



# Staff Report to Sustainable Development Advisory Committee

**DATE:** Tuesday, November 12, 2024

**DEPARTMENT:** Planning

**APPLICATION NO.:** Z23-0009

**SUBJECT:** Bylaw No. 2204 – Application to Rezone 2830 Jacklin Road and 2825 - 2831 Knotty Pine from One-and Two-Family Residential (R2) to City Centre Pedestrian (CCP) to allow for the Development of Two 6-Storey Buildings

## EXECUTIVE SUMMARY:

Rachael Sansom of Grayland Consulting has applied on behalf of 1335880 BC Ltd. to rezone five (5) properties along Knotty Pine and Jacklin Road from the R2 zone to Area 2 of the CCP zone. The proposal is to consolidate these five properties and construct two 6-storey buildings that contain a total of 142 residential units and one commercial unit along Jacklin Road. Two vehicular access points for both buildings will be provided off Knotty Pine.

## BACKGROUND:

### Previous Applications

The City has not received any previous planning applications on the subject properties.

**Table 1: Site Data**

<i>Applicant</i>	Grayland Consulting, Rachael Sansom	
<i>Owner</i>	1335880 BC Ltd.	
<i>Civic Addresses</i>	2830 Jacklin Road and 2825, 2827, 2829, and 2831 Knotty Pine Road	
<i>Size of Properties</i>	3,810 m <sup>2</sup> (0.94 acres)	
<i>DP Areas</i>	Downtown	
<i>Zoning</i>	Existing: R2	Proposed: CCP
<i>OCP Designation</i>	Existing: City Centre	Proposed: City Centre

### Site and Surrounding Area

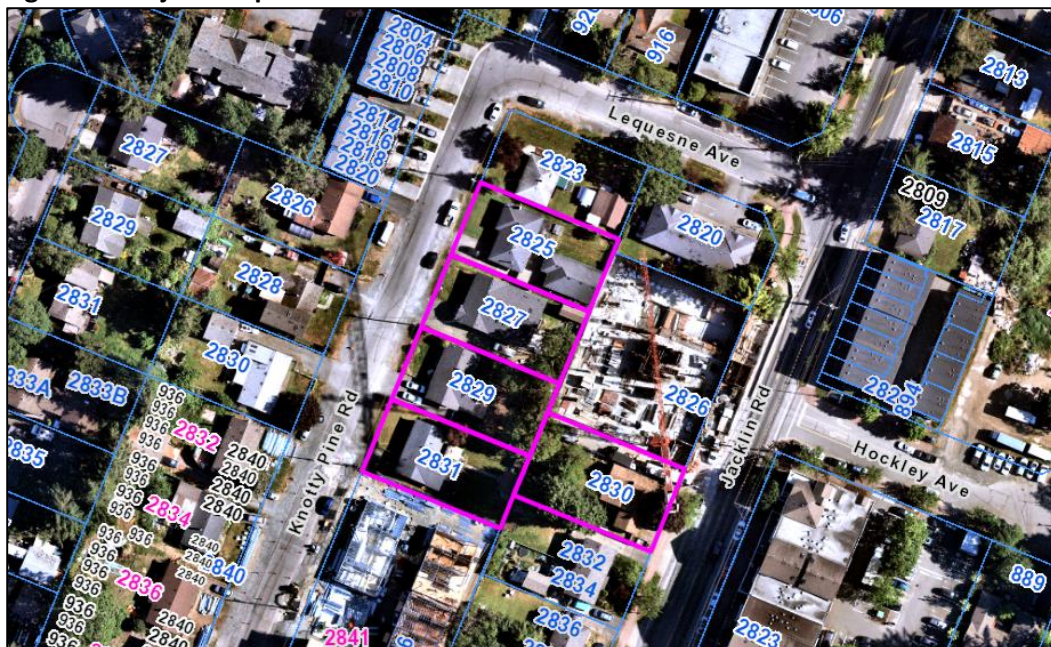
The subject properties are located in the City Centre, with four of the properties fronting Knotty Pine, and the fifth fronting Jacklin Road. When consolidated, the properties will be within the 400 m radius of the Transit-Oriented Area (TOA) established through Bylaw No. 2160. Currently, only two of the five properties are within the 400 m TOA. However, the regulations of the TOA will apply to the entirety of the consolidated parcel. As the properties are in “Tier 5” of the TOA, Council must not reject an application for rezoning for a building containing residential uses that is 2.5 FAR or 6 storeys in height, or less, on the basis of the height and density, and must not require off-street residential parking.

