

# Staff Report to Sustainable Development Advisory Committee

DATE: Monday, October 16, 2023

**DEPARTMENT: Planning APPLICATION NO.: Z23-0010** 

SUBJECT: Bylaw No. 1927 - Application to Rezone 957 Walfred Road from the (RS1)

Residential Small Lot 1 Zone to the (RT1) Residential Townhouse 1 Zone to allow

approximately 17 townhomes.

### **PURPOSE:**

Kyle Velikovsky has applied on behalf of White Wolf Homes Ltd to rezone 957 Walfred Road from RS1 (Residential Small Lot 1) to RT1 (Residential Townhouse 1) to allow for a townhouse development with approximately 17 units.

### **BACKGROUND:**

### PREVIOUS APPLICATIONS

Z07-0035 – In 2007 the property (955 Walfred) was rezoned from GR2 (Greenbelt 2) to R2A (One-and Two-Family Residential A) to create two lots, one inclusive of the existing home (955 Walfred), and one remainder lot for future development potential (957 Walfred). The applicant initially proposed a 10-lot subdivision through this rezoning, but due to issues such as access to lands beyond that could not be resolved in a timely manner, the applicant scaled back the proposal to two-lots. Through this rezoning, the applicant dedicated 5-meters of road along the Walfred frontage and secured that a sidewalk or trail would be constructed as part of the frontage improvements when 957 Walfred was developed.

Z09-0015 – In 2009, the same applicant returned to rezone 957 Walfred Road from R2A to RS3 (Residential Small Lot 3) to allow for a 9-lot subdivision. Council included a requirement for a pathway from the proposed cul de sac to the adjacent property at 953 Walfred Road to allow for pedestrian connection to future parkland and /or roads that may be created should 953 Walfred redevelop. This was secured through the development covenant and is included in the applicant's new proposal. In line with Council's policy in 2009, they also requested and secured through the bylaw that the owner would provide 10% cash-in-lieu of park dedication on the property, as well as pay an additional fee to the General Amenity Fund for stormwater improvements. These additional fees will be discussed further in the Financial Implications section of this report. The development covenant registered also included a requirement that the owner install a 6 ft high fence along the northern property line. This is already required through the

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Z23-0010 – 957 Walfred Road 20231016 - Sustainable Development Advisory Committee Page **2** of **19** 

Zoning Bylaw for all townhouse projects and will be included as part of the landscape plan through the development permit. Council may wish to note that in 2020 the Residential Small Lot Zones, inclusive of RS3, were combined for simplification purposes. The RS3 Zone was collapsed into the RS1 Zone which is why it is designated RS1 today.

DP10-0003 – In February of 2010, the City issued a development permit for the property. The permit allowed for land alteration and clearing within the Extreme Fire Hazard and Potential Wildlife Habitat and Biodiversity Development Permit Areas. This included a 5-meter buffer along the southern and eastern property lines to protect small diameter trees (less than 10 cm dbh) and native understorey vegetation. Large trees were required to be removed from the 5-meter buffer due to windthrow concerns. Site clearing took place between 2010 and 2013 and some regrowth has since occurred.

DP22-0017 – In April of 2022, the City issued a development permit to address the form and character for 9 single family lots, inclusive of some minor setback variances. This permit also addressed the Extreme Fire Hazard and Potential Wildlife Habitat and Biodiversity Development Permit Areas as the regrowth would need to be removed.

Despite receiving a development permit, the applicant has chosen not to proceed with the subdivision and instead pursue this application for 17 townhouses. The applicant has expressed that after reviewing the Statement of Conditions from the City outlining what would be required to complete the subdivision, they determined that the 9 single family lots were not financially viable to complete.

Table 1: Site Data

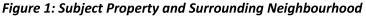
Applicant	Kyle Velikovsky			
Owner	White Wolf Homes Ltd.			
Civic Address	957 Walfred Road			
Legal Description	LOT 1 SECTION 84 ESQUIMALT DISTRICT PLAN VIP86631			
Size of Property	3,631 m2			
DP Areas	Habitat and Biodiversity Area and Ext	reme Fire Hazard Area		
Zoning	Existing: RS1	Proposed: RT1		
OCP Designation	Existing: Neighbourhood	Proposed: Neighbourhood		

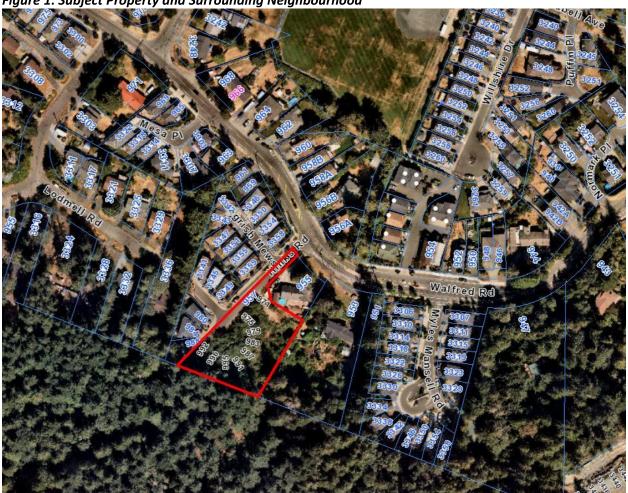
### **SITE AND SURROUNDING AREA**

The subject property is a panhandle lot off of Walfred Road at the intersection of Hinks Road. The City has a Statutory Right of Way over the panhandle portion where Hinks Road is built, providing access to residents on Langrish Mews and some on Lodmell Road. This area will be dedicated to the City as Road through the redevelopment, along with the completion of a cul de sac. The property slopes upwards towards the rear and, as noted above, the property was cleared approximately 10 years ago with some regrowth occurring. The project biologist has noted that the regrowth has been predominantly young red alder trees, Scotch broom, Himalayan blackberry, spurge laurel, and agricultural grasses and other weedy species. An arborist report has been submitted for the property and will be discussed later in this report.



The surrounding neighbourhood is made up of predominately single-family homes on small and large lots, with a large, undeveloped forested property located to the south. Ed Fisher Memorial Park, Ernhill Park, the Galloping Goose Trail, and Happy Valley Elementary are all within a ten-minute walk of the site.





