



# Staff Report to Council

**DATE:** Monday, October 21, 2024

**DEPARTMENT:** Planning

**APPLICATION NO.:** Z24-0002

**SUBJECT:** Adoption of Bylaw No. 2192 – Application to Rezone 967A Isabell Avenue from One- and Two-Family Residential (R2) and Residential Small Lot (RS1) to Residential Townhouse (RT1) to allow for the development of approximately 19 townhouse units.

## BACKGROUND:

At their Regular meeting of August 19<sup>th</sup>, 2024, Council passed the following resolution with respect to 976A Isabell Avenue:

*That Council:*

1. *Proceed with consideration of First, Second, and Third Reading of Bylaw No. 2192, following public notification, to amend the zoning designation of the property located at 967A Isabell Avenue from RS1 and 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: (secured in Bylaw No. 2192)***
    - 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 CA5774371 through Bylaw No. 1646, and 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 mitigation plan;*
- 2. A construction parking and deliveries management plan; and*
- 3. An erosion and sediment control plan.*

*iii. That, prior to the issuance of a Development Permit, the developer completes the process of road closure and disposition, and consolidates approximately 163.4m<sup>2</sup> of municipal road right of way into the subject property;*

*iv. That a separate covenant be registered , prior to issuance of a building permit for the proposed development, agreeing that the garage 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*

*v. That a separate covenant is registered, prior to issuance of a building permit for the proposed development agreeing that the strata be responsible for maintaining the boulevard landscaping from the back of the sidewalk with the exception of boulevard trees;*

*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 3<sup>rd</sup> 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. That electric heat pumps are installed in each townhouse unit;*

*viii. That tree protection measures, inclusive of tree protection fencing, are implemented prior to commencement of work to protect the trees identified for retention in the arborist report throughout the construction period. A written confirmation from the project arborist that the tree protection fencing was installed shall be submitted to the City , prior to commencement of work, to the satisfaction of the Director of Parks, Recreation and Facilities;*

*ix. That the large diameter cypress tree currently existing within the frontage shall be retained. If the tree cannot be retained under the current proposal, the proposal*

*shall be adjusted accordingly to ensure preservation of the tree. If mutually agreed upon by the developer and the City of Langford that the tree cannot be preserved, then a cash contribution based on the assessed value of the tree shall apply and be payable by the developer to the City of Langford, prior to occupancy permit. If the tree is removed without the consent of the City of Langford, the developer shall provide a cash contribution to the City equal to three (3) times the assessed value of the tree.*

AND

2. *Amend the text of Schedule AD of the Zoning Bylaw No. 300 to remove the amenity contributions related to Bylaw No. 1646; (secured in Bylaw No. 2192)*

AND

3. *Direct staff to prepare a Bylaw to proceed with road closure and disposition of approximately 163.4m<sup>2</sup> of municipal road right of way as shown on the Road Closure Plan, attached to this report.*

AND

4. *Authorize the Director of Development Services to issue the following variance in the Form and Character Development Permit: (to be dealt with in future development permit)*
  - i. *Section 6.28.07(d) be varied to reduce the minimum rear yard setback from the required 5.5m to 5.0m.*

#### 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. 2192 on October 7<sup>th</sup>, 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 - October 07, 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 August 19<sup>th</sup>, 2024, noted above.

Bylaw No. 2192 was signed by the Minister of Transportation and Infrastructure on October 9, 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. 2192 as presented.

**OR Option 2**

That Council take no action regarding Bylaw No. 2192.

**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:** Wolfgang Schoenefuhs, Parks Planner

**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