



# Staff Report to Sustainable Development Advisory Committee

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**DATE: Monday, July 8, 2024**

**DEPARTMENT: Planning**

**APPLICATION NO.: Z24-0011**

**SUBJECT: Bylaw No. 2188 – Application to amend the amenity contribution provisions for the property within MUE1 (Mixed-Use Residential 1) Zone located at 2787 Lakeview Terrace.**

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## **EXECUTIVE SUMMARY:**

Rachael Sansom of Grayland Consulting has applied on behalf of First Mark Ventures Inc. to amend the amenity provisions (Sec. 6.53.03(2)(b) of Zoning Bylaw No. 300) of the Mixed-Use Employment 1 (MUE1) Zone for the subject property at 2787 Lakeview Terrace. The development has obtained a Development Permit for the construction of 15 townhome units, however, the project is being held up by the lump-sum amenity contribution that was expected to be for the large parcel directly to the north of the subject site. The applicant is proposing to pay amenity contributions in accordance with Council's current policy. This would be in addition to the lump sum amenity contributions already secured in the Zoning Bylaw No. 300, which will continue to be payable at the time of the development of the large neighbouring parcel. Additionally, this application gives Council the opportunity to secure requirements that align with the current objectives and have been implemented in recent rezoning applications.

## **BACKGROUND:**

### PREVIOUS APPLICATIONS

- On May 24<sup>th</sup>, 2014, Council adopted Bylaw No. 1507 which created the Mixed-Use Employment 1 (MUE1) Zone and rezoned various properties southwest of the Leigh Road Interchange to this new zone.
- In May 2016, Council adopted Bylaw No. 1661, which amended the Amenity Contribution Provisions for the MUE1 Zone, providing more options for satisfying the previously established amenity contribution.
- In December 2016, a Development Variance Permit (DVP16-0018) was issued amending DVP14-0010 such that all properties that are split-zoned MUE1 and either R2, R2A, or RR4, are subject to the same variances and conditions as DVP14-0010 (i.e. application to defer sewer servicing and to reduce minimum lot size).
- In March of 2018, an Environmental Development Permit No. DP18-0014 was issued, authorizing

the subdivision as well as land preparations on the subject property.

- In April of 2023, a Form and Character Development Permit No. DP22-0102 was issued which permitted the construction of a townhouse development containing 15 dwelling units.
- Following the original Form and Character Development Permit, an amendment DP23-0069 was issued in October of the same year for a small change in the layout of the site. The number of units remained consistent with the previous proposal.

**Table 1: Site Data**

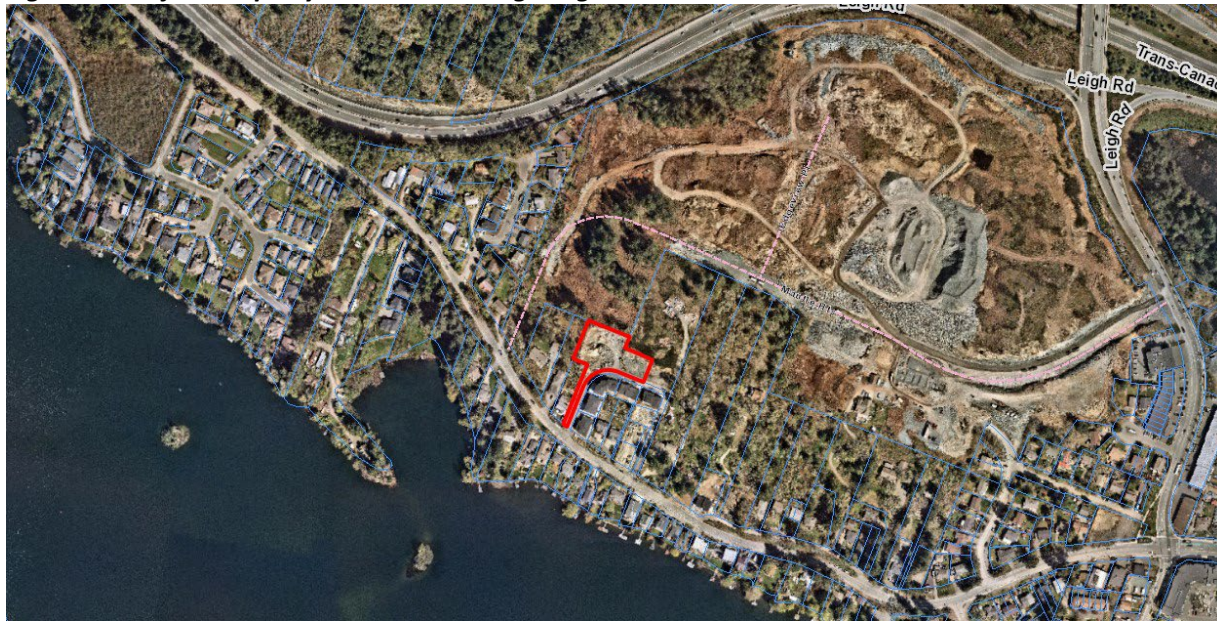
<i>Applicant</i>	Rachael Sansom	
<i>Owner</i>	First Mark Ventures Inc.	
<i>Civic Address</i>	2787 Lakeview Terrace	
<i>Legal Description</i>	Lot 1, Section 85, Esquimalt District, Plan EPP108379, PID 031-430-006	
<i>Size of Property</i>	3542m <sup>2</sup>	
<i>DP Areas</i>	Potential Habitat and Biodiversity	
<i>Zoning</i>	Existing: MUE1	Proposed: MUE1
<i>OCP Designation</i>	Existing: Mixed-Use Employment Centre, Neighbourhood	Proposed: Mixed-Use Employment Centre, Neighbourhood

