



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall
1229 Esquimalt Road
Esquimalt, B.C. V9A 3P1

Staff Report

File #:18-161

REQUEST FOR DECISION

DATE: April 18, 2018

Report No. DEV-18-023

TO: Laurie Hurst, Chief Administrative Officer

FROM: Alex Tang, Planner

SUBJECT:

Rezoning Application - 669 Constance Avenue, 658 Admirals Road, and 662 Admirals Road

RECOMMENDATION:

1. That Council, upon considering the comments made at the Public Hearing, resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2915, attached to Staff Report DEV-18-023 as Appendix A, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 669 Constance Avenue [PID 004-574-451, Lot 1, Suburban Lots 43 and 44, Esquimalt District, Plan 13563] and 658 Admirals Road [PID 023-768-410, Lot A of Suburban Lots 43 and 44, Esquimalt District, Plan VIP65333] shown cross-hatched on Schedule 'A' of Amendment Bylaw No. 2915 from RM-4 [Multiple Family Residential] Zone to CD No. 107 [Comprehensive Development District No. 107], and by changing the zoning designation of 662 Admirals Road [PID 017-827-540, Lot 1, Suburban Lot 43, Esquimalt District, Plan VIP54521], also show cross hatched on Schedule 'A' of Amendment Bylaw No. 2915, from RM-1 [Multiple Family Residential] Zone to CD No. 107 [Comprehensive Development District No. 107] be considered for **third reading**; and

2. That, as the applicant wishes to assure Council that uses and development will be restricted and amenities provided as identified in Staff Report DEV-18-023, the applicant has voluntarily agreed to register a Section 219 Covenant, and Council has accepted it as a condition of rezoning, on the titles of 669 Constance Avenue [PID 004-574-451, Lot 1, Suburban Lots 43 and 44, Esquimalt District, Plan 13563], 658 Admirals Road [PID 023-768-410, Lot A of Suburban Lots 43 and 44, Esquimalt District, Plan VIP65333], and 662 Admirals Road [PID 017-827-540, Lot 1, Suburban Lot 43, Esquimalt District, Plan VIP54521] in favour of the Township of Esquimalt providing the lands shall not be subdivided, built upon or used (as appropriate to the requirement, as drafted by the Township's solicitor at the applicant's expense) in the absence of all of the following:

- i. The design, construction, and the provision of a Statutory Right of Way for the purpose of a public access park on that portion of 700 Admirals Road [PID 001-076-346, Lot 1, Esquimalt District, Plan VIP32701] shown cross-hatched in Appendix M (which may include the provision

of maintenance of this public access park be financed by the future strata corporation of the subject property)

- ii. Provision of rentals to be allowed by the future strata corporation of the subject property, as secured by a Housing Agreement
- iii. Passive House Certification be achieved for the proposed building, with security in the amount of \$1,000,000 to be used for amenities for the neighbourhood to be determined by the Township of Esquimalt
- iv. Security for the financial amount needed to bury the hydro lines directly in front of the proposed development on Admirals Road and Constance Avenue
- v. Construction of a sidewalk on the eastern side of Constance Avenue from the subject property to Astle Street
- vi. The planting of three boulevard trees on the east side of Constance Avenue as illustrated in the landscape plan, attached as Appendix C to Staff Report DEV-18-023
- vii. Removal of the existing fence, the planting of three boulevard trees and public parking improvement on the west side of Constance Avenue as illustrated in the landscape plan, attached as Appendix C to Staff Report DEV-18-023
- viii. Eight visitor parking spaces will be provided and remain as illustrated in the parking plan, attached as Appendix C to Staff Report DEV-18-023
- ix. Provision of one-year BC Transit bus passes for the Victoria Regional Transit System to all the residents
- x. Pre-construction of 10 units on the lobby level with accessible doors and other accessibility features, such units to be sold to accessible disabilities residents, as secured by a Housing Agreement
- xi. The building to be constructed with glass façade at street level that would allow views to the courtyard from Admirals Road
- xii. Provision of fire hydrants in front of the subject property on Constance Avenue and Admirals Road

Council direct staff and legal counsel for the Township to coordinate with the property owner to ensure a S.219 Covenant addressing the aforementioned issues is registered against the property titles, in priority to all financial encumbrances, and that the Statutory Right of Way for the adjacent public park is obtained, and the required Housing Agreement and its associated bylaw is prepared and advanced to third reading, prior to returning Amendment Bylaw No. 2915 to Council for consideration of adoption.

