



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Details (With Text)

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<b>Title:</b>	Council consideration of application to amend Official Community Plan and Zoning Bylaw to allow for development of 12-storey building, 899 Esquimalt Road and 896 Wollaston Street, Staff Report DEV-18-0				
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Date	Ver.	Action By	Action	Result
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## REQUEST FOR DECISION

**DATE:** July 11, 2018

Report No. DEV-18-053

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

**FROM:** Bill Brown, Director of Development Services

### SUBJECT:

Council consideration of application to amend Official Community Plan and Zoning Bylaw to allow development of 12-storey mixed-use building at 899 Esquimalt Road and 896 Wollaston Street

### RECOMMENDATION:

That Council consider an application to amend the Official Community Plan and the Zoning Bylaw in order to allow for the development of a 12-storey mixed-use building at 899 Esquimalt Road and 896 Wollaston Street [PID 030-151-562, Lot A, Section 11, Esquimalt District, Plan EPP69557] (Schedule A) and upon such consideration, instruct staff how Council wishes to proceed with the applications - namely to prepare the amending bylaws or close the file.

### RELEVANT POLICY:

Local Government Act

Official Community Plan Bylaw, 2018, No. 2922

Zoning Bylaw, 1992, No. 2050 as amended

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

### STRATEGIC RELEVANCE:

The proposed amendments to the Official Community Plan and Zoning Bylaw do not directly relate to any of Council's strategic priorities.

## **BACKGROUND:**

### **Purpose of the Application:**

The applicant is requesting a change in Official Community Plan Land Use Designation from the current "Neighbourhood Commercial Mixed-Use" designation on its northwestern half and "Townhouse Residential" designation on its southeastern half to entirely "Commercial Mixed-Use" and a change in zoning from the current mix of C-2 [Neighbourhood Commercial] and RD-1 [Two Family Residential] to a Comprehensive Development District Zone [CD]. This change is required to accommodate the proposed 12 storey, commercial and residential mixed-use building consisting of two street level retail commercial units, 57 residential units (3 studio units; 3 1-bedroom units; 10 1-bedroom plus den units; 28 2-bedroom units; 10 3-bedroom units; and 3 townhouse units), and a 94 stall parking garage.

This site is located within Development Permit Area No. 4 - "Commercial", and Development Permit Area No. 6 - "Multi-Family Residential". Should the rezoning application be approved, the applicant would need to obtain a Development Permit respecting the character of the development, including landscaping, form, exterior design and finish of the proposed 12 storey, mixed-use commercial and residential building, which would be considered by both the Design Review Committee and Council in the future. The site is also subject to Development Permit Areas: No. 1 "Natural Environment"; No. 7 "Energy Conservation and Greenhouse Gas Reduction"; and No. 8 "Water Conservation".

At this time, consideration of this application should focus on the proposed: land use, siting, height, mass, density, lot coverage, usable open space, parking, fit with the neighbourhood, and consistency with the overall direction contained within the Official Community Plan.

### **Context:**

Applicant: Bahaedin Naemi [Lexi Development Group, Inc.]

Owner: 1104488 B.C. LTD.

Property Size:      Metric: 1367 m<sup>2</sup>      Imperial: 14714 ft<sup>2</sup>

Existing Land Use: Vacant Commercial on the northern half and Single Family Residential on the southern half

#### **Surrounding Land Uses:**

North: Commercial  
South: Single Family Residential  
West: Commercial Mixed-Use  
East: Commercial and Two Family Residential

Existing OCP Designations: Neighbourhood Commercial Mixed-Use and Townhouse Residential

Proposed OCP Designation: Commercial Mixed-Use

Existing Zoning: C-2 [Neighbourhood Commercial] and RD-1 [Two Family Residential]

Proposed Zoning: CD [Comprehensive Development District]

