



Staff Report to Sustainable Development Advisory Committee

DATE: Monday, January 8, 2024

DEPARTMENT: Planning

APPLICATION NO.: Z23-0027 and DVP23-0013

SUBJECT: Bylaw No. 2154 – Application to Amend the Text of the CD3 (Comprehensive Development 3 – Westhills) Zone at 1331 Westhills Drive to Allow a Daycare with 53 Children and a Parking Variance.

EXECUTIVE SUMMARY:

Chris Loranger has applied on behalf of Plexxis 595 Cityview Inc. to amend the text of the Comprehensive Development 3 – Westhills (CD3) Zone at 1331 Westhills Drive to allow for a group daycare for 53 children. As part of the application, the applicant is seeking an 8-stall parking variance to allow the surface parking lot to be reconfigured to accommodate an outdoor play space for the daycare use and to create additional accessible parking.

BACKGROUND:

PREVIOUS APPLICATIONS

The subject property is part of the Westhills Master Plan Community which has been subject to many past rezonings and development permits since it was created in 2006. As this application pertains to a specific use at 1331 Westhills Drive, only the directly relevant applications have been summarized below.

DP21-0003 – In April of 2021, a Form and Character Development Permit was issued for 1331 Westhills Drive for a six-storey office building for a tech company with ground floor commercial units. This permit included the issuance of a parking variance, reducing the number of required parking stalls from 191 to 130. This parking variance was supported by a parking study completed by Watt Consulting. In order to meet the parking demand, Watt determined that 130 parking stalls would be sufficient, if the owner agreed to providing the following Transportation Demand Management strategies:

1. Long term bike parking for new mobility. This includes high quality bike parking facilities, inclusive of e-bike charging and cargo bike parking.
2. Cycling end-of-trip facilities. This includes change rooms and showers, bike repair tools, and personal lockers.

3. Commitment to offering the BC Transit ProPASS program to employees. The program itself offers a 14% discount on a permanent bus pass purchased by an employee through payroll deductions. At Watt's suggestion, the owner has agreed to provide a further 10% discount to employees to further encourage the use of transit, reducing the on-site parking demand.

The owner agreed to the above noted Transportation Demand Management strategies and the City has secured they will stay committed to them through a Section 219 Covenant registered on title.

DP21-0069 – In November of 2021, the owner applied for an amendment to DP21-0003 to make some minor exterior changes to the building and include a further parking variance. The additional parking variance included reducing the off-street loading spaces from the required 3 to 0. This was due to the fact that loading spaces require a 4m height clearance which the building wasn't able to accommodate through their parkade entrance. An additional parking variance was issued reducing the site parking from the required 206 parking stalls to 126 due to the 6th floor of the office building changing uses slightly. The original intent of the 6th floor was to be amenity space for the employees, including a fitness centre, movie theatre room, pool and ping pong tables, patio, and a multi-use lounge area. While originally intended to only be used by employees, the owner wanted to have the ability to rent the space to the general public as an events space on weekends when employees would not be there. The added use of the events centre increased the bylaw requirement for parking to 206 parking stalls instead of the above-noted 191 as part of DP21-0069. Watt Consulting conducted another parking study and determined that because there would be no overlap of employees and members of the public using the space, that a total of 126 parking stalls would be sufficient. The development permit included this parking variance subject to the owner adding to the Section 219 Covenant that events in the sixth floor event space be held only on weekends and statutory holidays.

Table 1: Site Data

<i>Applicant</i>	Chris Loranger	
<i>Owner</i>	Plexxis 595 Cityview Inc.	
<i>Civic Address</i>	1331 Westhills Drive	
<i>Legal Description</i>	LOT 1 SECTIONS 86 AND 87 ESQUIMALT DISTRICT PLAN EPP108149	
<i>Size of Property</i>	3,117 m ²	
<i>DP Areas</i>	Potential Habitat and Biodiversity Area, Riparian Area, Commercial Form and Character	
<i>Zoning</i>	Existing: CD3 (Comprehensive Development – Westhills), Area 1	Proposed: CD3 (Comprehensive Development – Westhills), Area 1
<i>OCP Designation</i>	Existing: Village Centre	Proposed: Village Centre

SITE AND SURROUNDING AREA

The site is located on the corner of Lakepoint Way, Langford Lake Road, and Westhills Drive, adjacent to the YMCA-YWCA. The construction of the six-storey office/commercial building is predominantly complete, with partial occupancy granted and the fifth and sixth floors now in use by the owner group,

Plexxis Software. Lower floors will be granted occupancy as the units are leased and outfitted to tenant needs. One such proposed tenancy is for a daycare which will be discussed later in this report.

