



# Staff Report to Sustainable Development Advisory Committee

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**DATE:** Thursday, June 1, 2023

**DEPARTMENT:** Planning

**APPLICATION NO.:** Z23-0004

**SUBJECT:** Bylaw No. 2132 - Application to Amend the Text of the RS1 (Residential Small Lot) Zone to Increase the Allowable Townhouses on 2120 Millstream Road from 47 units to 62 units.

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## **PURPOSE:**

Manny Janda has applied on behalf of 1366771 BC Ltd, 1366789 BC Ltd, and 1366778 BC Ltd to amend the text of the RS1 (Residential Small Lot) Zone to increase the allowable townhouse units on 2120 Millstream Road from 47 units to 62 units.

## **BACKGROUND:**

### PREVIOUS APPLICATIONS

#### Z17-0049, Bylaw No. 1761

An application to rezone 2120 Millstream from RR4 (Rural Residential 4) to RS1 (Residential Small Lot) was approved and adopted by Council on October 4<sup>th</sup>, 2021. This application allowed for a subdivision of approximately 37 single family homes and 47 townhouse units. The site was designed to have a single-family subdivision in the centre of the site, and two separate townhouse developments flanking on either side. While townhouses aren't typically a permitted use within the RS1 zone, they are permitted in locations, such as this, if specified in the bylaw. As such, the original application included a text amendment to the RS1 zone to allow for a maximum of 47 townhouses on 2120 Millstream that were to be split across the two planned townhouse sites within the property. As the RS1 zone only allows for townhouses on specific lots, the zone specifies that any townhouses built within the RS1 zone will be subject to the regulations of the Residential Townhouse 1 (RT1) zone regarding setbacks, floor area ratio, lot coverage, etc.

The proposal also included two non-disturbance greenspace areas at the eastern and western ends of the site, comprising 3,884 m<sup>2</sup> and 1,538 m<sup>2</sup> respectively. In addition, a 579 m<sup>2</sup> lot near

the centre of the site was secured to be dedicated to the City as a neighbourhood park. This park is intended to have a small playground and will be constructed in accordance with the requirement of the Director of Parks, Facilities, and Recreation. The staff reports related to this application have been attached for additional information. This includes the original staff report to the Planning, Zoning, and Affordable Housing Committee, a First Reading report, a Park Addition report, and a final Bylaw Adoption report.

#### DP22-0016

An environmental development permit was issued on June 9<sup>th</sup>, 2022 that addressed the Riparian, Habitat and Biodiversity, Steep Slopes, and Interface Fire Hazard Development Permit Areas. As noted previously, there are two non-disturbance areas that have been protected through this development permit, inclusive of the riparian area along Millstream Road. Since this has been issued, the remaining portion of the site has been cleared as per the conditions of the DP and blasting has begun on the lower portion of the site.

#### DP22-0050

A form and character development permit was issued on December 6<sup>th</sup>, 2022 that addressed the site layout and design of the 35 single family homes in the centre of the site. Council may wish to note this is two fewer lots than originally contemplated at the time of zoning.

#### DP23-0026

The applicant has applied for a form and character development permit for the 9 townhouses situated between the 35-lot subdivision and Millstream Road, on the “lower” townhouse site. This site was originally contemplated to have 13 townhouse units. This development permit is under review and has not yet been issued at the time of this report.

#### SUB22-0009 & SUB22-0010

There are currently two active subdivision applications open with respect to 2120 Millstream. The first is to split the large parent parcel into 3 bulk lots, consisting of two lots for the townhouse sites and one lot for the 35-lot subdivision. The second application is for the 35-lot subdivision that DP22-0050 covers. This is occurring on proposed bulk lot B, in the centre of the site.

**Table 1: Site Data**

<i>Applicant</i>	Manny Janda
<i>Owner</i>	1366771 BC Ltd, 1366789 BC Ltd, and 1366778 BC Ltd
<i>Civic Address</i>	2120 Millstream Road
<i>Legal Description</i>	Lot 1, Section 3, Range 3 West, Highland District, Plan 9548 Except That Part In Plan 14368

<i>Size of Property</i>	38,450 m <sup>2</sup> or 9.63 acres
<i>DP Areas</i>	Habitat and Biodiversity Development Permit Area Woodland Environmental Development Permit Area Steep Slopes Potential Risk Hazard Development Permit Area Extreme Fire Potential Risk Hazard Development Permit Area
<i>Zoning Designation</i>	RS1 (Residential Small Lot)
<i>OCP Designation</i>	Neighbourhood

SITE AND SURROUNDING AREA

The site is located to the east of Millstream Road, across the street from the former Western Speedway site. This large site has been fully cleared except for the two non-disturbance areas. The applicant is concurrently working to build out the 35-lot subdivision in the centre of the site. The 35-lot subdivision will connect Longspur Drive which currently stubs out on the north and south sides of the property. This will act as the primary access to the site as no new direct access from Millstream is included in the plans.