RELEVANT POLICY:

Official Community Plan Bylaw, 2006, No. 2646
Zoning Bylaw, 1992, No 2050
Parking Bylaw, 1992, No. 2011
Development Application Procedures and Fees Bylaw, 2012, No. 2791
Advisory Planning Commission Bylaw, 2012, No. 2792
Subdivision and Development Control Bylaw, 1997, No. 2175
Green Building Checklist

STRATEGIC RELEVANCE:

This Request for Decision does not directly relate to a specific strategic objective.

BACKGROUND:

Appendix A: Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2915
Appendix B: Subject Property Map, Aerial Map, OCP LUD Map, OCP Policies
Appendix C: Architectural Drawings, Renderings, Shadow Studies, Colour Board, Landscape Plan, and Surveyor's Site Plan
Appendix D: Green Building Checklist
Appendix E: Developer's Narrative
Appendix F: Architect's Narrative
Appendix G: Bunt Engineering Parking and Traffic Assessment
Appendix H: Canadian Force Bases Esquimalt Letter of Commitment
Appendix I: AES Engineering Ltd. Letter Regarding Underground Overhead Wires
Appendix J: Developer's "Project Discussion Paper", including amenities
Appendix K: Developer's Public Consultation Summary
Appendix L: Public Comments
Appendix M: Proposed Public Access Park Area

Purpose of the Application

The applicant is requesting a change in zoning from the current mix of Medium Density Apartment Multiple Family Residential [RM-4] and Low Density Townhouse Multiple Family Residential [RM-1] zones to a Comprehensive Development District No. 107 [CD No.107]. This change is required to accommodate the proposed 12 storey, mass timber, 83 unit, multiple family, prefabricated, residential building including, as a principal feature, a generous, glass enclosed, two storey lobby, multiple purpose room and amenity space located at grade off Admirals Road and situated above mechanical and storage areas and 3 levels of underground parking totaling 83 spaces. The residential units rise

in a staggered form from 5 storeys abutting Constance Avenue to 12 storeys adjacent to Admirals Road. The building stretches between Admirals Road and Constance Avenue forming the shape of the letter 'U' surrounding a central courtyard. This design loads the building mass toward the edges of the property, retaining the south exposed central courtyard for use of residents.

Evaluation of this application should focus on issues relevant to zoning such as the appropriateness of the proposed height, density and massing, proposed unit sizes, siting, setbacks, lot coverage, usable open space, how the building relates to adjacent and surrounding sites and whether the proposed uses are appropriate and consistent with the overall direction contained within the Official Community Plan.

This site is located within Development Permit Area No. 1 - Multi-Unit Residential. Form and character issues relating to the aesthetics of the building, such as cladding materials, window materials, doorways, streetscape improvements and landscaping, will be evaluated in a separate application for Development Permit should this rezoning application be approved by Council. Some aspects of the proposed development exceed DP requirements and/or are off-site; they were presented as amenities by the applicant and therefore are discussed in this report and intended to be secured by S.219 Covenant (See Appendix J).

Context

Applicant: Standing Stone Developments [Casey O'Byrne and Troy Grant]
Owner: 0776378 BC Ltd, Inc.No. BC0776378
Property Size: Metric: 1933 m² Imperial: 20800 ft²
Existing Land Use: 5 unit, Multiple Family Apartment
Duplex
Vacant Land

Surrounding Land Uses:

North: Department of National Defence Lands
South: Multiple Family Residential
West: Department of National Defence Lands
East: Single Family/Two Family Residential

Existing OCP Designation: Multi-Unit, High-Rise Residential [No change required]
Existing Zoning: RM-4 [Medium Density Multiple Family Residential] and
RM-1 [Low Density Townhouse Multiple Family Residential]
Proposed Zoning CD No. 107 [Comprehensive Development District No. 107]

Official Community Plan

The overall height and density of this proposal is consistent with the current Land Use Designation of 'Multi-Unit, High-Rise Residential'. The applicant proposes amenities in order to exceed the height otherwise required at the street level in shallow setback situations, which is in accordance with the OCP.

Section 2 - Managed Growth - Land Use and Development states that the objectives and policies in this section are designed to promote sustainable land use and development in the community.

2.0.1(a) states the Township should encourage high quality development that enhances and benefits the community as a whole.

2.0.2(a) states Esquimalt's future new development, infill and redevelopment will be in accordance with the land use designations shown on OCP Schedule A, together with the guidelines set out in Development Permit Areas (OCP Section 9).