Figure 1: Subject Property – 1331 Westhills Drive



The surrounding area is still predominantly undeveloped, but forms part of the Westhills core. This area is zoned to allow for a wide variety of commercial uses and high-density housing options that will act as a village centre for the surrounding neighbourhoods of Westhills, Kettle Creek, and Ravensview. Currently, the core contains the YMCA-YWCA, a library branch, a Victoria Conservatory of Music location, Tim Hortons, a dental office, and a six-story mixed-use building. The site is located approximately 700 meters from Pexsien Elementary School and Centre Mountain Lellum Middle School.

Table 2: Surrounding Land Uses

	Zoning	Use
<i>North</i>	Comprehensive Development 3 – Westhills (CD3)	Parking
<i>East</i>	Comprehensive Development 3 – Westhills (CD3)	YMCA-YWCA, Library, etc.
<i>South</i>	Comprehensive Development 3 – Westhills (CD3)	Mixed-Use apartment and temporary construction storage yard
<i>West</i>	Comprehensive Development 3 – Westhills (CD3)	Undeveloped, Temporary construction storage yard

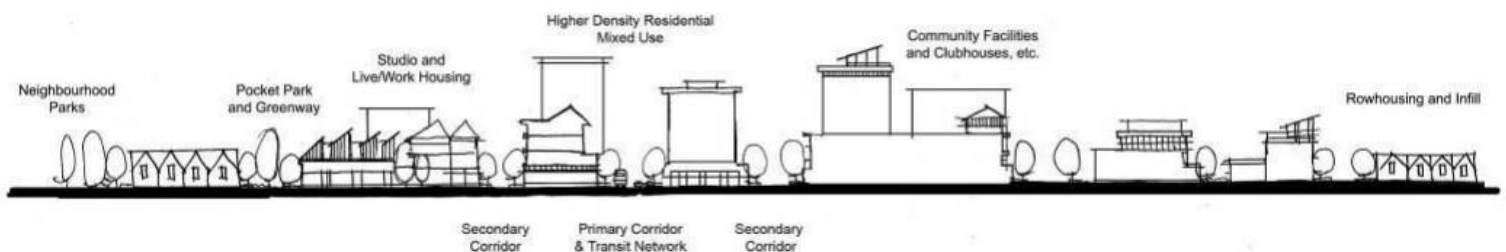
COUNCIL POLICY

OFFICIAL COMMUNITY PLAN

The Official Community Plan (OCP) Bylaw No. 1200 designated the subject properties as “Village Centre”, which is defined by the following text:

- A predominantly residential precinct that supports a wide range of high and moderate density housing, including affordable and rental housing.
- A key location in the city for shopping, services, amenities, and any other function that supports local residents’ daily needs.
- Parks and open spaces and recreational facilities are integrated throughout.
- Major educational, health and childcare facilities serve the needs of residents in the city.
- Inter-city and/or inter-regional transit hub connect residents.

A Concept for a Village Centre



As noted above, providing childcare facilities is a primary objective of the Village Centre OCP area. Section 6 of the City’s OCP, “Our Healthy Community” also includes objectives to “ensure the needs of children

and youth are addressed in all aspects of community and social planning and development” and to “ensure adequate supply of daycare and pre-school space for young children”. Given this, the expansion of childcare spaces at 1331 Westhills Drive is supported by the Official Community Plan.

The OCP also supports Transportation Demand Management (TDM), which this project is utilizing, as noted above. This development has site specific TDM measures which have been secured and align with Policy 8.10.2, an objective of Section 8 of the OCP, “Our Multi-Modal Transportation System”.