Currently, each property contains a single-family dwelling. All of the properties are topographically flat and collectively there are 11 trees with a trunk diameter of 20cm or greater at 1.4m above the ground located on them, all of which are proposed to be removed due to the proposed underground parkade. Details pertaining to the trees are outlined in the attached arborist report.

South of this site on Knotty Pine is a 26-unit townhouse development that is currently under construction. To the west are existing single-family dwellings and townhomes as well as another 27-unit townhouse site that is preparing for construction. Immediately to the east is a 10-storey mixed use building that is currently under construction. North of this site is a single-family dwelling, could be consolidated with the neighbouring property at 2820 Lequesne Avenue.

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.

**Figure 1: Subject Properties**



**Table 2: Surrounding Land Uses**

	<b>Zoning</b>	<b>Use</b>
<i>North</i>	R2 (One- and Two-Family Residential)	Residential
<i>East</i>	CCP (City Centre Pedestrian)	Residential
	MU1 (Mixed Use Residential Commercial)	Residential
<i>South</i>	R2 (One- and Two-Family Residential)	Residential
	CC2 (City Centre)	Residential
<i>West</i>	R2 (One- and Two-Family Residential)	Residential
	RM7A (Medium Density Apartment A)	Residential

**COMMENTARY:**

Development Proposal

The proposal is to construct two 6-storey buildings on the consolidated lot and to share a below-grade parkade that spans under both buildings. One building would front Knotty Pine and consist of 113 residential units. The second building, fronting Jacklin Road, would have 29 residential units and one commercial retail unit along Jacklin Road. The breakdown of all the unfits would include 1 studio unit, 63 1-bedroom units, 73 2-bedroom units, and 5 3-bedroom units. Renderings of each frontage have been included as Appendices C and D.

The ground floor residential units along the Knotty Pine frontage would all have elevated patios with direct access to the street. These units would include a landscaped retaining wall between the patio and sidewalk for increased privacy. Also along Knotty Pine would be two vehicular access points. The one near the southern boundary would be the driveway to the surface parking, which would include 31 residential stalls and 2 commercial stalls. The second driveway would be near the northern boundary, which would provide the ramp down into the underground parkade that would contain 115 parking stalls. Appendix E shows the ground floor layout that illustrates surface parking, the driveways, and ground floor units including the commercial retail unit on Jacklin Road. The total active frontage provided complies with the minimum 80% required for this zone.

The second floor of the larger building fronting Knotty Pine includes an indoor amenity space situated towards the rear of the building. This space is proposed to be approximately 83 m<sup>2</sup> (890 ft<sup>2</sup>) in size and would open up to an outdoor amenity space approximately 188 m<sup>2</sup> (2,025 ft<sup>2</sup>) in size. Combined with additional outdoor amenity space that is provided on the ground floor to the rear of larger building, the minimum requirement for 5% outdoor amenity space has been exceeded.

Within the underground parkade and in secure rooms, the applicant is proposing bicycle parking for 108 standard bikes and an additional 10 spaces for cargo bikes. There would also be a designated area within the larger bike room for bike repairs. The ground level would also have a secured bike room for 24 bikes as well as a public bike rack next to the commercial unit on Jacklin Road.

With respect to heat pumps, and to remain consistent with other rezoning applications, Council may wish to require that individual heat pumps, or an equivalent central system, will be installed with the development.

With respect to the height, the CCP zone has no height limit, but does have a height section in order to limit heights on a case-by-case basis. Council may consider this proposal to be a case for which they wish to utilize this section by limiting the height on this site to 6-storeys to ensure what is presented is built. This would also allow Council to review any future application to deviate from the current proposal, as they would need to amend the Zoning Bylaw to increase the height if requested in the future.

Parking

When the subject properties are consolidated, prior to issuance of development permit, the site will be located within 400 m of the designated Transit-Oriented Area and therefore, onsite parking for residential units are not required as per Provincial legislation. However, the applicant still wishes to provide onsite parking for future residents and is proposing to provide 146 parking stalls for both buildings, which would have 142 residential units. Two of the 146 stalls would be designated for the commercial unit, which meets the requirement of the Zoning Bylaw.