Section 2.1 - The Land Use Designation of 'Multi-Unit, High-Rise Residential applies in specific areas, particularly in the Dockyards neighbourhood and along Esquimalt Road, adjacent to the boundary of Victoria.

The Official Community Plan designates the three parcels of the subject property 'Multi-Unit, High-Rise Residential' as part of the objective to densify the Dockyard neighbourhood.

Section 2.2 - Residential Land Use of the Official Community Plan recognizes that modest growth is likely to occur through the infilling of vacant or under-utilized parcels, redevelopment of existing residential properties to higher densities (such as townhouses, apartment buildings and mixed commercial-residential uses) and the replacement of existing buildings. Objectives and policies of this section are intended to ensure residential growth occurs in a manner that maintains and enhances individual neighbourhoods and the community as a whole.

Section 2.2.1(a) states the Township should work toward a more complete community by maintaining a healthy mixture of housing types, accommodating people with a wide range of income levels.

Section 2.2.1(b) states the Township should encourage new residential development with high design standards for building and landscaping and which enhance existing and new neighbourhoods.

Section 2.2.4.1 Multi-Unit Residential Policies [Appendix B] are intended to provide more predictability for residents and give direction to design teams preparing development proposals.

Section 2.2.4.1(b) states that the Township encourages the concentration of multi-unit residential development where such development is in keeping with the overall goals of this Plan.

Section 2.2.4.1(c) states that multi-unit residential will be located near a Major road. The proposed development is situated on Admirals Road, one of the Major roads in Esquimalt.

Section 2.2.4.1(d) states that major multi-unit residential projects will be located within reasonable distance of one of Esquimalt's commercial areas in order to encourage walking and cycling.

Section 2.2.4.1(f) states that wherever desirable and achievable, consideration will be given to special needs and assisted housing including seniors, disabled persons and families.

The applicant is committed to providing the ground floor units to accessibility standards in terms of dimensions. Accessible friendly electrical outlets and switches will be wired to multiple height levels to ensure an easy conversion if desired. Future installation of necessary items such as grab bars will

also be facilitated.

Section 2.2.4.1(g) states that within the areas designated as Townhouse Residential, Multi-Unit, Low-Rise Residential and Multi-Unit, High-Rise Residential, the following criteria will be used to evaluate development proposals requiring an application for rezoning:

- The massing and height of the project will respond sensitively to the prevailing character of the immediate neighbourhood. This will vary by location;
- The project will relate to the street. Its exterior finishes, scale, treatment of parking areas, and landscaping, will enhance the appearance of the neighbourhood and contribute positively to the streetscape;
- The proponent will demonstrate that the neighbourhood has been consulted in a fair and meaningful way, and that residents' concerns have been appropriately responded to in the proposal; and
- Where new multi-unit residential projects are proposed, they should not "land-lock", otherwise isolate, or negatively affect the development potential of adjacent parcels. Projects must either consolidate the isolated parcels or leave a sufficient area available to allow for the eventual redevelopment of the adjacent land.

Staff remarks that it would be challenging to design any building that would respond sensitively to the existing neighbourhood character of 2 to 4 storey construction while realizing 12 storeys in height as endorsed by the Multi-Unit, High Rise Residential Land Use Designation. Notwithstanding this, it is staff's opinion that the substantial proposed lot coverage, and the reduced setbacks, and the substantial height and mass of the project located in proximity to neighbouring parcels does not achieve Bullets 1 and 2 of this guideline.

Section 2.2.4.1(h) states that development proposals with heights and / or densities greater than those set out in policies 2.2.4.2 to 2.2.4.4 may be considered, where appropriate through variances to zoning and / or parking regulations and density bonusing of floor-space where new affordable, accessible or special needs housing units or amenities are provided for the benefit of the community.

As the proposed development is inconsistent with the stepped down three storey height at street level in policy 2.2.4.4 (as noted below, by previous staff reports and the Design Review Committee), the applicant has proposed to also contribute accessible housing units and amenities for the benefit of the community to offset this inconsistency in accordance with policy 2.2.4.1.

The amenities that the applicant has elected to provide are initially outlined in their correspondence of April 8, 2018 (Appendix J) and, following further discussion and clarification with staff, include:

- The design, construction, and the provision of a Statutory Right of Way for the purpose of a public access park (which may include the provision of maintenance of this public access park be financed by the future strata corporation of the subject property).

This park area is currently owned by the federal government. The Base Commander's Office at Canadian Forces Base Esquimalt has met with the applicant and staff are advised that they are agreed in concept to the public access park on Federal Crown Land.