Council has also included the shortfall of childcare spaces within the Collaborative Advocacy section of their Strategic Plan. The plan notes that they intend to engage with higher levels of government, Island Health, and daycare providers to support the creation of additional daycare facilities.

COMMENTARY:

DEVELOPMENT PROPOSAL

The applicant is requesting to amend the text of Area 1 of the CD3 Zone at 1331 Westhills Drive to allow for a group daycare with 53 children. Area 1, the Community Core of Westhills, already allows for group daycares as a permitted use, but the City’s Zoning Bylaw sets an automatic limit to the number of children at 36, citywide. Any time a daycare provider wants to care for more than 36 children, a text amendment rezoning is required as it is considered a density issue. There are approximately six other daycares in Langford that have been previously approved for more than 36 children, ranging from 41 to 255 children.

Daycares of this size are required to receive a license from Island Health which ensures the facility meets the requirements of the Child Care Licensing Regulation. The regulation sets out a minimum amount of indoor and outdoor space per child, which is how the number of 53 children was derived. These 53 children would be organized into three separate classrooms with a total of 9 employees. Classroom 1 would be for up to 12 children under 36 months of age, Classroom 2 would be for up to 16 children between 30 months to school age, and Classroom 3 would be for up to 25 children between 30 months and school age.

Variance request

Daycares are considered to be a more parking intensive use than retail, which is the use originally contemplated for the ground floor units of the building and reflected in the past parking study. As the daycare use requires more parking than retail, the parking demand on site will increase. Based on the City’s parking requirements, the site would be required to provide 208 parking stalls instead of the previously required 206 parking stalls. While the applicant is currently providing 126 parking stalls on site, as supported by the previous parking study, they are seeking to reduce that number by an additional 8 parking stalls.

The licensing requirements for outdoor space have led the applicant to apply for a concurrent parking variance, as they plan to convert 7 parking spaces into outdoor play area for daycare use. A concept for the playground area has been attached to this report for reference. The applicant has determined that the conversion of these 7 parking spaces in the exterior parking lot would be able to accommodate up to 25 children at one time, the size of their largest planned classroom. The playground would be accessible by a pathway from the daycare classrooms and would be enclosed by a fence to regulation standards. The applicant has shared their plans with Island Health and has received preliminary approval of the playground size and location.

The applicant is concurrently seeking to reduce the parking by an 8th parking space by converting 3 regular parking spaces into 2 accessible parking spaces. While they previously had 2 accessible parking spaces, they were not advantageously located, being placed on the lowest parking level. The applicant wishes to relocate them to the first floor of parking to make them easier to access.

Given the requested further reduction of 8 parking stalls, the total number of parking stalls the applicant wishes to provide is 118, 90 less than what the City bylaws call for. Watt's parking study has found that 118 parking stalls are sufficient for the site uses if the owner is able to commit to some additional Transportation Demand Management (TDM) strategies, as follows:

"Guaranteed Ride Home" or "Emergency Ride Home" Program

This program is intended for commuters who carpool, bike, walk, or transit to work, offering them an option to return home reliably in case of an emergency using a taxi, carshare, or ride-hailing company that is subsidized by the organization. Watt suggests that employees would be eligible for eight reimbursable trips per year. This is a strategy used by many post-secondary institutions and increasingly more so for offices.

Commuter Financial Incentives

Commuter financial incentives or "parking cash out" is a commuter benefit in which an employer offers employees the option to accept taxable cash income instead of a free or subsidized parking space at work. Given the location of 1331 Westhills Drive, Watt suggests the owner offer a financial incentive of \$1.55 per day cash out for not using a single occupant vehicle as their travel mode.

As noted previously, the owner has already, by way of a Section 219 Covenant, committed to providing long term bike parking, end-of-trip facilities, and providing the BC Transit ProPASS program. The above noted "Guaranteed Ride Home" program and commuter financial incentives would be in addition to these existing TDM measures. Council may also wish to note that the owner is providing 40 bike parking stalls on site, 16 more than what is required by City bylaws.

While not mentioned in the parking study, staff are suggesting that the Section 219 Covenant also include that all parking stalls be first-come-first serve, with the exception of the marked accessible stalls and the pick-up and drop-off stalls for the daycare, and not allocated to individual tenancies or users.