Even though Council is not permitted to require onsite residential parking, it would be permissible to request that the onsite parking provided is included in the rent or sale of units and not in exchange for additional compensation separate from that of the residential unit.

**Table 3: Proposed Data**

	<b>Permitted by R2 (Current Zoning)</b>	<b>Permitted by CCP (Proposed Zoning)</b>
<i>Permitted Uses</i>	One-or Two-Family Dwelling Townhouse Group Daycare	Apartment Hotel Retail Store Office (2 <sup>nd</sup> Floor only)
<i>Density (Dwellings or FAR)</i>	3-6 Dwellings	6.0 FAR
<i>Height</i>	11 m (36 feet)	n/a
<i>Site Coverage</i>	50%	n/a

<i>Front Yard Setback</i>	3.0 m (9.8 ft)	2.0 m (1-2 storeys) <b>3.56 m (3+ storeys) *</b>
<i>Interior Side Yard Setback</i>	1.5 m (4.9 ft)	3.0 m (9.8 ft)
<i>Exterior Side Yard Setback</i>	3.0 m (9.8 ft)	2.0 m (6.6 ft)
<i>Rear Yard Setback</i>	3.0 m (9.8 ft)	3.0 m (9.8 ft)
<i>Vehicle Parking Requirement</i>	1 per dwelling	0 (within TOA)
<i>Bicycle Parking Requirement</i>	0-1 per dwelling	1 per dwelling
<i>Loading Spaces</i>	0 spaces	0 spaces
<i>Parking Location</i>	n/a	<b>1.6 m offset*</b>

\*Variance Requested

### Variations

The applicant is requesting a variance to the location of a surface parking stall. The bylaw states, ‘No unenclosed surface parking spaces may be located within 3 m (9.8 ft) of a lot line abutting a highway unless screened by a building containing an active use.’ The design has proposed that the one stall closest to Knotty Pine be allowed to be 1.6 m from the road. To help hide the parked car, the entire area between the parking stall and sidewalk is proposed to be landscaped.

There is one additional variance requested, which is for the front yard setback to the upper storeys of the building abutting Jacklin Road. The bylaw requires a 4.0 m setback but the applicant is requesting this be reduced to 3.56 m, which allows for slightly wider units at this location.

If Council is supportive of the requested variances, they may wish to authorize the Director of Development Services to issue the variances with the Development Permit for Form and Character, subject to one condition; that appropriate landscaping be installed between the parking space and sidewalk to aid in hiding the stall.

### Trees

The applicant has provided an arborist report as part of their application, which has identified 11 trees with a trunk diameter of 20cm or greater at 1.4m above the ground that are proposed to be removed as the parkade would be constructed at their locations. A copy of the report has been attached.

A municipal tree within the Jacklin Road boulevard was also assessed. The report notes that it can be retained and recommended tree protection fencing along with supervision under the arborist when the excavation commences.

The final landscape plan for this project is proposing to plant 9 boulevard trees and 21 onsite trees, all of which would be irrigated. In addition to these trees, the landscape plan is also proposing to include 177 onsite shrubs. A copy of the landscape plan has been attached.

### Multi-Modal Network

#### FRONTAGE IMPROVEMENTS

The Director of Engineering has noted that full frontage improvements to Bylaw No. 1000 standards will be required along Knotty Pine and Jacklin Road. The improvements along Knotty Pine would include, but are not limited to, a 4.25 m wide drive lane, a 2.5 m separated boulevard with street trees and streetlights, and a 2.2 m wide sidewalk at the property line.

The improvements along Jacklin Road would need to match the adjacent development at 2826 Jacklin Road and include, but are not limited to, a 2.2 m wide red brick sidewalk, protection of the existing boulevard trees, boulevard landscaping, streetlight(s), and appropriate drive lane along with a bike lane. Much of these already exist, but reinstatement may be required if any are damaged.

#### PEDESTRIAN, CYCLING, AND MOTORIST NETWORK

Sidewalks do not exist along Knotty Pine but are starting to be installed with development as it occurs in this area. This development would provide a sidewalk that will ultimately connect to a sidewalk that will be constructed to the south, which will extend to Orono Avenue. It has been noted that due to increases traffic volumes, there is a need to install a traffic light at the intersection of Orono and Jacklin. The applicant has agreed to install the traffic light at this location prior to building occupancy. This work is DCC creditable work in accordance with Bylaw No. 2021.

