COMMUNITY PLAN

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

Existing settled areas throughout the community predominantly located on the valley floor.

- *Predominantly residential precinct that supports a range of low and medium density housing choices including secondary suites*
- *This area allows for residential and mixed-use commercial intensification of streets that connect centres and/or are serviced by transit*
- *Schools, community facilities and other institutional uses are permitted throughout the area*
- *Retail serving local residents is encouraged along transportation corridors*
- *Home-based businesses, live-work housing is encouraged*
- *Parks, open spaces and recreational facilities are integrated throughout the area*
- *This area allows for Neighbourhood Centres to emerge in the form of medium density mixed-use nodes at key intersections.*

A Concept for Neighbourhood Areas



Policies of the Neighbourhood OCP designation support clustered densification in established areas as well as the diversification of housing stock through the incorporation of housing such as coach housing, row housing, live/work units and townhouses. The proposal is consistent with this designation in that it increases density in an existing developed area. Policy 3.9.3 in the OCP presents “16 units per acre” as a guide for residential density for infill development in areas designated as “Neighbourhood”. The proposed development represents a density of approximately 18 units per acre, which exceeds this recommendation. Despite this, the density modifier in the Neighbourhood Designation can be considered as an average of the designation. Additionally, given the location of the parcel close to the Sooke Road corridor, the composition of the neighbourhood, and the layout of the site, which incorporates protection and revegetation of the SPEA, Council may wish to explore the higher density as proposed through this application.

SOUTH LANGFORD NEIGHBOURHOOD PLAN

The South Langford Neighbourhood Plan (SLNP) designates 946 Isabell Avenue as Urban Residential. This designation is described as the following:

Urban Residential – applies to areas where the availability of municipal services allow for a variety of residential development that is more intensive than suburban residential, and that may include single-family residential dwelling without secondary suites, townhousing, and attached housing. A maximum density of one unit per 200m² (2152.85 ft²) is applicable.

Council may wish to note that the South Langford Neighbourhood Plan precedes the City’s Official Community Plan, and that the SLNP was retained within the Design Guideline as a reference. Council may also wish to note that zoning amendments are required to comply with the OCP density objectives but is not required to comply with the Design Guidelines, including SLNP. Based on the density noted above, the property would be suitable for a maximum of 6 units. This proposal exceeds the prescribed density by one dwelling unit. Having said that, SLNP generally supports densification in the area through construction of townhomes.

DEVELOPMENT PERMIT AREAS

The subject property is not located in the Riparian Development Permit Area in accordance with the Map 13 of the Official Community Plan. However, a stream meeting the definition of a watercourse has been previously identified north of the subject property. The report by a qualified environmental professional has confirmed the presence of SPEA on the subject site, therefore a Development Permit will be required in this regard. The SPEA has been previously disturbed by human activity, and will be revegetated, enhanced, and fenced off with a permanent chain link fence to avoid any further encroachment. Prior to any land alterations, the applicant will need to obtain a Development Permit which will outline any requirements stemming from a qualified professional's review of the site, as it was accepted by the province.

Additionally, given the proposed land use, a Form and Character Development Permit will also be required and will ensure that the proposal complies with the standards prescribed by Zoning Bylaw No. 300 as well as Multi-Family 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.

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 7 residential units.

Table 4 – Amenity Contributions per Council Policy

Amenity Item	Per unit contribution	Total (based on 7 units)
<i>General Amenity Reserve Fund</i>	\$3,660	\$25,620

<i>Affordable Housing Reserve Fund</i>	\$610	\$4,270
TOTAL POLICY CONTRIBUTIONS	\$4,270	\$29,890

Table 5 - Development Cost Charges

Development Cost Charge	Per Unit Contribution	Total (based on 7 units)
<i>Roads</i>	\$3,865.00	\$27,055.00
<i>Storm Drainage</i>	\$1,028.00	\$7,196.00
<i>Parks</i>	\$2,078.00	\$14,546.00
<i>ISIF</i>	\$441.96	\$3,093.72
Subtotal (DCC's to Langford)	\$7,412.96	\$51,890.72
<i>CRD Water</i>	\$2,557.00	\$17,899.00
<i>School Site Acquisition</i>	\$900.00	\$6,300.00
TOTAL DCC's (estimated)	\$10,869.96	\$76,089.72

LEGAL IMPLICATIONS:

Should Council choose to proceed with consideration of this proposal, Bylaw No. 2191 will be scheduled for consideration of first, second, and third readings. As per recent changes to the *Local Government Act*, a Public Hearing is not permitted. Although Public Hearing requirement is waived for the proposal, the required notification will be sent out to the owners and tenants in occupation of real property, any part of which is within 100m of the legal boundaries of the subject area, prior to consideration of first reading.

The amenity contributions specified in Table 4 above are incorporated into Bylaw No. 2191, 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. 2191, following public notification, to amend the zoning designation of the property located at 946 Isabell Avenue from R2 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**:
 - 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:
 - 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 alterations:
 1. A mitigation plan;
 2. A construction parking and deliveries management plan; and
 3. An erosion and sediment control plan.
 - iii. That electric heat pumps are installed in the townhouse units;
 - iv. 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;
 - v. That a separate covenant is registered, prior to issuance of a building permit, that agrees to the following:
 1. That the owner agrees that the garages are to be used for the parking of

vehicles and not the storage of items preventing the parking of vehicles therein, and that the strata bylaws of the resulting strata corporation are reflective of this requirement, such that the strata is responsible for enforcement of this restriction; and

2. That the strata be responsible for maintaining the boulevard landscaping from the back of the sidewalk with the exception of boulevard trees.

OR Option 2

THAT the Sustainable Development Advisory Committee recommend that Council take no action with respect to this application to rezone 946 Isabell Avenue under Bylaw No. 2191 until such time as the following items are addressed and reviewed by the Sustainable Development Advisory Committee:

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

SUBMITTED BY: Anastasiya Mysak, Planner I

- 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: Braden Hutchins, Deputy Chief Administrative Officer

Attachment(s):

- Proposed Site Plan (946 Isabell Avenue)
Proposed Landscaping Plan (946 Isabell Ave)
Bylaw No. 2191

Appendix A – Site Map

Appendix B – Location Map

**REZONING BYLAW AMENDMENT
(Z22-0035)
946 Isabell Ave**



Document Name: Z22-0035_Location_Map_June_26

Scale: N.T.S.

Last Revised: 2024-06-26