Council may wish to consider if they think the proposed Transportation Demand Management strategies are appropriate for the site. If the site cannot handle the parking demand of the users, it's likely that the overflow parking may take place in the YMCA/YWCA parking lot adjacent to the building, or improper use of street parking which could increase the demand put on the Bylaw Department for enforcement.

It's important to note that the viability of the 53-child daycare is dependent on the issuance of the parking variance to 118 stalls. Additionally, if Council chooses to not proceed with the issuance of the variance, the existing variance to 126 parking stalls would still remain.

MULTI-MODAL NETWORK

Sidewalks are located on along all three frontages of the site on Westhills Drive, Langford Lake Road, and Lakepoint Way. Sidewalk connections and crosswalks continue out of the Westhills Core leading into the surrounding residential neighbourhoods. Bike lanes are located on Westhills Drive and Langford Parkway, a short distance from the subject property. The Westhills Exchange is located 100 meters away from the site and is serviced by five bus routes that serve Interurban/Royal Oak/UVic, Dockyard, Downtown, Goldstream Meadows, and Sooke.

LEGAL IMPLICATIONS:

Should Council choose to proceed with consideration of Bylaw No. 2154, 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 of Bylaw No. 2154 to amend the text of the CD3 zone to allow for a group daycare with 53 children at 1331 Westhills Drive subject to the following terms and conditions:
 - a. 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 Transit Demand Management strategies be implemented and maintained for all office users, in accordance with the Parking Study completed by Watt Consulting Group, dated December 1st, 2023:
 1. Guaranteed Ride Home program with a minimum of 8 reimbursable trips per employee per year; and
 2. Commuter financial incentives, providing employees with at least \$1.55 per day cash out for not using a single occupant vehicle as their travel mode.
- ii. That no parking stalls be assigned to specific users and that all parking be provided on a first-come-first-served basis, with the exception of accessible parking stalls and designated pick-up and drop-off stalls for the daycare use.

AND

2. Direct staff to provide notice that Council will consider issuing a Development Variance Permit for the property at 1331 Westhills Drive with the following variance to Zoning Bylaw No. 300:
 - a. That Section 4.01.01 be varied to reduce the required parking from 208 to 118 parking stalls.

OR Option 2

THAT the Sustainable Development Advisory Committee recommend that Council take no action with respect to this application to amend the text of the CD3 Zone at 1331 Westhills Drive under Bylaw 2154 and the application for a parking variance 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 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