**Table 2: Surrounding Land Uses** 

	Zoning	Use
North	R2 (One- and Two-Family Residential)	Single Family Homes
East	RR5 (Rural Residential 5) RS1 (Residential Small Lot 1)	Single Family Homes
South	RR2 (Rural Residential 2)	Undeveloped
West	RS1 (Residential Small Lot 1)	Single Family Homes



Z23-0010 – 957 Walfred Road 20231016 - Sustainable Development Advisory Committee Page **4** of **19** 

### **COUNCIL POLICY**

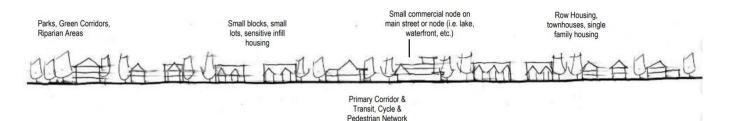
### OFFICIAL COMMUNITY PLAN

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 OCP designation has an overall density objective of 16 units per acre. While the proposal equates to 18.8 units per acre, just above the OCP target, when considered in isolation, the overall density of the original parent parcel (including the lot subdivided off as phase 1 as well as the subject proposal), is slightly under the OCP density objective, at 15.7 units per acre. The Neighbourhood designation also encourages townhousing as a medium density housing choice, to diversify the housing options available in traditional single-family neighbourhoods.

Another objective of the Neighbourhood designation is to secure public right of way dedications through developments to improve the pedestrian network. This proposal includes a 2 m wide pathway that aligns with a linear City park and pathway located adjacent to Myles Mansell Road. Connection between the two is not yet possible as 953 Walfred, located between them, has not yet redeveloped. Should they pursue redevelopment in the future, the City could secure the final link between the two paths.



Z23-0010 – 957 Walfred Road 20231016 - Sustainable Development Advisory Committee Page **5** of **19** 

### SOUTH LANGFORD NEIGHBOURHOOD PLAN (SLNP)

The South Langford Neighbourhood Plan designates 957 Walfred Road as Urban Residential. This designation is described as the following:

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

Based on the lot size and the density maximum noted above, the property would be suitable for a maximum of 18.2 units according to the SLNP. As this proposal includes only 17 units, it would be considered in compliance with the South Langford Neighbourhood Plan.

Council may wish to note that the South Langford Neighbourhood Plan precedes the City's Official Community Plan. At the time, the SLNP was retained within the design guidelines as a reference. Council may wish to note that zoning is required to comply with the OCP but is not required to comply with the design guidelines (including the SLNP).

### **DEVELOPMENT PERMIT AREAS**

The entire property falls within the Extreme Fire Hazard Development Permit Area, and a strip of land along the southern property line, approximately 7m in width, falls within the Potential Wildlife Habitat and Biodiversity Development Permit Area (Figure 2). As noted in the Previous Applications section, the property was cleared between 2010 and 2013 and the applicant received a Development Permit in 2022 that re-addressed both development permit areas. The applicant has had their biologist's report updated to reflect the new townhouse proposal and they have noted that blasting and clearing will be required into the previously retained native understorey, impacting approximately 250 m². To compensate, the project biologist has prepared a landscaping plan with 215 m² of native species planting that will be secured through the required form and character development permit, should this application proceed. A copy of the proposed landscape plan has been attached to this report for reference.



Z23-0010 – 957 Walfred Road 20231016 - Sustainable Development Advisory Committee Page **6** of **19** 



### Figure 2: Potential Wildlife Habitat and Biodiversity Development Permit Area (pink)

### 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.

### **COMMENTARY:**

### **DEVELOPMENT PROPOSAL**

The applicant is seeking to rezone 957 Walfred Road from RS1 (Residential Small Lot 1) to RT1 (Residential Townhouse 1) to allow for a townhouse development with approximately 17 units, shown below as Figure 3. The applicant is requesting a few setback variances which will be discussed later in this report and are shown more clearly on a detailed version of the site plan that is attached to this report for reference.



Figure 3: Proposed Site Plan





Z23-0010 – 957 Walfred Road 20231016 - Sustainable Development Advisory Committee Page **8** of **19** 

As shown above, the applicant intends to complete the remaining portion of Hinks Road, inclusive of a cul de sac with bow-tie parking spaces. The proposal contains 5 blocks of townhouses with 3-4 units each. The blocks have been oriented with front doors facing the street whenever possible, and garage access predominantly from an interior access road. This allows for a more pleasant street presence, reduces vehicle interactions with the sidewalk, and provides better screening of surface parking. The access to the interior drive aisle occurs just north of the new cul de sac, and the drive aisle has been reviewed by the Fire Department to ensure access by the Langford Ladder Truck is possible.

As per the previous zoning requirement, the applicant has included a 2 m wide pathway through the site that can be carried through to the neighbouring property should they choose to redevelop, ultimately meeting up with a linear park and path connecting to Myles Mansell Road. Council may wish to secure through a Section 219 Covenant that a Statutory Right of Way be registered over the pathway to allow public access through the private strata, and that the path be delineated to the satisfaction of the Director of Parks, Recreation, and Facilities.

Each unit is 3 storeys in height, large enough for at least 3 bedrooms, and offers at least 10 m² of private outdoor space either in a yard, a balcony, or a combination of the two. As discussed previously, the applicant has submitted a native planting landscape plan which also includes a small common outdoor amenity space in front of Block C with plantings and benches for resident use. The applicant will also be required to install a 6-foot-tall privacy fence along all property lines that do not face the road to screen the project from adjacent neighbours.







The applicant has submitted some renderings of their proposal to better articulate their design and site layout. The primary material proposed for the units is cementitious panel in neutral tones. The final design will be secured through the Form and Character development permit, in accordance with the City's Multi-Family Design Guidelines.

Figure 5: Streetview Rendering



The proposal meets the City's Zoning regulations for parking by providing two parking spaces per unit and at least 4 visitor parking spaces on site, not inclusive of street parking. Council may wish to request that the applicant register a Section 219 Covenant securing that the garages of the townhouses are not used for storage in a manner that prohibits the parking of vehicles. Council may wish to have the covenant registered in favour of the strata so they are responsible for enforcing the covenant instead of the City.

The applicant is requesting two setback variances for their proposal, as shown below in Table 3.

Table 3: Proposal Data

	Permitted by RS1 (Current Zoning)	Permitted by RT1 (Proposed Zoning)	Proposed by Rezoning Application
Permitted Use	Single family homes	Townhousing	Townhousing
Density (FAR and/or min. lot size)	200 m² min. lot size	1.2 FAR	0.75 FAR
Height	9 m	3 storeys	3 storeys
Site Coverage	50%	60%	35%



Front Yard Setback	3 m except for a garage which must be 6 m	3 m except for a garage which must be 5.5 m	1.2 m*
Interior Side Yard Setback	1.5 m	1.2 m	2.6 m
Exterior Side Yard Setback	3.5 m except for a garage which must be 6 m	3.5 m except for a garage which must be 5.5 m	N/A
Rear Yard Setback	5.5 m	5.5 m	1.5 m*
Vehicle Parking Requirement	2 parking spaces per unit	2 parking spaces per unit	2 parking spaces per unit + 4 visitor parking spaces

<sup>\*</sup>variance requested

The first variance is a request to reduce the front lot line setback from 3 m to 1.2 m for the corner of Block A only. Once the applicant constructs and dedicates the cul de sac to the City, the final front lot line will be quite unconventional as it will follow the full curve of the cul de sac and the length of Hinks Road until it meets 955 Walfred. Council should note that the applicant is demonstrating the 3 m front lot line setback requirement for the rest of the proposal, and that the variance request only applies to Block A.