- Passive House Certification be achieved for the proposed building, with security in the amount of \$1,000,000 to be used for amenities for the neighbourhood to be determined by the Township of Esquimalt, if the certification is not achieved

Passive House Canada Certification needs to meet the following main criteria

- i. Space Heat Demand max. 15 kWh/m²a OR Heating load max. 10 W/m²
- ii. Pressurized Test Result @ 50 Pa max. 0.6 ACH
- iii. Total Primary Energy Demand max. 120 kWh/m²a

- Security for the financial amount needed to bury the hydro lines directly in front of the proposed development on Admirals Road and Constance Avenue, noting that the burying of this frontage would only be done if the Township accepted the cost of burying the wires to Astle Street

AES Engineering Ltd. advises that although it is feasible to bury the overhead wirings along Admirals Road and Constance Avenue, it will be quite expensive and time consuming [Appendix I]. As the overhead wiring along Admirals Road is the major backbone for the entire neighbourhood, BC Hydro will have to bury the overhead wirings up to Astle Street. The cost will be over \$500,000 and over a year for design and construction. The applicant has committed to the financial responsibility to bury the overhead wirings in front of the subject property. Since the overhead wiring on Admirals Road needs to be buried all the way to Astle Street, the Township will have to be accountable for the remaining portions that are not in front of the subject property. If the Township chooses not to advance its portion of the costs along Admirals Road, then it is expected the associated Covenant would allow the development to proceed with security being held for a period of time, but likely either redirected to allow for the burying of lines along Constance Avenue or eventually returned if a final decision is made not to proceed with undergrounding the wires. The conversion on Constance Avenue in front of the subject property will be much simpler and has an estimated cost of \$100,000. There may be other options under the Approving Officer's authority, or using other statutory authority (e.g. latecomers agreement) that could be further investigated.

- Construction of a sidewalk on the eastern side of Constance Avenue from the subject property to Astle Street

As per the Subdivision and Development Control Bylaw, 1997, No. 2175, the developer is responsible for the construction of the sidewalk on Admirals Road and Constance Avenue in front of the subject property. Hence, the extension of the sidewalk beyond the subject property to Astle Street would be the portion offered as an amenity to the neighbourhood and Township.

- The planting of three boulevard trees on the east side of Constance Avenue as illustrated in the landscape plan
- Removal of the existing fence, the planting of three boulevard trees and public parking improvement on the west side of Constance Avenue as illustrated in the landscape plan

The applicant has proposed to remove the fence that resides between the Canex building on Federal Crown Land and Constance Avenue. This is a public realm improvement as part of the amenities offered to the Township.

- Provision of one-year BC Transit bus passes for the Victoria Regional Transit System to all the residents
- Pre-construction of 10 units on the lobby level with accessible doors and other accessibility features, such units to be sold to accessible disabilities residents, as secured by a housing agreement

All the units on the lobby level are built with accessible doors and accessibility features. Within the housing agreement, sales of such units would be restricted to accessible disabilities residents for a period of 90 days before it becomes unrestricted. The Housing Agreement has yet to be drafted; it would require a separate bylaw to authorize the Township entering into the Housing Agreement. If the rezoning bylaw is given third reading, it is recommended that the Housing Agreement and associated Bylaw be prepared and advanced to third reading, before both the rezoning and housing agreement bylaws are considered together for final adoption. This approach does not fetter the Township's legislative discretion to either accept or deny the application at consideration of final adoption, and it is recommended to simplify the administration of the bylaws and provide certainty that all parties have settled on satisfactory wording of the Housing Agreement before the rezoning is finally decided.

- Provision of fire hydrants in front of the subject property on Constance Avenue and Admirals Road

As recommended by Fire Services staff, the applicant has offered to provide fire hydrants on Constance Avenue and Admirals Road as amenities since these infrastructure upgrades are not required by Subdivision and Development Control Bylaw, 1997, No. 2175.

Section 2.2.4.4 Multi-Unit, High-Rise Residential states that in areas designated Multi-Unit, High-Rise Residential on Schedule A, building heights up to 12 storeys are acceptable with a Floor Area Ratio of up to 3.0. Buildings with shallow setbacks must step down to no more than three storeys at street level in order to provide appropriate human scale along the sidewalk. The requirements and guidelines of Development Permit Area No. 1 apply.