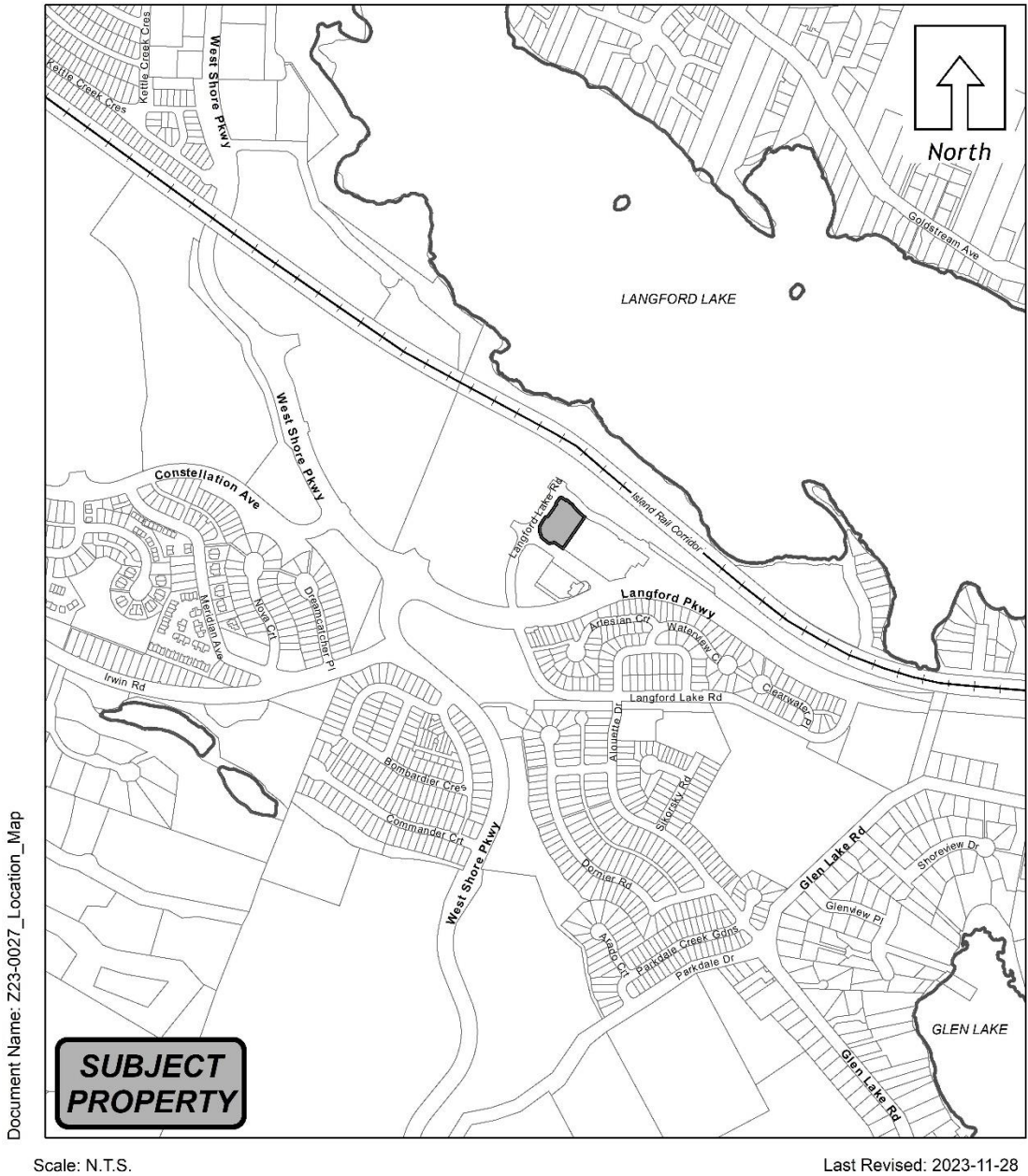
Concurrence: Braden Hutchins, Director of Corporate Services