The second variance request is to reduce the rear lot line setback requirement from 5.5 m to 1.5 m. According to the Zoning Bylaw, the rear lot line is defined as the lot line that is opposite the front lot line, meaning both the southern and eastern property lines would be subject to the 5.5 m rear setback. On a conventional lot, one of these lot lines would typically be considered an interior side lot line with a 1.2 m setback requirement. Along the eastern property boundary, the variance request to 1.5 m would be for the side of Block B only, which will visually appear as a side lot line. On the southern lot line, the variance would be required for the back of Block E. The rear face of the block is 2.5 m from the rear property line, and the second-floor balcony projects to 1.5 m from the rear lot line. Additionally, the corner of unit 13 (Block D), is 3.21 m from the rear lot line.

Council may wish to authorize the Director of Planning and Subdivision to grant these variances within the Form and Character development permit, given the unconventional lot shape and corresponding application of setback requirements.

### ARBORIST REPORT AND LANDSCAPING

As noted previously, the applicant has submitted an arborist report pertaining to the property, attached to this report for reference. The arborist assessed all on-site trees as well as any surrounding trees that could potentially be impacted by the proposal. The arborist has found that nine trees on the subject property will need to be removed, including 3 Douglus fir, 5 Western cedar, and a Willow tree. Two of these trees are considered shared property line trees with the property to the south, 919 Mountain Top Road. The applicant has approached the owners of 919 Mountain Top Road about the trees and will need to receive their consent before removing the trees for this project. No other surrounding trees are expected to be impacted by the proposal, but the arborist has suggested tree protection fencing around the perimeter of the site to best protect them. Council may wish to require the tree protection fencing through a Section 219 Covenant.



Z23-0010 – 957 Walfred Road 20231016 - Sustainable Development Advisory Committee Page **11** of **19** 

Council may also wish to note that the landscape plan demonstrates 14 trees to be planted on site, predominately maples and arbutus trees. This will be in addition to street trees planted in the boulevard which are typically planted 12 meters apart.

### **MULTI-MODAL NETWORK**

As part of the proposal, the applicant will be required to complete the cul de sac at the end of Hinks Road, inclusive of bow-tie parking. This cul de sac and the remaining half of Hinks Road will be dedicated to the City as road. The Director of Engineering has noted that no Traffic Impact Assessment is necessary for the proposal development. The proposal has also been reviewed by the Ministry of Transportation and Infrastructure and they have expressed no objection.

There is sidewalk on the west side of Hinks Road which the applicant will be adding to should this rezoning be approved, as well as a patchy network of sidewalk on both sides of Walfred Road. Gaps in the sidewalk network on Walfred are expected to improve as remaining parcels redevelop in the future. If 3336 Lodmell Road redevelops in the future, the City will be able to connect Hinks Road to the other side of Lodmell Road which further offers a trail connection to Happy Valley School. This would result in a much quicker and safer pedestrian route for residents of Hinks Road and Langrish Mews to the school and beyond.



Figure 6: 3336 Lodmell, Bisecting Lodmell Road. Trail Connection to School Shown in Orange.

Bike lanes exist on the south side of Walfred Road with a patchy network on the northside, which leads to the Galloping Goose trail, approximately 500 m away from the site. The Galloping Goose provides further connection to downtown Victoria and other municipalities and Langford neighbourhoods along the way.



Z23-0010 – 957 Walfred Road 20231016 - Sustainable Development Advisory Committee Page **12** of **19** 

The subject property is located within 350 meters of local bus service, specifically the 48 Happy Valley via Colwood, 64 Langford Exchange via East Sooke, and 64 to 17 Mile House via East Sooke. These local routes provide further connection to key destinations like Westshore Town Centre and, Langford Exchange, which includes access to the Blink RapidBus Line 95, a key commuting service into downtown Victoria.

### FRONTAGE IMPROVEMENTS

The Director of Engineering has noted that frontage improvements will be required to Bylaw No. 1000 standards and will include constructing a cul de sac and bowtie parking, connecting the existing sidewalk on Hinks Road to the on-site pathway, boulevard, and streetlighting. As per the covenant registered through the initial rezoning in 2007, the applicant will also be responsible for completing frontage improvements at 955 Walfred Road.

### **INFRASTRUCTURE**

### STORMWATER MANAGEMENT

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

### **S**EWERS

A sewer main exists along Hinks Road 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.

### CONSTRUCTION IMPACT MITIGATION

Council may wish to require a Construction Parking and Traffic 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 should be secured within a covenant, prior to Bylaw Adoption.

### **NEIGHBOURHOOD CONSULTATION**

The applicant has noted to staff that they have conducted door-to-door canvassing of the surrounding neighbourhood and left letters in the mailbox for people who were not home. They provided their contact information to allow them to follow up with them directly with any questions or concerns.



Z23-0010 – 957 Walfred Road 20231016 - Sustainable Development Advisory Committee Page **13** of **19** 

### **FINANCIAL IMPLICATIONS:**

As noted in the Previous Applications section of this report, this site was previously rezoned in 2009 through Bylaw No. 1261. This bylaw included amenity contributions that form part of the City's Zoning Bylaw and will still apply to this proposal, where applicable, unless Council chooses to remove it through this rezoning. The contributions secured through the bylaw are as follows:

- 1. \$9,300 per lot towards the General Amenity Reserve Fund;
- 2. \$4.19 per m2 of site area towards the General Amenity Reserve Fund; and
- 3. An amount equal to the 10% of the assessed value (post-rezoning) of the parcel to be subdivided towards the General Amenity Reserve Fund.

Item 1 would no longer be applicable as it pertains to single family lots and all the proposed townhouse units would be on one large strata lot. A specific townhouse rate will be applied to the project as outlined in Table 4 below.

Item 2, the requirement that the owner pay \$4.19 per m² of site area towards the General Amenity Reserve Fund, was implemented as a transition measure at the time for projects that were going through rezoning before the South Langford Storm Drainage Development Cost Charge was introduced. The contribution was originally intended to go towards the South Langford Drainage Fund, which was later collapsed into the General Amenity Reserve Fund. If the \$4.19 per m² payment was still applied, it would require a payment of \$15,213.89, which is less than the City would currently collect through Development Cost Charges, as outlined below in Table 5. Council may find it unnecessary to collect both the storm drainage DCC and per m² fee and consider removing the \$4.19 per m² requirement.

Item 3, the requirement that the owner pay 10% of the value of the property to the City in lieu of park dedication, originated out of the former Affordable Housing, Parks, and Amenity Contributions Policy which required park dedication, or cash-in-lieu, on a sliding scale basis on all lots. This and all other Parks related amenities were removed from the Policy in a 2012 amendment with the idea that Council would target specific properties where park dedication was needed instead. The assessed value of the property has also tripled since 2009 and would now result in a required payment of approximately \$88,100.

