



# 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 - 838 and 842 Admirals Road, Staff Report DEV-18-077  
**Sponsors:**  
**Indexes:**  
**Code sections:**

**Attachments:** 1. Appendix A- Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2926, 2. Appendix B - Subject Property Map, Aerial Map, OCP Policies, 3. Appendix C - Architectural Drawings, Landscape Plan, and Surveyor's Site Plan, 4. Appendix D - Green Building Checklist, 5. Appendix E - Applicant's Letter, 6. Appendix F - Arborist Report, 7. Appendix G - Parking Study, 8. Appendix H - Developer's Public Consultation Summary, 9. Appendix I - Owner's Letter to Mayor and Council

Date	Ver.	Action By	Action	Result
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## REQUEST FOR DECISION

**DATE:** November 13, 2018

Report No. DEV-18-077

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

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

### **SUBJECT:**

Rezoning Application - 838 Admirals Road and 842 Admirals Road

### **RECOMMENDATION:**

1. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2926, attached to Staff Report DEV-18-077 as Appendix A, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 838 Admirals Road [PID 005-074-011, Lot 17, Block 7, Section 10, Esquimalt District, Plan 2546 Except that part in Plan VIP86845], shown cross hatched on Schedule 'A' of Bylaw No. 2926, from CD No. 75 [Comprehensive Development District No. 75] to CD No. 109 [Comprehensive Development District No. 109], and by changing the zoning designation of 842 Admirals Road [PID 006-324-118, Lot 16, Block 7, Section 10, Esquimalt District, Plan 2546], also shown cross hatched on Schedule 'A' of Amendment Bylaw No. 2926, from RD-3 [Single Family/Two Family Residential] to CD No. 109 [Comprehensive Development District No. 109]; 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-18-077, the applicant has voluntarily agreed to register a Section 219 Covenant on the title of 838 Admirals Road [PID 005-074-011, Lot 17, Block 7,

Section 10, Esquimalt District, Plan 2546 Except that part in Plan VIP86845] and 842 Admirals Road [PID 006-324-118, Lot 16, Block 7, Section 10, Esquimalt District, Plan 2546] 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:

- Lot consolidation of 838 Admirals Road [PID 005-074-011, Lot 17, Block 7, Section 10, Esquimalt District, Plan 2546 Except that part in Plan VIP86845] and 842 Admirals Road [PID 006-324-118, Lot 16, Block 7, Section 10, Esquimalt District, Plan 2546] prior to development as the proposed CD No.109 Zone does not work unless the parcels are consolidated
- The building to be constructed to include two 3-bedroom dwelling units
- Provision of one fire hydrant on the corner of Admirals Road and Naden Street
- Three visitor parking spaces will be provided and remain as illustrated in the parking plan, attached as Appendix C to Staff Report DEV-18-077
- 8 parking stalls to have Level 2 (240V, AC plug with a dedicated 40 amp circuit) electric vehicle charging stations installed
- Provision of one-year BC Transit bus passes for the Victoria Regional Transit System to all the residents
- That the parcel is not to be subdivided (to prevent stratification)

Council direct staff and legal counsel for the Township to coordinate with the property owner to ensure a Section 219 Covenant addressing the aforementioned issues is registered against the property title, in priority to all financial encumbrances, prior to returning Amendment Bylaw No. 2926 to Council for consideration of adoption.

#### **RELEVANT POLICY:**

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

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. 2926

Appendix B: Subject Property Map, Aerial Map, OCP Policies

Appendix C: Architectural Drawings, Landscape Plan, and Surveyor's Site Plan

Appendix D: Green Building Checklist

Appendix E: Applicant's Letter

Appendix F: Arborist Report

Appendix G: Parking Study

Appendix H: Developer's Public Consultation Summary

Appendix I: Owner's Letter to Mayor and Council

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

The applicant is requesting a change in zoning from the current mix of CD No. 75 [Comprehensive Development District No.75] and RD-3 [Single Family/Two Family Residential] zone to a Comprehensive Development District zone. This change is required to accommodate the proposed 4 storey, 28 unit, purpose-built rental, multiple family residential building including a 28 space parking garage.

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 - Natural Environment, No. 6 - Multi-Family Residential, No. 7 - Energy Conservation and Greenhouse Gas Reduction and No. 8 - Water Conservation of the Township's Official Community Plan. Should the rezoning be approved, the form and character of the buildings, landscaping, and consistency with guidelines relating to natural environment protection, energy conservation, greenhouse gas reduction, and water conservation would be controlled by a Development Permit that would be considered by Council at a future date.

