



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Details (With Text)

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**Title:** Development Permit Application - 638 Constance Avenue, Staff Report DEV-19-092

**Sponsors:**

**Indexes:**

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**Attachments:** 1. Appendix A - DP000122, 2. Appendix B - Subject Property Map, Aerial Map, CD No. 110 Zone, 3. Appendix C - Architectural Drawings, Landscape Plan, and Surveyor's Site Plan, 4. Appendix D - Green Building Checklist, 5. Appendix E - Applicant's Comments for Development Permit Area Guidelines, 6. Appendix F - OCP Development Permit Area Guidelines

Date	Ver.	Action By	Action	Result
10/7/2019	1	Council	approved	Pass

## REQUEST FOR DECISION

**DATE:** October 1, 2019

Report No. DEV-19-092

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

**FROM:** Alex Tang, Planner and Bill Brown, Director of Development Services

**SUBJECT:**

Development Permit Application - 638 Constance Avenue

**RECOMMENDATION:**

That Council resolves that Development Permit No. DP000122, attached as Appendix A to Staff Report DEV-19-092, consistent with the architectural plans provided by Praxis Architects, Inc., stamped "Received September 30, 2019", the landscape plan by Lombard North Group Inc., stamped "Received September 30, 2019", and sited in accordance with the BCLS Site Plan provided by J.E. Anderson and Associates Surveyors Engineers, stamped "Received June 21, 2019", be approved, and staff be directed to issue the Permit (subject to receipt of the required landscape security) and register the notice on the titles of the property located at 638 Constance Avenue [PID 030-878-420, Lot 1, Suburban Lot 44, Esquimalt District, Plan EPP93555].

**RELEVANT POLICY:**

Declaration of Climate Emergency  
 Official Community Plan Bylaw, 2018, No. 2922  
 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  
Local Government Act

**STRATEGIC RELEVANCE:**

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

**BACKGROUND:**

- Appendix A: DP000122
- Appendix B: Subject Property Map, Aerial Map, CD No. 110 Zone
- Appendix C: Architectural Drawings, Landscape Plan, and Surveyor’s Site Plan
- Appendix D: Green Building Checklist
- Appendix E: Applicant’s Comments for Development Permit Area Guidelines
- Appendix F: Official Community Plan Development Permit Area Guidelines

**Purpose of the Application**

The applicant is proposing to build a 71 unit multiple family residential building. Comprehensive Development District No. 110 of Esquimalt Zoning Bylaw 1992, No. 2050 has been written to regulate this development.

This site is located within Development Permit Area No. 1 - Natural Environment, Development Permit Area No. 6 - Multi-Family Residential, Development Permit Area No. 7 - Energy Conservation and Greenhouse Gas Reduction, and Development Permit Area No. 8 - Water Conservation. A Development Permit is required to ensure the application is consistent with the Development Permit Area guidelines contained within the Official Community Plan Bylaw, 2018, No. 2922. The development permit is required prior to a building permit being issued for the construction of a structure.

Evaluation of this application should focus on issues respecting the form and character of the development, including landscaping, exterior design and finish of the buildings and other structures in relation to the relevant design guidelines. In addition, evaluation should focus on natural environment protection, energy conservation, greenhouse gas reduction, and water conservation in relation to the relevant development permit area guidelines.

**Context**

Applicant/Architect:	Praxis Architects Inc. [Heather Spinney]
Owner:	Constance Apartments Inc., Inc. No. BC1128254
Property Size:	Metric: 2840 m <sup>2</sup> Imperial: 30570 ft <sup>2</sup>
Existing Land Use:	Single Family Residential
Surrounding Land Uses:	
North:	Department of National Defence Lands
South:	Single Family Residential
West:	Multiple Family Residential [4 storeys]/ Single Family Residential
East:	Multiple Family Residential [4 storeys]
OCP Proposed Land Use Designation:	High Density Residential [No change required]
Zoning:	CD No. 110 [Comprehensive Development District]

## Zoning

The following chart details the floor area ratios, lot coverage, setbacks, height, parking requirements, and usable open space of the CD No. 100 zone.

