



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall  
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Esquimalt, B.C. V9A 3P1

## Legislation Details (With Text)

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**Title:** Rezoning Application - 874 Fleming Street, Staff Report No. DEV-21-028

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Appendix A - Bylaw No. 2988 - Zoning Bylaw Amendment - 874 Fleming Street - CD130, 2. Appendix B - S.219 Registered Covenant [CA8854294 and CA8854295], 3. Appendix C - Architectural Drawings, Landscape Plan, and Surveyor's Site Plan

Date	Ver.	Action By	Action	Result
4/26/2021	1	Council	approved	Pass

## REQUEST FOR DECISION

**DATE:** April 20, 2021

Report No. DEV-21-028

**TO:** Laurie Hurst, Chief Administrative Officer

**FROM:** Trevor Parkes, Senior Planner and Bill Brown, Director of Development Services

**SUBJECT:**

Rezoning Application - 874 Fleming Street

**RECOMMENDATION:**

That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2988, attached as Appendix A to Staff Report DEV-21-028, which would amend Zoning Bylaw, 1992, No. 2050, by changing the zoning designation of 874 Fleming Street [PID 002-900-246, Lot B, Section 10, Esquimalt District, Plan 25267], shown cross-hatched on Schedule 'A' of Bylaw No. 2988, from Multiple Family Residential [RM-4] to Comprehensive Development District No. 130 [CD. No. 130], be considered for adoption.

**RELEVANT POLICY:**

Declaration of a Climate Emergency

*Local Government Act*

Official Community Plan Bylaw, 2018, No. 2922

Zoning Bylaw, 1992, No. 2050

Parking Bylaw, 1992, No. 2011

Development Application Procedures and Fees Bylaw, No. 2791, 2012

Advisory Planning Commission Bylaw, 2012, No. 2792

Subdivision and Development Control Bylaw, 1997, No. 2175

## **STRATEGIC RELEVANCE:**

Healthy, Livable and Diverse Community: Support community growth, housing and development consistent with our Official Community Plan (OCP).

## **BACKGROUND:**

### **Appendices**

Appendix A: Zoning Bylaw 1992, No. 2050, Amendment Bylaw No. 2988 [CD-130]

Appendix B: Section 219 Covenant - Registered at LTSA

Appendix C: Architectural Plans, Landscape Plan and BCLS Site Plan

## **Purpose of the Application**

The applicant, Greater Victoria Housing Society (GVHS), is requesting a change in zoning from the current zone of Multiple Family Residential [RM-4], to create a new Comprehensive Development District [CD-130]. This change is required to accommodate the proposed 6-storey, 137-unit, affordable rental, multiple family residential building including a 60 space underground parking garage and 7 surface parking stalls.

## **Timeline**

June 17, 2019 - Application received

August 20, 2019 - Application reviewed by the Advisory Planning Committee

September 11, 2019 - Application reviewed by the Design Review Committee

October 30, 2019 - Revised drawings received

February 11, 2020 - Revised drawings received

February 24, 2020 - Zoning Amendment Bylaw No. 2988 - read 1<sup>st</sup> and 2<sup>nd</sup> time

June 1, 2020 - Council Considered Request to Waive the Public Hearing - Staff directed to schedule the Public Hearing

June 19, 2020 - Revised drawings received

November 2, 2020 - Housing Agreement (874 Fleming Street) Bylaw, 2020, No. 2993 read 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> time

November 23, 2020 Public Hearing Notices mailed out and signage on site updated.

November 26<sup>th</sup> and December 3<sup>rd</sup> 2020 Advertisements run in Victoria News.

December 7, 2020 - Zoning Amendment Bylaw No. 2988 - Public Hearing and consideration of 3<sup>rd</sup> reading.

March 30, 2021 - Staff received confirmation of registration of the Section 219 Covenant addressing issues considered at the Public Hearing.

April 26, 2021 - Council considers adoption of Zoning Amendment Bylaw No. 2988.

## **ISSUES:**

### 1. Rationale for Selected Option

The form of this proposal complies with the 'Medium Density' 'Proposed Land Use Designation' (OCP Schedule B) and is consistent with the policy direction contained within the OCP for medium density residential development except for requiring bonus density. The applicant has addressed the requested density bonus by committing to providing both affordable and special needs housing consistent with the direction contained in the OCP.

The property owner has voluntarily executed and registered a Section 219 covenant on the property, acknowledging that the amenities and the restrictions are in the public interest; and thereby providing that 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:

- Constructing the building to Step 3 of the BC Energy Step Code.
- Ensuring tree protection for the significant arbutus tree located on the southeast portion of the site.
- Providing amenity spaces as detailed on Sheet D05 of the architectural plans attached as Appendix C to Staff Report DEV-20-083.
- Providing Level 1 Electric Car Charging Stations for not less than 7 parking spaces.
- Providing electrical conduit to the remaining 60 parking spaces to support future Level 1 electric vehicle charging upgrades.
- Providing sufficient power and electrical panel infrastructure to support future electrical vehicle charging upgrades to supply Level 1 charging to the remaining 60 parking spaces.
- Providing electric mobility scooter parking, including charging infrastructure, for not less than 14 mobility scooters.
- Providing electric bicycle parking, including charging infrastructure for not less than 50% of bicycle lock ups.
- Securing 13 Visitor Parking spaces in perpetuity.
- Securing 1 Loading Space in perpetuity.
- Prohibition on the use of natural gas as an energy source for the space heating needs of the building.

On December 7, 2020 reference was made to the inclusion of the following term in the Section 219 Covenant:

- Prohibiting stratification and sale of the units within the building to any person or organization except BC Housing.

Staff note that the registered covenant does not include this clause. Staff understands that, should the need arise, GVHS requires the flexibility to stratify for the purpose of divesting units to BC Housing as part of their funding model. Given that the Greater Victoria Housing Society is an established provider of affordable housing and given that the Housing Agreement requires that all units be affordable rental and may only be occupied by non-owners and given the additional contractual obligations GVHS has to BC Housing, staff agreed that, in this case, this clause was overly restrictive and the risk of not including this clause was already sufficiently managed.

## 2. Organizational Implications

This Request for Decision has no significant organizational implications.

## 3. Financial Implications

This Request for Decision has no significant financial implications.

## 4. Sustainability & Environmental Implications

Increasing residential density in existing neighbourhoods is believed to make a community more sustainable.

5. Communication & Engagement

Public Notification:

The Public Hearing occurred on December 7, 2020, as scheduled, following appropriate notification, including mailing of notices, advertising in two consecutive editions of the Victoria News, and updating of signage on the property. Consistent with the requirements of the Local Government Act, Council has been provided with no further communications from the public for this application since the public hearing.

Applicant's Public Consultation:

The applicant held a Community Open House and met with neighbours on May 29, 2019 to comply with the public consultation procedures of Development Application Procedures and Fees Bylaw, 2012, No. 2791.

**ALTERNATIVES:**

1. That Council adopt Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2988.
2. That Council defeat Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2988.