Given the above, Council may wish to remove the Bylaw No. 1261 amenity contributions from the Zoning Bylaw and replace it with contributions shown below in Table 4 which align with the City's current amenity policy. The amenity contributions would be secured through Bylaw No. 1927, as attached.

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 total density of 17 residential townhouse units.

Table 4 – Amenity Contributions per Council Policy

Amenity Item	Per Unit Contribution	Total (17 units)
General Amenity Reserve Fund	\$3,660 per residential townhouse unit	\$62,220
Affordable Housing Reserve Fund	\$610 per residential townhouse unit	\$10,370
TOTAL POLICY CONTRIBUTIONS		\$72,590

**Table 5 - Development Cost Charges** 

<b>Development Cost Charge</b>	Per Unit Contribution	Total (17 units)
Roads	\$3,865	\$65,705
Storm Drainage	\$1,028	\$17,476
Park Improvement	\$1,948	\$33,116
Park Acquisition	\$130	\$2,210
ISIF	\$331.65	\$5,638.05
Subtotal (DCC's to Langford)		\$124,145.05
CRD Water	\$2,557	\$43,469
School Site Acquisition	\$900	\$15,300
TOTAL DCC's (estimated)		\$182,914.05

### **LEGAL IMPLICATIONS:**

Should Council choose to proceed with consideration of Bylaw No. 1927, a Public Hearing will be scheduled in accordance with the requirements of the *Local Government Act*.

The amenity contributions specified in Table 4 above are incorporated into Bylaw No. 1927 and will be payable at the time of building permit along with the current Development Cost Charges specified in the various DCC Bylaws.



Z23-0010 – 957 Walfred Road 20231016 - Sustainable Development Advisory Committee Page **15** of **19** 

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. Council may wish to discharge the existing development covenant that is registered on title that was secured through the 2009 rezoning as all aspects will be covered under the new covenant required or are already required through various City bylaws.

### **OPTIONS:**

### Option 1

That the Sustainable Development Advisory Committee recommend that Council:

- 1. Proceed with consideration of First Reading of Bylaw No. 1927 to amend the zoning designation of the properties located at 957 Walfred Road from RS1 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, discharge the previous rezoning covenant and register a new 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:
      - Full frontage improvements, inclusive of constructing a cul de sac and bowtie
        parking, connecting the existing sidewalk on Hinks Road to the on-site
        pathway, boulevard, and streetlighting. It must also include improvements
        to the frontage of 955 Walfred Road;
      - 2. A storm water management plan; and
      - 3. A construction parking management plan.
    - ii. That a separate covenant be registered prior to the registration of a strata plan for the proposed development agreeing that the garages 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.
    - iii. 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;



Z23-0010 – 957 Walfred Road 20231016 - Sustainable Development Advisory Committee Page **16** of **19** 

- 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 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;
- v. That a Statutory Right of Way be registered over the public pathway prior to the issuance of a building permit;
- vi. That the public pathway shall be demonstrated within the landscape plan and be clearly delineated to the satisfaction of the Director of Parks, Recreation, and Facilities.

### And

2. Amend the text of Schedule AD of the Zoning Bylaw No. 300 to remove the amenity contributions related to Bylaw No. 1261;

### And

- 3. Authorize the Director of Planning and Subdivision to issue the following variances within the form and character development permit:
  - a. Section 6.28.07(1)(a) to reduce the front lot line setback from 3 m to 1.2m; and
  - b. Section 6.28.07(1)(d) to reduce the rear lot line setback from 5.5 m to 1.5 m

### **OR Option 2**

That the Sustainable Development Advisory Committee recommend that Council take no action with respect to this application to rezone 957 Walfred Road under Bylaw No. 1927 until such time as the following items are addressed and reviewed by the Sustainable Development Advisory Committee:

a.	 	;
b.		;
c.		;



Z23-0010 – 957 Walfred Road 20231016 - Sustainable Development Advisory Committee Page **17** of **19** 

### SUBMITTED BY: Julia Buckingham, Planner II

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

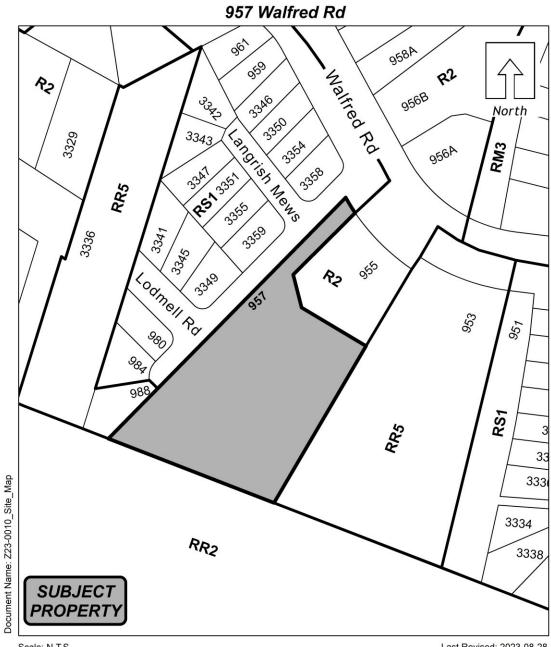
**Concurrence:** Marie Watmough, Deputy Director of Corporate Services

**Concurrence:** Braden Hutchins, Director of Corporate Services **Concurrence:** Darren Kiedyk, Chief Administrative Officer