Concurrence: Darren Kiedyk, Chief Administrative Officer

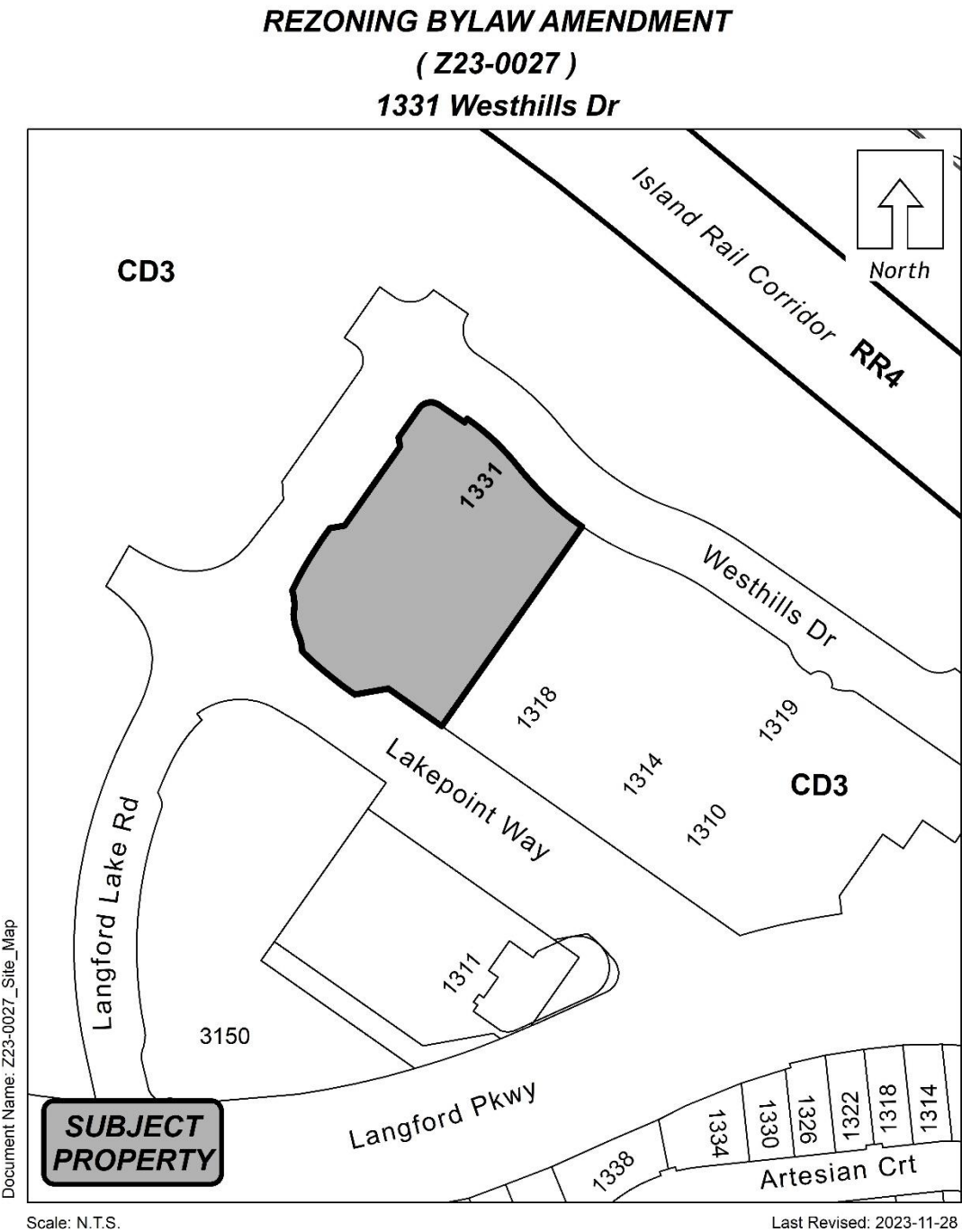
Attachment(s): Playground Concept – 1331 Westhills Drive