### **Context**

Applicant: Praxis Architects Inc. [Heather Spinney]  
Owner: Admiral Apartments Ltd., Inc.No. BC1128252  
Property Size: Metric: 1416 m<sup>2</sup> Imperial: 15242 ft<sup>2</sup>  
Existing Land Use: Single Family Residential  
Surrounding Land Uses:  
North: Multiple Family Residential [3 storeys]  
South: DND Federal Land  
West: Multiple Family Residential [3 storeys]  
East: DND Federal Land  
Proposed OCP Designation: Neighbourhood Commercial Mixed-Use [No change required]  
Existing Zoning: CD No. 75 [Comprehensive Development District No.75] and  
RD-3 [Single Family/Two Family Residential]  
Proposed Zoning CD No. 109 [Comprehensive Development District No. 109]

### **Official Community Plan**

The overall height and density of this proposal is consistent with the current Land Use Designation of 'Neighbourhood Commercial Mixed-Use' as that Land Use Designation accepts buildings up to six storeys with a Floor Area Ratio of up to 2.0. The proposed development consists of four storeys with a Floor Area Ratio of 1.35.

OCP Section 3.3 Housing and Community identifies land in the vicinity of the intersection of Admirals Road and the E&N Rail line as an area for residential densification.

OCP Section 5.3 Medium and High Density Residential Development states an objective to support compact, efficient medium density and high density residential development that integrates with existing and proposed adjacent uses.

Supporting policies in this section consistent with the proposed development include:

- Encourage new medium density and high density residential development with high quality

- design standards for building and landscaping and which enhance existing neighbourhoods.
- 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.
- A mix of dwelling unit sizes should be provided in medium density and high density residential land use designated areas in order to meet the varying housing needs of Esquimalt residents.

Section 5.4 of the OCP states an objective to encourage a range of housing by type, tenure and price so that people of all ages, household types, abilities and incomes have a diversity of housing choice in Esquimalt. The proposed development is consistent with the following policy in this section:

- Encourage the placement of new rental, affordable, special needs, and seniors housing in accordance with designated residential land use areas as they are integral components of inclusive neighbourhoods.

The applicant has agreed to ensure that all the units in this building are used as long-term residential rentals as it is a purpose-built rental. This will be ensured through a Covenant registered on Title.

The proposed development is for an exclusively residential building and is thus consistent with the following policies:

- In areas designated as “Neighbourhood Commercial Mixed-Use” on the “Present and Proposed Land Use Designation Maps,” developments containing exclusively residential uses may be acceptable.
- In areas designated as “Neighbourhood Commercial Mixed-Use” on the “Present and Proposed Land Use Designation Maps,” a building height of up to six storeys and a Floor Area Ratio of up to 2.0 is acceptable when the use of the building is exclusively residential.

In response to the recommendation of adding the opportunity for ground floor commercial space, the following uses have been added to the list of permitted uses in the Comprehensive Development District No. 109:

- Business and Professional Office;
- Group Children’s Day Care Centre;
- Personal Service Establishment;
- Retail Store; and
- Restaurant.

Although the applicant is not currently proposing a commercial use in the building, adding these uses to the list of permitted uses will facilitate future adaptation of appropriate commercial uses into the building without a rezoning application.

This building will also be consistent with the following policy if commercial uses are incorporated:

- In areas designated Neighbourhood Commercial Mixed-Use on the “Present and Proposed Land Use Designation Maps” consider proposals with a height up to six storeys and a Floor Area Ratio of up to 1.5 for the residential portion.

Under Section 13.3.6 Passenger Vehicle Alternatives, the following policies are listed:

- Encourage the installation of electric vehicle charging infrastructure in all new multi-unit developments.
- Pursue the installation of electric vehicle charging capacity in new developments during the rezoning process.
- Encourage the inclusion of car share in new multi-unit residential developments.

The proposed development includes 8 parking stalls that have Level 2 (240V, AC plug with a dedicated 40 amp circuit) electric vehicle charging stations installed.

## **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 No. 109 Zone
Residential Units	28
Floor Area Ratio	1.35
Lot Coverage	80% / 46% above the parking level
Setbacks	
• Front	6.0 m
• Rear	7.5 m
• Exterior Side [East]	3.6 m
• Interior Side [West]	6.0 m
Building Height	15.4 m [4 storeys]
Off Street Parking	28 spaces
Usable Open Space	250 m <sup>2</sup> [17.7%]
Bicycle Parking	45 resident + 6 visitor

**Floor Area Ratio:** The Floor Area Ratio of this proposal is 1.35, which is less than the maximum acceptable amount of 2.0 for lands designated “Neighbourhood Commercial Mixed-Use” in the OCP when the building is exclusively residential.