### Appendix A - Site Map

### REZONING BYLAW AMENDMENT (Z23-0010)

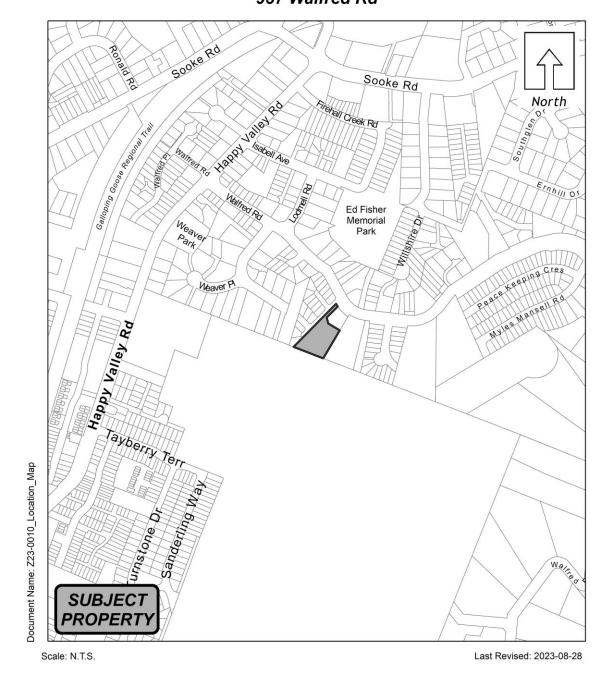


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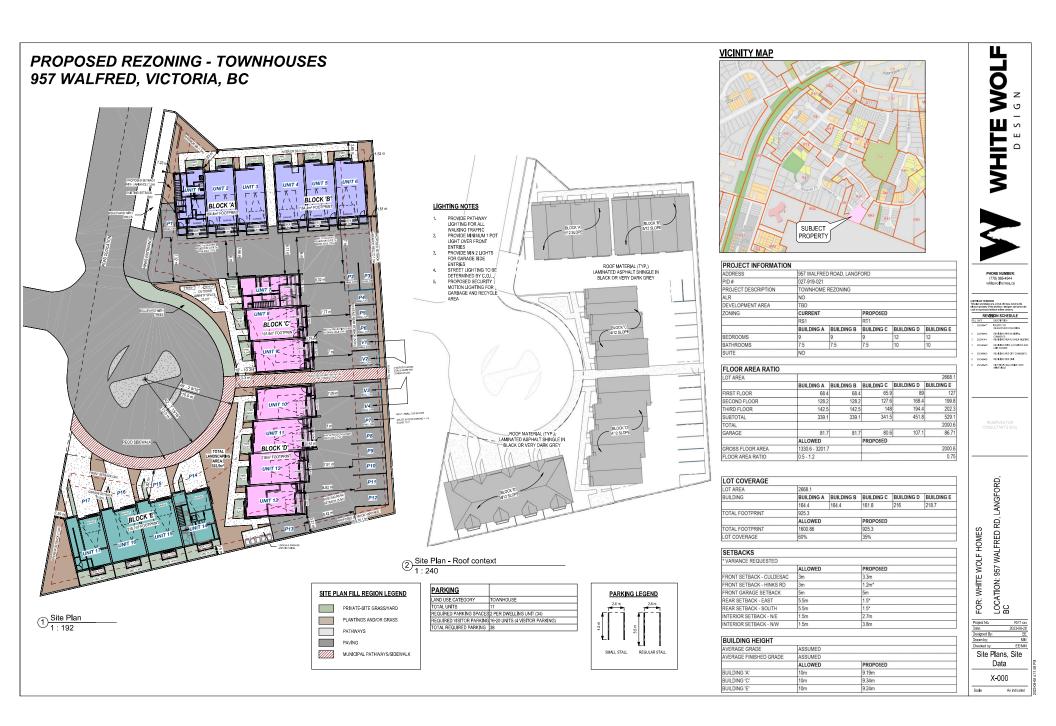


### Appendix B – Location Map

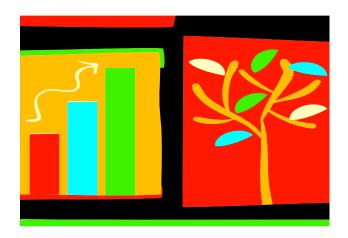
### REZONING BYLAW AMENDMENT ( Z23-0010 ) 957 Walfred Rd











### **SouthShore Forest Consultants**

**Arborist Report** 

For

957 Walfred Road City of Langford, B.C.

April 29, 2022- Revision #3 Aug 12, 2023

Prepared for:

White Wolf Homes

Prepared by:

SouthShore Forest Consultants

### SouthShore Forest Consultants

PO Box 2203, Sidney BC V8L-3S8

Phone: (250) 893-9056, email: butcherlodi@aol.com

GST # 777095324 RC001 Work Safe BC # 968408

Insurance/ Seafirst Brentwood (CFC Underwriting – 5 Million Dollar Liability- Policy PSG03515712)

Incorporation # BC1069996 Ltd.

### RE: Arborist Assessment & Tree Protection Plan (TPP)

### **Background/Scope of Work**

SouthShore Forest Consultants was contacted by White Wolf Homes (Kyle Velikovsky – Project Manager) a residential building contractor in regards to a project located at 957 Walfred Road in the City of Langford. The client has proposed to develop a parcel of land by creating 17-unit residential housing project. Within the proposal the client will be required to provide a section of land for a road dedication.

Slightly elevated and positioned with a N/W facing aspect most of the land has been cleared and therefore has a limited tree population within it. Impacts to trees positioned along the edge site will be limited. The existing proposal will require the removal of nine (9) trees. Seven (7) of the trees were assessed to be over 30cm in diameter.

The client has requested that SouthShore Forest Consultants provide a Basic Visual Tree Assessment (VTA) and Tree Preservation Plan (TPP) for the site located at 957 Walfred Road in the City of Langford.

SouthShore Forest Consultants agreed to complete the field assessment and provide the findings in an Arborist Report form, which included a Tree inventory and TPP.

### Methodology

On April 15, 2022 the property was entered and assessed by SouthShore Forest Consultants. Michael Butcher, a Consulting Arborist provided the inspection and visual tree assessment for the site. The weather that day was mild and clear. A slight wind was detected and the temperature averaged 12 +/- degrees Celsius. Dry weather conditions prevailed that afternoon.

The property was assessed from grade. No form of diagnostic tools or invasive techniques were used during the assessment. A "Basic Visual Tree Assessment" (BVTA) was performed while on site. All tree measurements were made with the use of a standard metal forestry tape and Clinometer (height measurements). Measurements and observations were recorded with the intent to provide a static representation of the area. A "Tree Inventory" is provided separate to the report and will be referred to as Appendix "A". Photographs of the site were taken during the assessment and these are included as Appendix "B" of this report.

During the assessment we observed, assessed and inventoried at total of thirty-four (34) trees positioned in and around the site. In this case most of the trees were observed to be positioned well outside the area of impact. Trees were previously tagged prior to our site assessment. Tree tag numbers range from the high #300 to the mid #400. Tag numbers are somewhat ordinal and follow a general pattern throughout the site.

### **Observations/Discussion**

During our site assessment we observed large parcel of land positioned in a section of Langford which has several development projects (residential single-family housing) occurring throughout it. Most of the site was observed to have been recently cleared resulting in the generation of young pioneer type tree species. Each of the younger trees were observed to be less than 30cm in diameter (non significant size and species). The outside perimeter of the site was observed to have established residential housing and forested areas. The forested area was observed to be established with native tree populations such as; Douglas-fir (*Psuedotsuga menziesii*), Western cedar (*Thuja plicata*), Pacific madrone (*Arbutus menziesii*) and Pacific dogwood (*Cornus nuttallii*).

The site was observed to be elevated above the road with a N/W facing aspect. Approximately 80% of the site was observed to have been recently cleared (trees removed). The perimeter of the site (South end) was observed to have a forest edge. It is in this area of the site where the greatest tree concentration occurs. During the assessment it was evident that most of the trees were positioned on private property – off site. In this case our observations indicate that the client will be responsible for the protection and preservation of all private and property line trees.