**SITE AND SURROUNDING AREA**

The property is located in West Langford, north of Langford Lake, with a laneway access off Goldstream Avenue. The property is vacant and initial site clearing and grading has occurred in anticipation of future development under the existing environmental Development Permit. Clearing and grading is currently underway on the large parcel directly north of the subject property.

The proposed development is also located within the 800m of a Controlled Access Highway under the jurisdiction of the Ministry of Transportation and Infrastructure (MoTI) and is therefore subject to their review.

**Figure 1: Subject Property and Surrounding Neighbourhood**



**Table 2: Surrounding Land Uses**

	<b>Zoning</b>	<b>Use</b>
<i>North</i>	MUE1 (Mixed-Use Employment 1)	Land clearing and grading underway
<i>East</i>	MUE1 (Mixed-Use Employment 1) R2 (One- and Two-Family Residential)	Single-family residential
<i>South</i>	RL1 (Residential Lakeshore)	Lakefront single-family residential
<i>West</i>	MUE1 (Mixed-Use Employment 1) R2 (One- and Two-Family Residential)	Single-family residential

COUNCIL POLICY

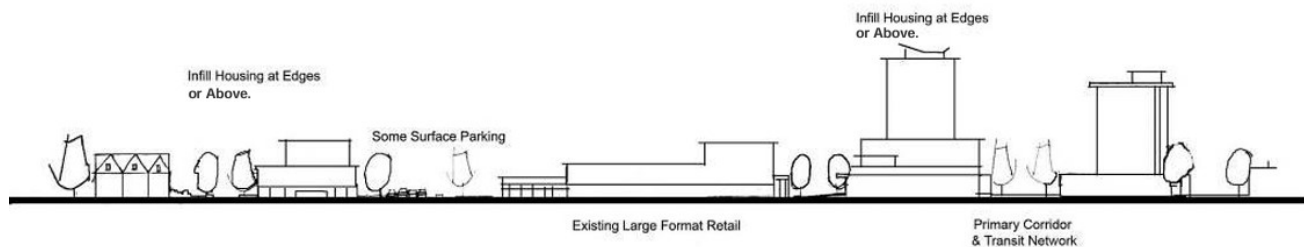
OFFICIAL COMMUNITY PLAN

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

- *A predominantly workplace precinct that includes business of all types including commercial, light industrial, and institutional*

- An ideal location for creative or innovative infill housing (such as artisan live-work, mixed use buildings, etc.) that does not jeopardize the long-term function of the centre as an employment node
- Parks, public squares and open spaces are integrated throughout
- Centre is an inter-city and/or inter-regional transit hub that connects residents and employees

**A Concept for a Mixed-Use Employment Centre**



**DEVELOPMENT PERMIT AREAS**

As mentioned, the subject property is located within the *Potential Habitat and Biodiversity* Development Permit Area. This designation was previously addressed through environmental Development Permit No. DP18-0014. An Environmental Impact Assessment prepared by a Registered Professional Biologist was secured through the Development Permit process, which provided site specific mitigation and remediation measures.