### Infrastructure

#### DRAINAGE AND STORMWATER

The applicant has submitted a stormwater technical memo, which was prepared by a civil engineer and outlines how the onsite storm drainage would be dealt with in order to comply with Bylaw No. 1000 standards. This has been reviewed and approved by the Director of Engineering.

#### SEWER

A sewer main exists within both Knotty Pine and Jacklin Road fronting this development site. A connection from each building will be required and the civil engineer will determine the best main to connect to, which may include a connection to each main. 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 PROTECTION

The site currently has a hydrant located within 90 m of both the Knotty Pine and Jacklin Road frontages. The installation of another hydrant is not anticipated, but the submission of a Fire Underwriters Survey Report prior to a building permit will provide a professional determination of whether or not another hydrant is necessary.

#### 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 would 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.

#### 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 and employment centre that supports a wide range of high-density housing, including affordable and rental housing, in conjunction with commercial, office, institutional and light industrial uses;
- A place with the highest degree of inter-city connection through a regional transportation network and transportation hubs;
- A place where a wide range of public squares, parks, and open spaces are integrated throughout;
- A place of community gathering and celebration where civic uses and public buildings are key landmarks; and
- A place of interactive and animated streetscapes where public art and public space are employed to celebrate local cultural and natural history

#### DESIGN GUIDELINES

The subject properties are located within the 'Centennial Park' (C1) neighbourhood of the City Centre Design Guidelines as outlined below. For this region of the City Centre, the design intent is as follows:



*Surrounding a large green space, the Centennial Park neighbourhood boasts late century single-family dwellings located on cul-de-sac roads. This neighbourhood is very suitable for mixed-use development, shared streets and enlarged walkways as well as high-density apartment buildings near Goldstream Avenue. Other opportunities for development in this neighbourhood include townhouses and medium-density apartments to replace the single-family dwellings on cul-de-sacs and shared streets. Emphasis within the Centennial Park neighbourhood shall be placed on a family focus and being able to move through the housing continuum by addressing various housing types.*



Further to these Neighborhood Guidelines, the subject properties were identified as being appropriate for consideration of both the CCP (Area 2) and CC2 Zones on the City Centre Concept Map forming part of the City Centre design guidelines. However, once consolidated, the greater of the two zones apply, deeming this site appropriate for the Area 2 of the CCP zone, which has no height limit and requires ground floor commercial space along Jacklin Rd. As such, given the 6-storey proposal, this development is consistent with the City Centre Concept Map.

#### DEVELOPMENT PERMIT AREAS

The subject properties are not located within any Environment or Hazard Development Permit Area. However, it is 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

Council may wish to require the applicant to enter into a Housing Agreement, prior to issuance of a Building Permit, in order to meet the City's Attainable Home Ownership Policy or Council's resolution from February of 2023 that addresses purpose built rental building. This would require that either 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 **OR** a minimum of 10% of the units constructed be rented for at least 10% below the benchmark rent for the unit type for a term not less than 25-years. The



developer shall identify the Attainable Units on the plans submitted for the required Development Permit application.

**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 142 residential units and 67 m<sup>2</sup> of commercial gross floor area.

**Table 4 – Amenity Contributions per Council Policy**

<b>Amenity Item</b>	<b>Per unit / area contribution</b>	<b>Total</b>
<i>General Amenity Reserve Fund</i>	\$2,850 per residential unit (1 <sup>st</sup> through 4 <sup>th</sup> storeys)	\$256,500.00
	\$1,425 per residential unit (5 <sup>th</sup> and 6 <sup>th</sup> storeys)	\$94,900.00
	\$10.75 per m <sup>2</sup> of commercial gross floor area	\$720.25
<i>Affordable Housing Reserve Fund</i>	\$750 per residential unit (1 <sup>st</sup> through 4 <sup>th</sup> storeys)	\$67,500.00
	\$375per residential unit (5 <sup>th</sup> and 6 <sup>th</sup> storeys)	\$19,500.00
<b>TOTAL POLICY CONTRIBUTIONS</b>		<b>\$439,120.25</b>

*Note: Units allocated towards the Attainable Housing and Amenity Policy are exempt from additional contributions.*