The surrounding neighbourhood is made up of mainly single-family and townhouse developments. The former Western Speedway site has been rezoned for predominantly business and light industrial uses.

**Figure 1 – Subject Property (image does not reflect site clearing that has since occurred)**



**Table 2: Surrounding Land Uses**

	<b>Zoning</b>	<b>Use</b>
<i>North</i>	CD9 (Comprehensive Development – Baker View Heights)	Single-family and townhouses
<i>East</i>	BP9 (Business Park 9 – Millstream Road Northeast)	Development underway for predominately business and light industrial uses.
<i>South</i>	RT1 (Residential Townhouse)	Townhouses
<i>West</i>	RCBM1 (Resort Community Bear Mountain 1)	Single-family homes

COUNCIL POLICY

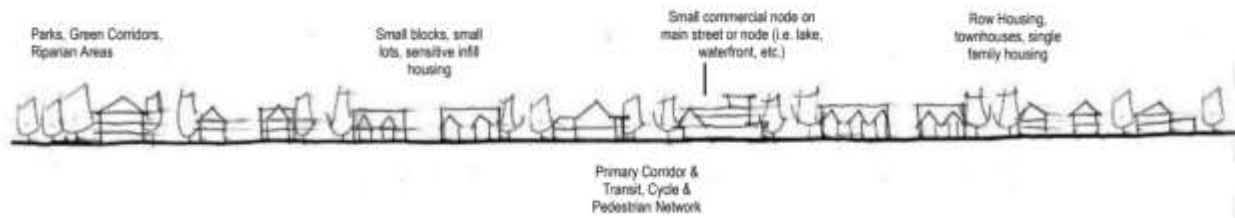
OFFICIAL COMMUNITY PLAN

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



The Neighbourhood designation within the OCP contains policy that contemplates an overall density of 40 units per hectare (16 units per acre) for infill development. While the proposed text amendment increases the density from what is currently permitted, it is still well below 16 units per acre. With the 35 single family homes currently being subdivided, plus the proposed 62 townhouses (compared to the currently allowed 47), there would be a total of 97 units over 9.63 acres, resulting in a density of 10 units per acre. Given this, amending the text of the zone to add an additional 15 townhouses still fits well within the City's OCP.

### COMMENTARY:

#### DEVELOPMENT PROPOSAL

The applicant is requesting to increase the allowable number of townhouses permitted on the subject property from 47 to 62. The original plan split the townhouses into two sites, one with 13 units abutting Millstream Road ("lower townhouse site"), and one at the western end of the site containing 34 units ("upper townhouse site"). Due to site constraints, the applicant is only able to fit 9 townhouses in the lower townhouse site, allowing them to shift 4 units to the upper townhouse site for a total of 38 units under the current zone. The applicant is looking to make changes to the upper, 38-unit development, by adding an additional 15 units, for a total of 53 units. The lower, 9-unit townhouse development abutting Millstream is still intended to move ahead as planned, which brings the overall total on 2120 Millstream to 62 townhouse units. The proposed new site plan is attached to this report for review, as is the currently permitted site plan.

The applicant originally intended that the upper townhouse units be larger, more luxury style units. Due to current market conditions, rising construction costs, and the high demand for smaller, more attainable, family-oriented units, the owner is seeking to create more smaller units instead of fewer large units. Council may wish to note that the development footprint is largely the same and the proposed units would still be able to accommodate 3-4 bedrooms each. As the

footprint is similar, the change should not impact the amount of blasting required. The development proposal still maintains the non-disturbance areas that were secured as part of the previous rezoning as well as the neighbourhood park. The applicant has noted that they will be constructing the neighbourhood park in accordance with the requirements of the Director of Parks, and aims to have it completed prior to the completion of the townhouses.

