



# 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:** Rezoning Application - 669 Constance Avenue, Staff Report DEV-18-055

**Sponsors:**

**Indexes:**

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**Attachments:** 1. Bylaw 2915 - 669 Constance Ave - CD107, 2. Section 219 Covenant

| Date      | Ver. | Action By | Action  | Result |
|-----------|------|-----------|---------|--------|
| 7/16/2018 | 1    | Council   | adopted | Pass   |

### REQUEST FOR DECISION

**DATE:** July 12, 2018      Report No. DEV-18-055

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

**FROM:** Lui Carvello, Consulting Registered Professional Planner

*(based on Staff Report DEV-18-034 prepared by Alex Tang, Planner)*

**SUBJECT:**  
Rezoning Application - 669 Constance Avenue

**RECOMMENDATION:**  
That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2915, attached to Staff Report DEV-18-055 as Appendix A, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 669 Constance Avenue [PID 030-431-026, Lot 1, Suburban Lots 43 and 44, Esquimalt District, Plan EPP76107], shown cross-hatched on Schedule 'A' of Amendment Bylaw No. 2915, from a mix of RM-1 [Multiple Family Residential] and RM-4 [Multiple Family Residential] Zone to CD No. 107 [Comprehensive Development District No. 107], **be considered for final adoption.**

**RELEVANT POLICY:**  
Zoning Bylaw, 1992, No. 2050  
Parking Bylaw, 1992, No. 2011

**STRATEGIC RELEVANCE:**  
Further to Staff Report DEV-18-034, 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: Section 219 Covenant CA6919940-41 (as registered)

### **Purpose of the Application**

*Further to Staff Report DEV-18-034*, 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 a glass enclosed 18 foot 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 consisting of 83 spaces.

Amendment Bylaw No. 2915 was read a first and second time on February 26<sup>th</sup>, 2018 with a Public Hearing and Third Reading held on April 23<sup>rd</sup>, 2018. The applicant was not able to secure the amenities offered prior to the first Public Hearing. The Third Reading was then rescinded and Amendment Bylaw No. 2915 was amended and read anew at second reading on June 11<sup>th</sup>, 2018, with second Public Hearing held June 25 and Third Reading thereafter.

The applicant had volunteered a Section 219 Covenant, and Council accepted it as a condition of rezoning. Registration against the title of 669 Constance Avenue [PID 030-431-026, Lot 1, Suburban Lots 43 and 44, Esquimalt District, Plan EPP76107] in favour of the Township of Esquimalt in priority to all financial encumbrances was a condition prior to returning Amendment Bylaw No. 2915 to Council for consideration of adoption. The S.219 Covenant received final registration on July 12, 2018.

The conditions at Third Reading were as follows:

- Pre-construction of 10 units with accessibility features as detailed in Schedule 'B' of the draft Section 219 Covenant, attached as Appendix L to Staff Report DEV-18-034. Such units are to be sold to individuals with special needs, as evidenced by the appropriate Federal or Provincial ministry or agency, within an initial 90 day listing period, as secured by a Housing Agreement *[See next agenda item.]*
- Provision of rentals to be allowed by the future strata corporation of the subject property, as secured by a Housing Agreement *[See next agenda item.]*
- 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 certification is not achieved
- Prior to construction with combustible materials, the burying of the hydro lines
  - a. directly in front of the proposed development on Admirals Road; and
  - b. on Constance Avenue from Astle Street to the north end of Constance Avenuewith the ability to consider alternative measures proposed by the owner, at their cost, in the Township's and the Fire Chief's sole discretion.
- Construction of a sidewalk on the eastern side of Constance Avenue from the subject property to Astle Street
- Construction of a sidewalk on the northern side of Astle Street from Admirals Road to Constance Avenue

- 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-18-034
- Removal and/or upgrade 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-18-034
- Eight visitor parking spaces will be provided and remain as illustrated in the parking plan, attached as Appendix C to Staff Report DEV-18-034
- Contribution of \$75,000 towards the Township's Public Art Reserve Fund
- Provision of one-year BC Transit bus passes for the Victoria Regional Transit System to all the residents
- The building to be constructed to include:
  - a. Six 3-bedroom dwelling units;
  - b. 43 2-bedroom dwelling units;
  - c. 27 1-bedroom dwelling units;
  - d. Seven studio dwelling units; and
  - e. a glass façade at street level that would allow views of the exterior courtyard from Admirals Road
- Provision of fire hydrants in front of the subject property on Constance Avenue and Admirals Road prior to construction

Council may wish to review the final registered Covenant CA6919940-41 to satisfy itself that these conditions have been adequately implemented.

## ISSUES:

### 1. Rationale for Selected Option

See previous Staff Report DEV-18-034.

The S.219 Covenant has now been registered and the associated Housing Agreement signed by owner and mortgage holder.

### 2. Organizational Implications

Further to Staff Report DEV-18-034, this Request for Decision has no organizational implications.

### 3. Financial Implications

Further to Staff Report DEV-18-034, the developer's proposal requires the Township to be financially accountable for the burial of the power lines on Admirals Road that are not in front of the subject property, unless an adequate alternative is achieved (which the Covenant addresses).

### 4. Sustainability & Environmental Implications

Further to Staff Report DEV-18-034, 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. Of particular note is the applicant's commitment to construct the building to meet Passive House certification

### 5. Communication & Engagement

In accordance with post-public hearing considerations, no further communications or engagement are brought to Council.

**ALTERNATIVES:**

1. Council upon considering comments made at the Public Hearings, resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2915 be considered for **final adoption**.
2. Council defeats Amendment Bylaw No. 2915.