Our observations indicate that approximately nine (9) trees will be significantly impacted by the proposed development. Our observations indicate that tree root damage could occur due to excavation, grading and rock blasting operations. It is imperative that the client work to provide protect and/or utilize methodology to reduce impacts within tree Protected Root Zones (PRZ).

The client has indicated their desire to retain and protect all trees positioned off-site on private property.

### **Appendix A - Tree Inventory**

	Southshore Forest Consultants											
						APPEN	IDIX A	- TREE	INVENTORY/HAZARD RATINGS S	SUMMARY		
	ition: Wh								Date: Apr. 22 2022		<u>Page #</u> : 1	
Con	ditions: :	10 deខ្	grees	+/-,	wind	1-3 kild	omete	rs. Ove	ercast and dry - Proposed subdiv	ision		
				·				I_				
TAG#	Spec.	DBH (cm)	Ht (m)	PRZ (m)	Cond. G,F,P	Impact	Retain	Remove	Comm	ents/Recommendations		
						L,M,H						_
447	D Fir	57	26	9	F/F	L/M	Х		2.5 M outside property line			
448	D Fir	36	24	7	F/F	L/M	Х		3.5M outside property line			
446	Dwood	15	5	3	F/P	L/M	х		2.5 M outside impact area			
445	D Fir	65	27	12	F/F	L	Х		5+ M outside impact area			
444	D Fir	14	6	3	F/P	L	Х		4.5 M outside impact area- suppres	sed tree		
443	D Fir	35	24	7	F/F	L	Х		3.5-4.5 M outside impact area			
442	D Fir	47	23	8	F/P	М	х		2x stem- phellinus pathogen prese	nt		
441	D Fir	37	26	7	F/F	L/M	Х		2.5 M from impact zone			
440	D Fir	24	13	4	F/F	L/M	Х		2.5 M outside impact zone			
439	D Fir	79	32	13	F/F	L/M	Х		3.5 M - 4 M outside impact zone			
438	D Fir	28	14	5	F/F	L	Х		4.5 M outside impact zone			
437	D Fir	38	18	5	F/F	L	Х		5+ M outside impact zone			
436	D Fir	29	4		Dead	L	Х		Dead standing tree			
435	D Fir	45	27	8	F/F	L	Х		Well outside impact zone			
434	Arbutus	26	11	5	F/P	L	Х		Well outside impact zone			
433	D Fir	56	17	10	F/F	M/H		Х	Property line tree- remove to grade	e (excavation and b	lasting impacts)	
373	W Cedar	37	23	6	F/F	Н		Х	Remove to grade significant impact	t - proposed change	s to grade & landscaping	
374	W Cedar	100+	36	18	F/F	L/M	Х		Retain and protect			
430	W Cedar	96	35	17	F/F	L/M	х		7 M outside impact zone			
429	W Cedar	24	16	4	F/F	L	х		6 M+ outside impact zone			
428	W Cedar	83	34	16	F/F	L	х		8 M outside impact zone			
427	D Fir	30	15	5	F/F	L/M	х		2.5 M from impact zone			
424	D Fir	46	27	8	F/F	L	х		7M+ outside impact zone			
423	D Fir	41	16	8	F/F	L	Х		7 M+ outside impact zone			

TAG#	Spec.	DBH (cm)	Ht (m)	PRZ (m)	Cond. G,F,P	Impact L,M,H	Retain	Remove	Comments/Recommendations
422	D Fir	34	24	6	F/F	L	Х		7-8 M outside impact zone
421	D Fir	25	23	5	F/F	L	х		7+ M outside impact zone
420	D Fir	60	31	11	F/F	L	х		7+ M outside impact zone
419	D Fir	60	31	11	F/F	L	Х		5+ M outside impact zone
417	W Cedar	49	23	9	F/F	Η		Х	Footprint tree- remove to grade
416	D Fir	18	8	3	P/P	Η		х	Direct impact
415	W Cedar	29	14	5	F/F	Н		Х	Remove to grade significant impact - proposed changes to grade & landscaping
414	W Cedar	31	14	5	F/F	Н		Х	Remove to grade significant impact - proposed changes to grade & landscaping
413	W Cedar	17	8	3	F/F	M/H	х		2.0 M outside impact area- great buffer tree
412	D Fir	55	31	11	F/F	L/M	Х		4.0 M outside impact zone
411	D Fir	57	32	11	F/F	L/M	Х		4.5 M outside impact zone
410	D Fir	24	17	4	F/F	L	Х		6+ M outside impact zone
409	D Fir	40	26	8	F/F	L	Х		5-6 M outside impact zone
408	D Fir	34	16	5	F/F	L	Х		4 M outside impact zone
407	D Fir	43	28	8	F/F	L	Х		5+ M outside impact zone
406	D Fir	50	29	10	F/F	L/M	Х		2.5-3 Moutside impact zone
380	W Cedar	47	21	10	F/F	M/H		Х	Remove to grade significant impact - proposed changes to grade & landscaping
329	Willow	38	9	3	F/F	M/H		Х	Remove to grade significant impact - proposed changes to grade & landscaping
378	D Fir	67	31	12	F/P	M/H		х	Phellinus present- advise removal- high impact- P/L tree - shared ownership

### Trees - #433 & #378 are property line trees which are shared ownership with 919 Mountain Top Road.

DBH - Diameter Breast Height – Calculated at 1.41 m above grade on tree stem

PRZ – Protected Root Zone, (calculated at a ratio of 1:12) 50cm DBH = 6m PRZ

CRZ – Critical Root Zone, (calculated at a ratio of 1:6) 60cm DBH = 3m CRZ

50cm DBH = 3m CRZ

Condition – P= Poor, F=Fair, G=Good

Footprint = Excavation edge along the outside of building envelope on grade. Over excavation is expected and can be up to a 1.5m distance from the outside of the proposed footprint edge.

Impact Zone = Constructive area, estimated at 0-1.5m outside the proposed building footprint.

Impact Levels – L (Low), M (Moderate), H (High)

Bylaw Protected – Trees identified which meet the City of Langford Bylaw Protection criteria.