	<b>CD No.110 Zone</b>
<b>Units</b>	71
<b>Floor Area Ratio</b>	1.6
<b>Lot Coverage</b>	81% / 40% above the parking level
<b>Setbacks</b>	
• <b>Front</b>	5.8 m
• <b>Rear</b>	6.4 m
• <b>Interior Side [North]</b>	5.0 m
• <b>Interior Side [South]</b>	7.0 m
<b>Building Height</b>	21 m
<b>Off Street Parking</b>	61
<b>Usable Open Space</b>	850 m <sup>2</sup> [30.0%]

## Official Community Plan

This site is located within Development Permit Area No. 1 - Natural Environment, Development Permit Area No. 6 - Multi-Family Residential, Development Permit Area No. 7 - Energy Conservation and Greenhouse Gas Reduction, and Development Permit Area No. 8 - Water Conservation. The guidelines of these Development Permit Areas are contained within the Esquimalt Official Community Plan Bylaw, 2018, No.2922.

As Council is required to consider all of the Official Community Plan guidelines from these Development Permit Areas in evaluating this application, the applicant has submitted a document addressing these guidelines [Appendix E].

**Development Permit Area No.1** is designated for the purpose of establishing objectives for the protection of the natural environment, its ecosystems and biological diversity.

### OCP Section 18.5.2 Natural Features

As noted by the applicant, most of the guidelines in this section are not applicable due to the underground parking structure. The applicant notes that the topsoil will be stripped and stored for reuse.

### OCP Section 18.5.3 Biodiversity

The applicant has included landscaping consistent with these guidelines, noting that native shrubs and groundcovers will be emphasized.

### OCP Section 18.5.4 Natural Environment

The applicant has utilized an extensive variety of shrubs and trees to create a noise barrier. The applicant has also ensured that light pollution is minimized with their selection and installation of light

fixtures.

#### OCP Section 18.5.5 Drainage and Erosion

The applicant states that most of the lot is porous in order to facilitate stormwater infiltration while the remaining lot area is predominantly covered by vegetated areas.

#### OCP Section 18.5.7 Native Bird Biodiversity

Habitat features such as mature trees, shrub clusters, and shrubs will be included. There is a significant front yard habitat to reduce conflicts between birds and vehicles.

**Development Permit Area No.6** is designated for the purpose of establishing objectives for the form and character of multi-family residential development.

#### OCP Section 23.5 Multi-Family Residential Guidelines

The applicant describes how the proposed development has been sited closer to the northern property and away from the southern properties to reduce visual intrusion and the casting of shadows on the southern single family dwellings. Underground parking has been incorporated in this building and is consistent with the guidelines. All the units in the building have balconies or patios that are raised slightly from the street level in providing overlook of public streets and spaces. The main entrance to the building is also slightly raised from the street level to encourage community interaction.

**Development Permit Area No.7** is designated for the purposes of energy conservation and greenhouse gas reduction.

#### OCP Section 24.5.1 Siting of buildings and structures

The building is oriented for passive solar where possible and practical. The urban forest tree canopy cover will be increased. Significant space for landscaping has been provided including varying heights of trees, shrubs and ground covers. Furthermore, a row of street trees will be provided.

#### OCP Section 24.5.2 Form and exterior design of buildings and structures

The applicant states that they have designed and placed the roof, overhangs, and windows appropriately and consistent to the guidelines where applicable.

#### OCP Section 24.5.3 Landscaping

The applicant states that the front yard landscaping is extensive, with a variety of plant species featuring a grove of deciduous trees adjacent to Constance Avenue.

#### OCP Section 24.5.4 Machinery, equipment and systems external to buildings and other structures

The applicant states that they have designed a well insulated airtight building with very good energy performance. In addition, they will use efficient low-energy external lighting. Bicycle parking will be provided in the bicycle storage room in addition to a rack located by the entrance. Furthermore, 25% of the parking spaces will be equipped with level 2 electric vehicle charging stations.

#### OCP Section 24.5.5.Special Features

The applicant will choose high performing, durable materials and will consider the various guidelines as it pertains to the selection of materials during further detailed design.

**Development Permit Area No.8** is designated for the purpose of water conservation.

OCP Section 25.5.1. Building and Landscape Design

The applicant states that the site is predominantly covered with vegetated surfaces.