While the design of the units will be formally secured through the Form and Character development permit, the applicant has submitted renderings so Council can have a better idea of the general design theme they intend to apply to the development, as seen in Figure 2 below.

**Figure 2 – Conceptual Rendering**



The applicant has also submitted a conceptual landscape plan that demonstrates landscape planting possibilities and private outdoor spaces, seen on Figure 3 on the following page. Each unit has a private backyard patio with at least a 3-meter depth, the suggested minimum for townhouses outlined in the City’s Design Guidelines. The landscape plan would be secured as part of the form and character development permit.

Figure 3 – Conceptual Landscape Plan



The RS1 zone states that any townhouses built within the RS1 zone are to be constructed to the regulations of the RT1 zone, the City’s Residential Townhouse 1 zone. All proposed units comply with or exceed most of the requirements of the RT1 zone, but the applicant is seeking a Floor Area Ratio (FAR) increase from 0.5 to 0.56. For reference, the City’s Zoning Bylaw defines FAR as “the figure obtained when the gross floor area of all the buildings on a lot are divided by the area of lot.” FAR also excludes certain features like garages, outdoor pools and sundecks, and portions of basements used for heating equipment. Floor Area Ratio is used to calculate the density of a project. Table 3 below outlines how the current proposal compares to what is currently permitted.

**Table 3: Proposal Data – Upper Townhouse Site**

	Currently Permitted	Proposed
<i># of units</i>	38	<b>53</b>
<i>Floor Area Ratio</i>	0.5	<b>0.56</b>
<i>Height</i>	3 storeys	3 storeys
<i>Site Coverage</i>	60%	31.2%
<i>Front Yard Setback</i>	3 m	6.7 m
<i>Interior Side Yard Setback</i>	1.2 m	1.2 m (north side) 3.5 m (south side)
<i>Rear Yard Setback</i>	5.5 m	30.3 m
<i>Parking Requirement</i>	2 spaces per unit plus 5 visitor parking spaces	2 spaces per unit plus 5 visitor parking spaces

In exchange for this small increase in density, the applicant is offering that 5 of the additional units within the upper townhouse site be occupied at a below market rate, either through renting them at 10% below market value or selling the 5 units to a non-profit housing provider for their management. Should Council proceed with this zoning amendment, they may wish to secure in a Section 219 covenant that 5 units be subject to a Housing Agreement, ensuring they will be rented at a below market rate. The Housing Agreement would be required prior to the issuance of a Building Permit, to the satisfaction of Council. This fits within Council’s direction with regards to creating a rental stream within the Attainable Housing Program, although in this case would be applied to townhouse units rather than to a purpose-built apartment building.

All townhouse units have at least two parking spaces allocated to them either in a garage, driveway, or dedicated to them within the common property, as required by the Zoning Bylaw. Council may wish to request a Section 219 covenant be registered to secure that garages and carports will be used for vehicle parking and not the storage of items preventing the parking of vehicles therein. This was not requested in the previous rezoning so now would be the pertinent time for Council to apply it. This is becoming a more common tactic used by the City to help alleviate neighbourhood concerns about parking.

It's important to note that should Council reject this application for a text amendment rezoning for 15 additional townhouse units, the applicant would still be permitted to build 47 units in accordance with the current zoning. Should that occur, Council would be unable to secure the

5 units at a below market rate nor secure that the garages and carports are used for vehicle parking.

The covenant registered as part of the previous rezoning has already secured most of the City's standard requirements, which is why staff have not included them to be secured again as part of this amendment. The previous rezoning covenant, which will still apply to the property should this rezoning be approved, included the following items:

1. That the developer agrees to submit and implement, prior to subdivision approval, a formal storm water management plan, approved by the Director of Engineering, and to complete any required improvements and/or upgrades to on site and off-site infrastructure necessary to facilitate proper drainage on the subject property at the developer's expense;
2. That the developer agrees to install, prior to subdivision approval or building permit issuance, whichever is first, full frontage improvements including, but not limited to: the installation of sidewalks, boulevard landscaping, and light standards in accordance with Bylaw No.1000 and to the satisfaction of the Director of Engineering;
3. That the developer agrees that if at time of subdivision of the subject property a connection to Longspur Drive and Kingbird Road has not been constructed to Bylaw No.1000 standards and to the approval of the Director of Engineering, a temporary turnaround must be constructed where these roads meet the property at 2148 Millstream, prior to any subdivision approval on the property;
4. The developer agrees to register a Section 219 covenant, prior to subdivision approval, on each individual property, that acknowledges proximity to Western Speedway and the potential nuisance this establishment may cause to future home owners;
5. That the developer agrees to dedicate to the City internal roads, Longspur Drive and Kingbird Road, and to develop these to Bylaw No.1000 standards, and to the approval of the Director of Engineering, prior to subdivision approval;
6. The developer will be required to submit fire underwriters survey (FUS) calculations prior to the issuance of a Development Permit to develop the property;
7. That any necessary above or underground infrastructure or servicing upgrades, extensions or other required servicing requirements are to be fulfilled to the standards of Bylaw No. 1000 and the Director of Engineering, and that costs incurred will be the responsibility of the