The applicant has revised the design by enhancing the impact of the two storey lobby, multi-purpose room and amenity space on the pedestrian realm. Nonetheless, the proposed building does not comply with this policy as the lowest components of the building's residential floors rise to 5 and 6 storeys abutting Constance Avenue and to 7 and 12 storeys adjacent to Admirals Road. While the design includes a modest step back above the lobby experienced from the south end of the Admirals Road public realm, there is no step back in the building on the north end of the Admirals Road where a shallow setback exists at 3.1 metres and on Constance Avenue where the setback is at 0.8 metres. As noted above, to address this, the applicant has proposed to contribute accessible housing units and amenities for the benefit of the community in accordance with policy 2.2.4.1.

Section 3.3.1(a) Affordable Housing Objectives states that the Township should encourage a range of housing by type, tenure, and price to ensure that people of all ages, household types, abilities and incomes have a diversity of housing choice in Esquimalt.

Section 3.6 addresses Smart Design and Construction Policies to increase a building's sustainability, water and energy efficiency, conservation of materials and resources and indoor environmental quality.

The proposed building uses mass timber construction, which has a reduced carbon footprint compared to that of steel, and is going to be built to Passive House standards, which significantly reduces the amount of energy needed for space heating and cooling.

Section 6.1.1(a) states that Parks, Trails and Recreation Objectives is to maintain a linked series of parks, open spaces and facilities that provide residents and visitors to Esquimalt with a range of opportunities for active and passive recreation.

The applicant is proposing to design, construct, and provide a public access park on Land that is owned by Department of National Defence, with public access to be secured through a Statutory Right of Way in favour of the Township. This would require the Township's legal counsel to negotiate an appropriate document with DND's legal counsel, and would likely involve considerations of who accepts responsibility for liability associated with public access. Staff is not prepared to recommend that the Township accept liability for public use of the area, as the responsibility for maintenance would be either with the DND or the future Strata Corporation of the proposed development. Additional agreements (e.g. Easements between the Developer and DND) may be required.

Section 9.3 Development Permit Area No. 1 - Multi-Unit Residential [Appendix B] contains Development Permit Guidelines for land designated Multi-Unit Residential. As the Development Permit is not being considered at this time it would be inappropriate to address many of these guidelines with the following exceptions that are relevant to the discussion of zoning issues:

Section 9.3.5(b) states, in part, that new buildings should be designed and sited to minimize visual intrusion onto the privacy of surrounding homes and minimize the casting of shadows onto the private outdoor space of adjacent residential units.

The proposed building is designed to be 36 metres in height; therefore, it is expected to cast shadows on properties to the east and west. As the land to the north and west of the parcel is regulated by the Department of National Defence, shadowing of the roadway and parking lots is of lesser concern. Shadow analysis provided by the applicant [Appendix C] reveals that in the afternoon in spring, summer and fall, shadows would impact parcels located to the east, immediately across Admirals Road.

Residential units in this proposal are sited in particularly close proximity to all the lot lines. Fortunately, there is little impact from overlook to the west and the north as these are dominantly unpopulated lands. There will be a substantial overlook to the south and east but that is unavoidable given the proposed height of the building.

Section 9.3.5(c) states that high density multi-unit residential buildings should be designed so that the upper storeys are stepped back from the building footprint with lower building heights along the street. Staff's opinion is that, while the applicant has enhanced the lobby space adjacent to Admirals Road, this proposal is not consistent with this design guideline. This would not be determinative for the rezoning, but will likely need to be addressed further at the development permit stage.

Zoning

Density, Lot Coverage, Setbacks, Height and Parking:

The following chart details the setbacks, lot coverage, floor area ratio and parking of this proposal. Zoning Bylaw, 1992, No. 2050 does not currently contain a zone that can accommodate this proposed development.

| | Proposed CD-107 Zone |
|--------------------|---|
| Minimum Unit Size | 35 m ² to 90 m ² |
| Floor Area Ratio | 3.0 |
| Lot Coverage | 87% / 55% above 2 nd storey |
| Setbacks: | |
| Front | 0.8 metres (Constance Avenue) |
| Rear | 3.1 metres (Admirals Road) |
| Side | 2.7 metres / 1.5 metres |
| Height | 36.0 metres (12 storeys) |
| Off Street Parking | 1.0 space/unit (including variances to manoeuvring aisles and stall dimensions) |

Floor Area Ratio: The Floor Area Ratio of this proposal is 3.0, which corresponds to the maximum acceptable amount of 3.0 for lands designated Multi-Unit, High-Rise Residential in the Official Community Plan.

Lot Coverage: The lot coverage 55% for the proposed building; however, this does not include the underground parking structure which raises the functional lot coverage to 87%. Staff notes that the combination of the proposed underground parking structure and the proposed building results in limited opportunities for the planting of significant trees in native soil on the site as part of the landscape plans.