### Zoning:

	<b>Proposed Comprehensive Development Zone</b> [Apartment with 30 Residential Units]	Zoning Bylaw 1992, No. 2050 does not currently contain a zone that can accommodate this commercial mixed-use development. Staff presents this summary table as the basis for the site specific zone written to accommodate this proposal should it be forwarded in the development review process.
<b>Floor Area Ratio</b>	3.47	
<b>Lot Coverage</b>	87%	
<b>Setbacks • Front • Rear • Interior Side [East] • Exterior Side [West]</b>	3.4 m 6.3 m 0 m 0 m	
<b>Building Height</b>	44 m [12 storeys]	
<b>Off Street Parking</b>	94 spaces	
<b>Bicycle Parking</b>	105	

As the Zoning Bylaw 1992, No. 2050 defines the First Storey as “the uppermost Storey having its floor level not more than 2 metres above grade”, the ‘P1’ level is considered the First Storey. Hence, this building consists of 12 storeys including the “P1” storey.

### Official Community Plan:

As the subject property is a consolidation of two lots, formerly 899 Esquimalt Road to the north and 896 Wollaston Street to the south. It consists of a split Land Use Designation of “Neighbourhood Commercial Mixed-Use” on the northern half of the lot and “Townhouse Residential” on the southern half of the lot. This proposed development requires an amendment to the Land Use Designations for both portions of the lot to “Commercial Mixed-Use”.

Specific planning policies for the intersection of Head Street and Esquimalt Road are addressed in Section 6.4.1 of the Official Community Plan which states:

**OBJECTIVE:** To create a vibrant commercial mixed-use node centred around the intersection of Esquimalt Road and Head Street.

Policy

Esquimalt's secondary commercial area is located along Esquimalt Road at Head Street.

Policy

Encourage redevelopment in the Head Street/Esquimalt Road Neighbourhood Commercial Mixed-use Area.

Policy

Redevelopment should occur at a neighbourhood scale.

In terms of High Density development, section 5.3 of the Official Community Plan contains the following objective and policies:

OBJECTIVE: Support compact, efficient medium density and high density residential development that integrates with existing and proposed adjacent uses.

Policy

Encourage new medium density and high density residential development with high quality design standards for building and landscaping and which enhance existing neighbourhoods.

Policy

Prioritize medium density and high density residential development in proposed land use designated areas that:

1. reduce single occupancy vehicle use;
2. support transit service;
3. are located within close proximity to employment centres; and
4. accommodate young families.

Policy

Consider new high density residential development proposals with a Floor Area Ratio of up to 3.0, and up to 12 storeys in height, in areas designated on the "Proposed Land Use Designation Map."

Policy

Consider, where appropriate, development proposals with densities greater than those set out in the OCP through density bonus of floor-space provided that the additional density results in the provision of community amenities deemed appropriate by Council for the benefit of the community.

Because the proposed Floor Area Ratio exceeds 3.0, the applicants have proposed a series of amenities including:

- Provision of 40 rental housing units at 20% below market rate at an off-site development in the Township of Esquimalt;
- Design, construction and provision of a kayak dock in the West Bay at a location to be agreed upon by the Township of Esquimalt;
- Provision of 5 free publicly available electric vehicle charging stations within the parking level of the proposed development;

- Built Green Canada Silver certification;
- Security for the financial amount needed to bury the hydro lines directly in front of the proposed development on Esquimalt Road; and
- Construction and provision of a new bus stop in front of the proposed development on Esquimalt Road.

In considering the application before it, Council must ensure that the proposed development is consistent with the Official Community Plan and the proposed amendments to the Official Community Plan.

### **Green Building Features:**

The applicant has completed the Esquimalt Green Building Checklist [Schedule B].

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

This application was considered at the regular meeting of the DRC held on April 11, 2018. The committee members commented that the height of the proposed development is not acceptable under the Commercial Mixed-Use Designation. They liked the aesthetics of the proposed building on all sides except for the eastern face. Moreover, they liked the green wall system but raised concerns regarding the maintenance costs for the strata corporation.