developer;

8. That the applicant will submit a construction parking management plan, to the satisfaction of the Director of Engineering prior to building permit issuance;
9. That the developer submits a fire safety plan prior to the issuance of development permit for the construction on the site;
10. That the developer covenants the non-disturbance areas along the westerly and easterly property boundaries as shown on the conceptual site plan as a condition of subdivision;
11. That 579 m<sup>2</sup> of land be dedicated to the City as Park Area in accordance with the plan shared with Council on April 19, 2021, as a condition of subdivision.

#### NEIGHBOURHOOD CONSULTATION

The applicant circulated their own letters to surrounding neighbours outlining their proposal and included their contact information for further questions.

#### **FINANCIAL IMPLICATIONS:**

##### COUNCIL'S AMENITY CONTRIBUTION POLICY

The previous rezoning approved secured the amenity contributions within Bylaw No. 1761. They are as follows and would be applied to the additional 15 units. As such, Council does not need to secure them again through a new bylaw.

1. \$3,660 per townhouse unit towards the General Amenity Reserve Fund
2. \$610 per townhouse unit towards the Affordable Housing Reserve Fund

By adding 15 units, the City would receive an additional \$54,900 towards the General Amenity Reserve Fund, and an additional \$9,150 towards the Affordable Housing Reserve Fund.

The City's Development Cost Charges (DCCs) have changed since the original application was contemplated in 2020. DCCs are collected at the time of building permit for townhouse units and subdivision approval for single-family lots. The current DCCs are summarized below in Table 4.

**Table 4 – Development Cost Charges**

<b>Development Cost Charge</b>	<b>Per unit contribution (townhouses)</b>
<i>Roads</i>	\$3,865
<i>Park Improvement</i>	\$1,984
<i>Park Acquisition</i>	\$130
<i>Incremental Storage Improvement Fees</i>	\$331.65
<i>CRD Water</i>	\$2,557
<i>School Site Acquisition</i>	\$900

**LEGAL IMPLICATIONS:**

Should Council choose to proceed with consideration of Bylaw No. 2132, a Public Hearing will be scheduled in accordance with the requirements of the *Local Government Act*.

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 Reading to Bylaw No. 2132 to:
  - a. Amend the text of the RS1 zone to allow for a maximum of 62 townhouses at 2120 Millstream Road, subject to the following conditions:
    - i. 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:
      1. That a separate covenant be registered prior to the issuance of a building permit agreeing that the garages and carports are to be used for the parking of vehicles and not the storage of items preventing the parking of vehicles therein; and
      2. That, prior to the issuance of a Building Permit, the developer enters into a Housing Agreement with the City of Langford that requires a minimum

of 5 townhouse units be either rented out at 10% below market rent, or, be sold to a non-profit housing provider. The developer shall identify each unit on their plans submitted for their required Development Permit application.

AND

- b. Amend the text of the RT1 zone to allow for an FAR of 0.56 at 2120 Millstream Road.

**OR Option 2**

THAT the Sustainable Development Advisory Committee recommend that Council take no action with respect to this application to rezone 2120 Millstream Rd under Bylaw 2132 until such time as the following items are addressed and reviewed by the Sustainable Development Advisory Committee:

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

**SUBMITTED BY: Julia Buckingham, Planner II**

**Concurrence:** Leah Stohmann, MCIP, RPP, Deputy Director of Planning and Subdivision

**Concurrence:** Donna Petrie, Senior Manager of Business Development and Events

**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

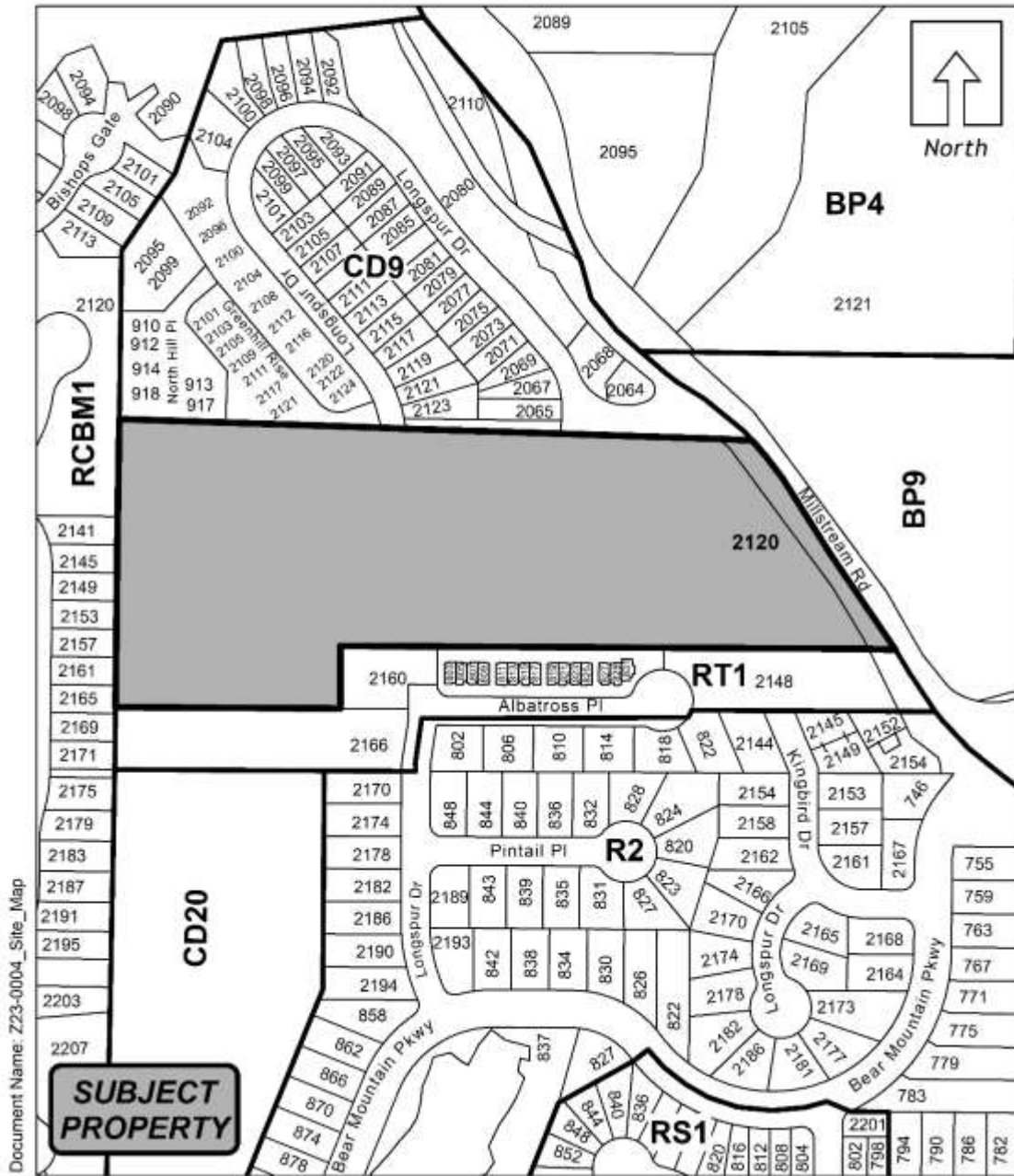
**Concurrence:** Marie Watmough, Deputy Director of Corporate Services

**Concurrence:** Braden Hutchins, Director of Corporate Services

**Concurrence:** Darren Kiedyk, Chief Administrative Officer

Appendix A – Site Map

**REZONING BYLAW AMENDMENT  
( Z23-0004 )  
2120 Millstream Rd**



Document Name: Z23-0004\_Site\_Map

Scale: N.T.S.

Last Revised: 2023-05-04

Appendix B – Location Map

**REZONING BYLAW AMENDMENT  
( Z23-0004 )  
2120 Millstream Rd**