Additionally, the Form and Character Development Permit has been issued to permit the construction of 15 townhouse units within 4 blocks. To remain consistent with the townhouse developments that have been recently rezoned, Council may wish to take this opportunity to require that garages are to be used for parking of vehicles and not storage of items in a manner that would prevent utilization of the garage spaces for parking purposes. Council may wish to have the covenant registered in favor of the strata so that they are responsible for enforcing the covenant instead of the City.

**LOW CARBON CONCRETE & HEAT PUMPS**

Since the original rezoning of the subject property through the creation of the MUE1 zone in 2014, Council has adopted a new policy that would be applicable to the subject property today. In order to stay consistent with the City's environmental stewardship efforts and with the recently rezoned developments, Council may wish to take this opportunity to secure a covenant that requires 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 from the construction of the proposed development, in accordance with Council's Low Carbon Concrete Policy POL-0167-PLAN.

In the similar matter, Council may also wish to secure a requirement of mandating the use of heat pumps for heating and cooling, to remain consistent with the recent rezoning applications.

**COMMENTARY:**

DEVELOPMENT PROPOSAL

As noted above, the applicant has applied to amend the density contribution provisions for the subject property at 2787 Lakeview Terrace. Currently, the amenity contributions secured through Bylaw No. 1661 are applicable to all properties within the MUE1 zoning designation, which limits the residential density to 3 dwelling units for the entirety of the zone, unless the applicant provides the amenity contributions as per the Zoning Bylaw No. 300. Density contributions provisions secured through Bylaw No. 1661 for the entirety of the MUE1 zone are as follows:

*(2) Despite Subsection 6.53.03(1), there may be more than three residential dwelling units and more than 150m<sup>2</sup> (1,615 ft<sup>2</sup>) of non-residential gross floor area in the Mixed-Use Employment 1 (MUE1) Zone, but not more than 92,900 m<sup>2</sup> (999,967.2 ft<sup>2</sup>) of gross floor area in Area A and not more than 204,386 m<sup>2</sup> (2,200,00 ft<sup>2</sup>) of gross floor area in Area B in the owner of the land proposed to be built upon has:*

- a. Consolidated the lands that are within the MUE1 Zone;*
- b. Entered into an agreement with the City of Langford, to the satisfaction of Council, to provide to the City;*
  - (i) \$1,000,000 towards the City's General Amenity reserve fund; OR*
  - (ii) An alternative amenity with a demonstrable value equivalent to \$1,000,000; OR*
  - (iii) A transfer of 15% of the lands located within MUE1 Zone to the City of Langford; OR*
  - (iv) Some equivalent combination of (1) and/or (ii) and/or (iii);*

**AND**

- c. Provides a traffic impact study that analyzes the impact of the proposed development on the surrounding road network, and has entered into an agreement with the City of Langford with regards to required road dedication and off-site traffic improvements recommended by the traffic impact study, to the satisfaction of the Director of Engineering.*

Although the current prescribed amenity contributions are not specifically attributed to the large parcel to be developed north of the subject site, the idea at the time of rezoning was that large lump sum density amenity contributions would be secured with the development of the larger parcel, and the development of the smaller residual parcels would follow.

Currently, one of such smaller properties is ready to move forward with construction and would like to develop the property independently of the mixed-use development that is to occur to the north of the site. The applicant is proposing to pay amenity density contributions as per the Council’s current policy, to be secured through this text amendment rezoning in Bylaw No. 2188.

It should be noted that amenity contribution provisions stipulated in Section 6.53.03(2) for the MUE1 zone would remain secured in the Zoning Bylaw No. 300 through Bylaw No. 1661 and would be payable with the first building permit for any other property zoned MUE1, excluding the subject site. As such, the amenity contribution provisions for this site would be in addition to what would be obtained with the development of the large parcel north of the site.

**FINANCIAL IMPLICATIONS:**

As mentioned previously, amenity contribution secured through Bylaw No. 2188 will be in addition to amenity contributions already secured through Bylaw No. 1661. A summary of Amenity Contributions and Development Cost Charges that the developer will be expected to pay, is outlined in Tables 4 and 5 below.

COUNCIL’S AMENITY CONTRIBUTION POLICY

The amenity contributions that apply as per Council’s current Affordable Housing and Amenity Contribution Policy are summarized in Table 4 below, based the current floor plans and total density of 15 residential units.

