



Staff Report to Council

DATE: Monday, April 15, 2024

DEPARTMENT: Planning

APPLICATION NO.: Z22-0025

SUBJECT: Adoption of Bylaw No. 2019 – Application to Rezone 982, 984, 986, and 988 Bray Avenue from One-and Two-Family Residential (R2) to City Centre 1 (CC1) to Allow for a 6-storey Apartment.

BACKGROUND:

Note: This application has been the subject of a Public Hearing.

On November 20th, 2023, Council passed the following resolution with respect to this application:

That Council:

1. *Proceed with consideration of Bylaw No. 2019 to amend the zoning designation of the properties located at 982-988 Bray Avenue from One- and Two-Family Residential (R2) to City Centre 1 (CC1) subject to the following terms and conditions: **(Secured in bylaw)***
 - 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, **prior to Bylaw Adoption**, registers a Section 219 covenant in priority of all other charges on title, that agrees to the following: **(Completed)***
 - 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 mitigation plan;
 3. A storm water management plan; and

4. *A construction parking management plan.*
 - ii. *That the properties be consolidated prior to issuance of a Development Permit for Form and Character;*
 - iii. *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;*
 - 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 the developer submit the Fire Underwriters Survey (FUS) calculations prior to the issuance of a development permit to develop the property, and acknowledges that these calculations may determine different setbacks than what is prescribed in the zone or from what has been granted through variances;*
 - vi. *That, prior to the issuance of a Building Permit, the developer enters into a Housing Agreement with the City that requires a minimum 10% of units constructed be rented at a rate no higher than 30% of the median renter income as calculated by the Canadian Mortgage and Housing Corporation for Langford for a term not less than 10 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 no occupancy permit be issued for the proposed building until a strata plan for the building has been registered, to the satisfaction of the Approving Officer.*
- c. *Authorize the Director of Planning and Subdivision to issue the following variance in the Form and Character Development Permit for 982-988 Bray Avenue:*
 - i. *That Section 6.57.07(1)(b) of Zoning Bylaw No. 300 be varied to reduce the interior lot line setback of a building or structure from the required 3 m to 2 m.*

- d. *Prior to public hearing, the applicant provide the following changes: **(Completed)***
 - i. *More prominent street presence for ground floor units*
 - ii. *Design considerations for accessibility and universal design including washer and dryer machines.*
- e. *That the proposed car share program and electric heat pumps be provided as a condition of rezoning to the satisfaction of the Director of Engineering and Chief Building Inspector. **(Heat pumps secured in covenant, carshare removed as per revised Council resolution noted below)***
- f. *That the foyer panel is designed to accommodate visual challenges, to the satisfaction of the Chief Building Inspector. **(Secured in covenant)***

At their regular meeting on January 15th, 2024, Council revised their resolution from November 20th, 2023, to remove the requirement for carshare.

COMMENTARY:

The Public Hearing for Bylaw No. 2019 was held on February 20th, 2024. Following the close of the Public Hearing, Council passed 2nd and 3rd readings of the Bylaw. The information considered as part of the Public Hearing as well as the video recording of the Public Hearing can be found at the following link on the City's website: [Council Meeting - February 20, 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 item 1(b), 1(e), and 1(f), in Council's resolution dated November 20th, 2023 and as revised on January 15th, 2024.

Bylaw No. 2019 was signed by the Minister of Transportation and Infrastructure on February 22, 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. 2019

OR Option 2

That Council reject the application associated with Bylaw No. 2019

SUBMITTED BY: Julia Buckingham, Planner II

Concurrence: Leah Stohmann, RPP, MCIP, Director of Community Planning and Climate Change

Concurrence: Donna Petrie, Senior Manager of Communications & Economic Development

- Concurrence:** Yari Nielsen, Director of Parks, Recreation and Facilities
- Concurrence:** Matthew Baldwin, MCIP, RPP, Director of Planning and Subdivision
- Concurrence:** Katelyn Balzer, P.Eng., Director of Engineering and Public Works
- Concurrence:** Michael Dillabaugh, CPA, CA, Director of Finance
- Concurrence:** Marie Watmough, Deputy Director of Corporate Services
- Concurrence:** Braden Hutchins, Director of Corporate Services
- Concurrence:** Darren Kiedyk, Chief Administrative Office