OCP Section 25.5.2. Landscaping - Select Plantings for Site and Local Conditions

The applicant states that the proposed development has given consideration into the selection and placement of plant species consistent with these guidelines, including the planting of native species.

OCP Section 25.5.3. Landscaping - Retaining Stormwater on Site

The applicant states that they are consistent with these guidelines except the avoidance of the disturbing, compacting and removal of natural soils due to the underground parking structure.

OCP Section 25.5.4. Landscaping - Water Features and Irrigation Systems

The applicant states that the proposed development has included automated high efficiency irrigation systems and plantings to Canadian landscape standards.

**Green Building Features**

The applicant has completed the Esquimalt green building checklist [Appendix D].

**Comments from Other Departments**

The plans for this proposal were circulated to other departments and the following comments were received:

**Community Safety Services:** Building to be constructed to requirements of BC building code and municipal bylaws. Applicant must address all issues contained within the Township development protocol should application be approved. Plans will be reviewed for compliance with BC building code upon submission of a building permit application.

**Engineering Services:** Engineering staff have completed a preliminary evaluation of works and services that are required for the 71 unit multiple family residential building. Staff confirm 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 power, telephone and cable services, and new road works up to the centre line of both Constance Avenue and Nelson Street.

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

**Parks Services:** Parks staff have completed a preliminary review of the proposed on-site and off-site landscaping and commented that the landscape plan looks appropriate. A survey of the trees proposed for retention on the site will be required as part of the consideration of the development permit. Moreover, tree protection fencing must be put up at the dripline of all trees to be retained.

**Fire Services:** Fire Services staff have completed a preliminary review of the proposal and recommend an upgrade of the water main along the full length of Constance Avenue. The applicant has entered into a section 219 covenant that will ensure that the upgrade is completed.

**Comments from the Design Review Committee [DRC]**

This development permit application was considered at the regular meeting of the DRC held on August 14, 2019. Members had concerns with accessibility, in particular to the outdoor open green space and the play area. Moreover, members had concerns with the western exit from the underground parkade. Members also wanted greater details of the exterior cladding and the roof material. The Committee also expressed concerns with the relationship between the ground plane and the 4-storey portion of the proposed building.

The DRC resolved that the application be forwarded to Council with the recommendation for approval based on the following conditions:

1. That additional details related to the exterior cladding be added to the application so the design intent is clear.
2. That material details related to the 4th and 6th storey roofs be added to the application to clarify the finish and be designed with the consideration of current and future overlook.
3. That details related to the exit structure from the parkade be added so the visual significance of access be minimized.
4. That accessibility details be added to the application so the intent is clear.
5. That the 4 storey portion of the building be examined to study the relationship of the ground plane with the building.
6. That the details regarding public boulevards and/or sidewalks be clarified.

In response to the comments at the DRC, the applicant has replaced the exit structure with stairwells into the parkade. In addition, the applicant has included greater details on the materials and accessibility features. A new accessible pathway has been detailed on the landscape plan.

## **ISSUES:**

### 1. Rationale for Selected Option

The proposed development conforms to the Zoning Bylaw and is generally consistent with the development permit area guidelines where applicable and feasible.

### 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 creates a more compact and sustainable community. Increased residential density also decreases the per capita costs of providing services such as public transit and utilities.

### 5. Communication & Engagement

As this is a Development Permit application requiring no variances, the Local Government Act does not require that notification be provided.

## **ALTERNATIVES:**

1. That Council resolves that Development Permit No. DP000122, attached as Appendix A to Staff Report DEV-19-092, consistent with the architectural plans provided by Praxis Architects, Inc.,

stamped "Received September 30, 2019", the landscape plan by Lombard North Group Inc., stamped "Received September 30, 2019", and sited in accordance with the BCLS Site Plan provided by J.E. Anderson and Associates Surveyors Engineers, stamped "Received June 21, 2019", be approved, and staff be directed to issue the Permit (subject to receipt of the required landscape security) and register the notice on the titles of the property located at 638 Constance Avenue.

2. That Council deny Development Permit No. DP000122 [Appendix A] with reasons provided.