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

<b>Amenity Item</b>	<b>Per unit contribution</b>	<b>Total (based on 15 units)</b>
<i>General Amenity Reserve Fund</i>	\$3,660	\$54,900
<i>Affordable Housing Reserve Fund</i>	\$610	\$9,150
<b>TOTAL POLICY CONTRIBUTIONS</b>	<b>\$4,270</b>	<b>\$64,050</b>

**Table 5 - Development Cost Charges**

<b>Development Cost Charge</b>	<b>Per Unit Contribution</b>	<b>Total (based on 15 units)</b>
<i>Roads</i>	\$3,865	\$57,975

<i>Park Improvement</i>	\$1,948	\$29,220
<i>Park Acquisition</i>	\$130	\$1,950
<i>ISIF</i>	\$371.25	\$5,568.75
<b>Subtotal (DCC's to Langford)</b>	<b>\$6,314.25</b>	<b>\$94,723.75</b>
<i>CRD Water</i>	\$2,557	\$38,355
<i>School Site Acquisition</i>	\$900	\$14,400
<b>TOTAL DCC's (estimated)</b>	<b>\$3,457</b>	<b>\$52,755</b>

**LEGAL IMPLICATIONS:**

Should Council choose to proceed with consideration of Bylaw No. 2188, it will be scheduled for consideration of first, second and third readings. As per recent changes to the *Local Government Act*, a Public Hearing is not permitted.

The amenity contributions specified in Table 4 above are incorporated into Bylaw No. 2188 and will be payable at the time of building permit along with the current Development Cost Charges specified in the various DCC Bylaws.

Council's other conditions of approval would be registered in a Section 219 Covenant in priority of all other charges on title prior to consideration of Bylaw Adoption.

**OPTIONS:**

**Option 1**

THAT the Sustainable Development Advisory Committee recommend that Council:

1. Proceed with consideration of First, Second, and Third Reading of Bylaw No. 2188 to amend the amenity contributions for the property located at 2787 Lakeview Terrace, after the notification process has been completed, and subject to the following terms and conditions:
  - a. That the applicant provides, in lieu of the amenity contributions outlined in section 6.53.03(2)(b) of Zoning Bylaw No. 300, **as a bonus for increased density**, the following contributions per dwelling unit beyond the permitted density of three residential units, **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**, registers a Section 219 covenant in priority of all other charges on title, that agrees to the following:
- i. That electric heat pumps will be installed in all townhouse units;
  - ii. 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;
  - iii. That a separate covenant be registered prior to issuance of a building permit 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.

**OR Option 2**

THAT the Sustainable Development Advisory Committee recommend that Council take no action with respect to this application to amend the amenity contributions for the property at 2787 Lakeview Terrace under Bylaw No. 2188 until such time as the following items are addressed and reviewed by the Sustainable Development Advisory Committee:

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

**SUBMITTED BY: Anastasiya Mysak, Planner I**

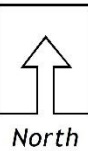
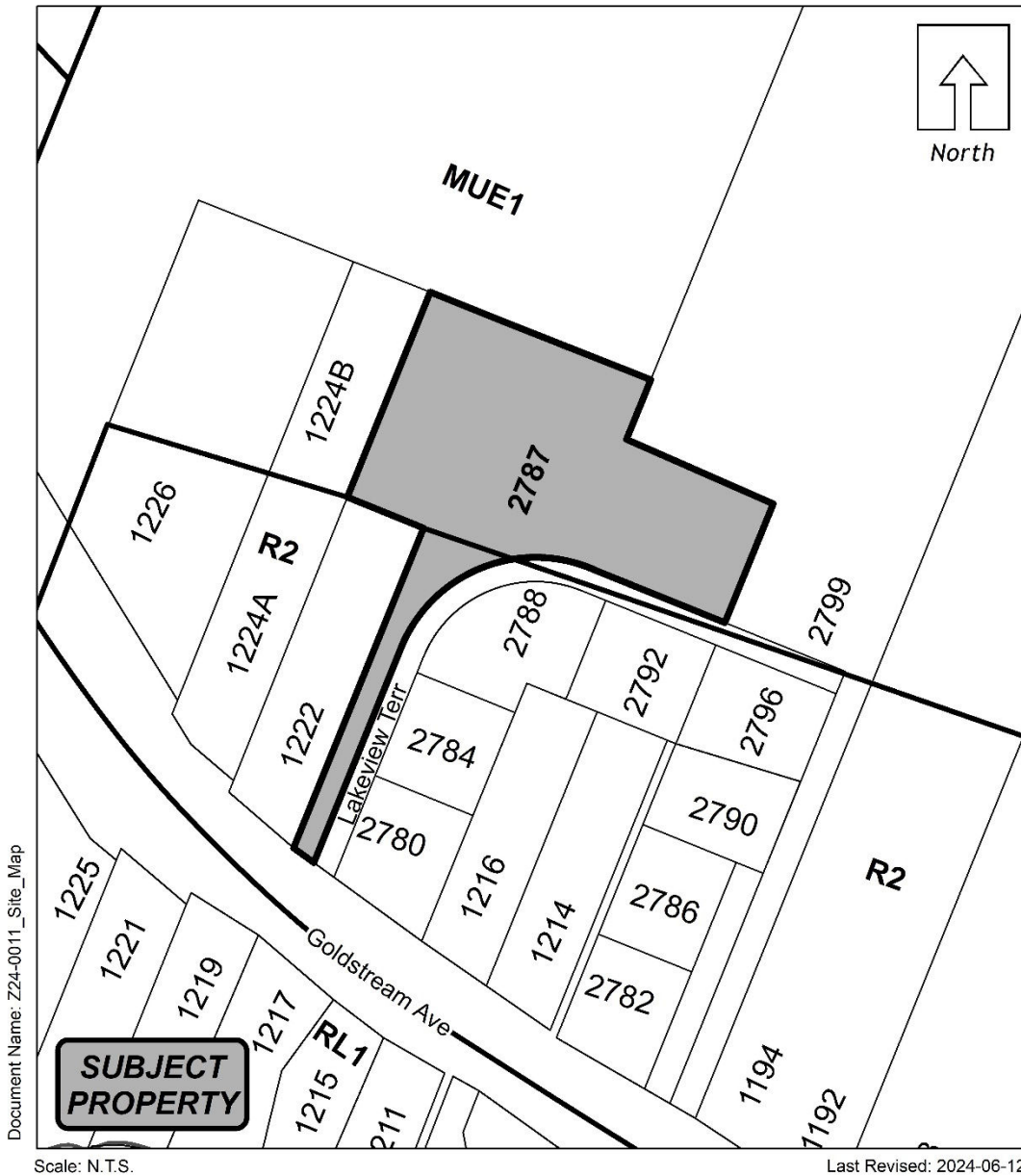
- Concurrence:** Matthew Baldwin, RPP, MCIP, Director of Development Services  
**Concurrence:** Leah Stohmann, RPP, MCIP, Director of Community Planning and Climate Change  
**Concurrence:** Donna Petrie, Senior Manager of Communications & Economic Development  
**Concurrence:** Yari Nielsen, Director of Parks, Recreation and Facilities  
**Concurrence:** Katelyn Balzer, P.Eng., Director of Engineering and Public Works  
**Concurrence:** Michael Dillabaugh, CPA, CA, Director of Finance  
**Concurrence:** Marie Watmough, Director of Legislative & Protective Services  
**Concurrence:** Braden Hutchins, Deputy Chief Administrative Officer  
**Concurrence:** Darren Kiedyk, Chief Administrative Officer

Attachment(s):