The DRC resolved unanimously that the application be forwarded to Council with a recommendation of approval subject to the following conditions:

- That the proposed building height conforms to the current Official Community Plan
- That the aesthetics of the east face of the building be enhanced to be as attractive as the north, south and west elevations
- The financial responsibility for the maintenance of the green wall needs to be detailed.

and for the following reasons:

- The overall design of the project generally met the intent of the OCP for that location
- The proposed design provided an attractive north elevation along Esquimalt Road.
- The proposed design was sensitive to the adjacent residential neighbourhood by stepping down on the south side.

In response to the recommendation, the applicant has amended to plans for the proposed development to address these issues. The proposed building height is reduced to 12 storeys while the east face has been finished with spandrel curtain wall panels. In addition, the green wall system is amended to be a low maintenance system to minimize the financial burden to the future strata corporation.

### **Comments from the Advisory Planning Commission [APC]**

The application was reviewed by the Advisory Planning Commission at their May 15, 2018 meeting. Their recommendation is as follows:

The application for an amendment to the Official Community Plan and rezoning, authorizing a

12 storey, commercial mixed-use building consisting 2 retail commercial space and 57 residential units, sited in accordance with the BCLS Site Plan provided by Wey Massenburg Land Surveying Inc., stamped "Received November 30, 2017", and incorporating height and massing consistent with the architectural plans prepared by Farzin Yadegari Architect Inc., stamped "Received May 10, 2018", detailing the development proposed to be located at 899 Esquimalt Road [PID 030-151-562, Lot A, Section 11, Esquimalt District, Plan EPP69557], be forwarded to Council with a recommendation by the Esquimalt Advisory Planning Commission to approve with the following conditions:

1. That easements be registered for future access to the adjacent east lot via the parking lots;
2. Provision of a comprehensive amenities package prior to Public Hearing; and
3. Reconsideration of the east façade with regards to setback, green wall and windows.

The Reason: While design consideration should be given to the development potential of the properties to the east, this proposal, in conjunction with an amenity package including approximately 40 affordable units, could revitalize a prominent corner in Esquimalt.

## Public Notification

As this is an Official Community Plan Amendment and Rezoning application, should it proceed to a Public Hearing, notice would be mailed to tenants and owners of properties within 100m (328ft) of the subject property. In order to satisfy the requirements of the Local Government Act, staff is also required to provide additional notice to relevant government and institutional stakeholders within the Capital Region. Four signs indicating that the property is under consideration for a change in Official Community Plan Land Use Designation and Zoning have been installed on the Esquimalt Road frontage, the Head Street frontage, and the Wollaston Street frontage. The signs would be updated to include the date, time, and location of the Public Hearing.

## ISSUES:

### 1. Rationale for Selected Option

Staff wish to have Council consider the application for amending the Official Community Plan and Zoning Bylaw and issues instructions with regard to how Council wishes to proceed prior to having staff spend time on drafting the necessary bylaws.

### 2. Organizational Implications

Getting a clear indication from Council about how they wish to proceed before staff starts to spend time on drafting the amending bylaws is a much more efficient use of staff time.

### 3. Financial Implications

There are no major financial implications with having Council consider the application before them.

### 4. Sustainability & Environmental Implications

The proposal before Council would result in a denser urban environment which is generally associated with reduced greenhouse gas emissions.

### 5. Communication & Engagement

As part of the Official Community Plan review there were many comments received from the public related to this proposal - both opposed and in support. If the application proceeds to the bylaw stage, there will be a requirement for a statutory public hearing.

**ALTERNATIVES:**

1. That Council consider an application to amend the Official Community Plan and the Zoning Bylaw in order to allow for the development of a 12-storey mixed-use building at 899 Esquimalt Road and 896 Wollaston Street [PID 030-151-562, Lot A, Section 11, Esquimalt District, Plan EPP69557] (Schedule A) and upon such consideration, instruct staff how Council wishes to proceed with the application - namely to prepare the amending bylaws or close the file.
2. Council request further information before deciding whether or not staff should proceed to draft the necessary amending bylaws in support of the application.