Figure #1 – Subject Property - Development Area

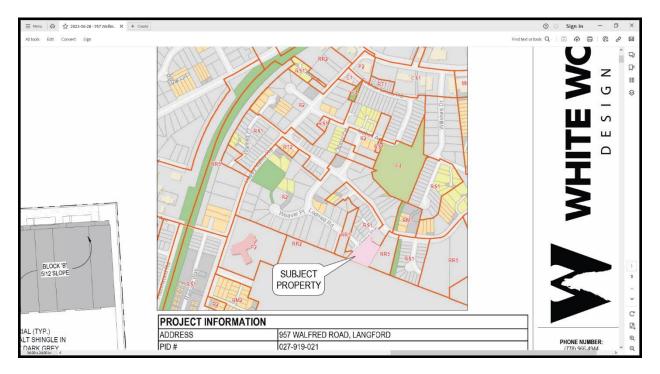
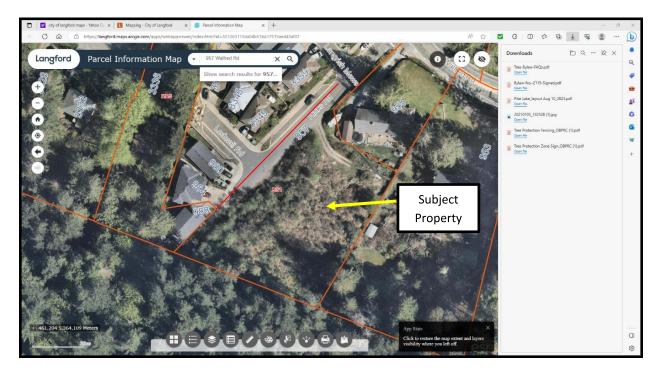


Figure #2 – Ortho Map – 2021 – City of Langford



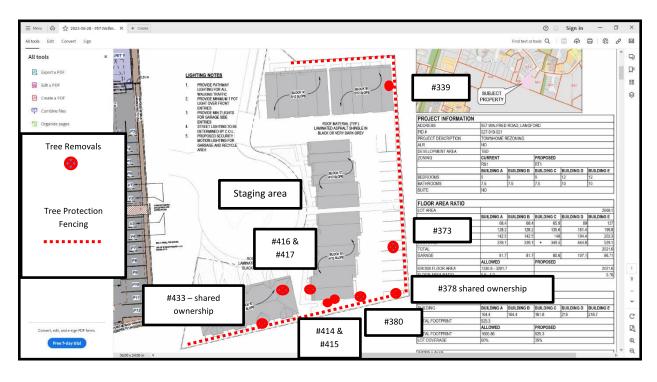


Figure #2 – Site Map – Tree Removal Locations & Tree Protection Fencing

In this figure you can see the site plan with nine (9) trees identified for removal. Private trees positioned off site and will be protected and retained.

### **Tree Dynamics**

### **Observed Potential Tree Impacts**

- Seven (7) trees of significant size and species are positioned within the proposed building envelope and-or will be subjected to root damaging activities under the current proposal.
- Nine (9) trees have been identified for removal; #329, #373, #378, #380, #414, #415, #433, #416
   & #417
- Potential impacts from the site clearing phase of the project could require tree removal. Two (2) trees #433 & #378 are property line trees and have shared ownership. These two trees cannot be removed unless a letter of consent is provided from the adjoining owner.
- Potential impacts will come in two forms; (1) Excavation within tree root zones and blasting requirements. Blasting activities have been confirmed to be required within this site. We highly recommend the use of low nitrogen blasting material. Furthermore, we recommend that low charge loading at shallower depths be utilized to reduce heat and explosive concussions. Blasting impacts will negatively affect tree roots and soil micro activity.
- Perimeter trees are for the most part are positioned outside the immediate impact zone for the site. The Project Arborist will be responsible for assessing excavation and/or blasting cuts along the edge of the site. In this case we expect low to minor root disturbances.
- Root skirting may be required Project Arborist to assess after excavation in completed.

### **Tree Protection Plan (TPP) – Site Specific**

- Provide Tree Protection Fencing as per Project Arborist Recommendations.
- Utilize the City of Langford Tree Protection Fencing guidelines and ensure that the fence is posted with visible signage indicating "Tree Protection Zone" – "Do not Enter".
- Provide Project Arborist to assess and supervise any excavation requirements which could impact trees identified for retention and/or protection.
- Project arborist to assess the movement and positioning of TPF if temporary movement is required. City of Langford staff to be notified when TPF is moved or repositioned.
- Staging Area has been identified in Figure #2 Developer to ensure that all materials are staged and stored in Staging Area.
- Edge Protection Root Skirting/Curtains may be required to protected the exposed edge of cuts required toward the south and east side of the lots. In this case the Project Arborist will assess and make further recommendations.

### **Tree Protection Plan – General Notes**

- i. Provide a detailed sign specifying that tree protection measures are in place and will be followed during the project. Fines will be posted for malicious acts and can be placed on individuals who disregard the tree protection plan and its guidelines. Signs will be placed at each entrance of the project detailing what is expected when working in potentially high impact tree protection zones.
- ii. Provide tree protection fencing for all trees identified with protection requirement in this report. This fencing shall be four (4ft) feet in height and made of orange plastic. If required, header and footer boards will be used to secure the protective fencing. Use the City of Langford tree protection specifications.
- iii. Tree protection and root protection signs will be placed on the fencing. No entry will be allowed, unless specified by the project arborist and in their presents while on site.
- iv. Restrict vehicle traffic to designated access routes and travel lanes to avoid soil compaction and vegetation disturbances.
- v. Make all necessary precautions to prevent the storage of material, equipment, stockpiling of aggregate or excavated soils within tree protection areas. No dumping of fuels, oils or washing of concrete fluids will be allowed in tree protection zones.
- vi. Provide an onsite arborist when a risk of root damage, root cutting or limb removal is required within the tree protection zone.
- vii. Avoid alterations to existing hydrological patterns to minimize vegetation impacts to the site.
- viii. The use of a project arborist is required to provide layout of tree protection zones. The project arborist(s) will provide pre-construction information to all parties involved with the project. The arborist must be notified 72hrs prior to construction activities in sensitive areas. The project arborist should be used to provide root and branch pruning when diameters are greater than 6cm.
- ix. At no time will tree protection zones be removed from the project unless approved by the project arborist.

Each tree protection zone must be absent & clear of all construction materials and/or equipment. At no time can the fence be taken down unless the Project Arborist is contacted and approval is given. The Project Arborist must assess and assist fence removal and combined impacts which are require for construction completion. Michael Butcher 250.893.9056 – 72 hours notice required.

### **Landing/Storage Area**

 Materials storage will be confined to the proposed road dedication and driveway dedications.

### **Compaction Reduction**

• Project Arborist to make recommendations once the TPF has been installed. In this case compaction reduction may not be required.

### **Root Assessment and Observation**

 Provide Project Arborist for excavation observation and assessment when working with in the Protected Root Zones of any protected tree. This will be required during the excavation and blasting activities.

### **Tree Pruning – Elevation**

• Ensure that any pruning required for working distances to provide a 4-6m clearance over the development zone. This will reduce the probability of branch tear or pulling from the egress of construction equipment. Provide pruning to ANSI A300 Tree Care Industry Standards. Have a Certified Arborist perform tree pruning activities.

Although the site has been assessed, trees in the landscape are dynamic and changes could occur. This report is a static representation of the site during our assessment.