Height: The applicant is proposing a building that measures 36.0 metres and 12 storeys in height from the average grade, which corresponds to the acceptable 12 storeys for lands designated Multi-Unit, High-Rise Residential in the Official Community Plan.

Setbacks: This design, proposing a building forming the shape of the letter 'U' surrounding a central courtyard, loads the building mass toward the edges of the property. The result is a building with a minimum setback of 3.1m at the closest point to Admirals Road, 1.5m to the northern side lot line, 0.8m at the closest point to Constance Ave and 2.7m to the southern side lot line. The applicant is

seeking a custom zone to accommodate this proposal; however, staff has concerns with the shallow setbacks as it relates to the parcels to the south of the site and to the public realm of both Constance Avenue and Admirals Road.

The applicant has amended the design in an attempt to mitigate the proximity of the proposed building abutting Admirals Road, with particular attention to the northeast corner of the site. In the opinion of the staff, while these changes positively impact the design, there have been no substantive changes made to building setbacks, with the exception of the recessed lobby and amenity room at the Admirals Road street level.

Parking: Parking Bylaw, 1992, No. 2011 requires 1.3 parking spaces per unit be provided in multiple family developments, with not less than 1 in 4 spaces dedicated to Visitor Parking. Parking areas (i.e. parking lots and underground parking garages) are required to be constructed to meet the standards for manoeuvring aisle dimensions and associated parking stall dimensions detailed in Part 14, Table 2, of the Bylaw.

This development proposal incorporates 83 residential parking spaces within an underground parking structure including 8 visitor spaces and proposes a number of relaxations to Parking Bylaw requirements to achieve this number of spaces on three levels of underground parking. The applicant has provided a parking study, prepared by Bunt Engineering and stamped "Received January 31, 2018", detailing the effectiveness of this parking strategy including diagrams detailing the functionality of the proposed design based on the City of Vancouver parking standards. The applicant also proposes to voluntarily improve the southern portion of the west side of Constance Avenue to include clearly visible on-street parking adjacent to the development.

The following relaxations to Parking Bylaw No. 2011 are proposed:

- Reduction of the number of required parking spaces from 1.3 spaces/unit to 1.0 spaces/unit [i.e. from 108 spaces to 83 spaces]
- Reduction of the number of required Visitor parking spaces from 1 in 4 spaces to 1 in 11 spaces [i.e. from 27 spaces to 8 spaces]
- Increase of the number of permitted Small Car parking spaces from 50% to 59% [i.e. from 42 spaces to 49 spaces]
- Reduction of the width of a two way manoeuvring aisle accessing two banks of parking from 7.6 metres to 6.6 metres
- Reduction of the width of a two way manoeuvring aisle accessing one bank of parking from 6.75 metres to 6.0 metres
- Reduction of the width of a 90 degree regular parking stall from 2.6 metres to 2.5 metres
- Reduction of the width of a 90 degree small car parking stall from 2.6 metres to 2.3 metres
- Reduction of the width of a parking stall located parallel to the manoeuvring aisle from 6.7 metres to 6.4 metres
- Reduction of the requirement where any parking space abuts any portion of a fence or structure, the minimum stall width shall be increased by 0.3 metres from 0.3 metres to 0.0 metres.

Development Services and Engineering Services staff have reviewed the proposed design and confirm that it appears functional for small cars, mid-sized Sport Utility Vehicles and minivans. It is

the opinion of staff that the proposed parking stall design could not functionally accommodate larger vehicles, such as full sized trucks and full sized SUVs. In addition, the proposed widths of parking spots abutting walls could not accommodate larger doored vehicles [two door sedans and sports cars] to open their doors sufficiently for occupants to exit the vehicle when parked.

Comments from Other Departments

Community Safety Services:

Building to be constructed to the requirements of BC Building Code 2012 and Municipal Building Code Bylaw, 2002, No. 2538. A safety plan for construction of the building will be required should this rezoning application be approved.

After discussion with Township management and knowledgeable third parties, it has been determined that the applicant would be required to secure site specific building code regulations for this proposal to be constructed.

Engineering Services:

Engineering staff has completed a preliminary evaluation of Works and Services that would be required for the 83 unit multiple family residential building proposed to be located at 669 Constance Avenue. Staff confirms that the design appears achievable on the site and that appropriate works and services are available in the immediate area. If approved, the development must be serviced with bylaw requirements including, but not limited to, new sewer and drain connections, underground hydro, telephone and cable services, and new road works up to the centre line of both Constance Avenue and Admirals Road.