Appendix A – Location Map

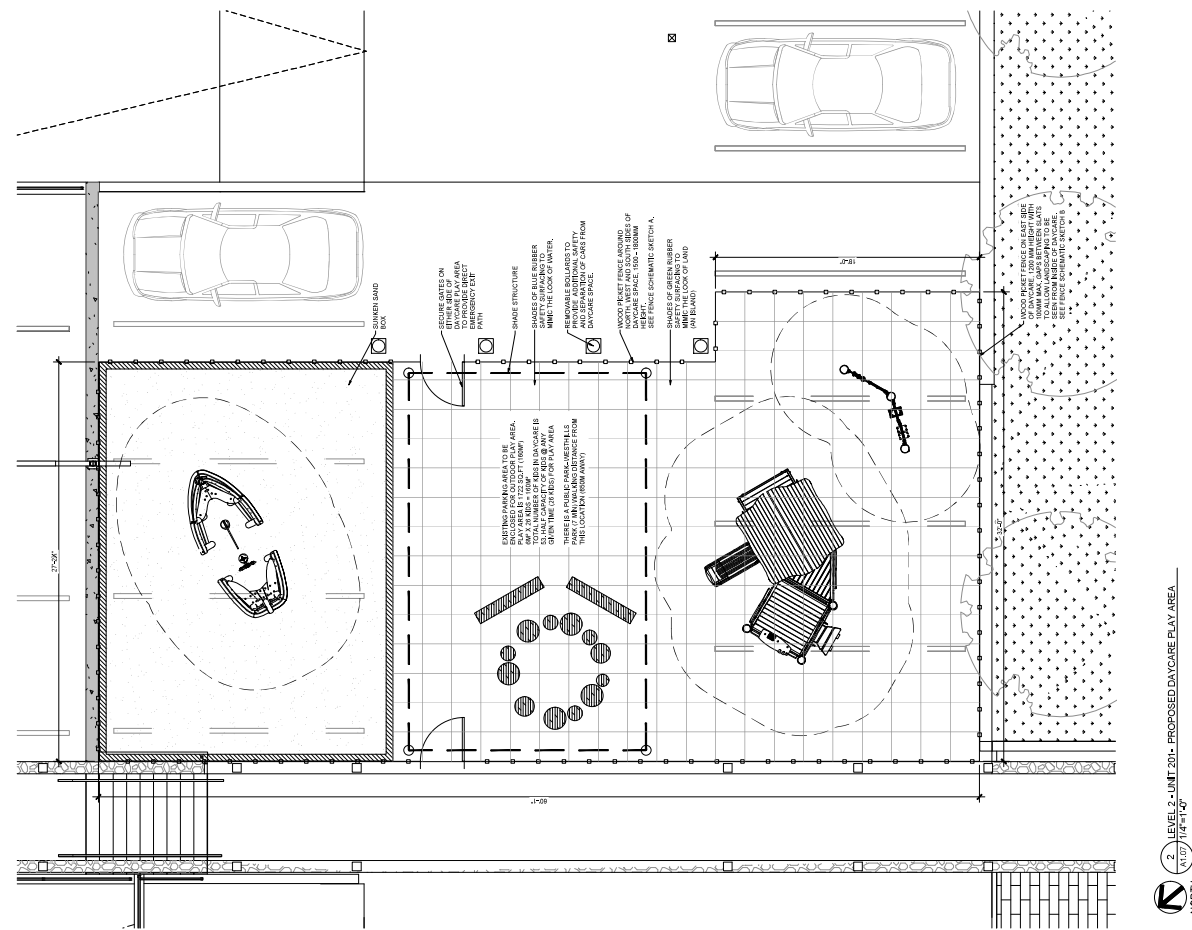
REZONING BYLAW AMENDMENT
(Z23-0027)
1331 Westhills Dr



Appendix B – Site Map



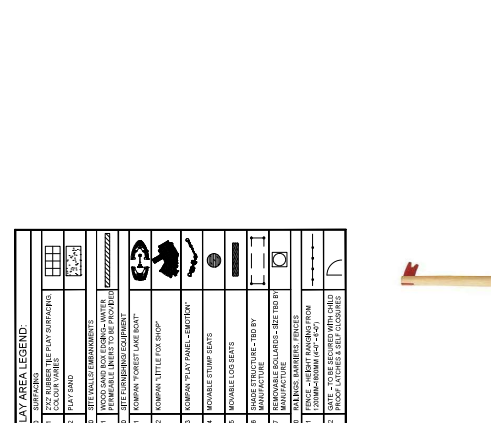
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2 LEVEL 2 - UNIT 205 PROPOSED DAYCARE PLAY AREA

1" = 10'-0"

NORTH



THIS PAGE IS NOT PART OF THE APPLICATION SCOPE FOR CASCADIA ARCHITECTS INC. PLAYGROUND DESIGN BY OTHERS AND PART OF A SEPARATE TENANT IMPROVEMENT APPLICATION BY ZULUETA ARCHITECTURE. THIS IS FOR INFORMATION PURPOSES ONLY.

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**CITY OF LANGFORD
BYLAW NO. 2154**

**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 adding the following as article 6.92.01(1)(s) and renumbering subsequent articles accordingly:

"Group daycare with a maximum capacity of 53 children, on the property legally described as LOT 1 SECTIONS 86 AND 87 ESQUIMALT DISTRICT PLAN EPP108149, PID No. 031-325-513 (1331 Westhills Drive)"

B. This Bylaw may be cited for all purposes as "Langford Zoning Bylaw, Amendment No. 710 (Text Amendment to Increase Daycare Capacity), Bylaw No. 2154, 2023".

READ A FIRST TIME this day of , 2023.

PUBLIC HEARING held this day of , 2024.

READ A SECOND TIME this day of , 2024.

READ A THIRD TIME this day of , 2024.

ADOPTED this day of , 2024.

PRESIDING COUNCIL MEMBER

CORPORATE OFFICER

Schedule A