### **ATTACHMENTS**

CTRA# 1401

- Appendix A Tree Inventory
- Appendix B Site Photos

### **Arborist Disclosure Statement:**

Arborist are tree specialists who use their education, training and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risks.

Arborist cannot detect every condition that could possibly lead to structural failure of a tree.

Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below the ground.

Arborist cannot guarantee that the tree will be healthy and safe under all circumstances, or for a specific period of time. Trees are dynamic specimens, not static. Changes in conditions including the environment are unknown. Remedial treatments cannot be guaranteed.

Trees can be managed, but they cannot be controlled. The only way to eliminate all risk is to eliminate all trees.

### Tree Assessment Condition Rating

- Good A tree specimen which is exempt defects, branch dieback, moderate insect and fungal identification. This tree has evenly distributed branching, trunk development and flare. The root zone is undisturbed, leaf, bud and flower production and elongation are normal for its distribution.
- Fair A tree specimen which has minor defects, branch dieback, previous limb failure, identification of cavities and insect, or fungal identification. This tree has multiple (2-3) primary stem attachments; previous utility pruning, callus growth and poor wound wood development. Minor root girdling, soil heave and identifiable mechanical damage to the root flare or root zone.
- Poor- A tree specimen where 30-40% of the canopy is identifiably dead, large dead primary branching, limited leaf production, bud development and stem elongation. Limb loss or failure, and heavy storm damage leading to uneven weight distribution. Large pockets of decay, multiple cavities, heavy insect and fungal infection. Root crown damage or mechanical severing of roots. Root plate shifting, heavy lean and movement of soil.
- Dead- Tree has been observed to be dead with no leaf, foliar and bud development. No stump sprouts and root suckers are present.

### Excavation Process and Recommendation for Tree Root Zones

- 1. Provide and schedule Project Arborist to assess site prior to construction.
- 2. Inventory and identify trees and hazards which could complicate excavation process.
- 3. Utilize hand tools and cutting equipment when large tree roots are anticipated.
- 4. Provide small rubberized track excavation equipment which will reduce soil compaction.
- 5. Excavator operator must be well informed about dig site and goal to complete project.
- 6. Use shallow excavation sweeps across the site to establish a depth which roots can be easily identified. (3cm to 5cm in depth of soil for each sweep across the soil face)
- 7. Roots greater than 6cm in diameter should be preserved and inspected by the Project Arborist. The project arborist will determine if roots should be pruned or cut.
- 8. All roots greater than 6cm in diameter should be identified and documented for project records.
- 9. Photos are highly recommended for documentation purposes.

Assessment of the site may expose further tree issues or conditions. If this occurs the project arborist will contact City Staff for further recommendations.

Appendix "B" – Site Photos

Photo #1 – Tree Protection – Municipal Boulevard



In this photo you can see an example of an acceptable tree protection fencing barrier. The Municipal Boulevard must be protected to reduce soil and root compaction. The TPF fence shall have a posted sign reading "Tree Protection Area – No Admittance".

Photo #2 – Facing South – Forest Area Private & Regeneration Area



In this photo you can see the forested area with the large trees positioned behind the short regenerative trees area. In this case the large fir and cedars trees will be protected and retained during the duration of the project.

Photo #3 – Tree Composition and Density Rear of Site



Photo #4 – Suppressed fir trees – Sparse foliage



Photo #5 – #378 Douglas-fir – Possible Phellinus Pathogen



Photo #5 – District of Saanich Tree Protection Signage



To be posted on all tree protection zones in a visible area for public view.

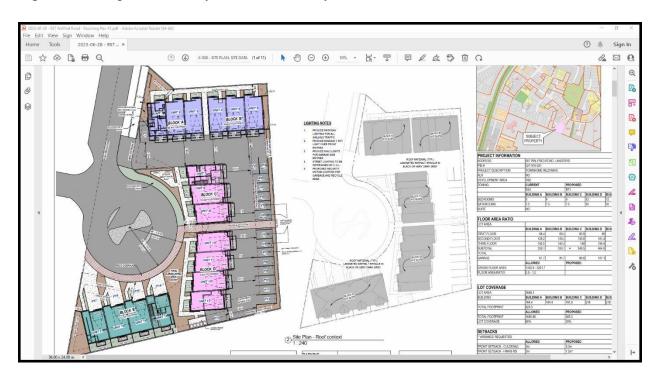


Figure #3 – Proposed Site Layout – Revised July 26, 2023

The existing site layout will require the removal of all trees positioned within the site. The excavation and grade requirements of the proposed development cannot support trees positioned within and along the site's property lines. In this case the client is requesting the removal of seven (7) trees greater that 30cm in diameter.

### Notes – General Comments

City of Langford – Revisions to be addressed & conditions required by developer

- 1. November 3, 2022 Revised site layout revisions to Arborist Report /mmbu
- 2. July 26, 2023 Revised site layout revisions to Arborist Report /mmbu
- 3. Aug 12, 2023 Revised mmbu
- 4.
- 5.

### CITY OF LANGFORD BYLAW NO. 1927

## A BYLAW TO AMEND BYLAW NO. 300, "LANGFORD ZONING BYLAW, 1999"

The Council of the City of Langford, in open meeting assembled, hereby enacts as follows:

- A. Langford Zoning Bylaw No. 300, 1999 is amended as follows:
  - 1. By deleting from the Residential Small Lot 1 (RS1) Zone and adding to the Residential Townhouse (RT1) Zone the property legally described as:
    - a) Lot 1, Section 84, Esquimalt District, Plan VIP86631, PID No. 027-919-021 (957 Walfred Road) as shown shaded on Schedule A attached to and forming part of this Bylaw.
  - 2. By removing the amenity contributions required through Bylaw No. 1261 from Table 1 of Schedule AD and adding the following to Table 1 of Schedule AD:

Zone	Bylaw No.	Legal Description	Amenity Contributions	Eligible for Reduction in Section 2 of Schedule AD
RT1	1927	Lot 1, Section 84, Esquimalt District, Plan VIP86631, PID No. 027-919-021	a) \$610 per townhouse unit towards the Affordable Housing Reserve Fund; and b) \$3,660 per townhouse unit towards the General Amenity Reserve Fund;	No

B.	B. This Bylaw may be cited for all purposes as "Langford Zoning Bylaw, Amendment I Walfred Road, Bylaw No. 1927, 2023".	No. 706, (	(957
REA	READ A FIRST TIME this day of , 2023.		
PUE	PUBLIC HEARING held this day of , 2023.		
REA	READ A SECOND TIME this day of , 2023.		
REA	READ A THIRD TIME this day of , 2023.		
APF	APPROVED BY THE MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE this day of ,	2023.	
ADO	ADOPTED this day of , 2023.		
PRE	PRESIDING COUNCIL MEMBER CORPORATE OFFICER		

### Schedule A