**Table 5 - Development Cost Charges**

<b>Development Cost Charge</b>		<b>Per Unit / Area Contribution</b>	<b>Total</b>
<i>Roads</i>	<i>Residential</i>	\$3,092.39	\$439,119.38
	<i>Commercial</i>	\$54.12	\$3,626.04
<i>Park Improvement</i>	<i>Residential</i>	\$1,348.00	\$191,416.00
	<i>Commercial</i>	\$0.00	\$0.00

<i>Park Acquisition</i>	<i>Residential</i>	\$90.00	\$12,780.00
	<i>Commercial</i>	\$0.00	\$0.00
<i>ISIF</i>	<i>Residential</i>	\$331.65	\$47,094.30
	<i>Commercial</i>	\$1.51 per m <sup>2</sup>	\$101.17
<i>ISA</i>	<i>Residential</i>	\$52 per lot created	\$0.00
	<i>Commercial</i>		
<b>Subtotal (DCC's to Langford)</b>			<b>\$694,136.89</b>
<i>CRD Water</i>	<i>Residential</i>	\$1,644.00	\$233,448.00
	<i>Commercial</i>	\$10.74 per m <sup>2</sup>	\$719.58
<i>School Site Acquisition</i>	<i>Residential</i>	\$600.00	\$85,200.00
	<i>Commercial</i>	\$0.00	\$0.00
<b>TOTAL DCC's (estimated)</b>			<b>\$1,013,504.47</b>

**LEGAL IMPLICATIONS:**

As the properties are in “Tier 5” of the TOA, Council must not reject an application for rezoning for a building containing residential uses that is 2.5 FAR or 6 storeys in height, or less, on the basis of the height and density, and must not require off-street residential parking.

Should Council choose to proceed with consideration of Bylaw No. 2204, 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. 2204 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. 2204 to amend the zoning designation of the properties located at 2830 Jacklin Road and 2825, 2827, 2829, and 2831 Knotty Pine Road from 'One- and Two-Family Residential' (R2) to Area 2 of the 'City Centre Pedestrian' (CCP) 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; and
    - ii. \$2,850 towards 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 provides, **as a bonus for increased density**, the following contributions per square meter of ground floor commercial space, **prior to the issuance of a building permit**:
    - i. \$10.75 towards the General Amenity Reserve Fund.
  - c. That Section 6.58.05 of Bylaw No. 300 include a maximum height limit of six storeys for the subject site.
  - d. 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. A traffic light at the intersection of Orono and Jacklin; 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 alterations:
      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 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;
- vi. That individual heat pumps for each unit, or an equivalent central system, be installed prior to issuance of an occupancy permit;
- vii. 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;
- viii. That, prior to the issuance of a Building Permit, the developer enters into a Housing Agreement with the City that requires a minimum 5% of units constructed be directed to and sold in accordance with the terms of the Attainable Home Ownership Program Policy (POL-0166-PLAN) **OR** 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, and that the developer identify the Attainable Units on the plans submitted for the required Development Permit application.

**AND**

- 2. Authorize the Director of Development Services to issue the following variances within the future Development Permit for Form and Character:
  - a) That Section 6.58.06(2)(a) be varied by reducing the front yard setback for the 3<sup>rd</sup> storey and higher along Jacklin Road only from the required 4.0 m (13 ft) to 3.56 m (11.7 ft); and
  - b) That Section 6.58.08(1) be varied by reducing the distance required in between an unclosed surface parking space to a lot line abutting a highway from 3.0 m (9.8 ft) to 1.6 m (5.2 ft) provided that additional landscaping is included in the 1.6m separation.

**OR Option 2**

THAT the Sustainable Development Advisory Committee recommend that Council take no action with respect to this application to rezone 2830 Jacklin Road and 2825-2831 Knotty Pine under Bylaw No. 2204 until such time as the following items are addressed and reviewed by the Sustainable Development Advisory Committee:

- a. \_\_\_\_\_;
- b. \_\_\_\_\_;
- c. \_\_\_\_\_.