Staff recommends the provision of a traffic study to evaluate the function and potential issues associated with the proposed drop off area on the Admirals Road frontage. Staff also recommends that the applicant complete a sewer capacity study to determine whether the existing sewer network can handle the increased sewer flow generated by the proposed development.

Should the application be approved, additional comments will be provided when detailed engineering drawings are submitted as part of a Building Permit application.

Fire Services:

Fire Services staff has completed a preliminary review of the proposal and recommends that the applicant provide a comprehensive Building Code and Fire Code review report. Staff wants to ensure adequate access to the building in the event of an emergency by necessitating unimpeded aerial access to the north, west, and east faces of the building. Accordingly, Fire Services staff recommends to Council that approval of this development be subject to the developer agreeing to redirect overhead hydro lines abutting the site, as well as those immediately to the north of the subject properties, underground to avoid conflicts. Additionally, given the size of the building, Fire Services staff recommends that approval of this project also be conditional upon the provision of public realm fire hydrants on both the Constance Avenue and Admirals Road frontages to ensure access to adequate water supply in the event of a fire. Development Services staff have addressed these issues with the applicant, who has voluntarily offered to include these provisions in a Section 219 covenant registered on the property title in support of adoption of the proposed rezoning.

Parks Services:

Should the application for rezoning be approved, a tree survey of the trees proposed for retention on the site will be required as part of the consideration of the Development Permit. If all trees on the site are to be removed to accommodate the development, tree removal permits shall be required for their removal and either appropriate funds or installation of not less than five appropriately sized replacement trees.

Comments from the Design Review Committee [DRC]

This application was originally considered at the regular meeting of DRC held on November 8, 2017. Members' comments were mixed, with some members indicating support for the passive house certification and innovative approach to building design while others stated concerns regarding the reduced setbacks, overall mass, height and lot coverage of the building. A member stated that the building fails to respect the scale of the built environment in the local area; however, members also noted that the OCP designates this area for significant densification.

The DRC recommended to Council that the application be amended and presented again to the Design Review Committee with a focus on addressing the following:

1. Consider increasing setbacks;
2. Consider reducing lot coverage;
3. Consider reducing the proximity to adjacent neighbouring properties; and
4. Consider reducing the proximity to the public realm.

The reason: The proposal as presented raises a number of concerns as identified in the motion.

Comments from the Advisory Planning Commission [APC]

This application was considered at the regular meeting of APC held on November 28, 2017. Members' comments were generally positive, noting that this proposal would be a great improvement at the north end of Constance Avenue. Members expressed concerns with the relationship between the proposed building and Admirals Road stating that it is a tall mass very close to Admirals Road. Other members elaborated on this theme stating the face of the building looks monolithic and imposing. They would like to see a revamped design of the façade to make the building look less institutional. Members questioned staff regarding the Township's ability to ensure Passive House Certification. Staff assured that tools are available to achieve this requirement. Members requested clarification on how the building would be approved from a building code perspective. They were advised that either an "alternative solutions" approach or a site specific Building Code requirement approach could be applied.

The APC recommended to Council that the application **be forwarded to Council with a recommendation for approval** as the proposed number of parking spaces are reasonable and the setback relaxations are reasonable given the irregular shape of the parcel and the context of the location.

Applicant's Response to DRC and APC :

In response to the recommendations and comments received from both the DRC and APC, the applicant's design team revised the project plans in an effort to address the identified concerns. An

amended set of architectural plans, stamped “Received December 7, 2017”, was presented to staff with the applicant requesting the amendments be forwarded to the DRC for reconsideration. Specific changes identified by the applicant include the following:

- Breaking down the building mass into more legible 'mini-towers'
- Breaking down the 'mini-towers' into scales of 2-3 floors with recessed floors in between
- Squaring off the eastern most mini tower to create a negative corner on the Admirals façade in an attempt to mitigate the impact of the front façade
- Setting back the lobby at the northeast corner to relieve pressure on the sidewalk
- Add a grove of trees at the northeast corner
- Terracing the southeast mini tower towards Admirals in order to create a greater setback
- Update to the walkways
- Amended lobby design resulting in a substantially increased setback from Admirals Road at grade
- Amended massing of the building towards Admirals Road

Comments from the Design Review Committee [Second Review]

The application was reconsidered at the regular meeting of DRC held on December 13, 2017. Members' comments included the following:

- The changes improved the project significantly.
- Concerns that the design does not comply with the Official Community Plan policy stating that buildings with shallow setbacks must step down to no more than three storeys at street level in order to provide an appropriate human scale along the sidewalk
- Concerns about the fit of the development for the current community in that the proposal is not responding to the character of the existing neighbourhood
- Concerns were raised regarding the building wall on Admirals Road as the building appears turns its back on the community
- Suggestion that the building be reoriented to face the other way to embrace the community. If the building was reoriented, it would change the height profile by having the highest component at the low end of the slope and the shorter component at the high end of the slope
- Endorsement of the current design as appropriate as the building was designed as a gateway element
- Concern the building seems adult oriented as there is nothing there for small children
- Concerns regarding the size of the parking spaces and their functionality
- Statement that 'Market affordability' is an oxymoron, as there is no such thing as market affordable housing; rather, this is market housing for Esquimalt. *The applicant clarified that they are targeting people who earn \$68,000.00 to \$72,000.00 per year.*
- Concerns expressed with the south elevation, particularly the large staircase and the exposed walkways including a statement that this 12 storey building will look extremely hard and uncomfortable in terms of its fit and design aesthetics
- Questioned the feasibility of the project as a 6 storey building instead of the proposed 12 storey building

The DRC forwarded the application to Council **for consideration with the understanding that the Design Review Committee wants to bring to Council's attention that the project does not**

comply with the Official Community Plan step back guidelines.

The Reason: The design as presented has a street wall on Admirals Road that is too high.

ISSUES:

1. Rationale for Selected Option

The proposed height and density of the 12 storey, 83 unit, multiple family development is consistent with the current Official Community Plan land use designation. However, as the proposed development exceeds the 3 storey height required at the street level in shallow setback situations, the applicant has proposed to contribute accessible housing units and amenities for the benefit of the community in accordance with the Official Community Plan. In addition, the proposed development is consistent with numerous Official Community Plan policies that support this site as Multi-Unit, High-Rise Residential. The site is located on a major road and transit route, in close proximity to Esquimalt Village commercial services, and the Canadian Forces Base Esquimalt, a major employer in the Capital region. Thus, this represents a desirable site for densification. The site is also significant in that it is the northernmost privately held set of parcels on the west side of Admirals, representing a gateway location experienced by southbound traffic after the Colville Road intersection.

The Advisory Planning Commission recommended approval of the application noting acceptance of the reduction to the number of parking spaces and the setbacks as presented. The applicant has responded to some of the concerns identified by staff and the Design Review Committee with revisions to the designs thereby improving the proposal. Notwithstanding, the Design Review Committee, having reviewed the proposal twice, remained non-committal citing concerns with the context of the building's relationship to Admirals Road and raising questions regarding the functionality of the proposed parking.

2. Organizational Implications

This Request for Decision has no organizational implications.

3. Financial Implications

This Request for Decision has no financial implications.

4. Sustainability & Environmental Implications

The applicant has completed the Esquimalt Green Building Checklist, detailing green features that will be considered for inclusion in the development should it be approved [Appendix D]. Of particular note is the applicant's commitment to construct the building to meet Passive House certification.

5. Communication & Engagement

As this is a rezoning application, notices have been mailed to tenants and owners of properties located within 100 metres (328 feet) of the subject property. Notice of the Public Hearing has been placed in two editions of the Victoria News. Furthermore, three signs indicating that the property is under consideration for a change in zoning has been in place of the Admirals Road frontage and Constance Avenue frontage since December 2017. These signs have been updated to show the date, time, and location of the Public Hearing.

To date, Development Services have received 12 letters in support of the proposed development [Appendix L].

As required by the Township's Development Application Procedures and Fees Bylaw, 2012, No. 2791, the applicant delivered notices to properties within 100 metres of the subject property soliciting comments and inviting residents to attend a public open house. This meeting was held from 4pm to 8pm at the Legion in Esquimalt, 622 Admirals Road. Staff confirms that the applicant has provided the required submissions indicating that 11 people attended the meeting [Appendix J]. Also included are two letters from residents that oppose the proposed development.

ALTERNATIVES:

1. Council upon considering comments made at the Public Hearing, resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2915 be considered for **third reading**, and staff be directed to coordinate with the property owner to ensure registration of the S.219 covenant on the title of the subject property prior to returning Amendment Bylaw No. 2915 to Council for consideration of adoption.
2. Council postpone consideration of Amendment Bylaw No. 2915 pending receipt of additional information. [Receipt of new information from the applicant or the public would require a new Public Hearing]
3. Council **defeats** Amendment Bylaw No. 2915.