Bylaw No. 2188

Appendix A – Site Map

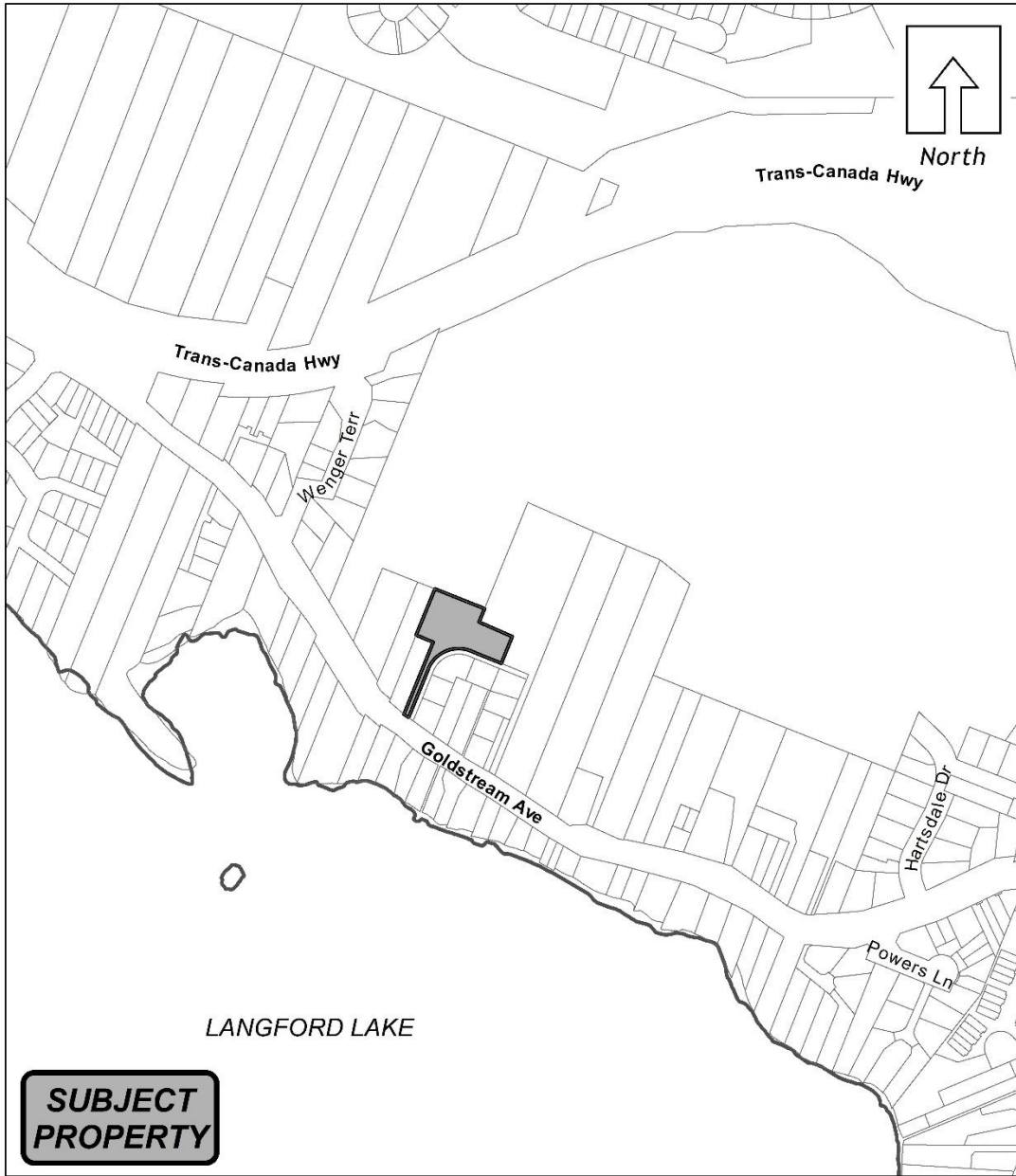
**REZONING BYLAW AMENDMENT  
( Z24-0011 )  
2787 Lakeview Terr**



**SUBJECT  
PROPERTY**

**Appendix B – Location Map**

**REZONING BYLAW AMENDMENT  
( Z24-0011 )  
2787 Lakeview Terr**



Document Name: Z24-0011\_Location\_Map

Scale: N.T.S.

Last Revised: 2024-06-12

**CITY OF LANGFORD  
BYLAW NO. 2188**

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

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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 text as Section 6.53.03(7):

(7) Notwithstanding Subsection 6.53.03(2), on lands whose legal description is Lot 1, Section 85, Esquimalt District, Plan EPP108379, PID 031-430-006 (2787 Lakeview Terrace), the number of residential dwelling units can exceed three units, if the owner of the land proposed to be built upon:

a) Pays to the City the amount specified in Column 4 of Table 1 of Schedule AD, prior to issuance of a building permit.

2. By adding the following text to Table 1 of Schedule AD:

<b>Zone</b>	<b>Bylaw No.</b>	<b>Legal Description</b>	<b>Amenity Contributions</b>	<b>Eligible for Reduction in Section 2 of Schedule AD</b>
MUE1	2188	Lot 1, Section 85, Esquimalt District, Plan EPP108379, PID No. 031-430-006, (2787 Lakeview Terrace)	a) \$3,660 per residential unit created, beyond the first three residential units, towards the General Amenity Reserve Fund; and b) \$610 pe unit created, beyond the first three residential units, towards the Affordable Housing Reserve Fund	No

B. This Bylaw may be cited for all purposes as "Langford Zoning Bylaw, Amendment No. 728 (2787 Lakeview Terrace), Bylaw No. 2188, 2024".

READ A FIRST TIME this day of , 2024.

READ A SECOND TIME this day of , 2024.

READ A THIRD TIME this day of , 2024.

APPROVED BY THE MINISTRY OF TRANSPORTATION this day of , 2024.

ADOPTED this day of , 2024.

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PRESIDING COUNCIL MEMBER

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CORPORATE OFFICER

Schedule A