**SUBMITTED BY: Robert Dykstra, RPP, MCIP, Senior Planner**

- 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

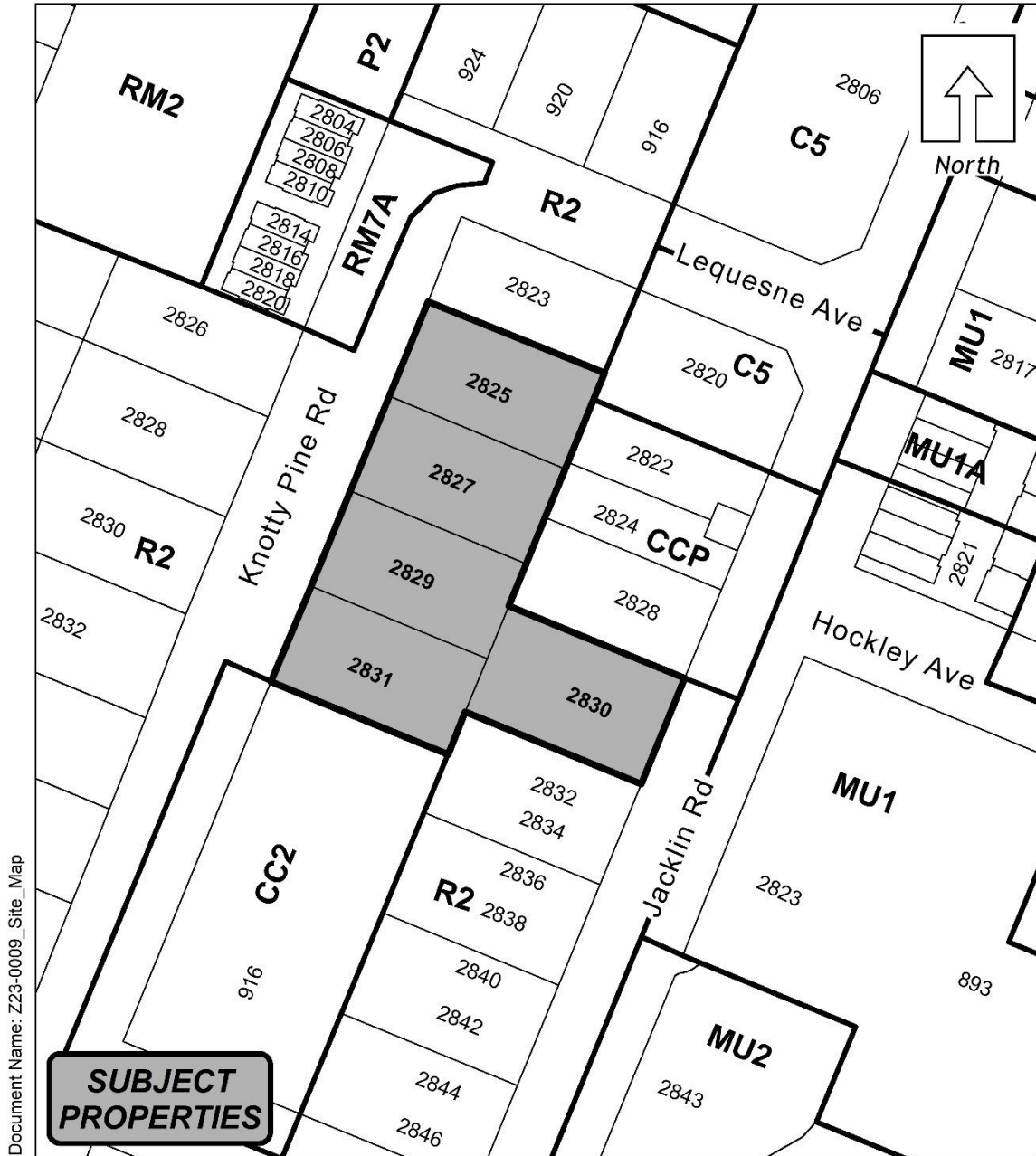
Attachments:

- Arborist Report
- Landscape Plan
- Bylaw No. 2204

Appendix A – Site Map

**REZONING BYLAW AMENDMENT  
( Z23-0009 )**

**2830 Jacklin Rd 2825 & 2827, 2829, 2831 Knotty Pine Rd**



Document Name: Z23-0009\_Site\_Map

Scale: N.T.S.

Last Revised: 2023-08-28

Appendix B – Location Map

**REZONING BYLAW AMENDMENT**  
**( Z23-0009 )**  
**2830 Jacklin Rd 2825 & 2827, 2829, 2831 Knotty Pine Rd**



Document Name: Z23-0009\_Location\_Map

Scale: N.T.S.

Last Revised: 2023-08-28



Appendix C – Rendering from Knotty Pine Frontage



Appendix D – Rendering from Jacklin Frontage





Appendix E – Ground Floor Plan