**Lot Coverage:** The lot coverage measures 80% at the parking level and 46% above the parking 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 28 residential parking spaces within an underground parking structure including 3 visitor spaces and proposes a number of relaxations to Parking Bylaw requirements to achieve this number of spaces on one level of underground parking. The applicant has provided a parking study, prepared by Watt Consulting Group, detailing the effectiveness of this

parking strategy [Appendix G].

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 space/unit [i.e. from 37 spaces to 28 spaces]
- Reduction of the number of required Visitor parking spaces from 1 in 4 spaces to 1 in 10 spaces.

Due to site constraints, the proposed amendment Bylaw also includes the addition of a provision that would exempt the commercial portions of the building from requiring off-street parking. As there are no plans at this time to include a commercial use in the building, this provision would facilitate the future incorporation of appropriate commercial uses into the building without requiring a rezoning or parking variance.

### **Comments from Other Departments**

#### **Community Safety Services:**

Building to be constructed to the requirements of BC Building Code 2012 and Municipal Building Regulation Bylaw. Plans will be reviewed for compliance with BC Building Code upon submission of a Building Permit application.

#### **Engineering Services:**

Engineering staff has completed a preliminary evaluation of Works and Services that would be required for the 28 unit multiple family residential building proposed to be located at 838 and 842 Admirals Road. 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 power, telephone and cable services, and new road works up to the centre line of both Admirals Road and Naden 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 has completed a preliminary review of the proposed on-site and off-site landscaping and commented that the landscape plan looks appropriate. 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. Moreover, tree protection fencing must be put up at the dripline of all trees to be retained.

#### **Fire Services:**

Fire Services staff has completed a preliminary review of the proposed plans and recommended that a new fire hydrant be installed on the corner of Admirals Road and Naden Street that ties into a 350mm wDI Water Main. This installation would facilitate future developments into the area. Furthermore, sprinklers should be installed in the building.

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

This application was considered at the regular meeting of the DRC held on February 14, 2018. Members commented on the strong articulation of the building and the suitability of the accentuated corner. However, members questioned the limited size of the upper storey balconies. Members also

commented on the inhospitable exposed wall of the parking level on Admirals Road, the impractical location of the bike storage locker around back, and the loss of a significant Garry Oak.

The DRC resolved that the application be forwarded to Council with a recommendation of approval as the proposed development conforms to the requirements and is compatible with the neighbourhood.

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

This application was considered at the regular meeting of the APC held on February 20, 2018. Members' comments were generally positive, noting that the proposed development fits within the surrounding area and will be effective in addressing the housing shortage. Members were pleased to see purpose-built rental residential projects being proposed and expressed a desire for the installation of electric vehicle charging stations as well as a concern to improve the streetscape along the sidewalk on Admirals Road.

The APC resolved that the application be forwarded to Council with a recommendation of approval as this is an ideal location for increased density.

### **ISSUES:**

#### **1. Rationale for Selected Option**

This application is consistent with the Land Use Designation of the subject property and the policy direction contained within the Official Community Plan for Neighbourhood Commercial Mixed-Use developments. This proposed development is an appropriate location for increased density as it is along the main corridor of Admirals Road and the E&N Rail corridor. This proposed development is also in close proximity to the CFB Esquimalt, one of the major employers in the Township, in an effort to provide increased housing options. This proposed development will also increase the number of rental units to the Township's housing supply. Moreover, both the Design Review Committee and the Advisory Planning Commission recommended approval of this application.

#### **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].

#### **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 on the Admirals Road frontage and Naden Street frontage since February 2018 and were updated to show the date, time, and location of the Public Hearing.

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 5pm to 7pm, December 4, 2017 at the Royal Canadian Legion, Esquimalt Dockyard Branch on 622 Admirals Road. Staff confirms that the applicant has provided the required submissions indicating that 11 people attended the meeting [Appendix H]. As of the date of writing of this Report, staff has received no written comments from the public relating to this application.

**ALTERNATIVES:**

1. Council, upon considering comments made at the Public Hearing, resolves that Amendment Bylaw No. 2926 be given 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. 2926 to Council for consideration of adoption.
2. Council postpone consideration of Amendment Bylaw No. 2926 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. 2926.